

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT THE KELLOGG ROAD COMMUNITY CENTER
BUILDING ON WEDNESDAY, JUNE 7, 2006 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 Robert A. Payne III
Councilman John C. Waszkiewicz III
Councilman David M. Reynolds
Councilman Richard B. Woodland, Jr.
Supervisor Earle C. Reed

OTHER TOWN OFFICIALS: Director of Senior Services M. Eileen Spellman
Highway Superintendent Roger A. Cleveland
Parks and Recreation Director Michael Jeffery
Police Chief Raymond Philo
Town Clerk Gail Wolanin Young, CMC/RMC

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

MINUTES APPROVAL

May 17, 2006 Town Board Minutes

No action was taken on this set of minutes that the Board had received.

PUBLIC HEARING

6:01 P.M. Local Law Introductory "A" of 2006
Town Code Chapter 118, Zoning

The Town Supervisor opened the Public Hearing at 6:01 P.M. and the Town Clerk presented the Notice of Public Hearing, Proof of Publication and Affidavit of Posting. Supervisor Reed announced that the purpose of the Hearing was to offer the public an opportunity to speak for or against, or to comment upon Local Law Introductory "A" which, if adopted, would amend the Town Code, Chapter 118 as it relates to the conditions requiring a Building or Site Permit. The zoning text amendment would bring the Town's Zoning Law into compliance with the New York State Building Code.

Town Clerk Gail Wolanin Young acknowledged that the Oneida County Planning Department and the Town Planning Board had reviewed the legislation and issued written recommendations of approval; further, Planner Kurt Schwenzfeir had completed the short Environmental Assessment Form (EAF) pertaining to this zoning text matter.

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The Town Supervisor inquired if anyone present wished to speak in favor of the proposed legislation; no one having come forth, Supervisor Reed asked if anyone present wished to speak against Local Law Introductory "A".

No one having appeared in the matter, Supervisor Reed declared the Public Hearing closed at 6:05 P.M.

Approval of Zoning Text Amendment – Local Law No. Two of 2006

Councilman Waszkiewicz then moved that Local Law Introductory "A" of 2006 be adopted as Local Law No. Two of 2006 in the following format; seconded by Councilman Payne:

**TOWN OF NEW HARTFORD, NEW YORK
LOCAL LAW NO. TWO OF 2006**

A Local Law to amend the Code of the Town of New Hartford, **Chapter 118** thereof entitled **ZONING**, Section 118-74, Building /Site Permits, Subparagraph A., relative to conditions requiring a building/site permit.

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

SECTION 1. Chapter 118 of the Code of the Town of New Hartford, Section 118-74, Subparagraph A is *hereby amended to read as follows*:

Section 118-74. Building/site permits.

- A. No person, firm, or corporation shall commence the moving, demolition, erection, construction, enlargement, alteration, improvement, or conversion of any building, structure, or sign without first obtaining a separate Building Permit from the Code Enforcement Officer. Additionally, no excavation, grading or clearing for any building or use shall be commenced unless and until a permit therefor has been issued by the Officer or the Board of Appeals, whenever it is provided in this Chapter that the approval of the Board of Appeals is required or the authority having determination as to whether or not this exemption applies shall be at the discretion of the Officer.

SECTION 2. All other provisions of Chapter 118 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 immediately upon its filing in the Office of the Secretary of State.

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Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	Aye.

The Supervisor declared Local Law Introductory "A" unanimously carried and duly **ADOPTED** as Local Law No. Two of 2006.

PUBLIC PRESENTATIONS

DEDICATION OF THE JOSEPH D. CORR BASEBALL FIELD

Daniel Gilligan, Superintendent of the New Hartford Central School District, thanked the Town Board for their tremendous support of the School's dedication of their baseball field in memory of Police Officer Joseph D. Corr, who was killed in the line of duty on Monday, February 27, 2006.

REPORTS OF TOWN OFFICIALS

DIRECTOR OF SENIOR SERVICES:

Agenda Item - Budget

Director M. Eileen Spellman requested that her agenda item be tabled until further information is received.

HIGHWAY SUPERINTENDENT:

Local Law Introductory "C" of 2006; Garbage, Rubbish and Refuse - amendment

Upon presentation by the Highway Superintendent, Councilman Woodland introduced the following legislation for consideration by the Town Board at a future public hearing; co-sponsored by Councilman Payne:

**TOWN OF NEW HARTFORD, NEW YORK
LOCAL LAW INTRODUCTORY "C" OF 2006**

A Local Law to amend the Code of the Town of New Hartford, **Chapter 74** thereof entitled **GARBAGE. RUBBISH AND REFUSE**, Section 74-5.1, Curbside Collection Program, to include green waste and to provide penalties for violations.

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

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SECTION 1. Chapter 74 of the Code of the Town of New Hartford, Section 74-5.1 is hereby amended *so that the entire Section shall be replaced and read as follows:*

Section 74-5.1. Curbside collection program.

The following shall apply to each and every private residential property that participates in the Town's annual curbside trash collection program and to each and every private residential property that participates in the Town's seasonal collection of green waste, excluding leaf pick-up:

- A. Trash, as defined elsewhere in this Code, and on a year-to-year basis in the Town's Annual Curbside Collection Brochure, shall not be placed within the highway rights-of-way prior to one week before the Town's published collection date.
- B. Green waste, excepting leaves, as defined elsewhere in this Code and on a year-to-year basis in the Town's Annual Curbside Collection brochure, shall not be placed within the highway rights-of-way prior to the weekend preceding the Town's published collection date.
- C. Violations shall be given by the Town to the resident, and to the property owner if different from the resident, and the resident or property owner shall have twenty-four (24) hours to remove the trash and/or green waste from the highway rights-of-way. Non-compliance within the twenty-four (24) hour period shall result in the Town's ability to cause the removal of the trash and/or green waste to the Oneida-Herkimer Solid Waste Authority facility, and the property owner, if different from the resident, shall be subject to a fine of Two Hundred Dollars (\$200) and be responsible for any and all costs incurred by the Town for the removal of the trash and/or green waste.

SECTION 2. All other provisions of Chapter 74 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 immediately upon its filing in the Office of the Secretary of State.

Public Hearing Scheduled – Local Law Introductory “C” of 2006

Councilman Woodland then offered the following Resolution for adoption; seconded by Councilman Payne:

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(RESOLUTION NO. 164 OF 2006)

RESOLVED that the Town Board of the Town of New Hartford shall conduct a Public Hearing on Wednesday, **June 21, 2006 at 6:00 P.M.**, or as soon thereafter as reached in the regular course of business, in the Willowvale Fire House, 3459 Oneida Street, Chadwicks, in said Town to consider **Local Law Introductory "C" of 2006** which, if adopted, would amend the Code, **Chapter 74** thereof entitled **GARBAGE, RUBBISH AND REFUSE**, Section 74-5.1, Curbside Collection Program, to include green waste and to provide penalties for violations; 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.

Upon roll call, the Board voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Reynolds	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	Aye.

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

Transportation - Requests for Speed Limit Reduction

Upon presentation by the Highway Superintendent, the following Resolution was introduced for adoption by Councilman Woodland and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 165 OF 2006)

RESOLVED that the Town Board of the Town of New Hartford does hereby request the New York State Department of Transportation, pursuant to Section 1622.1 of the Vehicle and Traffic Law, to establish a lower maximum speed at which vehicles may proceed on the following roads:

Old Campion Road, a Town road, between Ontario Street and New Hartford Street

New Hartford Street, a Town and County road, from the New York Mills Village boundary line to Chenango Road

Chenango Road, a Town highway, between New Hartford Street and the Town of New Hartford/City of Utica municipal boundary line

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Middlesettlement Road, a State road, from Special Metals to New York State Route 12 B (aka Clinton Road).

The foregoing Resolution was duly put to a vote upon roll call as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Reynolds	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	Aye.

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

Highway Traffic Issues

The Public Works Committee and Highway Superintendent will review traffic patterns in the vicinity of Root Street, Hartford Terrace, and Hoffman Road.

With regard to traffic backup on New York State Route 8 from the Campion Road exit, the Highway Superintendent stated that a letter to the State Department of Transportation would be sufficient at this time.

Generic Environmental Impact Study (GEIS)

Referring to a recent article in The Observer Dispatch about the possible moratorium on Town building permits, Highway Superintendent Cleveland noted an error; specifically, the newspaper article misstated that the GEIS was paid by taxpayers or residents of town when, in fact, the GEIS had been paid by the commercial development area.

Pre-Development Agreement & Memorandum of Understanding – P3 Developers, LLC

Upon recommendation of the Highway Superintendent, Councilman Woodland introduced the following Resolution for adoption and Councilman Payne seconded same:

(RESOLUTION NO. 166 OF 2006)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute a Pre-Development Agreement and a Memorandum of Understanding between the Town of New Hartford and ***P3 Developers, LLC, 42 Rogers Mountain Way, Binghamton, NY 13901***, wherein said ***P3 Developers*** has offered to contribute, as per the conditions of said Pre-Development Agreement, the total sum of Two Thousand Two Hundred Ninety-five Dollars and Thirty-four Cents (\$2,295.34) as same relates to the conversion of the former Karrat Restaurant, 8181 Seneca Turnpike, Parcel No. 328.005-4-33, into offices with the addition of approximately 2,732 square feet on the Midland Avenue side of the property, within the

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Seneca Turnpike-Commercial Drive Generic Environmental Impact Study boundary area; said *P3 Developers* will also provide the Town with a retainer in the amount of Fifteen Hundred Fifty Dollars (\$1550) to ensure that the construction is completed in accordance with State and Town building and zoning laws.

The foregoing Resolution was duly put to a vote upon roll call:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Reynolds	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	Aye.

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

Claim (Voucher) for Payment – Power Line Constructors

Upon request of the Highway Superintendent, the Town Board agreed to include for payment on the Part-Town Highway Abstract of a Voucher from Power Line Constructors in the amount of One Thousand Thirty-one Dollars and Forty-seven Cents (\$1,031.47).

Higby Road Water District – Debt Service/EDUs for DeBlois, Giotto and Sitrin Healthcare

The Giotto property on Mohawk Street and the DeBlois property on Sessions Road are both within the Higby Road Water District (HRWD). Prior to the formation of the HRWD, both properties installed infrastructure to supply public water to their respective properties; that infrastructure has now been incorporated into the HRWD transmission system. It has been determined by the Town and confirmed by the Town’s HRWD consultant, Burley-Guminiak, that the value of the previously, privately installed infrastructure is of benefit to the District, and that the cost to each of the property owners was more than the calculated debt service for each of their respective properties. Therefore, it is the recommendation of the Highway Superintendent that each of the property owners be excused from debt service.

Sitrin Home Healthcare has also contributed value to the expansion of public water in the Higby Road Water District via land offering for construction of a new storage tank on Higby Road. The land’s value has been estimated at being worth 10 Equivalent Dwelling Units (EDU) of debt service. It is therefore recommended that in a future expansion of the Sitrin Home Healthcare facility that Sitrin Home Healthcare be excused from 10 EDU’s of debt service.

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The developer of Heron Landing has also requested consideration regarding debt service, as they believe they were required to install larger diameter water main than what normally would be required for the water supply to Heron Landing, and the fact that others had connected to their infrastructure and the belief that they should be compensated for that action. The Town has researched this matter and found that Heron Landing executed a contract with the Mohawk Valley Water Authority (MVWA) in which there is no provision for being compensated for others connecting to the infrastructure installed by Heron Landing. It has also been determined that the pipe size required by the MVWA was in accordance with the Final Engineering Report on Authorized Water Service Areas published in 1986 for the Town of New Hartford. Therefore, it is not recommended that debt service compensation be considered for Heron Landing.

Discussion having concluded and upon recommendation of the Highway Superintendent, Councilman Payne offered the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 167 OF 2006)

RESOLVED that, based upon on the value of the water infrastructure previously installed by the Giotto and DeBlois properties and the fact that this infrastructure had been incorporated into the Higby Road Water District, the New Hartford Town Board, on behalf of the Higby Road Water District, does hereby offer a one (1) Equivalent Dwelling Unit (EDU) debt service credit to the Giotto property on Mohawk Street and a one (1) EDU debt service credit to the DeBlois property on Sessions Road; and be it

FURTHER RESOLVED that, based on the value of the land offering in connection with the Higby Road Water District improvement, the said Town Board, on behalf of the Higby Road Water District, does hereby offer a ten (10) EDU credit on a future expansion project for the Sitrin Healthcare facility.

The Town Board voted upon roll call, as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Reynolds	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	Aye.

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

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Higby Road Water District – Interruption of Elm Street natural water supply

The property at 9555 Elm Street, Chadwicks is within the Higby Road Water District and is provided potable water from a well. The homeowner at this property, Richard Naber, did not sign the petition to be in the District, nor did he intend to connect to the new, public water system. During the construction of the District's water main on Mohawk Street, some three hundred (300) feet distant from the Naber residence, the water main contractor inadvertently severed the seam that fed the well at the Naber residence. The contractor did provide a temporary water connection to the Naber residence from an adjoining home that did have public water. As Mr. Naber did not sign the petition, did not intend to connect to public water, and is now being forced to connect as the home occupants no longer have an operating well, he is requesting the Town to fund the installation of the water service and the necessary plumbing inside the residence to enable them to be served by the Higby Road Water District facilities.

Councilman Reynolds questioned if this is the only house on Elm Street that was affected by this interruption of natural water and the Highway Superintendent confirmed that it was the only one. Although no resolution was adopted, it was Town Board consensus that the Town pay the costs associated with supplying domestic water to 9555 Elm Street due to the unintentional interruption of that property's natural water source.

Emergency Vehicle Purchase

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

(RESOLUTION NO. 168 OF 2006)

WHEREAS, during the first week of June 2006, it had been determined by Mechanics in the Highway Department that the 1997 Ford Econoline Van [VIN 1FTEE1425VHB74499] with 140,000 miles, used by the Buildings and Grounds Department, the Traffic and Safety Department, the Sewer Department and the Highway Department, would require a minimum of Fifteen Hundred Dollars (\$1500) plus labor to repair the engine; and

WHEREAS, this is the only vehicle of this type for use with the Highway Department, and due to the repair costs and mileage, it had been determined that the 1997 Ford Van should not be repaired and that an emergency replacement was justified;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby recognize and declare the aforementioned circumstances as an emergency situation and does further authorize and direct the payment of Twelve Thousand Nine Hundred Eighty-two Dollars and Twenty-four Cents (\$12,982.24),

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Purchase Order No. 76794, to *Steet-Ponte Ford* for the required replacement vehicle, a 2006 Ford E150, CarGoVan, VIN 1FTRE14W16VA40974.

A roll call vote was duly held as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Reynolds	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	Aye.

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

PARKS AND RECREATION DIRECTOR:

Fireworks Display – Ice Cream Social

Upon recommendation of the Parks and Recreation Director, Councilman Waszkiewicz introduced the following Resolution for adoption and Councilman Woodland seconded same:

(RESOLUTION NO. 169 OF 2006)

RESOLVED that the Town Board of the Town of New Hartford does hereby approve an Agreement between the Town of New Hartford and American Fireworks Manufacturing Co., Utica, New York for a Fireworks Display on July 12, 2006 in conjunction with the Friends of the New Hartford Library Ice Cream Social, at a cost not to exceed Four Thousand Dollars (\$4,000); and be it

FURTHER RESOLVED that the said Town Board does hereby authorize and direct the Town Supervisor to execute said Agreement.

The Town Board members then voted upon roll call:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Reynolds	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

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Recreation Areas Green Space (Agenda item of Councilman Waszkiewicz)

Councilman Waszkiewicz reported that the conference call among Attorney Green, the Parks and Recreation Director, *p j smith & associates*, and himself has been completed and *p j smith & associates* is finalizing language for the Findings Statement so that a decision can be made as to whether to go forward.

POLICE CHIEF:

Appointment – School Traffic Officer, Sub

Upon recommendation of the Town Police Chief, the following Resolution was introduced for adoption by Councilman Woodland and duly seconded by Councilman Payne:

(RESOLUTION NO. 170 OF 2006)

RESOLVED that the New Hartford Town Board does hereby appoint Barbara Couture as a Substitute School Traffic Officer, under the auspices of the Town Police Department, retroactive to January 2006, at the hourly wage of Seven Dollars and Ninety-four Cents (\$7.94); all wages to be paid bi-weekly.

Whereupon, the Town Board voted upon roll call:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Reynolds	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	Aye.

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

Appointment – Full-time Police Officer

Upon recommendation of the Town Police Chief, Councilman Payne offered the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 171 OF 2006)

WHEREAS, Sgt. Richard Hammond has retired as a Police Officer with the New Hartford Police Department, leaving a vacancy in a full-time Police Officer position;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby approve the lateral transfer and appointment of Justin D. Gehringer as a Full-time Police Officer, to fill the vacancy created by Sgt. Hammond's retirement; said

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appointment to become effective June 25, 2006, at a salary consistent with the current bargaining unit; wages to be paid bi-weekly.

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

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Reynolds	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	Aye.

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

Appointment – Part-time Police Officer

Upon recommendation of the Town Police Chief, Councilman Reynolds offered the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 172 OF 2006)

WHEREAS, Jordan Spinella had been promoted to a Full-time Police Officer position, thereby creating a vacancy in a Part-time Police Officer position;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby appoint Jarod Petrie as a Part-time Police Officer, to fill the vacancy created by Jordan Spinella’s promotion to full-time; said appointment to become effective June 14, 2006, at a salary consistent with the current bargaining unit; wages to be paid bi-weekly.

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

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Reynolds	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	Aye.

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

TOWN CLERK:

Fireworks Permit Application

With regard to the Fireworks Permit Application submitted by Nadine Fornino, Police Chief Philo reported that an on-site inspection of the site had been made and he had no

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problem with the Town issuing a permit for the July 22, 2006 event. Also, Councilman Waszkiewicz had been notified of the current fireworks application because of a complaint received last year of debris on a neighboring property. Thereafter, Supervisor Reed offered the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 173 OF 2006)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Clerk, who has received an Application for a Fireworks Permit and the appropriate Certificate of Insurance naming the Town of New Hartford as an additional insured, to issue to Majestic Fireworks and Nadine Fornino a Fireworks Display Permit for the display of fireworks upon her premises at 126 Powell Ave on Saturday, July 22, 2006 at 9:30 P.M., in accordance with the State Penal Law and regulations set forth in said Permit.

The Supervisor polled the Board who voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Reynolds	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	Aye.

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

Circus Permit

The Town Clerk reported that the *Cole Brothers Circus* application to sponsor a circus is in compliance with Town Code, Chapter 44, Mass Assembly of Larger Number of Persons. Police Chief Raymond Philo stated that all traffic and security issues had been resolved and that *Cole Brothers Circus* had coordinated security measures with the Sangertown Square Mall security department. Thereafter, Supervisor Reed presented the following Resolution for adoption; seconded by Councilman Payne:

(RESOLUTION NO. 174 OF 2002)

WHEREAS, on May 24, 2006, the Town Clerk received an application from *Cole Brothers Circus* for permission to conduct a Circus from June 9 – June 11, 2006, upon the Sangertown Square Mall premises; and

WHEREAS, the Codes Enforcement Officer and Town Police Chief have reviewed said application and find the contents therein to meet Chapter 44 of the Town Code,

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NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of New Hartford does hereby approve the *Cole Brothers Circus* application to conduct a Circus upon premises owned by Sangertown Square Mall from June 9 – June 11, 2006, and the Town Clerk be, and she hereby is, directed to issue the permit under Chapter 44 (Assembly, Mass Public) of the Town Code.

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

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Reynolds	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	Aye.

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

Change of Venue – June 21, 2006 Town Board meeting

The Town Clerk announced that the June 21, 2006 Town Board meeting will be conducted at the Willowvale Fire House, 3459 Oneida Street, Chadwicks, commencing at 6:00 P.M.; prior to the Town Board meeting, a “meet and greet” session from 5:00 – 6:00 P.M. will be held, offering residents an opportunity to meet with Town Board members. The Willowvale Fire Company, Inc. will provide and serve refreshments.

12th Annual Wine Tasting and Auction – NYS Liquor Authority

The Faxton-St. Luke’s Healthcare Foundation is sponsoring the 12th Annual Wine Tasting and Auction on June 17, 2006 and the NYS Liquor Authority has requested a letter from the Town acknowledging this event. Therefore, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 175 OF 2006)

RESOLVED that the New Hartford Town Board does hereby acknowledge that the Faxton-St. Lukes Healthcare Foundation will be sponsoring a Wine Tasting and Auction fundraiser on Saturday, June 17, 2006 within the Town of New Hartford and that the Board has no objection to this event; and be it

FURTHER RESOLVED that the Town Clerk be authorized and directed to issue a letter to this effect to said Healthcare Foundation.

Upon roll call, the Board voted as follows:

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Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Reynolds	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	Aye.

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

Training School

The following Resolution was introduced for adoption by Supervisor Reed and duly seconded by Councilman Payne:

(RESOLUTION NO. 176 OF 2006)

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 interested Town Department Heads and Town Board members to attend the Oneida County Association of Towns Business Dinner on Tuesday, June 20, 2006 in Whitesboro, 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 Woodland	-	Aye
Councilman Reynolds	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	Aye.

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

Refund – Special Use Permit Fee

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

(RESOLUTION NO. 177 OF 2006)

WHEREAS, Dean R. Howard had applied for a Special Use Permit Review to be considered by the Zoning Board of Appeals for his 9199 Grange Hill Road property; and

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WHEREAS, subsequent to Mr. Howard’s application, the Town Codes Department determined that a Special Use Permit Review was not required for the subject property (Tax Map No. 349.000-4-61.1);

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Bookkeeper to issue a refund to Mr. Howard in the amount of Two Hundred Fifty Dollars (\$250), representing the application fee paid in May 2006.

The Resolution was voted upon by roll call as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Reynolds	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	Aye.

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

Proposed 1,200-Megawatt Power Line – New York Regional Interconnect (NYRI)

The Town Clerk acknowledged receipt of five (5) petitions from residents who opposed the 1,200-megawatt power line proposed for construction starting in the Town of Marcy to New Windsor in Orange County, passing through the Oneida County communities of Marcy, Deerfield, Whitestown, New York Mills, Yorkville, Whitesboro, New Hartford, Utica, Paris, Clayville, Marshall, Sangerfield and Waterville. Copies will be forwarded to Councilman Payne for his file.

Appointment – Board of Assessment Review

Town Clerk staff had verified that Krista Pembroke was interested in filling the vacancy on the Board of Assessment Review. Thereafter, Councilman Waszkiewicz introduced the following Resolution that was seconded by Councilman Payne:

(RESOLUTION NO. 178 OF 2006)

WHEREAS, Matthew Bohn III has resigned as a Member of the Board of Assessment Review effective April 20, 2006, due to medical reasons, creating a vacancy on that Board;

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NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby appoint Krista J. Pembroke to fill the unexpired term of Matthew Bohn III as a Member of the Board of Assessment Review, effective June 7, 2006 and ending September 30, 2010, at the salary set forth at the January 1, 2006 Re-organizational meeting.

The Resolution was voted upon by roll call as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Reynolds	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	Aye.

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

MATTERS SUBMITTED BY COUNCILMEN & ATTORNEY

COUNCILMAN WASZKIEWICZ:

Agenda Items:

- Recreation Areas Green Space – conference call completed with Gerald Green, Michael Jeffery and pj smith & associates; pj smith & associates to finalize wording for Findings Statement of need
- Adopt-a-Highway Paperwork – inquired about status. The Town needs to firm up the paperwork before the volunteers can start picking up the roadside. Councilman Payne said he talked briefly with the Highway Superintendent about this
- Wireless Internet – a joint public informational meeting with City of Utica representatives is tentatively scheduled for 5:00 P.M. prior to either the July or August 2006 Town Board meeting
- Budget Process and Citizen Committees – The recommended timeline and process was e-mailed to Board members for consideration and possible adoption
- The Inter-municipal Comparison Committee – Councilman Waszkiewicz met with the Committee; they're accumulating data and would like to be able to communicate with Town department heads
- Either amend the "NO POWER LINE" Resolution or pass a new Resolution that would commit the Town's participation in the legal battle to stop the 1,200-megawatt power line – discussion included getting Board consensus and/or earmarking a dollar amount and also request other local municipalities along the proposed route to 'step up to the plate'. Supervisor Reed has a meeting on this matter at 4:00 P.M. Thursday, June 8, 2006

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COUNCILMAN WOODLAND:

Nuisance abatement

Councilman Woodland has asked Attorney Green to put something together by July 1st.

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL:

Audit of Vouchers

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

(RESOLUTION NO. 179 OF 2006)

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. 16 Vouchers AA758-AA763; AA765	\$ 3,922.70
General Fund Whole-Town Police Abstract No. 16A Voucher AA764	\$ 3,960.00
General Fund Whole-Town Abstract No. 17 Vouchers AA766-AA816; Vouchers AA838-AA853; AA860	\$ 61,717.63
General Fund Whole-Town Abstract No. 17A (Police) Vouchers AA817-AA837; Vouchers AA854-859	\$ 30,658.58
General Fund Part-Town Abstract No. 12 Vouchers BB237-BB241	\$ 4,001.73
Highway Fund Part-Town Abstract No. 12 Vouchers DB237-DB256	\$ 79,573.53
Highway Fund Part-Town Abstract No. 13 Voucher DB257	\$ 1,031.47
Sewer Fund Abstract No. 12 Vouchers SS42-SS43	\$ 2,553.54
Sewer Fund Abstract No. 13 Vouchers SS44-SS47	\$ 4,816.40
Street Lighting Abstract No. 7 Voucher SL7	\$ 7,161.83
Drainage Capital Abstract No. 3 Vouchers HC6-HC9	\$ 1,912.80

