

**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, DECEMBER 21, 2005 AT 6:00 P.M.**

The Town Supervisor called the meeting to order at 6:00 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 David W. Butler
Councilman Richard B. Woodland, Jr.
Supervisor Ralph B. Humphreys

OTHER TOWN OFFICIALS: Director of Senior Services M. Eileen Spellman
Town Clerk Gail Wolanin Young, CMC/RMC

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

Grant Writer Presentation

Town Supervisor Humphreys noted that it was the incumbent Town Board's consensus to invite Town Board members-elect to partake in this discussion because any contracted expenses would be paid from the 2006 Annual Budget.

Jean T. O'Connell, a grant writer from Clarence, New York works with eight (8) employees to obtain grants for various entities. She believes that the "consultant" part of contracted services is the most important in obtaining grants for clients. For example, her office was aware of a "shared services" grant for which applications would be due on January 13, 2006 and they were able to provide a nine (9) month advance notice to her large customer base. Communication with her office is of utmost importance and she would ask for a designated Town liaison.

Some Town Department Heads prepare their own grant applications and Councilman Waszkiewicz questioned what the O'Connell group would do to motivate other Department Heads to become involved in grant applications. Ms. O'Connell replied that she would schedule meetings with Department Heads to get to know one another.

For the \$2,000 a month contract, Councilman Waszkiewicz questioned whether the O'Connell group would provide a "grant" chart, timeline or list of goals, itemizing benchmarks to achieve during course of contract.

During the course of conversations with Department Heads, Ms. O'Connell will know the operation of the offices, its needs and goals. The "shared services" grant is an on going

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application each year. If we know what the Town needs, if the needs fit the grant application, the O'Connell group can do something about it.

From his prospective, Councilman Waszkiewicz believes the Town Board/Town Board members-elect would need “. more meat” in a contract such as writing a specific number of grants -- “...here's what I'm going to do for you” to which Ms. O'Connell replied it depends on your projects; “I will get you more [in grant funds] than what you'll pay me.” Councilman Waszkiewicz complimented on the impeccable experience of the O'Connell group and asked that Ms. O'Connell think about it – adding a number of grants to be written, not the amount of the grants.

Councilman Butler asked if Ms. O'Connell considers the size of the Town and the number of Departments when providing a list of grants for which she believes the Town is eligible. “Absolutely, we send notices to all customers with parameters and those interested contact her,” Ms. O'Connell responded.

Ms. O'Connell was informed that, since her last visit two (2) years ago, the New Hartford Community Enrichment Foundation had been created and that the Town Supervisor and the Director of Senior Services served on the board. Director M. Eileen Spellman stated that the New Hartford Adult Dining and Activity Center had been denied a grant by the Foundation; if contracted, Ms. O'Connell would review that grant application and resubmit it ... you never quit.

The Town Supervisor confirmed that the 2006 grant contract would be for \$26,000 and noted that the Town Board had appropriated only \$24,000. Discussion ensued on the mileage chargeable under the contract, the number of trips that might be required, etc.

Councilman-elect David Reynolds inquired if Ms. O'Connell had a “laundry” list potentially available for the Town of New Hartford such as police and parks; she answered that she knows nothing about the Town of New Hartford yet but yes, there are grants for police, parks, water and sewer. Shared services are a 10% match and the Town would be required to participate with another entity. Ms. O'Connell stated that her contracted clients have preference over someone without a contract; about 80% of clients are municipal.

Ms. O'Connell left the meeting after which the Town Board and Councilmen-elect Robert Payne and David Reynolds discussed the matter further. Councilman-elect Reynolds asked that the incumbent Board defer action to the new administration that will take office in January 2006. Consensus of the Town Board was to defer action.

At 7:00 P.M. the following Town Officials and Department Heads had joined the Town Board meeting:

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OTHER TOWN OFFICIALS: Highway Superintendent Roger A. Cleveland
Parks and Recreation Director Michael W. Jeffery
Telecommunicator Supervisor Jeffrey P. Madden
Deputy Town Clerk I Margaret M. Jones

OTHERS: Attorney Vincent Rossi, Jr. (Arrived at 7:55 P.M.)

MINUTES APPROVAL

November 9, 2005 Town Board Minutes

After reviewing minutes that had been mailed to all Board members, Councilman Waszkiewicz. introduced the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. 350 OF 2005)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the *Special* Town Board meeting held **November 9, 2005** and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

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

[NOTE: Supervisor Humphreys temporarily departed the meeting and did not vote on the following three sets of minutes.]

November 16, 2005 Town Board minutes

Thereafter, Councilman Waszkiewicz introduced the following Resolution for adoption, seconded by Councilman Backman:

(RESOLUTION NO. 351 OF 2005)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the *Regular* Town Board meeting held **November 16, 2005** and does further waive the reading of the same.

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Upon roll call, the Board members voted as follows:

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

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

November 17, 2005 Town Board minutes

Thereafter, Councilman Backman introduced the following Resolution for adoption, seconded by Councilman Butler:

(RESOLUTION NO. 352 OF 2005)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the **Special** Town Board meeting held **November 17, 2005** and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

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

December 7, 2005 Town Board minutes

Thereafter, Councilman Butler introduced the following Resolution for adoption, seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 353 OF 2005)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the **Regular** Town Board meeting held **December 7, 2005** and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	ABSTAINED, because he
had been absent from this meeting		
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	ABSENT.

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

PUBLIC PRESENTATIONS

General Election Day – Length of Work Day

Election Clerk Ben Robert Benson had requested to be placed on tonight’s agenda but he was not present. He had expressed to the Town Clerk his concern about the length of day on General Election Day and inquired whether the Board might consider allowing two (2) one paid (1) hour breaks for election workers, rather than only one (1) paid break. The Town Clerk suggested that a possible solution would be to lobby the NYS Legislature to shorten Election Day hours, currently 6 A.M. to 9 P.M. It was Town Board consensus to defer this matter to the new administration.

Mailbox Issue

Dennis Thompson inquired about the solution to the mailbox issue. Highway Superintendent said that last month letters were sent to some property owners explaining they were in violation of Highway Law and must move mailboxes within a month’s time. The Highway Superintendent explained that the homeowners violated the eleven (11) feet right-of-way to the edge of the highway. The property owners need to move these mailboxes for the safety of the snowplows and the traveling public. Councilman Waszkiewicz suggested to the Highway Superintendent that perhaps he respond, in the newspaper, an answer to Dr. Patel’s letter, which had appeared in the Observer-Dispatch.

REPORTS OF TOWN OFFICIALS

HIGHWAY SUPERINTENDENT:

Sale of Surplus Vehicle

Upon the recommendation of the Highway Department, Councilman Butler presented the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 354 OF 2005)

RESOLVED that the Town Board of the Town of New Hartford does hereby approve the sale of a surplus vehicle, 1995 Jeep, VIN 1J4FJ68S0SL646389 for the amount of

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Eight Hundred Sixty-Eight Dollars and Sixty-Eight Cents (\$868.68), in “as is” condition, to John Baker, P.O. Box 31, Bridgewater, NY 13313; no warranties are implied or expressed.

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

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

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

Oxford-Tibbitts Road Stormwater Management

The preliminary Stormwater design report has been received from Shumaker Consulting Engineering & Land Surveying; the Highway Superintendent has also received an \$8300.00 quote from Shumaker to perform preliminary design work for the stormwater management problems in the preliminary that he believes would model the proposed changes that were contemplated in the study. Upon the recommendation of the Highway Superintendent, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Butler:

(RESOLUTION NO. 355 OF 2005)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement between the Town of New Hartford and Shumaker Consulting Engineering & Land Surveying wherein Shumaker will provide a preliminary design for the Oxford Road-Tibbitts Road Stormwater management problems at a not-to-exceed cost of Eighty-three Hundred Dollars (\$8300) to be paid from the 2005 Engineering budget.

Whereupon, the Town Board voted upon roll call:

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

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

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State Environmental Quality Review (SEOR) – Negative Declaration in the Matter of Higby Road Water District Extension No. 1, Lower Elm Street and Mohawk Street

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

(RESOLUTION NO. 356 OF 2005)

WHEREAS, the Town Board of New Hartford is considering a proposal to construct the new water system known as the Higby Road Water District Extension #1 Project; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and the regulations contained in **6 NYCRR** Part 617 adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, hereafter **SEQRA**, the Town Board must determine whether such proposal may have a “significant effect on the environment” and therefore require the preparation of an environmental impact statement; and

WHEREAS, to aid the Town Board in determining whether the proposal may have a significant impact upon the environment, a full environmental assessment form (EAF) has been prepared, a copy of which was presented and circulated at the Town Board’s November 16, 2005 meeting; and

WHEREAS, pursuant to Part 617, the Town Board has examined the EAF in order to make a determination as to the potential environmental significance of the proposal; and

WHEREAS, the New York State Department of Environmental Conservation (hereafter “NYSDEC”) AND New York State Department of Health (hereafter “NYSDOH”) and the Town of New Hartford are the involved agencies as that term is defined in 6 (A2) **NYCRR** Section 617.2(t); and

WHEREAS, no further review is required under **SEQRA**;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of New Hartford as follows:

1. Based on its examination of the EAF, the criteria set forth in Sections 617.11 and 617.6 of the regulations, and such further investigation as the Town Board has deemed appropriate, no potential significant adverse impacts are known;

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2. Consent to proceed with the project will not cause a significant impact on the Environment, and the Town Board will not require the preparation of an environmental impact statement;
3. A negative declaration is to be prepared; and
4. The Town Clerk of the Town of New Hartford is hereby directed to cause to Be filed and circulated the negative declaration in accordance with the requirements of **SEQRA**, a copy of the negative declaration shall be maintained in the Office of the Town Clerk in a file that will be readily accessible to the public, and the clerk shall mail copies, return receipt requested, to:

Office of Commissioner
Department of Environmental Conservation
50 Wolf Road
Albany, NY 12233

and, Environmental Notice Bulletin
NYSDEC
50 Wolf Road, Room 538
Albany, NY 12233-1750

and, NYSDOH
Bureau of Public Water Supply
Flanigan Square
547 River St., Rm. 400, 4th Floor
Troy, NY 12180-2216

5. All subsequent notices concerning this project shall state that a negative Declaration pursuant to **SEQRA** has been issued.

Whereupon, the Town Board voted upon roll call:

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

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

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Appointment – Clerk Sub

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

(RESOLUTION NO. OF 357 OF 2005)

RESOLVED that the New Hartford Town Board does hereby appoint Allison Back as a Clerk Sub for the Highway Department commencing Monday, December 19, 2005 and ending Saturday, January 21, 2006, at the 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	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

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

Appointment – Highway Laborer

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

(RESOLUTION NO. OF 358 OF 2005)

RESOLVED that the New Hartford Town Board does hereby appoint Keith Gehringer as a full-time Highway Department Laborer commencing on Thursday, December 22, 2005 at the hourly rate of Ten Dollars (\$10); payable bi-weekly.

Whereupon, the Town Board voted upon roll call:

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

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

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Advisory Committee on Public Works & Sewers - Reappointments

Supervisor Humphreys has received a letter from William Wolber requesting reappointment to the Advisory Committee for Public Works and Sewers. Lewis Smith, who was present, expressed a desire for reappointment and would be submitting a letter to this effect. The Highway Superintendent will contact Ronald Morelle to determine his interest in reappointment.

Employee Longevity Pay

Town Supervisor Humphreys stated that he has received an opinion letter from Peter Jones, the Town's Labor Attorney, regarding the longevity pay for Richard Manuele. Basically, Attorney Jones recommended that because the Town had been using the first date of hire as the longevity date, the bottom line is that the Town should give Mr. Manuele longevity based upon the year 1970. Therefore, Councilman Butler presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 359 OF 2005)

WHEREAS, a question regarding the longevity rate for Highway Department employee Richard Manuele had arisen because of the actual hiring date (1970 vs 1973); and

WHEREAS, Peter Jones, the Town's Labor Attorney, rendered an opinion that the Town should use 1970 as Mr. Manuele's employment date;

NOW, THEREFORE, BE IT RESOLVED, that the New Hartford Town Board, upon the opinion of the Town's Labor Attorney, Peter Jones, does hereby direct the Town Payroll Clerk/Bookkeeper to reinstate Richard Manuele's longevity to Eighteen Cents (\$.18), using 1970 as his employment date upon which longevity is based.

The Town Board members voted individually as follows:

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

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

PARKS AND RECREATION DIRECTOR:

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Fiscal – 2005 Budget Transfer

Upon recommendation of Parks and Recreation Director Jeffery, Councilman Backman presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 360 OF 2005)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Bookkeeper to make the following transfers in the 2005 Budget:

<u>Account No./Description</u>	<u>Amount</u>	<u>Transfer to Account No.</u>
AA7020.2 Rec Center Equipment	\$26,000	AA7230.4 Swim Contractual – (Splash pad)
AA27056 Fox Memorial donation Fund	\$ 1,581	AA7110.4 Parks Contractual
AA7020.2 Rec Center Equipment	\$ 2,500	AA7020.4 Rec Center Contractual (Compressor repairs)
AA7140.11 Seasonal Employees	\$ 2,500+	AA7230.1 Swim Personnel - (Evening overtime & extended Wednesday evening swim)
AA7110.14 Seasonal Employees	\$ 6,500	

[Note – Master plan update (\$1,100) & Philip Rayhill memorial plaque (\$685) to be charged to Parks Contractual as instructed by board.]

AA7110.4 – Parks Contractual 2005 Paving	\$12,500	AA7110.4 – Parks Contractual 2006 Paving
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The Town Clerk polled the Board who voted as follows:

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

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

TOWN CLERK:

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Refund – Alarm Permit

Tuesday Morning, Inc. inadvertently submitted their Alarm Permit to the Town of New Hartford rather than the Village of New Hartford, and the Town Clerk is recommending that a refund in the amount of Twenty-Five Dollars be processed. The following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Butler:

(RESOLUTION NO. 361 OF 2005)

RESOLVED that the Bookkeeper is hereby authorized and directed to refund the amount of Twenty-Five Dollars (\$25) to Tuesday Morning, Inc., 6250 LBJ Freeway, Dallas, Texas as reimbursement due them for the filing of an Alarm Permit, which should have been filed with the Village of New Hartford.

Upon roll call, the Town Board voted as follows:

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

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

Refund – Square Footage Reduction/Building Permit

Town Clerk Gail Wolanin Young has received a request from Hayward Builders to refund a portion of fees paid on Building Permit No. 2005-4552 since the square footage for the proposed home has changed and a new Building Permit No. 2005-4566 was issued for this adjustment. The following Resolution was introduced for adoption by Councilman Butler and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 362 OF 2005)

RESOLVED that the Bookkeeper is hereby authorized and directed to refund the amount of Forty-Five Dollars (\$45) to Hayward Builders, LLC, 1884 Jordanville Road, Jordanville, NY as reimbursement due them on the re-issuance of a building permit due to the fact that the square footage for the proposed home had recalculated.

The Town Board then voted upon roll call:

Councilman Waszkiewicz	-	Aye
Councilman Butler	-	Aye

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

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

MATTERS SUBMITTED BY COUNCILMEN

COUNCILMAN BUTLER:

Executive Session

Has a matter to discuss regarding the work performance of a particular employee to be discussed in Executive Session.

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL:

Letter from Oneida County Comptroller

Supervisor Humphreys received a letter from Oneida County Comptroller Joseph Timpano offering the services of his office to help local municipalities should they have any questions regarding finance/audit for their towns. The Board's consensus was to pass this letter on to the next administration.

Amendment to Inter-Municipal Agreement - Village of New Hartford Building Code Services

The Village of New Hartford has requested an amendment to the Agreement for 2006 with respect to notification of permit issuance. Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Butler:

(RESOLUTION NO. 363 OF 2005)

WHEREAS, the Town of New Hartford and the Village of New Hartford had entered into an Inter-Municipal Agreement wherein the Town would provide Building Code services for the Village; and

WHEREAS, the Village of New Hartford has requested an amendment to said Inter-Municipal Agreement for fiscal year 2006;

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of New Hartford does authorize the Town Supervisor to provide the Town Clerk with information to update the Inter-Municipal Agreement by including a statement that the Town Codes

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Department shall provide copies of any Village applications/permits to the Village of New Hartford within twenty-four (24) hours of issuance of the permits.

The Town Board then voted upon roll call:

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

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

Audit of Vouchers

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

(RESOLUTION NO. 364 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. 43	
Vouchers AA2068-2106	\$ 20,274.30
General Fund Part-Town Abstract No. 27	
Vouchers BB169-174	\$ 12,454.49
Highway Fund Part-Town Abstract No. 28	
Vouchers DB573-590	\$222,982.72
Sewer Fund Abstract No. 30	
Vouchers SS113-117	\$ 11,430.34
Street Light Fund Abstract No. 13	
Voucher SS13	\$ 7,403.35
Higby Road Water Tank Abstract No. 18	
Vouchers HF29	\$ 18,953.12
TOTAL:	\$293,498.32

Whereupon, the Town Board members voted individually as follows:

Councilman Waszkiewicz	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye

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Councilman Woodland - Aye
Supervisor Humphreys - Aye.

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

[NOTE: Attorney Rossi joined the meeting at 7:55 P.M.]

Rules of Procedure – Financial Close-out Meeting

In accordance with Schedule “A” of the Rules of Procedure adopted January 5, 2005, Councilman Butler presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 365 OF 2005)

RESOLVED that the Town Board shall conduct a Special Meeting on Wednesday, December 28, 2005 at 7:00 P.M. in Butler Memorial Hall for the purpose of handling year-end financial transactions as required by Statute.

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

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

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

MATTERS SUBMITTED BY ATTORNEY ROSSI

FOI Request Rejection– Jerome Donovan

The Town Supervisor acknowledged Jerome Donovan’s appeal under the Freedom of Information Law, asking that the Town identify specific statute relating to the Preswick Glen project/tax exempt status. Attorney Vincent Rossi stated that he is not familiar with this Statute and it would require an individual to research statute. Town Clerk Gail Wolanin Young stated that Freedom of Information Law (FOIL) does not require officials to interpret law. Referring to Preswick Glen, the Town Supervisor stated that he had misspoken regarding a quote or report that had appeared in the Observer Dispatch in September 2005.

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Road Dedication – Sylvan Way Extension (Higby Woodlands Development)

Attorney Rossi reported that he received today the deed from William Kehoe, attorney for the Higby Woodlands development. Before the dedication of this street can be finalized, the developer will have to provide a petition for the stormwater drainage extension. If Sylvan Way is not completely paved, then the dedication would have to contain a contingency that sufficient security or bond would have to be in place to assure completion of the asphalt paving. Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Backman:

(RESOLUTION NO. 366 OF 2005)

WHEREAS, Attorney Rossi has received the Deed to the extension of Sylvan Way in the Higby Woodlands Development;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby accept and dedicate as a public highway approximately 1,360 feet, plus or minus, of Sylvan Way in the Higby Woodlands Development, as fully described in a Warranty Deed dated December 19, 2005 attached hereto, *with the understanding that the Developer must install the top course on Sylvan Way and further contingent upon the following documents being submitted to the Town as required by *Town Code, Chapter 102 [Streets and Sidewalks], Section 102-7K:*

- *Certification of Developer's engineer
- *Letter of approval by Highway Superintendent
- *Letter of approval by the Town Engineer
- *Warranty deed for sewer easement
- *Warranty deed for stormwater easement
- *Letter of approval by the Attorney for the Town
- *Copies of final approved plans
- *In lieu of as-built drawings and completion of the top course, the Developer must submit sufficient security/bond to ensure completion of the top course
- Petition from Developer to extend the existing Drainage district

and be it

FURTHER RESOLVED that the said Town Board does hereby accept a permanent right of way and easement for sanitary sewer purposes, and a permanent right of way and easement for Stormwater retention purposes, as more fully described in Warranty Deed dated

and be it

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YET FURTHER RESOLVED that Attorney Rossi be, and he hereby is, authorized and directed to record the necessary documents relating to public dedication of Sylvan Way and easements in the Office of the Oneida County Clerk when all contingent stipulations have been completed.

