

**REGULAR MEETING OF THE TOWN BOARD OF  
THE TOWN OF NEW HARTFORD, NEW YORK, HELD  
AT NEW YORK MILLS UNION FREE SCHOOL, MARAUDER  
BOULEVARD, IN SAID TOWN ON WEDNESDAY,  
SEPTEMBER 20, 2006 AT 6:00 P.M.**

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

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

**OTHER TOWN OFFICIALS:** Highway Superintendent Roger A. Cleveland  
Parks and Recreation Director Michael Jeffery (arrived  
at 6:30 p.m.)  
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 and August 16, 2006 Town Board Minutes**

Action on the Minutes was tabled until the October 4, 2006 Town Board Meeting.

**ACKNOWLEDGEMENT**

**Thank you for use of School**

The Town Supervisor thanked New York Mills School for their hospitality and kindness in allowing the Town Board to meet in their auditorium.

**Veterans Memorial Dedication**

The Town Supervisor was pleased with the turn-out for the veterans memorial dedication ceremony held Sunday, September 17, 2006 and complimented Parks and Recreation Director Michael Jeffery for an exceptional job.

**REPORTS OF TOWN OFFICIALS**

**HIGHWAY SUPERINTENDENT:**

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**Department Head designation/increase in salary for Town Planner**

The Highway Superintendent explained that when he was first hired by the Town there was one (1) Planner and eventually there were two (2) Planners. After the position of Town Planner was abolished in March 1999, the Highway Superintendent took on the responsibilities of the Planner position until Kurt Schwenzfeier was hired as the full-time Planner in October 2002. The Town Board and others have reviewed Planner Schwenzfeier's work and have acknowledged that he is doing a good job as Planner. Highway Superintendent Cleveland proposed that the Town Board designate Planner Schwenzfeier as a department head with a corresponding salary increase to Forty-nine Thousand Dollars (\$49,000), effective immediately. The Public Works/Sewer Committee has reviewed this proposal and they support it. Responding to Councilman Waszkiewicz' question whether the Planner would serve at the pleasure of the Board, the Highway Superintendent said the Planner as department head would report directly to the Town Board. To Councilman Waszkiewicz' inquiry about the Planner's current salary, the Highway Superintendent answered that Kurt Schwenzfeier earns Forty-five Thousand Dollars (\$45,000). Upon the recommendation of the Highway Superintendent, Councilman Payne presented the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 270 OF 2006)\*Amended Oct 4, 2006**

**WHEREAS**, Kurt Schwenzfeier had been appointed to the newly created position of full-time Planner effective October 24, 2002, at an annual salary of Forty Thousand Dollars (\$40,000) with an increase to this salary in the amount of Two Thousand Dollars (\$2,000) after one year of employment; and

**WHEREAS**, since the duties of the Planner have increased in the past three (3) years especially in the areas of storm water, sewers, infiltration inflow and other upcoming issues for the Town, the position of full-time Planner needs to be designated as a department head reporting directly to the Town Board;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby designate Planner Kurt Schwenzfeier as a Department Head, effective immediately, at an annual salary of Forty-Nine Thousand Dollars (\$49,000) and that this raise in salary **is not subject to any additional raise in 2007**; and

**BE IT FURTHER RESOLVED** that Planner Kurt Schwenzfeier shall serve at the pleasure of and report directly to the Town Board.

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

Councilman Waszkiewicz - Aye

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

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

**Waiver of Sewer Permit Fee - New Hartford Public Library**

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

**(RESOLUTION NO. 271 OF 2006)**

**RESOLVED** that the New Hartford Town Board does hereby waive the sewer permit fee of One Hundred Fifty Dollars (\$150) that is associated with the expansion of the New Hartford Public Library, 1 Library Lane, New Hartford, NY.

Upon roll call, the Town Board voted as follows:

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

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

**Surplus Vehicle Sale**

The Highway Superintendent would like to auction or sell to someone who is interested in purchasing the following vehicles directly from the Town:

1995 Bobcat MDL853	-	Serial Number 512819013
1980 Mack Dump	-	VIN RM6864X1160

A discussion was held regarding the possibility of trying to sell these vehicles on e-bay. It was the consensus of the Board to declare these vehicles as surplus and to sell them. Councilman Payne will discuss putting these vehicles on e-bay with the Highway Superintendent.

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**Legal Services Agreement – Stormwater Drainage Project - #HC8310.4**

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

**(RESOLUTION NO. 272 OF 2006)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an ***Agreement For Legal Services for Stormwater Drainage Project - #HC8310.4*** between the Town of New Hartford and the law firm of Paravati, Karl, Green & DeBella, 12 Steuben Park, Utica, New York at an hourly rate of One Hundred Fifty Dollars (\$150).

Thereafter, the foregoing Resolution was duly put to a vote upon roll call:

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

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

**Permanent Easement – Traffic Signal**

Upon the recommendation of the Highway Superintendent, Councilman Woodland presented the following Resolution for adoption;

**(RESOLUTION NO. 273 OF 2006)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an ***Agreement for a Permanent Easement for Traffic Signal – Pole Foundation, Traffic Signal Pole and Traffic Signal Aerial Span Wire*** between the Town of New Hartford and Mediterranean Avenue Associates LLC, 45 Kellogg Road, New Hartford, New York.

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*.

**Agreement to Relocate Traffic Pole**

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

**(RESOLUTION NO. 274 OF 2006)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an ***Agreement To Relocate Traffic Pole Situate On Kellogg Road In The Town of New Hartford*** between the Town of New Hartford and Benderson Development Company, 570 Delaware Avenue Buffalo, New York; the cost and expense of having the traffic pole that supports the traffic control device by aerial span wire shall be borne by Benderson Development Company.

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*.

**Agreement – Real Estate Maintenance**

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

**(RESOLUTION NO. 275 OF 2006)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement between the Town of New Hartford; Developers Diversified Realty (DDR), 3300 Enterprise Parkway, Beachwood, Ohio; and Mediterranean Avenue Associates, LLC, P.O. Box 300705, Jamaica, New York whereby DDR and Mediterranean shall maintain and operate, at its sole cost and expense, a traffic control device suspended by aerial span wire over Kellogg Road.

A roll call vote ensued:

Councilman Waszkiewicz	-	Aye
Councilman Reynolds	-	Aye

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

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

**Personnel – Highway Department Promotions**

Upon the recommendation of the Highway Superintendent Roger Cleveland, Supervisor Reed presented the following Resolution for adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. 276 OF 2006)**

**WHEREAS**, Thomas Panzone Sr. and Richard F. Davies will be retiring from the Town Highway Department effective Saturday, September 30, 2006, leaving vacancies in the position of Heavy Equipment Operator (HEO);

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby promote Light Equipment Operators (LEO) Christopher Moran and Michael Smoulcey to the position of Heavy Equipment Operators (HEO), filling the vacancies created by the retirement of Thomas Panzone Sr. and Richard F. Davies, said promotions to be effective October 1, 2006 at the current union pay scale.

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

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

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

**“School Bus Stop Ahead” Signs – Sessions Road**

The Highway Superintendent reported that on Sessions Road there is a relatively sharp curve just before a school bus stop. Even when the vegetation is cut back, Highway Superintendent Cleveland believes that it is necessary for a warning sign to be placed in this area. Councilman Payne presented the following Resolution for adoption; seconded by Councilman Reynolds:

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**(RESOLUTION NO. 277 OF 2006)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Highway Superintendent to install a “School Bus Stop Ahead” sign on the west side of Sessions Road, near 9666 Sessions Road, warning drivers along Sessions Road of the school bus stopping area.

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**.

**Agreement – Roadside Ditching**

The Highway Superintendent presented an Agreement for Roadside Ditching, which the County is offering to the different Towns to assist them in maintaining the roadside ditches in the County. The duration of the Contract would be approximately two (2) weeks and the Highway Superintendent reported that some of the ditching has already been completed. The Town would be receiving Eighteen Thousand Four Hundred (\$18,400) Dollars. Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 278 OF 2006)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to execute the **Roadside Ditching Agreement** between the Town of New Hartford and the Oneida County Department of Public Works wherein said Town will provide roadside ditching services within the Town in behalf of Oneida County; the Town will be reimbursed the sum of Eighteen Thousand Four Hundred (\$18,400) Dollars for the ditching services provided.

Upon roll call, the Board members voted as follows:

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

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

**Higby Road Water District – Giotto and DeBlois Debt Service Agreements**

Highway Superintendent Roger Cleveland presented two (2) Agreements pertaining to the Giotto and the DeBlois properties within the Higby Road Water District. Upon the recommendation of the Highway Superintendent, Councilman Payne presented the following Resolution for adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. 279 OF 2006)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to execute an Agreement between the Town of New Hartford and **David DeBlois** for unencumbered title and ownership of the water main infrastructure and subsurface pump station vault on Sessions Road in consideration and forgiveness of debt service as such relates to the financing/bonding for the Higby Road Water District and Extension No. 1 infrastructure and improvements as set forth in said Agreement; and be it

**FURTHER RESOLVED** that said Town Board does hereby authorize and direct the Town Supervisor to execute an Agreement between the Town of New Hartford and **Frank and Kristine Giotto** for unencumbered title and ownership of the 12” water main infrastructure on Mohawk Street in consideration and forgiveness of debt service as such relates to the financing/bonding for the Higby Road Water District and Extension No. 1 infrastructure and improvements as set forth in said Agreement.

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 thereafter declared unanimously carried and duly *ADOPTED*.

**Stormwater Improvements**

Councilman Reynolds asked the Highway Superintendent for a report regarding the stormwater damage, which Town residents had complained about a couple of weeks ago. The Highway Superintendent stated that most of the areas have been cleaned and that progress is being made in cleaning up the areas.

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**FEMA Application**

The Highway Superintendent reported that the State Emergency Management Office (SEMO) has made application for extension of FEMA applications for the July 2006 rainstorms and Governor Pataki signed the application today.

**MATTERS SUBMITTED BY COUNCILMEN**

**COUNCILMAN WASZKIEWICZ:**

**Graffenburg Water Shed**

Councilman Waszkiewicz will send the Town Board the proposed Resolution.

**REPORTS OF TOWN OFFICIALS (CONT'D)**

**PARKS AND RECREATION DIRECTOR:**

**Veterans Memorial Dedication**

The Town Supervisor congratulated Director Jeffery on the wonderful dedication ceremony on Sunday [September 17<sup>th</sup>] for the Veterans Memorial Park.

**Appointments – Seasonal Employees**

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

**(RESOLUTION NO. 280 OF 2006)**

**RESOLVED** that the New Hartford Town Board does hereby appoint the following individuals to the positions of Ice Attendant at the hourly wage of Six Dollars and Seventy-five Cents (\$6.75) for the Parks and Recreation Department, beginning September 21, 2006 and ending when the winter program is completed; all wages to be paid bi-weekly:

Robert Luker	Jonathan Furgal
Joshua Noggle	Daniel Dreimiller
Christopher Perra	Haley Butler
Wayne Rich	

Effective January 1, 2007 the minimum hourly wage increases to Seven Dollars and Fifteen Cents (\$7.15); therefore, the hourly wage of the above-referenced seasonal employees shall increase to \$7.15 effective January 1, 2007.

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 thereafter declared unanimously carried and duly **ADOPTED**.

**Veterans Memorial Park**

Parks and Recreation Director Michael Jeffery suggested that the Town Board name the memorial park, which was dedicated on Sunday, September 17, 2006 as the ***Veterans Memorial Park*** and to continue to develop this park. Director Jeffery stated that he has money in the budget to pay for the signs for the new park. Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 281 OF 2006)**

**RESOLVED** that the New Hartford Town Board does hereby authorize that the Memorial Park located at the junction of New York State Routes 5, 12 and 12B be officially named the ***“Veterans Memorial Park”*** effective immediately.

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 thereafter declared unanimously carried and duly **ADOPTED**.

**MATTERS SUBMITTED BY COUNCILMEN (CONT'D)**

**COUNCILMAN WASZKIEWICZ (CONT'D):**

**Agenda Items:**

- ***Wireless Internet Citizens Committee*** – Councilmen Waszkiewicz and Payne are to be part of this committee. Councilman Waszkiewicz presented the names of Don DeRosa, Gerard Capraro, Lisa Britt and Mark Majove as members of the committee and perhaps Police Chief Philo could oversee the committee. Councilman Waszkiewicz will get a Press Release published regarding this committee. Spoke to Connie Miner about submitting a grant.

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- Aerial Towers For Transmission – The Town Clerk has just received the okay from Attorney Green to forward the proposed legislation to the Oneida County Planning Department and Town Planning Board.
- Include the Planning Board, ZBA and Board of Assessment – Will try to get Resolution together by next meeting.
- Southern Reservoir - the Mohawk Valley Water Authority inclined to give a little land. Looking at trailway grant with Utica expanding their trailway system, there may be opportunities. Parks and Recreation Director Jeffery and Councilman Waszkiewicz worked with county representatives; then there was a change in the administration and the project was tabled. Councilman Waszkiewicz did not want to pursue this unless the Board felt it is time. A consensus is needed to pursue passive recreation.
- Multi-municipal comparison citizens committee – Are finalizing their findings. Councilman Payne inquired that if it is the intention to have a representative from each Ward. People with expertise in this or if people are interested. Councilman Waszkiewicz stated that it has always been his intention that there would be a representative from each ward.

**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. 282 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. 27	
Voucher AA1346	\$ 1,500.00
General Fund Whole-Town Abstract No. 28	
Vouchers AA1347-AA1401	
Vouchers AA1412-AA1421	\$ 170,702.85
General Fund Whole-Town Police Abstract No. 28A	
Vouchers AA1402-AA1411	\$ 5,120.76
General Fund Part-Town Abstract No. 19	
Vouchers BB285-BB287	\$ 270.80

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Highway Fund Part-Town Abstract No. 20		
Vouchers DB388-DB401	\$	7,500.31
Sewer Fund Abstract No. 21		
Voucher SS74	\$	1,173.22
Street Lighting Abstract No.10		
Voucher SL10	\$	7,346.48
Drainage Capital Abstract No. 8		
Vouchers HC40-HC44	\$	8,674.20
Higby Road Water Tank Abstract No. 16		
Vouchers HF50	\$	<u>285.00</u>
	<b>TOTAL:</b>	<b>\$ 202,573.62</b>

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***.

**ADJOURNMENT**

There being no further business to come before the Town Board, upon motion duly made by Supervisor Reed and seconded by Councilman Waszkiewicz, the meeting was adjourned at 6:39 P.M.

**Respectfully submitted,**

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

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