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Higby Road Water Tank Abstract No. 11
Vouchers HF30-HF34

\$153,903.69

TOTAL: \$354,403.90

Whereupon, the Town Board members voted individually as follows:

Councilman Waszkiewicz	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	Aye.

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

New Business:

Proposed 1,200-megawatt power line - NYRI

Supervisor Reed announced that the Town Board would sponsor an informational meeting on Thursday, June 15, 2006 at 6:00 P.M. at the Willowvale Firehouse, Chadwicks to hear resident input. Councilman Payne suggested that the Supervisor invite representatives of the State Public Service Commission and NYRI to attend and explain the process.

Personnel – Reclassification of Two (2) Positions

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

(RESOLUTION NO. 180 OF 2006)Amended Sept 6, 2006**

WHEREAS, after reviewing the job activities of Personnel Assistant Barbara Aiello and Telecommunicator Supervisor Jeffrey Madden, the Town Supervisor has found that both employees are performing those duties as well as duties in other job classifications;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the reclassification of Personnel Assistant to that of Personnel Technician II and the reclassification of Telecommunicator Supervisor to that of Supervising Public Safety Telecommunicator, subject to approval of the Oneida County Personnel Department; and be it

FURTHER RESOLVED that Barbara Aiello and Jeffrey Madden shall receive annual salary increases of Three Thousand Dollars (\$3,000) for each of the years 2006, 2007,

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2008 and 2009. It is hereby stipulated that neither Ms. Aiello nor Mr. Madden shall receive any other increases in salary while in the new positions for the years 2006 – 2009.

The Resolution was voted upon by roll call as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Reynolds	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	Aye.

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

Appointments – Zoning Board of Appeals

The following Resolution was introduced for adoption by Councilman Reynolds and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 181 OF 2006)

WHEREAS, the terms of office of Robert Schulman and John Montrose, members of the Zoning Board of Appeals, will expire June 9, 2006; and

WHEREAS, the Messrs. Schulman and Montrose have expressed a desire for re-appointment to the Zoning Board of Appeals;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby re-appoint Robert Schulman and John Montrose as Members of the Zoning Board of Appeals for five-year terms each, beginning June 10, 2006 and terminating June 9, 2011, at the salary established at the January 1, 2006 Re-organizational meeting.

Councilman Waszkiewicz noted that some people have expressed an interest in serving on this Board in the past and attempts to reach some of these people have been in vain. Thereafter, the Resolution was voted upon by roll call as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Reynolds	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	Aye.

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

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COUNCILMAN PAYNE:

Energy Services

The Highway Superintendent, New Hartford Village Mayor and Councilman Payne have met with BOCES representatives with regard to energy services; he distributed a pamphlet to Board members.

Insurance Renewal

Councilman Payne stated there are three (3) or four (4) potential quotes for the Town’s insurance renewal, with quotes to be submitted by 4:00 P.M. on June 15th; Councilmen Woodland and Payne will review the proposals and make a recommendation at the next Town Board meeting.

Employee Safety Meetings

Employee safety meetings are held twice a month now, addressing various topics such as blood-borne pathogens, job safety hazards and personal protective measures.

EXECUTIVE SESSION

Councilman Reynolds introduced the following Resolution for adoption and Councilman Payne seconded same:

(RESOLUTION NO. 182 OF 2006)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss potential real property acquisition.

A roll call vote ensued:

Councilman Waszkiewicz	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	Aye.

Thereafter, the Resolution was declared unanimously carried and duly adopted. All persons present, including the news media, were then excused from the meeting at 7:00 P.M. The Town Clerk was asked to stay in the event the Town Board took any action.

END OF EXECUTIVE SESSION

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

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(RESOLUTION NO. 183 OF 2006)

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 Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly adopted; the Executive Session ended at 7:22 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 and seconded, the meeting was adjourned at 7:22 P.M.

Respectfully submitted,

**Gail Wolanin Young, CMC/RMC
Town Clerk**