

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK, HELD
AT BUTLER MEMORIAL HALL, IN SAID TOWN ON
WEDNESDAY, OCTOBER 18, 2006 AT 6:00 P.M.**

The Town Supervisor called the meeting to order at 6:00 P.M. and led those in attendance in the Pledge of Allegiance to the American Flag. The roll was then taken with the following Town Officials and Department Heads being present during the progress of the meeting:

TOWN BOARD MEMBERS: Councilman Robert A. Payne III
Councilman John C. Waszkiewicz III
Councilman David M. Reynolds
Councilman Richard B. Woodland, Jr.
Supervisor Earle C. Reed

OTHER TOWN OFFICIALS: Highway Superintendent Roger A. Cleveland
Director of Senior Services M. Eileen Spellman
Town Clerk Gail Wolanin Young, CMC/RMC and
Deputy Town Clerk I Margaret M. Jones

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

MINUTES APPROVAL

August 2, August 16 and September 6, 2006 Town Board Minutes

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

(RESOLUTION NO. 307 OF 2006)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the *Regular* Town Board meetings held **August 2, August 16 and September 6, 2006** and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

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

REPORTS OF TOWN OFFICIALS

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TOWN CLERK:

Raffle Consent – American Red Cross

Upon presentation by Town Clerk Gail Wolanin Young, Councilman Reynolds presented the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 308 OF 2006)

RESOLVED that the New Hartford Town Board does hereby grant permission to the American Red Cross, 1415 Genesee Street, Utica, NY, an organization duly granted a Games of Chance Identification Number by the New York State Racing and Wagering Board, to sell raffle tickets at the Sangertown Square Mall, Seneca Turnpike, New Hartford, New York, in accordance with all rules and regulations of said Racing and Wagering Board; and be it

FURTHER RESOLVED that the Town Clerk be, and she hereby is, authorized and directed to execute Form GC-RCF, Raffle Consent Form.

Upon roll call, the Town Board 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**.

2007 Budget Revision – Elections

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

(RESOLUTION NO. 309 OF 2006)

WHEREAS, the possibility exists that Town residents may submit Petitions on or before November 3, 2006 opposing Bond Resolutions enacted on October 4, 2006 by the Town Board and calling for a Special Election on these matters; and

WHEREAS, due to the Federal Help America Vote Act (HAVA) and changes in the State Election Law wherein Counties in New York State are responsible for all aspects of the election process, no monies had been allocated for elections in the 2007 Tentative Budget;

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NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the appropriation of Two Thousand Dollars (\$2,000) for the General Fund Whole-town, Election contractual line item (AA1450.4) in the 2007 Preliminary Budget for purposes of conducting a Special (local) Election.

If the Town Board designates one polling location for each of the four (4) Wards, this amount should be sufficient to pay the election workers; this was done for the Library referendum in 1994. The Resolution was thereafter voted upon by roll call as follows:

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

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

REPORTS OF STANDING COMMITTEES

ASSESSOR COMMITTEE:

Board of Assessment Review – Vacancy

Councilman Payne asked the Town Clerk what this was about. Town Clerk Young explained that Duane Farr’s term on the Board of Assessment Review had expired September 30, 2006, per her e-mail to the Town Board on September 26, 2006. She stated that at the October 4, 2006 Town Board meeting Councilman Payne agreed to contact Mr. Farr to determine his continued interest. Councilman Waszkiewicz acknowledged that Councilman Payne had volunteered to contact Mr. Farr. Councilman Payne asked that this matter be placed on the November 1, 2006 Board agenda, as he needed additional time to contact Mr. Farr.

MATTERS SUBMITTED BY COUNCILMEN

COUNCILMAN WASZKIEWICZ:

Agenda Items:

- *Wireless Internet* – Councilman Waszkiewicz stated that the Grant Writer has been without power for three (3) to four (4) days due to the recent snowstorm in Buffalo. The Grant Writer may get an extension for the Wireless Internet grant, but this extension may not be needed. Letters will be going to area businesses seeking their input from the region as far as suggestions on hot spots, etc.

Councilman Waszkiewicz will get the Board linked to the internet and will ask the Town Planner to take care of this tomorrow.

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Councilman Payne stated that this is an A2 portion of the grant and will allow one hundred (100%) per cent GEIS mapping, sort sales and tax information and also allow the Town to review different tax rates on different districts.

Upon the recommendation of Councilman Waszkiewicz, Supervisor Reed presented the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 310 OF 2006)

RESOLVED that the Town Board of the Town of New Hartford does reconfirm that the Town is interested in and wants to continue pursuing a Wireless Internet Grant as authorized by New York State.

Whereupon, the Town Board voted upon roll call:

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

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

- Resolution Vendors Participation – The Committee is seeking vendor participation and in-kind services that would surpass the matching funds requirement. The matching fund is a ten (10%) separate Resolution.

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

(RESOLUTION NO. 311 OF 2006)

RESOLVED that the New Hartford Town Board will support local vendors participation and their in-kind services that would surpass the matching funds requirement of the Wireless Internet Grant.

Upon roll call 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**. Councilman Payne stated that the third meeting was held on Thursday and everything is going well; Supt. Gilligan from New Hartford Central School was present. Councilman Payne continued that there is a lot of interest being shown in this matter.

- Litter Sign – Councilman Waszkiewicz discussed littering near the NYS Route 8 ramp. The State Department of Transportation (DOT) indicated that engineers from the regional DOT office have adopted that portion of Route 8, trying to clean that portion of the road twice a year. He asked if the Board had any objection to adopting a Resolution to place a “No Litter” sign at the Route 8 ramps.

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

(RESOLUTION NO. 312 OF 2006)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Highway Superintendent to install “No Littering” signs at the NYS Route 8 ramps located on Kellogg Road.

A roll call vote ensued:

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

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

- Signage on NYS Route 840 (Judd Road Ext.) – DOT will not approve a sign announcing “Washington Mills” for motorists driving east.
- French Road-NYS Route 12 intersection - Councilman Waszkiewicz is concerned with the section of French Road by Home Depot; there was a plan to change that area into a regular cross intersection and Councilman Waszkiewicz believes it is important to ask where the project now stands as far as restructuring and clean up of the intersection. The State Department of Transportation recommended that

this area of French Road become a cross intersection eighteen (18) months ago.
Councilman Waszkiewicz will look into this matter.

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- NYS Route 840 Trail way – On October 19, 2006 Councilman Waszkiewicz, Supervisor Reed, and Parks & Recreation Director Jeffery will meet and drive the Route 840 Trail way. Other Board members were asked to take a look at the trail way since residents feel that the Town is not doing enough maintenance. Councilman Reynolds suggested that this might be a good project for a scout troop, adopt a Trailway project or possibly an ecological or environmental group might be interested in taking on the Trail way as a project.
- Oneida County Economic Development Zone Board – Councilman Waszkiewicz will distribute copies of the final draft of the development plan when it comes in.
- Taber Road – Councilman Waszkiewicz reported that the Highway Department had to retrench a portion of Taber Road. The ditch is twenty-five (25) years old and the Board needs to take a look at similar cases. Would the Town pay for the pipe? This may become an issue because water needs to be redirected. The Town needs a cohesive policy for the Highway Department. The ditch on Taber Road was dug about twenty-five (25) years ago and someone filled it in.

REPORTS OF TOWN OFFICIALS (CONT'D)

HIGHWAY SUPERINTENDENT:

Bond Resolution - \$155,000 for Higby Road Water District, Extension No. 1

Highway Superintendent Roger Cleveland stated that the Resolution was, in fact, worded correctly; this had been tabled at the October 4, 2006 Town Board meeting. The following resolution was offered by Councilman Reynolds, who moved its adoption, seconded by Councilman Waszkiewicz, to-wit:

(RESOLUTION NO. 313 OF 2006)

BOND RESOLUTION DATED OCTOBER 18, 2006.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$155,000 SERIAL BONDS OF THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK, TO PAY THE COST OF THE CONSTRUCTION OF A WATER SYSTEM IN SAID TOWN FOR HIGBY ROAD WATER DISTRICT EXTENSION NO. 1

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 12-A of the Town Law, the Town Board of the Town of New Hartford, Oneida County, New York, has established Extension No. 1 to Higby Road Water District in the Town of New Hartford; and

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WHEREAS, the improvements for said Extension No. 1 to Higby Road Water District shall consist of the construction of a water system to serve said District, including water mains, distribution pipes, valves and hydrants, as well as the acquisition of land and rights-in-land, and incidental improvements and costs in connection therewith, as more fully described in the map, plan and report prepared in connection with said Extension No. 1 to Higby Road Water District; and

WHEREAS, the maximum amount proposed to be expended for said improvements is \$155,000 and

WHEREAS, said capital project has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Town Board has determined will not result in any significant environmental effects; and

WHEREAS, it is now desired to authorize the financing of said improvements; **NOW, THEREFORE, BE IT**

RESOLVED, by the Town Board of the Town of New Hartford, Oneida County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of improvements in connection with the construction of a water distribution system to serve said District, including water mains, distribution pipes, valves and hydrants, as well as the acquisition of land and rights-in-land and incidental improvements and costs in connection therewith, as described in the preambles hereof, there are hereby authorized to be issued \$155,000 serial bonds of the Town of New Hartford, Oneida County, New York pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid improvements is \$155,000 and that the plan for the financing there of shall consist of the issuance of the \$155,000 serial bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale

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of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of New Hartford, Oneida County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the same respectively become due and payable. There shall be annually assessed upon and collected from the several lots and parcels of land within said Extension No. 1 to Higby Road Water District in the manner provided by law, an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the Town.

Section 7. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto shall be determined by the Supervisor.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

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- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution, which takes effect immediately, shall be published in summary form in the Utica Observer-Dispatch, the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of 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.

The Resolution was thereupon declared duly ***ADOPTED***.

Surplus Vehicle Sale

The bid opening for the Surplus Vehicle Sale was advertised for 12 Noon on October 18, 2006 and no bids were received for the vehicles listed in the Notice of Surplus Sale #2 of 2006. The Town Clerk's Office had mailed bid packets to Mr. Santillo and Harvey Material Corp., both of which submitted bids at the October 3, 2006 Surplus Sale #1 but neither submitted a proposal for the second round of bids. Upon recommendation of the Highway Superintendent, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Payne:

(RESOLUTION NO. 314 OF 2006)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize Highway Superintendent Roger Cleveland to approach the Town of Vernon to see if they would be interested in the vehicles listed on the Notice of Surplus Sale #2. The threshold amount of the sale would be no less than Nine Thousand Two Hundred Dollars (\$9,200).

A roll call vote ensued:

Councilman Waszkiewicz	-	Aye
Councilman Reynolds	-	Aye

Councilman Woodland - Aye
Councilman Payne - Aye
Councilman Reed - Aye

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

Higby Road Water District – Change Order #2-1

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

(RESOLUTION NO. 315 OF 2006)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to execute Change Order No. 2-1 between the Town of New Hartford and Central New York Construction, 8228 State Route 28, Barneveld, NY 13304, for an add-on amount of Twenty-Five Hundred Dollars (\$2500) as same relates to the Higby Road Water District.

Upon roll call the Board members voted as follows:

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

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

Higby Road Water District – Change Order #1-5

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

(RESOLUTION NO. 316 OF 2006)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to execute Change Order No. 1-5 between the Town of New Hartford and Bat Con, Inc., 4277 Slate Hill Road, P.O. Box 155, Marcellus, NY 13108, for an add-on amount of Fifty-Three Thousand Six Hundred Forty-One Dollars (\$53,641) as same relates to the Higby Road Water District.

Upon roll call 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**.

Budgetary Transfer – Sign Making Equipment

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

(RESOLUTION NO. 317 OF 2006)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Bookkeeper to make a Two Thousand Dollar (\$2,000) transfer in the 2006 Budget from the Traffic Control Contractual Expense Account AA3310.4 to the Highway Superintendent Equipment Account AA5010.2 account for sign-making equipment.

The Town Supervisor polled the Board who 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**.

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL:

Audit of Vouchers

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

(RESOLUTION NO. 318 OF 2006)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the payment of the bills itemized on the following Abstracts, that have been duly audited by the Town Board:

General Fund Whole-Town Abstract No. 31

Vouchers AA1504-AA1561;	
Vouchers AA1580-AA1582	\$ 28,620.65

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General Fund Whole-Town Police Abstract No. 31A	
Vouchers AA1562-AA1579	\$ 9,278.66
General Fund Part-Town Abstract No. 21	
Vouchers BB292-BB301	\$ 7,656.57
Highway Fund Part-Town Abstract No. 23	
Vouchers DB422-DB440; DB442	\$308,400.17
Sewer Fund Abstract No. 23	
Voucher SS83	\$ 113.29
Street Lighting Abstract No. 11	
Voucher SL11	\$ 7,592.21
Higby Road Water Tank Abstract No. 18	
Vouchers HF54-HF55	\$ 4,307.50
Drainage Capital Abstract No. 10	
Vouchers HC56-HC60	\$ <u>12,495.22</u>
TOTAL:	\$378,464.27

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**.

OLD BUSINESS:

Fireworks Application – September 30, 2006 at Yahnundasis Country Club

Supervisor Reed had received complaints regarding the fireworks presentation that was held on September 30, 2006 at Yahnundasis Country Club and suggested that perhaps the Permit for the Display of Fireworks should contain a specific time for the display. Town Clerk Young explained that the Permits do contain the specific time that the fireworks can be presented; further, after consulting with Colleen Suo of the Yahnundasis, the Town Clerk learned that on this particular date the person sponsoring the fireworks kept pushing the time back for the display from 9:00 P.M. to 10:00 P.M. The Town Clerk had clarified with Ms. Suo that any future firework displays must be held at the time noted on the Fireworks Permit and cannot be changed. Supervisor Reed thanked the Town Clerk for being “..on top of this.”

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Retirement Luncheon – Highway Department Employees

Councilman Reynolds mentioned a retirement party for Highway Department HEO's Thomas Panzone, Sr. and Richard Davies who had worked for the Town for forty (40) years and thirty (30) years, respectively. The Town Clerk inquired about the date. Councilman Reynolds stated that about eighty (80) people attended the retirement party that was held on October 12, 2006 at Cavallo's Restaurant. The Town Clerk expressed disappointment that neither she nor her staff had been made aware of this event.

NEW BUSINESS:

Meeting with the Observer-Dispatch

Supervisor Reed stated that there is a meeting scheduled Thursday, October 19, 2006 at 11:00 A.M. with the Observer-Dispatch, which he, Councilmen Reynolds and Payne and Planner Schwenzfeier will attend.

Comprehensive Plan Update

Councilman Waszkiewicz stated that there would be a committee meeting on the Comprehensive Plan update next week. Councilman Waszkiewicz stated that in New York State property taxes generate approximately fifty-one (51%) percent of town revenues, but the Town of New Hartford generates only thirty-one (31%) percent of its revenue from property taxes which is about twenty (20%) percent below the state's average. This lower average is probably due to the Town's retail businesses.

Fees In Lieu of Mitigation (FILM)

Supervisor Reed stated that he would be meeting with Colonie officials at the end of the month to have a discussion regarding Fees In Lieu of Mitigation (FILM).

ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made Councilman Waszkiewicz and seconded by Councilman Reynolds, the meeting was adjourned at 6:40 PM.

Respectfully submitted,

**Gail Wolanin Young
Town Clerk**

**Margaret M. Jones
Deputy Town Clerk I**