

**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 24, 2007 AT 6:00 P.M.**

Supervisor Reed 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 David M. Reynolds
Councilman Richard B. Woodland, Jr.
Supervisor Earle C. Reed

ABSENT: Councilman Robert A. Payne, III
The late Councilman John C. Waszkiewicz III

OTHER TOWN OFFICIALS:
Assessor Paul E. Smith
Highway Superintendent Roger A. Cleveland
Police Lt. Timothy O'Neill
Town Clerk Gail Wolanin Young and
Deputy Town Clerk I Margaret M. Jones

Thereafter, a quorum was declared present for the transaction of business. Councilman Payne was absent due to out-of-town business with his employer.

TRIBUTE TO THE LATE COUNCILMAN WASZKIEWICZ



In memory of Councilman Waszkiewicz who passed away on Friday,
October 19, 2007, Rev. Janet Hoover led those present in an
ecumenical prayer of remembrance and of thanks for the times shared
during Councilman Waszkiewicz' public service.



The Town Clerk then read the following Resolution that was introduced for adoption by Councilman Reynolds and duly seconded by Councilman Woodland:



(RESOLUTION NO. 241 OF 2007)

**RESOLUTION ON THE DEATH OF
COUNCILMAN JOHN C. WASZKIEWICZ III**

WHEREAS, it is with deep regret that the Town Board of the Town of New Hartford, New York, has received word of the death of *John C. Waszkiewicz III*, Councilman for the Second Ward in said Town; and

WHEREAS, *John C. Waszkiewicz III*, known as “*J. C.*” by his numerous friends and associates, had been an enthusiastic supporter in the community, giving selflessly and generously of his time, energy and abilities to various worthwhile endeavors, including those that benefited youth, health care, higher education and economic development; and

WHEREAS, *J. C.* served as Councilman for the Town of New Hartford, and particularly for the residents of the Second Ward, with great distinction, outstanding ability, honesty and unquestioned integrity from January 1, 2000 until his untimely passing on October 19, 2007 at age 54; and

WHEREAS, *J. C.*'s kindly, friendly manner is an example for all who knew him, and his sincerity of purpose and his devotion to his duties have won for him the enduring respect and high admiration of his constituents;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby express its profound sorrow in the loss of *John C. Waszkiewicz III*, a true public servant, and further expresses its high regard and esteem in which he was held during the Town Board's association with him; and be it

FURTHER RESOLVED that this Resolution be incorporated in the minutes of the Town Board this 24th day of October, 2007 and that a copy of this Resolution be forwarded to *J. C.*'s beloved wife, Barbara, and their children.



The Town Board then voted upon roll call:

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

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

MINUTES APPROVAL

October 10, 2007 Town Board Minutes

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

(RESOLUTION NO. 242 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 **October 10, 2007** and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

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

PUBLIC HEARING

6:08 P.M. Local Law Introductory "E" of 2007
Vehicle and Traffic

The Supervisor opened the Public Hearing at 6:08 P.M. and the Town Clerk had available the Notice of Public Hearing, Proof of Publication and Affidavit of Posting with regard to Local Law Introductory "E" of 2007. The purpose of the Hearing is to offer the public an opportunity to speak for or against Local Law Introductory "E" of 2007, which, if adopted, would amend the Code, Chapter 113 thereof entitled VEHICLES AND TRAFFIC, by adding an additional stop street and an additional through street.

In behalf of the Highway Superintendent who had stepped out of the meeting room, the Town Clerk explained that this legislation had been proposed by the Highway Superintendent for the intersection of Pleasant Street [to be designated a through street] and Waterford Lane [to be designated a stop street].

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There having been no one present to speak in favor of, in opposition to, or to comment upon the proposed legislation, the Supervisor declared the Public Hearing closed at 6:10 P.M.

Adoption – Local Law No. Four of 2007

Thereafter, Councilman Reynolds moved that Local Law Introductory “E” of 2007 be adopted as Local Law No. Four of 2007, in the following format; seconded by Councilman Woodland:

TOWN OF NEW HARTFORD, NY
LOCAL LAW NO. FOUR OF 2007

A Local Law to amend the Code of the Town of New Hartford, **Chapter 113** thereof entitled **VEHICLES & TRAFFIC**, by establishing an additional through street (Section 113-40) and an additional stop street (Section 113-41).

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

SECTION 1. Chapter 113 of the Code of the Town of New Hartford, Section 113-40, is hereby amended to include the following:

Section 113-40. Schedule VI: Through Streets.

<i>NAME OF THROUGH STREET</i>	<i>NAME OF ENTRANCE STREET</i>	<i>DIRECTION FROM WHICH ENTERING</i>	<i>TRAFFIC CONTROL DEVICE</i>
Pleasant Street	Waterford Lane	Southwest	Stop Sign

SECTION 2. Chapter 113 of the Code of the Town of New Hartford, Section 113-41, is hereby amended to include the following:

Section 113-41. Schedule VII: Stop Intersections.

<i>STOP SIGN ON</i>	<i>DIRECTION OF TRAVEL</i>	<i>AT INTERSECTION OF</i>
Waterford Lane	Northeast	Pleasant Street

SECTION 3. All other provisions of Chapter 113 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

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

The Board members voted as follows:

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

Local Law Introductory "E" of 2007 was declared unanimously carried and duly ***ADOPTED*** as Local Law No. Four of 2007.

PUBLIC PRESENTATIONS

Enforcement – Handicapped Parking Areas

David Julian expressed concern about the alleged lack of enforcement of handicapped parking places at several area retail businesses, especially with the approaching busy holiday season. He suggested that police officers patrol areas on bikes. Mr. Julian cited a 19-year old girl running and using a parking permit in her car. Acknowledging Mr. Julian's comments, Councilman Reynolds suggested that if he sees something amiss, report it to the police.

Uniformity – Business signs

Mr. Julian would like to see uniform business signs that would be eco-friendly. Supervisor Reed apprised him that signs need approval from the Codes, Planning and/or Zoning Departments.

REPORTS OF TOWN OFFICIALS

ASSESSOR:

Appointment – Real Property Tax Service Aide

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

(RESOLUTION NO. 243 OF 2007)

WHEREAS, a vacancy exists in the full-time position of Real Property Tax Service Aide due to the retirement of Janet L. Halpin on September 21, 2007, the former incumbent thereof;

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NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby provisionally appoint Theresa Brown to fill the vacancy of Real Property Tax Service Aide, effective Wednesday, October 31, 2007, at an hourly wage of Thirteen Dollars and Seventy-four Cents (\$13.74), payable bi-weekly, and *contingent upon her passing the NYS Civil Service examination for said position and being reachable on the Civil Service list.*

Whereupon, the Town Board voted upon roll call:

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

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

HIGHWAY SUPERINTENDENT:

Executive Session – Employment History of an Employee

The Highway Superintendent requested to discuss the employment history of a particular employee in Executive Session.

Promotion – Highway Laborers

Upon presentation by the Highway Superintendent, the following Resolution was offered for adoption by Councilman Reynolds and duly seconded by Councilman Woodland:

(RESOLUTION NO. 244 OF 2007)

WHEREAS, at the September 20, 2006 Town Board meeting Motor Equipment Operators (MEO) Christopher Moran and Michael Smoulcey had been promoted to Heavy Equipment Operators, effective October 1, 2006; and

WHEREAS, the Motor Equipment Operator positions previously held by Christopher Moran and Michael Smoulcey have remained vacant since October 1, 2006;

NOW, THEREFORE, BE IT RESOLVED that, upon recommendation of the Highway Superintendent, the New Hartford Town Board does hereby promote Highway Laborers Jesse Conhaim and Bryon Rich to fill the vacant positions of Motor Equipment Operator (MEO), effective Sunday, October 28, 2007, at an hourly wage consistent with the current Highway Department union contract.

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The Resolution was subject to a vote upon roll call:

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

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

Buildings & Grounds – Kellogg Road Community Center Building

Councilman Payne and the Highway Superintendent discussed with the Board the possible temporary closing of the Kellogg Road Community Center Building from December 1, 2007 through April 1, 2008 as a cost-savings measure. Notification would be necessary to any individual/group that may have reserved the building during that time frame.

Mr. Wiatr opposed the Town's closing of the building on the "...pretext of saving \$8,000 in utilities" and "...to be careful where they tread".

Driveway Permit – Mallard Brook

The Highway Superintendent briefed the Town Board regarding a request for a driveway permit on Mallard Brook Lane. The proposed driveway will cross a narrow strip of land under Town ownership, that strip being on one side, the southern highway Rights of Way of Mallard Brook and on the other, the northerly boundary line of a private property, the owner of whom is petitioning for this driveway permit. The subject strip of land was given to the Town in the 1990's to preclude highway access onto Mallard Brook from a proposed Planned Development project behind what is now the Library. An agreement would be required between the property owner and the Town, and that agreement would stipulate that the Town would forever retain the right to revoke the Permit, should the Town require that strip of land for its own purposes. The Board had no issues with advancing the matter, and Superintendent Cleveland stated he would continue working with the Town Attorney on the agreement.

Stormwater

At the last Stormwater Group meeting, Shumaker Engineering presented the findings of their hydraulic analysis of the Woodberry/Beechwood drainage sub-area. With this information, they are now in a position to model various mitigation measures. A request will be made of Shumaker to provide a proposal for this modeling.

TOWN CLERK:

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Status of Local Law Introductory “D” (Subdivision) of 2007

The Town Clerk has not received verification that the comments rendered by the New York State Department of Health will be included in Local Law Introductory “D” of 2007; therefore, the matter is on hold.

Town Board Meeting Date Change

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

(RESOLUTION NO. 245 OF 2007)

RESOLVED that, in order to comply with *NYS TOWN LAW, Section 108*, the New Hartford Town Board does hereby reschedule the Wednesday, November 14, 2007 Town Board meeting to Wednesday, November 7, 2007 at 6:00 P.M. in Butler Memorial Hall, New Hartford, NY.

A roll call vote ensued:

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

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

Public Hearing Scheduled – 2008 Preliminary Budget

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

(RESOLUTION NO. 246 OF 2007)

RESOLVED that the Town Board of the Town of New Hartford shall conduct a Public Hearing to commence at 6:00 P.M., or as soon thereafter as reached in the regular course of business, on Wednesday, November 7, 2007 in Butler Memorial Hall, 48 Genesee Street, in said Town, to consider the following matters:

- the adoption of the 2008 Preliminary Budget as the 2008 Annual Budget
- the adoption of the special assessment rolls for
 - New Hartford Consolidated Sewer District
 - Clinton Street Sewer District
 - Woodberry Hills Sewer District

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- Jubilee Estates Drainage District
- Higby Road Water District
- Water Fund
- the establishment of the unit or ad valorem charges for the fiscal year beginning January 1, 2008 for the following special districts
 - Fire Protection Districts No. 1 through No. 5, inclusive
 - Various Street Lighting Districts

And be it

FURTHER RESOLVED that the said Town Board does hereby authorize and direct the Town Clerk to publish the legal requisite Notices of Public Hearing in The Observer Dispatch; and, in accordance with NYS Town Law, Section 106 (4), upon receipt of the Preliminary Budget, make fifteen (15) copies for distribution to the public.

The Resolution was then voted upon as follows:

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

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

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL:

Audit of Vouchers

Councilman Woodland presented the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 247 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:

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General Fund Whole-Town Abstract No. 24	
Vouchers AA1674-AA1707	
Vouchers AA1709-AA1720;	
Vouchers AA1729-AA1730	\$168,498.86
General Fund Whole-Town Police Abstract No. 24A	
Vouchers AA1721-AA1728	\$ 6,607.97
General Fund Part-Town Abstract No. 16	
Vouchers BB1161-BB164	\$ 295.69
Highway Fund Part-Town Abstract No. 15	
Vouchers DB432-DB452	\$ 19,650.41
Sewer Fund Abstract No. 21	
Voucher SS74-SS75	\$ 6,778.61
Street Light Fund Abstract No. 12	
Vouchers SL12	\$ 7,784.98
Drainage Capital Abstract No. 11	
Voucher HC54-HC59	\$ 5,399.35
GEIS Study Capital Abstract No. 7	
Vouchers HX9	\$ <u>4,370.00</u>
TOTAL:	\$219,385.87

Whereupon, the Town Board members voted individually as follows:

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

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

Trailhead Funding – Philip Rayhill Memorial Trail

Councilman Reynolds and the Highway Superintendent confirmed that the Town of New Hartford has received funding approval for the trail head at the Philip Rayhill Memorial Trail. (NOTE: Refer to October 10, 2007 Town Board minutes.)

EXECUTIVE SESSION

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

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(RESOLUTION NO. 248 OF 2007)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the employment history of a particular employee.

A roll call vote ensued:

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 6:28 P.M. Highway Superintendent Cleveland remained for the Executive Session and the Town Clerk was asked to remain in the event the Town Board wanted to take action after the Executive Session.

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 249 OF 2007)

RESOLVED that the New Hartford Town Board does hereby move to end its Executive Session and to reconvene the regular portion of the Town Board meeting.

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

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

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 6:36 P.M. The regular portion of the Town Board meeting was immediately reconvened.

The Public was invited back to the meeting.

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ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made by Councilman Reynolds and seconded by Councilman Woodland, the meeting was adjourned at 6:36 P.M.

Respectfully submitted,

**Gail Wolanin Young
Town Clerk**