

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT THE KELLOGG ROAD COMMUNITY CENTER
BUILDING ON WEDNESDAY, JULY 12, 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 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: Assessor Paul E. Smith
Director of Senior Services M. Eileen Spellman
Highway Superintendent Roger A. Cleveland
Police Chief Raymond Philo
Town Clerk Gail Wolanin Young, CMC/RMC

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

REPORTS OF TOWN OFFICIALS

PARKS AND RECREATION DIRECTOR:

Appointment – Seasonal Employee

Upon recommendation of the Parks and Recreation Director, Councilman Woodland offered the following Resolution for adoption; seconded by Councilman Payne:

(RESOLUTION NO. 202 OF 2006)

RESOLVED that the New Hartford Town Board does hereby appoint Richard Murray as a Substitute Bus Driver for the Summer Playground Programs, to replace Ellen Talbot, effective July 12, 2006, at an hourly wage of Eleven Dollars and Thirty-three Cents (\$11.33), payable bi-weekly.

Upon roll call, the Board members 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**.

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HIGHWAY SUPERINTENDENT:

Woods Highway Connector project

The Highway Superintendent apprised the Board of a one and one-half year old outstanding invoice for approximately \$15,000 that can be paid from Fees in Lieu of Mitigation (FILM).

Pump Station Upgrade, Contract No. 1

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

(RESOLUTION NO. 203 OF 2006)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to execute Change Order No. 1 for the Pump Station Upgrade, Contract No. 1, to decrease the amount of the contract between the Town of new Hartford and HUEN Electric from \$94,000 to \$89,000 as the unexpected contingency allowance was not required.

Upon roll call, the Board members 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**.

Mitigation plan/Oneida County Soil & Water Conservation Program

An informational meeting with other municipalities will be held at 6:30 P.M. on July 20, 2006 at the Kirkland Town Hall.

Award of Competitive Bid – Sewer Pump Station Upgrade, Contract 3

On July 10, 2006 the following bids were received and opened in the Town Clerk’s Office:

- Bat-Con, Inc.

Base Bid:	\$211,000
Allowance:	\$221,000
G-1 Deduct:	\$ 18,000
G-2 Deduct:	\$ 18,000
G-3 Deduct:	\$ 3,250

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- John R. Wilkins Construction, Inc. Base Bid: \$222,800
 Allowance: \$232,800
 G-1 Deduct: \$ 17,500
 G-2 Deduct: \$ 17,500
 G-3 Deduct: \$ 3,800

- JEM Smith Construction Co., Inc. Base Bid: \$265,423
 Allowance: \$275,423
 G-1 Deduct: \$ 30,000
 G-2 Deduct: \$ 27,000
 G-3 Deduct: \$ 2,800.

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

(RESOLUTION NO. 204 OF 2006)

WHEREAS, the Town Superintendent of Highways did, on the 12th day of July 2006, duly recommend the upgrade of a Sewer Pump Station;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby accept the low bid submitted by Bat-Con, Inc. in an amount not to exceed Two Hundred Twenty-one Thousand Dollars (\$221,000) for Contract 3, Sewer Pump Station upgrade, and does further authorize and direct the Town Supervisor to enter into and to execute an Agreement between the Town of New Hartford and said Bat-Con, Inc. for the pump station upgrade.

Upon roll call, the Town Board voted as follows:

A roll call vote ensued:

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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Letter of Thanks

The Highway Department received a thank-you letter from the City of Little Falls who appreciated the Town sending three (3) sweepers last week to offer assistance due to the flooding.

Children-at-Play Sign

Having consulted with the Town Police Chief and Councilman Reynolds, Highway Superintendent Cleveland recommended installation of a Children-at-Play sign on the northbound lane of Wilbur Road which interfaces with the NYS Department of Transportation (DOT) and the Town right-of-way, coming off the ramp of the North-South Arterial. DOT informed the Highway Superintendent that they can't install any signs. Town Board consensus was that the Highway Department installs the Children-at-Play sign at this location.

Cost Estimate – SEOR for Comprehensive Plan update

The firm of *p j smith & associates*, the Town's consultants for the update of the Comprehensive Plan, has submitted a price of Ten Thousand Dollars (\$10,000) for a Generic Environmental Impact Statement (GEIS) as a final step for the update of the Comprehensive Plan and as the transitional step for commencing a GEIS for the eastern and southern sector of the Town. Highway Superintendent Cleveland reminded the Board of his June 12, 2006 Memo indicating a BAN would be necessary for the remainder of the money needed for the GEIS for this area of the Town.

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

(RESOLUTION NO. 205 OF 2006)

RESOLVED that the New Hartford Town Board does hereby authorize the Town Supervisor to enter into and to execute an Agreement between the Town of New Hartford and *p j smith & associates* for a GEIS related to the completion of the update to the Comprehensive Plan, at a cost of Ten Thousand Dollars (\$10,000).

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

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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Longworth Acres Water Works Corporation

Having received the *Application for Municipal Consent to Formation of the Water Works Corporation*, the *Agreement for Municipal Consent to Formation of Water Works Corporation*, the *Municipal Consent to Formation of Water Works Corporation* and the *Certificate of Incorporation of Longworth Acres Water Works Corporation* from Town Attorney Gerald Green, Highway Superintendent Cleveland presented the documents for the Board's execution. Councilman Waszkiewicz clarified that the *Agreement* is essential to ensure that Longworth Acres Water Works Corporation will be self-sustaining and not rely on the Town for maintenance. Thereafter, Councilman Payne offered the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 206 OF 2006)

RESOLVED that the New Hartford Town Board and Highway Superintendent do hereby consent to the formation of *Longworth Acres Water Works Corporation* under the provisions of the Transportation Corporation Law, for the purpose of supplying water to six (6) residential lots in the Longworth Acres Subdivision in the Town of New Hartford and that said Town Board and Highway Superintendent do hereby consent to the filing of the Certificate of Incorporation; and be it

FURTHER RESOLVED that the New Hartford Town Board and Highway Superintendent are hereby authorized and directed to enter into and to execute the *Municipal Consent to Formation of Water Works Corporation* and the *Agreement for Municipal Consent to Formation of Water Works Corporation* as said documents pertain to the *Longworth Acres Water Works Corporation*.

The Board members 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**.

Authorization for Competitive Bid – 2006 Repair of Existing Sidewalks

Upon request of the Highway Superintendent, Councilman Payne offered the following Resolution for adoption; seconded by Councilman Waszkiewicz:

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(RESOLUTION NO. 207 OF 2006)

RESOLVED that the New Hartford Town Board shall receive sealed bids for the repair of existing sidewalks on Oneida and Elm Streets in accordance with Town specifications; all bids are to be received by the Town Clerk's Office no later than 10:45 A.M. on Monday, August 14, 2006 and then shall be publicly opened and read aloud at 11:00 A.M. on said date and in said Office; and be it

FURTHER RESOLVED that the said Town Board does hereby authorize and direct the Town Clerk to publish the legal requisite Advertisement-Invitation to Bid in The Observer Dispatch.

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**.

Refund of 2005 Bid Security Deposit - Leaf Vacuum Machine

Upon request of the Highway Superintendent, Councilman Reynolds moved the adoption of the following Resolution; seconded by Supervisor Reed:

(RESOLUTION NO. 208 OF 2006)

WHEREAS, on June 26, 2006 the Highway Superintendent issued written confirmation to the Town Clerk that a Leaf Vacuum Machine, ordered in September 2005, had been delivered to the Town, meeting all Town specifications;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Bookkeeper to refund to *Joe Johnson Equipment* the sum of Seven Hundred Fifty Dollars (\$750.00) from the Trust and Agency Account and which sum was the bid security submitted with their bid.

The Town Board voted upon roll call as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Reynolds	-	Aye

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Councilman Payne - Aye
Supervisor Reed - Aye.

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

TOWN CLERK:

Parade/Procession Permit

Upon presentation of the Town Clerk, Supervisor Reed introduced the following Resolution for adoption; seconded by Councilman Payne:

(RESOLUTION NO. 209 OF 2006)

WHEREAS, on June 30, 2006 Wal-Mart applied for a Parade/Procession Permit for the "Run for the Children 12K and 5K Road Race" to benefit the *Children's Miracle Network*; and

WHEREAS, said application had been reviewed by the Town Police Chief and approved as to the object, time and route of such parade/procession;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Clerk to issue a Parade/Procession Permit to Wal-Mart for the above-referenced benefit to take place September 9 and September 10, 2006 along Champlin Avenue in the Town of New Hartford.

Upon roll call, the Town 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**

Going-Out-Of-Business License – Partial Refund

Upon presentation by the Town Clerk, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Payne:

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(RESOLUTION NO. 210 OF 200.)

WHEREAS, on May 19, 2006 the Town Clerk received an application dated May 18, 2006 from *P K Acquisitions d/b/a 4 Ever Kids* for a Going Out of Business License for their Kellogg Road store, in accordance with Article 29-F, General Business Law; and

WHEREAS, the Town Clerk had issued a Going Out of Business License for the period June 3, 2006 through July 3, 2006; and

WHEREAS, on June 22, 2006 the Town Clerk had received notification from *P K Acquisitions LLC, 4 Ever Kids* that their last day of business at the Kellogg Road store was June 11, 2006 and the Town Clerk confirmed on June 25, 2006 that the *4 Ever Kids* Store on Kellogg Road was closed;

NOW, THEREFORE, BE IT RESOLVED that, in accordance with the General Business Law, the New Hartford Town Board does hereby authorize and direct a refund to *P K Acquisitions LLC* in the amount of Four Hundred Twenty-five Dollars (\$425) since they ceased operations prior to the expiration of their license period.

A roll call vote ensued:

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

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

Building Permit - Refund

In behalf of Katherine Trozzi, the Town Clerk presented her request for a refund on a Building Permit. Councilman Waszkiewicz offered the following Resolution for adoption and Councilman Woodland seconded same:

(RESOLUTION NO. 211 OF 2006)

WHEREAS, on June 20, 2006 Arthur and Katherine Trozzi applied for and obtained a Building Permit to install an above-ground pool on their property at 22 Bradley Road; and

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WHEREAS, due to the topography of their backyard, the Trozzis subsequently determined they would be unable to install the inflatable pool without jeopardizing residences downhill from their property;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct a refund to Arthur and Katherine Trozzi in the amount of Thirty Dollars (\$30) since their Building Permit had been cancelled.

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**

Insurance – Opt out of Terrorism Coverage

Bailey, Haskell & LaLonde, the Town’s insurance agent, requested verification as to whether the Town wished to include terrorism coverage for buildings and property for the policy period June 30, 2006 through June 30, 2007. Councilman Payne introduced the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 212 OF 2006)

RESOLVED that the New Hartford Town Board does hereby opt out of terrorism coverage on the Town’s insurance policies for the policy period beginning June 30, 2006 and ending June 30, 2007.

The Supervisor polled the Board members who 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**.

CHIEF PHILO:

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February 27, 2006 Robbery/Homicide Investigation

Supervisor Reed complimented Chief Philo with regard to the conclusion today of the investigation on the robbery/homicide that resulted in the death of Police Officer Joseph Corr; a warrant was issued for a 4th suspect in New Jersey. Chief Philo stated that the matter would now proceed to the prosecution phase; he thanked the Town Board for their support and the community also because some things had to be put on the back burner.

Appointment – Fill vacancy of Sergeant

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

(RESOLUTION NO. 213 OF 2006)

WHEREAS, Sergeant Marc Marziale will be retiring from the New Hartford Police Department the week ending Saturday, July 22, 2006, creating a vacancy in the Sergeant position;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby promote Robert Philo to fill the vacancy of Sergeant, effective Sunday, July 23, 2006 at a salary consistent with the current union contract.

Chief Philo noted that Robert Philo was number one on the New York State Civil Service list and has been a twenty-five (25) year Town employee. Thereafter, the Town 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**.

MATTERS SUBMITTED BY COUNCILMEN

COUNCILMAN WOODLAND:

Draft Nuisance Abatement Legislation

Councilman Woodland asked Chief Philo to meet with the Nuisance Abatement Committee on Wednesday, July 19, 2006 to discuss the draft nuisance abatement legislation. The meeting will convene around 5:00 P.M. in the Police Department Conference Room.

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COUNCILMAN WASZKIEWICZ:

Fireworks Permit – Fornino property

A neighboring property owner of the Forninos [who had been granted a Fireworks Permit based on their application] had contacted Councilman Waszkiewicz expressing concerns about the proximity to their property. Chief Philo responded that he met with the person and recommends that the Town Board take no action. The electronic measuring didn't coincide with the physical measuring and Chief Philo is addressing the matter.

Letter of Congratulations – Student Scholarship Winners

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

(RESOLUTION NO. 214 OF 2006)

RESOLVED that the New Hartford Town Board does hereby congratulate Karam Sethi and Brianne Fortuna, 2006 New Hartford Chamber of Commerce Scholarship Winners, and does hereby authorize and direct the Town Supervisor to forward a letter of congratulations from the Town Board to each scholarship recipient.

A roll call vote ensued:

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

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

2007 Budget Process

Councilman Waszkiewicz acknowledged that the Town Supervisor is working with Debbie from the Oneida County Comptroller's Office with regard to the 2007 Budget and that Department Heads will be targeted in July 2006 for budget submissions.

MATTERS SUBMITTED BY TOWN OFFICIALS (CONT'D)

ASSESSOR:

Assessment Grievance (Certiorari) – Offer to Settle

Upon recommendation of Attorney Green, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Woodland:

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(RESOLUTION NO. 215 OF 2006)

RESOLVED that the New Hartford Town Board does hereby support the recommendation of New Hartford Central School Attorney Ryan to hold the line at a \$7.7 million dollar settlement offer for the PAR TECHNOLOGY certiorari matter and that Attorney Ryan present this recommendation to opposing counsel.

Upon roll call, the Board members 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**.

2006 Grievance Day Report

The Board of Assessment Review had received forty-nine (49) assessment grievances in May 2006, two (2) of which have filed under the Small Claims Assessment procedures.

TOWN BOARD RULES OF PROCEDURE; X. MEMBERS MAY NOT ABSENT THEMSELVES

Councilman Payne:

Due to flooding in his home, Councilman Payne was excused from the Town Board meeting by the Supervisor at 6:36 P.M.

REPORTS OF TOWN OFFICIALS (CONT'D)

ASSESSOR:

State Equalization Rate – 2007 Budget

In light of the upcoming budget process, Assessor Smith is reviewing property sales and the projected equalization rate set by the State.

Councilman Reynolds has met with the Bookkeeper and a representative from Moore and Hart, who had performed the 2005 audit; some reasonable suggestions have been made.

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL:

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Audit of Vouchers

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

(RESOLUTION NO. 216 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, which had been duly audited by the Town Board:

General Fund Whole-Town Abstract No. 20 Vouchers No. AA946-AA952	\$ 25,866.35
General Fund Whole-Town Police Abstract No. 20A Vouchers No. AA953-AA958	\$ 22,865.14
General Fund Whole-Town Abstract No. 21 Vouchers No. AA959-AA970	\$ 23,718.69
General Fund Whole-Town Abstract No. 22 Vouchers No. AA971-AA1016; AA1029-AA1030; AA1032-AA1041	\$147,471.57
General Fund Whole-Town Police Abstract No. 22A Vouchers No. AA1017-AA1028; AA1031	\$ 4,557.81
General Fund Part-Town Abstract No. 14 Voucher No. 253	\$ 2,200.54
General Fund Part-Town Abstract No. 15 Vouchers No. BB254-BB260	\$ 844.10
Highway Fund Part-Town Abstract No. 15 Vouchers No. DB280-DB282	\$ 19,866.76
Highway Fund Part-Town Abstract No. 16 Vouchers No. DB283-DB291	\$ 9,604.91
Sewer Fund Abstract No. 15 Vouchers No. SS50-SS52	\$ 2,316.40
Sewer Fund Abstract No. 16 Vouchers No. SS53-SS54	\$ 15,361.26
Sewer Fund Abstract No. 17 Vouchers No. SS55-SS56	\$ 6,666.26
Street Light Abstract No. 8 Voucher No. SL8	\$ 7,029.78
Drainage Capital Abstract No. 5 Voucher No. HC15	\$ 3,300.00
Higby Road Water District No. 13 Vouchers No. HF36-HF40	\$244,966.45

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

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

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

EXECUTIVE SESSION

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

(RESOLUTION NO. 217 OF 2006)

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

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**. All persons present were then excused from the meeting at 6:40 P.M.; the Town Clerk was asked to remain in the event the Board needed to take action after the Executive Session.

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 218 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
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Councilman Woodland	-	Aye
Councilman Reynolds	-	Aye
Councilman Payne	-	Absent
Supervisor Reed	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly *ADOPTED*; the Executive Session ended at 6:51 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 6:52 PM

Respectfully submitted,

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