

**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, MAY 9, 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:** Attorney Gerald J. Green  
Highway Superintendent Roger A. Cleveland  
Parks and Recreation Director Michael Jeffery  
Planner Kurt Schwenzfeier  
Police Chief Raymond Philo  
Town Clerk Gail Wolanin Young and  
Deputy Town Clerk I Margaret M. Jones

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

**MINUTES APPROVAL**

**April 11, 2007 Town Board Minutes**

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

**(RESOLUTION NO. 83 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 *April 11, 2007* and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

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

**PRESENTATIONS**

**ONEIDA COUNTY EMPIRE ZONE**

Peter Zawko, Vice President of Economic Development, Mohawk Valley EDGE, made a presentation with regard to the expansion of Oriskany Manufacturing LLC, formerly known as Bonide, 2 Wurz Ave, Yorkville. Mr. Zawko requested the Town's support in amending the Oneida County Empire Zone boundaries to encourage industrial and commercial development. Thereafter, the following Resolution was introduced by Councilman Payne and seconded by Councilman Reynolds:

**(RESOLUTION NO. 84 OF 2007)**

**WHEREAS**, New York State has created the Economic Development Zones Program, now known as the Empire Zones Program, to encourage industrial and commercial development in select municipalities across the State, and

**WHEREAS**, Oneida County was originally designated with an Empire Zone on June 3, 1998, with the original boundaries being revised by Local Law No. 2 of 2002; Local Law No. 2 of 2003; Local Law No. 1 of 2005 and Local Law No. 3 of 2005; and

**WHEREAS**, New York State has amended the Empire Zones Program to include additional areas to be deemed as Regionally Significant Projects, and

**WHEREAS**, the County of Oneida and the Town of New Hartford intend to amend the Oneida County Empire Zone boundaries to encourage industrial and commercial development and to allow for the creation of a Regionally Significant Project in the Town of New Hartford, Town of Whitestown and the Village of New York Mills, and

**WHEREAS**, Oriskany Manufacturing LLC, by expanding manufacturing operations at the former Bonide facility located at 2 Wurz Ave., Yorkville NY 13495, meets the criteria of Section 957(d) of the general municipal law as a Regionally Significant Project by creating 50 or more new manufacturing jobs for inclusion within the Oneida County Empire Zone in an area outside the separate and distinct contiguous areas, and

**WHEREAS**, the Town of New Hartford wishes to support and concur with an Empire Zone designation for tax parcel 317.010-5-1, and

**NOW, THEREFORE**, be it resolved that the Town Board of the Town of New Hartford, in its capacity as governing body of the Town of New Hartford, does hereby support and concur with the Oneida County Empire Zone to include property as a Regionally

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Significant Project within the Oneida County Empire Zone within tax parcel 317.010-5-1, and located at 2 Wurz Avenue, Yorkville NY 13495.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	Abstained because he sits on the Empire Zone Board
Councilman Woodland	-	Aye
Councilman Payne	-	Aye
Councilman Reynolds	-	Aye
Supervisor Reed	-	Aye.

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

**VEHICLE AND TRAFFIC – REDUCTION IN SPEED LIMIT**

Walter G. Dluginski, 9235 Roberts Road presented a petition to have the speed limit on Roberts Road, between Mohawk Street and Oneida Street, reduced to 45 miles per hour. Councilman Payne presented the following Resolution for adoption seconded by Councilman Reynolds:

**(RESOLUTION NO. 85 OF 2007)**

**RESOLVED** that the New Hartford Town Board hereby request that the NYS Department of Transportation, pursuant to Section 1622.1 of the Vehicle and Traffic Law, establish a lower maximum speed at which vehicles may proceed on Roberts Road, a County Road, between Mohawk Street and Oneida Street in the Town of New Hartford, as requested by a petition from Roberts Road residents.

The Board members voted as follows:

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

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

**REPORTS OF TOWN OFFICIALS**

**HIGHWAY SUPERINTENDENT:**

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**Shumaker Contract – Manhole Repair – Jordan Road**

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

**(RESOLUTION NO. 86 OF 2007)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute a Contract with Shumaker Consulting Engineering & Land Surveying, 181 Genesee Street, Utica, New York for a proposal for construction and inspection of a manhole at the bottom of Jordan Road, to provide a higher hydraulic system and to improve the system, which will tie into the Wilbur Road system. The cost of this proposal is not to exceed Sixteen Thousand Eight Hundred Fifty Dollars (\$16,850).

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

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

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

**Sanitary Sewer Evaluation Study**

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

**(RESOLUTION NO. 87 OF 2006)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute a Contract with Shumaker Consulting Engineering & Land Surveying, 181 Genesee Street, Utica, New York, to continue the Sanitary Sewer Evaluation Study began last year in the western part of the town – Applewood to Presbyterian Home - to define repairs that are needed to manholes and piping to reduce Sanitary Sewer infiltration going into the system, at a cost not to exceed Ten Thousand Seven Hundred Dollars (\$10,700) to include inspection.

The cost of construction would be between Twenty-Five Thousand (\$25,000) and Thirty Thousand (\$30,000) Dollars, which is included in the operating sewer budget. Thereafter, the Board members voted as follows:

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

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

**Agreement – 2007 Roadside Mowing**

In behalf of the Highway Superintendent, Councilman Reynolds presented the Roadside Mowing Agreement and moved its adoption; seconded by Councilman Waszkiewicz:

**(RESOLUTION NO. 88 OF 2006)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute the Roadside Mowing Agreement between the Town and the County of Oneida wherein the Town agrees to mow town and county roads within the Town of New Hartford during the 2007 Summer Season and the County agrees to furnish the mower that is to be attached to a town tractor and operated by a town employee, and as more fully defined in said Agreement.

The Town Board voted upon roll call as follows:

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

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

**Stormwater Management Improvement Committee**

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

**(RESOLUTION NO. 89 OF 2007)**

**RESOLVED** that the New Hartford Town Board does hereby establish a committee that will advise the Town on prioritizing and management, etc. regarding stormwater issues and improvements; and

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**BE IT FURTHER RESOLVED** that this committee shall consist of two (2) at-large members, one (1) representative from the Public Works and Sewer Advisory Committee, the Planning Board Chairman or his/her designee, the Town Planner, and the Senior Engineering Technician, and that the Town Attorney will serve as an Ad Hoc member on an “as-needed” basis for consultation.

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 declared unanimously carried and ***ADOPTED***.

**Appointment – Seasonal Employee**

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

**(RESOLUTION NO. 90 OF 2007)**

**WHEREAS**, Evan Rossi has declined his April 11, 2007 appointment as a 2007 seasonal laborer in the Highway Department;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby appoint Michael Kelly as a seasonal Highway Department Laborer, filling the vacancy created by Evan Rossi’s declination, for the 2007 Summer season at the hourly wage of Seven Dollars and Seventy-Five Cents (\$7.75), commencing May 14, 2007 with his wages being paid bi-weekly.

The Town Board voted on roll call as follows:

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

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

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**FEMA FUNDS**

The Highway Superintendent has processed the paperwork with the Federal Emergency Management Agency (FEMA) and the Town's cost for the maintenance of the roads during the snowstorms of February 2007 was Fifty-Six Thousand Seven Hundred Dollars (\$56,700), together with the maintenance of the county roads, which was approximately Thirteen Thousand (\$13,000) to Fifteen Thousand (\$15,000) Dollars. Superintendent Cleveland extended his thanks to everyone for his or her support over the short but hard-hit winter starting in February. The Highway Superintendent is requesting that any reimbursement received from FEMA be returned to the Highway Account where the expense was incurred.

**(RESOLUTION NO. 91 OF 2007)**

**RESOLVED** that the New Hartford Town Board does hereby authorize that any moneys, which might be reimbursed from FEMA to the Town of New Hartford for the February 2007 snowstorms, be credited to the Highway Account in the 2007 Budget, from which said expenses were paid.

A roll call vote ensued:

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

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

**Bond Resolution – Grad-All**

The following resolution was offered by Councilman Payne, who moved its adoption, seconded by Councilman Reynolds, to-wit:

**(RESOLUTION NO. 92 OF 2007)**

**A RESOLUTION AUTHORIZING THE PURCHASE OF A GRAD-ALL FOR THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$207,800, AND AUTHORIZING THE ISSUANCE OF \$207,800 BONDS OF SAID TOWN TO PAY THE COST THEREOF.**

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**BE IT RESOLVED**, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of New Hartford, Oneida County, New York, as follows:

Section 1. The purchase of a grad-al for the Town of New Hartford, Oneida County, New York, is hereby authorized at a maximum estimated cost of \$207,800.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$207,800 bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized **will not exceed five years.**

Section 4. The faith and credit of said Town of New Hartford, Oneida County, New York are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. 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 of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, 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 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

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Section 7. 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 this resolution are not substantially complied with,

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

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

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. This resolution, which takes effect immediately, shall be published in summary form in the ***Observer Dispatch***, which is hereby designated as the official newspaper of said Town for such purpose, 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 Woodland	-	Aye
Councilman Payne	-	Aye
Councilman Reynolds	-	Aye
Supervisor Reed	-	Aye.

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

**MS4 Program – Sewer Issues**

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

**(RESOLUTION NO. 93 OF 2007)**

**RESOLVED** that the New Hartford Town Board does hereby establish the following policy with regard to sanitary sewer connections:

***Discharge of cellar drains and pumps prohibited***

Specifically, cellar drains in or below the cellar floor to remove ground water, drains from areaways, courts and the like, roof leaders, or the discharge pipe from any pump or other similar mechanical device arranged to care for such ground or surface water, or clear unpolluted water used for cooling purposes for refrigeration equipment, shall not be connected directly or indirectly with the house sewer. When inspections indicate that water from such sources is being discharged into the house sewer, either directly or indirectly, through leaks in the house sewer or any other manner, such discharge shall constitute a violation of this ordinance and shall be cause for recovery and revocation of any permit previously granted to connect with the sewer under the terms of this ordinance, unless the necessary corrections are made within thirty (30) days from the date of written notice given to the owner of the premises or his agent. Such notice shall be deemed sufficient if sent to the owner by mail addressed to him at the address shown on the latest completed assessment rolls of the town, or if mailed to the agent of said owner.

Highway/Sewer Superintendent Cleveland stated that legislation would be drafted in the near future to amend the Town Code, Chapter 98 [Sewers] to this effect; thereafter, the following 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 Resolution was declared unanimously carried and ***ADOPTED***.

**Authorization for Competitive Bid – Bituminous Concrete Paving**

Upon request of Superintendent of Highways Cleveland, Councilman Woodland presented the following Resolution and moved its adoption; seconded by Councilman Payne:

**(RESOLUTION NO. 94 OF 2007)**

**RESOLVED** that the New Hartford Town Board shall receive sealed bids for Bituminous Concrete Paving in accordance with Town Specifications; all bids are to be

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received by the Town Clerk's Office no later than 10:45 A.M. on Friday, June 8, 2007 and then shall be publicly opened and read aloud at 11:00 A.M. on said date and in said Office; and be it

**FURTHER RESOLVED** that the said Town Board does hereby authorize and direct the Town Clerk to publish the legal requisite Advertisement-Invitation to Bid in The Observer-Dispatch.

The Town Board voted upon roll call as follows:

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

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

**Training**

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

**(RESOLUTION NO. 95 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 the Highway Superintendent Roger Cleveland to attend the New York State Office of State Comptroller's conference on purchasing policies on May 16-17, 2007 in Albany, New York, with expenses to be borne by said Town.

Thereafter, the Board members voted as follows:

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

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

**Equipment Purchase**

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

**(RESOLUTION NO. 96 OF 2007)**

**WHEREAS**, the Town of New Hartford is the owner of a 1985 Ford Bucket Lift Truck, VIN 1FDWK74N6FVA57474, that has reached its useful life, with an estimated cost of repairs and additional inspection for this vehicle being Seven Thousand (\$7,000) Dollars;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize and direct Superintendent of Highways Roger Cleveland to attend the National Grid auction on May 19, 2007 to bid on a newer bucket truck; and

**BE IT FURTHER RESOLVED** that the Highway Superintendent be, and he hereby is, authorized to advertise on E-bay for the sale of the 1985 Ford Bucket Lift Truck VIN 1FDWK74N6FVA57474.

The Resolution was voted upon as follows:

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

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

**Deputy Highway Superintendent – Disability**

Highway Superintendent Cleveland explained that his Deputy had surgery April 30, 2007 and he won't be released to work until July or August 2007. In the Deputy's absence, Christopher Moran and William Marshall have been fulfilling his duties and the Highway Superintendent requested a One Dollar (\$1) per hour raise to each of these employees for May through July 2007, at which time Superintendent Cleveland will have a better knowledge of the status of his Deputy; this would have a minimal budget impact. Councilman Reynolds asked if this type of situation has been addressed in the labor agreement; the Highway Superintendent responded that there is not anything in the current labor agreement to address this type of matter. The Town Supervisor stated that the Town will need to check with Personnel and consult the labor contract and asked that this matter be tabled until the June 13, 2007 Town Board meeting.

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**PARKS AND RECREATION DIRECTOR:**

**Part-Time Seasonal Appointments**

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

**(RESOLUTION NO. 97 OF 2007)**

**RESOLVED** that the New Hartford Town Board does hereby appoint the following individuals to the various part-time seasonal positions and for the hourly wages set opposite their several names, for the Parks & Recreation Department, commencing on the dates specified and for the 2007 Summer Season; all wages to be paid bi-weekly:

Playgrounds – A7140.11 & Summer Theater A7145.1

Start Date 7/2/2007

<b>NAME</b>	<b>POSITION</b>	<b>RATE OF PAY</b>
Travis Owens	Co-Director at Washington Mills Park	\$10.50 per hour
Kimberley Casey	Co-Director at Washington Mills Park	\$10.50 per hour
Kaitlyn Jo Hudson	Rec Attendant II at Washington Mills Park	\$ 7.73 per hour
Katelynn Duffy	Rec Attendant I at Washington Mills Park	\$ 7.15 per hour
Andrew Roemer	Half Day Rec Attendant at Washington Mills Park	\$ 7.15 per hour
Amanda Keida	Half Day Rec Attendant at Washington Mills Park	\$ 7.15 per hour
Kristi Dennison	Director at Oxford Road	\$10.85 per hour
Theresa Corleto	Assistant Director at Oxford Road	\$ 8.50 per hour
Marc Montesano	Rec Attendant II at Oxford Road	\$ 7.73 per hour
Bianca Falange	Rec Attendant II at Oxford Road	\$ 7.73 per hour
Anjali Patel	Rec Attendant I at Oxford Road	\$ 7.15 per hour
Michael Matt	Rec Attendant I at Oxford Road	\$ 7.15 per hour
Mikaela Butler	Half Day Rec Attendant I at Oxford Road	\$ 7.15 per hour
Robert Greer	Director at Clinton Road	\$10.85 per hour
Catherine Cozza	Assistant Director at Clinton Road	\$ 8.50 per hour
Matt Watkajtys	Rec Attendant II at Clinton Road	\$ 7.73 per hour
Jordan Groah	Rec Attendant II at Clinton Road	\$ 7.73 per hour
Patrick Calli	Rec Attendant I at Clinton Road	\$ 7.15 per hour
Sarah Gigliotti	Rec Attendant I at Clinton Road	\$ 7.15 per hour
Amanda Doyle	Half Day Rec Attendant at Clinton Road	\$ 7.15 per hour
Kacie Cunningham	Director at Higby Road	\$10.85 per hour
Michelle Guca	Assistant Director at Higby Road	\$ 8.50 per hour
Marc Pitarresi	Rec Attendant II at Higby Road	\$ 7.73 per hour

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<b>NAME</b>	<b>POSITION</b>	<b>RATE OF PAY</b>
Sarah Heil	Rec Attendant II at Higby Road	\$ 7.73 per hour
Amanda Horth	Rec Attendant II at Higby Road	\$ 7.73 per hour
Dan Seif	Rec Attendant I at Higby Road	\$ 7.15 per hour
Katrina Marshall	Rec Attendant I at Higby Road	\$ 7.15 per hour
Barbara Kivela	Head Bus Driver	\$12.36 per hour
Linda Mundrick	Bus Driver	\$11.67 per hour
Tim Madden	Adult Basketball Director	\$16.75 per hour
Jerry Pitarresi	Adult Basketball Assistant Director	\$11.65 per hour
Ed Prue	Youth Basketball Director	\$14.85 per hour
Harold Kaffka	Adult Pick-up Basketball Director	\$13.95 per hour
George Kazanjian	St. John's Basketball Director	\$16.75 per hour
Steve Orton	Summer Theater Director	\$18.10 per hour
Jesse Orton	Summer Theater Assistant Director	\$ 9.30 per hour

Parks – A7110.14

Start Date 6/11/2007

<b>NAME</b>	<b>POSITION</b>	<b>RATE OF PAY</b>
William Rust	Park Laborer I	\$ 7.85 per hour
Daniel M. Dreimiller	Park Laborer I	\$ 7.85 per hour
Robert Cooper	Park Laborer I	\$ 7.85 per hour

Swim – A7230.1

Start Date 6/25/2007

<b>NAME</b>	<b>POSITION</b>	<b>RATE OF PAY</b>
Diane Muller	Pool Director & Evening Director	\$11.55 & \$8.15 per hour
Anna Wanner	Assistant Supervisor	\$10.05 per hour
Kathryn Karl	Assistant Supervisor	\$ 9.80 per hour
Paul Manfredo	Certified Water Safety Instructor	\$ 9.55 per hour
Sean Dakus	Certified Water Safety Instructor	\$ 9.55 per hour
Erica Masi	Certified Water Safety Instructor	\$ 9.55 per hour
Ashley Mundrick	Water Safety Instructor	\$ 8.70 per hour
Sean Dwyer	Water Safety Instructor	\$ 8.70 per hour
Lindsay Mundrick	Day Lifeguard & Sub Water Safety Instructor	\$ 8.15 per hour
Emily Masi	Day Lifeguard & Sub Water Safety Instructor	\$ 8.15 per hour
Lauren Graniero	Sub-Day Lifeguard & Evening Guard	\$ 8.15 per hour
John Monaghan	Evening Lifeguard	\$ 8.15 per hour
Kevin Dwyer	Evening Lifeguard	\$ 8.15 per hour

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<b>NAME</b>	<b>POSITION</b>	<b>RATE OF PAY</b>
Dominick Masi	Evening Lifeguard	\$ 8.15 per hour
Scott Wanner	Evening Lifeguard	\$ 8.15 per hour
Andrew Crumrine	Sub Evening Lifeguard	\$ 8.15 per hour
Andrew Powers	Sub Evening Lifeguard	\$ 8.15 per hour
Jonathan Graniero	Sub Evening Lifeguard	\$ 8.15 per hour
Marissa Mundrick	Girls Locker Attendant	\$ 7.15 per hour
Elaine Hage	Water Aerobics Instructor	\$36.50 per hour
Maurine Farruggia	Water Aerobics Instructor	\$36.50 per hour

Whereupon, the Town Board voted upon roll call:

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

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

**Local Law Introductory "A" of 2007 – Parks/Hours and Days Open – Creation of Dog Park and rules and regulations**

Councilman Woodland introduced the following legislation for consideration by the Town Board at a future public hearing; co-sponsored by Councilman Waszkiewicz:

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

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

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

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

Section 88-1. Applicability of provisions

This chapter shall apply to those lands owned by or under the control and supervision of the Town of New Hartford, dedicated or otherwise devoted to active or passive recreation and known as "Donovan Memorial Park", "Sherrillbrook Park", "Washington Mills Athletic Park", Recreation Center,

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“Veterans Memorial Park”, “Philip A. Rayhill Memorial Trail”, and any extensions thereof. Use of the term “park” in this chapter shall mean and include the above-referenced facilities.

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

Section 88-2. Hours and days open

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

May 1<sup>st</sup> to August 31<sup>st</sup> opening at 8:00 A.M. and closing at 8:30 P.M.

September 1<sup>st</sup> to October 31<sup>st</sup> opening at 8:00 A.M. and closing at 7:30 P.M.

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

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

Section 88-8. Domestic animals.

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

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

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

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Section 119, Subsections a, b and c, along with Section 121 of the State of New York Agriculture and Markets Law; along with Section 2145 of the New York State Public Health Law, Title 4, Article 21.

### **SHERRILLBROOK DOG PARK**

- Entry to, and use of, the dog park is restricted to Town-approved applicants only.
- Entry to the dog park is gained by proper use of a Town-issued magnetic access card.
- Persons seeking an application to use the dog park can do so by contacting the Town Parks and Recreation Office located in Sherrillbrook Park; telephone – 724-0654.
- Dog Park hours:
  - April through September – 8:00 A.M. to 7:30 P.M.
  - October through March – 8:00 A.M. to 5:00 P.M. (weather permitting)
  - Maximum capacity not to exceed 110 dogs

### **Dog Park Rules and Regulations**

- Persons making use of the dog park do so at his or her own risk of injury to self and dog(s).
- Persons making use of the dog park shall be responsible for injuries caused by his or her dog(s) to other persons and dogs. Persons responsible for any such injuries or property damage shall hold the Town of New Hartford harmless for same.
- Persons making use of the dog park must be 18 years of age or older and dogs must be at least four (4) months old, properly licensed with the State, with proper vaccinations for RABIES. PARVO/DISTEMPER and BORDATELLA vaccinations are recommended.
- No entry will be permitted without park registration tag, dog license tag, and rabies identification tag attached to the dog collar.
- Allowing other individuals to utilize a dog pass or to give access to unregistered dogs will result in immediate suspension of privileges.
- No choke, prong or spike collars as these can injure dogs during play.

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- The permit holder must have in his or her possession a mutt mitt (baggy) or some other form of equipment to clean up after their dog(s). All waste must be placed in a mutt mitt and placed in a waste receptacle provided at the park in accordance with Chapter 56-1-1 of the New Hartford Code.
- No animals other than dogs may be brought into the dog park.
- Dogs must never be left unattended. Dog owner/permit holder must keep an eye on his or her dog(s) at all times and keep a leash available at all times.
- Dogs must be leashed at all times when not in the dog park.
- Dogs may not be brought into the park if they are less than four (4) months old, sick or unhealthy, have a history of aggressiveness, have been adjudicated as dangerous by a court of law, or they are females in heat.
- If aggressive action is observed, the permit holder must leave the park immediately with the aggressive dog.
- Children under 12 years of age must be closely supervised at all times. It is strongly urged that, for their own safety, young children not be brought to the dog park; if they are, the children must be close enough to hold an adult's hand at all times.
- No food, treats, rawhide chews, alcoholic beverages, glass containers, strollers, bicycles, skateboards, roller blades or toys will be allowed in the dog park area. Littering and smoking is prohibited.
- No more than three beings\* per handler will be allowed (\*dogs and/or small children).
- Dog owners must immediately fill any holes their dog(s) dig; a shovel will be provided at the dog park entrance.
- Professional dog trainers/behaviorists and dog walkers are not permitted to use the dog park to conduct their business unless they are participating in a park-sponsored program approved by the New Hartford Parks Department.
- Dogs and permit holders, and park users creating a disturbance or violating rules must immediately leave the off-leash area if requested by law enforcement personnel, park personnel or their designated agents.

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- No large dogs will be allowed in the small dog area and vice-a-versa.
- All gates must be closed at all times after entering or leaving.
- All dog bites must be reported to the New Hartford Animal Control Department at 733-6666. If a bite occurs, the dog's owner must exchange their name and phone number with the other dog owner.
- The Town of New Hartford Parks and Recreation Department reserves the right to close the dog park area for maintenance and repairs.

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

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

**SECTION 4.** All other provisions of Chapter 88 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

**SECTION 5.** This Local Law shall become effective upon its filing with the Office of the Secretary of State.

### **Public Hearing Scheduled – Local Law Introductory “A” of 2007**

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

#### **(RESOLUTION NO. 98 OF 2007)**

**RESOLVED** that the Town Board of the Town of New Hartford shall conduct a Public Hearing on Wednesday, June 13, 2007 at **6:00 P.M.**, or as soon thereafter as reached in

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the regular course of business, in the **Myles Elementary School, 96 Clinton Road** in said Town to consider the adoption of **Local Law Introductory No. "A" of 2007** which, if adopted, would amend the Code, Chapter 88 thereof entitled **PARKS**, by amending the applicability of provisions to include the Recreation Center, the Veterans Memorial Park, the Philip A. Rayhill Memorial Trail and any extensions thereof, as well as the Donovan Memorial Park (formerly known as the Chadwicks Park); the hours and days open; and domestic animals allowed, including creation of a dog park with rules and regulations; and be it

**FURTHER RESOLVED** that the Town Board does hereby authorize and direct the Town Clerk to publish the legal requisite Notice of Public Hearing in The Observer Dispatch.

A roll call vote ensued:

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

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

**Fiscal – Debit/Credit Cards for payment**

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

**(RESOLUTION NO. 99 OF 2007)**

**WHEREAS**, at the April 11, 2007 Town Board meeting the Parks and Recreation Director presented different scenarios regarding Debit/Credit Cards for payment of Parks & Recreation Program fees;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize Parks and Recreation Director Michael Jeffery to set up an account with the Bank of America, which would allow the Parks and Recreation Department to accept payments for their various programs by the use of Debit/Credit Cards.

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

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

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

**TOWN BOARD MEMBER – ABSENT HIMSELF**

Councilman Payne left the Board meeting at 6:45 P.M.

**TOWN PLANNER:**

**Comprehensive Plan**

Upon recommendation of Town Planner Schwenzfeier, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Reynolds

**(RESOLUTION NO. 100 OF 2007)**

**WHEREAS**, the Town Board of the Town of New Hartford had designated a Steering Committee to work with consultant, *peter j. smith & company, inc.*, to update the comprehensive plan for the Town of New Hartford; and

**WHEREAS**, several hearings have been held and the comprehensive plan has been reviewed by the Town’s Planning Board and the Oneida County Planning Board; and

**WHEREAS**, at the April 11, 2007 Town Board meeting, the Town Board accepted the Final Generic Environmental Impact Statement in accordance with the State Environmental Quality Review Act, 6 NYCRR Part 617.6, for preparation of the Comprehensive Plan;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby adopt the Comprehensive Plan updated by *peter j. smith & company, inc.*, dated April 2007.

Upon roll call, the Board members voted as follows:

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

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

**TOWN CLERK**

**Appointment – Salary of Deputy Town Clerk II**

The Town Clerk informed the Board that she has appointed Melody K. Fancett to fill the vacancy of Deputy Town Clerk II, said vacancy created by the medical resignation of Nancy Kneller, the former incumbent thereof; said appointment will become effective May 27, 2007. Ms. Fancett has been working as a Sub Clerk, part-time, in the Town Clerk's Office since August 2006. Upon recommendation of the Town Clerk, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 101 OF 2007)**

**WHEREAS**, the Town Clerk has appointed Melody K. Fancett to fill the vacancy of Deputy Town Clerk II, effective May 27, 2007, in accordance with Town Law;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby establish Ms. Fancett's 2007 annual salary at Eighteen Thousand Dollars (\$18,000), payable bi-weekly.

Upon roll call, the Board members voted as follows:

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

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

**POLICE CHIEF:**

**Homeland Security Funding**

Upon recommendation of Police Chief Raymond Philo, Councilman Woodland presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

**(RESOLUTION NO. 102 OF 2007)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to sign an Agreement between the Town of New Hartford and Oneida County Emergency Services accepting Fourteen Thousand Dollars

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(\$14,000) in Homeland Security Funding; which grant money shall be appropriated to upgrade the Police Department “Mobil Data Terminal” server to enhance countywide interoperable communications.

Upon roll call, the Board members voted as follows:

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

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

**Appointment – Part-Time Police Officer**

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

**(RESOLUTION NO. 103 OF 2007)**

**WHEREAS**, part-time Police Officer Steven P. Snyder, Jr. has been promoted to a full-time position for the Police Department, leaving a vacancy in a part-time Police Officer position;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby appoint W. Jason Freiberger to fill the vacancy of Part-Time Police Officer, effective May 27, 2007; his hourly wage will be commensurate with the current union contract and shall be made consistent with final approval by NYS Civil Service.

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

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

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

**E-Bay Account – Surplus Vehicles**

Upon recommendation of Police Chief Raymond Philo, Councilman Woodland presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

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**(RESOLUTION NO. 204 OF 2007)**

**WHEREAS**, the Town Board adopted Resolution No. 66 at the April 11, 2007 meeting, declaring three (3) vehicles as “surplus” and giving the Police Chief authority to place these vehicle on E-bay for sale;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize and direct Bookkeeper Carol Fairbrother to establish an account with E-bay for the Police Department for the purposes of placing the aforementioned surplus vehicles for sale.

The Board members voted as follows:

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

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

**Town-Wide Emergency Plan**

Police Chief Raymond Philo informed the Board that, with the help of Utica College interns, the Police Department had updated the Town-wide Emergency Plan. The Town of New Hartford cannot use a generic plan for its emergency plan due to the Town’s diversification. The Police Chief acknowledged the time and efforts of the Utica College interns over the past years.

**MATTERS SUBMITTED BY COUNCILMEN/ATTORNEY**

**ATTORNEY FOR THE TOWN:**

**Rescind Purchase Offer – One Oxford Crossing**

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

**(RESOLUTION NO. 105 OF 2007)**

**WHEREAS**, at the September 16, 2006 Special Town Board meeting, Resolution No. 268 was adopted authorizing and directing Gerald R. Green, Attorney for the Town of New Hartford, to prepare a Purchase Offer for property located at One Oxford Crossing, New Hartford; and

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**WHEREAS**, on November 15, 2006 the New Hartford Town Board authorized Attorney Green to tender a Purchase Offer of \$998,000 for the purchase of property located at One Oxford Crossing;

**NOW, THEREFORE, BE IT RESOLVED** that, since Bond Proposal No. 5 (new police station and other offices) had been defeated at the Special Town Election held March 29, 2007, the New Hartford Town Board does hereby authorize and direct Attorney Green to prepare the necessary documents to rescind the aforementioned Purchase Offer and to obtain the necessary signature(s) thereon.

The Board members voted as follows:

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

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

**Re-dedication of Public Road – Kavod Road**

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

**(RESOLUTION NO. 106 OF 2007)**

**WHEREAS**, the following documents have been received by Gerald R. Green, Attorney for the Town of New Hartford, in accordance with Town Code, Chapter 102-7.K. [Streets and Sidewalks] for the re-dedication of Kavod Road:

- Letter of approval by Highway Superintendent/Engineering Office
- Warranty deed describing Kavod Road
- Letter of approval by the Attorney for the Town
- Copies of final approved plans
- Copies of as-built drawings that were filed in the Town Engineer's office when Kavod Road was originally dedicated as a Town highway by Resolution No. 239, adopted August 19, 1992
- Indemnification agreement from Charles Sitrin Healthcare that there have been no changes to Kavod Road since it was abandoned by Town Board Resolution No. 212, adopted June 4, 2003, at the request of Sitrin Healthcare

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**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby accept and dedicate as a public highway Kavod Road, as fully described in a Warranty Deed dated April 19, 2007; and be it

**YET FURTHER RESOLVED** that Attorney Green be, and he hereby is, authorized and directed to record the necessary documents relating to public dedication of the aforesaid highways and easements in the Office of the Oneida County Clerk and that the Bookkeeper be, and she hereby is, authorized to issue a check in the amount of Two Hundred Six Dollars (\$206) to pay the recording fees at the Oneida County Clerk’s Office.

Upon roll call, the Town Board members voted as follows:

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

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

**Assessment/Tax Exempt Status – Preswick Glen Project**

Preswick Glen is in a lull now between notice given by Assessor to Preswick, and Preswick’s legal move back. Daniel Gilligan asked that town and county officials attend the New Hartford School Board executive session together with Attorney Dan Vincelette to review litigation strategy. Everyone else is proceeding on course.

**MATTERS SUBMITTED BY TOWN SUPERVISOR**

**FINANCIAL:**

**Audit of Vouchers**

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

**(RESOLUTION NO. 107 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. 9  
Vouchers AA621-AA633

\$ 52,772.33

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General Fund Whole-Town Abstract No. 10 Vouchers AA634-AA700; AA727-AA732; AA740-AA773; AA796-AA810	\$105,061.82
General Fund Whole-Town Police Abstract No. 10A Vouchers AA801-AA726; AA733-AA739; AA774-AA795	\$ 53,427.52
General Fund Part-Town Abstract No. 9 Vouchers BB65-BB84	\$ 7,870.86
Highway Fund Part-Town Abstract No. 7 Vouchers DB191-DB217	\$ 70,872.19
Sewer Fund Abstract No. 9 Vouchers SS26-SS29	\$ 2,335.34
Street Lighting Abstract No. 5 Voucher SL5	\$ 8,303.59
Drainage Capital Abstract No. 3 Voucher HC10	\$ 180.00
Higby Road Water District Abstract No. 3 Vouchers HF5-HF6	\$ 555.00
GEIS/Capital Project No. 2 Voucher HX3	\$ 42,175.70
<b>TOTAL:</b>	<b>\$ 343,554.35</b>

Whereupon, the Town Board members voted individually as follows:

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

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

**Town Court – Non-lawyer Justices**

The following Resolution was offered by Councilman Reynolds, who moved its adoption, seconded by Councilman Woodland:

**(RESOLUTION NO. 108 OF 2007)**

**WHEREAS**, there has recently been negative press coverage by the *New York Times* and some local papers within Oneida County suggesting that the Town court system is flawed

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and more specifically, alleging that the three hundred year tradition of non-lawyer judges presiding over and within the local municipalities should be eliminated; and

**WHEREAS**, there has always been a Town Court within the Town of New Hartford, conveniently located and accessible to our citizens; and

**WHEREAS**, there are two (2) Town Judgeships established within the Town of New Hartford; and

**WHEREAS**, there are presently two (2) non-attorney Town Justices within the Town of New Hartford; and

**WHEREAS**, with their civil and criminal jurisdiction, the Town Justices in the Town of New Hartford handled thousands of cases in the past year; and

**WHEREAS**, the Town Court of New Hartford in the past year collected approximately \$450,000 in statutory fines, fees and surcharges on behalf of the State of New York, the County of Oneida and the Town of New Hartford, to help fund essential public services; and

**WHEREAS**, the Town Board of New Hartford recognizes and appreciates the professionalism, diligence, intelligence and integrity of the non-attorney justices within our town who bring a specialized experience to the bench particularly with issues unique to our community who elected them; and

Now, therefore, be it:

**RESOLVED**, that the members of the Town Board of New Hartford support the continuation of the three hundred year tradition of non-lawyer justices presiding in Town Courts, and it is further;

**RESOLVED**, that the members of the Town Board of New Hartford hereby oppose any requirement that Town Justices be attorneys, and it is further;

**RESOLVED**, that the members of the Town Board of New Hartford oppose any efforts to eliminate local and convenient access to justice by our citizens; and find that the local presence of the Town Court of New Hartford provides a meaningful and necessary presence within our community for judicial resolution of conflicts, continued public safety of our citizens and the protection of constitutional guarantees for all of our citizens.

Whereupon, the Town Board members voted individually as follows:

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

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

**EXECUTIVE SESSION**

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

**(RESOLUTION NO. 109 OF 2007)**

**RESOLVED** that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss Police Benevolent Association (PBA) contract negotiations, a criminal investigation by the Police Department, Department of Environmental Conservation (DEC), Vescera Certiorari assessment proceeding, and the job performance of two (2) particular employees.

A roll call vote ensued:

Councilman Waszkiewicz	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Payne	-	Absent
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 7:01 P.M. Chief Police Raymond Philo and Town Clerk Gail Wolanin Young were asked to remain present in the event action was needed.

**END OF EXECUTIVE SESSION**

Councilman Waskiewicz offered the following Resolution for adoption and Councilman Woodland seconded same:

**(RESOLUTION NO. 110 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:

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

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

The Supervisor declared the Resolution unanimously carried and duly adopted; the Executive Session ended at 7:45P.M. and the regular portion of the Town Board meeting was immediately reconvened.

**ADJOURNMENT**

There being no further business to come before the Town Board, the meeting was adjourned at 7:45 P.M.

**Respectfully submitted,**

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

**Margaret M. Jones  
Deputy Clerk I**