

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT MYLES ELEMENTARY SCHOOL,
90 CLINTON ROAD, IN SAID TOWN ON WEDNESDAY,
JUNE 13, 2007 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: Assessor Paul E. Smith
Attorney Gerald J. Green
Codes Enforcement Officer Joseph A. Booth
Highway Superintendent Roger A. Cleveland
Parks and Recreation Director Michael Jeffery
Personnel Technician II Barbara Aiello
Police Lt. Timothy O'Neill
Planner Kurt Schwenzfeier
Telecommunicator Supervisor Jeffrey Madden
Town Clerk Gail Wolanin Young and
Deputy Town Clerk I Margaret M. Jones

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

MINUTES APPROVAL

May 9, 2007 Town Board Minutes

Councilman Reynolds introduced the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. 111 OF 2007)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the **REGULAR TOWN BOARD MEETING** held **May 9, 2007** and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

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

PRESENTATIONS

CERTIFICATE OF APPRECIATION – TOWN WEBSITE:

In 2006 the Town started to redevelop its web page and thought it was a good idea to partner with New Hartford Central School; Councilman Payne noted that interested student(s) could become involved in learning the interactions of a website, contribute to the website while an alliance with the School, the Town and private company were formed. A Certificate of Appreciation was presented to Gregory Winn, the first student to become involved, for his research, mapping the site, interviewing Department Heads and working with Trainer Associates. Also recognized and presented with a Certificate was Michael Monte, the Technology Teacher for his contributions and efforts in this project.

REQUEST FOR PROPOSAL – INSURANCE RENEWAL

Robin Lowitz and Chip Roe of **Bailey Haskell & LaLonde**, the only company to submit a proposal on today’s deadline for insurance renewal, gave an overview of their insurance proposal, noting there are only a handful of insurance companies that write municipal insurance. The current program with Arrowhead has made a new arrangement with Firemen’s Fund Insurance Co., a brand new program equal to or better than offered by Clarendon; Firemen’s has a better price and coverage, with premiums down a couple thousand dollars since 2006. Firemen’s also offers payment plans.

Chip gave a brief synopsis from their Proposal, which would cover the period June 30, 2007 through June 30, 2008:

Page 6 - ***Property & Inland Marine Coverages***

	<u><i>Limits of Insurance</i></u>
Blanket limit building and contents	\$6,580,089
Coverage extensions now include earthquakes and floods; Building Ordinance or Law coverage to bring buildings up to Code	
Agreed amount (no co-insurance)	Included
Special causes of loss	Included
Valuation	Replacement cost
Deductible	\$1,000

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[NOTE: The Town Board directed that coverage for thirty-four (34) voting machines be eliminated from the Inland Marine Schedule of Property inasmuch as said machines are now owned by Oneida County as a result of changes in the State Election Law that became effective November 2005.]

Page 9 - *General Liability Coverage*

Basically premises and liability excluding police

	<u>Limits of Insurance</u>
General Aggregate	\$2,000,000
Products/Complete Operations Aggregate	\$2,000,000
Personal and Advertising Injury Liability	\$1,000,000
Each Occurrence Limit	\$1,000,000
Medical Expense Limit	\$ 5,000
Damage to Premises Rented to Insured	\$ 500,000
Employee Benefits Liability Aggregate - Each Claim (\$1,000 Deductible)	\$1,000,000
Deductible	\$2,500

Page 10 - *Commercial Auto Coverage*

	<u>Limits of Insurance</u>
Auto Liability	\$1,000,000/occurrence
Hired and non-owned auto legal liability	\$1,000,000
Personal Injury Protection	Statutory limits
Additional PIP	\$ 100,000
Uninsured motorist coverage	\$1,000,000
Underinsured motorist coverage	\$1,000,000

Additional coverage includes full glass for PPTs and others covered if repaired rather than replaced, NY Mutual Aid Endorsement, Optional Basic Economic Loss; Airbag coverage, hired auto physical damage, bail bonds, transportation expense, personal effects, reimbursement of deductible-volunteer or employee and audio, visual or electronic equipment. The Town currently insures eighty-four (84) vehicles.

Page 11 - *Owners and Contractors Liability for People of the State of New York*

	<u>Limit</u>
Owners and Contractors Protective Liability	\$1,000,000 per occurrence \$2,000,000 per aggregate

Requirement by New York State because the Town plows some state roads.

Page 12 - *Public Officials Liability & Employment Practices Liability Coverages*

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Public Officials

	<u>Limits of Insurance</u>
Annual Aggregate	\$2,000,000
Each Wrongful Act	\$1,000,000
- Deductible	\$ 10,000

Covers wrongful acts, negligence, decisions that are made. Defense is in addition to limits of liability. Full prior acts coverage for unknown incidents. Consent to settle included.

Employment Practices

	<u>Limits of Insurance</u>
Annual Aggregate	\$2,000,000
Each Wrongful Act	\$1,000,000
- Deductible	\$ 10,000

Non-monetary Defense - \$15,000/suit; \$30,000/policy period
Consent to settle included. Full prior acts coverage for unknown incidents
Back wages coverage \$ 10,000

Page 13 - Law Enforcement Liability Coverage

	<u>Limits of Insurance</u>
Annual Aggregate	\$2,000,000
Each Occurrence Limit	\$1,000,000
- Deductible	\$ 5,000
Line of Duty Death Coverage	\$ 50,000/officer
	\$ 100,000/policy period

Defense in addition to limits; consent to settle included

Page 14 - Umbrella Coverage

	<u>Limits of Insurance</u>
Amount per occurrence	\$4,000,000
General Aggregate*	\$4,000,000

*Applies separately to General Liability, Automobile Liability, Law Enforcement Liability and Public Officials Liability. This is a new enhancement for the upcoming policy period.

Retained Limit (any one occurrence or offense) \$ 10,000

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The total premiums for the above policies [before removing the voting machines from the Inland Marine policy] is \$132,006.18 for the policy period June 30, 2007 - June 30, 2008, as compared to \$134,226.00 for the June 30, 2006 – June 30, 2007 policy period.

It was clarified that matters such as computer shutdown due to lightning strikes, brown-outs, etc. would be covered up to \$50,000. Also, the Town Board reserved the right to ask *Bailey, Haskell and LaLonde* to quote coverage for other items. Ms. Lowitz and Mr. Roe will meet with Supervisor Reed and Town Clerk Young the week of June 18, 2007 for a further review of the Request for Proposal.

PUBLIC HEARING

6:24 PM - Local Law Introductory “A” of 2007
Chapter 88 [Parks] of the Town Code

At 6:24 P.M. the Supervisor opened the Public Hearing and the Town Clerk had available the Notice of Public Hearing (published in the Observer Dispatch on May 29, 2007), Proof of Publication and Affidavit of Posting. The purpose of the Hearing was to offer the public an opportunity to speak in favor of, in opposition to, or to comment upon Local Law Introductory “A” which, if adopted, would amend Chapter 88 [Parks] of the Town Code.

Parks and Recreation Director Michael Jeffery made available two (2) handouts that addressed three (3) sections of Chapter 88. Specifically, the subject legislation would amend

- Section 88.1 to include the Philip Rayhill trail
- Section 88.2 with regard to the closing time of the recreational facilities
- Section 88.8 to provide modifications for people who would like to let their dogs run in a confined area, or “dog park” area.

Currently, there is a leash law and clean-up requirement for domestic animals in the parks. After speaking with the Town Clerk, Director Jeffery learned there were 1,880 licensed dogs in the Town and this would apply to the owners of these dogs who might use the dog park. Regulations are included in Section 88.8. This would allow for a social environment for dogs and dog owners. The Police Department, Animal Control, Town Justices, Town Attorney, and Parks and Recreation Advisory Committee had a comment period on this matter.

The Supervisor inquired if anyone present wished to speak in the matter. The following persons commented:

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Edmund Wiatr – one hundred eighty (180) dogs? Director Jeffery clarified it was 1,880 licensed dogs.

Mr. Waitr – questioned the social environment for dogs and dog owners and inquired what advice the Town Attorney had given about the possibility of dog(s) biting a person. Director Jeffery responded that's why the registration process is being implemented and why the regulations were painstakingly reviewed for the dog park. The Town similarly reviews safety and regulations for recreation programs, whether they involve children, pets or adults.

Mr. Wiatr – questioned who on the Town Board thought this up and commented that cats might be regulated next. Director Jeffery stated there is no leash law for cats; but, yes, for dogs – as well as a fine for a leash law violation – \$250 for the 1st offense. Director Jeffery noted this is a proactive way of the Animal Control Officer enforcing the law in the parks. In a past questionnaire, some Town residents wanted a dog park and these residents' comments were evaluated together with inquiries of people relocating from big cities or towns, who wanted a dog park. The Parks and Recreation Advisory Committee is in favor of this project and the Town Board was in favor by budgeting for it in 2007. With the fee system, a reasonable number of users will pay for the facility so it should pay for itself.

Councilman Waszkiewicz noted that the dog park was part of the amended parks master plan and Councilman Reynolds stated this makes a safer, cleaner parks environment.

Mr. Wiatr – questioned the \$18,000 to \$22,000 budgeted for this dog park. Director Jeffery responded he had worked hard on the Park budget and in 2007 the Park budget reflected a One Percent (1%) decrease overall, despite increases in salaries. The dog park addresses a stated need from residents responding to a questionnaire.

Jim Lawrence – questioned the fee system and liability issue. Director Jeffery stated there will be a non-resident program (similar to other programs like swimming, park pavilions, etc.) for \$70 for the season; \$35 for residents; \$30 for senior citizens. In response to liability, Director Jeffery emphasized that the Town Attorney and he need to have everything adopted in this legislation in order to enforce and track people and their dogs and whether anyone is violating any rules. The Town Attorney was very concerned about this and Director Jeffery did much research to reassure Attorney Green that everything was covered. He had visited several dog parks in New York State as well as municipal regulations relating to them.

Mary Cifarelli spoke in support – can speak to being a dog owner and waiting in anticipation to bring her dog to the park and have a social life. She feels this is a draw. While the City of Rome park is a nice dog park, Ms. Cifarelli believes New Hartford

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deserves something as good as Rome has. She believes it's nice for the Town to be seen as proactive to include citizens who have dogs.

There being no further comments, the Public Hearing was closed at 6:40 P.M.

Thereafter, Councilman Waszkiewicz moved that Local Law Introductory "A" of 2007 be adopted as Local Law No. Two of 2007 as follows; seconded by Councilman Woodland:

**TOWN OF NEW HARTFORD, NEW YORK
LOCAL LAW INTRODUCTORY "A" OF 2007**

A Local Law to amend the Code of the Town of New Hartford, Chapter 88 thereof entitled PARKS, by amending the applicability of provisions, the hours and days open and domestic animals allowed.

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

SECTION 1. Chapter 88 of the Code of the Town of New Hartford, Section 88-1, is hereby amended to read as follows:

Section 88-1. Applicability of provisions

This chapter shall apply to those lands owned by or under the control and supervision of the Town of New Hartford, dedicated or otherwise devoted to active or passive recreation and known as "Donovan Memorial Park", "Sherrillbrook Park", "Washington Mills Athletic Park", Recreation Center, "Veterans Memorial Park", "Philip A. Rayhill Memorial Trail", and any extensions thereof. Use of the term "park" in this chapter shall mean and include the above-referenced facilities.

SECTION 2. Chapter 88 of the Code of the Town of New Hartford, Section 88-2, is hereby amended to read as follows:

Section 88-2. Hours and days open

The "Donovan Memorial Park", "Sherrillbrook Park", and the "Washington Mills Athletic Park" shall be opened to the general public for pavilion rentals, field use Permits, and for normal passive recreational usage between May 1st and October 31st of each year following a daily opening and closing schedule as follows:

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May 1st to August 31st opening at 8:00 A.M. and closing at 8:30 P.M.
September 1st to October 31st opening at 8:00 A.M. and closing at 7:30 P.M.

The “Veterans Memorial Park” and “Philip A. Rayhill Memorial Trail” shall be opened to the general public for normal passive recreational usage year round with no limited hours of usage.

SECTION 3. Chapter 88 of the Code of the Town of New Hartford, Section 88-8, is hereby amended to read as follows:

Section 88-8. Domestic animals.

Domestic animals, including dogs, cats and horses, are to be leashed and under control of the owner, *guardian or caregiver*, at all times while within the park.

***Exception:** Dogs may be off leash while inside the dog park located at Sherrillbrook Park. All users of the dog park must have a valid registration on file with the Parks Office, along with the Department of Animal Control.*

All users of the dog park must adhere to the rules and regulations provided upon registration for a user ID card. The rules and regulations will also be posted at the entrance of the dog park, and also be available at the park offices, and animal control office. Violators will be subject to removal from the park, suspension of park privileges and subject to fines, as outlined in Chapter 56-1, Sections A – E, Chapter 56-1,2 Sections A – F, and Chapter 56-2, Chapter 88 Sections 8, 9 and 10 of the laws of the Town of New Hartford, in addition to the Oneida County Sanitary Code, Section X – V – 2 Subsection 3 h and i, along with Article 7, Section 119, Subsections a, b and c, along with Section 121 of the State of New York Agriculture and Markets Law; along with Section 2145 of the New York State Public Health Law, Title 4, Article 21.

SHERRILLBROOK DOG PARK

- Entry to, and use of, the dog park is restricted to Town-approved applicants only.
- Entry to the dog park is gained by proper use of a Town-issued magnetic access card.
- Persons seeking an application to use the dog park can do so by contacting the Town Parks and Recreation Office located in Sherrillbrook Park; telephone – 724-0654.

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- Dog Park hours:
 - April through September – 8:00 A.M. to 7:30 P.M.
 - October through March – 8:00 A.M. to 5:00 P.M. (weather permitting)
 - Maximum capacity not to exceed 110 dogs

Dog Park Rules and Regulations

- Persons making use of the dog park do so at his or her own risk of injury to self and dog(s).
- Persons making use of the dog park shall be responsible for injuries caused by his or her dog(s) to other persons and dogs. Persons responsible for any such injuries or property damage shall hold the Town of New Hartford harmless for same.
- Persons making use of the dog park must be 18 years of age or older and dogs must be at least four (4) months old, properly licensed with the State, with proper vaccinations for RABIES. PARVO/DISTEMPER and BORDATELLA vaccinations are recommended.
- No entry will be permitted without park registration tag, dog license tag, and rabies identification tag attached to the dog collar.
- Allowing other individuals to utilize a dog pass or to give access to unregistered dogs will result in immediate suspension of privileges.
- No choke, prong or spike collars as these can injure dogs during play.
- The permit holder must have in his or her possession a mutt mitt (baggy) or some other form of equipment to clean up after their dog(s). All waste must be placed in a mutt mitt and placed in a waste receptacle provided at the park in accordance with Chapter 56-1-1 of the New Hartford Code.
- No animals other than dogs may be brought into the dog park.
- Dogs must never be left unattended. Dog owner/permit holder must keep an eye on his or her dog(s) at all times and keep a leash available at all times.
- Dogs must be leashed at all times when not in the dog park.

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- Dogs may not be brought into the park if they are less than four (4) months old, sick or unhealthy, have a history of aggressiveness, have been adjudicated as dangerous by a court of law, or they are females in heat.
- If aggressive action is observed, the permit holder must leave the park immediately with the aggressive dog.
- Children under 12 years of age must be closely supervised at all times. It is strongly urged that, for their own safety, young children not be brought to the dog park; if they are, the children must be close enough to hold an adult's hand at all times.
- No food, treats, rawhide chews, alcoholic beverages, glass containers, strollers, bicycles, skateboards, roller blades or toys will be allowed in the dog park area. Littering and smoking is prohibited.
- No more than three beings* per handler will be allowed (*dogs and/or small children).
- Dog owners must immediately fill any holes their dog(s) dig; a shovel will be provided at the dog park entrance.
- Professional dog trainers/behaviorists and dog walkers are not permitted to use the dog park to conduct their business unless they are participating in a park-sponsored program approved by the New Hartford Parks Department.
- Dogs and permit holders, and park users creating a disturbance or violating rules must immediately leave the off-leash area if requested by law enforcement personnel, park personnel or their designated agents.
- No large dogs will be allowed in the small dog area and vice-a-versa.
- All gates must be closed at all times after entering or leaving.
- All dog bites must be reported to the New Hartford Animal Control Department at 733-6666. If a bite occurs, the dog's owner must exchange their name and phone number with the other dog owner.
- The Town of New Hartford Parks and Recreation Department reserves the right to close the dog park area for maintenance and repairs.

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Enforcement of the above rules and regulations is under the immediate supervision of the Town of New Hartford Animal Control Officer. Violators of dog park rules and regulations will be subject to one or more of the following:

- Removal from the park
- Suspension of park privileges
- Revocation of dog park permit and/or
- A fine as outlined and provided in Chapter 56-1, Sections A – E; Chapter 56-1, 2, Sections A – F, and Chapter 56-2; Chapter 88, Sections 8, 9 and 10 of the laws of the Town of New Hartford, in addition to the Oneida County Sanitary Code, Section X – V – 2, Subsection 3 h and i, along with Article 7, Sections 119, Subsections a, b and c, along with Section 121 of the State of New York Agriculture and Markets Law; along with Section 2145 of the New York State Public Health Law, Title 4, Article 21.

SECTION 4. All other provisions of Chapter 88 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 5. This Local Law shall become effective upon its filing with the Office of the Secretary of State.

A roll call vote was duly held and resulted as follows:

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

Thereafter, Local Law Introductory “A” of 2007 was declared unanimously carried and duly **ADOPTED** as Local Law No. Two of 2007.

REPORTS OF TOWN OFFICIALS

PARKS AND RECREATION DIRECTOR:

Appointments – Seasonal Parks and Recreation Employees

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

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(RESOLUTION NO. 112 OF 2007)

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 July 9, 2007 and ending August 31, 2007; all wages to be paid bi-weekly:

NAME	POSITION	RATE OF PAY
Dennis Blazek	Tennis Director	\$16.00 per hour
Jeffrey Blazek	Tennis Instructor	\$ 9.00 per hour
Vincent Semeraro	Tennis Instructor	\$ 9.00 per hour
Joseph Desens	½ day Recreation Attendant	\$ 7.15 per hour
Brianna Pristera	½ day Recreation Attendant	\$ 7.15 per hour

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**.

Executive Session – Leave of Absence

The Parks and Recreation Director asked to discuss in Executive Session an employee’s request for a leave of absence.

HIGHWAY SUPERINTENDENT:

Competitive Bid Results & Award – Bituminous Concrete Paving

On June 8, 2007 the Town received the following bids for Bituminous Concrete Paving during 2007 of various Town roads and Village streets the latter of which will be the responsibility of the Village of New Hartford for payment:

- \$491,030.79 – Ocuto Blacktop & Paving Co., Inc.
- \$399,730.65 – Barrett Paving Materials, Inc.
- \$429,861.50 – Hanson Aggregates, NY, Inc.

Upon recommendation of the Highway Superintendent, the following Resolution was introduced for adoption by Councilman Reynolds and duly adopted by Councilman Payne:

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(RESOLUTION NO. 113 OF 2007)

WHEREAS, the Town Superintendent of Highways did, on the 13th day of June, 2007, duly recommend the purchase of Bituminous Concrete Paving of various Town roads pursuant to the provisions of Section 142 of the Highway Law;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize the Town Superintendent of Highways to purchase, in accordance with the provisions of Article 5-A of the General Municipal Law, and with the approval of the County Superintendent of Highways, the Bituminous Concrete Paving of various Town roads from Barrett Paving Materials, Inc., P O Box 400, Washington Mills, New York 13479, the low bidder for a maximum aggregate price of Three Hundred Ninety-nine Thousand Seven Hundred Thirty Dollars and Sixty-five Cents (\$399,730.65), contingent upon receiving approval from the Village of New Hartford for paving of some village streets. A contract for the paving shall be duly executed in triplicate between the Town Superintendent of Highways, the Village of New Hartford and such vendor and when approved by the County Superintendent of Highways, it shall become effective. When the contract has been executed and approved, and upon installation of the paving, the Town Supervisor shall pay the amount of Two Hundred Seventy-eight Thousand Six Hundred Eighty-seven Dollars (\$278,687) from budgetary appropriations for purchase of paving, with the difference from the maximum aggregate price being paid by the Village of New Hartford.

FURTHER RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Clerk to release the Bid Bonds submitted by unsuccessful bidders, Hanson Aggregates and Ocuto Blacktop & Paving.

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

Fiscal – Vantage Equipment/Grad-all final payment

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

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(RESOLUTION NO. 114 OF 2007)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Bookkeeper to make the final payment of One Hundred Eighty-two Thousand Eight Hundred Dollars to Vantage Equipment, Inc. for purchase of one (1) used 2007 Grad-all, Model #XL3100, VIN 0210017941.

The Supervisor then 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 declared unanimously carried and duly **ADOPTED**.

Authorization for Competitive Bid – 2007 Sidewalk Paving Program

Upon request of Highway Superintendent Cleveland, Councilman Reynolds presented the following Resolution and moved its adoption, seconded by Councilman Payne:

(RESOLUTION NO. 115 OF 2007)

RESOLVED that the New Hartford Town Board shall receive sealed bids for the purchase of Sidewalk Paving within the Town, 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 Tuesday, July 10, 2007 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 Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

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Retirement – Richard Manuele, Highway Department Heavy Equipment Operator

Highway Superintendent Roger Cleveland announced that HEO Richard Manuele had retired in early June 2007; Superintendent Cleveland extended his thanks to Mr. Manuele for "...32 years of wonderful service to the Town."

Appointments – Temporary, Seasonal Employees

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

(RESOLUTION NO. 116 OF 2007)

RESOLVED that the New Hartford Town Board does hereby appoint the following individuals as temporary, seasonal laborers and for the hourly wages set opposite their several names, for the Highway Department, commencing on the dates noted hereunder; all wages to be paid bi-weekly:

NAME	RATE OF PAY	START DATE
Robert Reynolds	\$ 8.00/hour	May 29, 2007
Ryan Brady	\$ 7.75/hour	June 14, 2007
Wayne Rich	\$ 8.00/hour	June 18, 2007

Whereupon, the Town Board 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**.

Competitive Bid Results – Rejection of Pick-up Truck Bid

One bid had been submitted on June 1, 2007 for purchase of a Pick-up truck; no bid specification packages had been picked up from the Town Clerk's Office. Therefore, upon recommendation of the Highway Superintendent, Councilman Waszkiewicz introduced the following Resolution for adoption; seconded by Councilman Reynolds:

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(RESOLUTION NO. 117 OF 2007)

WHEREAS, the sole bid for the purchase of a Pick-up truck submitted by Steet-Ponte Ford on June 1, 2007 did not meet criteria published in the Legal Notice nor the terms of the bid specification package, said bid lacking:

- bid security
- non-collusion statement

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby reject the sole bid submitted by Steet-Ponte Ford due to aforementioned omissions in their bid submission; and be it

FURTHER RESOLVED that the Town Board does hereby authorize and direct the re-advertisement to purchase a Pick-up truck, after the Highway Superintendent contacts New Hartford Central School to determine their interest in a joint bid in an attempt to receive a better purchase price.

A roll call vote was duly held as follows:

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

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

Stormwater Study Area – Agreements for engineering services

Highway Superintendent Cleveland gave a brief overview of the Stormwater Advisory Committee meeting held June 5, 2007; he will distribute draft minutes. The next Committee meeting will be Wednesday, June 20, 2007 at the Kellogg Road Community Center Building. If the Committee advises to move forward, there are two (2) proposals for needed services. Upon recommendation of the Highway Superintendent, Councilman Payne introduced the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 118 OF 2007)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute a contract between the Town of New Hartford and Shumaker Engineering, the latter of which will provide the final design for

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stormwater improvements in the Oxford-Tibbitts-Kellogg Road area, at a not-to-exceed cost of Twenty-one Thousand Five Hundred Dollars (\$21,500); and be it

FURTHER RESOLVED that the said Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an agreement between the Town of New Hartford and Shumaker Engineering, the latter of which will provide an engineering study (hydraulic analysis) for the Woodberry-Beechwood Road area, at a not-to-exceed cost of Twenty-four Thousand Dollars (\$24,000); and be it

YET FURTHER RESOLVED that both agreements are contingent upon the recommendation of the Stormwater Advisory Committee.

Upon roll call, the Board voted as follows:

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**.

Sauquoit Creek bank erosion – Oneida Street, Washington Mills

Significant bank erosion has been discovered along Sauquoit Creek near the Oneida Street Washington Mills Water Pump Station. The Highway Superintendent will approach the Sauquoit Creek Drainage Basin Committee to determine if they'd support rehabilitation of this site by half the cost, subject to approval of the New York State Department of Environmental Conservation. Highway Superintendent Cleveland is attempting to find supplemental funding also.

Bid – Fuel System Upgrade

Bids had been received on February 7, 2007 for the Highway Department fuel system upgrade, but the project had been put on hold. The Highway Superintendent emphasized the need to initiate remediation work and he's discussed this with Councilman Reynolds, who will meet with the Town's consultants. Highway Superintendent Cleveland can't provide double-wall tanks and can't answer yes on the re-registration form. Upon the recommendation of the Highway Superintendent, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Payne:

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(RESOLUTION NO. 119 OF 2007)

RESOLVED that the New Hartford Town Board does hereby accept the low bid submitted by Marcy Excavation Co., Inc., 2256 Broad Street, Frankfort, NY, for the Highway Department Fuel System Upgrade, per their bid amount of Forty-four Thousand Six Hundred Dollars (\$44,600) and does hereby authorize and direct the Town Supervisor to sign all pertinent agreements relating thereto, subject to the Town meeting with its consultants and the Town making an inquiry to the New York State Department of Environmental Conservation as to their requirements for this fuel system upgrade.

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 declared unanimously carried and duly **ADOPTED**.

MS4's (Municipal Separate Stormwater Systems)

Highway Superintendent Cleveland thanked Planner Kurt Schwenzfeier for his work with Senior Engineering Technician John Meagher in preparing and submitting municipal reports to the New York State Department of Environmental Conservation, the latter of whom had accepted the reports.

Surplus Vehicles – Authorization to Dispose

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

(RESOLUTION NO. 120 OF 2007)

RESOLVED that the New Hartford Town Board does hereby declare as surplus the following former police vehicles:

- 2000 Ford Crown Victoria, VIN 2FAFP71W2YX178920
- 2000 Ford Crown Victoria, VIN 2FAFP71W9YX175643

and be it

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FURTHER RESOLVED that the Town Board does hereby authorize and direct the Highway Superintendent to forward all pertinent information to Telecommunicator Supervisor Jeffrey Madden, who shall place the above vehicles for sale on E-bay. Once the vehicles have been sold and the Town Supervisor has signed the Certificates of Title to transfer ownership, the Highway Superintendent and Telecommunicator Supervisor shall notify the Town Clerk’s Office, which will arrange to have the vehicles deleted from the Town’s insurance policy.

A roll call vote ensued:

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**.

Buildings & Grounds – Kellogg Road Community Center Building

Although Councilman Reynolds doesn’t want to invest a lot of money into the Kellogg Road Community Center Building, he did note that the kitchenette and bathrooms need new floors and fixtures. The building has a high use by groups and he believes the Town should maintain the building. The Highway Superintendent stating he was meeting tomorrow with the Buildings and Grounds employee and has plans to have the rugs cleaned.

Traffic Signal – Genesee Street at Campion Road

With regard to the possibility of installing a green arrow for northbound traffic on Genesee Street to turn left onto Campion Road, Planner Schwenzfeier had met with the New York State Department of Transportation, which doesn’t see this as feasible.

TOWN CLERK:

Salary Amendment – Deputy Town Clerk II

Upon request of the Town Clerk, the following Resolution was introduced by Councilman Waszkiewicz and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 121 OF 2007)

WHEREAS, upon recommendation of the Town Clerk at the May 9, 2007 Town Board meeting, a Resolution was adopted setting the salary of Deputy Town Clerk II Melody K. Fancett at Eighteen Thousand Dollars (\$18,000) annually; and

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WHEREAS, subsequent to the May 9, 2007 Town Board meeting, Personnel Technician Barbara Aiello noted that the entry-level salary for Clerks had been standardized at Eighteen Thousand Five Hundred Dollars (\$18,500); and

WHEREAS, the salary for Deputy Town Clerk II had been appropriated at \$18,500 in the 2007 Annual Budget;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby amend the salary of Deputy Town Clerk II Melody Fancett from \$18,000 annually to \$18,500 annually retroactive to May 27, 2007, payable bi-weekly.

The Resolution was subject to a vote 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***.

Non-budgeted Purchase – Computer Minitower

Upon request of the Town Clerk, Councilman Payne introduced the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 122 OF 2007)

WHEREAS, for several months a computer mini-tower in the Town Clerk’s Office had been sporadically shutting down on its own, with an employee loosing documents on which she was working; and

WHEREAS, the Town’s hardware technician has been called in numerous times, the most recent of which was May 30, 2007 at which time it was determined that the hard drive was no longer working and was irreparable; and

WHEREAS, this information had been brought to the attention of the Town Board on May 30, 2007;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Clerk to purchase one (1) new Dell Optiplex 320 Mini-tower from Dell Marketing, to be purchased from General Fund Account AA1680.2 at a cost of Six Hundred Fifty-five Dollars (\$655). Although this is a

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non-budgeted item, sufficient monies are available in this account due to lower equipment costs in 2007 compared to quotes submitted in preparation of the 2007 Annual Budget.

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***.

Fireworks Display Permit

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

(RESOLUTION NO. 123 OF 2007)

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 the Yahnundasis Country Club a Fireworks Display Permit for the display of fireworks upon their premises at 8639 Seneca Turnpike, New Hartford, New York on Wednesday, July 4, 2007, to start no later than 9:00 P.M., in accordance with the State Penal Law and regulations set forth in said Permit.

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

Fireworks Display Permit

Upon presentation by Town Clerk Gail Wolanin Young, the following Resolution was introduced for adoption by Councilman Payne and seconded by Councilman Woodland:

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(RESOLUTION NO. 124 OF 2007)

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 Mark D. Levitt a Fireworks Display Permit for the display of fireworks upon the property of Guy D. Wilcox, 9790 Mallory Road (cornfield), New Hartford, New York on August 11, 2007, to start no later than 9:00 P.M., in accordance with the State Penal Law and regulations set forth in said Permit. Dr. Wilcox has granted permission to Mr. Levitt for the fireworks display upon his property.

A roll call vote ensued:

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**.

13th Annual Wine Tasting and Auction – NYS Liquor Authority

The Faxton-St. Luke’s Healthcare Foundation is sponsoring their 13th Annual Wine Tasting and Auction on Saturday, June 16, 2007 and the NYS Liquor Authority has requested a letter from the Town acknowledging this event. Therefore, Councilman Waszkiewicz introduced the following Resolution for adoption; seconded by Councilman Payne:

(RESOLUTION NO. 125 OF 2007)

RESOLVED that the New Hartford Town Board does hereby acknowledge that the Faxton-St. Luke’s Healthcare Foundation will be sponsoring a Wine Tasting and Auction fundraiser on Saturday, June 16, 2007 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:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye

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

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

Training School

Upon presentation by the Town Clerk, the following Resolution was introduced for adoption by Councilman Payne and duly seconded by Councilman Woodland:

(RESOLUTION NO. 126 OF 2007)

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 Department Heads to attend the quarterly meeting of the Oneida County Association of Towns on Tuesday, June 19, 2007 to be held at Orchard Hall in the Town of Paris, 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 Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

Training School

In behalf of Hans Arnold and Frederick Kiehm, the Town Clerk presented the following Resolution, which was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Payne:

(RESOLUTION NO. 127 OF 2007)

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;

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NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby grant permission to Planning Board Chairman Hans G. Arnold and Zoning Board of Appeals member Frederick Kiehm to attend the Planning and Zoning Summer School on Thursday, August 9, 2007 at Hamilton College, Clinton, 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 Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

Zone Map Amendment Request – Local Law Introductory “B” of 2007

With regard to the application for a rezoning of a 100’ x 250’ parcel submitted by PH & S Property Management, said parcel being located at 180 Clinton Road, New Hartford, the Town Clerk gave the following overview:

- application received January 29, 2007 and referred to Town Planner for review as to accuracy and sufficiency
- Town Board referred the application to the Town Planning Board and the Oneida County Planning Department on March 14, 2007 for their review and written recommendation
- Town Board authorized referral of the application on March 14, 2007 for SEQR review by involved agencies
- on March 29, 2007 the recommendation of the County Planning Department was received
- on May 1, 2007 the SEQR response from the NYS Department of Transportation was received
- on May 16, 2007 the recommendation of the Town Planning Board was received.

Thereafter, 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 “B” OF 2007**

A Local Law to amend the Code of the Town of New Hartford, **Chapter 118** thereof entitled **ZONING**, and map coincidental thereto, as it pertains to property fronting NYS

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Route 12B (aka Clinton Road), a description of which is set forth in Section 2, and changing the designation of property from **MDR** (Medium Density Residential) to **PDI** (Planned Development Institutional).

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 118-8, and particularly the map coincidental thereto and made a part thereof, is hereby amended as follows:

Section 118-8. Zoning Map

(Change the designation of a 100' x 250' parcel, identified as Tax Map Parcel No. 328.000-2-73, owned by PH & S Property Management, Inc., from MDR [Medium Density Residential] to PDI [Planned Development Institutional].)

SECTION 2. The boundaries and description of said district are as follows:

THAT PIECES OR PARCELS OF LAND, situate in the Town of New Hartford, County of Oneida and State of New York, being a part of Lot No. 67 in the Seventh Division of Coxe's Patent and bounded and described as follows: Beginning at a point in the Utica-Clinton highway, distant 333.7 ft. from the southeast corner of the land conveyed by Owen E. Thomas and Elizabeth, his wife, to Charles B. Luke, of Whitesboro, New York by deed dated June 15, 1927, and recorded in the Oneida County Clerk's Office the same day in Book of Deeds No. 874 at page 141, and running thence westerly along said highway 100 ft. to a stake; thence northerly at right angles with said highway 250 ft. to a stake; thence easterly and parallel with said highway 100 ft. to a stake and thence southerly at right angles with said highway 250 ft. to the place of beginning, being a part of the premises conveyed by Evan Thomas to Owen E. Thomas by deed dated January 24, 1910, and recorded in the Oneida County Clerk's Office February 1, 1910, in Book of Deeds No. 656 at page 240.

SUBJECT to the restrictions and conditions contained in a deed from Harold E. Thomas, as Executor, to Louis K. and Marja K. Bienkowski dated July 1, 1942, and recorded in the Oneida County Clerk's office on March 1, 1943, in Book of Deeds 1023 at page 495, and further subject to a right of way given by Owen E. and Elizabeth Thomas to Utica Gas & Electric Co. by deed dated June 12, 1920 and recorded in the Oneida County Clerk's office on April 7, 1922 in Book of Deeds 802 at page 457.

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.

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

Schedule Public Hearing – Local Law Introductory “B” of 2007

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

(RESOLUTION NO. 128 OF 2007)

RESOLVED that the New Hartford Town Board shall conduct a Public Hearing on Wednesday, July 11, 2007 to commence at 6:00 P.M., or as soon thereafter as reached in the regular course of business, in the Kellogg Road Community Center Building, to consider the adoption of Local Law Introductory “B” of 2007 which, if adopted, would amend the Town Code, Chapter 118 thereof entitled ZONING, by changing the designation of a 100’ x 250’ parcel, identified as Tax Map Parcel No. 328.000-2-73, owned by PH & S Property Management, Inc., from MDR [Medium Density Residential] to PDI [Planned Development Institutional]; and be it

FURTHER RESOLVED that the Town Board does hereby authorize and direct the Town Clerk to publish the requisite legal notice in The Observer Dispatch.

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

Fiscal – Budget Adjustment

In behalf of the Bookkeeper, Town Clerk Young presented the following Resolution, which was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 129 OF 2007)

RESOLVED that, upon recommendation of the Highway Superintendent, the Town Board of the Town of New Hartford does hereby authorize and direct the Bookkeeper to make the following budget adjustment to cover the cost of engineering services performed by Cameron Group LLC Development/Route 840 Connector Study Project:

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- Increase AA1440.2 Engineering Woods Road - \$1,490.00
- Increase AA031.1 Inter-fund Transfer - \$1,490.00.

The Board then voted upon roll call, resulting 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*.

State Election Law – Responsibilities for Primary and General Elections

In October 2006 the Town Clerk had contacted the New York State Board of Elections, requesting a copy of the 2006 Election Law and at that time, was informed that Town Clerks had not been mailed a copy of the 2006 Election Law because, as a result of the Election Consolidation and Improvement Act of 2005, Town Clerks had no responsibility or authority over any part of the election process. Town Clerk Young was also informed that when the State centralized voting and created the State Board of Elections in the 1970's, Town Clerks did not have any responsibility except to obtain a list of prospective inspectors and clerks from the major political parties and submit same to the County Board of Elections. However, some County Boards of Elections may have passed off certain responsibilities to the town clerks or had a "friendly handshake" arrangement for town clerks to continue helping the County Election Commissioners. On June 8, 2007 the Town Clerk had discussed this with Attorney Green and on June 13, 2007 the Town Clerk had forwarded this information to the Town Board. Town Clerk Young believed that the New Hartford taxpayers should not be subsidizing County responsibilities through the salaries of the Town Clerk and Deputy(ies) and asked that the Town Board consider directing the Town Attorney to forward a letter to the Oneida County Board of Elections in this regard. Thereafter, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 130 OF 2007)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Attorney to forward a letter to the Oneida County Board of Elections informing the Election Commissioners that, in accordance with the Election Consolidation and Improvement Act of 2005, the Town of New Hartford will no longer provide any voting and or election related expenses, such as but not limited to recruiting workers, sending correspondence to workers and administering oaths of office, picking up election supplies

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and being a drop-off point, designation of polling locations, and repairing and delivering voting machines, effective immediately.

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

MATTERS SUBMITTED BY COUNCILMEN/ATTORNEY

COUNCILMAN PAYNE:

Agenda Items:

- *Evaluation for Re-appointment – Assessor* - Councilman Payne announced that the evaluation process will commence to consider the re-appointment of Paul E. Smith as Sole Assessor.
- *Buildings & Grounds - Kellogg Road Community Center Building* - This matter was discussed under the Highway Superintendent's Agenda items
- *Lighting - Recreation Center & Sanger Public Works Garage* – briefly discussed a time line to work with the Town Supervisor and Parks and Recreation director to move forward on lighting improvements; also, contact National Grid to determine if they offer some type of grant.

COUNCILMAN WASZKIEWICZ:

Agenda Items:

- *Oneida County Economic Development Zone Board* – meeting postponed until June 26, 2007
- *Americans Supporting Americans – ASA Committee* – Personnel Technician Barbara Aiello, Chairperson, reviewed the two meetings of the Committee. Councilman Waszkiewicz wanted to nominate the following citizens for appointment to this Committee:
 - Councilman Waszkiewicz
 - Councilman Payne
 - Personnel Technician II Barbara Aiello
 - Frederick Williams, Commander- New Hartford American Legion
 - Helen Harrington, Auxiliary Pres-American Legion Post #1376

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- *Ret. Major Joseph Bolton*
- *Carol E. Ryan, Secretary to Town Supervisor*
- *Janet Durr, New Hartford Village Clerk*
- *Daniel P. Gilligan, Supt.-New Hartford Central Schools*

[No action was taken.]

REPORTS OF TOWN OFFICIALS (CONT'D)

TELECOMMUNICATOR SUPERVISOR:

Appointment – Part-time Telecommunicator (Dispatcher)

Upon request of Telecommunicator Supervisor Jeffrey Madden, the following Resolution was introduced for adoption by Councilman Woodland and seconded by Councilman Reynolds:

(RESOLUTION NO. 131 OF 2007)

RESOLVED that the Town Board of the Town of New Hartford does hereby appoint Christopher J. Roy as a Part-time Telecommunicator (Dispatcher) for the Emergency Dispatch Center, to fill the vacancy created by the resignation of Nicole Panetta, effective June 18, 2007 at an hourly wage of Ten Dollars and Thirty-five Cents (\$10.35), payable bi-weekly.

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**.

TOWN CLERK:

The Town Clerk was excused from the Board meeting at 7:30 P.M. due to a family medical matter. Deputy Clerk Jones remained to record the proceedings.

MATTERS SUBMITTED BY COUNCILMEN/ATTORNEY (CONT'D)

COUNCILMAN REYNOLDS:

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Appointment – Part-time Codes Enforcement Officer

A meeting was held with the Codes Department regarding potential retirements within that Department. The Codes Department would like to have the Town Board consider advertising for an Assistant Codes Enforcement Officer. Upon the recommendation of Councilman Reynolds, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Payne:

(RESOLUTION NO. 132 OF 2007)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Personnel Technician to advertise the part-time Codes Enforcement Officer vacancy; and

BE IT FURTHER RESOLVED that this potential employee would be hired provisionally and would be required to pass a NYS Civil Service examination.

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**.

ATTORNEY GREEN:

Franchise Agreement – Time Warner Cable

Attorney Green recommended that the Town Board invite representatives of Time Warner Cable to a meeting to discuss the Franchise Agreement. The Town Board concurred and the Town Supervisor will forward such invitation.

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL:

Audit of Vouchers

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

(RESOLUTION NO. 133 OF 2007)

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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.11 Vouchers AA812-AA825	\$ 16,173.12
General Fund Whole-Town Abstract No. 12 Vouchers AA826-AA900, AA902-AA928 AA957-AA965	\$ 72,799.06
General Fund Whole-Town Abstract No. 12A Vouchers AA929-AA956; AA966-AA978	\$ 53,340.93
General Fund Highway Part-Town Abstract No 8. Vouchers DB218	\$ 25,000.00
Highway Fund Part-Town Abstract No. 9 Vouchers DN219-DN268	\$ 94,263.75
General Fund Part-Town Abstract No. 10 Vouchers Nos. BB85-BB99	\$ 15,435.15
Drainage Abstract No. 4 Vouchers HC11 and HC12	\$ 935.58
Sewer Abstract No. 10 Voucher SS30, SS31	\$ 7,015.51
Sewer Abstract No. 11 Voucher Nos. SS32 – SS41	\$ 5,228.09
Street Lighting – Abstract No. 6 Voucher No. SL6	\$ 7,794.48
Higby Road Water Tank Abstract No. 4 Voucher HF 7	\$ <u>105.00</u>
Capital/GEIS 2007 Study Abstract No. 3 Voucher No. HX4, HX5	\$ <u>55,415.00</u>
TOTAL:	\$353,505.67

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**.

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EXECUTIVE SESSION

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

(RESOLUTION NO. 134 OF 2007.)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the pending Union Contract for the Highway Department, the financial history of a particular employee, and the Vescera, Hilton, Par Technology and Applewood (Assessment) Certioraris brought against the Town of New Hartford..

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 7:40 P.M. Deputy Town Clerk I Margaret M. Jones was asked to remain present, in the event action was to be taken after Executive Session. Also remaining were the Personnel Technician, Parks and Recreation Director and Town Attorney.

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 135 OF 2007)

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.

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The Resolution was declared unanimously carried and duly **ADOPTED**; the Executive Session ended at 8:45P.M. The regular portion of the Town Board meeting was reconvened at 8:45 P.M.

ASSESSMENT GRIEVANCE (CERTIORARI) SETTLEMENT -VESCERA

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

(RESOLUTION NO. 136 OF 2007)

RESOLVED that the New Hartford Town Board does hereby agree to settle the following Certiorari proceeding brought against the Town of New Hartford for the amount(s) specified:

Christopher Vescera

Location of property: 4 Tilton Road, New Hartford

<u>Tax Map No.</u>	<u>Initial Assessment</u>	<u>New Assessment</u>	<u>Tax Year</u>
329.020-7-44	\$225,000	\$190,000	2004-2005
		\$190,000	2005-2006
		\$190,000	2006-2007
		\$190,000	2007-2008
		\$190,000	2008-2009

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**.

Hilton Certiorari

Upon the recommendation of Attorney Gerald J. Green, Councilman Reynolds presented the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 138 OF 2007)

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RESOLVED that the New Hartford Town Board does hereby recommend and approve that Assessor Paul Smith have the Karen E. Hilton property located at 1221 ½ Pleasant Street, Tax Map No. 331.017-4-25.2 appraised so that the Town can move forward with this Assessment Certiorari.

The Town Board members then voted upon roll call as follows:

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

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

Par Technology Certiorari

Upon the recommendation of Attorney Gerald J. Green, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Payne:

(RESOLUTION NO. 139 OF 2007)

WHEREAS, Attorney William Ryan does recommend that the Town of New Hartford settle the Par Technology Certiorari in accordance with the terms outlined in his letter dated May 17, 2007;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does accept the recommendation submitted by Attorney William Ryan to settle the Par Technology Certiorari as follows:

<u>Tax Map No.</u>	<u>Initial Assessment</u>	<u>New Assessment</u>	<u>Property Location</u>
328.000-3-010.1	\$8,307,500.00	\$7,700,000.00	8383 Seneca Turnpike New Hartford, NY

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.

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

SDG Contract

Upon the recommendation of Attorney Gerald Green, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Payne:

(RESOLUTION NO. 140 OF 2007)

RESOLVED the New Hartford Town Board does recommend that Assessor Paul Smith obtain additional quotes for the Tax Assessment Program according to the Town Procurement Policy even though the Grant Application does not specifically request that the Town of New Hartford obtain different quotes.

The Board members voted 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*.

Applewood Certiorari

Upon the recommendation of Attorney Gerald Green, Councilman Payne presented the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 141 OF 2007)

RESOLVED that the New Hartford Town Board does approve hiring an appraiser for the Applewood Certiorari for property located at Seneca Turnpike, Tax Map Number 315.000-4-7 and whose principal office is located at 21 Applewood Boulevard, Clinton, New York. The cost of the appraisal will be shared, with the Clinton School District paying ninety (90) per cent and the Town of New Hartford paying Ten (10) percent of said cost.

The Board members voted as follows:

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

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Supervisor Reed - Aye.

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

New York State Department of Environmental Conservation – Sanitary Sewer Permits

Upon the recommendation of Attorney Gerald Green, Councilman Reynolds presented the following Resolution for adoption; seconded by Councilman Waszkiewicz

(RESOLUTION NO. 142OF 2007)

RESOLVED that the New Hartford Town Board does hereby authorize and direct Supervisor Reed to execute and send the letter, which Attorney Gerald Green had written to Judy Drabicki, Esq. Regional Director, New York State Department of Environmental Conservation, requesting a meeting to resolve any issues regarding the issuance of sanitary sewer permits.

The foregoing Resolution was duly put to a vote on roll call, which resulted 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**.

Leave of Absence – Mark Roller

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

(RESOLUTION NO. OF 2007)

WHEREAS, Mark Roller, Recreation Center Foreman in the Parks and Recreation Department has requested a Ninety (90) Day leave of absence from June 24, 2007 to September 22, 2007; and

WHEREAS, leave credits accumulated by Mark Roller as of June 9, 2007 will be frozen as follows: personal – 2.5 hours; vacation – 28.5 hours; sick time – 39.5 hours and floating holiday – 8 hours; and

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WHEREAS, retirement, vacation, personal or sick time will not accumulate during Mark Roller's leave of absence and all the benefits will be reactivated with the same seniority level upon his return; and

WHEREAS, health insurance will remain in effect until September 30, 2007. When Mark Roller returns to work on September 22, 2007, teamsters will not reactivate his health insurance until January 1, 2008, and Cobra will be offered if Mark Roller desires coverage from October through December; and

WHEREAS, if Mark Roller does not return to his position by September 22, 2007, at the leave will become permanent and remaining sick time, time vacation and compensatory time will be paid out and all benefits will be permanently closed, and Cobra for temporary health insurance coverage will then be offered as required by law;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does approve the leave of absence for Mark Roller which is to commence on June 24, 2007 and will end on September 22, 2007, and

BE IT FURTHER RESOLVED, that the New Hartford Town Board does upgrade James Campbell, Parks and Recreation Laborer, to the position of Temporary Recreation Center Foreman, effective June 24, 2007 through September 22, 2007, at an hourly wage of Fifteen Dollars and Seven Cents (\$15.07) which includes a temporary One Dollar and Twenty-Five Cents (\$1.25) hourly increase in his wages as outlined in the union contract while he serves as the Temporary Recreation Center Foreman.

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**.

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ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made and seconded, the meeting was adjourned at 8:50 P.M.

Respectfully submitted,

**Gail Wolanin Young
Town Clerk**

**Margaret M. Jones
Deputy Clerk I**