

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT BUTLER MEMORIAL HALL ON
WEDNESDAY, NOVEMBER 5, 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/EMPLOYEES:

Bookkeeper Carol D. Fairbrother
Director of Senior Services M. Eileen Spellman
Parks & Recreation Director Michael W. Jeffery
Personnel Technician II Barbara Aiello
Planner Kurt L. Schwenzfeier
Police Chief Raymond L. Philo
Senior Engineering Technician John J. Meagher
Supervising Public Safety Telecommunicator
Jeffrey P. Madden
Town Clerk Gail Wolanin Young and Deputy
Clerk I Melody K. Fancett

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

COMMUNITY NEWS:

New Hartford High School Athletics

Supervisor Reed offered congratulations to the New Hartford Marching Band, which won their competition over the past weekend, and also congratulations to the football team that played all their games “on the road” due to field construction at their home school. The football team will play at the Carrier Dome in Syracuse, New York on November 7, 2008.

PUBLIC PRESENTATIONS

Oneida County Empire Zone – Boundary Revision

In behalf of the Mohawk Valley EDGE, R. Michael N’dolo of **camion associates** appeared to explain the action being taken with regard to the Oneida County Empire Zone boundary revision. There is a proposition to reconfigure, in a minor way, one of Oneida County’s zones, specifically Area 4 in New Hartford. Mr. N’dolo referred to a

REGULAR TOWN BOARD MEETING

November 5, 2008

Page 2

map showing the existing zone (purple), the two parcels totaling 13.9 acres to be removed (red) and the proposed added zone area of 13.9 acres (beige with diagonal lines); to effect any changes in the 2005 boundary lines, Oneida County must amend their Local Law. The two (2) red areas are located under power lines and the land beneath can't be built. The developer has asked for the revision and the County is considering the deletion of the acreage in red and including it in the beige section, with no change to the total acreage...just moving red to beige area. The Town's only role is to acknowledge that the County is taking this action and concurs with their action.

In response to Councilwoman Krupa's inquiry, Mr. N'dolo stated that the 13.9 acres is owned by the same person; and to Councilman Reynolds' inquiry, that the developer has no objection.

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

(RESOLUTION NO. 267 OF 2008)

TOWN OF NEW HARTFORD RESOLUTION OF SUPPORT AND CONCURRENCE WITH THE ONEIDA COUNTY EMPIRE ZONE BOUNDARY REVISION APPLICATION FOR REGION FOUR SPECIAL METALS – PAR.

WHEREAS, New York State has created the Empire Zones program to encourage industrial and commercial development in selected municipalities across the State; and

WHEREAS, Oneida County, as an eligible municipality, received designation of an Empire Zone made up of seven separate, but internally contiguous areas, which include a portion of the Town of New Hartford; and

WHEREAS, Oneida County intends to revise the Oneida County Empire Zone boundaries to encourage industrial and commercial development in the Town of New Hartford; and

WHEREAS, the Town of New Hartford is committed to the development of new business within the proposed boundary revision acreage, which encompasses the removal of 13.9 acres of undevelopable land and the addition of 13.9 acres of land having tax map coordinates of 316.000-2-42.9; and

WHEREAS, the Town of New Hartford wishes to support and concur with the Oneida County Empire Zone boundary revision application;

REGULAR TOWN BOARD MEETING

November 5, 2008

Page 3

NOW, THEREFORE, BE IT RESOLVED that the Town of New Hartford Town Board, in its capacity as governing body of the Town of New Hartford, does hereby support and concur with the Oneida County Empire Zone boundary revision application to amend the boundaries of the Oneida County Empire Zone as described in Attachment "A".

The Town Supervisor polled the Board members who voted as follows:

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

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

(Attachment "A" on Page 4 through Page 7)

REGULAR TOWN BOARD MEETING
November 5, 2008
Page 4

REGULAR TOWN BOARD MEETING
November 5, 2008
Page 5

REGULAR TOWN BOARD MEETING
November 5, 2008
Page 6

REGULAR TOWN BOARD MEETING
November 5, 2008
Page 7

REGULAR TOWN BOARD MEETING

November 5, 2008

Page 8

PUBLIC HEARING

2009 PRELIMINARY BUDGET:

6:07 P.M. Hearing upon the 2009 Preliminary Budget

The Town Supervisor opened the Public Hearing at 6:07 P.M. The Town Clerk had available the Notice of Public Hearing, Affidavit of Posting and Proof of Publication (October 30, 2008 edition of the Observer Dispatch), in addition to the Special Assessment Rolls for various sewer, water, lighting and fire districts and copies of the Budget for public dissemination. The purpose of the Hearing is to offer the citizens an opportunity to speak for or against or to comment upon the Budget as a whole, or any part thereof.

Councilwoman Krupa announced that she would conduct a power-point presentation and she asked that all questions be held until the end of the presentation.

Councilwoman Krupa then reviewed the following slides for the people in attendance:

(Pages 9 thru 28 are the slide presentation sheets)

REGULAR TOWN BOARD MEETING
November 5, 2008
Page 9

REGULAR TOWN BOARD MEETING
November 5, 2008
Page 10

REGULAR TOWN BOARD MEETING
November 5, 2008
Page 11

REGULAR TOWN BOARD MEETING
November 5, 2008
Page 12

REGULAR TOWN BOARD MEETING
November 5, 2008
Page 13

REGULAR TOWN BOARD MEETING
November 5, 2008
Page 14

REGULAR TOWN BOARD MEETING
November 5, 2008
Page 15

REGULAR TOWN BOARD MEETING
November 5, 2008
Page 16

REGULAR TOWN BOARD MEETING
November 5, 2008
Page 17

REGULAR TOWN BOARD MEETING
November 5, 2008
Page 18

REGULAR TOWN BOARD MEETING
November 5, 2008
Page 19

REGULAR TOWN BOARD MEETING
November 5, 2008
Page 20

REGULAR TOWN BOARD MEETING
November 5, 2008
Page 21

REGULAR TOWN BOARD MEETING
November 5, 2008
Page 22

REGULAR TOWN BOARD MEETING
November 5, 2008
Page 23

REGULAR TOWN BOARD MEETING
November 5, 2008
Page 24

REGULAR TOWN BOARD MEETING
November 5, 2008
Page 25

REGULAR TOWN BOARD MEETING
November 5, 2008
Page 26

REGULAR TOWN BOARD MEETING
November 5, 2008
Page 27

REGULAR TOWN BOARD MEETING
November 5, 2008
Page 28

REGULAR TOWN BOARD MEETING

November 5, 2008

Page 29

Referring to the slide entitled “Town Tax Rate 2001 – 2009”, Councilwoman Krupa noted that the Two Dollars and Nineteen Cents (\$2.19) tax rate for 2009 is eight cents (\$.08) higher than 2008, which would equate to about Eight Dollars (\$8) for a home assessed at One Hundred Thousand Dollars (\$100,000).

Compared to the Towns of Marcy and Whitestown, the Town of New Hartford has had a lower tax rate since 2004. While New Hartford provides more services, New Hartford’s tax rate is still lower.

The number of full-time employees has remained relatively the same since 2003 and the Town is not projecting to do more hiring.

The slide entitled “Tax Expenditure by Department – 2009” shows the biggest expenses: **Culture/Parks & Recreation** [which includes the New Hartford Public Library and the New Hartford Adult Dining & Activity Center], **Highway & Transportation**, **Public Safety** [Police and Dispatch], and **General Government Support** [various departments listed on the slide].

- Highway Department budget cuts were made from 2008 and from the 2009 Tentative Budget
- The Parks Department budget increased significantly for 2009 due to a \$700,000 Grant being received from the State for the Philip Rayhill Memorial Trail – this will be a “wash “
- The Police Department reflects a slight increase over 2008, most of the increase being in employee wages/benefits
- Adult Dining & Activity Center is up slightly
- Although included in Culture, a separate slide shows funding for the Library from 2006 to a proposed amount for 2009

Debt Service Slide – Addressing the article in the November 2, 2008 edition of the Observer Dispatch, Accountant Frank Basile explained that as of January 1, 2009, the expected bond balance due is \$11,397,800, which is broken down into three (3) categories:

- Amount paid by the Whole-Town General Fund tax rate of \$2.19 (32.6%)
- Amount paid by fees/PILOT other than Whole-Town General Fund tax rate (32.5%)
- Amount paid by district users and unit charges (34.9%). Example: property owners within the Higby Road Water District who petitioned for this special district and who are paying on a \$1 million plus interest-free Federal loan.

REGULAR TOWN BOARD MEETING

November 5, 2008

Page 30

John Shehadi of Fiscal Advisors and Bond Counsel Thomas Meyers have confirmed that the Town's bond debt limitation is Seven Percent (7%) and that the Town's current bond rating is A2 (Moody's) and an A (Standard and Poors).

Councilwoman Krupa then invited input from the public.

With regard to the budget allocation for the New Hartford Public Library, Councilman Payne had met with Library trustees and stated that while the library is a valued asset, the Town cannot continue to fund large increases. He is willing to work with Library officials to determine where cost-savings can be accomplished, such as energy-efficient lighting.

Councilman Woodland asked about the Town's bond ratings. Accountant Frank Basile said he had spoken with Bond Counsel Thomas Meyers on November 4, 2008, and Mr. Meyers indicated that because the Town is only at .0025% of utilization of their bond limitation, that

- the bond ratings from Moody's Investor Services and Standard and Poors are good for the Town
- that the ratings are favorable in this economy.

Mr. Basile said the Town is "...in fantastic shape."

Special Districts – 2009 Preliminary Budget

In accordance with NYS Town Law, Section 202-a and Section 239, the assessment rolls for special improvements/districts were available for review and comment by any interested person and the Town Board would hear and consider any objections to said assessments rolls.

Fire Districts - Willowvale Fire District

Walter Dluginski commented that the Willowvale Fire Company has almost doubled its budget, noting the proposed tax rate of \$2.72 per one thousand of assessed value while all the other fire districts have rates from \$.66 to \$.86 per one thousand of assessed value.

Councilman Reynolds responded that the Willowvale Fire Company had instituted a Special Awards Program, which became effective January 1, 2008, for their volunteers and there's a payment to be made. Residents of Fire District 4 voted at a special election in December 2007. The Town Board did not institute this; the Town was approached to conduct the special election in accordance with law. The property owners within Fire District 4 pay for this Special Awards Program.

REGULAR TOWN BOARD MEETING

November 5, 2008

Page 31

There having been no one further to comment upon the 2009 Preliminary Budget and/or special districts/improvement areas, the Public Hearing was closed at 6:21 P.M.

ADOPTION – 2009 ANNUAL BUDGET

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

(RESOLUTION NO. 268 OF 2008)

WHEREAS, a Public Hearing was duly held on November 5, 2008, to consider the adoption of the 2009 Preliminary Budget;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby adopt the 2009 Preliminary Budget as the 2009 Annual Budget as set forth in Schedule “B” annexed hereto and made a part of this Resolution and does hereby set the rates of special districts/improvement areas as set forth in said budget.

The Town Supervisor polled the Board members who voted as follows:

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

1

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

MINUTES

October 7 and October 22, 2008 Town Board meetings

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

(RESOLUTION NO. 269 OF 2008)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Special Town Board meeting held October 7, 2008 and the Regular Town Board meeting held October 22, 2008 and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

REGULAR TOWN BOARD MEETING
November 5, 2008
Page 32

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

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

REPORTS OF TOWN OFFICIALS

PARKS AND RECREATION DIRECTOR:

Agreement – 2008-09 Recreation Center Ice Rental

Upon recommendation of the Parks and Recreation Director, Councilman Woodland offered the following Resolution for adoption; seconded by Councilman Payne:

(RESOLUTION NO. 270 OF 2008)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Ice Rental Agreement for the 2008-2009 Ice Season between the Town of New Hartford and the New Hartford High School, which school has provided the Town with the appropriate Certificate of Insurance.

Whereupon, the Town Board voted upon roll call:

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

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

Appointment – Seasonal Employees

Upon recommendation of Parks and Recreation Director Michael Jeffery, the following Resolution was introduced for adoption by Councilman Payne and duly seconded by Councilwoman Krupa:

(RESOLUTION NO. 271 OF 2008)

RESOLVED that the New Hartford Town Board does hereby appoint the following individuals to the various part-time seasonal positions and for the hourly wages set

REGULAR TOWN BOARD MEETING
November 5, 2008
Page 33

opposite their several names, for the Parks and Recreation Department, commencing December 6, 2008 and ending March 31, 2009; all wages to be paid bi-weekly:

<u>NAME</u>	<u>POSITION</u>	<u>RATE OF PAY</u>
Jerome Pitaressi	Recreation Director	\$17.25/hour
Gyda Capanna	Recreation Leader	\$16.25/hour
Margaret Brady	Recreation Attendant	\$13.75/hour
Daniel Duffy	Recreation Attendant	\$ 9.75/hour
Tyler Gardinner	Recreation Attendant	\$ 9.75/hour
Daniel Dreimiller	Recreation Director	\$16.75/hour.

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

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

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

SENIOR ENGINEERING TECHNICIAN:

Dedication - Clinton Street Extension; Drainage Easement – Lowe’s

Upon recommendation of Senior Engineering Technician John Meagher who stated that Attorney Green had reviewed all documents, Councilman Payne introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 272 OF 2008)

WHEREAS, the following documents have been received by the Town Attorney and Engineering Department for dedication of the Clinton Street Extension:

- Certification by Developer’s engineer
- Letter of approval by Highway Superintendent
- Letter of approval by the Town Engineer
- Warranty deed describing the Clinton Street Extension
- Easement for sanitary sewer
- Easement for stormwater drainage
- Letter of approval by the Attorney for the Town
- Copies of final approved plans
- Copies of as-built drawings to date
- Letter from Alan M. Swierczek, PE, dated August 29, 2008 (copy attached)

REGULAR TOWN BOARD MEETING

November 5, 2008

Page 34

- Letter from Mark E. Laramie, PE, Oneida County Department of Public Works, dated November 5, 2008 (copy attached)
- Updated Abstract of Title reflecting good and proper title to the subject parcel as reviewed and approved by Allied American Abstract;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby accept and dedicate as a public highway approximately 950 feet of roadway known as the Clinton Street Extension, near Lowe's, as fully described in a Warranty Deed from COR Middle Settlement Road Company, LLC to the Town of New Hartford, dated October 29, 2008; and be it

FURTHER RESOLVED that the said Town Board does hereby accept a permanent right of way and Easement-Drainage, between Lowe's Home Centers, Inc. and the Town of New Hartford, dated November 5, 2008, for stormwater purposes, as more fully described in the Easement; and be it

YET FURTHER RESOLVED that the Town Attorney be, and he hereby is, authorized and directed to record the necessary documents relating to public dedication of the aforesaid highway and easements in the Office of the Oneida County Clerk, with the original to be returned thereafter to the Town Clerk for permanent filing.

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

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

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

Shumaker Engineering Agreement, Change Order – Woodberry-Beechwood Road Stormwater

At the October 27, 2008 Stormwater Management Improvement (Advisory) Committee meeting, Committee members reviewed and recommended approval of a request for additional engineering work at a cost of \$12,700 for a change in design at Oxford Road in the vicinity of Woodberry-Beechwood Road. Oneida County has changed their decision and is now allowing the open-cut of Oxford Road, as a result of which the County has asked the Town to perform a study of stormwater flow downstream. With the change in design, the Town may realize a reduction in the construction cost of the stormwater improvement. Thereafter, Councilman Payne introduced the following Resolution for adoption; seconded by Councilman Reynolds:

REGULAR TOWN BOARD MEETING
November 5, 2008
Page 35

(RESOLUTION NO. 273 OF 2008)

RESOLVED that the New Hartford Town Board does hereby approve a Change Order requested by Shumaker Engineering, as outlined in their letter dated September 24, 2008, amending their original agreement of Twenty-seven Thousand Four Hundred Seventeen Dollars (\$27,417) by an amount of Twelve Thousand Seven Hundred Dollars (\$12,700), as follows:

- to design approximately 215 lineal feet of four foot diameter pipe near Woodberry Lane - (\$7,700)
- to complete downstream hydrology work, downstream of Oxford Road – (\$5,000).

The Town Board members voted upon roll call:

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

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

PLANNER:

SDG Contract

Upon request of the Town Planner, Councilman Payne introduced the following Resolution for adoption; seconded by Councilwoman Krupa:

(RESOLUTION NO. 274 OF 2008)

RESOLVED that, contingent upon review and approval of the Town Attorney, the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement with SDG for technical support for the Town's Imagemate programming infrastructure for the period April 1, 2008 through December 31, 2008, at a cost of Fifty-two Hundred Dollars (\$5200).

A roll call vote ensued:

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

REGULAR TOWN BOARD MEETING

November 5, 2008

Page 36

Councilman Payne - Aye
Supervisor Reed - Aye.

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

Pre-Development Agreement & Memorandum of Understanding – The Hartford

Town Planner Schwenzfeier reviewed the Pre-Development Agreement/MOU pertaining to the Ryan Companies construction of a building to be occupied by “The Hartford” in the New Hartford Business Park:

- Traffic
 - Traffic is an applicable category under the GEIS Findings. The construction of an additional 129,456 square feet of office space will generate additional traffic. This additional traffic will occur without the benefit of final solutions to the GEIS identified issues of 1) the Jay-K intersection and 2) the Route 5/Route 5A/Route 5B Middle Settlement Road intersection. The Applicant, as part of the Planning Board recommendation and approval, has offered and agreed to construction a portion of the proposed Town roads, as identified with the GEIS Findings, in such a manner that it may be dedicated as a Town Road. This improvement is deemed satisfactory as meeting the spirit and goals of the Town’s Rte. 5/5A GEIS Findings. The Applicant offers this mitigation in excess of the computed in lieu mitigation in this category of traffic. The Town finds this offering to be acceptable and in accord with the Findings and spirit of the GEIS.

- Land use
 - Lane use is an applicable category, given the Applicant’s development of 129,070 square feet of office space on 13.52 acres of open space. The Applicant, as part of the Planning Board recommendation and approved, has caused New Hartford Office Group, LLC, to place 2.8 acres within the New Hartford Business Park as permanent open space. The GEIS recommended that the Town acquire land otherwise planned for development for “temporary” or “permanent” open space. This improvement is deemed satisfactory as meeting the spirit and goals of the Town’s Rte. 5/5A GEIS Findings. The Applicant offers this mitigation in excess of the computed in lieu mitigation in this category of land use. The Town finds this offering to be acceptable and in accord with the Findings and spirit of the GEIS.

REGULAR TOWN BOARD MEETING

November 5, 2008

Page 37

- Domestic water
 - Water is an applicable category, given the Applicant's building of 129,070 square feet of new office space and as a result of additional water consumption. The Applicant has offered to build a 1,125' long 8" water main extension to be built along with the proposed town road, to include additional fire hydrants in such a manner that it may be dedicated as a MVWA, which is not needed as part of "The Hartford" Development but at the request of the Town in accordance with future Town plans. The Applicant offers this mitigation as the computed in lieu mitigation in this category of Domestic Water. The Town finds this offering to be acceptable and in accord with the findings and spirit of the GEIS.

- Sanitary
 - Sanitary is an applicable category, given the Applicant's build out of 129,070 square feet of new office space and as a result of additional water consumption. An additional average daily sanitary flow of 13,000 gpd will be discharged to a county collection and transportation system that is currently known to experience periodic problems. The County Water Pollution Control's sewage treatment plant has adequate capacity to treat this additional flow, however, the transportation system is the portion of the critical path known to have existing problems. This situation does evidence itself through the periodic overflow of raw sewage into public waters due to inadequate capacity of the County's Sauquoit Creek Pump Station. The Applicant chooses to satisfy the GEIS Findings via FILM in the amount of 129,070 square feet x \$.15 square feet of new office space = \$19,360.50, which the Town finds acceptable.

- Stormwater/Wetlands
 - Stormwater/wetlands is an applicable category, given the Applicant's development of 129,070 square feet of office space on 13.52 acres of open space. The Applicant, as part of the Planning Board recommendation and approval, has offered and agreed to build a retention/detention basin as part of this development that has been engineered for a drainage area of 28± acres. The GEIS recommended that the Town promote centralized and onsite stormwater management where deemed appropriate. This improvement is deemed satisfactory as meeting the spirit and goals of the Town's Rte. 5/5A GEIS Findings. The Applicant offers this mitigation in excess of the computed in lieu mitigation in this category of Stormwater/Wetlands. The Town finds this offering to be acceptable and in accord with the Findings and spirit of the GEIS.

REGULAR TOWN BOARD MEETING

November 5, 2008

Page 38

- Police
 - Police is an applicable category. The Applicant chooses to satisfy the GEIS Findings via FILM in the amount of 129,070 square feet x \$.01 square feet of new office space = \$1,290.70, which the Town finds acceptable.

The Town mitigation offerings by Category are:

Traffic	\$	0.00
Land Use	\$	0.00
Water	\$	0.00
Sanitary		\$19,360.50
Stormwater/Wetlands	\$	0.00
Police	\$	<u>1,290.70</u>
TOTAL FILM:		\$20,651.20.

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

(RESOLUTION NO. 275 OF 2008)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute a Memorandum of Understanding and a Pre-Development Agreement between the Town of New Hartford and **Ryan Companies US, Inc.**, 50 South Tenth Street, Suite 300, Minneapolis, MN 55403-2012, wherein said **Ryan Companies US, Inc.** has offered to contribute, as per the conditions of said MOU and Pre-Development Agreement, the total sum of Twenty Thousand Six Hundred Fifty-one Dollars and Twenty Cents (\$20,651.20) as same relates to the construction of approximately 129,456 square feet of office building on a parcel [Tax Map No. 316.000-2-41.3] with the New Hartford Business Park located adjacent to NYS Route 840 east of Woods Road, to include 777 parking spaces, along with associated utilities and earthwork, within the Seneca Turnpike-Commercial Drive Generic Environmental Impact Study boundary area.

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.

REGULAR TOWN BOARD MEETING

November 5, 2008

Page 39

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

Agreement – peter j smith & associates / Southern GEIS

At the October 22, 2008 Town Board meeting, Highway Superintendent Cleveland apprised the Town Board that *peter j smith & associates* had requested an additional \$40,000 to revise the GEIS for the southern part of the Town, as a result of a public informational meeting held March 8, 2008. Planner Schwenzfeier now informed the Board that *peter j smith & associates* has withdrawn their request for additional work on the GEIS.

TOWN CLERK:

Training

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

(RESOLUTION NO. 276 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 Personnel Technician II Barbara Aiello and Planner Kurt Schwenzfeier to attend the one-day Seminar on Personnel Management and Labor Relations, sponsored by the NYS Association of Towns on November 17, 2008 in the Colonie Memorial Town Hall, Newtonville, New York 12128, with expenses to be borne by said Town as budgeted. The seminar will address effective human resource strategies and policies for Town Government, Collective Bargaining and Workplace Violence Prevention and Workers' Compensation Issues.

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**.

REGULAR TOWN BOARD MEETING

November 5, 2008

Page 40

Training

Upon presentation of the Town Clerk, the following Resolution was introduced for adoption by Councilman Payne and duly seconded by Councilwoman Krupa:

(RESOLUTION NO. 277 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 interested Town Board members and Department Heads to attend the Oneida County Association of Towns quarterly business meeting on November 18, 2008 at Harts Hill Inn, Whitesboro, 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**.

Raffle Consent – American Heart Association

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

(RESOLUTION NO. 278 OF 2008)

RESOLVED that the New Hartford Town Board does hereby grant permission to the American Heart Association, 120 Lomond Place, Utica, New York 13502, an organization duly granted a Games of Chance Identification Number by the New York State Racing and Wagering Board, to sell raffle tickets during calendar year 2009 within the Town of New Hartford, New York, in accordance with all rules and regulations of said Racing and Wagering Board; and be it

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

REGULAR TOWN BOARD MEETING
November 5, 2008
Page 41

Upon roll call, the Town Board voted as follows:

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

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

2008 Budget Revision

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

(RESOLUTION NO. 279 OF 2008)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Bookkeeper to transfer Eight Hundred Sixty-two Dollars and Thirty-two Cents (\$862.32) from Records Management Contractual AA1460.4 to Records Management Equipment AA1460.2, said transfer to cover the purchase price and shipping for two (2) replacement typewriters.

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

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

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

MATTERS SUBMITTED BY COUNCILMEN

COUNCILMAN REYNOLDS:

Executive Session – possible real property acquisition

MATTERS SUBMITTED BY TOWN SUPERVISOR

UNFINISHED BUSINESS:

REGULAR TOWN BOARD MEETING
November 5, 2008
Page 42

Local Law Introductory "E" of 2008 – Public Hearing

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

(RESOLUTION NO. 280 OF 2008)

RESOLVED that, because additional details need to be finalized with regard to Local Law Introductory "E" of 2008, the New Hartford Town Board does hereby cancel the Public Hearing that had been scheduled for Wednesday, November 12, 2008 at 6:00 P.M. in the Ralph Perry Junior High School.

The Town Board members voted upon roll call, as follows:

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

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

EXECUTIVE SESSION

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

(RESOLUTION NO. 281 OF 2008)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the possible acquisition of real property.

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**. All persons present, including the news media, were then excused from the meeting at 6:46 P.M.

REGULAR TOWN BOARD MEETING

November 5, 2008

Page 43

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 282 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 7:31 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public was invited to re-join the meeting.

Building Committee – Town Office Space

N. Joseph Yagey, Chairman of the Building Committee that includes Planning Board Chairman Hans G. Arnold, Police Chief Raymond Philo and Councilman Reynolds, stated that this Committee is ready to give a report on their recommendations for additional Town office space and requested that the Town Board schedule a public information meeting; the Committee recommendation also includes the Town Board scheduling a public referendum that would negate the need for residents having to circulate petitions for a public vote.

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

(RESOLUTION NO. 283 OF 2008)

RESOLVED that, upon request of the Building Committee, the New Hartford Town board does hereby agree to schedule a public informational meeting at a time and place to be determined in the next few weeks and confirmed by the Town Clerk, at which time the Building Committee will render their report on their recommendations for additional Town Office space and the Town Board does further agree to schedule a public referendum on this in January 2009.

REGULAR TOWN BOARD MEETING
November 5, 2008
Page 44

The Town Supervisor polled the Board members who voted as follows:

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

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

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 7:34 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk