

**REGULAR MEETING OF THE TOWN BOARD OF  
THE TOWN OF NEW HARTFORD, NEW YORK, HELD  
AT THE KELLOGG ROAD COMMUNITY CENTER  
BUILDING ON WEDNESDAY, SEPTEMBER 24, 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:** Attorney for the Town, Gerald J. Green  
Codes Enforcement Officer Joseph A. Booth  
Highway Superintendent Roger A. Cleveland  
Personnel Technician Barbara Aiello  
Planner Kurt L. Schwenzfeier  
Senior Engineering Technician John Meagher  
Town Clerk Gail Wolanin Young and Deputy  
Clerk I Melody K. Fancett

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

**MINUTES APPROVAL**

**September 10, 2008 Town Board Meetings**

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

**(RESOLUTION NO. 229 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 *September 10, 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

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Supervisor Reed - Aye.

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

**PUBLIC HEARING**

**6:02 PM      *Establishment of Longworth Acres Drainage District***

The Town Supervisor opened the Public Hearing at 6:02 P.M. with regard to the petition of the Longworth Acres Subdivision to establish the Longworth Acres Drainage District. [NOTE: The Town Clerk had available the Order for Public Hearing, Affidavit of Posting, Proof of Publication (September 14, 2008 edition of the Observer Dispatch) and the Assessor's Certification.] The matter of SEQR (State Environmental Quality Review) will be addressed and the public offered an opportunity to speak for, against, or comment upon this proposed district.

Highway Superintendent Cleveland then read the ***Operation and Maintenance Agreement*** signed by the President and Vice President of Longworth Acres Subdivision Corporation:

*“WHEREAS, the purpose of the drainage district herein being petitioned for is to provide for a systematic and orderly means of operating and maintaining storm water management facilities within the district; and*

*WHEREAS, the Petitioners desire and agree to perform certain specific maintenance task, and*

*WHEREAS, the Town concurs with the establishment of a drainage district and agrees to perform specific and related operational maintenance tasks for the District;*

*THEREFORE, be it contracted, covenanted and agreed that the parties hereto each agree to the following schedule of responsibilities of operation and maintenance of the storm water management facilities within the proposed district:*

***WORK TO BE PERFORMED BY DISTRICT PROPERTY  
OWNER(S) JOINTLY AND/OR SEVERALLY***

*Jointly and severally, parcel owners within the subject Stormwater District shall be responsible for the following:*

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1. *Normal maintenance on, along and in any parcels within the Stormwater Drainage District that shall include, but not be limited to maintaining drainage easements free of plantings, fences or other permanently installed structures.*
2. *Notifying the Town of any condition detrimental to the proper functioning of the stormwater facilities and system.*
3. *Operating and maintaining any stormwater management facilities outside the limits of any drainage easement granted to the Town.*
4. *Snow removal from the private interior road and driveways connecting Tibbitts Rd. so as to allow proper ingress and egress without dumping, pushing or plowing roadway snow into the dry swale.*
5. *Providing lawn care within the dry swales adjoining individually owned parcels.*
6. *Maintaining the swales adjoining individually owned parcels free of debris so as to allow efficient and effective stormwater drainage.*
7. *Granting the Town and its assigns, as the Town may require, temporary right of access and temporary easements as the Town deems required to excavate, clean and clear excessive build-up of sediment within the swales.*

### **WORK TO BE PERFORMED BY THE TOWN OF NEW HARTFORD**

1. *Repair, maintain and/or replace, at the Town's discretion, any and all facilities that impede the proper operation of the stormwater management basin and appurtenances, including those more fully set forth on the **attached maintenance schedule** which is incorporated by reference herein, including, but not limited to, the removal of silt and sediment, maintenance and repair of the outlet control structure, and maintenance as set forth in the said schedule.*
2. *Provide all stormwater management basin maintenance, excepting that scheduled as District Property owners responsibility, herein above referred to.*
3. *Operate and maintain all stormwater facilities within any drainage easement so granted by the property owner within the district and accepted by the Town.*

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*The purpose of the District is to provide for orderly and continuing stewardship of the stormwater facilities within the district, being both those facilities under the responsibility and ownership of private property owners and similarly those being under Town responsibility and Town ownership. The cost to the Town of providing operation and maintenance services to the district is to be borne by the property owners within the district. It is anticipated that the Town's effort to provide operation and maintenance will increase as the system ages and, after the useful life of the installed facilities is reached, will require replacement of facilities.*

*Any cost borne by the Town, including but not limited to, engineering, labor, equipment and materials in the repair, replacement, operation and maintenance of the district shall be reimbursed to the Town in the form of a Special District (drainage district) tax in accordance with Town Law Section 202, 202-a, 202-b and any other applicable laws, statutes and regulations."*

Comments were then received:

- Councilman Reynolds asked for clarification of responsibility for repairs and maintenance issues; Superintendent Cleveland stated that property owners would keep swales, etc. open and the Town would be responsible for the detention basin but, if the property owner fails to maintain their swale, the Town would contact the property owner or clear it and charge back the cost to the drainage district. The cost would be determined by the amount of work the Town would have to perform. There would be no upfront charges to the property owner.
- Attorney for the Town, Gerald Green – this is the first opportunity for a new development, for remediation by setting up a maintenance system. The stormwater sources arrive from different parts of the town and this district would not only benefit the Jubilee Estates residents but also, to greater portion, the residents below Jubilee Estates. If property owner(s) don't keep their obligation, the Town becomes involved and costs would be assessed to the property owners of the district. There is no fund to draw from. The intent is to have the stormwater infrastructure in place and not duplicate the issues created across the street in Jubilee Estates. Councilman Reynolds verified that if the Town has to maintain the pipe, etc., the Town could levy the cost against the district.
- Superintendent Cleveland noted that no roads in the Longworth Acres Subdivision would become Town-owned; therefore, there would be no issue of snow removal by the Town.

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- Frank Montecalvo, member of the Stormwater Management Improvement (Advisory) Committee, expressed concern "...[summarized in his September 24, 2008 e-mail] that the detention basins that the Town proposes to locate within the Jubilee Estates drainage district will also intercept stormwater runoff from Longworth Acres; and if that is the case, it is incumbent upon the Town to ensure that the developer of Longworth Acres contributes toward the construction of the basins an amount commensurate with the capacity that will be used by runoff from that development, and ensure that future residents of Longworth Acres be required to pay their fair share of maintenance of these facilities rather than having the cost of maintenance fall solely on residents of Jubilee Estates or the Town in general." Attorney Green responded that the matter becomes convoluted – not only does the Jubilee basin generate or receive some water from Longworth Acres, it also receives water run-off from above Longworth Acres and from above Jubilee Estates and also benefits the people below Jubilee Estates. Attorney Green stated this is an issue that the Stormwater Committee can address, that is, whether or not Jubilee's District should be charged with a portion of construction and maintenance of the detention basin on the Jubilee site. As a member of that Committee, Mr. Montecalvo would know where the problems are and whether actions will help or exacerbate. Mr. Montecalvo believes the matter should be discussed with an engineer – Longworth Acres development hasn't been built yet, take measures to protect the taxpayer. In his opinion, Attorney Green believes the taxpayers are more than protected because of means included in the agreement with the developer.
- Councilman Payne – the enforcement of this – and maintaining the issues – Highway Superintendent Cleveland said physical maintenance would fall on Highway Department.
- Town Clerk Gail Wolanin Young acknowledged receipt of Frank Montecalvo's September 24, 2008 e-mail registering his "...opposition to the proposed drainage district for the Longworth Acres subdivision at this time....", and that "until the issues of payment of the cost of the facilities and cost of maintenance are resolved," he requests that approval of the proposed district be tabled.

There being no one further to speak in the matter, the Supervisor closed the Public Hearing at 6:29 P.M.

### **SEOR/Lead Agency Status - Longworth Acres Stormwater Drainage District**

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

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**(RESOLUTION NO. 230 OF 2008)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby declare itself as Lead Agency in the matter of the application of the Longworth Acres Subdivision Corporation to establish the Longworth Acres Stormwater Drainage District.

Upon roll call, the Town 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**.

**SEQR/Negative Declaration – Longworth Acres Stormwater Drainage District**

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

**(RESOLUTION NO. 231 OF 2008)**

**RESOLVED** that the Town Board of the Town of New Hartford, as Lead Agency in the matter of the application of the Longworth Acres Subdivision Corporation to establish the Longworth Acres Stormwater Drainage District, does hereby unanimously adopt the determination and findings set forth in the Negative Declaration (SEQR), Notice of Determination of Non-Significance, which will be filed in the Town Clerk's Office.

Upon roll call, the Town 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**. Superintendent Cleveland then read aloud the EAF and Negative Declaration.

**PRESENTATIONS (RESIDENT COMMENTS)**

Upon questioning of the Town Supervisor, there was no one who came forth to speak.

**REPORTS OF TOWN OFFICIALS**

**PERSONNEL TECHNICIAN:**

**Appointment – Animal Control Officer**

In behalf of the Police Chief, Personnel Technician Barbara Aiello presented the following Resolution that was introduced for adoption by Councilman Payne and duly seconded by Councilwoman Krupa:

**(RESOLUTION NO. 232 OF 2008)**

**RESOLVED** that the New Hartford Town Board does hereby appoint Part-time Animal Control Officer Nicholas J. Morosco as temporary, full-time Animal Control Officer effective Sunday, September 28, 2008, at an hourly wage of Eighteen Dollars and Thirty-six Cents (\$18.36), payable bi-weekly.

Mr. Morosco's application has been approved by the Oneida County Department of Personnel and he will be filling the existing vacancy created by a work-related incident involving the former incumbent. A roll call vote ensued:

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

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

**CODES ENFORCEMENT OFFICER:**

**Appointment – Part-time Zoning Enforcement Officer**

Upon request of Codes Enforcement Officer Joseph Booth who reported that the interview and background check had been conducted, Councilman Payne offered the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 233 OF 2008)**

**RESOLVED** that the New Hartford Town Board does hereby appoint Carmen A. Luppino as a Part-time Zoning Enforcement Officer in the Codes Enforcement Office, effective October 1, 2008, at an hourly wage of Twenty Dollars (\$20.00), payable bi-weekly and not to exceed Eight Thousand Dollars (\$8,000) annually.

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

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

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

**HIGHWAY SUPERINTENDENT:**

**(Old) Paris Road – Sewer service**

At the request of the Town Board, the Highway Superintendent had provided an analysis showing the delta between the special district charges for public sewer currently being assessed against the properties in the Consolidated Sewer District, and what those charges would be if the debt service for the sewer improvement on Old Paris Road were to be distributed across an expanded, Consolidated district. Tonight, Mr. Hund is here and would be deserving of a decision whether or not the Town will entertain moving forward with expansion of the existing Consolidated Sewer District or creating a separate sewer district. If financed through a new sewer district, the sewer cost to a single family residence is estimated at \$1,963 annually for a twenty (20) year bond, OR if included in the expanded Consolidated Sewer District, \$106.83 a year on a \$200,000-assessed home for all property owners in the Consolidated Sewer District. In the past, the Environmental Facilities Corporation has had money to fund these small types of projects, however, no one that we are aware of in the improvement has had their wells contaminated by sewer so priority-funding points would be unlikely, making the eligibility threshold very difficult to reach.

Responding to Board inquiry, the Town Clerk confirmed that legal paperwork would need to be prepared to expand the Consolidated Sewer District to include the 6 – 7 parcels prior to scheduling a public hearing.

**Sedgewick Park Stormwater Improvements**

In 2002 when the late Councilman Waszkiewicz served on the Town Board, the Board agreed to fund three (3) stormwater projects in his district for an aggregate amount of Ten Thousand Dollars (\$10,000); only one (1) project was not accomplished due to the Sedgewick Park property owners being unsure of how to route the water discharge. Property owners have contacted the Town, asking that they honor the late Councilman's request. In 2003, the cost estimate was about Four Thousand to Five Thousand Dollars (\$4,000 - \$5,000). The prior Town Board voted to approve these improvements. Councilwoman Krupa confirmed the Sedgewick Park property owners all agree to get this done and would like anything that would alleviate the situation now. The funds need to be budgeted for 2009.

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**PLANNER:**

**Town of New Hartford Municipal Agriculture and Farmland Protection Committee**

The New York State Department of Agriculture and Markets has invited applications for financial assistance in developing municipal agricultural and farmland protection plans in order to create farmland protection programs in municipalities and to assist farmers and viable agriculture in New York. Municipalities are asked to form a committee in this regard. Thereafter, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 234 OF 2008)**

**RESOLVED** that the New Hartford Town Board does hereby create a five-member committee to be known as the Town of New Hartford Municipal Agriculture and Farmland Protection Committee, effective October 1, 2008 by which date it is expected that prospective members' names will be presented for appointment.

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**.

**Training**

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

**(RESOLUTION NO. 235 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 Kurt Schwenzfeier, Town Planner to attend the APA Upstate New York Annual Conference from October 9 through October 10, 2008 in Rochester, New York, with expenses to be borne by said Town as budgeted.

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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**.

**Pre-Development Agreement & Memorandum of Understanding – Special Metals**

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

**(RESOLUTION NO. 236 OF 2008)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute a Pre-Development Agreement between the Town of New Hartford and ***Special Metals Sonic Room Addition, 4317 Middle-settlement Road, New Hartford, NY*** wherein said ***Special Metals*** will construct a 1,760 square foot building addition at the northeast corner of the existing rolling plant at Special Metals' main plant (Tax Map Parcel No. 328.000-2-25); because ***Special Metals*** will locate the addition on an existing impervious area and another small building will be razed, the equitable share for this Developer is zero dollars (\$0), as same relates to this project within the Seneca Turnpike-Commercial Drive Generic Environmental Impact Study boundary area, and the Town Board does further authorize the Town Supervisor to enter into and to execute a Memorandum of Understanding with regard to this project.

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.

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

**TOWN CLERK:**

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**Longworth Acres Stormwater Drainage District**

The Town Clerk inquired if the Town Board intended to take action on the application of Longworth Acres Subdivision Corporation for establishment of a stormwater drainage district, which was subject to a Public Hearing earlier in the meeting.

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

**(RESOLUTION NO. 237 OF 2008)**

\*\*\*\*\*

In the Matter of

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

\*\*\*\*\*

**WHEREAS**, a petition dated May 1, 2008, for the creation of a drainage district to be known as the Longworth Acres Stormwater Drainage District in the Town of New Hartford, County of Oneida and State of New York was duly presented to this Town Board together with the necessary map and plan; and

**WHEREAS**, an Order was duly adopted by the Town Board on September 10, 2008, reciting the filing of said petition, the improvements proposed, the boundaries of the proposed district, and specifying the 24<sup>th</sup> day of September, 2008 at 6:00 P.M. of that day as the date and time and the Kellogg Road Community Center Building in the Town of New Hartford, Oneida County, New York, as the place where the said Town Board would meet to consider the petition and to hear all persons interested in the subject thereof concerning the same; and

**WHEREAS**, such Order was duly posted and published as required by law and the hearing of the matter was duly held by the Town Board on the 24<sup>th</sup> day of September, 2008 at 6:00 P.M. of that day at said Kellogg Road Community Center Building in the Town of New Hartford, Oneida County, New York, and all persons desiring to be heard having been duly heard;

**NOW**, on the evidence given at such hearing and on motion of Councilman Payne, seconded by Councilwoman Krupa, it is

**RESOLVED AND DETERMINED** that

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- a) The petition aforesaid is signed and acknowledged or proved as required by law and is otherwise sufficient;
- b) All the property and property owners within the proposed district are benefited thereby;
- c) All of the property and property owners benefited are included within the limits of the proposed district;
- d) It is in the public interest to grant in whole the relief sought.

And it is further

**RESOLVED AND DETERMINED** that the proposed improvements and all the expenses thereof shall be paid for in full by the petitioner, Longworth Acres Subdivision Corporation, and the permission of the State Comptroller is not required for the establishment of said district or for the construction of the improvements and the provision of services therein; and it is further

**RESOLVED, DETERMINED AND ORDERED** that a drainage district as proposed in said petition be and the same hereby is established; that the improvements therein mentioned be constructed upon the required funds being made available or provided for and such services therein as may be required be furnished from such facilities or in such manner as this Board may hereafter and from time to time establish; and that such district be designated and known as the *“Longworth Acres Stormwater Drainage District in the Town of New Hartford”* and shall 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 it is further

**RESOLVED, DETERMINED AND ORDERED** that the Town Clerk of this Town shall, within ten days after the adoption of these resolutions and orders, file a certified copy in the office of the Clerk of Oneida County, New York, at Utica, New York.

“Exhibit 1”

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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 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 southwestly

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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 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:

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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 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

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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  $2.29 \pm$  acres of land more or less.

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  $0.77 \pm$  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.

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Whereupon, the Town Board members voted by roll call:

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

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

**MATTERS SUBMITTED BY TOWN ATTORNEY**

**Request for Executive Session**

- Potential litigation/Business Park

**MATTERS SUBMITTED BY TOWN SUPERVISOR**

**FINANCIAL:**

**Audit of bills**

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

**(RESOLUTION NO. 238 F 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. 25	
Vouchers AA1354-AA1424;	
Vouchers AA1450-AA1451	\$135,206.42
General Fund Whole-Town Abstract No. 26A(POLICE)	
Vouchers AA1425-AA1444	
Vouchers AA1446-AA1449	\$ 83,469.13
General Fund Part-Town Abstract No. 22	
Vouchers BB133-BB137	\$ 960.99
Highway Fund Part-Town Abstract No. 20	
Vouchers DB410-DB427	\$ 15,869.65
Sewer Fund Abstract No. 23	
Vouchers SS91-SS94	\$ 2,814.11
Street Light Fund Abstract No. 10	
Voucher SL10	\$ 7,589.77

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Stormwater Capital Fund Abstract No. 7  
Vouchers HU12

\$ 5,400.00  
**TOTAL: \$251,310.07**

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***.

**Seasonal Closing – Kellogg Road Community Center Building**

The Oneida County Board of Elections having confirmed they do not need the Kellogg Road Community Center Building for a polling site for Ward1 Districts 3 and 4 voters, Councilman Payne offered the following Resolution for adoption; seconded by Councilwoman Krupa:

**(RESOLUTION NO. 239 OF 2008)**

**RESOLVED** that, as a cost-savings measure, the Town Board of the Town of New Hartford does hereby close the Kellogg Road Community Center Building for the period November 1, 2008 through April 30, 2009.

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***.

**NEW BUSINESS:**

**Freedom of Information Appeal**

The Town Supervisor received Catherine Lawrence's Appeal, dated September 22, 2008, requesting that the Town Supervisor obtain certification from the Highway Superintendent that discussion of the MS-4 Annual Report at the May 2008 Planning

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Board meeting had met the “Public Involvement and Participation” requirement for such reports. Supervisor Reed asked the Town Clerk to verify the Town’s obligation under FOIL.

Town Clerk Young said that after speaking with Committee on Open Government Executive Director Robert Freeman, it was clarified that the Freedom of Information Law specifies two (2) instances for certification:

*“Upon payment of, or offer to pay, the fee prescribed therefor, the entity shall provide a copy of such record and certify to the correctness of such copy if so requested, or as the case may be, shall certify that it does not have possession of such record or that such record cannot be found after diligent search.”*

Therefore, the Highway Superintendent will not be furnishing the requested certification, as it does not fall into either category above described.

### **Higby Road Water District - Water Service**

Attorney Green briefed the Town Board on the history of the Higby Road Water District that preceded this administration. Proposed legislation, copies of which the Board members have received, would address billings to six (6) categories of property owners:

- those property owners in the district who were not billed
- those property owners in the district that own adjoining parcels
- those property owners who live outside the district who received a tax bill
- those property owners who have come on various occasions and asked not to hook up to the water main
- those property owners who own land or parcels in the district that are landlocked
- those property owners who own sub-standard building lots in the district.

Within the second category there is a sub-category – the Giottos on Mohawk Street who spent a considerable sum of money installing water main infrastructure that was incorporated in the district when it was formed and built; this was a savings to the Town and in consideration, the Giottos would look for an exemption of their property from billing. The Town took similar action for the DeBlois who took similar action before the Giottos and was given a credit and exempted from debt service as well.

Thereafter, Councilman Payne introduced the following legislation for the Town Board’s consideration at a future public hearing; co-sponsored by Councilman Reynolds:

**TOWN OF NEW HARTFORD, NEW YORK**  
**Local Law Introductory "E" of 2008**

**A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF NEW HARTFORD, BY ADDING A NEW CHAPTER 117 ENTITLED "WATER SERVICE LOCAL LAW".**

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

**Sec. 117-1. PURPOSE; LIMITATIONS OF SERVICE**

- A. The Town Board recognizes that the future health, safety, and prosperity of its residents and businesses depend upon an adequate supply of clean, potable water and the establishment and ongoing maintenance of an effective water system owned by the Town and maintained by the Mohawk Valley Water Authority ("MVWA"). Such can be assured through careful, vigilant management and a local law which provides the mechanisms and safeguards to prudently manage, conserve and distribute this valuable but limited resource and assures the funding necessary to achieve these goals.
- B. While it is the desire of the Town to provide such water to all who have reasonable need for the same and are willing to abide by the conditions of service and pay the necessary administrative and other charges therefor, as described hereinafter, all users of the system, present and future, should be aware of the following limitations, which the Town Board deems to be reasonable and necessary.
  1. The first priority is to assure a fair and equitable distribution of water with adequate pressure to all residents and businesses of the Town, with due regard to the fact that, at all times, there must be a sufficient reserve within the Town water system to provide for growth and development within the Town, adequate fire protection, other emergencies, droughts and the unexpected.
  2. All of the users of the system must recognize that the MVWA may, in its discretion, interrupt and/or withhold services to everyone using the system, from time to time, for emergency purposes and/or that the water supply or pressure may be discontinued, delayed, diminished, and/or interrupted due to water shortages for whatever reason and that in such an eventuality, neither the Town, the water district, or the MVWA shall be held responsible for damages.

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3. Any and all current or future users accept continued or future service subject to the above basic purposes and limitations and the terms hereinafter described, as their use of the Town water supply constitutes a contractual relationship whereby the user, in return for a supply of water, agrees to the policy, purposes, regulations and penalties set forth herein, agrees to pay the rates established hereinafter and also agrees to allow the Town or MVWA employees access to the user's property for the purposes hereinafter described.

### **Sec. 117-2. CONDITIONS OF SERVICE**

- A. When any person, firm, business, entity or corporation, hereinafter called the "user" who owns or otherwise uses property situate within the Town and desires to in any way connect into the Town water system or otherwise use water, for any purpose, such user shall, prior to any such use or consumption of water, be required to first prepare and file a written application with the MVWA and/or Town which shall be accompanied by whatever application fee the Town and/or MVWA shall prescribe pursuant to this local law and/or the other valid requirements.
- B. Any user applying for service and accepting service from the Town accepts such service upon the express condition, agreement and/or understanding that such user shall not permit any other user to connect or use water from said tap and also that such water shall be used solely and exclusively for the use of the building and/or the purposes defined in said application.

### **Sec. 117-3. CONNECTIONS**

- A. Notwithstanding any provisions of this local law to the contrary, it shall be a violation of this local law to make any connection to the water supply system or any private main serviced by Town water outside the corporate limits of the Town without obtaining written consent of the MVWA and/or the Town.
- B. The connection of any pumps or heat pumps or similar devices, which extract heat or cold from water, to the water supply system is expressly prohibited.

### **Sec. 117-4 PERMIT REQUIRED FOR ADDITIONAL OR OTHER USE OF WATER**

Permits shall be those required by the MVWA Rules, Regulations and Charges at the time of proposed uses or addition.

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### **Sec. 117-5 CHARGES FOR ALTERNATION OF SERVICE AND FILLING OF SWIMMING POOL**

Charges shall be those imposed by the MVWA Rules, Regulations and Charges at the time service is provided.

### **Sec. 117-6. INSPECTIONS; REPAIR OF CONDITIONS CAUSING WASTE OF WATER REQUIRED**

- A. Any authorized Town official or employee of the MVWA shall have the right of entry into any building to which water is furnished, during reasonable hours for the purpose of making inspection of the plumbing system installed in such building or premises. The owner of such premises must, within the specified number of days (minimum 10) of such notice to him/her or to his/her tenant, repair or cause to be repaired any defective faucet, meter, appliance or any other condition which is causing the wasting of water. Upon failure to do so, the MVWA shall have the right to summarily and without further notice discontinue the furnishing of the water to said premises, in addition to the other penalties described hereinafter. In the event of an emergency as determined by the Town and/or the MVWA, the notice period may be extended, and in such event, the Town and/or the MVWA shall have the right to impose reasonable requirements upon the owner and/or user and also to discontinue the furnishing of water to such owner and/or user if he/she fails to comply therewith.

### **Sec. 117-7. LIABILITY OF OWNER**

The liabilities of an owner under this local law shall include those imposed by the MVWA Rules, Regulations and Charges and additional liabilities imposed by resolution of the New Hartford Town Board.

### **Sec. 117-8. INTERRUPTIONS OF SERVICE**

The Town of New Hartford and the MVWA, its agents and employees shall have the right at any time, without notice, to ration water and/or shut off the water in the mains, or any of them, in cases of conflagration, for making repairs or extensions, or for other purposes. All users having boilers within their premises, which depend upon the pressure in the pipes to keep them supplied, operate the same at their own risk. Risk of loss or damage in all cases shall be exclusively by the user.

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### **Sec. 117-9. LIABILITY OF TOWN**

The Town of New Hartford undertakes only to use reasonable care and diligence to provide a constant supply of water through its mains to consumers. In any case, the Town shall not be responsible for any problems that occur from the point where the user connects to the water main line to the user's structure or within the structure itself. Although it is manifestly in the interest of the Town that no break, failure or accident should occur, it is provided, however, that in the event of such occurrence, the Town of New Hartford shall not be liable to any user or property owner for any damages resulting from the public enemy, the elements or any accident, misfortune, failure and break in the reservoir or mains of the Town and/or the MVWA. Anyone who applied for and/or uses Town/MVWA water accepts the same with that understanding.

### **Sec. 117-10. MAINTENANCE TO BE RESPONSIBILITY OF OWNER**

It shall be the duty of each property owner and/or user to maintain all faucets, valves and private water pipes in a state of good repair and ensure that there shall be no unnecessary waste of water. All owners shall maintain access to curb stops to enable MVWA employees to control flow to the building served. Owners or their tenants shall not re-grade the ground over the water mains or any related easements without first obtaining permission from the Town and/or MVWA.

### **Sec. 117-11 TRANSFER OF PROPERTY; CHANGE OF USE**

All transfers of property or changes of use shall comply with the MVWA Rules, Regulations, and Charges at the time of proposed change or transfer.

### **Sec. 117-12 TAMPERING WITH HYDRANTS; PENALTIES FOR OFFENSES**

- A. No person, except employees of the MVWA or member of a duly organized fire company, fire district or fire protection district shall take water from any fire hydrant, or shall operate, use or disturb any hydrant. No person shall obstruct any fire hydrant in any manner, such as, but not limited to the placing of vehicles, debris or snow anywhere near a hydrant. Hydrants shall be kept accessible from all directions. Fire company/district members shall not open a hydrant without notification and consent of the MVWA, except in an emergency.
- B. Any such offenses shall be subject to rule and fines of the MVWA Rules, Regulations, and Charges as in effect at the time of the offense.

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- C. Any unauthorized person tampering with Town/MVWA hydrants shall also be subject to all of the provisions of the Penal Law of the State of New York and shall also be subject to a fine or five hundred dollars (\$500.00) for each such violation.

### **Sec. 117-13 RIGHT TO CHANGE RULES AND REGULATIONS**

The Town Board reserves the right to add, delete, and modify its rules, regulations and rates from time to time, by resolution of the Town Board. The right is also reserved to make such additional rules and regulations, by resolution of the Town Board, as the Town Board sees appropriate, to promote the health, safety, morals and welfare of the inhabitants of the Town of New Hartford.

### **Sec. 117-14 USE AT CONSTRUCTION SITES**

These uses shall comply with the MVWA Rules, Regulations and Charges.

### **Sec. 117-15 PAYMENT DATES: PENALTY FOR LATE PAYMENT**

- A. Water payments for Debt Service and/or Capital Reserve for any water district located within the boundaries of the Town will be billed and are payable in conjunction with the Town/County annual property tax bill on January 1 of each year and are subject to all the laws of New York State as related to tax collection and late payment. It shall be the duty of the water customer unconnected or connected, in the event he/she shall not receive a bill, to contact the Town Office concerning payment within the time period allowed for payment without penalty.
- B. Payment for Operation and Maintenance (O & M) will be made to the MVWA and is based on metered water usage. Water usage and O & M charges will be paid directly to the MVWA subject to MVWA Rules, Regulations and Charges, Latest Edition.
- C. Benefited properties in a newly created water district may be billed for interest charges only, on any debt service principal or bond anticipation notes incurred as result of the water district during the transitional (first) year prior to the establishment of a special district budget. The interest-only payment on the water district debt will be billed directly by the Town to the benefited property owners in the water district. Refer to Section 117-21 "Equivalent Dwelling Unit Schedule" for the payment rate per benefited property.

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**Sec. 117-16 COLLECTION OF PAST-DUE PAYMENTS**

- A. Water District Debt Service – Refer to legislation governing rules and procedures for real property taxation collection – State of New York and Oneida County Department of Taxation and Finance.
- B. Water usage and Operation and Maintenance shall comply with the MVWA Rules, Regulations and Charges as in effect at the time of such collection.

**Sec. 117-17 MISREPRESENTATIONS; ABUSES OF SERVICE**

Any and all cases of fraudulent misrepresentation by an applicant or user related to waste or improper use of water, including but not limited to the following reasons, shall be subject to any penalties and actions described in the MVWA Rules, Regulations and Charges, Latest Edition, or such further penalties and actions as the Town Board may prescribe:

- 1. For use of water other than as represented in a customer's/user's application or through a branch connection on the street side of the meter or place reserved therefore.
- 2. For willful waste by the use of water through improper and imperfect pipes or by any other means.
- 3. For molesting any service pipe, seal, meter or any other appliance owned by the water district.
- 4. For non-payment of bills for water or services rendered.
- 5. For cross-connecting pipes carrying water supplied by the water district with any other source of supply.
- 6. For refusal of reasonable access to the property for the purpose of reading, repairing, testing or removing meters, or inspecting water piping and other fixtures.
- 7. For violation of this local law.

**Sec. 117-18 PENALTIES FOR OFFENSES – DUE PROCESS**

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- A. In addition to any penalties herein provided and those penalties provided by the Penal Law of the State of New York, any public water user and/or applicant who violates any of the provisions of this local law, the rules and regulations of the MVWA or emergency declarations shall be subject to the following penalties and/or fines:
  - 1. The discontinuance of water supply.
  - 2. A fine of up to five hundred dollars (\$500.00) for each violation.
  - 3. Any and all court costs and the reasonable legal fees and disbursements of the Town Attorney and/or the prosecuting attorney.
  - 4. Other fines, penalties and/or conditions as may be imposed by the Court.
  
- B. When a violation of any of these provisions is continuous, each day thereof shall constitute a separate and distinct violation, subjecting the offender to additional penalties.

**Sec. 117-19 SEVERABILITY**

All ordinances, statutes, or local laws of said Town of New Hartford, or parts thereof, which in any manner conflict with the terms and provisions of this local law are hereby repealed.

**Sec. 117-20 SERVICE CONNECTION FEE**

These fees shall be in accordance with the MVWA Rules, Regulations and Charges.

**Sec. 117-21 EQUIVALENT DWELLING UNIT SCHEDULE**

The number of benefited units (Equivalent Dwelling Units) allocated to a given property type within the district shall be determined or modified by Resolution of the Town Board of the Town of New Hartford from time to time enacted and therefore filed with the Town Clerk.

No.	Classification	# of Benefited User Units Per Classification
1.	One-Family Residence with or without attached vacant parcels	1 Unit
2.	Two-Family Residence with or without attached vacant parcels	2 Units
3.	For each additional Family or Apartment over listing described	1 Unit
4.	Office (Per 5 employees and/or minimum charge)	1 Unit
5.	Commercial Use without living quarters (eg. Store)	1 Unit
6.	Commercial Use with living quarter for one family	2 Units

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7.	Commercial Use with living quarters for two families	3 Units
8.	Gas Stations and Garages	1 Unit
9.	Churches	1 Unit
10.	Restaurant without living quarters	2 Units
11.	Restaurant with living quarters for one family	3 Units
12.	Bar with Bar Menu	2 Units
13.	Bar with Restaurant (Full Menu)	3 Units
14.	Bar only living quarters for one family	3 Units
15.	Beauty Shops or Barber Shops	1 Unit
16.	Laundromat (per washer)	¼ Unit
17.	Post Office	1 Unit
18.	Tourist Home (per rented bedroom)	1 Unit plus ½ Unit per bedroom
19.	Car Wash (per wash bay)	3 Units
20.	Vacant lots (standing alone or with another vacant lot)	½ Unit
21.	Hotel and Motel	1 Unit plus ½ Unit per bedroom

**Sec. 117-22 EFFECTIVE DATE**

This local law shall take effect immediately upon filing in the Office of the Secretary of State in accordance with the Municipal Home Rule Law.

A public hearing upon this matter will be scheduled in the near future.

**MATTER SUBMITTED BY COUNCILMEMBER**

**COUNCILWOMAN KRUPA:**

- Request for Executive Session - financial history of a particular employee

**EXECUTIVE SESSION**

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

**(RESOLUTION NO. 240 OF 2008)**

**RESOLVED** that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss potential litigation involving the New Hartford Business Park, and to discuss the financial history of a particular employee.

A roll call vote ensued:

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*. All persons present, including the news media, were then excused from the meeting at 7:07 P.M. The Town Clerk was asked to remain in the event the Town Board wanted to take action after the Executive Session. Also remaining for portions of the Executive Session were the Town Planner, the Highway Superintendent and Attorney Green.

**END OF EXECUTIVE SESSION**

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

**(RESOLUTION NO. 241 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 8:25 P.M. The regular portion of the Town Board meeting was immediately reconvened.

**ADJOURNMENT**

There being no further business to come before the Board, upon motion of Councilman Reynolds seconded by Councilwoman Krupa, the meeting was adjourned at 8:25 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk