

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT BUTLER MEMORIAL HALL ON
WEDNESDAY, NOVEMBER 19, 2008 AT 6:00 P.M.**

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

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

OTHER TOWN OFFICIALS: Codes Enforcement Officer Joseph Booth
Highway Superintendent Richard C. Sherman
Parks & Recreation Director Michael W. Jeffery
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.

MINUTES

November 5, 2008 Town Board meetings

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

(RESOLUTION NO. 284 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 November 5, 2008 and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

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Councilman Payne	-	Aye
Supervisor Reed	-	Aye.

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

PUBLIC PRESENTATIONS (RESIDENT COMMENTS)

Lot sizes & Subdivision - Sherman Drive

Barbara Morris voiced her concerns about Sherman Drive Lots 43.1 and 43.2 , owned by Charles Sadallah and Elvera Sadallah; specifically, Ms. Morris disagreed about the size of Lot 43.2 as a building lot. Positive actions that Ms. Morris would like to see come from this situation are:

- “When there is a request to subdivide a lot, there should be a requirement to resurvey to be sure that codes are met for what is to be the resized original lot and the new subdivided lots before any official division or construction actually takes place.”
- “The existing new subdivision and construction codes should remain viable by uniform enforcement. Again, if new construction meets codes”, Ms. Morris “.has no problem. However, [she] doesn’t want to see new homes stuffed into small lots.”
- “...to be able to rely on our codes so that the look of the whole neighborhood can be maintained.”

Councilwoman Krupa acknowledged Ms. Morris’ comments and stated that the Town is addressing her concerns. While Ms. Morris maintains the lots are not in conformance, Councilwoman Krupa stated the Town has a survey that the lots do meet the size requirement.

Upon request of the Town Board, Ms. Morris will deliver to the Town Clerk’s Office on November 20, 2008 a copy of her comments and a copy of the subdivision map upon which she entered the figures she had computed. These documents will be reviewed with the Codes Department. Codes Enforcement Officer Joseph Booth commented that the Town has a licensed survey that shows the LDR-zoned lot to be in conformity after the subdivision. The Town Board will answer Ms. Morris’ concerns in writing. Supervisor Reed said he would also refer her concerns to the Town Planning Board.

Chuck Sadallah, who lives next door to his mother’s lot on Sherman Drive, made a negative comment about the Morris property and was asked by the Town Board to refrain from such comments.

REPORTS OF TOWN OFFICIALS

ENGINEERING:

Agreement – NYS Department of Transportation/Rayhill Trail Preliminary design and right-of-way

Upon presentation by Senior Engineering Technician John Meagher, Councilman Payne introduced the following Resolution for adoption; seconded by Councilwoman Krupa:

(RESOLUTION NO. 285 OF 2008)

NYS Department of Transportation Administered Project

Authorizing the implementation and funding of a State “Marchiselli” Program-aid eligible transportation federal-aid project, to fully fund the local share of federal-and state-aid eligible and ineligible project costs and appropriating funds therefore

WHEREAS, a Project for the **Philip A. Rayhill Trail, Phase 1 Extension Transportation Enhancement Project, Town of New Hartford, City of Utica and Village of New York Mills, Oneida County**, P.I.N. 2650.20 (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the **Town of New Hartford** desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Project or portions thereof by and through in-kind services and provision made in the Town’s operating budget, with the federal share of such costs to be applied directly by the New York State Department of Transportation (“NYSDOT”) pursuant to Agreement;

NOW, THEREFORE, the **Town Board**, duly convened does hereby

RESOLVE that the **Town Board** hereby approves the Project; and it is further

RESOLVED that the **Town Board** hereby authorizes the **Town of New Hartford** to pay in the first instance the full non-federal share of the cost of the Project or Portion thereof, and it is further

RESOLVED that the sum of **\$35,000** is hereby allocated from the Town’s current operating budget and made available to cover the cost of participation in the above phase of the Project; and it is further

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RESOLVED that in the event the non-federal share of the costs of the project exceed the amount allocated above the **Town Board of the Town of New Hartford** shall convene as soon as possible to appropriate said excess amount immediately upon notification by the NYSDOT thereof; and it is further

RESOLVED that the Supervisor of the Town of New Hartford be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for federal Aid and/or Marchiselli Aid on behalf of the **Town of New Hartford** with NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of the non-federal share of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED this Resolution shall take effect immediately.

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**.

Stormwater Matters

Senior Engineering Technician John Meagher has been designated the spokesman for the Stormwater Management Improvement (Advisory) Committee. A small attendance was at the November 18, 2008 Committee meeting, with Roger Cleveland having retired and another Committee member had resigned. He asked the Town Board to solicit new Committee members; the Town Clerk will delve into how the Town Board recruited members in the past. Thereafter, Councilman Payne offered the following Resolution for adoption; seconded by Councilman Reynolds:

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(RESOLUTION NO. 286 OF 2008)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the recruitment of at least two (2) members to fill vacancies on the Stormwater Management Improvement (Advisory) Committee and that said vacancies be posted on the Town's Website and in the Town Crier. Prospective members of said Committee must be a Town of New Hartford resident.

A roll call vote was duly held as follows:

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

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

Summary of the November 18, 2008 Stormwater Management Improvement (Advisory) Committee meeting:

- Jubilee detention basin - discussed and consultants and Committee feel it's better to begin construction next summer rather than having the project open during the winter
- Tilden Avenue – Oneida County Soil & Water Agency is studying the area near the Cragnolin basin. Meeting scheduled for November 21, 2008 with Cragnolin and then design whole downstream areas at no cost to the Town; most work could be done with Town forces. There are some undersized pipes and perhaps a collapsed pipe
- Woodberry-Oxford Road area – Met with Oneida County today at this site where there's a small culvert under Oxford Road; will probably double the size of the pipe which could handle a 150-yr storm.
- Southern reservoir area – it's been determined this area is not a good idea for stormwater storage. Mohawk Valley Water Authority owns many acres upstream from the reservoir. Oneida County Soil & Water Agency will GPS the area. Problem with shale and gravel that comes down in the area.

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Proposed Stop Signs – Vicinity of Business Park

John Meagher will be meeting with Developer Lawrence Adler about naming streets along and in the vicinity of the new Business Park so that legislation can be drafted and adopted for the installation of stop signs.

HIGHWAY DEPARTMENT:

Authorization for Competitive Bid – Bituminous Concrete Paving

Highway Superintendent Richard Sherman acknowledged the Highway Department owns a 1985 bucket lift truck that is in disrepair and he proposed that the Town purchase a 1997 or newer vehicle; funds are available in the current budget. Councilman Payne presented the following Resolution and moved its adoption, which was seconded by Councilman Woodland:

(RESOLUTION NO. 287 OF 2007)

RESOLVED that the New Hartford Town Board shall receive sealed bids for a 1997 or newer Bucket Lift Truck, in accordance with Town specifications; all bids are to be received by the Town Clerk's Office no later than 10:45 A.M. on Thursday, December 4, 2008 and then shall be publicly opened and read aloud at 11:00 A.M. on said date and in said Office; and be it

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

The Town Board voted upon roll call as follows:

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

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

Acquisition of 2009 Ford 4 x 4 truck

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

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(RESOLUTION NO. 288 OF 2008)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Highway Superintendent to purchase on State Contract P-62886 one (1) 2009 Ford Pickup Truck, F250, 4 x 4, with lift gate, at a cost of Twenty-one Thousand Nine Hundred Forty-nine Dollars and Fifty Cents (\$21,949.50)

Superintendent Sherman stated that the 2005 Ford Taurus, formerly used by retired Highway Superintendent Cleveland, will be assigned to the Codes Department which is currently using an old police car whose useful life is nearing an end. Thereafter, 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 then declared unanimously carried and duly ***ADOPTED***.

Road Paving; Leaf Collection

Superintendent Sherman reported that road paving has been completed for the 2008 construction season. Leaf pickup will be done in another one and one-half weeks.

TOWN CLERK:

Zone Map Amendment Application – GML-Section 239 Referral to Planning Departments

The Town Clerk acknowledged receipt of a Zone Map Amendment application from New Hartford Plaza, LLC who formerly leased their 4401 Middle Settlement Road property to The Hartford insurance company, which has moved to the Business Park. Town Clerk Gail Wolanin Young then introduced Mr. Scholefield from St. Elizabeth Medical Center, which is pursuing the purchase of the subject property at 4401 Middle Settlement Road. Mr. Scholefield briefed the Town Board on the proposed use of the property and the need for rezoning the 39.9 acres to Planned Development Institutional (PDI). He stated that no exterior changes were planned for the existing building, except for entrances and signage; there is more than sufficient parking, he noted.

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

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(RESOLUTION NO. 289 OF 2008)

WHEREAS, New Hartford Plaza, LLC had filed a Zone Map Amendment application with the Town Clerk on November 18, 2008 for a rezoning of thirty-nine point nine (39.9) acres at 4401 Middle Settlement Road (a/k/a NYS Route 5B), New Hartford, about 1,000 feet from the intersection with NYS Route 5 (a/k/a Seneca Turnpike) from RB3 (Office Business) to PDI (Planned Development Institutional); and

WHEREAS, the Town Planner has reviewed said Application and has determined it is accurate and sufficient;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby refer New Hartford Plaza's Zone Map Amendment application to the Oneida County Planning Department and to the Town Planning Board for their review and written recommendation pursuant to General Municipal Law and the Town's Zoning Law.

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**.

SEOR – Lead Agency Status / Zone Map Amendment

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

(RESOLUTION NO. 290 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 Zone Map Amendment application submitted by New Hartford Plaza, LLC to change the zoning classification of a 39.9 acre parcel located at 4401 Middle Settlement Road (a/k/a NYS Route 5B) from Office Business (RB3) to Planned Development Institutional (PDI) for the purpose of St. Elizabeth Medical Center relocating some of their operations such as, but not limited to, their Business Office, Medical Imaging Services, Medical Group Management Offices, Urgent Care and Wound Care Services; and be it

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FURTHER RESOLVED that the Town Board does hereby authorize and direct the Town Clerk to forward copies of said Zone Map Amendment application to all interested and/or involved agencies for SEQR review.

Upon roll call, the Town Board voted as follows:

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

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

Annual Employee/Volunteer Recognition Dinner

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

(RESOLUTION NO. 291 OF 2008)

RESOLVED that the New Hartford Town Board does hereby agree to co-sponsor with the New Hartford Village Board of Trustees an Employee/Volunteer Recognition Dinner on Thursday, December 18, 2008, commencing at 4:30 P.M. at Daniele's Restaurant.

The 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***.

REPORTS OF SPECIAL COMMITTEES

SIDEWALK COMMITTEE:

Parks & Recreation Director Michael Jeffery and Sidewalk Committee members John D'Amore, Andrea Zygmunt, Sandra Whitney, Liz Peters-Adelman and Peggy Rotton were present to answer any questions the Town Board might have on the proposed Sidewalk Comprehensive Plan that had been distributed to Board members in November

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2008. Committee members confirmed this proposal will connect five (5) schools and the three (3) parks in the Town.

Councilwoman Krupa had received a letter from some New Hartford Street residents inquiring where the area of New Hartford Street, where it goes from the Village of New York Mills into the Town of New Hartford, near the Philip Rayhill Memorial Trail/Sanger Public Works Garage, would be included in this Comprehensive plan. Parks and Recreation Director Jeffery stated it would include this area.

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

(RESOLUTION NO. 292 OF 2008)

RESOLVED that the New Hartford Town Board does hereby adopt the Sidewalk Comprehensive Plan, which mission it is to create a functional sidewalk system within the Town to enhance the quality of life and improve pedestrian safety by using Federal Highway Administration guidelines for route selection and design standards to achieve connectivity and linkages to and between public uses, residential, and commercial destinations, while providing maintenance of the sidewalks and enforcement of any regulations related thereto; a copy of said Comprehensive Plan is attached to this Resolution as Schedule "A" and made a part hereof.

The Supervisor polled the Board members who voted as follows:

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

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

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL:

Audit of bills

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

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(RESOLUTION NO. 293 OF 2008)

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

General Fund Whole-Town Abstract No. 29 Vouchers AA1608-AA1618; AA1675-AA1676	\$ 3,013.66
General Fund Whole-Town Abstract No. 29A POLICE Vouchers AA1619 & AA1663	\$ 132.16
General Fund Whole-Town Abstract No. 30 Vouchers AA1634, AA1635, AA1650, AA1655; AA1672, AA1674, AA1688-AA1690	\$ 35,674.06
General Fund Whole-Town Abstract No. 30A POLICE Vouchers AA1668-AA1670	\$ 20,805.54
General Fund Whole-Town Abstract No. 31 Vouchers AA1620-AA1633, AA1636- AA1649, AA1651-AA1654, AA1660, AA1671, AA1673, AA1677-AA1678, AA1682, AA1684-AA1687, AA1691- AA1754, AA1767-AA1768, AA1735, AA1770-AA1773, AA1755-AA1756	\$ 90,064.14
General Fund Whole-Town Abstract No. 31A POLICE Vouchers AA1661, AA1662, AA1664, AA1667, AA1679, AA1681, AA1683, AA1756-AA1766	\$ 29,582.69
General Fund Part-Town Abstract No. 26 Voucher BB155	\$ 4,026.85
General Fund Part-Town Abstract No. 27 Vouchers BB151-BB154, BB156-BB166	\$ 5,468.88
Highway Fund Whole-Town Abstract No. 2 Voucher DA2	\$ 200.00
Highway Fund Part-Town Abstract No. 22 Voucher DB498	\$ 19,332.27
Highway Fund Part-Town Abstract No. 23 Vouchers DB475-DB523	\$ 48,364.70
Parks Equipment/Capital Fund Abstract No. 5 Voucher H95	\$ 8,500.00

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Sewer Fund Abstract No. 26	
Vouchers SS109-SS110	\$ 2,021.62
Sewer Fund Abstract No. 27	
Vouchers SS107, SS108, SS111-SS113	\$ 2,296.13
Street Lighting Fund Abstract No. 12	
Voucher SL12	\$ 7,714.55
Stormwater Capital Abstract No. 8	
Vouchers HU13, HU14	\$ 540.00
	TOTAL: \$

Whereupon, the Town Board members voted individually as follows:

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

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

MATTERS SUBMITTED BY COUNCILMEN/TOWN ATTORNEY

COUNCILMAN PAYNE:

Energy Committee

Johnson Controls has completed at no cost to the Town a Preliminary Site Evaluation of all Town facilities, showing issues and recommendations. The Town could realize a savings in energy of about 15%, or about \$22,000 a year. The next step for Johnson Controls, if the Town Board agrees, is to enter into a Project Development Agreement (PDA), perform a Detailed Energy Audit (DEA), discuss results with appropriate Town personnel, negotiate a contract, engage an architect/engineer, receive financing for the project and begin installation of improvements; this phase would cost \$10,000. If the Town accepts Johnson Controls' recommendations, that \$10,000 rolls into the cost of implementing this project.

Safety Committee – Workplace Violence Seminar

The Personnel Technician had attended a Workplace Violence seminar in November 2008 and it was suggested that a Town Board member chair the Safety Committee. Councilman Reynolds offered the following Resolution for adoption; seconded by Councilwoman Krupa:

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(RESOLUTION NO. 294 OF 2008)

RESOLVED that the New Hartford Town Board does hereby appoint Councilman Robert Payne to chair the Safety Committee heretofore created by the Town Board and re-affirmed at its 2008 re-organizational meeting.

The foregoing Resolution was duly put to a vote upon roll call resulting 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***.

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 6:54 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk