

**REGULAR MEETING OF THE TOWN BOARD OF  
THE TOWN OF NEW HARTFORD, NEW YORK,  
HELD AT BUTLER MEMORIAL HALL IN THE VILLAGE OF NEW  
HARTFORD ON WEDNESDAY, NOVEMBER 16, 2005 AT 7:00 P.M.**

The Town Supervisor called the meeting to order at 7:00 P.M. and led those in attendance in the Pledge of Allegiance to the American Flag. The roll was then taken with the following Town Officials and Department Heads being present during the progress of the meeting:

**TOWN BOARD MEMBERS:** Councilman Donald C. Backman  
Councilman John C. Waszkiewicz III  
Councilman Richard B. Woodland, Jr.  
Supervisor Ralph B. Humphreys

**ABSENT:** Councilman David W. Butler

**OTHER TOWN OFFICIALS:** Director of Senior Services M. Eileen Spellman  
Highway Superintendent Roger A. Cleveland  
Parks and Recreation Director Michael Jeffery  
Planner Kurt Schwenzfeier  
Police Chief Raymond Philo (Arrived at 7:30 P.M.)  
Telecommunicator Supervisor Jeffrey P. Madden  
Town Clerk Gail Wolanin Young, CMC/RMC and  
Deputy Town Clerk I Margaret M. Jones

**OTHERS:** Attorney Vincent Rossi, Jr. (Arrived at 7:52 P.M.)

Thereafter, a quorum was declared present for the transaction of business.

**MINUTES APPROVAL**

**November 2, 2005 Town Board minutes**

Action was deferred until the December 7, 2005 Town Board meeting.

**PUBLIC PRESENTATIONS**

**2006 Preliminary Budget**

**Paula Mariano** began by congratulating all the elected officials. Mrs. Mariano stated that at the debate held on November 2, 2005, the Supervisor-elect stated that he could use the 2005 Preliminary Budget for 2006. She asked why this Board couldn't adopt this budget for 2006.

**Emergency Dispatch Center**

**Fred Carville** submitted a detailed summary or status on the Dispatch Center; whether the Center should stay where it is presently is located or tying into the County's 9-1-1 system. Mr. Carville contacted Mr. Robert Comis, Chief of Staff to Oneida County

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Executive Griffo and discussed previous meetings that were held at the County level regarding 911 Dispatch. Mr. Carville suggested that the Town have a consultant review the Town's Dispatch Center and see if there is, in fact, a duplication of services. Mr. Carville suggested that the Town contact the District Attorney and have his department do a study regarding the possible merger with Oneida County for a more efficient and effective Dispatch Center. Councilman Backman stated that the Town would be getting equipment from Utica since their dispatch center will be cutting down to a four-position system and the equipment also would include maintenance through the year 2010.

**Russell Cerminaro** stated that the Oneida County 9-1-1 Center operates with twenty-seven (27) dispatchers whereas the Town of New Hartford has twenty (20). Because the database in both the Town's System and the Oneida County 911 System are the same, Mr. Cerminaro says that this is a duplication of efforts. Oneida County pays about Five Hundred Fifty Dollars (\$550) a month to Verizon for trunks and maintenance, totaling Six Thousand Dollars (\$6,000) between Oneida County and Utica. Mr. Cerminaro feels that if the Town eliminated the 9-1-1 Center this would free up space for the Police Department.

**Gary Edwards** asked Mr. Cerminaro if he had investigated the Town's Dispatch Center, to which Mr. Cerminaro responded "no". Mr. Edwards asked Mr. Cerminaro if he had investigated the County's Center and the response from Mr. Cerminaro was "yes". Mr. Edwards continued by stating that Mr. Cerminaro wants to eliminate the Town's Dispatch Center, but that Mr. Cerminaro had not been there. Mr. Cerminaro stated that his partner, Fred Carville had been there. Mr. Edwards, the owner of Edward's Ambulance Service, further explained that, at present, cell phone calls go to the County Dispatch Center and the county operators are not familiar with the different localities. When the New Hartford dispatchers hear the County tone out for an emergency, the Town's dispatch center can quickly dispatch the correct emergency vehicles to the appropriate agency responsible for the area thus eliminating a delay of service.

Councilman Backman stated that the bottom line is "Do people want to pay over and over again for better service?" Supervisor Humphreys stated that he thought it would be best to put this matter up for a referendum.

Telecommunicator Supervisor Madden stated that the County put in the 9-1-1 Center in 1995 with Thirty-Five Cents (\$.35) being added to the telephone bills for the lines. All the equipment that the Town of New Hartford has for their center was paid for from these funds. Also, the County did not want to pay for the service for mobile data to State Police, Sheriff and other agencies.

**REPORTS OF TOWN OFFICIALS**

**HIGHWAY SUPERINTENDENT:**

**Inter-municipal Agreement with Willowvale Fire Co., Inc.**

This Agreement was deferred until Attorney Rossi joins the meeting.

**Oxford – Kellogg Road Storm Drainage Report**

The Highway Superintendent received the above report today. Highway Superintendent Cleveland will review the report and will give the Board an update at the December 7, 2005 Meeting.

**Site Plan Retainer Check (Price Chopper)**

Upon the recommendation of the Highway Superintendent Roger Cleveland, Councilman Woodland presented the following Resolution for adoption; seconded by Councilman Backman:

**(RESOLUTION NO. 323 OF 2005)**

**WHEREAS**, Price Chopper Operating Co., Ltd. was required to pay to the Town of New Hartford the sum of Seven Thousand Eighty-Two Dollars and Forty Cents (\$7,082.40) to serve as a retainer while improvements were being made to the former P & C Store located on Commercial Drive; and

**WHEREAS**, Highway Superintendent Roger Cleveland has reported that the Price Chopper Operating Co., Ltd. has satisfactorily met all site plan requirements for these improvements;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Bookkeeper to release the Retainer Fee in the amount of Seven Thousand Eighty-Two Dollars and Forty Cents (\$7,082.40) to the Price Chopper Operating Co., Ltd.

Whereupon, the Town Board voted upon roll call:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	ABSENT
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was then declared unanimously carried and duly **ADOPTED**.

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**Higby Road Water Project/Proposed Extension No. 1 - SEOR**

Upon the recommendation of the Highway Superintendent Roger Cleveland, Councilman Backman presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

**(RESOLUTION NO. 324 OF 2005)**

**WHEREAS**, The Town of New Hartford, hereinafter referred to as the “Town”, is proposing to cause to be constructed a water distribution system to serve town residents, businesses, and institutions; and

**WHEREAS**, the Town of New Hartford Town Board must evaluate all proposed actions submitted for its consideration that may affect the environment in light of the State Environmental quality Review Act (SEQRA) and the regulations promulgated thereunder; and

**WHEREAS**, the involved agencies [as that term is defined in 6(A-2) NYCRR 617.2(t)] include the New York State Department of Health and the New York State Department of Environmental Conservation, and the required environmental review will be conducted solely by the Town of New Hartford Town Board; and

**WHEREAS**, the Town of New Hartford Town Board desires to serve and act as the lead agency for the purposes of SEQR; and

**WHEREAS**, to aid the Town of New Hartford Town Board in determining whether the Action may have a significant impact on the environment, a Full Environmental Assessment Form dated November 2, 2005 has been prepared by the Town and a copy of which has been filed with the Town Clerk;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of New Hartford that:

The Town of New Hartford Town Board makes the following findings and determinations with respect to the proposed project:

The project constitutes an “**Type I Action**” as that term is defined in Section 6(A-2) NYCRR Section 617.2(kk) and 617.11;

The Town of New Hartford Town Board desires to serve as lead agency for the purposes of SEQR.

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The Town Clerk shall cause the New York State Department of Environmental Conservation, as the other “involved agency” to be notified of this resolution.

The Town Clerk polled the Town Board members who voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	ABSENT
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was then declared unanimously carried and duly **ADOPTED**.

**Higby Road Water Project/Proposed Extension No. 1- Full Environmental Assessment Form**

Upon the recommendation of the Highway Superintendent, Councilman Backman presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

**(RESOLUTION NO. 325 OF 2005)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to execute the Full Environmental Assessment Form for the proposed Higby Road Water District Extension No. 1.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	ABSENT
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was then declared unanimously carried and duly **ADOPTED**.

**Higby Road Water District – Change Order/Bat Con, Inc.**

Upon the recommendation of the Highway Superintendent, Councilman Backman presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

**(RESOLUTION NO. 326 OF 2005)**

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**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to execute Change-Order No.1-3 with Bat Con, Inc. as it relates to Hydrant Risers in the Higby Road Water District, Contract Number 1 – Water Distribution System, in the amount of Four Thousand Three Hundred Five Dollars (\$4,305).

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	ABSENT
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was then declared unanimously carried and duly **ADOPTED**.

**Higby Road Water District – Vouchers/Claims For Payment**

Upon the recommendation of the Highway Superintendent, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Backman:

**(RESOLUTION NO. 327 OF 2005)**

**WHEREAS**, the Highway Superintendent had received and presented three (3) Vouchers for payment from various Contractors for work completed on the Higby Road Water District and ask that these vouchers be approved rather than wait until the next Town Board Meeting on December 7, 2005;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of New Hartford does hereby authorize and direct the payment of the following vouchers itemized on the Higby Road Water Project Abstract No. 16 that has been audited by the Town Board:

BAT CON	-	\$342,869.49
JM Smith	-	\$ 33,310.33
JEM Smith	-	<u>\$ 18,534.50</u>
Total		\$394,714.32

The Resolution was voted upon by roll call as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye

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Councilman Butler	-	ABSENT
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was then declared unanimously carried and duly **ADOPTED**.

**Higby Road Water District –Proposed Change Order/Usmail Electric**

The Highway Superintendent presented a Change Order for Usmail Electric recommended by Burley-Guminiak, Consultant for the Higby Road Water District, in the amount of Three Thousand Two Hundred Eight Dollars and Eighty-one Cents (\$3,208.81), representing an increase in material prices since their bid was made. Councilman Backman would like a legal opinion since he believes the Contractor might have bid the project too low at the time of bid submissions. The Highway Superintendent stated that the bid was submitted and the Contractor expected a Notice to Proceed but because the Town didn't own the land yet, the Notice to Proceed wasn't issued right away and materials have increased in cost. Councilman Backman still wants an opinion from Attorney Rossi.

**Appointment – Part-time, Seasonal Employee**

Upon recommendation of the Highway Superintendent, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Woodland:

**(RESOLUTION NO. 328 OF 2005.)**

**RESOLVED** that the New Hartford Town Board does hereby appoint Allison Back as a Part-time, Seasonal Clerk, to assist at the Sanger Public Works Garage during the Thanksgiving break beginning on Monday, November 21, 2005 and ending on November 25, 2005 at an hourly rate of Eight Dollars (\$8); payable bi-weekly.

Whereupon, the Town Board voted upon roll call:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	ABSENT
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was then declared unanimously carried and duly **ADOPTED**.

**PARKS AND RECREATION DIRECTOR:**

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**Agreements – Ice Rental**

Parks and Recreation Director Michael Jeffery had reviewed various Ice Rental Agreement with Attorney Rossi.. Certificates of Insurance have been received from each of these Lessees. Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 329 OF 2005)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute the following Agreements for rental of the Recreation Center for the rental amount and rental period set next to their respective names for the 2005-2006 Season, and as more fully set forth in their respective Agreements on file in the New Hartford Town Clerk’s Office.

<b><u>Lessee</u></b>	<b><u>Rental Period</u></b>	<b><u>RENTAL AMOUNT</u></b>
Mohawk Valley Old Timers League	September 23, 2005 - April 14, 2006	\$11,711.76, to be billed monthly
New Hartford Central School District	November 10, 2005 – March 12, 2006	\$7,535.00 for Ice Times as per Agreement
Skating Club of New Hartford	August 29, 2005 – April 29, 2006	\$30,080.98 – Payments will occur in 3 Installments

The foregoing Resolution was duly put to vote upon roll call, which resulted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Butler	-	ABSENT
Councilman Backman	-	Aye
Councilman Woodland	-	Aye
Supervisor Humphreys	-	Aye

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**.

**Recreation Path Dedication**

Councilman Waszkiewicz discussed the possibility of changing the date of the Dedication of the Recreation Path in memory of Philip Rayhill from Friday, November 25, 2005 to Wednesday, November 23, 2005 at 10:00 A.M. or 10:30 A.M. Councilman Waszkiewicz will discuss this with the Rayhill family.

[NOTE: Attorney Rossi arrived at 7:52 P.M.]



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**HIGHWAY SUPERINTENDENT (CONT'D):**

**Higby Road Water District – Change Order/ Usmail Electric**

The price of the generator for the Higby Road Water tank has increased by Three Thousand Dollars (\$3,000) due to the fact that the bid for the project was presented in April or May and Usmail did not receive the order to do the project until September or October. Attorney Rossi stated that “off the top of his head” there is no reason for a change order, but Attorney Rossi would like to review the Contract and discuss this matter with the Highway Superintendent. Attorney Rossi will send a letter to the Board members once the review of the Contract has been made.

**Proposed Extensions - Higby Road Water District**

The Highway Superintendent presented the matter of the possible extension of the Higby Road Water District on Mohawk Street to the Paris Town Line and to include a few homes on upper Elm Street. Attorney Rossi will review this change order and report back. Also, the Highway Superintendent stated that on Mallory Road there is a request for an extension, which would perhaps be a three-party agreement between the Town, the owners of the residence and the Mohawk Valley Water Authority.

**Higby Road Water District – Increased Water Pressure**

Donald Weimer of the Mohawk Valley Water Authority reported to the Highway Superintendent that there should be an increase in water pressure on Tilden and lower Sherman Drive as soon as the improvements to the water district have been completed.

**Higby Road Water Tower Site – Transfer of Ownership**

Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Backman:

**(RESOLUTION NO. 330 OF 2005)**

**WHEREAS**, the Town of New Hartford had acquired three (3), plus or minus, acres of land from Philip Hale, said property being located in the Town of Frankfort, New York, For the purpose of constructing a water tank to serve the Higby Road Water District in the Town of New Hartford; and

**WHEREAS**, the construction of the water tower has been completed;

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**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to execute a Deed between the Town of New Hartford and the Upper Mohawk Valley Regional Water Board d/b/a MVWA, thereby transferring the title of the Higby Road Water Tower site from the Town to said Water Authority; the subject property is hereby identified as Town of Frankfort Tax Map #111.3-1-58 (212689).

The foregoing Resolution was duly put to vote upon roll call, which resulted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Butler	-	ABSENT
Councilman Backman	-	Aye
Councilman Woodland	-	Aye
Supervisor Humphreys	-	Aye

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**.

**TOWN POLICE CHIEF**

**Intermunicipal Agreement – 2006 Animal Control Services**

Police Chief Philo presented an Intermunicipal Agreement with the Town of Kirkland for animal control services, which represents an increase of three percent (3%) for personnel and Six Hundred Dollars (\$600) for fuel. Upon recommendation of Police Chief Philo, Councilman Backman presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

**(RESOLUTION NO. 331 OF 2005)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to execute the 2006 Intermunicipal Agreement between the Town of New Hartford and the Town of Kirkland whereby New Hartford's Animal Control Officer will provide Kirkland with Animal Control Services. The value of said Agreement to the Town of New Hartford for this service is Ten Thousand Five Hundred Eighty Dollars (\$10,580).

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Butler	-	ABSENT

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Councilman Backman	-	Aye
Councilman Woodland	-	Aye
Supervisor Humphreys	-	Aye

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**.

**Intermunicipal Agreement - Willowvale Fire Co., Inc.**

Highway Superintendent Roger Cleveland presented a proposed Agreement with the Willowvale Fire Company, Inc. wherein the Town would snowplow the fire company's driveway/parking area. There is a question as to whether this type of Agreement would be legal or practical. The Board consensus was to defer this matter until the next Town Board meeting to give Attorney Rossi time to review the Agreement. In the meantime, President Gary Edwards of the Willowvale Fire Company, Inc., will obtain quotes for the cost of snowplowing by a private contractor.

**TOWN CLERK:**

**Requests – Use of Town Voting Machines**

Upon recommendation of the Town Clerk, the following Resolution was introduced for adoption by Councilman Waszkiewicz and seconded by Councilman Backman:

**(RESOLUTION NO. 332 OF 2005)**

**WHEREAS**, the New Hartford Central School and the Village of New York Mills have requested the use of Town Voting Machines for their respective elections as follows:

New Hartford Central School	December 13, 2005	Four (4) Machines
Village of New York Mills	March 21, 2006	Two (2) Machines

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby grant permission to the New Hartford Central School and the Village of New York Mills to use Town Voting Machines for their Elections, with transportation and set-up of the machines to be made with Town Voting Machine Custodian Michael Jeffery, at no cost to the Town of New Hartford.

A roll call vote ensued:

Councilman Waszkiewicz	-	Aye
Councilman Butler	-	ABSENT
Councilman Woodland	-	Aye

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Councilman Backman - Aye  
Supervisor Humphreys - Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

**Raffle Consent – Herkimer Community College Foundation**

The following Resolution was introduced for adoption by Councilman Woodland and duly seconded by Councilman Backman:

**(RESOLUTION NO. 333 OF 2005)**

**RESOLVED** that the New Hartford Town Board does hereby grant permission to Herkimer Community College Foundation, 100 Reservoir Road, Herkimer, New York 13350, an organization duly granted a Games of Chance Identification Number by the New York State Racing and Wagering Board, to sell raffle tickets at the Sangertown Square Mall, New Hartford, New York, in accordance with all rules and regulations of said Racing and Wagering Board; and be it

**FURTHER RESOLVED** that the Town Clerk be, and she hereby is, authorized and directed to execute Form GC-RCF, Raffle Consent Form.

The Town Board then voted upon roll call:

Councilman Waszkiewicz - Aye  
(Councilman Waszkiewicz disclosed that he is a member of the Herkimer Community College Foundation)  
Councilman Butler - ABSENT  
Councilman Woodland - Aye  
Councilman Backman - Aye  
Supervisor Humphreys - Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

**Oneida County Association of Towns Business Meeting**

Upon recommendation of Town Supervisor, Councilman Woodland presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

**(RESOLUTION NO. 334 OF 2005)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize interested Department Heads to attend the Oneida County Association of Towns Business

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Meeting on Tuesday, December 6, 2005 at Harts Hill Inn in Whitesboro, with expenses to be borne by the Town as budgeted.

The Town Board voted upon roll call as follows:

Councilman Waszkiewicz	-	Aye
Councilman Butler	-	ABSENT
Councilman Woodland	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was declared unanimously carried and duly *ADOPTED*.

**Local Law Introductory "H" of 2005 – Volunteer Firefighter/Ambulance Worker Real Property Tax Exemption**

Councilman Backman introduced the following legislation for the Town Board's consideration at a future meeting, co-sponsored by Councilman Woodland:

**TOWN OF NEW HARTFORD, NEW YORK**  
**LOCAL LAW INTRODUCTORY "H" OF 2005**

A Local Law to amend the Code of the Town of New Hartford, Chapter 107 thereof entitled **TAXATION**, by adding a new ARTICLE VII for enrolled volunteer firefighters or volunteer ambulance workers residing in the Town of New Hartford.

**BE IT ENACTED** by the Town Board of the Town of New Hartford as follows:

**SECTION 1.** Chapter 107 of the Code of the Town of New Hartford is hereby amended by adding the following new Article:

**ADD:**

**ARTICLE VII**  
**VOLUNTEER FIREFIGHTER/AMBULANCE WORKER EXEMPTIONS**

Section 107-16. *Legislative intent.*

The intent of this Article is to adopt the provisions of Section 466-e of the Real Property Tax Law, to extend property tax exemption to volunteer firefighters and ambulance workers to encourage volunteerism in local fire and ambulance companies.

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Section 107-17. *Statutory authority.*

This article is adopted pursuant to the authority of Real Property Tax Law Section 466-e.

Section 107-18. Exemptions for Certain Volunteer Firefighter and Ambulance Workers

- A. Real Property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated volunteer ambulance service or such enrolled member and spouse residing in the Town of New Hartford shall be entitled to a real property tax exemption to the extent of ten percent (10%) of the assessed value of such real property for Town tax purposes only, exclusive of special assessments provided, however, that such exemption shall, under no circumstances, exceed Three Thousand Dollars (\$3,000), multiplied by the latest State equalization rate for the assessing unit in which such real property is located.
- B. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or volunteer ambulance service in the Town of New Hartford unless:
  1. the applicant for such exemption resides in the city, town or village which is served by such incorporated volunteer fire company, fire department or incorporated volunteer ambulance service
  2. the property on which the exemption is claimed is the primary residence of the applicant
  3. the property is used exclusively for the applicant's residential purposes, provided however, that in the event any portion of such property is not used exclusively as the applicant's residence but is used for other purposes, such portion not used as residence shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided for in this Local Law.
  4. the applicant has completed five (5) years of active service with an incorporated volunteer fire company, fire department or incorporated volunteer ambulance service and the applicant otherwise would be eligible for a service award program using the criteria for such service awards programs set forth in Section 217 of the General Municipal

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Law, which criteria are incorporated into this Local Law and are specifically made applicable to both volunteer firefighters and volunteer ambulance workers.

5. the incorporated volunteer fire company, fire department or incorporated volunteer ambulance service has submitted to the Town Assessor's Office a complete list of enrolled members, with their respective dates of service with such incorporated volunteer fire company, fire department or incorporated volunteer ambulance service. The Town Assessor shall then review all applicants and certify those applicants who meet the necessary criteria to be eligible for this exemption.
- C. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, who accrues more than twenty (20) years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent (10%) exemption as authorized by this Local Law for the remainder of his or her life and for as long as his or her primary residence is located within the Town of New Hartford.
- D. Application for such exemption shall be filed annually with the Assessor of the Town of New Hartford, in which the applicant resides on or before the annual taxable status date for the Town, on a form as prescribed by the State Board of Equalization and Assessment.
- E. No applicant who is a volunteer firefighter or volunteer ambulance worker who, by reason of such status, is receiving any benefit under the provisions of Article Four of the Real Property Tax Law on the effective date of this Local Law shall suffer any diminution of such benefit because of the provisions of this Local Law.

**SECTION 2.** All other provisions of Chapter 107 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

**SECTION 3.** This Local Law shall become effective upon filing in the Office of the Secretary of State and shall apply to real property having a taxable status date on or after the first day of January next succeeding the date on which this enactment shall have become law.

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**LOCAL LAW INTRODUCTORY “H” OF 2005 – PUBLIC HEARING SCHEDULED**

The following Resolution was introduced by Councilman Backman and duly seconded by Councilman Woodland:

**(RESOLUTION NO. 335 OF 2005)**

**RESOLVED** that the New Hartford Town Board shall conduct a Public Hearing on Wednesday, **December 7, 2005 at 8:00 P.M.**, or as soon thereafter as reached in the regular course of business, in the Community Meeting Room of Butler Memorial Hall, 48 Genesee Street, New Hartford, NY to consider **Local Law Introductory “H” of 2005** which, if adopted, would amend the Code, Chapter 107 thereof entitled **TAXATION**, by adding a new Article VII for enrolled volunteer firefighters or volunteer ambulance workers residing in the Town of New Hartford; and be it

**FURTHER RESOLVED** that the Town Board does authorize and direct the Town Clerk to publish the legal requisite Notice of Public Hearing in The Observer Dispatch.

Whereupon, the Town Board voted upon roll call:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	ABSENT
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was then declared unanimously carried and duly *adopted*.

**Ethics Committee**

The Town Clerk acknowledged receipt of Planning Board member Jerome Donovan’s letter regarding a possible conflict of interest in a matter currently before the Planning Board. The Town Board directed Supervisor Humphreys to refer this matter to the Oneida County Ethics Committee.

**MATTERS SUBMITTED BY COUNCILMEN**

**COUNCILMAN WASZKIEWICZ:**

**Agenda items:**

- New Street Signage for Tilden Ave., Carmen Lane and Liberty Gardens – will talk to the Highway Superintendent about whether the signs have been erected.



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- Grant Writer – J. T. O’Connell is sending the written proposal to be in by the December 7, 2005 Town Board meeting. Town Board consensus was to invite Town Board members-elect for this presentation.
- Recreation path dedication in honor of Philip Rayhill – tentatively set for Friday, November 25, 2005 or November 23, 2005 at 10:00 A.M.
- Town News Letter – Update on volunteers. Perhaps the Supervisor could send a letter to department heads to submit information for publication.
- Burrstone Road sidewalks – Due to increased traffic and development, can mitigation funds be used to share in cost with the State Department of Transportation? Highway Superintendent is meeting November 17, 2005 with Attorney Peter Rayhill and will discuss this matter with him.
- Judd Road (Route 840) and peripheral road signage with Villages of New York Mills, Whitesboro, Yorkville and Town of Whitestown; updating Department of Transportation (DOT) map and finalize multi-municipal resolution – Councilman Waszkiewicz will follow up with the Whitestown Supervisor.
- Street Lighting for Roberts Ave – The Town Clerk had forwarded copies of the New York Mills Gardens Street Light District No. 7 to the Highway Superintendent

**MATTERS SUBMITTED BY TOWN SUPERVISOR**

**FINANCIAL:**

**Audit of Vouchers**

On recommendation of the Town Supervisor, Councilman Woodland presented the following Resolution for adoption; seconded by Councilman Backman:

**(RESOLUTION NO. 336 OF 2005)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the payment of the bills itemized on the following Abstracts, that have been duly audited by the Town Board:

General Fund Whole-Town Abstract No. 39	
Vouchers AA1783-AA1825;	
Vouchers AA1843-AA1850	\$ 15,187.01
General Fund Whole-Town (Police) Abstract No. 39A	
Vouchers AA1826-AA1842	\$ 13,395.73
General Fund Part-Town Abstract No. 25	
Voucher BB153-BB161	\$ 5,403.01
Highway Fund Part-Town Abstract No. 26	
Voucher DB507-DB535	\$ 38,172.30

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Sewer Fund Abstract No. 27	
Voucher SS102	\$ 262.46
Street Lighting Fund Abstract No. 12	
Vouchers SL12	\$ 7,237.08
Drainage Capital Abstract No. 19	
Voucher HC123-HC125	\$ <u>432.42</u>
<b>TOTAL:</b>	<b>\$ 80,090.01</b>

Whereupon, the Town Board members voted individually as follows:

Councilman Waszkiewicz	-	Aye
Councilman Butler	-	ABSENT
Councilman Backman	-	Aye
Councilman Woodland	-	Aye
Supervisor Humphreys	-	Aye.

This Resolution was declared carried and duly **ADOPTED**.

**2006 Preliminary Budget**

A discussion ensued among the Board Members and residents present regarding the preliminary budget and what changes should be made to lower the property taxes for the residents of the Town of New Hartford. The Board members discussed items and areas where reductions or altogether eliminating items, but the members did not go through item-by-item Part-Town General Fund, Highway or Sewer figures. Councilman Waszkiewicz would like the Bookkeeper to prepare a new summary sheet because everything that was previously listed to bond is now eliminated from the Budget. A discussion was held regarding Sales Tax Revenue as to whether it should be \$5 million, \$5.1 Million or \$5.2 Million. There were three (3) votes to increase the Sales Tax Revenue to \$5.1 Million. Also, the Town Board members came to a consensus to put Thirty-Five Thousand Dollars (\$35,000) back in for the Comprehensive Plan (Part 2). There was also discussion regarding the New York State Association of Towns meeting in New York City in February as to who would be attending and the amount that should be included for this conference. The Town Board will meet on Thursday, November 17, 2005 at 7:00 P.M. in the Community Meeting Room at Butler Memorial Hall to finalize the Budget figures and to adopt the 2006 Budget.

**EXECUTIVE SESSION**

Councilman Waszkiewicz introduced the following Resolution for adoption and Councilman Backman seconded same:

**(RESOLUTION NO. 337 OF 2005)**

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**RESOLVED** that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the Homestead, Firsching, Highway Woodlands, Georgius, Herbowy, Vescera and Siriwardena tax certioraris.

A roll call vote ensued:

Councilman Waszkiewicz	-	Aye
Councilman Butler	-	ABSENT
Councilman Woodland	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**. All persons present, including the news media, Town Clerk and Deputy, were then excused from the meeting at 10:09 P.M.

[NOTE: The Town Supervisor provided the following on Thursday, November 17, 2005.]

**END OF EXECUTIVE SESSION**

Councilman Waszkiewicz then offered the following Resolution for adoption and Councilman Backman seconded same:

**(RESOLUTION NO. 338 OF 2005)**

**RESOLVED** that the New Hartford Town Board does hereby move to end its Executive Session and to reconvene the regular portion of the Town Board meeting.

The Board members voted upon roll call that resulted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Butler	-	ABSENT
Councilman Woodland	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 10:30 P.M. The regular portion of the Town Board meeting was immediately reconvened.

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**ADJOURNMENT**

There being no further business to come before the Town Board, upon motion duly made by Councilman Waszkiewicz and seconded by Councilman Backman, the meeting was adjourned at 10:40 P.M.

Respectfully submitted,

Gail Wolanin Young, CMC/RMC  
Town Clerk

Margaret M. Jones  
Deputy Town Clerk I