Upon roll call, the Town Board voted as follows:

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

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

Applewood Community – June 2005 Road Dedications

Relative to Resolution No. 154, adopted June 1, 2005, Attorney Rossi reported that John Maya, attorney for the Applewood owners, has not given him the Deed yet, which needs to be recorded with the Oneida County Clerk.

Training School – Payroll Teleconference

Upon request of Bookkeeper Carol Fairbrother, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Butler:

(RESOLUTION NO. 367 OF 2005)

WHEREAS, Section 77-b of the General Municipal Law allows the governing board of municipalities to authorize any officer or employee to attend a convention, conference or school conducted for the betterment of such municipality;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby grant permission to Bookkeeper Carol Fairbrother to participate in the 2005 Webex Payroll Training Teleconference for the processing of year-end W-2s and year-end payroll on January 5, 2006 in New Hartford, New York, with expenses to be borne by said Town as budgeted.

The Resolution was voted upon by roll call as follows:

Councilman Waszkiewicz	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Councilman Woodland	-	Aye

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Supervisor Humphreys - Aye.

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

Appointment – Part-Time Seasonal Employee

Upon request of the Codes Enforcement Officer, Councilman Butler presented the following Resolution for adoption; seconded by Councilman Backman:

(RESOLUTION NO. OF 368 OF 2005)

RESOLVED that the New Hartford Town Board does hereby appoint Anya Richmond as a Clerk Sub for the Codes Enforcement Department, commencing January 17, 2006 through January 20, 2006 at the 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 - Aye
Councilman Backman - Aye
Supervisor Humphreys - Aye.

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

Higby Road Water District – DeBlois and Giotto Property

Councilman Backman stated that the Frank Giotto property located at 3823 Mohawk Street was strictly a private water system and was never intended to be deeded to the Mohawk Valley Water Authority. The DeBlois matter is completely separate and different from the Giotto matter, which is a complicated problem. Apparently the Water Authority had requested the Giottos to sign a deed to transfer the water main to them, which the Giotto did not sign. Attorney Rossi is not sure if the Town should approve giving Giotto credit for the water line when their legal entitlement is unclear. The matter was deferred to the new Administration in 2006.

Zoning Violation - Ablove Property, Oneida Street, Chadwicks

Attorney Rossi reported that Mr. Ablove has been fined One Thousand Dollars (\$1,000) for non-compliance with a clean-up order issued by Town Court. Codes Enforcement Officer Joseph Booth plans on bringing a new proceeding against Mr. Ablove. The roof is still falling into the building. This matter was also tabled until the new Administration takes office in January 2006.

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Donation of Evidence Van – Police Department

The Town Supervisor was asked to write a letter to a local car dealership regard donation of a vehicle for use as an evidence van by the Police Department. At this point, the Town Supervisor does not feel that he should get involved in this matter. Councilman Waszkiewicz suggested that the Board wait and find out what the Police Department accomplishes regarding the evidence van.

EXECUTIVE SESSION

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

(RESOLUTION NO. 369 OF 2005)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the work performance of a particular employee and to discuss the Firsching assessment certiorari.

Upon roll call, the Town Board voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Butler	-	Aye
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 8:29 P.M.

{NOTE: The Town Supervisor provided the following on Thursday, December 22, 2005.}

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 370 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:

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

The Supervisor declared the Resolution unanimously carried and duly *ADOPTED*; the Executive Session ended at 9:01 P.M. The regular portion of the Town Board meeting was immediately reconvened.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made by Councilman Backman and seconded by Councilman Waszkiewicz, the meeting was adjourned at 9:02 P.M.

Respectfully submitted,

Gail Wolanin Young, CMC/RMC
Town Clerk

Margaret M. Jones
Deputy Town Clerk I