

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT THE KELLOGG ROAD COMMUNITY CENTER
BUILDING ON WEDNESDAY, SEPTEMBER 6, 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: Highway Superintendent Roger A. Cleveland
Parks & Recreation Director Michael W. Jeffery
Planner Kurt Schwenzfeier
Police Chief Raymond Philo
Town Attorney Gerald Green
Town Clerk Gail Wolanin Young, CMC/RMC

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

MINUTES APPROVAL

July 12, 2006 Town Board Minutes

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

(RESOLUTION NO. 242 OF 2006)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the *Regular* Town Board meeting on *July 12, 2006* and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

REGULAR TOWN BOARD MEETING
September 6, 2006
Page 2

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

PUBLIC PRESENTATIONS

STORMWATER DRAINAGE ISSUES:

Robert Giglio inquired if the Town had any solution to the stormwater drainage problems on Mallory Road that he had presented at the August Town Board meeting. The Town Supervisor responded that the matter will be discussed in Executive Session and that the Town will have an extensive stormwater drainage program for 2007. Although there is no solution tonight, the Town is addressing the situation. Councilman Payne will follow up with the Highway Superintendent.

REPORTS OF TOWN OFFICIALS

PARKS AND RECREATION DIRECTOR:

“Employee” Picnic

Supervisor Reed complimented the Parks and Recreation Director on the season-end employee picnic and Director Jeffery’s good working relationship with the employees.

Appointments – Seasonal Employees

Upon recommendation of the Parks and Recreation Director, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Payne:

(RESOLUTION NO. 243 OF 2006)

RESOLVED that the New Hartford Town Board does hereby appoint the following individuals to the various part-time seasonal positions and for the hourly wages set opposite their several names, for the Parks and Recreation Department, commencing September 6, 2006 and ending in March 31, 2007; all wages to be paid bi-weekly:

Swim Program A7230.1

<u>NAME</u>	<u>POSITION</u>	<u>RATE OF PAY</u>
Diane Muller	Pool Director	\$11.25/hour
Anna Wanner	Assistant Pool Director	\$ 9.75/hour
Lindsay Mundrick	Lifeguard	\$ 7.95/hour
Emily Masi	Lifeguard	\$ 7.95/hour
Lauren Graniero	Lifeguard	\$ 7.95/hour
John Monaghan	Sub Lifeguard	\$ 7.95/hour
Craig Sherman	Locker Attendant	\$ 2.70/hour.

Whereupon, the Town Board voted upon roll call:

REGULAR TOWN BOARD MEETING

September 6, 2006

Page 3

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

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

Agreement – Ice Time/Recreation Center

Upon recommendation of the Parks and Recreation Director who acknowledged receipt of the Certificate of Liability Insurance naming the Town as an additional insured, Councilman Waszkiewicz introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 244 OF 2006)

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 the New Hartford Figure Skating organization, the latter of whom is reserving and paying for ice time at the Recreation Center for the 2006-2007 Season.

Upon roll call, the Board voted as follows:

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

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

Agreement – Concession/Recreation Center

Upon recommendation of the Parks and Recreation Director who acknowledged receipt of the Certificate of Liability Insurance naming the Town as an additional insured, Councilman Waszkiewicz introduced the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 245 OF 2006)

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

REGULAR TOWN BOARD MEETING

September 6, 2006

Page 4

Hartford and Skaters Edge, the latter of which will operate a skate rental, sharpening and pro shop for a three-year duration at the Recreation Center.

A roll call vote ensued:

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

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

Grant – Veterans Memorial Park

Parks and Recreation Director Michael Jeffery announced receipt of a \$15,000 grant from the Community Foundation, toward construction of the Veterans Memorial Park that will be dedicated on Sunday, September 17, 2006.

Beautification of Janet Terrace Cul-de-sac

The Parks and Recreation Director had received a written request from a Janet Terrace resident who wished to plant perennials at the Janet Terrace cul-de-sac. Director Michael Jeffery discussed concerns that the resident(s) be responsible for plantings and maintenance and that he be provided with a plan of the type of plantings and any changes. Councilman Waszkiewicz raised the question of liability for the Town, citing a similar instance for the Sedgewick Park cul-de-sac; Attorney Green had no objections and the Town Board thought this is a wonderful idea.

REPORTS OF TOWN OFFICIALS

TOWN CLERK:

Fireworks Display Permit(s)

Upon presentation by the Town Clerk and Police Chief, the following Resolution was introduced for adoption by Councilman Woodland and seconded by Councilman Reynolds:

(RESOLUTION NO. 246 OF 2006)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Clerk, who has received two (2) Applications for a Fireworks Permit and the appropriate Certificates of Insurance naming the Town of New Hartford as an additional insured, to issue to the Yahnundasis Country Club a Fireworks Display Permit for the display of fireworks upon their premises at 8639 Seneca Turnpike, New Hartford,

REGULAR TOWN BOARD MEETING

September 6, 2006

Page 5

NY on September 30, 2006 at 9:00 P.M., in accordance with the State Penal Law and regulations set forth in said Permit; and be it

FURTHER RESOLVED that the said Town Board does also authorize and direct the Town Clerk to issue to Charles A. Taurisano a Fireworks Display Permit for the display of fireworks upon the premises of the Yahnundasis Country Club, 8639 Turnpike, New Hartford, NY [who has granted consent for such display] on October 21, 2006 at 9:00 P.M., in accordance with the State Penal Law and regulations set forth in said Permit.

Chief Philo reported that both applications meet the State Penal Law and he approved the location; at the same time, the Town Board might want to take this opportunity to change its standards on fireworks – more people are requesting a fireworks display for a variety of celebrations. He suggested adopting the National Fire Protection Agency (NFPA) regulations and added that no action is needed immediately. The State requirements are more liberal than the NFPA. Thereafter, the Supervisor polled the Board members who voted as follows:

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

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

POLICE CHIEF:

Appointment – Part-time Animal Control Officer

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

(RESOLUTION NO. 247 OF 2006)

WHEREAS, Part-time Animal Control Officer Frank McCully has resigned for employment with another municipality, leaving a vacancy in said position;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby appoint Nicholas J. Morosco to fill the vacancy of Part-time Animal Control Officer, effective September 7, 2006, at an hourly wage of Ten Dollars and Ninety-three Cents (\$10.93), payable bi-weekly.

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

REGULAR TOWN BOARD MEETING
September 6, 2006
Page 6

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

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

Health Insurance – Retired Police Officer Daniel Appler

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

(RESOLUTION NO. 248 OF 2006)

WHEREAS, Daniel Appler had retired from the New Hartford Town Police Department on June 25, 2005; and

WHEREAS, at the time of Officer Appler’s retirement, negotiations were in progress for the Police Benevolet Association Union Contract for the fiscal years 2005 through 2009, inclusive; and

WHEREAS, the PBA Union Contract had been ratified in 2006 and now provides for health insurance for retired police officers with the following stipulations to be eligible:

- the retired police officer must turn in one hundred (100) sick days to the Town of New Hartford
- the retired police officer must contribute Fifteen Percent (15%) of the total annual cost of the health insurance

and

WHEREAS, because Officer Appler had been paid for his unused sick days at the time of retirement, he would be required to reimburse the Town for one hundred (100) sick days to become eligible for retiree health benefits; i.e., a total of Twenty-two Thousand One Hundred Fifty-two Dollars [2005 hourly wage of \$27.69 x 800 hours (100 days)]; and

WHEREAS, Officer Appler has expressed his willingness to reimburse the Town the total sum of Twenty-two Thousand One Hundred Fifty-two Dollars and has further requested that the Town allow this repayment over a period of seventy-two (72) months;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby grant permission for retired Officer Daniel Appler to reimburse the Town for one

REGULAR TOWN BOARD MEETING

September 6, 2006

Page 7

hundred (100) sick days, i.e., a total of Twenty-two Thousand One Hundred Fifty-two Dollars, over a period of seventy-two (72) months and which repayment schedule will allow retired Officer Appler to become eligible for retiree health insurance benefits in accordance with the PBA Union Contract covering fiscal years 2005 through 2009, inclusive.

Whereupon, the Town Board members voted by roll call:

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

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

HIGHWAY SUPERINTENDENT:

Stormwater Drainage

Councilman Payne acknowledged that the Town had received the inventory ranking form from the Oneida County Soil and Water Conservation District to use it in evaluating drainage issues. After having reviewed the County's form, the Highway Superintendent believed it is appropriate and more comprehensive than others; he has reviewed several situations and rankings and thinks the form needs a bit "tweaking" but he could work with it. Councilman Waszkiewicz would like to incorporate the old priority listing [existing database] compiled in a 1993 study with the new listing and further suggested that the Highway Superintendent, Senior Engineering Technician and at least one member of the Public Works/Sewer Committee establish a priority listing for each resident as they fit in with the combined criteria. The Highway Superintendent acknowledged awareness of the existing database and that the two need to be melded.

Thereafter, Councilman Waszkiewicz offered the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 249 OF 2006)

RESOLVED that the Town Board of the Town of New Hartford does hereby adopt the form as forwarded to the Town by the Oneida County Soil and Water Conservation

REGULAR TOWN BOARD MEETING

September 6, 2006

Page 8

District, said form to be used for evaluating a number of issues related to drainage at the constituent's site, and for use in prioritizing and grouping said issues to know if it is a singular problem or an area wide issue, and its ranking with regard to making improvements.

The Town Board voted upon roll call, resulting as follows:

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

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

Stormwater Drainage - Cleanup

With regard to stormwater drainage problems arising from the July 12 and July 29, 2006 storms, the Highway Superintendent reported that his Department has gone through virtually every major water course in the Town and made improvements including rip rap and trash racks, etc. in areas such as Elm and Oneida Streets, Grange Hill Road, Woodberry Hills, etc. Crews have been fixing washouts along roads and other problem areas. He gave much credit to his Deputy who has guided the work in an effort to protect public infrastructure and the health, welfare and safety of Town residents.

SEQR Process – Lead Agency Status for Town-wide Stormwater Improvement Project and Bond

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

(RESOLUTION NO. 250 OF 2006)

RESOLVED that the Town Board of the Town of New Hartford does hereby declare itself as Lead Agency in the matter of the ***Town-wide Stormwater Improvement Project***, thereby opening the State Environmental Quality Review (SEQR) process for this ***Project and Bond***.

Highway Superintendent Cleveland stated that it was not necessary to circulate this matter among state/local agencies. Thereafter, the Supervisor polled the Board members who voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Reynolds	-	Aye

REGULAR TOWN BOARD MEETING
September 6, 2006
Page 9

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

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

SEQR Negative Declaration/Close Process – Town-wide Stormwater Improvement Project and Bond

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

(RESOLUTION NO. 251 OF 2006)

RESOLVED that the New Hartford Town Board does hereby unanimously vote to close the State Environmental Quality Review (SEQR) process for the ***Town-wide Stormwater Improvement Project and Bond*** and does hereby unanimously adopt the determination and findings set forth in the Negative Declaration (SEQR), Notice of Determination of Non-Significance, which will be filed in the Town Clerk’s Office.

A roll call vote ensued:

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

The Resolution was then declared unanimously carried and duly **ADOPTED**. Highway Superintendent stated that the SEQR paperwork would now be filed with Bond Counsel.

FEMA Funding for Storms of July 2006

The Highway Superintendent reported that the Federal Emergency Management Agency (FEMA) has denied the requested extension of inclusion dates to include the dates in July of 2006 when the Town of New Hartford experienced two (2) extraordinarily severe storm events. Highway Superintendent Cleveland indicated that he would be contacting the Town’s State Legislators to both appeal the decision and to ascertain if State level assistance would be forthcoming

Councilman Waszkiewicz submitted a draft press release for review and approval by the Oneida County Soil and Water Conservation agency with regard to FEMA funding related to the devastation caused by the July 12 and July 29th storms. It was the intent to provide affected property owners – in conjunction with the Town’s appeal to the State –

REGULAR TOWN BOARD MEETING
September 6, 2006
Page 10

with assistance. Due to the magnitude of residents and the Town who were impacted, there is a need to extend the deadline to apply for individual funding.

Domestic Water Supply – Camden Way

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

(RESOLUTION NO. 252 OF 2006)

WHEREAS, the Highway Superintendent has received a petition from the Camden Way property owners who have requested the installation of public water to their properties and which properties are currently being serviced by individual wells; and

WHEREAS, said Camden Way residents have requested that the Town of New Hartford take measures to determine the cost for installation of domestic water to their various properties;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Highway Superintendent to begin exploring and working with the Camden Way residents and the Mohawk Valley Water Authority to determine the size of pipe, length of pipe and cost associated with extending water to the Camden Way properties.

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

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

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

Consolidated Sewer District – Extend service to Mohawk Street, outside the District

Upon recommendation of the Highway/Sewer Superintendent, the following Resolution was offered for adoption by Councilman Payne and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 253 OF 2006)

WHEREAS, when the New Hartford Sewer Improvement Area No. 1 (NHSIA #1) and subsequent Consolidated Sewer District had been established in the early 1970's and

REGULAR TOWN BOARD MEETING

September 6, 2006

Page 11

early 1990's, respectively, there were certain underdeveloped areas in the Town which were not included within the District boundaries; and

WHEREAS, the Town of New Hartford has established policy in the past to enter into a contract with property owners outside the Sewer District boundaries to be serviced by the Consolidated Sewer District and for which the property owner is billed annually for such service, said rate being established in the Town's Annual Budget; and

WHEREAS, a residence is currently being constructed on Mohawk Street, approximately one hundred (100) feet from the boundary of the Consolidated Sewer District, and the homeowner has agreed to enter into a service contract with the Town of New Hartford for sewer service;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement for Sewer Service outside the Consolidated Sewer District with Richard Thomas, for property identified as Tax Map Parcel No. 350.000-3-29.5 and located on Mohawk Street near the Elm Street intersection; in said Agreement, the Town will provide the sewer lateral necessary to provide sewer service and the property owner will be responsible for installation of said sewer lateral from the District boundary to said property. The Town will annually bill the property owner of said Parcel No. 350.000-3-29.5 for sewer service, said rate being set forth in future Town Annual Budgets.

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

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

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

Infiltration and Inflow Study (IIS)

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

(RESOLUTION NO. 254 OF 2006)

RESOLVED that, because of potential developments that will be tributary to the Oneida County Sewer Pump Station, the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement with Schumaker

REGULAR TOWN BOARD MEETING
September 6, 2006
Page 12

Engineering who will perform an infiltration and inflow study of the sewers in three (3) phases:

1. organizational matters, i.e. assign numbers/categories to different sewers
2. mapping
3. define amount of clean water coming into the sewer system;

the cost of said infiltration/inflow study shall not exceed Ten Thousand Dollars (\$10,000).

Highway/Sewer Superintendent Cleveland stated that if the Town doesn't initiate steps now, the Town could be faced with removal of clean water as the homes are being constructed. A roll call vote ensued:

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

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

Shared Services Agreement – Oneida County

Upon recommendation of the Highway Superintendent, who noted that the Town has been involved for a number of years in shared service agreements with several local agencies as well as Oneida County, the following Resolution was introduced for adoption by Councilman Payne and duly seconded by Councilman Woodland:

(RESOLUTION NO. 255 OF 2006)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute a Shared Services Agreement between the Town of New Hartford and Oneida County.

The Town Board members voted upon roll call:

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

REGULAR TOWN BOARD MEETING

September 6, 2006

Page 13

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

New Sidewalks and Trail ways – Comprehensive Plan

Because Town residents have expressed a desire for sidewalks and trail ways, the Highway Superintendent suggested that the Town Board create a Sidewalk Committee during Autumn 2006 for discussion purposes; he has included a line item in the 2007 Highway budget for new sidewalks. The goal of the Committee would be to develop a plan and budget a small amount of money.

Highway Superintendent Cleveland presented a letter addressed to the Town Board from Hans G. Arnold who asked the Town Board's consideration on the matter of sidewalks that he'd been working on for about sixteen (16) years:

- adopt a policy to develop a network of sidewalks throughout the Town
- develop a plan establishing priorities and a multi-year construction schedule
- begin funding the construction of sidewalks in the 2007 Town budget.

Mr. Arnold offered to serve on a committee to prepare a Town Sidewalk Plan. He also suggested that any future Sidewalk Plan Committee establish a top priority of a new sidewalk along Paris Road from the boundary line of the New Hartford Village, proceeding south to the intersection of NYS Route 12 (New Paris Road), and then connecting to the Sherrillbrook Park.

Sidewalk Maintenance

Councilman Waszkiewicz noted that a prior Town Board administration had adopted regulations in Chapter 102 [STREETS AND SIDEWALKS] of the Town Code to make the property owner responsible for sidewalk maintenance, thereby limiting liability on the Town.

NYS Route 840 (Judd Road) Signage – Councilman Waszkiewicz Agenda Item

Councilman Waszkiewicz reported that the Highway Superintendent and he would meet after the September 8, 2006 meeting with the NYS Department of Transportation, to finalize the signage for NYS Route 840 [Judd Road].

REPORT OF STANDING COMMITTEE

ASSESSOR COMMITTEE:

Training School

Upon request of the Town Assessor, the following Resolution was introduced for adoption by Councilman Payne and duly seconded by Councilman Waszkiewicz:

REGULAR TOWN BOARD MEETING
September 6, 2006
Page 14

(RESOLUTION NO. 256 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 Assessor Paul Smith to attend the NYS Assessors Conference from September 17 through September 21, 2006 in Lake Placid, 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 Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	Aye.

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

Relocation of Assessor's Office

With regard to discussions over the past eight (8) months about relocating the Assessor's Office from the Sanger Public Works Garage to Butler Memorial Hall, Councilman Payne inquired if the Town Board was ready to move forward with this matter; he was discussed the matter with New Hartford Village Mayor Donald Ryan and the Village is open to this move. The matter will be discussed at the next Town Board meeting.

MATTERS SUBMITTED BY COUNCILMEN

COUNCILMAN PAYNE:

Town Website - Communications

Councilman Payne has been working with Trainor Associates to post the Town's assessment information on the new Website; this had formerly been available on the Website hosted by James and Catherine Lawrence. Also, the Assessor is working with grant writer Connie Miner for funding to place photos on the Web. More information will be available at the next Town Board meeting.

Updated Lighting – Energy Audits

Councilman Payne is working with the Highway Superintendent on updating lighting appurtenances in various buildings that could save the Town \$2,200 to \$3,000 a month in energy costs.

REGULAR TOWN BOARD MEETING
September 6, 2006
Page 15

COUNCILMAN WASZKIEWICZ:

Agenda items:

- *Aerial Towers for Transmission* – Councilman Waszkiewicz submitted for the Board’s review draft legislation to amend Chapter 107B, Telecommunications Facilities, limiting the height of towers and also draft legislation to amend Chapter 118, Zoning, limiting the height of public utility structures

Local Law Introductory “D” of 2006 – Chapter 118 [ZONING]

Thereafter, Councilman Waszkiewicz introduced the following legislation for the Town Board’s consideration at a future Public Hearing; co-sponsored by Councilman Payne:

TOWN OF NEW HARTFORD, NEW YORK
LOCAL LAW INTRODUCTORY “D” OF 2006

A Local Law to amend the Code of the Town of New Hartford, *Chapter 118* thereof entitled *ZONING*, Section 118-60, Additional Height requirements, and the Schedules of Use, Area and Bulk Regulations for Zoning Classifications A, RA-2, LDR, MDR, HDR, RB1, RB2, RB3, M, PO, PHB, PDMH and PDMU

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 118-60, *is hereby amended as follows:*

Section 118-60. Additional height requirements

The existing paragraph shall become A. and the words “..transmission and communication towers and cables..” shall be deleted from the first sentence in paragraph A.

Add New Paragraph:

B. Communication and transmission towers and cables shall be a maximum of 100 feet.

SECTION 2. Chapter 118 of the Code of the Town of New Hartford, 118 Attachments 4, Schedules of Use, Area and Bulk Regulations for zoning classifications:

REGULAR TOWN BOARD MEETING

September 6, 2006

Page 16

(Attachment 4:1)	A – Agricultural District
(Attachment 4:3)	RA-2 Residential Agricultural District
(Attachment 4:4)	LDR – Low-Density Residential District
(Attachment 4:5)	MDR – Medium-Density Residential District
(Attachment 4:6)	HDR – High-Density Residential District
(Attachment 4:7-8)	RB1 – Retail Business District
(Attachment 4:9-10)	RB2 – Retail Business 2 District
(Attachment 4:11)	RB3 – Office Business District
(Attachment 4:13)	M – Manufacturing District
(Attachment 4:15)	PO – Professional Office District
(Attachment 4:16)	PHB – Planned Highway Business District
(Attachment 4:17)	PDMH – Planned Development Mobile Home District
(Attachment 4:18)	PDMU – Planned Development Mixed Use District

shall be changed so that all Public Utility(ies) shall have a Maximum Height of one hundred (100) feet.

SECTION 3. 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 4. This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State.

239-Review – Local Law Introductory “D” of 2006

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

(RESOLUTION NO. 257 OF 2006)

WHEREAS, the Town Board has introduced legislation, i.e., Local Law Introductory “D” of 2006 to amend Town Code, Chapter 118 [ZONING] to limit the height of public utility structures;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby declare itself as Lead Agency in the aforementioned matter; and be it

FURTHER RESOLVED that the said Town Board does hereby refer Local Law Introductory “D” of 2006 to the Oneida County Planning Department and to the Town Planning Board for their review and written recommendation pursuant to General Municipal Law and the Town’s Zoning Law.

REGULAR TOWN BOARD MEETING
September 6, 2006
Page 17

Upon roll call, the Town Board 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**. The Town Clerk was asked to withhold referral of this matter to the County and Town Planning departments until Attorney Green reviewed both local law introductorys and gives the formal "O.K." on the legislation.

Local Law Introductory "E" of 2006 – Chapter 107B [TELECOMMUNICATIONS FACILITIES]

Thereafter, Councilman Waszkiewicz introduced the following legislation for the Town Board's consideration at a future Public Hearing; co-sponsored by Councilman Payne:

TOWN OF NEW HARTFORD, NEW YORK
LOCAL LAW INTRODUCTORY "E" OF 2006

A Local Law to amend the Code of the Town of New Hartford, **Chapter 107B** thereof entitled **TELECOMMUNICATIONS FACILITIES**, Section 107B-5, Approvals and bulk requirements with regard to non-collocated/new structure antennas.

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

SECTION 1. Chapter 107B of the Code of the Town of New Hartford, Section 107B-5. B. is hereby amended so that subparagraph (6) shall read as follows:

Section 107B-5. Approvals and bulk requirements

- B. (6) The maximum height of a tower in these zoning districts is 100 feet. An area variance for height will be required from the Zoning Board of Appeals to exceed this height, following initial approval by the Planning Board.

SECTION 2. All other provisions of Chapter 107B 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.

REGULAR TOWN BOARD MEETING

September 6, 2006

Page 18

SECTION 3. This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State.

Agenda items (continued)

- **Wireless Internet** – Councilmen Waszkiewicz and Payne have met and would like to set up a committee to identify the Town’s goals and how the Town and residents would be best served; the Councilmen will proceed with the matter. The Town Board Rules of Procedure call for a Board member to be an exofficio member to guide the committee. Town Board consensus was for Councilman Waszkiewicz to be the exofficio member. Councilman Waszkiewicz will contact Connie Minor for available grants. Councilman Payne expressed an interest in co-chairing the Wireless Internet Committee with Councilman Waszkiewicz; Board consensus for same.
- **Require bond for road cuts to ensure acceptable level of repair** – Since the Highway Superintendent had left the meeting, Councilman Waszkiewicz stated he would meet with Superintendent Cleveland during the week.
- **Planning Board, Zoning Board of Appeals and Board of Assessment Review** – would be cumbersome to incorporate in Rules of Procedure with regard to interviews for vacancies and recommendations of appointment to the Town Board. Councilman Waszkiewicz suggested that these Boards screen applicants and recommend to the Town Board, the latter of who would have power of appointment. Planning Board Chairman N. Joseph Yagey commented that this would eliminate political appointments. Councilman Waszkiewicz will try to finalize a Resolution for the next meeting.
- **Restore New York Grant** – Councilman Waszkiewicz contacted several property owners and there is interest and there may be a few requests for Town support and application for grant funding – he’ll bring something forward for next meeting.

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL:

Audit of Vouchers

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

(RESOLUTION NO. 258 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:

REGULAR TOWN BOARD MEETING
September 6, 2006
Page 19

General Fund Whole-Town Abstract No. 24 Vouchers AA1156-AA1167	\$ 6,398.88
General Fund Whole-Town Abstract No. 24A (Police) Vouchers AA1168-AA1169	\$ 72,937.24
General Fund Whole-Town Abstract No. 25 Vouchers AA1170-AA1184	\$ 11,117.23
General Fund Whole-Town Abstract No. 26 Vouchers AA1185-AA1297; Vouchers AA1336-AA1345	\$ 85,963.36
General Fund Whole-Town Abstract No. 26A (Police) Vouchers AA1298-AA1335	\$ 52,835.34
General Fund Part-Town Abstract No. 17 Voucher BB270	\$ 20.00
General Fund Part-Town Abstract No. 18 Vouchers BB271-BB284	\$ 3,584.33
Highway Fund Whole-Town Abstract No. 2 Voucher DA2	\$ 200.00
Highway Fund Part-Town Abstract No. 18 Vouchers DB323	\$ 69.65
Highway Fund Part-Town Abstract No. 19 Vouchers DB324-DB387	\$ 68,538.84
Sewer Fund Abstract No. 19 Voucher SS66	\$ 2,981.22
Sewer Fund Abstract No. 20 Vouchers SS67-SS73	\$ 7,286.78
Street Lighting Abstract No. 9 Voucher SL9	\$ 6,909.11
Higby Road Water Tank Abstract No. 15 Vouchers HF46-HF49	\$ 24,743.00
Drainage Capital Project Abstract No. 7 Vouchers HC23-HC39	<u>\$ 21,443.65</u>
TOTAL:	\$365,028.63

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**.

REGULAR TOWN BOARD MEETING
September 6, 2006
Page 20

Amend Resolution No. 180 of 2006 – Personnel/Reclassification-Additional Duties

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

(RESOLUTION NO. 259 OF 2006)

WHEREAS, on June 7, 2006 the Town Board adopted Resolution No. 180 with regard to Barbara Aiello and Jeffrey P. Madden, both of whom were performing their regular duties as well as duties in other job classifications; and

WHEREAS, it came to the attention of the Town Supervisor and Councilman Payne that Paragraph two of said Resolution No. 180, previously approved by the Town Board, contained some information inconsistent with the Town Board's intent;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby amend Resolution No. 180 of 2006 so that Paragraph two (2) shall read as follows:

“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 that the Town Board does hereby assign additional computer-related duties to Supervising Public Safety Telecommunicator Jeffrey P. Madden, subject to approval of the Oneida County Personnel Department,”

Whereupon, the Town Board voted upon roll call:

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

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

Assessment Grievance (Certiorari) Settlement

Upon recommendation of Attorney Gerald Green, the following Resolution was introduced for adoption by Supervisor Reed and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 260 OF 2006)

REGULAR TOWN BOARD MEETING

September 6, 2006

Page 21

RESOLVED that the New Hartford Town Board does hereby agree to pay Ten Percent (10%) of the \$2,800 appraisal update fee incurred by the New Hartford Central School District with regard to the Par Technology assessment certiorari brought against the Town of New Hartford and New Hartford Central School District.

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

EXECUTIVE SESSION

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

(RESOLUTION NO. 261 OF 2006)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss possible real property acquisition, contract negotiations and possible GEIS.

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 7:12 P.M. The Town Clerk was asked to stay in the event the Town Board took any action. Also participating were Eve Holberg and Peter Smith from *peter j smith & associates*.

END OF EXECUTIVE SESSION

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

REGULAR TOWN BOARD MEETING
September 6, 2006
Page 22

(RESOLUTION NO. 262 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 8:06 P.M. The regular portion of the Town Board meeting was immediately reconvened.

Establishment of Stormwater Policy

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

(RESOLUTION NO. 263 OF 2006)

WHEREAS, periodically Town residents experience drainage issues on lands belonging to the resident; and

WHEREAS, in most instances, the land is not included in a town drainage easement or drainage district, and the drainage issue is not related to the digging of a new ditch or drain for the free passage of water for the drainage of a highway; and

WHEREAS, the Town desires to restate and reinforce the provisions of Highway Law, as it pertains to the Highway Department working off the highway Rights-of-Way;

THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does concur with the provisions of Highway Law, Article 147, Entry Upon (private) Lands by town superintendent, which states:

The town superintendent may, when directed by the county superintendent, and when authorized by the town board, enter

REGULAR TOWN BOARD MEETING

September 6, 2006

Page 23

1. Upon any lands adjacent to any of the highways in the town, for the purpose of opening an existing ditch or drain, or for digging a new ditch or drain for the free passage of water for the drainage of such highways.
2. Upon the lands of any person adjoining rivers, streams or creeks, to drive spikes, throw up embankments and perform such other labor as may be necessary to keep such rivers, streams or creeks within their proper channels, and to prevent their encroachment upon highways or abutments of bridges.
3. Upon the lands adjoining a highway which, during the spring freshets or at a time of high water are subject to overflow from such rivers, streams or creeks, to remove or change the position of a fence or other obstruction preventing the free flow of water under or through a highway, bridge or culvert, whenever the same may be necessary for the protection of such highway or bridge; and

RESOLVED that the highway superintendent may enter upon drainage easements that have been accepted by the Town to cause operation and maintenance operations, and may do so without the existence of drainage easements in emergency situations for health, welfare and safety reasons; and

RESOLVED that the Town Board grants the highway superintendent permission to conduct operation and maintenance operations upstream of any public infrastructure and stormwater management facility maintained by the Town to the extent that the superintendent believes is reasonable to protect public infrastructure and generally downstream a distance of one property to insure unimpeded flow of the stormwater runoff; and

RESOLVED that the highway superintendent is authorized to and may enter upon lands within drainage districts created by the Town for the purposes of operation and maintenance and is further authorized to install district infrastructure improvements within drainage districts, subject to approval and reimbursement funding by the town board.

Thereupon, the Town Board voted by roll call, resulting as follows:

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

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

REGULAR TOWN BOARD MEETING
September 6, 2006
Page 24

ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made and seconded, the meeting was adjourned at 8:11 P.M.

Respectfully submitted,

Gail Wolanin Young, CMC/RMC
Town Clerk