

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK, HELD
AT BUTLER MEMORIAL HALL, IN SAID TOWN ON
WEDNESDAY, DECEMBER 12, 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 Robert A. Payne III
Councilwoman Christine G. Krupa
Councilman David M. Reynolds
Councilman Richard B. Woodland, Jr.
Supervisor Earle C. Reed

OTHER TOWN OFFICIALS: Assessor Paul E. Smith
Attorney Gerald J. Green
Codes Enforcement Officer Joseph A. Booth
Director of Senior Services M. Eileen Spellman
Highway Superintendent Roger A. Cleveland
Personnel Technician II Barbara Aiello
Planner Kurt Schwenzfeier
Police Chief Raymond L. Philo
Town Clerk Gail Wolanin Young

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

MINUTES APPROVAL

November 20, 2007 Town Board Meeting

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

(RESOLUTION NO. 285 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 *November 20, 2007* 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

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Supervisor Reed - Aye.

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

PUBLIC PRESENTATION

Audit – Willowvale Fire Company, Inc.

Walter Dluginski stated that since the Willowvale Fire Company's pension plan went through [Special Town Election on December 11, 2007] and they don't account for any of their funds – incoming or outgoing – it's the right of the Town Board to call for an audit of the Fire Company's books and determine where the Fire Company stands with regard to the two (2) fire stations and whether they've been sold, to whom, for how much and whether for market value. Mr. Dluginski asked that the Town Board contact the State for an audit. Supervisor Reed responded that the Washington Mills fire station had been sold to John Strachen [***Claim Masters***] for Seventy-five Thousand Dollars (\$75,000) but the status of the former Oneida Street facility in Chadwicks is unknown at this time. The Town Supervisor will contact Mr. Dluginski with his findings.

PUBLIC HEARING

6:03 P.M. Local Law Introductory "C" of 2007
Code, Chapter 118; permit fees

The Town Supervisor opened the Public Hearing at 6:03 P.M.; the Town Clerk had the following documents available:

- Notice of Public Hearing and Local Law Introductory "C"
- Affidavit of Posting
- Proof of Publication (November 26, 2007 edition of the Observer Dispatch).
- NO RECOMMENDATION AS TO FINAL ACTION from the Oneida County Planning Department (no significant County-wide or inter-community impacts have been identified with this proposal)
- Recommendation of approval from the Town Planning Board

The purpose of the Hearing is to offer the public an opportunity to speak in favor of, in opposition to, or to comment upon Local Law Introductory "C" which, if adopted, would amend Chapter 118 of the Town Code, providing updated permit fees for residential and commercial activity such as Building Permits, Demolition Permits, re-inspection fees, zoning variances, and the like.

The Town Supervisor inquired whether anyone present wished to speak in favor of the proposed legislation; not hearing anyone, Supervisor Reed asked if there were anyone

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wishing to speak in opposition to or to comment upon the matter. No one having come forth, the Public Hearing was declared closed at 6:06 P.M.

SEOR – Negative Declaration

Councilman Reynolds then introduced the following Resolution, seconded by Councilman Woodland:

(RESOLUTION NO. 286 OF 2007)

RESOLVED that the Town Board of the Town of New Hartford, as Lead Agency in the matter of updating permit fees in the Code, Chapter 118 (Zoning), submitted by the Town Codes Department, does hereby unanimously adopt the determination and findings set forth in the Negative Declaration (SEQR), Notice of Determination of Non-Significance, which has been filed in the Town Clerk’s Office.

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

Adoption of Local Law Introductory “C” of 2007 as Local Law No. Five of 2007

Councilwoman Krupa moved that Local Law Introductory “C” be adopted as Local Law No. Five of 2007 in the following format; seconded by Councilman Woodland:

Town of New Hartford, New York
Local Law No. Five of 2007

A Local Law to amend the Code of the Town of New Hartford, **Chapter 118** thereof entitled **ZONING**, and specifically Article XV [Miscellaneous Provisions], Section 118-93 [Fees], Subparagraphs C. through E., inclusive, as same relate to building permits, miscellaneous permit fees, re-inspection fees, and zoning fees.

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

SECTION 1. Chapter 118 of the Code of the Town of New Hartford, Article XV [Miscellaneous Provisions], Section 118-93 [Fees] is hereby amended as follows:

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Replace the existing like categories in Paragraph C. [Issuance of building permits] through Paragraph E. [Application to Zoning Board of Appeals] with the following revisions and additions:

C. Issuance of building permits

(1) Residential

One- or two-family residences \$0.26 per sq.ft.

Attached garages \$0.15 per sq.ft.

Multi-family residences (apartments, condominiums,
townhouses – zero lot lines) \$0.30 per sq.ft

Additions (residential) Minimum \$50.00 plus
\$0.15 per sq.ft.

(2) Commercial (is any occupancy other than an
R type)

\$0.33 per sq.ft. for
first 50,000 sq.ft.
of building area;
\$0.25 per sq.ft. for
any remaining
portion of building
area up to 100,000
sq.ft; and
\$0.16 per sq.ft. for
any remaining
portion of building
area over 100,000
sq.ft.

(a) Interior renovations \$250 minimum, or
\$0.25 per sq.ft.

(b) Detached accessory buildings and
Structures \$30 minimum or
\$0.25 per sq.ft.

(3) In any situation, where work is started before a building permit is issued, the application fee is doubled.

(4) All building permits expire one (1) year from the date of issue. Renewal for one (1) year is 25% of the original permit fee.

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D. Miscellaneous	
(1) Demolition Permits:	
a.) Residential buildings	\$100.00
b.) Commercial buildings	\$200.00
(3) Signs	Minimum of \$45 plus \$1 per sq.ft. of face area
(4) Open decks:	
a.) Up to and including 150 sq.ft.	\$ 25.00 minimum
b.) Over 150 sq.ft.	\$ 10.00 for each additional 100 sq.ft. or part thereof
(5) Commercial tents (temporary; 20 days maximum)	\$100.00
No charge for tents associated with residential occupancies	
(12) Re-inspection fees	
(a) Amount.	
[1] First inspection	\$75.00
[2] Second inspection	\$75.00
[3] Third inspection	\$75.00
E. Application to Zoning Board of Appeals	
(1) Application for Area Variances:	
a.) Residential, one- and two-family	\$100.00
b.) Multiple dwellings and other non- residential uses	\$240.00
c.) Interpretations	\$ 40.00
(2) Application for Use Variances (all uses)	\$300.00

SECTION 2. All other provisions of Chapter 118 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 January 1, 2008.

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A roll call vote ensued:

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

The Supervisor declared Local Law Introductory "C" unanimously carried and duly **ADOPTED** as Local Law No. Five of 2007.

REPORTS OF TOWN OFFICIALS

ASSESSOR:

Appointment – 2nd Real Property Tax Service Aide

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

(RESOLUTION NO. 287 OF 2007)

RESOLVED that the New Hartford Town Board does hereby provisionally appoint Margaret M. Jones to fill the second position of Real Property Tax Service Aide in the Assessor's Office, effective Monday, December 17, 2007 at an hourly wage of Thirteen Dollars and Seventy-four Cents (\$13.74) in accordance with the Highway Department union contract, payable bi-weekly.

Whereupon, the Town Board voted upon roll call:

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

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

DIRECTOR OF SENIOR SERVICES:

Appointment – Substitute Bus Driver

Upon recommendation of Senior Services Director Eileen Spellman, the following Resolution was introduced for adoption by Councilman Woodland and duly seconded by Councilman Payne:

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(RESOLUTION NO. 288 OF 2007)

RESOLVED that the New Hartford Town Board does hereby appoint Robin Wheatley as a Substitute Bus Driver for the New Hartford Adult Dining and Activity Center, effective Monday, December 17, 2007 at an hourly wage of Eleven Dollars and Sixty-nine Cents (\$11.69), payable bi-weekly.

The Town Board voted upon roll call:

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

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

PARKS AND RECREATION:

Authorization for Competitive Bid – Skid Steer Loader & attachments

Upon request of Parks and Recreation Director Michael Jeffery, Councilman Payne presented the following Resolution and moved its adoption, which was seconded by Councilman Reynolds:

(RESOLUTION NO. 289 OF 2007)

RESOLVED that the New Hartford Town Board shall receive sealed bids for the purchase of one (1) new skid steer loader and attachments, in accordance with Town specifications; all bids are to be received by the Town Clerk's Office no later than 10:45 A.M. on Tuesday, January 8, 2008 and then shall be publicly opened and read aloud at 11:00 A.M. on said date and in said Office; and be it

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

The Town Board voted upon roll call as follows:

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

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The Resolution was then declared unanimously carried and duly *ADOPTED*. This equipment will be purchased through a Grant Member Item the Town has received.

Edmund Wiatr, Jr. questioned if the skid steer loader was the same type of equipment as the Bobcat owned by the Highway Department. Director Jeffery explained that the Highway Department's Bobcat has an 82" width with the bucket whereas the equipment he is proposing has a 60" width, the latter of which is desirable so as not to tear up lawns; further, the Parks and Recreation Department has a year-round need for the type of equipment being advertised.

HIGHWAY SUPERINTENDENT:

Sales of Surplus Property

The Highway Superintendent reported that Truck 72, a 1999 International, had been sold on e-Bay. Thereafter, the following Resolution was introduced for adoption by Councilman Payne and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 290 OF 2007)

RESOLVED that the New Hartford Town Board does hereby accept the \$7500 bid submitted on e-Bay by Norman Gaumer for the purchase of one (1) surplus 1999 International Dump Truck, Model 470, VIN 1HTSCAAL4XH667487 and does further authorize and direct the Town Supervisor to execute Section 1 – Transfer by Owner on the Certificate of Title for said vehicle.

Upon roll call, the Board voted as follows:

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*.

Declaration of Surplus Vehicles – Authorization to Sell

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

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(RESOLUTION NO. 291 OF 2007)

RESOLVED that the Town Board of the Town of New Hartford does hereby declare as surplus one (1) 2000 Ford Crown Victoria, VIN 2FAFP71WOYX175644, former Police Department vehicle having mileage of 126,800, Plate No. K-32067;

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 vehicle.

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

Inter-municipal Agreement - Fuel

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

(RESOLUTION NO. 292 OF 2007)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to enter into and to execute the renewal of an Inter-municipal Fuel Agreement between the Town of New Hartford and the Willowvale Fire Co., Inc. wherein the Town will provide fuel to said Fire Company; the cost of which will be billed to the Willowvale Fire Co., Inc.

Highway Superintendent Cleveland stated that Attorney Green had reviewed the Agreement. Upon roll call, the Board members voted as follows:

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

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The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.
[NOTE: This is a duplication of Resolution No. 273 adopted November 20, 2007.]

Deer Crossing Sign

Highway Superintendent Cleveland reported that with the opening of the NYS Route 840 (Judd Road connection) deer have created a new crossing on New Hartford Street; a safety concern expressed by New Hartford Street residents. Therefore, Councilman Payne offered the following Resolution for adoption; seconded by Councilwoman Krupa:

(RESOLUTION NO. 293 OF 2007)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Highway Department to install Deer Crossing signs on New Hartford Street as a means of advising the traveling public about the consistent crossing of deer in the vicinity of 91 New Hartford Street.

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**.

Shared Municipal Services Grant Application

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

(RESOLUTION NO. 294 OF 2007)

WHEREAS, the Oneida-Herkimer-Madison BOCES is desirous of studying and planning for a shared transportation facility with maintenance capabilities for use by component district and municipal agencies; and

WHEREAS, through ongoing collaborative meetings between the Oneida-Herkimer-Madison BOCES and its component school districts, and the Town of New Hartford and the Villages of New Hartford and New York Mills, the municipalities have determined that it is in the best interest of all municipalities to conduct a feasibility study to assess developing and operating a shared municipal repair and maintenance facility; and

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WHEREAS, the maximum amount of the grant to be applied for is between \$65,000 and \$85,000; and

WHEREAS, the Oneida-Herkimer-Madison BOCES shall provide the required 10% local share; and

WHEREAS, the Town understands that Oneida-Herkimer-Madison BOCES has authorized Howard Mettelman, BOCES District Superintendent, to submit an application to the Shared Municipal Incentive Grant Program for the 2007-2008 Program year, and that Mr. Mettelman or his designee shall execute all financial and/or administrative processes relating to the grant program; and

WHEREAS, the Project Title shall be: *Planning Grant For Transportation Facility*; and

WHEREAS, Co-applicants shall include the twelve component school districts of the Oneida-Herkimer-Madison BOCES, the Town of New Hartford, and the Villages of New Hartford and New York Mills, and other legislators, government officials and groups involved in transportation;

THEREFORE BE IT RESOLVED, that based on the understanding of the preceding WHEREAS' and its agreement with those statements, that the Town of New Hartford is desirous of studying and planning for a shared transportation – municipal repair – maintenance facility for use by municipal entities and component districts of the Oneida-Herkimer-Madison BOCES; and

RESOLVED, that the Town of New Hartford does support this initiative and does authorize the Town of New Hartford to be a Co-applicant to a Shared Municipal Services Incentive Grant Program 2007-2008 application to be known as *Planning Grant for Transportation Facility*, as submitted by Howard Mettelman, District Superintendent for the Oneida-Herkimer-Madison BOCES; and

RESOLVED, that the New Hartford Town Board does encourage soliciting letters of support from all levels of government for this worthwhile study.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

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

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Supervisor Reed - Aye.

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

Highway Law, Section 284 Form

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

(RESOLUTION NO. 295 OF 2007)

RESOLVED that, pursuant to the provisions of Section 284 of the Highway Law, the Town Board and Highway Superintendent do hereby agree that moneys levied and collected for the repair and improvements of highways, and received from the State or other sources for the repair and improvement of highways, shall be expended as follows in fiscal year 2008:

1. GENERAL REPAIRS (5110 and 5120): The sum of \$1,022,472 may be expended for general repairs upon eighty-one (81) miles of Town highways, including sluices, culverts and bridges having a span of less than five (5) feet and boardwalks or the renewals thereof.
2. IMPROVEMENTS (5112): The sum of \$400,000 shall be set aside to be expended for the improvement of Town highways.

and be it

FURTHER RESOLVED that the Town Board does hereby authorize the Highway Superintendent and Town Board members to execute said Agreement.

The Resolution was then voted upon 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**.

2007 Budget Transfer

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

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(RESOLUTION NO. 296 OF 2007)

WHEREAS, expenditures for improvements to the Town's Sanitary Sewer collection and transportation system in 2005, 2006 and 2007 was appropriated from the respective annual operating budgets; and

WHEREAS, those expenditures are related to the Town's ability to continue incremental growth, and to mitigate the potential for sewer overflows; and

WHEREAS, those expenditures are appropriately related to off-site mitigation for issues of environmental significance for the Seneca Turnpike/Commercial Drive (aka Route 5/5A) and Burrstone/French Road GEIS';

THEREFORE, BE IT RESOLVED that the Town Board has considered certain mitigation expenditures for the Fairway Estates, Homestead Road and Concord Boulevard Pump stations and the SSES Study by Shumaker Engineering in the western area of the Town that were applied to operating expenses in 2005, 2006 and 2007; and

RESOLVED that those operating budget expenditures are determined to be appropriately charged to off-site mitigation of issues of environmental significance for the Route 5/5A and Burrstone/French Road GEIS'; and

RESOLVED that the Town Board does direct that expenditures totaling One Hundred Twenty-four Thousand Nine Hundred Forty-two Dollars (\$124,942) be appropriated from the Sanitary Sewer categories of the Route 5/5A GEIS (FILM Account HG9901.01 in the amount of \$23,389.50) and Burrstone/French Road GEIS (FILM Account HH9901.01 in the amount of \$101,552.50), and deposited in the Town's revenue account SS5031.0 for the year 2007.

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	-	Aye
Supervisor Reed	-	Aye.

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

Storm Water Agreement – Shumaker Engineering

At the September 26, 2007 Town Board meeting, Councilman Payne had brought to the Board's attention the Stormwater Management Improvement (Advisory) Committee's

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recommendation for an engineering agreement related to final design of the Oxford - Kellogg Road stormwater project; however, Councilman Payne did not obtain a resolution authorizing the Town Supervisor to execute said agreement. Thereafter, Councilman Payne offered the following Resolution for adoption and Councilwoman Krupa seconded same:

(RESOLUTION NO. 297 OF 2007)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement between the Town of New Hartford and Shumaker Engineering in the amount of Twenty-one Thousand Five Hundred Dollars (\$21,500) for the Final Design of the Oxford/Kellogg/Tibbitts Road Stormwater Mitigation Project.

The Town Board voted upon roll call:

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

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

Woodberry/Beechwood Road – Southern Reservoirs – Taber Road

The hydraulic analysis report for the Woodberry/Beechwood Road area has been distributed. The Stormwater Management Improvement (Advisory) Committee is looking to do a Request for Proposal (RFP) for future professional and technical services related to stormwater mitigation. Further, the Oneida County Soil & Water Agency is working with the Stormwater Management Improvement (Advisory) Committee, investigating the use of the south reservoirs as well as investigating improvements to the Taber Road area.

Executive Session

The Highway Superintendent has a pending litigation matter for Executive Session.

Sale of Surplus 1999 International Dump Truck

Edmund Wiatr, Jr. questioned the e-Bay sale of the 1999 International truck reported earlier in the meeting, including to whom it was sold and whether the Town collected sales tax. Councilwoman Krupa believed the Town wasn't required to collect sales tax; Councilman Reynolds stated that the Town would contact him with the specific information

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PERSONNEL TECHNICIAN:

Executive Session Matter

The Parks and Recreation Department union contract will be discussed in Executive Session.

PLANNER:

Pre-Development Agreement & Memorandum of Understanding – P & T Sports Care

Upon recommendation of the Town Planner, Councilman Payne introduced the following Resolution for adoption and Councilman Woodland seconded same:

(RESOLUTION NO. 298 OF 2007)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to execute a Pre-Development Agreement between the Town of New Hartford and Helen Sarandrea [P & T Sports Care, 8200 Seneca Turnpike, P O Clinton, NY – Tax Map #328.010-1-1], wherein said Helen Sarandrea has offered to contribute off-site mitigation resulting in a Zero Dollar (\$0) amount, as per the conditions of said Pre-Development Agreement, as same relates to the creation of professional offices within the Seneca Turnpike-Commercial Drive Generic Environmental Impact Study boundary area. Ms. Sarandrea will deposit with the Town a retainer totaling Three Thousand Dollars (\$3,000).

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

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

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

Training

Upon request of Planner Schwenzfeier, the following Resolution was introduced for adoption by Councilman Payne and duly seconded by Councilman Woodland:

(RESOLUTION NO. 299 OF 2007)

WHEREAS, Section 77-b of the General Municipal Law allows the governing board of municipalities to authorize any officer or employee to attend a convention, conference or school conducted for the betterment of such municipality;

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NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby grant permission to Planner Kurt Schwenzfeier to attend the 2008 American Planning Association Conference from April 27 through May 1, 2008 in Las Vegas, Nevada, 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**.

POLICE CHIEF:

Traffic Study – NYS Route 12B (aka Clinton Road)

Upon request of the Police Chief, the following Resolution was introduced for adoption by Councilman Woodland and seconded by Councilman Payne:

(RESOLUTION NO. 300 OF 2007)

RESOLVED that the New Hartford Town Board does hereby authorize the Town Clerk to request a Comprehensive Traffic Study from the New York State Department of Transportation for NYS Route 12B in the Town of New Hartford, from Sycamore Drive to the Kirkland Town line. The request shall include a Speed Study, Lighting Recommendation and the possible need for a Turning Lane in the vicinity of Preswick Glen and is being submitted because of recent development along this corridor, and a number of Motor Vehicle Crashes, which include two (2) fatalities.

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**.

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Agreement – 2008 STOP DWI Program

Upon presentation by the Police Chief, Councilman Reynolds offered the following Resolution for adoption; seconded by Councilwoman Krupa:

(RESOLUTION NO. 301 OF 2007)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an agreement between the Town of New Hartford and Oneida County to participate in the 2008 STOP-DWI Program, wherein the County agrees to reimburse the Town Forty Thousand Dollars (\$40,000) for such participation. This revenue would be appropriated to Account AA1589.0 as a revenue and Account AA3120.1 as an expenditure.

A roll call vote was duly held 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**.

Agreement – 2008 Animal Control/Town of Kirkland

Upon request of Police Chief Philo, the following Resolution was introduced for adoption by Councilman Reynolds and seconded by Councilman Payne:

(RESOLUTION NO. 302 OF 2007)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Inter-Municipal Agreement between the Town of Kirkland and the Town of New Hartford wherein the Town of New Hartford shall provide limited Animal Control Services to Kirkland; the value of said contract for 2008 is Eleven Thousand Four Hundred Twenty Dollars (\$11,420).

The Town Board members then voted upon roll call:

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

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

TOWN CLERK:

Raffle Consent

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

(RESOLUTION NO. 303 OF 2007)

RESOLVED that the New Hartford Town Board does hereby grant permission to the American Heart Association, 120 Lomond Court, Utica, New York, an organization duly granted a Games of Chance Identification Number by the New York State Racing and Wagering Board, to sell raffle tickets at Sangertown Square Mall, New Hartford, New York, 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	-	Aye
Supervisor Reed	-	Aye.

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

Deputy Town Clerk Appointments – Salary/Hourly Wage

Town Clerk Gail Wolanin Young announced that she has appointed Deputy Clerk II Melody K. Fancett to fill the Deputy Clerk I position formerly held by Margaret M. Jones; said appointment is effective Monday, December 17, 2007. Due to recent changes in statute, Melody as the chief deputy is required to be added to the Town's faithful performance bond.

Further, Andrea K. Toomey (former Deputy for 16 years who retired in 1999, took a year off and returned to the Town Clerk's Office as a Sub Clerk) has accepted the Deputy Clerk II appointment. Upon recommendation of the Town Clerk, Councilman Woodland introduced the following Resolution for adoption; seconded by Councilman Reynolds:

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(RESOLUTION NO. 304 OF 2007)

RESOLVED that the New Hartford Town Board does hereby establish the annual salary of Deputy Clerk I Melody K. Fancett at Twenty Thousand Six Hundred Dollars (\$20,600), effective Monday, December 17, 2007, payable bi-weekly.

The Board voted 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**

Thereafter, Councilwoman Krupa offered the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 305 OF 2007)

RESOLVED that the New Hartford Town Board does hereby establish a stipend of One Dollar and Sixty Cents (\$1.60) per hour for Deputy Clerk II Andrea K. Toomey, in addition to her regular hourly rate of Eleven Dollars and Twenty-six Cents (\$11.26) as Sub Clerk, effective Monday, December 17, 2007, payable bi-weekly.

Results – December 11, 2007 Special Town Election

The Town Clerk announced that the Proposition voted upon for the Service Award Program requested by the Willowvale Fire Company, Inc. had passed 155-62. The Service Award Program becomes effective January 1, 2008 and the Town Clerk will notify the NYS Office of State Comptroller.

REPORT OF SPECIAL COMMITTEE

Building Committee - Update

At the request of the Town Board, N. Joseph Yagey had put together a Committee consisting of Planning Board Chairman Hans G. Arnold, Town Police Chief Raymond Philo, Councilman Reynolds and himself. The Committee has reviewed numerous proposals that had been prepared for Town offices, dating back to the early 1990's, keeping in mind the importance of:

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- Location
- Size of facility to accomplish what needs to be done
- Affordable dollars

The Committee is nearly ready to submit a final recommendation of what they believe would accommodate and how to reconfigure current departments. Mr. Yagey referenced a recent court facility inspection by the Office of Court Administration – Chief Philo stated that with recent statutory changes, the courts can no longer use the hallways for a general waiting area for customers because it interferes with recording devices for court. “So we’ve lost that space,” he commented.

Edmund Wiatr, Jr. inquired who had custody of the study. The Town will get back to Mr. Wiatr on how he can obtain access to the Office of Court Administration study; this is not a town record.

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL:

Audit of Vouchers

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

(RESOLUTION NO. 306 OF 2007)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the payment of the bills itemized on the following Abstracts, that have been duly audited by the Town Board:

General Fund Whole-Town Abstract No. 30 Vouchers AA1876-AA1886	\$ 20,299.48
General Fund Whole-Town Police Abstract No. 30A Voucher AA1887	\$ 20.00
General Fund Whole-Town Abstract No. 31 Vouchers AA1888-AA1956 Vouchers AA1968-AA1979 Vouchers AA1986-AA1988	\$107,349.44
General Fund Whole-Town Police Abstract No. 31A Vouchers AA1957-AA1967 Vouchers AA1980-AA1985	\$ 35,386.07
General Fund Part-Town Abstract No. 19 Voucher BB183	\$ 20.00

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General Fund Part-Town Abstract No. 20 Vouchers BB184-BB196	\$ 7,739.94
Highway Fund Part-Town Abstract No. 18 Vouchers DB495-DB519	\$ 90,709.51
Sewer Fund Abstract No. 25 Voucher SS82	\$ 1,987.62
Sewer Fund Abstract No. 26 Vouchers SS83-SS87	\$ 3,255.84
Drainage Capital Abstract No. 14 Voucher HC65-HC69	\$ 934.88
Higby Road Water District Abstract No. 9 Voucher HF13	\$ 135.00
Stormwater Capital Fund Abstract No. 2 Voucher HU2	\$ <u>7,970.90</u>
TOTAL:	\$

Whereupon, the Town Board members voted individually as follows:

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

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

Funds Transfer

Upon request of the Bookkeeper, the following Resolution was introduced for adoption by Councilman Woodland and duly seconded by Councilman Payne:

(RESOLUTION NO. 307 OF 2007)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Bookkeeper to transfer funds from the following closed Capital Projects into the appropriate Operating funds as listed below:

<u>Account No.</u>	<u>Capital Project</u>	<u>Amount</u>	<u>To Appropriate Fund</u>
HL9901.01	Telephones	\$ 9.17	AA5031.4 General Whole-Town
HP9901.01	Road Paving	\$ 6.53	DB5031.1 Highway Part-Town
HR9901.01	Route 5 Sewer	\$.02	SS5031.1 Sewer
HT9901.01	Water Tank	\$ 5,388.82	FF5031.1 Water
HV9901.01	Sewer TV Camera	\$ 12,066.91	SS5031.1 Sewer
HW9901.01	Master Plan	\$ 1,637.76	BB5031.1 General Part-Town

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<u>Account No.</u>	<u>Capital Project</u>	<u>Amount</u>	<u>To Appropriate Fund</u>
HZ9901.01	Highway Sign Shop		
	Computers	\$ 579.10	DB5031.1 Highway Part-Town
H39901.01	Park Study	\$ 6.92	AA5031.4 General Whole-Town
H69901.01	AirConditioning	\$ 325.74	AA5031.4 General Whole-Town

The Resolution was subject to a roll call vote, which resulted as follows:

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

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

Funds Transfer – Close out Capital Projects

Upon further request of the Bookkeeper, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Payne:

(RESOLUTION NO. 308 OF 2007)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Bookkeeper to make the following funds transfer to close out capital projects that have been completed:

<u>Amount</u>	<u>From</u>	<u>To Account</u>
\$ 294.44	Seneca Turnpike Mitigation Fees (Domestic water account)	Clinton Street Water Capital Project to cover the balance due to Other funds
\$ 13,036.15	Highway Fund Whole-Town	Oneida Street Bridge Capital Account to pay balance due to Other funds
\$129,435.12	Highway Fund Whole-Town	Bleachery Ave Bridge Capital Account to pay balance due to Other funds.

A roll call vote ensued:

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

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

NEW BUSINESS:

Year-end Meeting – 2008 Re-organizational Meeting

The following Resolution was introduced for adoption by Councilman Payne, seconded by Councilman Woodland:

(RESOLUTION NO. 309 OF 2007)

RESOLVED that the New Hartford Town Board does hereby reschedule the second monthly meeting from Wednesday, December 26, 2007 to Friday, December 28, 2007, commencing at 5:00 P.M. in Butler Memorial Hall. At such time, the Town Board will also consider year-end financial matters and will also conduct re-organizational matters for fiscal year 2008.

The Town 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 then declared unanimously carried and duly *ADOPTED*.

2008 Agreement for Fire Protection - Willowvale Fire Company, Inc.

Councilman Woodland moved the following Resolution for adoption and Councilwoman Krupa seconded same:

(RESOLUTION NO. 310 OF 2007)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the execution of the one-year Fire Protection Contract commencing January 1, 2008 and ending December 31, 2008 between the Town of New Hartford and **District 4, Willowvale Fire Company, Inc.**, in the amount of Two Hundred Eighty-one Thousand Five Hundred Dollars (**\$281,500**); public hearings were held on November 7 and November 8, 2007 as part of the 2008 Preliminary Budget hearing.

Upon roll call, the Board members voted as follows:

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

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

2008 Agreement for Fire Protection - Village of New Hartford Fire Department

Councilman Woodland moved the following Resolution for adoption and Councilwoman Krupa seconded same:

(RESOLUTION NO. 311 OF 2007)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the execution of the one-year Fire Protection Contracts commencing January 1, 2008 and ending December 31, 2008 between the Town of New Hartford and **District 1 and 2, and District 3**, Village of New Hartford and its Fire Department, as follows:

- Districts 1 and 2 - **\$529,671**
- District 3 - **\$ 46,058.**

Public hearings upon said matter were held November 7 and November 8, 2007 in conjunction with the 2008 Preliminary Budget hearing.

Upon roll call, the Board members voted as follows:

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

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

2008 Agreement for Fire Protection – Village of New York Mills Fire Department

Councilman Woodland moved the following Resolution for adoption and Councilwoman Krupa seconded same:

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(RESOLUTION NO. 312 OF 2007)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the execution of the one-year Fire Protection Contract commencing January 1, 2008 and ending December 31, 2008 between the Town of New Hartford and **District 5, Village of New Hartford and its Fire Department**, in the amount of One Hundred Twenty-one Thousand Four Hundred Seventy Dollars **(\$121,470)**. Public hearings upon said matter were held November 7 and November 8, 2007 in conjunction with the 2008 Preliminary Budget hearing.

Upon roll call, the Board members voted as follows:

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

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

Petition – Water on Upper Sessions Road

On November 19, 2007 the Highway/Sewer Superintendent Cleveland had received a Petition representing about a half dozen property owners on a portion of Sessions Road between Mohawk Street and Mallory Road, which didn't receive water in the Higby Road Water District, and the property owners are requesting public water improvement for their property. Upon recommendation of the Highway/Sewer Superintendent, Councilman Payne offered the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 313 OF 2007)

RESOLVED that the New Hartford Town Board does hereby accept the November 7, 2007 Petition from property owners who are seeking water service for their respective properties located on Sessions Road between Mohawk Street and Mallory Road; and be it

FURTHER RESOLVED that the Highway/Sewer Superintendent be authorized and directed to contact Donald Weimer of the Mohawk Valley Water Authority, which owns the water facilities at the aforementioned location, to determine what needs to be done for public water service in the future, or more quickly.

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

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

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

EXECUTIVE SESSION

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

(RESOLUTION NO. 314 OF 2007)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss on-going union negotiations for the Parks and Recreation Department and to discuss potential litigation under a contract with the New York Susquehanna & Western Railroad.

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly adopted. All persons present, including the news media and Town Clerk, were then excused from the meeting at 6:43 P.M. The Personnel Technician, Highway Superintendent and Attorney Green remained for the Executive Session.

NOTE: The following action was recorded by Councilman Woodland and provided to the Town Clerk on Thursday, December 13, 2007:

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 315 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.

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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	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly adopted; the Executive Session ended at 7:20 P.M. The regular portion of the Town Board meeting was immediately reconvened.

Retention of Professional Services – Land Acquisition

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

(RESOLUTION NO. 316 OF 2007)

RESOLVED that the New Hartford Town Board does hereby authorize the retention of legal, architectural and appraisal services for the possible purchase of real estate.

A roll call vote ensued:

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

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

Ratification – Parks & Recreation Department Union Contract

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

(RESOLUTION NO. 317 OF 2007)

RESOLVED that the New Hartford Town Board does hereby ratify the Union Contract for the Parks and Recreation Department for the three-year period beginning January 1, 2008 through December 31, 2010.

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.***

ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made and seconded, the meeting was adjourned at 7:23 P.M.

Respectfully submitted,

**Gail Wolanin Young
Town Clerk**