

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK, HELD
AT THE KELLOGG ROAD COMMUNITY CENTER
BUILDING ON WEDNESDAY, AUGUST 13, 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: Codes Enforcement Officer Joseph A. Booth
Highway Superintendent Roger A. Cleveland
Parks & Recreation Director Michael W. Jeffery
Planner Kurt L. Schwenzfeier
Senior Engineering Technician John Meagher
Town Clerk Gail Wolanin Young

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

MINUTES APPROVAL

July 9 and August 4, 2008 Town Board Meetings

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

(RESOLUTION NO. 188 OF 2008)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the *Regular* Town Board meeting held **July 9, 2008** and the *Special* Town Board meeting held **August 4, 2008** and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

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

PRESENTATIONS (RESIDENT COMMENTS)

Rubbish Collection – Tree branch broken

Shirley Riggles said she had experienced a problem about a month ago when the Town Highway Department was collecting rubbish and one of the workers pulled a branch off a small tree. The worker allegedly said the branch was in the way and it needed trimming. She had offered to have the tree trimmed. Her phone calls to the Highway Superintendent went unanswered. Councilman Reynolds will get the details and follow up with Ms. Riggles.

REPORTS OF TOWN OFFICIALS

SENIOR ENGINEERING TECHNICIAN:

Extension of Philip Rayhill Memorial Trail

Senior Engineering Technician John Meagher has been working with the New York State Department of Transportation (DOT) on the extension of the Philip Rayhill Memorial Trail. He distributed a map showing existing trails and proposed trails tying into the Village of New York Mills and New York Mills school sidewalk system and to ConMed, etc. on Chenango Ave toward the City of Utica boundary. DOT started design of a bridge over Sauquoit Creek. It is anticipated that in September 2008, the approximate dozen private property owners will be contacted to obtain easements or rights to property for the trails. An estimated \$847,000 State grant will be used toward the extension of this recreation trail.

Whitetail Meadows

Councilman Payne, Senior Engineering Technician Meagher and Highway Superintendent Cleveland made an on-site inspection of the Whitetail Meadows development; with the rainy weather during the inspection, they were able to see the drainage problem. The Town has met with the developer who has some maintenance issues to resolve.

ASSESSOR:

Training

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

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(RESOLUTION NO. 189 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 Assessor Paul E. Smith to attend the New York State Assessors' Conference from September 21 through September 24, 2008 in Kerhonkson, 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**.

CODES ENFORCEMENT OFFICER:

Property Maintenance – 8548 Seneca Turnpike

Upon request of Codes Enforcement Officer Joseph Booth, Councilman Woodland offered the following Resolution for adoption; seconded by Councilwoman Krupa:

(RESOLUTION NO. 190 OF 2008)

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

WHEREAS, the Town Codes Enforcement Officer has received complaints about high grass upon premises located at 8548 Seneca Turnpike, Tax Map Parcel No. 328.012-2-14, owned by James Baiamonte whose last known address is Dallas, Texas 75380 and which property was formerly occupied by The Ponderosa Steak House; and

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WHEREAS, the property appears to be abandoned, and the Codes Enforcement Officer had communicated with James Baiamonte on July 15, 2008 and July 24, 2008, via certified mail with regard to abatement of these conditions, with no response having been received from James Baiamonte;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Codes Enforcement Officer to proceed with notification to the property owner that if the nuisance is not abated within ten (10) days of receipt of the notification at the aforementioned New Hartford address, the Town will proceed with removal of the nuisance with the costs and expenses incurred by the Town in connection with said proceedings to be assessed against the land on which said public nuisance exists; specifically, the Town Board does hereby approve clean up of said premises by the Parks and Recreation Department.

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

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

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

Inter-Municipal Agreement – Building Permits for Cherrywood Mobile Home Community

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

(RESOLUTION NO. 191 OF 2008)

WHEREAS, the Cherrywood Mobile Home Community is situate within the Town of New Hartford, with only a small portion that is within the Town of Kirkland; and

WHEREAS, the Town of New Hartford acknowledges having a fully-staffed and functioning office designated the **Codes Enforcement Office** for the administration and enforcement of building codes regulations and related matters with sufficient capacity to meet obligations; and

WHEREAS, the Town of Kirkland desires to contract with the Town of New Hartford for the issuance of building permits/certificates of occupancy and related inspections

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through New Hartford's **Codes Enforcement Office** for that portion of Cherrywood Mobile Home Community that lies within said Town of Kirkland; and

WHEREAS, the Town of New Hartford is willing to provide such building code services; and

WHEREAS, municipal corporations have the authority under the New York State General Municipal Law to enter into agreements for the performance among themselves of their respective functions, powers and duties;

NOW, THEREFORE, BE IT 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 with the Town of Kirkland wherein the Town of New Hartford will issue building permits/certificates of occupancy and related inspections for that portion of the Cherrywood Mobile Home Community that is situate within the Town of Kirkland. Town services will be paid by the fees collected for said permits.

The Town 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**.

HIGHWAY SUPERINTENDENT:

Order for Public Hearing – Longworth Acres Drainage District

Councilman Payne introduced the following Order for adoption; seconded by Councilwoman Krupa:

(ORDER NO. 1 OF 2008)

In the Matter of
The Application of **LONGWORTH ACRES**
SUBDIVISION CORPORATION to Estab-
lish the **LONGWORTH ACRES STORM-**
WATER DRAINAGE DISTRICT

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WHEREAS, a written petition dated May 1, 2008 in due form has been presented to and filed with the Town Board of the Town of New Hartford, County of Oneida, and State of New York, for the establishment of a drainage district in said Town to be bounded and described as follows:

See legal description attached hereto as Exhibit 1 containing 80.61 acres of land, more or less, and being subject to all easements, covenants, or restrictions of record; and

WHEREAS, the improvements proposed consist of the installation of storm drainage ditches, catch basins, and related facilities within the proposed area to serve the said district; and

WHEREAS, the facilities proposed to be constructed in the said district as shown on the map and plan accompanying the petition are to be constructed at the sole expense of the petitioner; it is hereby

ORDERED that a meeting of the Town Board of the Town of New Hartford shall be held at the Kellogg Road Community Center Building in the Town of New Hartford, County of Oneida, and State of New York, on the 10th day of September, 2008 at 6:00 P.M. on that day, or as soon thereafter as reached in the regular course of business, to consider the said petition and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of said Town Board with relation thereto as may be required by law or proper in the premises; and it is further

ORDERED that a copy of this order certified by the Town Clerk be published and posted as provided by law; and it is further

ORDERED that this order be entered in the minutes of the proceedings of the Town Board.

“Exhibit 1”

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN OF NEW HARTFORD, COUNTY OF ONEIDA AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

Beginning at an iron rod on the southerly highway boundary of Tibbitts Road (County Route 15), said iron rod standing at the intersection of the southerly highway boundary of Tibbitts Road with the easterly boundary of Norman A. and Arlene Scianna (Now or

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Formerly) as described in a Warranty Deed dated August 29, 1979 and filed in the Oneida County Clerk's Office in Liber 2086 of Deeds at Page 1063; thence N89 deg. 24' 28" E 1905.52 feet along the southerly highway boundary of Tibbitts Road to an iron rod standing on the westerly boundary of Carolee Kogut (Now or Formerly); thence S00 deg. 30' 45" E 152.65 feet along the westerly boundary of Kogut to an iron rod standing on the southerly boundary of Kogut; thence N89 deg. 29' 15" E 125.00 feet along the southerly boundary of Kogut to an iron rod standing on the westerly boundary of Stephen C. Couture (Now or Formerly); thence S00 deg. 30' 45" E 10.00 feet along the westerly boundary of Couture to an iron rod standing on the southerly boundary of Couture; thence N89 deg. 29' 15" E 140.00 feet along the southerly boundary of Couture to an iron rod standing on the easterly boundary of Couture; thence N00 deg. 30' 45" W 167.38 feet along the easterly boundary of Couture to a point standing on the southerly highway boundary of Tibbitts Road; thence N 86 deg. 56' 07" E 224.58 feet along the southerly highway boundary of Tibbitts Road to an iron rod standing on the westerly boundary of Lynne Stewart (Now or Formerly); thence S01 deg. 27' 58" E 64.98 feet along the westerly boundary of Stewart to an iron rod standing on the northerly boundary of Stewart; thence S88 deg. 32' 02" W 25.00 feet along the northerly boundary of Stewart to an iron rod standing on the westerly boundary of Stewart; thence S01 deg. 27' 58" E 57.50 feet along the westerly boundary of Stewart to an iron rod standing on the southerly boundary of Stewart; thence N88 deg. 32' 02" E 52.00 feet along the southerly boundary of Stewart to an iron rod standing on the westerly boundary of Robert O. Owens Jr., Etal. (Now or Formerly); thence S01 deg. 09' 21" E 125.00 feet along the westerly boundary of Owens, Etal. To an iron rod standing on the southerly boundary of Owens, Etal; thence N 88 deg. 32' 02" E 100.53 feet along the southerly boundary of Owens, Etal. To an iron rod standing on the westerly highway boundary of Oxford Road (County Route 26A); thence S00 deg. 29' 15" E 230.03 feet along the westerly highway boundary of Oxford Road to a point standing on the centerline of Snowden Hill Road; thence S 43 deg. 43' 06" W 482.87 feet along the centerline of Snowden Hill Road to a point standing on the northeasterly boundary of Scott and Elizabeth M. Checola (Now or Formerly); thence N 46 deg. 20' 00" W 233.00 feet along the northeasterly boundary of Checola to an iron rod standing on the northwesterly boundary of Checola; thence S 43 deg. 40' 00" W 500.00 feet along the northwesterly boundary of Checola, the northwesterly boundary of Kevin J and Eileen M. Kolek (Now or Formerly), the northwesterly boundary of Robert K. and Christine A. Teesdale (Now or Formerly) and the northwesterly boundary of Steven P. and Cheryl B. Kolek (Now or Formerly) to an iron rod standing on the southwesterly boundary of Kolek; thence S 46 deg. 20' 00" E 233.00 feet along the southwesterly boundary of Kolek to appoint sanding on the centerline of Snowden Hill Road; thence S 43 deg. 47' 00" W 430.05 feet along the centerline of Snowden Hill Road to a point standing on the northeasterly boundary of Michael and Sara Amante (Now or Formerly); thence N 46 deg. 18' 08" W 234.59 feet along the northeasterly boundary of Amante to an iron rod standing on the northwesterly boundary of Amante; thence S 43 deg. 41' 52" W 125.00 feet along the northwesterly boundary of Amante to an iron rod standing on the

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northwesterly boundary of Roger D. and Carol S Hudson (Now or Formerly); thence S 43 deg. 41' 51" W 150.53 feet along the northwesterly boundary of Hudson to an iron rod standing on the northeasterly boundary of Vincent M. Restive (Now or Formerly); thence N 46 deg. 27' 16" W 25.00 feet along the northeasterly boundary of Restive to an iron rod standing on the northwesterly boundary of Restive; thence S 43 deg. 32' 44" W 200.00 feet along the northwesterly boundary of Restive to an iron rod standing on the southwesterly boundary of Restive; thence S 46 deg. 27' 16" E 25.00 feet along the southwesterly boundary of Restive to an iron rod standing on the northwesterly boundary of Edward A. Koslick (Now or Formerly); thence S 43 deg. 32' 44" W 822.76 feet along the northwesterly boundary of Koslick, the northwesterly boundary of Calvary Gospel Church, Inc. (Now or Formerly), the northwesterly boundary of John C. and Gail L. Convertino (Now or Formerly), the northwesterly boundary of Alfred C. Lavier and Eileen J. Leary (Now or Formerly), the northwesterly boundary of Louis A. and Constance J. Angelini (Now or Formerly), the northwesterly boundary of Keith and Jeanine Vandresor (Now or Formerly), the northwesterly boundary of Jack R. and Melitta M. Lewis (Now or Formerly) and the northwesterly boundary of Richard C. White (Now or Formerly) to a point; thence S 40 deg. 42' 14" W 572.82 feet continuing along the northwesterly boundary of White, the northwesterly boundary of Victor J. and Dorothy Sharkey (Now or Formerly), the northwesterly boundary of David P. and Pauline A. Radley (Now or Formerly), the northwesterly boundary of Thomas A. and Mary Jane Blanchfield (Now or Formerly), the northwesterly boundary of Lorraine A. Burns and Carole A. Slawson (Now or Formerly), the northwesterly boundary of Eugene M. and Carolyn C. Burney (Now or Formerly) and the northwesterly boundary of Barbara M. Bouchard (Now or Formerly) to an iron rod standing on the easterly boundary of Bouchard; thence N 02 deg. 28' 07" W 2671.72 feet along the easterly boundary of Bouchard and the easterly boundary of Scianna to the point and place of beginning.

The above described premises containing 83.761 ± acres of land more or less.

Subject to the rights of the public to that portion of the above described premises lying within the bounds Snowden Hill Road.

Also subject to any other easements, covenants or restrictions of record.

EXCEPTING AND RESERVING THEREFROM:

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN OF NEW HARTFORD, COUNTY OF ONEIDA AND STATE OF NEW YORK BOUNDED AND DESCRIBED AS FOLLOWS:

Beginning at an iron rod on the southerly highway boundary of Tibbitts Road (County Route 15), said iron rod standing therein distant N 89 deg. 24' 28" E 1873.35 feet as

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measured along the southerly highway boundary of Tibbitts Road from a point standing at the intersection of the southerly highway boundary of Tibbitts Road with the easterly boundary of Norman A and Arlene Scianna (Now or Formerly) as described in a Warranty Deed dated August 29, 1979 and filed in the Oneida County Clerk's Office in Liber 2086 of Deeds at Page 1063; thence N 89 deg. 24' 28" E 32.17 feet along the southerly highway boundary of Tibbitts Road to an iron rod standing on the westerly boundary of Carolee Kogut (Now or Formerly); thence S 00 deg. 30' 45" E 152.65 feet along the westerly boundary of Kogut to an iron rod; thence S 89 deg. 24' 28" W 32.17 feet to an iron rod; thence N 00 deg. 30' 45" W 152.60 feet to the point and place of beginning.

The above described premises containing 0.11± acres of land more or less.

Subject to any easements, covenants or restrictions of record.

It being the intent to described Out Lot "A" as shown on a map of Longworth Acres Subdivision dated August 9, 2004 and last revised on September 29, 2005 prepared by Boulder Consultants and filed in the Oneida County Clerk's Office on December 13, 2005 as map number M2005-000310.

EXCEPTING AND RESERVING THEREFROM;

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN OF NEW HARTFORD, COUNTY OF ONEIDA AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

Beginning at a point, said point standing therein distant N 89 deg. 24' 28" E 600.00 feet and S 02 deg. 35' 40" E 1529.50 feet as measured respectively from a point standing at the intersection of the southerly highway boundary of Tibbitts Road (County Route 15) with the easterly boundary of Norman A and Arlene Scianna (Now or Formerly) as described in a Warranty Deed dated August 29, 1979 and filed in the Oneida County Clerk's Office in Liber 2086 of Deeds at Page 1063; thence N 43 deg. 32' 44" E 277.21 feet to a point; thence S 02 deg. 35' 40" E 500.00 feet to a point standing on the northwesterly boundary of John C. and Gail L. Convertino (Now or Formerly); thence S 43 deg. 32' 44" W 277.21 feet along the northwesterly boundary of Convertino, the northwesterly boundary of Alfred C. Lavier and Eileen J. Leary (Now or Formerly) and the northwesterly boundary of Louis A. and Constance J. Angelini (Now or Formerly) to a point thence N 02 deg. 35' 40" W 500.00 feet to the point and place of beginning.

The above described premises containing 2.29 ± acres of land more or less.

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Together with a access easement as shown on a map of Longworth Acres Subdivision dated August 9, 2004 and last revised on September 29, 2005 prepared by Boulder Consultants and filed in the Oneida County Clerk's Office on December 13, 2005 as map number M2005-000310 bounded and described as follows:

Beginning at a point on the centerline of Snowden Hill Road; said point standing at the intersection of the centerline of Snowden Hill Road with the northeasterly boundary of Michael and Sara Amante (Now or Formerly) as described in a Executor's Deed dated August 27, 2003 and filed in the Oneida County Clerk's Office in Instrument Number 2003-022720; thence N 46 deg. 18' 08" W 234.59 feet along the northeasterly boundary of Amante to an iron rod standing on the northwesterly boundary of Amante; thence S 43 deg. 41' 52" W 125.00 feet along the northwesterly boundary of Amante to an iron rod standing on the northwesterly boundary of Roger D. and Carol S. Hudson (Now or Formerly); thence S 43 deg. 41' 51" W 150.53 feet along the northwesterly boundary of Hudson to an iron rod standing on the northeasterly boundary of Vincent M Restive (Now or Formerly); thence N 46 deg. 27' 16" W 25.00 feet along the northeasterly boundary of Restive to an iron rod standing on the northwesterly boundary of Restive; thence S 43 deg. 32' 44" W 200.00 feet along the northwesterly boundary of Restive to an iron rod; thence N 87 deg. 24' 20" W 164.05 feet to a point; thence N 02 deg. 35' 40" W 30.12 feet to a point; thence S 87 deg. 24' 20" E 153.09 feet to a point; thence N 43 deg. 32' 44" E 491.99 feet to a point; thence S 46 deg. 18' 08" E 290.45 feet to a point standing on the centerline of Snowden Hill Road; thence S 43 deg. 47' 00" W 30.00 feet along the centerline of Snowden Hill Road to the point and place of beginning.

The above described access easement containing 0.77 ± acres of and more or less.

Subject to a 10 foot wide drainage easement on the westerly and easterly boundary of Outlot "B" as shown on a map of Longworth Acres Subdivision dated August 9, 2004 and last revised on September 29, 2005 prepared by Boulder Consultants and filed in the Oneida County Clerk's Office on December 13, 2005 as map number M2005-000310.

Also subject to any other easements, covenants or restrictions of record.

It being the intent to described Outlot "B" as shown on a map of Longworth Acres Subdivision dated August 9, 2004 and last revised on September 29, 2005 prepared by Boulder Consultants and filed in the Oneida County Clerk's Office on December 13, 2005 as map number M2005-000310.

The Town Board then voted as follows:

Councilwoman Krupa	-	Aye
Councilman Reynolds	-	Aye

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

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

Agreement – Snow & Ice Control on County Roads

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

(RESOLUTION NO. 192 OF 2008)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Superintendent of Highways and the Town Supervisor to enter into and to execute an Agreement with the County of Oneida, by and through Dennis S. Davis, Deputy Commissioner, County Department of Public Works, 6000 Airport Road, Oriskany, New York, for the control of snow and ice on County Roads for the Snow Season dating from November 1, 2008 through April 30, 2009, and as more fully set forth in an Agreement on file in the New Hartford Town Clerk’s Office.

Currently, the County reimburses the Town Four Thousand Dollars (\$4,000) per mile for a total amount of Eighty-four Thousand Ninety-eight Dollars (\$84,098); the County has pending legislation that, if adopted, would increase that amount to Five Thousand Dollars (\$5,000) per mile. The foregoing Resolution was duly put to vote upon roll call, which resulted 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*.

Amend Code, Chapter 113 Vehicles & Traffic – Local Law Introductory “D” of 2008

Upon recommendation of the Highway Superintendent, Councilman Payne introduced the following legislation for consideration by the Town Board at a future Town Board meeting; co-sponsored by Councilwoman Krupa:

TOWN OF NEW HARTFORD, NEW YORK
LOCAL LAW INTRODUCTORY “D” OF 2008

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

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

SECTION 1. Chapter 113 of the Code of the Town of New Hartford, Section 113-45, is hereby amended to include the following:

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

<u>NAME OF STREET</u>	<u>SIDE</u>	<u>LOCATION</u>
Oneida Street	West	From power pole labeled NM 895, LI 18, and NYT 104, in front of 3871 Oneida Street to the corner of the northerly edge of the entrance driveway into Garden Homes Mobile Home Park; sign to read NO PARKING FROM HERE TO CORNER

SECTION 2. All other provisions of Chapter 113 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

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

Schedule Public Hearing – Local Law Introductory “D” of 2008

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

(RESOLUTION NO. 193 OF 2008)

RESOLVED that the Town Board of the Town of New Hartford shall conduct a Public Hearing on Wednesday, **September 10, 2008 at 6:00 P.M.**, or as soon thereafter as reached in the regular course of business, in the Kellogg Road Community Center Building, New Hartford, New York, to consider **Local Law Introductory “D” of 2008** which, if adopted, would amend the Code, Chapter 113 thereof entitled **VEHICLES AND TRAFFIC** by adding a portion of Oneida Street to Section 113-45. Schedule XI: Parking Prohibited at All Times;

and be it

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

A roll call vote ensued:

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

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

Agreement with Oneida County – Roadside Ditching

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

(RESOLUTION NO. 194 OF 2008)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Superintendent of Highways and the Town Supervisor to enter into and to execute an Agreement with the County of Oneida, by and through Dennis S. Davis, Deputy Commissioner, County Department of Public Works, 6000 Airport Road, Oriskany, New York, for roadside ditching on the improved County Road System of the Town of New Hartford during 2008, and as more fully set forth in an Agreement on file in the New Hartford Town Clerk's Office.

The Town Board then 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**.

Sewer Claim

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

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(RESOLUTION NO. 195 OF 2008)

WHEREAS, several months ago a sewer back-up occurred in the vicinity of Packy’s Pub on Kellogg Road, New Hartford, affecting that establishment; and

WHEREAS, the owner of Packy’s Pub incurred an expense of Two Hundred Fifty-five Dollars and Thirty-five Cents (\$255.35) to have their private lateral cleaned with no blockage having been found in their lateral; and

WHEREAS, it was subsequently determined that the sewer back-up was a grease blockage in the Town’s sewer main and the Town’s deductible on the applicable insurance policy is Twenty-five Hundred Dollars (\$2500);

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the reimbursement of Two Hundred Fifty-five Dollars and Thirty-five Cents (\$255.35) to the owner of Packy’s Pub.

Whereupon, the Town 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***.

Competitive Bid Award – Contract 2 (New Hartford Business Park)

Highway Superintendent Cleveland reported that the following bids were received August 12, 2008 for the New Hartford Office Park/NYS Route 5 Highway Improvement Plans:

- CCI Companies

Bid Amount	\$875,867.52
Alternate/Deduct	<u>-248,970.00 (Paving)</u>
Net Bid Amount	\$627,897.52

- Hanson Aggregate

Bid Amount	\$962,485.45
Alternate/Deduct	<u>-253,170.00 (Paving)</u>
Net Bid Amount	\$709,315.45

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Bids are currently being canvassed and there is no recommendation at this time.

PLANNER:

Stormwater mapping

Councilman Reynolds inquired whether the stormwater mapping project had started; Planner Schwenzfeier stated he has a meeting scheduled for Friday, August 15, 2008 and will be working with Joanne Faulkner of the Oneida County Soil & Water Agency.

Stormwater Seminar

Councilman Reynolds informed the Highway Superintendent of a one-day seminar in Syracuse on stormwater issues.

PARKS AND RECREATION DIRECTOR:

Summer Programs Update

Parks and Recreation Director Michael Jeffery provided the following statistics on the 2008 Summer Programs:

- Swim Program – 363 enrollees (youth and adults)
- Playgrounds – 436 enrollees (about 150 more than in 2007)
- Boys Instructional Basketball (New Program) – 54 enrollees
- Girls Instructional Basketball (New Program) – 36 enrollees
- St. John's Basketball – 122 enrollees
- Summer Theatre – 42 enrollees
- Water Aerobics – 14 enrollees
- Adult Pickup Basketball – 25 enrollees
- TOTAL REGISTRANTS: 1,090

On the Parks:

- Pavilion Rentals – 277 reservations through August 13, 2008 (243 rentals in 2007)
- Splash Pad/Donovan Memorial Park – opened daily beginning July 1, 2008
 - Peak daily attendance – 140
 - Peak hourly attendance – 35
- Summer Concerts – 11 of 14 completed
 - Attendance ranging from 125 to 1,100 per concert, depending on act
 - Average attendance – 286 per concert

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Declaration of Surplus Equipment – Authorization to Sell

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

(RESOLUTION NO. 196 OF 2008)

WHEREAS, the New Hartford Youth Hockey Association is donating new scoreboards to be installed at the Town Recreation Center on Mill Street, New Hartford at the end of August 2008;

BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby declare as surplus the following equipment:

<u>Year</u>	<u>Make/Model</u>	<u>Equipment</u>
1983	Nevco	Scoreboard
1985	Nevco	Scoreboard

And be it

FURTHER RESOLVED that the aforesaid equipment shall be placed for sale on e-Bay.

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.

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

Sidewalks/Trails

In behalf of the Sidewalk Advisory Committee, Parks and Recreation Director Michael Jeffery presented a Resolution, which was offered for adoption by Councilman Reynolds and seconded by Councilwoman Krupa:

(RESOLUTION NO. 197 OF 2008)

WHEREAS, in keeping with a healthy and active quality of life, many people in our community walk, run, and bike for recreation and other reasons to parks, neighboring residential areas, work, schools, and retail centers; and

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WHEREAS, the Town Board has recognized the need to accommodate these activities and promote pedestrian movement throughout the Town; and

WHEREAS, recent increases in pedestrian traffic has resulted in increased vying for finite infrastructure dollars between pedestrian needs and motor vehicle needs; and

WHEREAS, to further the pedestrian needs, the Town has made a commitment to both expanding the Rayhill Trail and other trails within the Town Park system, promoting and sometimes requiring sidewalks associated with new development, and adopting measures that enhance pedestrian mobility in the Findings of the Eastern/Southern Generic Environmental Impact Statement; and

WHEREAS, the Town Board created the Sidewalk Advisory Committee to evaluate existing sidewalks and trails in the Town and to recommend a plan for the development of sidewalks/trails in the Town that will provide connections between destinations referenced above; and

WHEREAS, the Sidewalk Advisory Committee finds that there are numerous advantages for individual health, public safety, and environmental and energy conservation that come from walking, running and biking and the Committee finds that the promotion and development of a system of sidewalks and trails throughout the Town will yield numerous and significant benefits;

THEREFORE, BE IT RESOLVED that the New Hartford Sidewalk Advisory Committee recommends and requests that the Town Board adopt, through the Zoning Law, Subdivision Regulations and other applicable laws, ordinances, rules and regulations, a requirement that all new development in the Town be required to construct sidewalks and/or trails as designated by the Town Planning Board in a manner consistent with the adopted Town's Sidewalk/Trail Master Plan, or as designated by the Planning Board.

The Supervisor then polled the Town 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**.

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TOWN CLERK:

14th Annual Wine Tasting & Auction – NYS Liquor Authority

The Faxton-St. Luke's Healthcare Foundation is sponsoring their 14th Annual Wine Tasting and Auction on Saturday, August 23, 2008 and the NYS Liquor Authority has requested a letter from the Town acknowledging this event. Therefore, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilwoman Krupa:

(RESOLUTION NO. 198 OF 2008)

RESOLVED that the New Hartford Town Board does hereby acknowledge that the Faxton-St. Luke's Healthcare Foundation will be sponsoring a Wine Tasting and Auction fundraiser on Saturday, August 23, 2008 within the Town of New Hartford and that the Board has no objection to this event; and be it

FURTHER RESOLVED that the Town Clerk be authorized and directed to issue a letter to this effect to said Healthcare Foundation.

Upon roll call, the Board voted as follows:

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

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

Energy Advisory Committee

George Bertrand of the Energy Advisory Committee reported that the committee began May 5, 2008 and has conducted four (4) meetings since that time, working with the Town and Village of New Hartford, Village of New York Mills and the schools with regard to renewable energy and savings on lighting, heating, etc. He thought a 1-5 year study would be good for improvements; presently looking for help from college students in connection with engineering. The Committee has met with Faxton-St. Luke's Healthcare and Utica College who have offered technology assistance. Energy saving LED's have been installed near the Yahnundasis (Rte 5/12B) intersection and at the Mill Street-Oxford Road intersection.

MATTERS SUBMITTED BY TOWN ATTORNEY

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Certiorari - Applewood Mobile Home Community Appraisal Fee

Upon recommendation of the Town Attorney, the following Resolution was offered for adoption by Councilman Reynolds and seconded by Councilman Woodland:

(RESOLUTION NO. 199 OF 2008)

WHEREAS, the Town Board of the Town of New Hartford had adopted Resolution No. 232 on September 26, 2007, defining the fiscal responsibility of the Town of New Hartford and the Clinton Central School District with regard to the Applewood Mobile Home Community certiorari;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby approve the payment of Seven Thousand Seven Hundred Fifty Dollars (\$7,750.) for the appraisal fee with regard to the Applewood certiorari, said amount being Fifty Percent (50%) of the total appraisal fee.

A roll call vote ensued:

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

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

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL:

Audit of bills

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

(RESOLUTION NO. 200 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. 21
Vouchers AA1054-AA1072

\$ 15,913.10

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General Fund Whole-Town Abstract No. 21A(POLICE) Voucher AA1073-AA1074	\$ 376.05
General Fund Whole-Town Abstract No. 22 Vouchers AA1075-AA1129; AA1195; AA1213-AA1236	\$ 428,639.88
General Fund Whole-Town Abstract No. 22A(POLICE) Vouchers AA1173-AA1194; AA1206-AA1212 AA1228-AA1235	\$ 44,894.80
General Fund Part-Town Abstract No. 20 Vouchers BB115-BB126	\$ 35,909.60
Highway Fund Part-Town Abstract No. 17 Voucher DB286	\$ 188.51
Highway Fund Part-Town Abstract No. 18 Vouchers DB287-DB356	\$ 107,056.12
Sewer Fund Abstract No. 19 Voucher SS75	\$ 1,693.95
Sewer Fund Abstract No. 20 Voucher SS76-SS84	\$ 6,443.26
Street Light Fund Abstract No. 9 Voucher SL9	\$ 7,440.61
Stormwater Capital Fund Abstract No. 5 Vouchers HU6-HU10	\$ 6,886.00
Parks Equipment/Capital Improvement Abstract No. 3 Voucher H93	\$ <u>36,966.50.</u>
	TOTAL: \$692,408.38

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**.

GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB)

GASB 34

Frank Basile explained **GASB 34**, which requires a municipality to record the historical cost of vehicles, land and land improvements, easements, buildings and other infrastructure. Lack of compliance causes adverse opinion on a municipality's bond

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rating. The New York State Office of Comptroller encourages compliance. Copies of the proposal submitted by *Industrial Appraisal Services* to provide an appraisal for the Town for fixed asset accounting control and insurance valuation purposes had been submitted to the Town Board, who had reviewed same:

- \$3,450 – for the recording and valuation of Infrastructure Assets
- \$5,205 – for the proposed inventory and appraisal services

The appraisal would be completed by December 31, 2008. The GASB 34 law statement came out in 1999 and based on the Town's gross revenue, the Town was supposed to be compliant in 2002. Mr. Basile recommended that the Town Board accept the referenced proposal.

GASB 45

Mr. Basile explained that *GASB 45* deals with the cost and obligation for future post employee health care, etc. The State establishes the guidelines and the State Comptroller's Office encourages complete compliance. Lack of compliance also causes an adverse opinion on a municipality's bond rating. *Armory Associates, LLC, Division of Fiscal Advisors*, submitted a Sixty-five Hundred Dollar (\$6500) proposal for an Actuarial Valuation of Post-employment Benefits to be completed by December 31, 2008.

Mr. Basile recommended that the Town Board accept this proposal, stating he wants the highest opinion on the Town's financial statement. Compliance with *GASB 34 and 45* are the only deficiencies in the Town's audit. Updates can be done each year at an additional cost.

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

(RESOLUTION NO. 201 OF 2008)

RESOLVED that the New Hartford Town Board does hereby accept the proposal of *Industrial Appraisal Services* in the total amount of Eight Thousand Six Hundred Fifty-five Dollars (\$8,655) for Inventory and Appraisal Service and for the recording and valuation of Infrastructure Assets, and does further accept the proposal of *Armory Associates, LLC* in the amount of Sixty-five Hundred Dollars (\$6500) for an Actuarial Valuation of Post-employment Benefits.

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

Councilwoman Krupa - Aye

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

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

Audit – Town Court Records

Councilwoman Krupa offered the following Resolution for adoption; seconded by Councilman Payne:

(RESOLUTION NO. 202 OF 2008)

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires that town and village justices annually provide their court records and dockets to their respective town and village auditing boards, and that such records then be examined or audited and that fact be entered into the minutes of the board’s proceedings;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby accept the proposal of Patrick M. Tyksinski, CPA PC, 1 Campion Road, New Hartford, NY 13413, in the amount of One Thousand Dollars (\$1,000) for which Mr. Tyksinski shall perform an independent audit of the cash receipts and cash disbursements of the Town of New Hartford Justice Courts for the year ended December 31, 2007.

Upon roll call, the Board members voted as follows

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

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

Grant - Justice Court Assistance Program (JCAP)

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

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(RESOLUTION NO. 203 OF 2008)

RESOLVED that the Town Board of the Town of New Hartford, Oneida County, New York, does hereby approve the submission of an application for the *Justice Court Assistance Program* grant, known as “*JCAP*”, in an amount up to the maximum amount of Thirty Thousand Dollars (\$30,000), and does hereby authorize and direct the Town Justice and the Town Supervisor to sign said *JCAP* application.

The Supervisor polled the Board members who voted as follows:

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

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

FOIL Appeal

The Town Supervisor had received an Appeal, dated August 4, 2008, from Catherine Lawrence, and amended by an Appeal dated August 11, 2008. The Town Clerk briefly reviewed with the Board the concerns set forth. Ms. Lawrence said there were three (3) parts to her Appeal:

- certification of Highway Superintendent that no enclosures had been included in the February 8, 2008 Memo to property owners on Woods Road
- refusal of the Police Chief to release a copy of the letter sent in June 2008 to the Town Supervisor by Debra Alessi (unsure of exact spelling)
- non-compliance in sending documents electronically when they exist in that format.

Town Clerk Young advised the Town Board that, as the Appeals Board for FOIL, they must meet and render a decision within ten (10) business days of receipt of the Appeal (amended August 11, 2008).

PUBLIC PRESENTATIONS (RESIDENT CONCERNS)

Vehicle & Traffic – STOP Signs in Bon Aire Development

Stanley Wiater stated that in the Winchester-Washington Drive area there are too many STOP signs [he counted 23] and no one stops. He would like them removed. Councilman Payne stated that the Police Department would be notified and requested to make an on-site inspection. Councilman Reynolds noted that legislation had been

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adopted to install the STOP signs and likely, legislation might have to be enacted to remove any STOP signs.

ADJOURNMENT

There being no further business to come before the Board, upon motion of Councilman Reynolds, seconded by Councilman Payne, the meeting was adjourned at 7:05 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk