

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT THE KELLOGG ROAD COMMUNITY
CENTER BUILDING, IN SAID TOWN ON WEDNESDAY,
JULY 11, 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: Codes Enforcement Officer Joseph A. Booth
Highway Superintendent Roger A. Cleveland
Police Chief Raymond Philo
Planner Kurt Schwenzfeier
Town Clerk Gail Wolanin Young and
Deputy Town Clerk I Margaret M. Jones

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

PART-COUNTY SEWER DISTRICT – STORMWATER INFILTRATION

Supervisor Reed acknowledged that the New York State Department of Environmental Conservation and Oneida County Executive Anthony Picente had signed a Consent Order, which will allow projects in the Town to proceed and therefore, allow economic development to proceed.

PUBLIC HEARING

6:01 P.M.

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

The Town Clerk opened the Public Hearing at 6:01 P.M., announcing that the purpose of the Hearing was to offer citizens an opportunity to speak for, against, or to comment upon Local Law Introductory “B” of 2007 which, if adopted would amend the Town’s 1999 Zoning Law and Map from **MDR** (Medium Density Residential) to **PDI** (Planned Development Institutional) for property owned by P H & S Property Management, said parcel at 180 Clinton Road (aka NYS Route 12B), further identified as Tax Map Parcel No. 328.000-2-73. P H & S Property Management has requested the rezoning to allow operation of their corporate offices at this location. The Notice of Public Hearing, Proof of Publication (June 26, 2007 edition of the Observer Dispatch) and Affidavit of Posting were available.

REGULAR TOWN BOARD MEETING

July 11, 2007

Page 2

Town Clerk Young gave the following overview:

- application received January 29, 2007 and referred to Town Planner for review as to accuracy and sufficiency
- Town Planner wrote on February 23, 2007 that he had no comments or concerns
- 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
- on June 25, 2007 notified affected property owners within a 500 foot radius of the subject property that a Public Hearing had been scheduled for July 11, 2007

The public was then invited to speak on the matter of the rezoning:

- *Mary Carhart*, who had delivered a packet of correspondence to the Town Clerk's Office earlier in the day, reviewed some two-summars old issues made known in the past to Presbyterian Home Executive Director Raymond Garret, the Preswick Glen Project Manager, Town Planner Kurt Schwenzfeier and Senior Engineering Technician John Meagher, and which issues they would like resolved in accordance with the Pre-Development Agreement pertaining to construction at Preswick Glen:
 - time constraints – contractor is working before 7 AM and after 7 PM
 - dust – contractor is supposed to water the area twice daily but isn't; the Carharts and neighbors can't use their respective decks – covered with dust, can't open windows because of dust
 - landscape barrier - Preswick Glen was supposed to get back to the Carharats about the trees removed from her backyard and which area is now void of any greenery.
 - Planting of grass area is unacceptable where Preswick Glen had a temporary 10' easement for sewer line and 15' easement for their vehicles.

Supervisor Reed, Councilman Woodland [affirmed the removal of trees leaves "...a hole between the properties"], Planner Schwenzfeier and Codes Enforcement Officer Joseph Booth will meet with Executive Director Raymond Garrett to address these deficiencies. Supervisor Reed stated that the Zone Map Amendment application is for the corporate

REGULAR TOWN BOARD MEETING

July 11, 2007

Page 3

offices only and has no impact on Preswick Glen, nor the Town's tax issue with Preswick Glen.

In response to Councilman Reynolds' question if the Presbyterian Home had been somewhat responsive to the Carharts' concerns, Mrs. Carhart replied "... in letters, yes, but that's it." Planner Schwenzfeier acknowledged that the Carharts have some problems with time and dust and everytime Mrs. Carhart calls him, the Planner has contacted Mr. Garrett and the contractors and has written letters. Tomorrow morning, they need to know they have a written agreement with the Town and must adhere to the Pre-Development Agreement, said the Planner. Councilman Payne inquired if this would be a police issue or a codes issue; Planner Schwenzfeier thought it might possibly be a police matter, disturbing the peace. Police Chief Philo believed it is more of a breach of agreement and thought that some type of action like pulling their permits might be in order.

- **Paul Dudajek**, whose wife's family had the Thomas homestead built at 180 Clinton Road, by his wife's great grandparents, expressed concerns
 - residential property shrinking
 - changing the character of the building in the future
 - property goes from taxable status to exempt status
 - residential traffic in the area (nearby apartment complex)
 - sufficient parking

The Town Planner stated that P H & S Property Management has no plans to change the house, they only want to relocate their corporate offices; and that as long as they don't make any changes outside the road right-of-way, no driveway permit is required from the NYS Department of Transportation. The property has been purchased by P H & S Property Management, a division of the Presbyterian Home, therefore, the building would remain on the assessment/tax rolls because it's offices, according to the Planner. The Planned Development Institutional [PDI] classification allows the Planning Board to make stipulations on the property and the PDI classification is an extension of the adjoining property classification, therefore eliminating "spot zoning."

There being no one further to speak in the matter, the Supervisor declared the Public Hearing closed at 6:21 P.M.

Action – Local Law Introductory "B" of 2007

The following Resolution was offered for adoption by Councilman Reynolds and duly seconded by Councilman Woodland;

REGULAR TOWN BOARD MEETING

July 11, 2007

Page 4

(RESOLUTION NO. 146 OF 2007)

RESOLVED that the New Hartford Town Board does hereby table action on Local Law Introductory “B” of 2007 until the August 8, 2007 Town Board meeting, at which time it is expected that concerns expressed at the July 11, 2007 Public Hearing have been addressed and a meeting has been held among Town representatives and the Preswick Glen Construction Manager.

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 declared unanimously carried and duly **ADOPTED**

PUBLIC PRESENTATIONS

Corr Family’s Acknowledgement of Support

David and Kathy Corr, parents of the late New Hartford Police Officer Joseph Corr, together with their daughters, acknowledged the support their family has been given over the past year and a half since Joe’s death on February 27, 2006. In appreciation, the Corr family presented a plaque, with a replica of Joe’s police vehicle, to Police Chief Philo and to the Town Board.

MINUTES APPROVAL

June 13 and June 28, 2007 Town Board Minutes

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

(RESOLUTION NO. 147 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 **June 13, 2007** and the minutes of the **Special** Town Board meeting held **June 28, 2007** and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	Aye
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REGULAR TOWN BOARD MEETING

July 11, 2007

Page 5

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

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

PUBLIC PRESENTATIONS (CONT'D)

WILLOWVALE FIRE – PROPOSED SERVICE AWARD PROGRAM

Robert Urtz of Bailey, Haskell & LaLonde, gave an overview of the Service Award Program benefit for active firefighters of the Willowvale Fire Co. who meet the requirements of the NYS Service Award Program as it pertains to the Volunteer Firefighter. The Program can provide tangible recognition to the Volunteer for his/her years of dedicated community service and is designed to allow the Sponsor to fund for and accumulate assets to provide for a future benefit. This is a Defined Benefit [DB] proposal which utilizes an actuarial cost method that assumes active participation by each member named to ultimately provide these program benefits. This program provides financial support to recruit new members and keep existing members. The Willowvale Fire Company has chosen a 65-year entitlement age. The Service Award Program is subject to mandatory referendum, to be approved by registered voters in Fire District No. 4. If the Town Board decides to proceed, a Resolution must be adopted by a 2/3's vote and the special election held within 30 to 45 days of adoption of the Resolution.

Mr. Urtz then reviewed:

- Point Categories – training courses, meetings, fire drills, etc. for volunteers to earn points
- Prior Service Credit – can buy back 5 years
- Options – death or disability
- Vesting schedule – total of 5 years
- Minimum/maximum amounts to contribute annually

Those who would need to be involved in the program would be Damien Ulatowski and Robert Urtz of Baily, Haskell & LaLonde as well as the Town Attorney and the actuary.

Mr. Urtz presented the Resolution for the Board's action, indicating that the Willowvale Fire Company would like to have the special election on September 11, 2007; however, the Town Clerk had some concerns noting that the Oneida County Board of Elections now owns all former town voting machines, that she would have to work with the Assessor's Office and County Board of Elections to obtain a list of eligible voters and street addresses. Further, due to the workload at the Board of Elections from July to

REGULAR TOWN BOARD MEETING

July 11, 2007

Page 6

November including Primary and General Elections, the Town Clerk needs to contact that agency to determine if they can meet the Town's needs. Mr. Urtz stated that a public hearing is not required but can be held; Bailey, Haskell & Lalonde had worked with the Villages of New Hartford and Whitesboro, the Town of Frankfort and the Maynard Fire Department to implement Service Award Programs. After some discussion, it was agreed the Town Clerk would contact the Oneida County Board of Elections and the matter would be placed on the Agenda for the August 8, 2007 Town Board meeting.

TIME WARNER CABLE:

Linda Henry, General Manager – East Region/Syracuse Division of **TIME WARNER CABLE** was present to respond to a number of questions after Town Attorney Gerald Green had reviewed the current Franchise Cable Television agreement, dated December 2001:

Q. What is the nature and extent of cable coverage in the Town:

R. At the time the franchise was signed, the only areas not cabled were sections of Sessions and Mallory Road. Since then, those areas were completed as promised. Any new build since the franchise was signed will be built according to the Standards outlined in the franchise agreement. If there are areas of interest that The Town is aware of, please let us know and we will schedule a survey asap. The entire town was built, as promised by Adelphia, to 860 Mhz. Time Warner Upgraded even further to 1 gig after the purchase of the Adelphia systems last year.

Q. Has a copy of Time Warner's liability insurance coverage indemnifying the Town been presented for review and approval? Has proof of Worker's Compensation coverage also been provided:

R. Time Warner assumed the insurance coverage responsibility as outlined in the franchise agreement. In case you don't have an official copy from Time Warner, I obtained an updated copy and have it with me tonight.

Q. A franchise fee of 5% of Time Warner's gross revenues, less any amount paid to Commission, is due the Town on a quarterly basis. Have these monies been paid? If so, has anyone from the Town ever verified the amounts paid?

R. Yes, Time Warner has paid a total of \$159,505.20 since the change in ownership last August 2006. Ms. Henry recalled the last time specifics were requested from Councilman Waszkiewicz in March 2004 and she supplied him with the information he requested. I would have to ask you if someone from the Town has verified the

REGULAR TOWN BOARD MEETING

July 11, 2007

Page 7

amounts paid recently. However, Ms. Henry assured the Board these payments are monitored very closely by Time Warner to make sure the company is in compliance.

Q. Has the statutory maximum franchise fee been increased under federal law? If so, then the Town is authorized to increase the franchise fee.

R. No, the fee has not been increased under federal law; Time Warner agrees with the statement that followed to the extent outlined in the franchise agreement, which allows a maximum of 7% should the federal law approve it to that percentage.

Q. This franchise may not be sold or transferred without the written consent of the Town. Was this consent given by the Town?

R. The Town of New Hartford was notified of the purchase of Adelphia by Time Warner in a letter from Executive Vice President, Mr. Barry Rosenblum, dated June 10, 2005. Then Town Attorney, Vincent Rossi, responded in a letter dated July 25, 2005 noting concern about completion of Town wiring. Adelphia Attorney Tom Wilson responded in a letter dated August 1, 2005, referring to an extension which has now been completed – all extension requirements have been fulfilled. No response was received to Mr. Wilson's letter and the approval process essentially timed out on the part of the Town to enter an objection to the transfer of ownership.

Q. Under what conditions can Time Warner increase cable charges to Town Customers? By what agency or authority are cable rates otherwise regulated?

R. Time Warner's monthly charges are unregulated under federal law except for their charges for the lowest level basic cable service and the equipment used to receive the basic service. Those rates are subject to regulation by the franchising authority, but the rate formulas are set by the FCC. As a side note, please keep in mind that Time Warner could have introduced a rate increase in October 2006 – which is when an Adelphia increase would have take place had they remained the owners. Time Warner opted to wait an additional six months – or a total of 18 months – until the system was fully upgraded to 1 gig (more than 860 Mhz promised and fulfilled in the franchise agreement). With the upgrade, Time Warner added many additional channels, Video On Demand, digital Telephone service. With that came the capability to have customers bundle their services – a great value on each service as part of that bundled package.

Q. Adelphia offered to assist with the filming of an occasional Town Board meeting. Does this offer still stand with Time Warner?

REGULAR TOWN BOARD MEETING

July 11, 2007

Page 8

R. Time Warner agrees as long as personnel is available and it will not adversely affect the operation of Time Warner’s business.

Q. Adelphia also offered to assist the Town with Christmas decorations. Does this offer still stand with Time Warner?

R. Time Warner agrees as written – if manpower is available and not jeopardizing the appropriate operation of Time Warner’s business or service to its customers, Time Warner will assist with Christmas decorations in the Town of New Hartford. Time Warner will only conduct this assistance if the Town can provide a Certificate of Insurance indemnifying both the Town and Time Warner against any injuries or claims as a result of such assistance.

REPORTS OF TOWN OFFICIALS

PARKS AND RECREATION DIRECTOR:

Appointment – Seasonal Parks & Recreation Employee

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

(RESOLUTION NO. 148 OF 2007)

RESOLVED that the New Hartford Town Board does hereby appoint Timothy Newman as a Seasonal Bus Driver for the 2007 Summer Recreation Program at the hourly wage of Eleven Dollars and Sixty-seven Cents (\$11.67), commencing July 12, 2007 and terminating at the close of said Summer Program.

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.

Recreation Center Ice Rental Rates:

Upon recommendation of Parks and Recreation Director Michael Jeffery, Councilman Waszkiewicz introduced the following Resolution for adoption, seconded by Councilman Reynolds:

REGULAR TOWN BOARD MEETING
July 11, 2007
Page 9

(RESOLUTION NO. 149 OF 2007)

RESOLVED that the New Hartford Town Board does hereby establish the ice rental rates at the Recreation Center for the 2007-2008 season, as follows:

- \$106.91 per hour for Prime time
- \$ 66.08 per hour for New Hartford youth group.

These rates represent a Three Percent (3%) increase.

The Town Board then 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

HIGHWAY SUPERINTENDENT:

Award of Competitive Bid – Multi-Purpose Excavator

At the March 14, 2007 Town Board meeting the Highway Superintendent had asked that the Town Board withhold action on a bid received for a multi-purpose excavator until after the March 29, 2007 Special Election on a number of bond issues. At the May 9, 2007 Board meeting, a Resolution was adopted authorizing the borrowing of moneys to pay for this equipment; however, the Town Clerk recently noticed that a Resolution to award the bid was overlooked. Therefore, Councilman Payne introduced the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 150 OF 2007)

WHEREAS, the Town Superintendent of Highways did, on the 11th day of July, 2007, duly recommend the purchase of certain equipment 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, one (1) used 2007 Grad-all (multi-purpose excavator), VIN 0210017941, Model XL3100, from the sole bidder Vantage Equipment

REGULAR TOWN BOARD MEETING

July 11, 2007

Page 10

LLC, 5985 Court Street, Syracuse, NY 13206, as per Town specifications, for a maximum aggregate price of Two Hundred Seven Thousand Eight Hundred Dollars (\$207,800), to be delivered immediately at the Sanger Public Works Garage, 111 New Hartford Street, New Hartford, New York.

A contract for the item(s) purchased shall be duly executed in triplicate between the Town Superintendent of Highways 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 delivery of the item purchased, the Town Supervisor shall pay the amount of Two Hundred Seven Thousand Eight Hundred Dollars (\$207,800) from the proceeds of obligations issued pursuant to the Local Finance Law.

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***.

Competitive Bid Results (Reject) – Pick-up Truck

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

(RESOLUTION NO. 151 OF 2007)

WHEREAS, a Bid Opening was held on Tuesday, July 10, 2007 for the purchase of one (1) 2007 Pick-up Truck at which time only one (1) bid had been submitted; and

WHEREAS, the sole bid submitted by Don’s Ford, Inc., 5712 Horatio Street, Utica, NY 13502 was deficient in that:

- bid security in the form of a Bid Bond or Certified Check was not included in the bid
- delivery time of 4 –6 months because orange is not a stock color is not acceptable

REGULAR TOWN BOARD MEETING

July 11, 2007

Page 11

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby reject the sole bid submitted by Don's Ford, Inc. based upon the aforementioned reasons; and be it

FURTHER RESOLVED that the Town Board does hereby authorize and direct the re-advertisement to purchase one (1) 2008 Pick-up truck, color – white, with bids to be received in the New Hartford Town Clerk's Office by 10:45 A.M. on Tuesday, August 7, 2007. All bids shall be publicly opened on said date and place at 11:00 A.M. The Town Clerk is hereby authorized to publish the legal requisite Invitation to Bid in the Observer Dispatch.

The foregoing Resolution was voted upon by 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***.

Authorization for Preparation of Specifications and Competitive Bid - Sidewalks

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

(RESOLUTION NO. 152 OF 2007)

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 Al Swierczek, P.E., the latter of whom will prepare the specifications for the 2007 Sidewalk Program, and incidentals thereto, at a cost not to exceed Twenty-nine Hundred Dollars (\$2900); and be it

FURTHER RESOLVED that the said Town Board shall receive sealed bids for the 2007 Sidewalk Program, as per Town specifications, until 10:45 A.M. on Tuesday, August 7, 2007 in the New Hartford Town Clerk's Office, 48 Genesee Street, New Hartford, NY where all bids received shall be publicly opened and read aloud at 11:00 A.M. on said date; and be it

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

REGULAR TOWN BOARD MEETING

July 11, 2007

Page 12

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**.

Agreement for Snow & Ice Control on County Highways

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

(RESOLUTION NO. 153 OF 2007)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Superintendent of Highways and the Town Supervisor to enter into and to execute an Agreement with the County of Oneida, by and through Dennis S. Davis, Deputy Commissioner, County Department of Public Works, 6000 Airport Road, Oriskany, New York, for the control of snow and ice on County Roads for the Snow Season dating from November 1, 2007 through April 30, 2008 and as more fully set forth in an Agreement on file in the New Hartford Town Clerk's Office. The Town will receive \$4,000 per centerline mile for snow and ice removal.

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

Promotions – Highway Department

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

REGULAR TOWN BOARD MEETING

July 11, 2007

Page 13

(RESOLUTION NO. 154 OF 2007)

WHEREAS, the retirement of Richard Manuele in June 2007 has created a vacancy in the position of Heavy Equipment Operator (HEO);

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby promote Corey Halpin from his current position of Motor Equipment Operator (MEO) to fill the vacancy of HEO created by Mr. Manuele's retirement, said promotion effective July 9, 2007; and be it

FURTHER RESOLVED that, due to the promotion of Mr. Halpin to HEO, which creates a vacancy in his former position of MEO, the New Hartford Town Board does hereby promote Keith Gehringer from his current position of Laborer to fill the vacant position of MEO, effective July 9, 2007; and be it

YET FURTHER RESOLVED that the Highway Superintendent has confirmed that Personnel Technician II Barbara Aiello and the Oneida County Personnel Department have approved the referenced promotions, the latter of which administers the New York State Civil Service rules and regulations; all wages shall be in conformity with the current bargaining agreement and shall be paid bi-weekly.

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**.

Appointment – Seasonal Highway employee

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

(RESOLUTION NO. 155 OF 2007)

WHEREAS, three (3) Highway Department employees have been out of work due to non-work related injuries, with one (1) employee having returned to work on Tuesday, July 10, 2007 and the remaining two (2) not expected to return to work until the end of Summer 2007;

REGULAR TOWN BOARD MEETING

July 11, 2007

Page 14

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby appoint Noah Dinerstein as a 2007 Seasonal Highway Laborer, effective immediately, to work during the absence of two (2) full-time Highway Department employees; his hourly wage is hereby established at Seven Dollars and Seventy-five Cents (\$7.75), payable bi-weekly.

Highway Superintendent Cleveland apprised the Board that Personnel Technician II Barbara Aiello and the Oneida County Personnel Department had approved Noah's employment application. Thereafter, a roll call vote was duly held as follows:

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

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

Agreement – Sauquoit Creek Basin Intermunicipal Commission

With regard to Resolution No. 145 adopted June 28, 2007 contingent upon review by the Town Attorney, the Highway Superintendent reported that Attorney Green has completed his review of the Inter-municipal Agreement and has approved same.

Stormwater Advisory Committee – Study Areas

The Highway Superintendent reported on progress of the first two (2) meetings and identified that, based on prior Town Board approval and the Stormwater group's acquiescence that a contract with Shumaker Engineering be executed to begin hydrologic analysis work on the Woodberry-Beechwood Road sub-area. However, the contract for final design of the Oxford-Tibbitts Road improvement was tabled pending further analysis by Shumaker Engineering in regard to directing additional flow from Tibbitts Road into the proposed detention basins near the intersection of Oxford-Kellogg Road. Discussion ensued about receiving input from the Oneida County Soil and Water Conservation District. Thereafter, Councilman Payne introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 156 OF 2007)

RESOLVED that the New Hartford Town Board, in furtherance of their June 13, 2007 Town Board Resolution No. 118, and upon recommendation of the Stormwater Advisory Committee, does hereby authorize the expenditure of Twenty-four Thousand Dollars (\$24,000) for hydrologic analysis work in the Woodberry/Beechwood Road sub-area.

REGULAR TOWN BOARD MEETING

July 11, 2007

Page 15

Upon roll call, the Board voted as follows:

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

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

Budget Transfer – Engineering Services

Upon request of the Highway Superintendent, the following Resolution was offered for adoption by Councilman Waszkiewicz and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 157 OF 2007)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Bookkeeper to transfer the sum of Four Thousand Two Hundred Thirty Dollars and Fifteen Cents (\$4,230.15) from the Fees in Lieu of Mitigation (FILM) Account [Highway category] to General Fund Whole-Town Engineering Account AA1440.4 to cover the invoice from Shumaker Engineering for the break in access analysis for the Woods Highway-Judd Road intersection.

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

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

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

Acquisition of real estate

The Highway Superintendent had a land acquisition matter he wished to discuss in Executive Session.

PLANNER:

Agreement for Professional Services - Evaluation of the Seneca Turnpike/Commercial Drive GEIS Study

REGULAR TOWN BOARD MEETING

July 11, 2007

Page 16

The Final Generic Environmental Impact Statement (FGEIS) was completed for the Seneca Turnpike (NYS RT 5) – Commercial Drive (NYS RT 5A) - Middle Settlement Road (NYS RT 5B CTY RT 30) Area in the Town of New Hartford in February 1992. The document was developed to analyze future growth trends, associated impacts and appropriate mitigations for a period through 2010. The document also quantified future improvements and costs, and serves as the basis for computing Fees In Lieu of Mitigation of developers within the Statement Area choose to participate in the identified off-site mitigation program through financial offerings. It has been fifteen (15) years since completion of the FGEIS. In the last fifteen (15) years, significant land development has occurred and characteristics in the area have changed, however the Findings Statement has not changed commensurately to reflect the changes required to mitigate issues of environmental significance, nor has the level of developer mitigation been updated to address the changes or to account for inflation. This study will establish a new baseline for the assessment of land development projects, traffic improvements, and the calculation of off-site mitigation costs attributable to new development within the study area. It is anticipated that this study will serve as the basis for re-evaluation and amendment of the FGEIS Statement of Findings.

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

(RESOLUTION NO. 158 OF 2007)

WHEREAS, the Town intends to carry out an Evaluation of Commercial Drive GEIS Study in the Town of New Hartford and has requested the Consultant *peter j. smith* to furnish professional services in connection therewith;

For the review of the study, the Consultant propose the following:

- Review existing study
 - Assess impacts identified
 - Assess mitigation measures proposed
- Assess effectiveness of Fees in Lieu of Mitigation since implementation
- Propose new and revised Fees In Lieu schedule

AND WHEREAS, the Town of New Hartford hereby retains the *peter j. smith* for the purpose of carrying out the preparation of the Study;

AND WHEREAS, the existing GEIS Fees In Lieu of Mitigation will be authorized for use in the evaluation and that the Consultant shall be paid no more than \$30,000.00 for professional services;

REGULAR TOWN BOARD MEETING

July 11, 2007

Page 17

RESOLVED that the New Hartford Town Board does hereby authorize the Town Supervisor to enter into and execute an Agreement between the Town of New Hartford and p j smith and associates for an Evaluation of Commercial Drive GEIS Study at a cost not to exceed Thirty Thousand Dollars (\$30,000).

The foregoing Resolution was duly put to a vote upon roll call, resulting 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**.

Agreement for Professional Services - Evaluation of the French Road/Burrstone Road/Champlin Avenue/New Hartford Street GEIS Study

The Final Generic Environmental Impact Statement (FGEIS) was completed for the Burrstone Road – French Road – Champlin Avenue – New Hartford Street – Clinton Street Area in the Town of New Hartford in September 1993. The document was developed to analyze future growth trends, associated impacts and appropriate mitigations for a twenty (20) year planning period. The document also quantified future improvements and costs, and serves as the basis for computing Fees In Lieu of Mitigation of developers within the Statement Area choose to participate in the identified off-site mitigation program through financial offerings. It has been fourteen (14) years since completion of the FGEIS. In the last fourteen (14) years, significant land development has occurred and characteristics in the area have changed, however the Findings Statement has not changed commensurately to reflect the changes required to mitigate issues of environmental significance, nor has the level of developer mitigation been updated to address the changes or to account for inflation. This study will establish a new baseline for the assessment of land development projects, traffic improvements, and the calculation of off-site mitigation costs attributable to new development within the study area. It is anticipated that this study will serve as the basis for re-evaluation and amendment of the FGEIS Statement of Findings.

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

(RESOLUTION NO. 159 OF 2007)

WHEREAS, the Town intends to carry out an Evaluation of Burrstone/French Road GEIS Study in the Town of New Hartford and has requested the Consultant **peter j.**

REGULAR TOWN BOARD MEETING

July 11, 2007

Page 18

smith to furnish professional services in connection therewith;

For the review of the study the Consultant propose the following:

- Review existing study
 - Assess impacts identified
 - Assess mitigation measures proposed
- Assess effectiveness of Fees in Lieu of Mitigation since implementation
- Propose new and revised Fees In Lieu schedule

AND WHEREAS, the Town of New Hartford hereby retains the *peter j. smith* for the purpose of carrying out the preparation of the Study;

AND WHEREAS, the existing GEIS Fees In Lieu of Mitigation will be authorized for use in the evaluation and that the Consultant shall be paid no more than \$30,000.00 for professional services;

RESOLVED that the New Hartford Town Board does hereby authorize the Town Supervisor to enter into and execute an Agreement between the Town of New Hartford and p j smith and associates for an Evaluation of Burrstone/French Road GEIS Study at a cost not to exceed Thirty Thousand Dollars (\$30,000).

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**.

POLICE CHIEF:

Surplus Vehicles – Authorization to Dispose

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

(RESOLUTION NO. 160 OF 2007)

RESOLVED that the New Hartford Town Board does hereby declare the following vehicles as surplus property and does hereby authorize and direct the Police Chief to dispose of such surplus property on an E-bay auction:

REGULAR TOWN BOARD MEETING

July 11, 2007

Page 19

- 1999 Ford Crown Victoria VIN 2FAFP71W4XX110777
- 2004 Ford Crown Victoria VIN 2FAHP71W74S172078
- 2004 Ford Crown Victoria VIN 2FAHP71W54X172077.

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

Surplus Laptop Computers – Authorization to Dispose

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

(RESOLUTION NO. 161 OF 2007)

RESOLVED that the New Hartford Town Board does hereby declare the following equipment as surplus property and does hereby authorize and direct the Police Chief to dispose of such surplus property on an E-bay auction:

<u>Unit #</u>	<u>Model #</u>	<u>Serial #</u>	<u>Manufacture Date</u>
• MDT3	CF-25	8AKSA01574	1998
• MDT4	CF-25	8AKSA01564	1998
• MDT5	CF-25	8AKSA01537	1998
• MDT7	CF-25	8AKSA01674	1998

and be it

FURTHER RESOLVED that the Town Board does hereby authorize and direct the transfer of Laptop Computer, MDT9, Model # CF-27, Serial #1EYKA03216 from the Police Department inventory to the Sewer Department.

The Board members voted upon roll call:

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

REGULAR TOWN BOARD MEETING

July 11, 2007

Page 20

Supervisor Reed - Aye.

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

Personnel

Chief Philo stated he had a personnel matter to discuss in Executive Session.

CODES ENFORCEMENT OFFICER:

Retirement – Permit Fees

Councilman Reynolds had met with Codes Officer Joseph Booth with regard to a potential retirement as well as reviewing problems the office is confronted with which will impact the Department and viewing a slide presentation showing comparison with similar municipalities that Officer Booth had finalized. As other Town Board members were interested in viewing the slide presentation, the Board's consensus was to view the presentation at 5:30 P.M. on Wednesday, August 8, 2007, immediately prior to commencing the Regular Town Board meeting at the New York Mills Union Free School.

TOWN CLERK:

Speed Limit Reduction Requests

The Town Clerk acknowledgement communications from the NYS Department of Transportation (DOT) in response to the Town's requests for reduced speed limits for the following streets:

- New Hartford Street (from Old Campion Road to the New York Mills village line) – the need to reduce the current linear speed limit of 30 miles per hour **has not been met**
- Old Campion Road (from Ontario Avenue to New Hartford Street) – the need to reduce the current linear speed limit of 30 miles per hour **has not been met**
- Chenango Road – the DOT study indicates that a 30 mile per hour linear speed limit is suitable and the DOT has issued a Notice of Order to establish a 30 mile per hour linear speed limit on Chenango Road, from the Utica City line to New Hartford Street. The new speed limit will become effective when the required signs are erected; the Town Highway Department has been notified
- Tilden Avenue – the DOT study results indicate that a 45 mile per hour linear speed limit is suitable for the section of Tilden Avenue from Higby Road to a point 0.3 plus or minus South of Sherman Drive at the South end of the existing

REGULAR TOWN BOARD MEETING

July 11, 2007

Page 21

30 mile per hour speed limit. A Notice of Order to establish the 45 mile per hour linear speed limit on this portion of Tilden Avenue has been issued by DOT and the new speed limit will become effective when the required signs are erected; the Town Highway Department has been notified

Traffic Study Requests – French Road and Yahnundasis Intersections

The Town Clerk further acknowledged a letter from the NYS Department of Transportation who has commenced traffic engineering studies at the French Road-Home Depot intersection and the NYS Route 5/12B [Yahnundasis) intersection. The DOT will focus their studies on accident data and analysis, traffic volumes, and signal timings and phasings to see if any improvements are needed. The study is expected to be completed by the end of Summer 2007.

Carnival Permit

The Town Clerk reported that the *Cole Brothers Circus* application to sponsor a circus is in compliance with Town Code, Chapter 44, Mass Assembly of Larger Number of Persons. Thereafter, Councilman Woodland presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 162 OF 2007)

WHEREAS, on June 7, 2007, the Town Clerk received an application from *Cole Brothers Circus* for permission to conduct a Circus from August 1 – August 5, 2007, upon the Sangertown Square Mall premises; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of New Hartford does hereby approve the *Cole Brothers Carnival* application to conduct a Carnival upon premises owned by Sangertown Square Mall from August 1 – August 5, 2007, and the Town Clerk be, and she hereby is, directed to issue the permit under Chapter 44 (Assembly, Mass Public) of the Town Code.

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

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

REGULAR TOWN BOARD MEETING

July 11, 2007

Page 22

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

Training School

In behalf of Steven Welty, the Town Clerk presented the following Resolution, which was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Payne:

(RESOLUTION NO. 163 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 Zoning Board of Appeals member Steven Welty 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*.

Term Expiration – Board of Assessment Review Member

The Town Clerk apprised the Board that Edward Goggin’s term of office on the Board of Assessment Review will expire September 30, 2007. The Town Board asked the Clerk to contact Mr. Goggin about his interest in being re-appointed to a five-year term.

MATTERS SUBMITTED BY COUNCILMEN

COUNCILMAN PAYNE:

Assessment Program – Grant/SDG Contract

The assessment information with regard to the State Grant is being completed and the Assessor will review said information to ensure that it meets the letter of the law before it’s posted on the Town’s Website. Town Board members will be provided access codes to review the data prior to being posted.

REGULAR TOWN BOARD MEETING

July 11, 2007

Page 23

Americans Supporting Americans – ASA Committee

Donations to the Town’s adopted Military Unit are accumulating in the Personnel Office and Councilman Payne inquired what the shipment status was. Councilman Waszkiewicz noted that the ASA Committee meeting had been delayed but they will address this.

COUNCILMAN WASZKIEWICZ:

Agenda Items:

- Oneida County Empire Zone – meeting was held June 26, 2007; minutes and paperwork will be forwarded to Town Clerk’s Office
- NYS Route 12 Task Force – Councilman Waszkiewicz was re-appointed by County Executive Picente and a meeting has been scheduled for Tues., July 24, 2007 @ 10 A.M.
- Town Government structure – would like to create a citizens committee to research and analyze other communities’ structure in conjunction with Association of Towns to compare with similar or like communities. Councilman Waszkiewicz will craft a press release for the Town Board’s review.

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL:

Audit of Vouchers

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

(RESOLUTION NO. 164 OF 2007)

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. 13	
Vouchers AA1002-AA1010;	
Vouchers AA1012-AA1015	\$ 11,931.21
General Fund Whole-Town Abstract No. 14	
Vouchers AA1016-AA1100;	
Vouchers AA1107-AA1109;	
Vouchers AA1128-AA1149	\$244,892.14
General Fund Whole-Town Police Abstract No. 14A	
Vouchers AA1101-AA1106;	
Vouchers AA1110-AA1127	\$110,969.68

REGULAR TOWN BOARD MEETING

July 11, 2007

Page 24

General Fund Part-Town Abstract No. 11 Vouchers BB100-BB114	\$ 4,183.47
Highway Fund Part-Town Abstract No. 10 Vouchers DB269-DB276; DB278-DB293	\$ 67,801.89
Sewer Fund Abstract No. 12 Voucher SS42	\$ 1,662.61
Sewer Fund Abstract No. 13 Vouchers SS43-SS48	\$ 5,038.83
Street Lighting Fund Abstract No. 7 Voucher SL7	\$ 3,547.00
Street Lighting Fund Abstract No. 8 Voucher SL8	\$ 7,413.05
Higby Road Water Abstract No. 5 Voucher HF8	\$ 1,005.00
Drainage Capital Abstract No. 5 Vouchers HC13-HC16	\$ 3,683.10
Highway Equipment Capital Abstract No. 1 Voucher HE1	<u>\$182,800.00</u>
TOTAL:	\$644,927.95

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***.

2007 Salary Schedule Adjustment

The Bookkeeper and Town Clerk had discovered in June 2007 that the salaries reported and approved in December 2006 for the Zoning Board, Planning Board and Board of Assessment Review members for fiscal year 2007 were incorrect. Therefore, Councilman Woodland presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 165 OF 2007)

WHEREAS, the Town Board had adopted Resolution No. 401 at a Special Meeting held December 28, 2006, establishing the 2007 Salary Schedule for Town officials and employees; and

REGULAR TOWN BOARD MEETING

July 11, 2007

Page 25

WHEREAS, it was subsequently determined that the salaries provided to the Town Supervisor for the members of the Planning Board, Zoning Board of Appeals and Board of Assessment were incorrect;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby amend Resolution No. 401 of 2006 so that the correct 2007 salaries for the following positions shall be as follows and paid to the persons filling said positions:

- Planning Board Chairman - \$2,500, payable semi-annually
- Planning Board members (each) - \$1,250, payable semi-annually
- Zoning Board of Appeals Chairman - \$2,500, payable semi-annually
- Zoning Board members (each) - \$1,250, payable semi-annually
- Board of Assessment Review Chrnmn - \$ 800, payable annually
- Board of Assessment members (each) - \$ 700, payable annually.

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**.

NEW BUSINESS

Freedom of Information Law Request – Appeal

The Town Clerk had received a request on Wednesday, May 2, 2007 for a “..back up copy of the RPS Assessment Database system; copy [to] be as of 5/1/07 or the same information as the tentative roll for 2007. Information is requested to be delivered on a computer CD.” The request had been forwarded to the Assessor on Monday, May 7, 2007, after which the Assessor provided a CD to the Town Clerk on May 21, 2007. The applicant obtained the CD on May 21, 2007; however, on May 22, 2007 the applicant notified the Town Clerk that the CD received “...did not contain the information we requested. The CD had two Access databases, and was not a copy of the assessment database. The Access database provided to us on a CD yesterday are missing about 200 parcels in the Town of New Hartford. [Our} request was for a CD containing a copy of the RPS Assessment database as of May 1, 2007 with the Tentative Assessment Roll. This would be the same assessment database copy that we finally ended up getting as a result of our FOIL of last August except with the 2007 Tentative Roll included this time.” After the Town Clerk notified the Assessor of the applicant’s contention on May 23, 2007, the

REGULAR TOWN BOARD MEETING

July 11, 2007

Page 26

Assessor provided a copy of a Court Case [Matter of Application of Comps, Inc. v Town of Islip; 2006 NYSlipOp 07476; October 17, 2006, Appellate Division, Second Department] wherein the Court determined that certain assessment information could be withheld. The Town Clerk forwarded a copy of this Court decision to the applicant on June 11, 2007. The applicant then filed an Appeal to their May 2, 2007 FOIL request, said Appeal having been received by the Town Clerk on July 2, 2007 and referred to the Town Board, the Appeals's body, on July 3, 2007. [NOTE: The referenced Court Decision applies to commercial use, which is not the case with this current request.] Discussion ensued with the Town Clerk confirming that in 2006 the Assessor had provided the full information as requested by the applicant, for the 2006-year. Thereafter, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 166 OF 2007)

RESOLVED that the New Hartford Town Board does hereby approve the Freedom of Information Law Appeal filed by James M. Lawrence on July 2, 2007 with regard to his May 2, 2007 FOI request for a copy of the RPS Assessment database system and that Assessor Paul Smith is hereby authorized and directed to release the requested information to Mr. Lawrence, said information to be used in a manner as approved previously by the Town Board.

The Supervisor polled the Board members who voted as follows:

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

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

MATTERS SUBMITTED BY COUNCILMEN (CONT'D)

COUNCILMAN WASZKIEWICZ:

Stormwater Drainage – 2002 allocation of moneys

In 2002, the Town Board allocated a not-to-exceed amount of Ten Thousand Dollars (\$10,000) to remedy five (5) stormwater situations in Ward 2 and one (1) of the situations on Sedgewick Park involving three (3) or four (4) properties hadn't been resolved because neighbors couldn't agree how to divert water into stormwater system. Councilman Waszkiewicz appealed to the current Board that they honor the allocation of moneys by two (2) prior administrations to resolve this remaining situation for the sum of

REGULAR TOWN BOARD MEETING

July 11, 2007

Page 27

Fifteen Hundred Dollars (\$1500) because the neighbors have now agreed which property would carry the diversion of water. This would not deviate from current policy and this matter is separate from the 2007 stormwater bonding dollars. The matter was deferred until the August 8, 2007 Town Board meeting.

EXECUTIVE SESSION

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

(RESOLUTION NO. 167 OF 2007)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss acquisition of real estate and to discuss the employment history of particular employees.

A roll call vote ensued:

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**. All persons present, including the news media, were then excused from the meeting at 7:52 P.M. The Highway Superintendent and Police Chief remained and the Town Clerk was asked to stay in the event the Board wanted to take action after the Executive Session.

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 168 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 Woodland	-	Aye
Councilman Reynolds	-	Aye
Councilman Payne	-	Aye

REGULAR TOWN BOARD MEETING

July 11, 2007

Page 28

Supervisor Reed - Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 8:14 P.M. and the regular portion of the Town Board meeting was immediately reconvened.

Supervisor Excused

Due to another commitment, the Town Supervisor was excused from the meeting at 8:14 P.M.

FINANCIAL (CONT'D):

2007 Salary – Animal Control Officer

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

(RESOLUTION NO. 169 OF 2007)

RESOLVED that, as a follow-up to Town Board Resolution No. 400 adopted on December 28, 2006, the New Hartford Town Board does hereby establish the 2007 salary of Animal Control Officer at his current salary set forth in the aforesaid Resolution.

The Board then voted upon roll call:

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

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

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilman Waszkiewicz and seconded by Councilman Payne, the meeting was adjourned at 8:16 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk