

**REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF NEW HARTFORD, NEW YORK  
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN  
ON WEDNESDAY, NOVEMBER 4, 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:**

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

**ABSENT:**

Councilman Robert A. Payne III

**OTHER TOWN OFFICIALS PRESENT:**

Assessor Paul E. Smith  
Codes Enforcement Officer Joseph A. Booth  
Director of Budget Heather Mowat  
Highway Superintendent Richard C. Sherman  
Senior Engineering Technician John Meagher  
Town Clerk Gail Wolanin Young

Thereafter, a quorum was declared present for the transaction of business. Supervisor Reed announced that Councilman Payne is unable to attend this Board meeting due to commitments with his regular full-time employment.

**ELECTION CONGRATULATIONS**

Supervisor Reed, who chose not to run for re-election, offered his congratulations to Patrick Tyksinski, Town Supervisor-elect.

Supervisor Reed also congratulated Richard Sherman on his election as Highway Superintendent and David Reynolds on his re-election as Third Ward Councilman.

**NYS ROUTE 840 BREAK-IN ACCESS INFORMATIONAL MEETING**

The Town Supervisor announced that the Town was sponsoring a public informational meeting commencing at 12:00 Noon on Saturday, November 7, 2009 in the Perry Junior High School on Weston Road, New Hartford. The purpose of the informational meeting is to discuss the possible break-in access to NYS Route 840 and he encouraged the public to attend.

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**MINUTES**

**October 28, 2009 Town Board Meeting**

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

**(RESOLUTION NO. 266 OF 2009)**

**RESOLVED** that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the **Regular** Town Board meeting held **October 28, 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	-	ABSENT
Supervisor Reed	-	Aye.

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

**PUBLIC PRESENTATIONS (RESIDENT COMMENTS)**

**Oxford Road & Kellogg Road Stormwater Detention Project**

David Schiavi, who resides within the vicinity of this project, thanked Highway Superintendent Sherman for making himself available to answer questions about the detention pond(s) being constructed. While some trees had been removed out of necessity, the Highway Superintendent assured property owners facing the project that not all trees would be removed and that no fencing be installed on their side of the detention pond(s). Mr. Schiavi wondered where the money was coming from to pay for this project. He said that the elevation of the project is pretty tall....looks like a landfill – unnaturally high; he understood it would be grassed over but it’s unnatural. He asked that some greenery be planted, like evergreens and hard wood trees for the long term; also, if shrubs were planted – speaking on behalf of many neighbors – place them on the side of the hill not on top. Mr. Schiavi understands that the project is completely necessary – just make sure it’s for the benefit of all, not just those downstream. Highway Superintendent Sherman will meet with property owners in the Spring of 2010 with regard to plantings; he has been working with the Stormwater Management (Advisory) Improvement Committee on beautification.

**REPORTS OF TOWN OFFICIALS**

**DIRECTOR OF PARKS AND RECREATION:**

**Agreements- Ice Rental**

Upon presentation by the Parks and Recreation Director who stated that the Town Attorney had reviewed the contracts, the following Resolution was introduced for adoption by Councilman Reynolds and duly seconded by Councilwoman Krupa:

**(RESOLUTION NO. 267 OF 2009)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute Ice Rental Agreements and Concession Agreements for the 2009-2010 Ice Season between the Town of New Hartford and the following organizations:

- New Hartford Youth Hockey Association, Inc.
- Skating Club of New Hartford
- New Hartford High School Hockey
- Mohawk Valley Old Timers League
- Mohawk Valley Community College

all of which groups have provided the Town with the appropriate Certificates of Insurance, which have been approved by the Town's insurance agent.

The Town Board members voted as follows:

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

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

**STORMWATER MANAGEMENT (ADVISORY) IMPROVEMENT COMMITTEE**

**Oxford Road & Kellogg Road Stormwater Detention Project:**

Highway Superintendent Sherman reported that contractor Murphy Excavating is about Seventy-five Percent (75%) done with this project; seeding will take place in the Spring

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of 2010. Plans do not call for a chain link fence on Oxford Road - this is in response to Mr. Schiavi. Shrubbery can be planted; however, it's best not to plant trees on the side of the hill because of erosion.....it is best to plant at the base. Superintendent Sherman stated that the Parks Department and Highway Department could mow this area in June, September and probably October annually to keep it maintained. Go with piping from Tibbitts Rd to the new basins.

**Stormwater Committee Meeting**

The next Stormwater Committee meeting has been scheduled for Tuesday, November 17, 2009 at 6:00 P.M. in Butler Memorial Hall.

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

**HIGHWAY SUPERINTENDENT:**

**Declaration of Surplus Equipment and Furnishings – Authorization to Sell**

Upon request of the Highway Superintendent (Buildings and Grounds), the following Resolution was offered for adoption by Councilman Reynolds and duly seconded by Councilman Woodland:

**(RESOLUTION NO. 268 OF 2009)**

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

<b><u>Item No.</u></b>	<b><u>Description</u></b>	<b><u>Inventory No.</u></b>
Item #1	Cherry Cabinet with /drawers	#1053
Item #2	Cherry Desk	#1677
Item #3	Cherry Desk	#1132
Item #4	Cherry Desk	#1697
Item #5	Cherry Desk	No Number
Item #6	Computer Table	No number
Item #7	Printer Cart	#1293
Item #8	Oak Desk	No number
Item #9	Oak Desk	No number
Item #10	Oak Desk	No number
Item #11	Cherry Desk	No number
Item #12	Cherry Desk	No number
Item #13	Press Board Desk	No number
Item #14	Cherry Desk	No number
Item #15	Six (6) Glass Desk Tops	No number
Item #16	Parts of an L-shaped Desk	No number
Item #17	Two (2) Metal Desks	#15, #16

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Item #18	Nine (9) Metal File Cabinets	#029, #351, #565, #568 #582, #737, #1257, #1346 and #1835
Item #19	Eight (8) Metal File Cabinets	No numbers
Item #20	One (1) Metal File Cabinet	No number/no good

And be it

**FURTHER RESOLVED** that the aforesaid equipment and furnishings shall be placed for sale on the Oneida County e-Bay and once sold, the Town Clerk’s office shall be notified and shall arrange to terminate any applicable insurance coverage.

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

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

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

**Training – One-Person Plow Driver**

The Highway Superintendent apprised the Town Board that he had attended a class today and was re-certified as a one-person plow driver. He noted there is a clause in Highway Department union contract that some roads may be okay for one-person plowing. He submitted this for the Town Board’s consideration in the future.

**TOWN CLERK:**

**Training – Oneida County Association of Towns Meeting**

The Town Clerk had received information with regard to the Oneida County Association of Town’s business meeting in November; thereafter, the following Resolution was introduced for adoption by Councilman Reynolds and duly seconded by Councilman Woodland:

**(RESOLUTION NO. 269 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;

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**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 November 17, 2009 in the City of Utica, New York, 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	-	ABSENT
Supervisor Reed	-	Aye.

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

**Raffle Consent**

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

**(RESOLUTION NO. 270 OF 2009)**

**RESOLVED** that the New Hartford Town Board does hereby grant permission to Telecom Pioneers (aka Verizon Pioneers), 280 Genesee Street, Utica, NY 13502, an organization duly granted a Games of Chance Identification Number by the New York State Racing and Wagering Board, to sell raffle tickets within the Town of New Hartford in accordance with all rules and regulations of said Racing and Wagering Board; and be it

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

Upon roll call, the Town Board voted as follows:

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

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

**DIRECTOR OF BUDGET:**

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### **2010 Preliminary Budget adjustments**

Director of Budget Mowat said Councilman Payne had contacted her about more money for the New Hartford Public Library (level of funding in the Tentative Budget had been decreased).

With regard to the Sauquoit Creek Inter-municipal Basin Commission, \$120,000 had been allocated in the 2010 budget for work on Mud Creek by the Commission, another \$112,000 had been identified as available in a Commission checking account, and it was also learned that GEIS money could be used. Director Mowat, Planner Schwenzfeier and Councilman Reynolds met with the Whitesboro Village Mayor and New York Mills Village Mayor on November 3, 2009 on this matter. The Town of Whitestown no longer contributes monetarily, only offers labor. The Village of New Hartford is not paying for 2009. The engineering is nearly completed and easements are needed from Benderson Corporation and Mr. Tobiasz. With regard to the areas behind Royal Brook Lane (New York Mills), Highway Superintendent Sherman noted that the engineer had looked at the matter; October 15<sup>th</sup> was the deadline for a NYS Department of Environmental Conservation work permit for creek work that might disturb the fish habitat. A proposed resolution was not acted upon.

Councilwoman Krupa wants the money back in the 2010 budget. Director Mowat said an expense line item and revenue line item could be added, showing the money coming in and going out. Councilwoman Krupa also referred to information supplied by the Town Planner with regard to the greenbelt area from the Presbyterian Home (NYS Route 5A) to the Jay-K intersection, carrying a tag of about Two Hundred Thousand Dollars (\$200,000).

Councilwoman Krupa also inquired where the Ten Thousand Dollars (\$10,000) would come from for the Sedgewick Park stormwater problems. Some Board members noted that this matter and a commitment to allocate this money predates this administration; Highway Superintendent Sherman had met with Sedgewick Park property owners and confirmed that the water problems are on private lands, in back yards and are being affected by the South Woods Development.

Councilwoman Krupa wants Forty Thousand Dollars (\$40,000) to remain in the budget for 2010; Director Mowat reiterated that an expense item and revenue item could be included; she will also check into the Sedgewick Park matter for the November 18, 2009 Town Board meeting. No action was taken on a proposed resolution.

### **2009 Budget Adjustment**

Upon recommended of the Director of Budget, Councilman Reynolds offered the following Resolution for adoption; seconded by Councilwoman Krupa:

**(RESOLUTION NO. 271 OF 2009)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Bookkeeper to make the following adjustments in the 2009 Annual Budget:

<u>Highway Fund Part-Town</u>	<u>Account No.</u>	<u>Amount</u>
From: Stone	DB-5142.04	\$2,000.00
To: Sand	DB-5142.43	\$2,000.00

Reason: Unexpected expenditure

<u>General Fund Whole-Town</u>	<u>Account No.</u>	<u>Amount</u>
To: Clerk Works-New Hartford Business Park	AA-1440.52	\$15,000.00
To: Reimbursement-New Hartford Business Park	AA2772.30	\$15,000.00

Reason: Reimbursement from developer of NYS Route 840 access

The Town Board members were polled and voted as follows:

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

The Resolution was declared unanimously carried and duly **ADOPTED**. [NOTE: This is a duplication of a Resolution adopted at the October 28, 2009 Town Board meeting.]

**Generic Environmental Impact Statement (GEIS) Retainer Policy:**

Director of Budget Mowat stated the Town had developers' retainers dating as far back as 1998. The developers never asked for return of the retainer. Town Attorney Gerald Green had reviewed the proposed GEIS Retainer Policy that Planner Schwenzfeier and Senior Engineering Technician Meagher had drafted. The proposed Policy also addressed a situation if the developer fails to complete the required work. Thereafter, Councilman Reynolds introduced the following Resolution for adoption and Councilwoman Krupa seconded same:

**(RESOLUTION NO. 272 OF 2009)**

**RESOLVED** that the New Hartford Town Board does hereby approve and adopt the Generic Environmental Impact Study (GEIS) Retainer Policy, effective immediately, and as follows:

## GEIS Retainer Policy

The Town of New Hartford requires retainers as part of a pre-development agreement relating to assurance that the project commenced by the developer pursuant to the authority of the Town of New Hartford will be completed in a timely manner according to plans and specifications.

The retainer to the Town in the amount equaling not less than (10%) ten percent of the total project costs to assure that the Project commenced by the Developer pursuant to the approval of the Town will be completed in a satisfactory and timely manner according to approved plans and specifications. The retainer may be in the form of a certified check or letter of credit, or proper bond, and shall be delivered to the Town to use, if necessary, to complete improvements deemed necessary by the Town to make the project site safe and secure for the public and conforming to the approved site plans, which the Developer or representatives fail or refuse to complete. This retainer shall be delivered to the Town prior to issuance of a Building Permit. Before exercising payment upon the retainer, the Town shall give the Developer written notice stating which improvements the Developer has failed to complete and the number of days the Developer shall have from the giving of such notice to complete such improvements before the retainer is exercised.

The Town Planner will deliver the cashier check for the retainer to the Town Clerk to deposit and/or retain the letter of credit in the Town safe under the Town Clerk's supervision for safekeeping.

The Town Planner will additionally deliver copies of the agreement and copies of the check and/or letter of credit to the Town Supervisor, Town Bookkeeper and Planning Board Secretary.

Following completion of the project by the Developer and acceptance of the improvements by the Town, the Town Board shall release the full amount of the retainer and/or security to the Developer. In the event the Town is required to expend all or a portion of the retainer and/or security to complete the project, in whole or part, upon completion of those improvements, the Town shall release to the Developer the balance of any remaining retainer and/or security amount. The release of the retainer and/or security provided herein shall require Town Board approval.

In the exercise of the retainer, if site work is deemed needed, the Town shall give the developer written notice and time to complete same. If the developer fails to do so, then the Town can exercise its authority and utilize the retainer for the approved work.

If site work is not deemed needed, the Town shall contact the developer in writing and inform him/her that, unless notified to the contrary, the Town will deem the project abandoned, the Planning Board approvals will be considered nullified and the retainer monies will be returned. This written notice to the developer should also make clear that if this project is hereafter renewed or any other project for this site is proposed, application again will be required, Planning Board review and approval will be needed, a

new Pre-Development Agreement will have to be executed and a retainer will have to again be deposited with the Town, among other things.

As evidence of the completion of the improvements by the Developer, the Town Planner will provide the Town Board for review, the project's "Retainer Release Approval Form" that documents the project's compliance with various State, County and Town agencies and Departments prior to the Town Planner's request for a Town Board Resolution of release of the retainer.

If the original retainer was secured in the form of a cashier check, the Town Planner will provide a copy of the Town Board Resolution for the release of the retainer to the Town Bookkeeper and request a check be issued to the Developer.

If the original retainer was secured by a letter of credit, the Town Planner will provide a written request to the Town Clerk that the Letter of Credit be returned to the Developer.

As a process of preparing the Town's accounting records for the annual independent audit, the Town Bookkeeper will confer and agree with the Town Planner and the Town Clerk as to the cash balances and letters of credit for Town retainers annually

The Developer agrees that it will not apply for a Final Certificate of Occupancy, open the Project to the public for the purpose of conducting business, or any other purpose allowing public use unless and until all work authorized by the approval is complete as determined by the Town and all site specific SEQRA issues have been addressed. A Temporary Certificate of Occupancy may be sought by the Developer and issued by the Town if the Town deems it prudent to do so and proper security is provided in an amount equaling not less than (200%) two hundred percent of the cost of completing the remaining improvements/work.

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

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

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

**Authorization for Requests for Proposal (RFPs) – 2009 Audit and Financial Statement**

Director of Budget Mowat requested permission to seek RFPs from auditing firms to perform the audit of the Town's 2009 financial records and to prepare the 2009 Annual Financial Report; if the Town does not go out for bid and/or contract for these services by January 20 annually, the Town Board must audit all town accounts. Thereafter, Councilwoman Krupa offered the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 273 OF 2009)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct Director of Budget Heather Mowat to seek Requests for Proposal from auditing firms for the performance of an audit of the 2009 Financial records and the subsequent preparation of the Supervisor's 2009 Annual Financial Report to be submitted to the New York State Comptroller.

A roll call vote was duly held and resulted as follows:

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

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

**MATTERS SUBMITTED BY COUNCILMEN**

**COUNCILWOMAN KRUPA:**

**Proposed 2010 Budget Changes**

Councilwoman Krupa recommended the following changes to the 2010 Preliminary Budget:

<u>Expenses</u>	<u>Adjustment Amount</u>
Comptroller	(\$30,000)
Town Attorney	(\$30,000)
Animal Control, Part-time	(\$ 8,750)
Police Vehicles	(\$23,000)
Police Vehicles – Lease	(\$ 6,000)
Full-time Police Officer	(\$57,920)
Benefits for Full-time Police Officer	(not available at this time)
Library	(\$75,000)
Sedgewick Stormwater	\$10,000
Sauquoit Creek Basin Commission	\$40,000
Funds for Town Officials to attend NYS Association of Towns February 2010	(amount not yet determined)

**Revenues**

Non-union Contribution to Health                    \$16,000  
Councilwoman Krupa and Councilman Woodland discussed the non-union employees paying 5% toward their health insurance

Councilwoman Krupa expressed areas of concern:

- Is annual estimated electric charge of \$150 for Higby Road streetlight at Sitrin Lane budgeted; Director of the Budget said no, but it will be adjusted.
- look at possible retirees and do a cost benefit analysis
- look into consolidation of the dispatch center/police. She realizes it wouldn't happen in 2010, but could in the future
- \$1.4 million capital plan, includes a BAN of \$400,000 for paving; she has a problem with infrastructure
- NYS 840 Break-In-Access (BIA) would need bond counsel fees budgeted. Developer is supposed to pay, not the taxpayers.

Councilman Woodland had some questions regarding cash flow, etc. that the Director of Budget answered.

**MATTERS SUBMITTED BY TOWN SUPERVISOR**

**FISCAL:**

**Audit of Vouchers**

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

**(RESOLUTION NO. 274 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:

Parks Equipment Abstract #6	
Voucher H96	\$ 3,975.00
Street Lighting Fund Abstract #12	
Voucher SL12	\$ 7,794.34
Highway Fund Part-Town Abstract #21	
Vouchers DB656-DB658; DB660-DB664	\$ 37,732.35
General Fund Part-Town Abstract # 24	
Vouchers BB168-DB169	\$ 5,737.82
General Fund Whole-Town Abstract #58	
Vouchers A1679-A1699	\$ 51,964.45
General Fund Whole-Town (Police) Abstract #58A	
Vouchers A1672-A1678	\$ 45,680.54
Sewer Fund Abstract #27	
Vouchers SS86- SS89	\$ 3,834.64
<hr/>	
<b>TOTAL:</b>	<b>\$156,719.14</b>

Upon roll call, the Board members voted as follows:

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

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

**PUBLIC PRESENTATIONS (RESIDENT COMMENTS) CONT'D**

An unidentified individual inquired about the amount deleted from the budget and the Director of Budget responded about \$6,000. He asked "...out of \$15 million? He also questioned the 911 consolidation – Supervisor Reed explained that Oneida County and the City of Utica are on board to study consolidation.

**Miscellaneous**

The following resolution was introduced for adoption by Councilwoman Krupa and duly seconded by Councilman Reynolds:

**(RESOLUTION NO. 275 OF 2009)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to send a congratulatory letter to Helen Gargash in honor of her 100<sup>th</sup> birthday.

A roll call vote was duly held as follows:

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

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

**ADJOURNMENT**

There being no further business to come before the Town Board, upon motion of Councilwoman Krupa and duly seconded, the meeting adjourned at 6:55 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk