

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT BUTLER MEMORIAL HALL ON
WEDNESDAY, JANUARY 9, 2008 AT 6:00 P.M.**

The Town Supervisor called the meeting to order at 6:00 P.M. and led those in attendance in the Pledge of Allegiance to the American Flag. The roll was then taken with the following Town Officials and Department Heads being present during the progress of the meeting:

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

OTHER TOWN OFFICIALS: Highway Superintendent Roger A. Cleveland
Town Clerk Gail Wolanin Young

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

**EXEMPLARY HUMAN ENVIRONMENT INITIATIVES (EHEI) – PHILIP A.
RAYHILL MEMORIAL TRAIL**

Town Supervisor Earle Reed announced that the Philip A. Rayhill Memorial Trail was one (1) of eight (8) projects nation-wide that received the 2007 EHEI Award through the U. S. Department of Transportation, Federal Highway Administration. It was noted that “...the Philip A. Rayhill Memorial Trail connects several residential neighborhoods to shops, education facilities, and offices in the central New York State. This project has led to increased awareness of the need for walking and bicycling connectivity in other local comprehensive plans.” The remaining seven (7) awards were in the States of Colorado, Oregon, Arkansas, Kansas, South Carolina, Mississippi and Georgia.

Supervisor Reed acknowledged this honor for the late Philip Rayhill, who had a vision for the Town of New Hartford that was exemplary over the years.

MINUTES

December 28, 2007 Town Board Meeting

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

(RESOLUTION NO. 1 OF 2008)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the *Special* Town Board meeting held *December 28, 2007* and does further waive the reading of the same.

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Upon roll call, the Board members voted as follows:

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*.

PRESENTATIONS

Upon questioning by the Town Supervisor, there was no one present wishing to address the Board.

REPORTS OF TOWN OFFICIALS

HIGHWAY SUPERINTENDENT:

Competitive Bid/Pick-up Truck & Sport Utility Vehicles – Date Change

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

(RESOLUTION NO. 2 OF 2008)

WHEREAS, on December 28, 2007, the Town Board adopted Resolution No. 322 authorizing the receipt of bids on January 16, 2008 for one (1) Pick-up Truck and two (2) Small Sport Utility Vehicles; and

WHEREAS, the Town Board has since established its regular meeting dates;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby amend Resolution No. 322 of 2007 so that all bids shall be received on Tuesday, January 22, 2008.

The Town Board voted upon roll call as follows:

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*.

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Training

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

(RESOLUTION NO. 3 OF 2008)

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 Highway Superintendent Roger A. Cleveland to attend the 19th Annual Local Government Conference, sponsored by the New York State Tug Hill Commission on March 27, 2008 in Watertown, 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	-	Aye
Supervisor Reed	-	Aye.

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

Road Cut Bond – 2407 Oneida Street

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

(RESOLUTION NO. 4 OF 2008)

WHEREAS, Parsons McKenna Construction Co., 117 Metropolitan Drive, Liverpool, New York had deposited with the Town a Road Cut Bond, #13088 issued by Hartford Accident & Indemnity Company, for work to be performed at 2407 Oneida Street (end of Mason Road) in the Town of New Hartford; and

WHEREAS, during the project construction, it was discovered that said Construction Company would not have to perform a road cut at the end of Mason Road;

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NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Highway Superintendent to return the above-referenced \$5,000 Bond to Parsons McKenna Construction Co.

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**.

TOWN CLERK:

Official Undertaking – Town Law, Section 25

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

(RESOLUTION NO. 5 OF 2008)

RESOLVED that the New Hartford Town Board does hereby renew the Town’s Three-Year Fidelity (Public Employee Dishonesty) Bond that provides Blanket Undertaking for Town Officials pursuant to Town Law, Section 25, including excess coverage for the Town Supervisor, Bookkeeper, Town Clerk and Deputy Town Clerk I, Receiver of Taxes and Assessments, and Grant Writer; coverage also being provided for all Town employees. The Policy is effective January 1, 2008 – January 1, 2011; and be it

FURTHER RESOLVED that it is hereby clarified that, in lieu of a personal undertaking or bond pursuant to Public Officers Law, Section 11(2), the Town Justices are covered under the Blanket Undertaking obtained by the Town.

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 thereafter declared unanimously carried and duly **ADOPTED**.

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Appointment and 2008 Budget Adjustment – Clerk Sub for Receiver of Taxes and Assessments

The Town Clerk presented the request of Receiver of Taxes and Assessments Hilarie C. Elefante that Hilarie A. Elefante be appointed a full-time Clerk Sub, effective January 7, 2008 at an hourly rate of Seven Dollars and Seventy-five Cents (\$7.75), to cover absences from the Tax office as well as busy times. The Receiver of Taxes had obtained the Requisition Form from Personnel Technician Barbara Aiello. The Town Board questioned whether this was a budgeted item; the Town Clerk replied that she did not know. However, the Receiver of Taxes had also requested that the Town Board adopt a Resolution to transfer Fifteen Hundred Dollars (\$1500) from General Fund Whole-Town Contingency Account AA1990.4 to Receiver of Taxes and Assessments Account 1330.12. The Town Board tabled the matter until they could obtain more details on this request.

MATTERS SUBMITTED BY ATTORNEY

ATTORNEY GREEN:

Executive Session

Attorney Green requested an Executive Session to discuss three (3) matters involving current litigation.

Proposed Nuisance Abatement Law - Status

Upon questioning of Councilman Reynolds, Attorney Green stated that the committee and New Hartford Village Attorney Gustave DeTraglia would be meeting with Police Chief Philo on Thursday, January 10, 2008 and it was expected that the proposed legislation would be introduced at the January 23, 2008 Town Board meeting.

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL

Audit of bills

Councilman Woodland introduced the following Resolution for adoption; seconded by Councilwoman Krupa:

(RESOLUTION NO. 6 OF 2008)

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. 33 of 2007
Vouchers AA2053-AA2063

\$ 10,033.97

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General Fund Whole-Town Police Abstract No. 33A of 2007		
Voucher AA2064	\$	299.70
General Fund Part-Town Abstract No. 22 of 2007		
Vouchers BB203	\$	15.00
General Fund Whole-Town Abstract No. 1 of 2008		
Vouchers AA1-AA26	\$	37,556.20
General Fund Whole-Town Police Abstract No. 1A of 2008		
Vouchers AA27-AA29	\$	281.21
General Fund Part-Town Abstract No. 1 of 2008		
Voucher BB1	\$	295.67
Highway Fund Part-Town Abstract No. 1 of 2008		
Vouchers DB1-DB10	\$	25,083.42
Sewer Fund Abstract No. 1 of 2008		
Vouchers SS1-SS2	\$	7,658.23
Drainage Capital Abstract No. 1 of 2008		
Voucher HC1	\$	12.79
	TOTAL:	\$ 81,236.19

Whereupon, the Town Board members voted individually as follows:

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**.

NEW BUSINESS - 2008 RE-ORGANIZATIONAL RESOLUTIONS

Appointment-Attorney for the Town

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

(RESOLUTION NO. 7 OF 2008)

RESOLVED that the New Hartford Town Board does hereby retain the professional legal services of Gerald J. Green as Attorney for the Town for fiscal year 2008, at the contractual hourly rate of One Hundred Fifty Dollars (\$150) for services rendered.

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The Resolution was subject to a vote upon roll call:

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**.

Appointments – 2008 Town Board Standing Committees

Supervisor Reed submitted his list of Standing Committees for fiscal year 2008:

<u>Committee</u>	<u>Chairperson</u>	<u>Co-Chairperson</u>
Assessor	Krupa	Payne
Elections	Woodland	Reynolds
Human Resource	Payne	Woodland
Library	Krupa	Payne
Motor Pool	Reynolds	Woodland
Parks and Recreation	Payne	Krupa
Public Safety and Courts	Reynolds	Woodland
Public Works and Sewer	Payne	Woodland
School/Village/Town Liaison	Reynolds	Krupa
Senior Citizens	Krupa	Payne
Town Clerk	Woodland	Krupa
Zoning & Planning	Woodland	Reynolds

Appointments – Advisory Committee on Safety

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

(RESOLUTION NO. 8 OF 2008)

RESOLVED that the New Hartford Town Board does hereby appoint the following Individuals to the Safety Committee, initially created on August 1, 2001 and expanded on January 16, 2002 by a 6th position (Parks Department) and on January 7, 2004 by a 7th Position (Senior Services Department):

Town Resident Member:

- (on hold)
- Note: One (1) vacant two-year position since December 31, 2003

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Town Department Representatives (one-year appointments)

- Personnel Assistant Barbara Aiello
- Parks and Recreation Director Michael W. Jeffery
- Deputy Highway Superintendent Christopher Moran (in event he is not available to attend a meeting (s), Highway Superintendent Roger Cleveland is to attend)
- Director of Senior Services M. Eileen Spellman.

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**.

Appointment – Advisory Committee on Public Works and Sewer

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

(RESOLUTION NO. 9 OF 2008)

RESOLVED that the New Hartford Town Board does hereby appoint John Storey as a Member of the *Advisory Committee on Public Works and Sewers* for a three-year term beginning January 1, 2008 and ending December 31, 2010.

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.

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

Appointments – Stormwater Management Improvement (Advisory) Committee

This was tabled until the January 23, 2008 Town Board meeting by which date the Stormwater Committee will have met and decided on staggered terms of appointment.

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Appointments – Advisory Committee on Senior Citizen Services

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

(RESOLUTION NO. 10 OF 2008)

RESOLVED that the New Hartford Town Board does hereby appoint the following individuals to serve as Members of the ***Advisory Committee on Senior Citizen Services*** for a one-year term beginning January 1, 2008 and ending December 31, 2008:

- | | | |
|------------------------------|---|--|
| 1. Audrey Percival | - | Pres., “Young at Heart” Group |
| 2. Carol Chanatry | - | Pres., Clinton Road Senior Group |
| 3. Patricia MacEnroe | - | Pres., New Hartford Adult Center |
| 4. Elsie Feuss | | |
| 5. Loretta Mandry | - | Pres., New York Mills Seniors |
| 6. Shirley Williams | - | Pres., Village Elders Senior Group |
| 7. Rev. Dominic Blasé | | |
| 8. Jean McBride | - | Pres., AARP |
| 9. Bridget Kopel | - | Outreach/Oneida County Office of Aging |
| 10. Nancy Hartmann | - | Sunset Wood Apartments |
| 11. Father Joseph S. Zareski | - | St. John the Evangelist Church |
| 12. Rev. Janet Hoover | - | New Hartford Presbyterian Church |
| 13. Cindy Dardano | | |
| 14. Linda Walters | | |
| 15. M. Eileen Spellman | - | Director of Senior Services |
| 16. Councilman Payne | - | New Hartford Town Board |
| 17. Councilwoman Krupa | - | New Hartford Town Board |

The 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.

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

Training – Association of Towns Meeting

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

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(RESOLUTION NO. 11 OF 2008)

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;

THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize the following Town Officials to attend the February 2008 New York State Association of Towns educational seminar in New York City, New York:

- Councilman Woodland
- Councilwoman Krupa
- Zoning Board Member Steven Welty
- Planning Board Member Jerome F. Donovan
- Highway Superintendent Roger A. Cleveland
- Codes Enforcement Officer Joseph A. Booth

and be it

FURTHER RESOLVED that the Town of New Hartford shall pre-pay the conference registration and hotel accommodations for each of the above-referenced Town Officials who then shall be advanced the sum of Five Hundred Dollars (\$500) for meals and round-trip transportation; upon return from said educational seminar, each Town Official shall substantiate their expenditure of Five Hundred Dollars (\$500) upon a Town voucher with supporting documents/receipts and/or deliver any unexpended funds to the Town Bookkeeper.

A roll call vote was duly held and 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**.

Transportation Allowance – Association of Towns Meeting

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

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(RESOLUTION NO. 12 OF 2008)

WHEREAS, the Town Board has authorized certain Town officials and employees to attend the February 2008 Association of Towns annual seminar in New York City; and

WHEREAS, various modes of transportation will be utilized to and from the seminar;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby establish the *maximum transportation allowance* not to exceed the cost of a round trip train fare from Utica, New York to New York, New York, whether officials/employees:

- pay round-trip bus fare
- pay round-trip train fare from Utica to New York, NY
- pay round-trip train fare from Albany to New York, NY, including any round-trip mileage from Utica to Albany.

Any Town Official/employee who drives his/her automobile to the seminar shall do so wholly at his/her own expense.

Upon roll call, the Town Board voted as follows:

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**.

Employee Handbook, Section 500 – Operational Policies (Vehicle Usage)

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

(RESOLUTION NO. 13 OF 2008)

RESOLVED that the New Hartford Town Board does hereby grant permission for the following Town officials and/or employees to take home a Town-owned vehicle at the end of the workday for the sole use in conducting official Town business, and as provided for in the Town of New Hartford ***Employee Handbook, Section 500 – OPERATIONAL POLICIES***:

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- Highway Department Working Foreman Christopher Moran
- Highway Superintendent Roger A. Cleveland.

The foregoing Resolution was subject to a roll call vote:

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**.

EXECUTIVE SESSION

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

(RESOLUTION NO. 14 OF 2008)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss current litigation; namely, Husted vs the Town (assessment certiorari), Hilton vs the Town (assessment certiorari), and Preswick Glen vs the Town (tax exempt status/assessments).

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, were then excused from the meeting at 6:16 P.M. The Town Clerk was asked to remain in the event the Town Board wanted to take action after the Executive Session.

END OF EXECUTIVE SESSION

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

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(RESOLUTION NO. 15 OF 2008)

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	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 6:47 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public was invited to re-join the meeting.

Certiorari Settlement – Hilton vs Town of New Hartford

Upon recommendation of Attorney Green, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilwoman Krupa:

(RESOLUTION NO. 16 OF 2008)

WHEREAS, a claim had been filed against the Town of New Hartford with regard to the assessment of property owned by Karen E. Hilton, Tax Map No. 331.017-4-25.2, for tax years 2006 – 2007; and

WHEREAS, said claim can be released against the Town of New Hartford for an assessment of One Hundred Ninety Thousand Dollars (\$190,000) for tax year 2006 – 2007;

IT IS HEREBY RESOLVED that the New Hartford Town Board does hereby accept the negotiated reduction in the assessed value of the subject property from \$238,000 to \$190,000 for tax year 2006 – 2007 going forward, said reduction having been based on the Town appraisal and recommended by Attorney Gerald J. Green and Assessor Paul E. Smith.

A roll call vote ensued:

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

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Councilman Payne - Aye
Supervisor Reed - Aye.

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

Proposed Certiorari Settlement – Husted vs Town of New Hartford

Upon presentation of Attorney Green, the following Resolution was offered for adoption by Councilman Woodland and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 17 OF 2008)

WHEREAS, a claim had been filed against the Town of New Hartford with regard to the assessment of property owned by B. W. Husted & Sons, Inc., Tax Map Nos. 328.011-1-12.1 and 328.011-1-12.2, for tax years 2002 – 2005, inclusive; and

WHEREAS, said claim can be released against the Town of New Hartford as outlined in the January 4, 2008 letter from Special Counsel William F. Ryan, Jr. to Robert J. Nole, Assistant Superintendent for Business Affairs, New Hartford Central School District;

IT IS HEREBY RESOLVED that the New Hartford Town Board does hereby grant approval to Special Counsel William F. Ryan, Jr. to settle the referenced Certiorari proceeding brought against the Town of New Hartford for the amount(s) specified:

<u>Tax Map No.</u>	<u>Initial Assessment</u>	<u>New Assessment</u>	<u>Tax Year</u>
328.011-1-12.1 (mixed use)	\$1,400,000	\$1,200,000	2002-2005, incl.
328.011-1-12.2 (motel)	\$ 300,000	\$ 250,000	2002-2005, incl.

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

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ADJOURNMENT

There being no further business to come before the Board, upon motion of Councilman Payne and duly seconded, the meeting was adjourned at 6:51 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk