

**REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF NEW HARTFORD, NEW YORK  
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN  
ON WEDNESDAY, SEPTEMBER 9, 2009 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 PRESENT:**

Councilman Robert A. Payne III  
Councilwoman Christine G. Krupa  
Councilman David M. Reynolds  
Councilman Richard B. Woodland, Jr.  
Supervisor Earle C. Reed

**OTHER TOWN OFFICIALS PRESENT:**

Assessor Paul E. Smith  
Codes Enforcement Officer Joseph Booth  
Director of Budget Heather Mowat  
Director of Senior Services M. Eileen Spellman  
Highway Superintendent Richard C. Sherman  
Parks and Recreation Director Michael W. Jeffery  
Personnel Technician II Barbara Aiello  
Planner Kurt L. Schwenzfeier  
Police Chief Raymond Philo  
Senior Engineering Technician John Meagher  
Town Clerk Gail Wolanin Young

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

**PUBLIC HEARING**

6:01 P.M.

***Local Law Introductory "E" of 2009  
Cold War Veterans Exemption (Limited)***

The Town Supervisor opened the Public Hearing at 6:01 P.M. The Town Clerk had available the Notice of Public Hearing, Proof of Publication (August 24, 2009 edition of the Observer Dispatch) and Affidavit of Posting. The purpose of the Public Hearing was to offer the citizens an opportunity to speak for, against or to comment upon Local Law Introductory "E" of 2009 which, if adopted, would amend the Town Code, Chapter 107 thereof entitled TAXATION, by adding a new Article VIII, a limited exemption from real property taxes for Cold War veterans residing in the Town of New Hartford as authorized by Section 458-b of the Real Property Tax Law.

The Hearing was held open while John Howard of **BARONE, HOWARD & CO., CPAs, PC** provided a brief update on the Town's finances:

### **FINANCIAL/AUDIT UPDATE**

Their audit report is finished and had been presented today to the Town. In April 2009 a report on Town finances had been filed with the State; and since that time, his firm performed an audit and there are changes, so that the figures provided in April 2009 would be different than today's figures. Because the Town had instituted new accounting practices in 2008 that had not previously been done, the Town had negative reports in the past and for the first time in 2009, the results are as positive as it can be. Mr. Howard stated that the audit report would sell well with lending institutions. New audit standards include the GASB 34 and 45. As a follow up to this, the Town will receive a management letter.

### **PUBLIC HEARING (CONT'D)**

At 6:07 P.M. the Public Hearing on Local Law Introductory "E" of 2009 resumed. Assessor Paul Smith explained the legislation for Cold War Veterans' exemptions that mirror a local law adopted by the Oneida County Board of Legislators. The exemption is valid only for ten (10) years after the eligible property owner applies for it; the deadline for applications is March 1st annually. The eligible Cold War service time is 1945-1991. In the Town of New Hartford, the exemption would equate to about Ten Dollars and Eighty Cents (\$10.80) on the Town portion of the Town and County tax bill.

The Town Board invited any comments, in favor, in opposition to the proposed legislation. Ralph Humphreys inquired about age eligibility. The Assessor clarified that the Cold War Veterans exemption would apply to any military person who served between 1945-1991; otherwise, the property owner would have to apply for the alternative veteran exemption.

There being no further comments, the Public Hearing was closed at 6:10 P.M.

### **Adoption of Local Law No. Eight of 2009**

Thereafter, Councilman Woodland moved that Local Law Introductory "E" of 2009 be adopted as Local Law No. Eight of 2009, as follows; seconded by Councilman Payne:

Town of New Hartford, New York  
Local Law No. Eight of 2009

A Local Law to amend the Code of the Town of New Hartford, Chapter 107 thereof entitled TAXATION, by adding a new Article VIII, a limited exemption from real property taxes for Cold War veterans residing in the Town of New Hartford as authorized by Section 458-b of the Real Property Tax Law.

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

**Section 1.** Chapter 107 of the Code of the Town of New Hartford is hereby amended by adding the following new Article:

**ADD:**

Article VIII  
Cold War Veteran's Exemption

Section 107-19 *Legislative intent.*

The intent of this Article is to adopt the provisions of Section 458-b of the Real Property Tax Law, to provide some limited real property tax relief to those persons who rendered military service to the United States during the Cold War period.

Section 107-20. *Statutory authority.*

This article is adopted pursuant to the authority of Real Property Tax Law Section 466-e.

Section 107-21. Exemptions for Cold War Veterans residing in the Town of New Hartford.

1. The Town of New Hartford hereby authorizes and enacts an exemption from real property taxation for qualified real property owned by a Cold War veteran or the spouse of such veteran or the unremarried surviving spouse based on ten percent of its assessed value, provided that such exemption does not exceed six thousand dollars (\$6,000) or the product of six thousand dollars multiplied by the latest State equalization rate of the assessing unit, whichever is less.
2. For the purposes of this exemption, the provisions of Section 458-b of the New York State Real Property Tax Law, as adopted herein, shall apply to the levy of real property taxes in the Town of New Hartford. Such exemption shall not apply to school taxes, special ad valorem levies or special assessments.
3. As used in this local law, the term "Cold War veteran" shall mean persons who served on active duty with the United States armed forces during time period September 2, 1945 to December 26, 1991 and who were discharged or released therefrom under honorable conditions.
4. To obtain such Cold War veterans exemption, the real property must be the primary residence of the veteran or his unremarried surviving spouse.
5. That, if a Cold War veteran already receives an eligible funds veterans exemption pursuant to Real Property Tax Law Section 458-a, then such veteran may not receive the Cold War veterans exemption provided for in this Local Law.

6. In the event an eligible veteran has received a service-connected disability rating from the Veteran's Administration or the Department of Defense, there shall be an additional exemption which is equal to one-half the disability rating, multiplied by the assessed value of the property, provided that such exemption shall not exceed thirty thousand dollars (\$30,000) or thirty thousand dollars multiplied by the latest State equalization rate for the assessing unit, whichever is less.
7. The Cold War veterans exemption provided for herein shall be limited to 10 years in duration, except that there is no time limit for the disability portion of the exemption, and must be applied for with the Assessor of the Town of New Hartford on or before the annual taxable status date for the Town, on a form as prescribed by the State Board of Equalization and Assessment.
8. All other provisions of Chapter 107 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 same.
9. This Local Law shall become effective upon filing in the Office of the Secretary of state and shall apply to real property having a taxable status on or after the first day of January next succeeding the date on which this enactment shall have become law in accordance with Section 20, 21, and 27 of the Municipal Home Rule Law.

Upon roll call, the Town Board voted as follows:

Councilwoman Krupa	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	Aye

The Town Supervisor declared Local Law Introductory "E" of 2009 unanimously carried and duly **ADOPTED** as Local Law No. Eight of 2009.

## **MINUTES**

### **August 4 and August 12, 2009 Town Board Meetings**

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

#### **(RESOLUTION NO. ... OF 2009)**

**RESOLVED** that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the *Special* Town Board meeting held **August 4, 2009** and the *Regular* Town Board meeting held **August 12, 2009** and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

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

## **REPORTS OF TOWN OFFICIALS**

### **PERSONNEL TECHNICIAN II:**

#### **State Retirement Bill**

Barbara Aiello acknowledged receipt of the Town's state retirement bill for employees, which reflected a decrease for fiscal year 2010; however, the bill for fiscal year 2011 and in the future is expected to increase due to the economy. It is expected that the rate will increase to 11.9% in 2011, up from 7.4% in 2010.

#### **Elected – Appointed Officials' Reporting Time**

A new state regulation which applies to new terms of office or appointments beginning on or after August 12, 2009 defines the process of reporting elected and appointed officials' work hours. This regulation will ensure that employees receive the appropriate service credits. In the past, officials were required to submit a one-month synopsis of their work schedule but new regulations required a three-month log and the municipality must adopt work hours per day for each title.

### **DIRECTOR OF (AGING) SENIOR SERVICES:**

#### **Operations of Adult Dining and Activity Center**

Director M. Eileen Spellman stated that the Adult Dining and Activity Center had started as a nutrition center but expanded to provide programs such as wellness, flu shots, dancing, blood pressure, defensive driving, pinochle, the red hat society, Spanish, theatre league program, water color classes, and more recently, summer mentoring program with youth who have visual problems, are autistic, etc. and/or in need of math and reading tutors. The lunch program is important because sometimes it is the only hot meal some seniors will have a day. With regard to the summer mentoring program, there were 40 volunteers and 60 children in the program. From January to the end of June 2009, over 16,000 people were served. Carpeting at the center had been installed and paid for by the seniors who raised the money. Director Spellman emphasized safety of senior citizens in the use of the present facility that is all on the ground floor, has handrails and is "the best location"

### **ENGINEERING:**

**New Hartford Business Park – Contract 2: Rte 5 Highway Improvement**

Senior Engineering Technician Meagher reported that Hanson Aggregates, successful bidder for this project, has been clearing and grubbing, with some excavation started. Additional landscaping may be needed that had not been considered last year.

**Waiver of Fees for Work Requested by Private Property Owners Affected by Contract 2: Rte 5 Highway Improvement**

Property owners will need fences and the question arose as to whether the Town Board would waive the building permit fees for the fences. Technician Meagher said the offer of fences was discussed last year and the waiver would be a way of honoring this offer. After discussion among Town Board members, it was decided to research this request to determine whether the Town Board has the authority to waive fees and especially those established by Local Law, such as with the Zoning Law that requires fence permits.

**CODES ENFORCEMENT OFFICER:**

**Property Maintenance – 9808 Roberts Road**

Upon recommendation of Codes Enforcement Officer Joseph Booth, the following Resolution was introduced for adoption by Councilman Reynolds and duly seconded by Councilman Payne:

**(RESOLUTION NO. ... OF 2009)**

**WHEREAS**, the Town of New Hartford had adopted on September 24, 1994 a Local Law regulating property maintenance and which Law prohibits the accumulation of brush, grass, rubbish or weeds on any real property in said Town (Code, Chapter 94); and

**WHEREAS**, the Town Codes Enforcement Officer has received complaints about high grass and weeds upon premises located at 9808 Roberts Road (Tax Map Parcel No. 350.000-3-22), New Hartford, New York owned by Jena A. Ray whose last known address is 213 Rutger Street, Utica, New York 13501, c/o Jay Williams, Esq., FELT, EVANS, LLP, 4-6 North Park Row, Clinton, NY 13323; and

**WHEREAS**, the property appears to be abandoned and in disrepair, and the Codes Enforcement Officer had communicated with said owner via certified mail on August 31, 2009, giving the owner five (5) days to remove the nuisance above stated; and

**WHEREAS**, as of September 9, 2009, the property owner has not taken any steps to remove the nuisance upon the aforementioned property;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Codes Enforcement Officer to provide a second notice to Jena A. Ray that if the property is not remedied within twenty (20) days, the Town will, through the Parks and Recreation Department, proceed with mowing the lawn and clearing the property of debris at 9808 Roberts Road, and that the costs and expenses incurred by the Town in connection with said proceedings will be assessed

against the land on which said public nuisance exists; specifically, the Town Board does hereby authorize and direct Oneida County to levy such charges on the 2010 and/or 2011 Town and County tax bill.

Upon roll call, the Board members voted as follows:

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

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

**PARKS AND RECREATION DIRECTOR:**

Parks and Recreation Director Michael Jeffery and Director of Budget Heather Mowat reported that the Town Attorney had reviewed the Lease Agreement for Skaters Edge, a concession stand at the Recreation Center as to the legality of said agreement. The duration of the agreement has been shortened to ten (10) months. The State Comptroller's Office said that this concession stand agreement is not required to be competitively bid; public funds are not being spent so competitive bid is not required. The Town's Purchasing Policy doesn't cover it, said Director Mowat. Requests for Proposal (RFPs) may be sought in 2010. Thereafter, Councilman Payne introduced the following Resolution for adoption; seconded by Councilwoman Krupa:

**(RESOLUTION NO. ...OF 2009)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Amended Lease Agreement between the Town of New Hartford and Skater's Edge, for a ten-month period commencing September 1, 2009 and ending June 30, 2009.

A roll call vote ensued:

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

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

**Declaration of Surplus Vehicles – Authorization to Sell**

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

**(RESOLUTION NO. ... OF 2009)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby declare as surplus the following vehicle:

<u>Year</u>	<u>Make/Model</u>	<u>VIN</u>
1996	Ford F-150 Pick Up Truck with Fisher plow	1FTEF14N6TNA12418

And be it

**FURTHER RESOLVED** that the aforesaid vehicles shall be placed for sale on e-Bay and once sold, the Town Clerk's office shall be notified and shall arrange to terminate insurance coverage on said vehicles.

The foregoing Resolution was voted upon by roll call as follows:

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

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

**Miscellaneous Updates**

- 165 dogs have been registered for the Dog Run in Sherrillbrook Park
- Donovan Memorial Park splash pad is now closed; had record numbers of participants
- Veterans Memorial Gateway Pond – the fountain will go on and off for a time while work is being completed.

**HIGHWAY SUPERINTENDENT:**

**Surplus Vehicle Sales**

Highway Superintendent Sherman reported that the 1988 Mack Dump Truck, VIN 2M2S197C2KC001019, has been sold to a Canadian company for \$7,600.00 and the 1988 Ford Dump Truck, VIN 1FDYR82A3JVA25052, was sold to a company in western New York for \$4,600.00. These amounts can be used toward purchasing new highway vehicles. A bucket and v-plow are being considered for sale on Oneida County's eBay; the County would keep 20% of sale price.

**Competitive Bid Award – Cab & Chassis for Plow Equipment and Dump Box**

On August 18, 2009, the following bids were received for the above-referenced equipment:

- Utica Mack, Inc. - \$111,911.00
- Tracey Road Equipment - \$124,152.00.

The Town has \$124,000 from CHIPS that can be used for equipment or roads; Director of Mowat recommended this purchase because it is an essential piece of equipment. Between the CHIPS money and funds received from the sale of equipment, there is sufficient money in the Highway budget for this purchase. This new multi-use cab and chassis will be operational twelve (12) months of the year. Thereafter, Councilman Payne introduced the following Resolution for adoption; seconded by Councilwoman Krupa:

**(RESOLUTION NO. .... 2009)**

**WHEREAS**, the Town Superintendent of Highways did, on the 9th day of September, 2009, duly recommend the purchase of certain equipment pursuant to the provisions of Section 142 of the Highway Law;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize the Town Superintendent of Highways to purchase, in accordance with the provisions of Article 5-A of the General Municipal Law, the following equipment from Utica Mack, Inc., 9426 River Road, Marcy, New York, the low bidder:

One (1) 2010 Mack Granite Axle Forward (GU713) Cab and Chassis, per Town specifications

for a maximum aggregate price of One Hundred Eleven Thousand Nine Hundred Eleven Dollars (\$111,911.00), delivered at the Sanger Public Works Garage, 111 New Hartford Street, New Hartford, New York, by October 15, 2009.

A contract for the item purchased shall be duly executed between the Town Superintendent of Highways and such vendor; when the contract has been executed and upon delivery of the item purchased, the Town Supervisor shall pay the amount of One Hundred Eleven Thousand Nine Hundred Eleven Dollars (\$111,911.00) from budgetary appropriations for purchase of equipment.

The Town Board members voted upon roll call, as follows:

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

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

**Competitive Bid Award – Plow Equipment and Dump Box**

At the August 18, 2009 Bid Opening, one (1) bid had been received and opened, that being from Viking Cives (USA) in the amount of \$69,816 for plow equipment and dump box. The cost of this vehicle would be covered under CHIPS. Thereafter, Councilman Payne offered the following Resolution for adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. ... OF 2009)**

**WHEREAS**, the Town Superintendent of Highways did, on the 9th day of September, 2009, duly recommend the purchase of certain equipment pursuant to the provisions of Section 142 of the Highway Law;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize the Town Superintendent of Highways to purchase, in accordance with the provisions of Article 5-A of the General Municipal Law, the following equipment from Cives Corporation DBA as Viking Cives (USA), 14331 Mill Street, Harrisville, NY 13648-9519, the sole bidder:

One (1) new plow equipment and dump box, as per Town specifications

for a maximum aggregate price of Sixty-nine Thousand Eight Hundred Sixteen Dollars (\$69,816.), delivered at the Sanger Public Works Garage, 111 New Hartford Street, New Hartford, New York, not later than thirty (30) working days after receipt of chassis.

A contract for the item purchased shall be duly executed between the Town Superintendent of Highways and such vendor; when the contract has been executed and upon delivery of the item purchased, the Town Supervisor shall pay the amount of Sixty-nine Thousand Eight Hundred Sixteen Dollars (\$69,816.00) from budgetary appropriations for purchase of equipment.

The Supervisor polled the Board members as follows:

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

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

**Competitive Bid Award – 6 X 4 Motor Truck Cab & Chassis (Sewer Truck)**

Highway/Sewer Superintendent Sherman reported that on August 18, 2009, the following bids were received:

- Utica Mack, Inc. - \$105,711.00

- Tracey Road Equipment, Inc. - \$123,855.00
- Beam Mack Sales & Services, Inc. - \$107,289.00.

for one (1) new 6 x 4 Truck Cab and Chassis (MACK Granite Axle Back [GU813]) for vacuum body, as per Town specifications). There is \$7,000 in the 2009 Sewer Equipment fund and about \$180,000 in the Sewer Reserve fund, leaving \$5,000 to be transferred from an unexpended account. Upon recommendation of the Highway/Sewer Superintendent, the following Resolution was introduced for adoption by Councilman Payne and duly seconded by Councilwoman Krupa:

**(RESOLUTION NO. ... OF 2009)**

**WHEREAS**, the Town Superintendent of Highway/Sewers did, on the 9th day of September, 2009, duly recommend the purchase of certain equipment;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize the Town Superintendent of Highways to purchase, in accordance with the provisions of Article 5-A of the General Municipal Law, the following equipment from Utica Mack, Inc., 9426 River Road, Marcy, New York, the low bidder:

One (1) new 2010 Mack Granite Axle (GU813) Cab and Chassis, per Town specifications (6 X 4 Motor Truck, 10 Wheeler)

for a maximum aggregate price of One Hundred Five Thousand Seven Hundred Eleven Dollars (\$105,711.00), delivered at the Sanger Public Works Garage, 111 New Hartford Street, New Hartford, New York, by December 15, 2009.

A contract for the item purchased shall be duly executed between the Town Superintendent of Highways and such vendor; when the contract has been executed and upon delivery of the item purchased, the Town Supervisor shall pay the amount of One Hundred Five Thousand Seven Hundred Eleven Dollars (\$105,711.00) from budgetary appropriations for purchase of equipment.

The Town Board members voted upon roll call, as follows:

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

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

**Sewer Equipment Purchase from Sewer Reserve Fund, subject to Permissive Referendum**

Upon presentation by Director of Budget Mowat, Councilwoman Krupa introduced the following Resolution; seconded by Councilman Reynolds:

**(RESOLUTION NO. ... OF 2009)**

**WHEREAS**, the Town Board of the Town of New Hartford has determined that it is necessary to upgrade the Sewer Department's equipment; and

**WHEREAS**, it is estimated that the costs of said equipment will be approximately \$307,876; and

**WHEREAS**, in recognition of these needs, funds for such purposes are in the Sewer Capital Reserve; and

**NOW, THEREFORE, BE IT RESOLVED** that it is in the public interest to complete this equipment upgrade; and

**BE IT FURTHER RESOLVED**, that the Town Board authorizes the \$187,489 expenditure from the reserve moneys to fund this equipment; and

**BE IT FURTHER RESOLVED**, that the Town Supervisor is authorized to expend from the Sewer Capital Reserve the funds necessary amounting to \$187,489 in said reserve fund and

This resolution shall be subject to permissive referendum, as permitted by law.

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

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

The Resolution was declared unanimously carried and duly **ADOPTED**. The Town Clerk will publish this Resolution in the Observer Dispatch and post a copy on the Town Clerk's Bulletin Board. If a petition is filed with the Town Clerk opposing this purchase, then the Town would be required to conduct a Special Election.

**Competitive Bid Award – Sewer Vacuum Body**

Highway/Sewer Superintendent Sherman reported that on August 18, 2009 the following bids were received for the subject equipment:

<u>Vendor</u>	<u>Base Bid</u>	<u>Trade-in Allowance</u>	<u>Total Cost to Town</u>
Vantage Equipment	\$193,362.00	\$ -83,362.00	\$110,000.00
Tracey Road Equipment	\$166,688.00	\$ -98,000.00	\$ 68,688.00

Joe Johnson Equipment            \$202,164.95                    \$-108,000.00                    \$ 94,164.00

One vendor didn't provide the reel outlined in the Town's specifications; this matter is being discussed with the Town Attorney. No action was taken by the Town Board.

**Streetlight at Sitrin Lane-Higby Road Intersection; National Grid to Proceed**

Highway Superintendent Sherman reported that Richard Wilson of the Charles Sitrin Healthcare Center has said that facility will purchase the light pole and new LED light and get it installed at the Sitrin Lane-Higby Road intersection, but that the Town will have to pay the annual electric charge through the General Town Street Light District. Thereafter, Councilman Payne introduced the following Resolution for adoption; seconded by Councilwoman Krupa:

**(RESOLUTION NO. ... OF 2009)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct National Grid to install one street light pole and LED light, both of which are being purchased by the Sitrin Healthcare facility and which facility has agreed to pay all costs associated with setting the street light pole at the intersection of Sitrin Lane and Higby Road, said location being within the General Town Street Light District; the Town of New Hartford shall be responsible for all future energy costs to be borne by said Street Light District.

The Resolution was voted upon by roll call as follows:

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

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

**STORMWATER MANAGEMENT (ADVISORY) IMPROVEMENT COMMITTEE:**

**Oxford Road Area Drainage Improvements**

Highway Superintendent Sherman reported that Fred Burrows Trucking and Excavating has completed 90% of the drainage improvements in the Woodberry-Oxford Road area and is finishing work behind a couple houses. Landscaping will be completed in about two (2) weeks.

**Oxford Road and Kellogg Road Stormwater Detention Project**

Successful bidder, Murphy Excavating, will start mowing and moving soil for the detention ponds.

**Christopher Circle Stormwater Drainage Problem**

Councilman Payne initiated discussion about the Christopher Circle stormwater drainage problem and resolving it through private property, stating it affects multiple homeowners. The developer of the Maple Ridge Estates subdivision had installed the system, not the town. Four (4) to six (6) homes are immediately impacted by stormwater. Some of the Christopher Circle residents attended the latest Stormwater Management (Advisory) Committee meeting. Councilwoman Krupa inquired why the property owners aren't contributing financially if it's all on private property. It was then proposed that the property owners purchase the drainage pipe to resolve the problem. Councilman Payne will approach the homeowners, together with the Highway Superintendent. The Town Supervisor concurred with Councilwoman Krupa. Councilman Payne noted that temporary easements would still be required.

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

**HIGHWAY SUPERINTENDENT:**

**Agreement for Control of Snow and Ice on County Roads**

Highway Superintendent requested that this matter be tabled until the September 30, 2009 Town Board meeting.

**Competitive Bid Award – Jordan Road and Route 5A Sewer Project Repairs**

Highway Superintendent requested that this matter be tabled until the September 30, 2009 Town Board meeting.

**Declaration of Surplus Vehicles – Authorization to Sell**

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

**(RESOLUTION NO. ... OF 2009)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby declare as surplus the following vehicle:

<u>Year</u>	<u>Make/Model</u>	<u>VIN</u>
1966	Huber Grader	11D21611054

And be it

**FURTHER RESOLVED** that the aforesaid vehicle shall be placed for sale on e-Bay and once sold, the Town Clerk's office shall be notified and shall arrange to terminate insurance coverage on said vehicles.

The foregoing Resolution was voted upon by roll call as follows:

- Councilwoman Krupa - Aye
- Councilman Woodland - Aye

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

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

**Request for Executive Session**

The Highway Superintendent requested an Executive Session to discuss a particular employee.

**DIRECTOR OF BUDGET:**

**GEIS Retainer Policy**

Director of Budget Heather Mowat reported that the Town had been holding retainers for projects dating as far back as 1998, the majority of which have been completed for some time without the developer(s) requesting a return of their retainer. The retainers are part of the Town's Pre-Development Agreement relating to assurance that the developer's project will be completed in a timely manner according to plans and specifications. Town staff have now drafted a GEIS Retainer Policy for the Town Board's consideration and which policy outlines an internal policy for the return of retainers so as not to have the Town hold on to the funds into perpetuity. Councilwoman Krupa inquired what happens to retainers if the developer(s) don't do what they should; Director Mowat responded that she would consult with the Town Attorney and have an answer at the September 30, 2009 Town Board meeting. No Town Board action was taken.

**Requests For Proposal – Town Court Audit**

Director of Budget Mowat had consulted with the State Comptroller's Office about the Town's Purchasing Policy and the Comptroller's Office responded that it's the pleasure of the Town Board whether to obtain Requests For Proposal for the Town Court audit. Upon recommendation of Director Mowat, Councilwoman Krupa introduced the following Resolution for adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. ... OF 2009)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct Heather Mowat, Director of Budget, to obtain three (3) quotes via phone for the required audit of the Town Court records.

A roll call vote ensued:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

**New Hartford Business Park, Road D – National Grid Taking**

On August 4, 2009 the Town Board had scheduled a Public Hearing in this matter to be held on August 26, 2009; however, Director of Budget Mowat explained that additional work needed to be accomplished and extra time was needed so the August 26<sup>th</sup> Public Hearing was cancelled. Thereafter, Councilman Reynolds introduced the following Resolution for adoption and Councilman Woodland seconded same:

**(RESOLUTION NO. ... OF 2009)**

**RESOLVED** that the Town Board of the Town of New Hartford shall conduct a Public Hearing on Wednesday, September 30, 2009 at 6:00 P.M., or as soon thereafter as reached in the regular course of business, in Butler Memorial Hall, 48 Genesee Street, New Hartford, to consider a taking of approximately 0.015 acres of the 6.99 acre parcel of land owned by National Grid located on or near Woods Highway bearing Tax map Number 318.000-3-8 which, if adopted, would allow necessary road and other public improvements in conjunction with the development of the New Hartford Business Park; 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.

The Supervisor polled the Board members who voted as follows:

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

The Resolution was declared unanimously carried and duly **ADOPTED**. The Town Clerk will arrange a five (5) successive day publication of the Public Hearing notice as required by law and which publication must be at least ten (10) but not more than forty (40) days prior to said Hearing.

**Pre-Development Agreements – GEIS areas (Seneca Turnpike-Commercial Drive and French-Burrstone-Champlin Ave study areas)**

Director of Budget Mowat explained that in 1990 the first GEIS (Seneca Turnpike-Commercial Drive) was being planned and then adopted in 1992. A second GEIS (French-Burrstone-Champlin Ave) was subsequently adopted. The Town needs clarity on dates included in the Pre-Development Agreements and whether unused moneys need to be returned to the developer by 2010 or by 2013. Does a supplemental study need to be done on the GEIS? Director Mowat wishes to seek advice from a SEQR attorney; this is an attorney issue not a financial issue, she stressed. She proposed listing questions to

propose to an attorney and put a cap on the costs; \$7500 could be taken from the Comptroller account to fund this proposal.

When asked about the Town Attorney's opinion on this proposal, Attorney Gerald Green replied that he "...concurs whole-heartedly with Heather", citing time is of the essence and he recommended hiring special counsel..

Thereafter, Councilwoman Krupa introduced the following Resolution for adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. ... OF 2009)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct Heather Mowat, Director of Budget, to contact law firms specializing in SEQR and that she and Attorney Green interview three (3) law firms via phone and make a recommendation of a law firm to retain at a cost not to exceed Seventy-five Hundred Dollars (\$7500); said law firm to address various questions about the Town's two (2) GEIS study areas and Pre-Development Agreements.

The Town Board voted upon roll call, which resulted as follows:

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

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

**TOWN POLICE CHIEF:**

**Local Law Introductory "F" of 2009 – Amend Town Code, Chapter 113, Vehicles & Traffic**

Upon presentation by Police Chief Philo, Councilman Reynolds introduced the following legislation for the Town Board's consideration at a future public hearing; co-sponsored by Councilman Payne:

**Town of New Hartford, New York  
Local Law Introductory "F" of the year 2009**

A Local Law to amend the Code of the Town of New Hartford, **Chapter 113** thereof entitled **VEHICLES AND TRAFFIC**, by adding Wilbur Road North to Section 113-45. Schedule XI: Parking Prohibited at All Times.

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 113-45, is hereby amended to include the following:

Section 113-45. Schedule XI: Parking Prohibited at ALL Times

<u>NAME OF STREET</u>	<u>SIDE</u>	<u>LOCATION</u>
Wilbur Road North	East	from where the State Route 12 Right-Of-way ends and it becomes a town Road, north to the intersection with Ontario Ave

**SECTION 2.** 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.

**SECTION 3.** This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State.

**Public Hearing Scheduled – Local Law Introductory “F” of 2009**

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

**(RESOLUTION NO. ... OF 2009)**

**RESOLVED** that the Town Board of the Town of New Hartford shall conduct a Public Hearing on Wednesday, September 30, 2009 at **6:00 P.M.**, or as soon thereafter as reached in the regular course of business, in Butler Memorial Hall, 48 Genesee Street, New Hartford, NY to consider **Local Law Introductory “F” of 2009** which, if adopted, would amend the Code, Chapter 113 thereof entitled **VEHICLES AND TRAFFIC** by adding Wilbur Road North to Section 113-45. Schedule XI: Parking Prohibited at All times;

and be it

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

A roll call vote ensued:

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

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

### **New York Mills Police Chief**

Town Police Chief Philo then introduced newly appointed New York Mills Police Chief Robert Swenszkowski, who expressed his thanks to Chief Philo and his department, which is resourceful.

### **Request for Executive Session**

Chief Philo requested an Executive Session to discuss matters involving a particular employee.

## **MATTERS SUBMITTED BY COUNCILMEN / TOWN ATTORNEY**

### **COUNCILMAN PAYNE:**

#### **Town Board Meeting - Protocol**

The proposed policy presented at the August 12, 2009 Town Board meeting has since been revised and distributed to the Town Board members, noting that "Supervisor" had been changed to "Town Board" in several instances. Comments from Robert Freeman, Executive Director of the Committee on Open Government, were received today and need to be reviewed by the Town Board to determine if further changes in the proposed policy are desirable. Councilman Payne would like the Town Board to review Mr. Freeman's comments and then take action at the September 30, 2009 Town Board meeting.

#### **Digital Towpath Website**

Councilman Payne and Dispatch Supervisor Jeffrey Madden will attend a free seminar on Friday, September 18, 2009 at SUNY IT, with regard to the Digital Towpath Project, a shared service, administered by the Digital Towpath Cooperative, a consortium of local governments organized under General Municipal Law, Section 5G, through an inter-municipal agreement and support by SUNY IT. The annual cost to municipalities to join this program is \$600.

### **COUNCILMAN WOODLAND:**

#### **2010 Budget Process**

In response to Councilman Woodland's inquiry, Director of Budget Mowat stated that Department Heads have submitted their estimates and the Town Supervisor met with all departments and the accounting team. She doesn't know how the Town Board wants to proceed:

- meet with dept heads again?
- have citizens partake?
- meet with Committees?

**Status of Capital Projects**

In response to Councilman Woodland’s inquiry, Director of Budget Mowat stated there will be a five (5) year capital plan to include with the 2010 budget, to include Fees In Lieu of Mitigation (FILM), borrowings and grants, highway to stormwater, etc. This might be available by end of next week. It’s a footprint...the needs to be identified.

**TOWN ATTORNEY:**

**Inter-municipal Agreement (IMA) – Towns of New Hartford-Kirkland (Cherrywood)**

Town Attorney Gerald Green reported that the Town of Kirkland had approved the annexation of approximately eleven (11) acres of Kirkland property into the Town of New Hartford (Cherrywood Community) and that the Kirkland Town Board had made some non-substantive changes in the IMA. Attorney Green asked that the Town Board approve the IMA, assuming its what the Kirkland Town Board wanted and to allow New Hartford Codes Enforcement Officer Joseph Booth to issue building and related permits. Councilman Woodland then offered the following Resolution for adoption and Councilwoman Krupa seconded same:

**(RESOLUTION NO. ... OF 2009)**

**RESOLVED** that the New Hartford Town Board does hereby approve an Inter-municipal Agreement between the Towns of New Hartford and Kirkland relative to the providing of Building Code Enforcement Services for the Cherrywood Community, Inc., and which Inter-municipal Agreement does hereby authorize the New Hartford Codes Enforcement Office to proceed, effective tomorrow (September 10, 2009), with furnishing and administering certain zoning and building code services in the Kirkland portion of Cherrywood as more fully set forth in said Inter-municipal Agreement, a one-year renewable Agreement.

The Town Board voted upon roll call resulting as follows:

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

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

**NYS Liquor Authority – Waiver**

The Town Attorney has received a request from the Yahnundasis Golf Club for a waiver of the thirty (30) day period for applying to the State Liquor Authority for renewal of that establishment’s liquor license. Councilman Woodland then offered the following Resolution for adoption and Councilwoman Krupa duly seconded same:

**(RESOLUTION NO. ... OF 2009)**

**BE IT RESOLVED** that at the request of the Yahnundasis Golf Club Manager, Mark Jorgensen, the Town Board does hereby waive the thirty (30) day liquor license renewal notice required of the Yahnundasis under the Alcohol and Beverage Law, it being understood by the Town Board that the reason for the less than 30 day requisite notice to the Town from the Yahnundasis was occasioned by a change in manager at the Club, and it being further understood that the abbreviated notice the Town received caused no harm, damage, compromise or prejudice to the Town and the Town has no objection to, and takes no exception with the renewal of the subject liquor license.

The Resolution was voted upon by roll call as follows:

Councilwoman Krupa	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	ABSTAINED, as he is a

member of this organization.

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

**MATTERS SUBMITTED BY TOWN SUPERVISOR**

**FINANCIAL:**

**Audit of Vouchers**

Upon presentation by the Town Supervisor, Councilwoman Krupa introduced the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. ... OF 2009)**

**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, which had been duly audited by the Town Board:

Stormwater Drainage Abstract #11	
Vouchers HU23	\$ 1,800.00
Water Fund Abstract #3	
Vouchers FF#	\$ 2,558.85
Fire District Fund Abstract #5	
Vouchers SF7	\$ 47,744.22
Street Lighting Fund Abstract #10	
Vouchers SL10	\$ 6,873.44
Highway Fund Part-Town Abstract #16	
Vouchers DB499	\$ 2,000.00
Highway Fund Part-Town Abstract #17	

Vouchers DB500-DB10; DB12-DB69	\$ 92,852.97
General Fund Part-Town Abstract # 20	
Vouchers BB116-BB131; BB133	\$ 28,837.09
General Fund Whole-Town Abstract #43	
Vouchers A1289-A1295	\$ 6,891.24
General Fund Whole-Town Abstract #44	
Vouchers A1288	\$ 3,000.00
General Fund Whole-Town Abstract #45	
Vouchers A1296-A1299; A1301	\$ 4,031.53
General Fund Whole-Town Abstract #46	
Vouchers A1302-A1324; A1326-A1365; A1374-A1404; A1414-A1418	\$131,834.92
General Fund Whole-Town Police Abstract #44A	
Vouchers A1300	\$ 299.70
General Police Fund Whole-Town Abstract #45A	
Vouchers A1366-A1373; A1405-A1411; A1413	\$ 51,691.08
Sewer Fund Abstract #20	
Vouchers SS60	\$ 933.32
Sewer Fund Abstract #21	
Voucher SS61-SS71	\$ <u>9,695.22</u>
<b>TOTAL:</b>	<b>\$339,052.80</b>

Upon roll call, the Board members voted as follows:

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

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

**EXECUTIVE SESSION**

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

**(RESOLUTION NO. ... OF 2009)**

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

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**. All persons present, including the news media, were then excused from the meeting at 7:40 P.M. The Town Clerk was asked to remain in the event the Town Board wanted to take action after the Executive Session. Also participating in Executive Session were the Police Chief and the Highway Superintendent.

**END OF EXECUTIVE SESSION**

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

**(RESOLUTION NO ... OF 2009)**

**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:

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

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 8:11 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public invited to rejoin the meeting.

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

**TOWN CLERK:**

**Training – Oneida County Association of Towns**

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

**(RESOLUTION NO. ... OF 2009)**

**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 any Department Head to attend the Oneida County Association of Towns Meeting on September 16, 2009 in the Town of Forestport, with expenses to be borne by said Town as budgeted.

The Resolution was voted upon by roll call as follows:

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

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

### **ADJOURNMENT**

There being no further business to come before the Town Board, upon motion of Councilman Reynolds and duly seconded by Councilman Payne the meeting adjourned at 8:12 P.M.

**Respectfully submitted,**

**Gail Wolanin Young, Town Clerk**