

**REGULAR MEETING OF THE TOWN BOARD OF  
THE TOWN OF NEW HARTFORD, NEW YORK,  
HELD AT BUTLER MEMORIAL HALL ON  
MONDAY, DECEMBER 29, 2008 AT 6:00 P.M.**

In the absence of the Town Supervisor who was out of town, Deputy 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.

**ABSENT:** Supervisor Earle C. Reed

**OTHER TOWN OFFICIALS:** Codes Enforcement Officer Joseph A. Booth  
Director of Senior Services M. Eileen Spellman  
Highway Superintendent Richard C. Sherman  
Personnel Technician II Barbara Aiello  
Planner Kurt Schwenzfeier  
Town Clerk Gail Wolanin Young

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

**MINUTES**

**December 3 and December 10, 2008 Town Board Meeting**

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

**(RESOLUTION NO. 330 OF 2008)**

**RESOLVED** that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the *Special* Town Board meeting *held December 3, 2008* and the *Regular* Town Board meeting held *December 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
Supervisor Reed	-	Absent.

**REGULAR TOWN BOARD MEETING**  
**December 29, 2008**  
**Page 2**

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

**PUBLIC HEARINGS**

6:02 P.M.                      Local Law Introductory "G" of 2008  
   Local Law Introductory "H" of 2008

The Deputy Town Supervisor opened the Public Hearing(s) at 6:02 P.M.; the Town Clerk had available the combined Notice of Public Hearing, Affidavit of Posting and Proof of Publication (December 16, 2008 edition of the Observer Dispatch) on Local Laws Introductory "G" and "H" of 2008.

Codes Enforcement Officer gave a brief synopsis of the proposed legislation:

- Local Law Introductory "G" would, if adopted, amend the Town Code by deleting and repealing Chapter 94 [Property Maintenance] and adding a new chapter 94 to replace the heretofore repealed chapter; the new Chapter 94 [Property Maintenance) would provide the Town Board with broader authority with regard to corrective actions on property maintenance, for example housing maintenance, abandoned houses, swimming pools that have been abandoned, etc. Formerly, the property maintenance legislation covered only high grass and weeds. Once evidence is submitted to the Codes Department, the Town Board can order a house to be boarded up, to empty a swimming pool that has become mosquito infested. Also, it is proposed that any violations to this Chapter would now be a civil offense rather than a criminal offense.
- Local Law Introductory "H" would, if adopted, amend the Town Code by deleting and repealing Article I [Individual Sewage Treatment Systems] in Chapter 98 [Sewers] and adding a new Article I to replace the heretofore repealed Article I. The new Article I would update the 20-year old former Article I of which many provisions were unenforceable by Oneida County. The new legislation provides the Town with enforcement authority.

Upon questioning by the Deputy Town Supervisor, no one came forth to speak in either matter; therefore, it was announced that the Public Hearing(s) would remain open until 6:15 P.M. in the event individuals appeared and wished to speak.

**PRESENTATIONS**

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

**REPORTS OF TOWN OFFICIALS**

**CODES ENFORCEMENT OFFICER:**

**Local Law Introductory "I" of 2008 – Proposed Amendment to the Town Code, Chapter 65 [Fire Prevention]**

Codes Enforcement Officer Joseph Booth presented proposed legislation that would replace existing Chapter 65 [Fire Prevention] in the Town Code; the new legislation would provide for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code, the Town Code and the State Energy Conservation Construction Code and would eliminate conflict with other requirements in the Town Code.

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

**TOWN OF NEW HARTFORD, NY  
LOCAL LAW INTRODUCTORY "I" OF 2008**

**A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF NEW HARTFORD BY DELETING AND REPEALING CHAPTER 65 THEREOF, "FIRE PREVENTION", AND REPLACING IT WITH A NEW CHAPTER 65, TO BE ENTITLED "FIRE PREVENTION", WHICH CHAPTER PROVIDES FOR THE ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE.**

Be it enacted by the Town Board of the Town of New Hartford as follows:

**SECTION 1.** The Code of the Town of New Hartford is hereby amended by deleting and repealing Chapter 65, Fire Prevention.

**SECTION 2.** The Code of the Town of New Hartford is hereby amended by adding thereto a new chapter, to replace Chapter 65 hereinabove repealed, to be Chapter 65, Fire Prevention, to read as follows:

**SECTION 1. PURPOSE AND INTENT**

**Every city, village, town, and county charged under Subdivision 2 of Section 381 of the Executive Law with administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the "Uniform Code") shall provide for such administration and enforcement of the code of local law, ordinance, or other appropriate regulation.**

## **REGULAR TOWN BOARD MEETING**

**December 29, 2008**

**Page 4**

This local law provides for the administration and enforcement of the Uniform Code, the Code of the Town of New Hartford, and the State Energy Conservation Construction Code (the Energy Code) in this Town. This local law is adopted pursuant to Section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions of this local law.

### **SECTION 2. DEFINITIONS**

In this local law, **in addition to the definitions set forth in the Uniform Code and the Code of the Town of New Hartford, the Town further adopts the following definitions:**

“Building and/or Site Grading Permit” shall mean a permit issued pursuant to Section 4 of this local law. The term “Building and/or Site Grading Permit” shall also include a Building and/or Site Grading Permit, which is renewed, amended or extended pursuant to any provision of this local law.

“Certificate of Occupancy” and “Certificate of Compliance” shall mean a certificate issued pursuant to Subdivision (b) of Section 7 of this local law.

“Town” shall mean the Town of New Hartford.

"Code Enforcement Officer" shall mean the Code Enforcement Officer and/or assistant Code Enforcement Officer and/or the Zoning Enforcement Officer responsible for the enforcement of the Code of the Town of New Hartford, the Uniform Code and the Energy Code appointed or approved pursuant to subdivision (a & b) of section 3 of this local law.

"Common Area" shall mean any area within a building that the public or tenants have access to or an area that accommodates electrical service equipment, furnaces, boilers or a common storage area

"Notice of Violation" shall mean an order issued in the form of a letter by the Code Enforcement Officer pursuant to subdivision (a) of section 17 of this local law.

"Energy Code" shall mean the State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

"Operating Permit" shall mean a permit issued pursuant to section 12 of this local law. The term "Operating Permit" shall also include an Operating Permit, which is renewed, amended or extended pursuant to any provision of this local law.

## **REGULAR TOWN BOARD MEETING**

**December 29, 2008**

**Page 5**

"Permit Holder" shall mean the Person to whom a Building and/or Site Grading Permit has been issued.

"Person" shall include an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

"Stop Work Order" shall mean an order issued by the Code Enforcement Officer pursuant to section 6 of this local law.

"Temporary Certificate of Occupancy" shall mean a certificate issued pursuant to subdivision (i) of section 7 of this local law.

"Uniform Code" shall mean the New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

### **SECTION 3. CODE ENFORCEMENT OFFICER AND INSPECTORS**

a) The Code Enforcement Officer shall be appointed in accordance with the New York State Civil Service Law and the personnel policies of the Town of New Hartford.

(b) The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated there under.

(c) In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by the Town Board to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.

(d) The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Town Board of this Town.

(e) The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code, the Code of the Town of New Hartford, including this local law. The Code Enforcement Officer shall have the following powers and duties:

**REGULAR TOWN BOARD MEETING**

**December 29, 2008**

**Page 6**

(1) to receive, review, and approve or disapprove applications for Building and/or Site Grading Permits, Certificates of Occupancy and Certificates of Compliance, Temporary Certificates and Operating Permits, and the plans, specifications and construction documents submitted with such applications;

(2) upon approval of such applications, to issue Building and/or Site Grading Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates and Operating Permits, and to include in Building and/or Site Grading Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates and Operating Permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate including, but not limited to, the posting of a bond, letter of credit, or certified check in a reasonable amount as determined by the Code Enforcement Officer;

(3) to conduct construction inspections, inspections to be made prior to the issuance of Certificates of Occupancy, Certificates of Compliance, Temporary Certificates and Operating Permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this local law;

(4) to issue Stop Work Orders;

(5) to review and investigate complaints;

(6) to issue orders pursuant to subdivision (a) of section 17 (Violations) of this local law;

(7) to maintain records;

(8) to collect fees as set by the Town Board of this Town;

(9) to pursue administrative enforcement actions and proceedings;

(10) in consultation with this Town's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and the Code of the Town of New Hartford including this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code, the Code of the Town of New Hartford or this local law; and

(11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this local law.

## REGULAR TOWN BOARD MEETING

December 29, 2008

Page 7

### SECTION 4. BUILDING/SITE GRADING PERMITS.

(a) Building and/or Site Grading Permits Required. Except as otherwise provided in subdivision (b) of this section, a Building and/or Site Grading Permit shall be required for any work which must conform to the Uniform Code, the Energy Code and/or the Code of the Town of New Hartford, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney or flue in any dwelling unit. Additionally, a Building and/or Site Grading Permit is required for installation of all fences, installation of retaining walls exceeding five (5) feet in height, excavation, grading and clearing for any building or use. No Person shall commence any work for which a Building/Site Grading Permit is required without first having obtained a Building/Site Grading Permit from the Code Enforcement Officer.

(b) The Officer shall act upon all applications for Building/Site Grading Permits within 30 days. Notice of refusal to issue any permit shall be given to the applicant or to his or her authorized representative in writing and shall state the reasons for such refusal

(c) The Officer may issue temporary permits for structures incidental to a building permit. Such permits shall expire after one year.

(d) At the discretion of the Officer or the Officer's designee, the permittee shall be required to have on the lot a receptacle of one cubic yard minimum size to provide temporary (in excess of 24 hours) storage of construction and demolition debris, except tree and brush stumps. The receptacle shall be provided with a tarp or other cover. The receptacle must be removed from the lot, as well as all trees, brush, stumps and other debris within 60 days of completion of construction.

(e) The applicant for any Building/Site Grading Permit(s) shall, if required by the Code Enforcement Officer, submit a plot plan showing sufficient data on proposed site grading, final proposed ground elevations and the discharge location of any proposed sump pump, all of which shall be approved by the Town Engineer prior to the issuance of any such permit(s).

(f) Exceptions. No Building/Site Grading Permit shall be required for work in any of the following categories:

(1) installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);

## REGULAR TOWN BOARD MEETING

December 29, 2008

Page 8

(2) installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;

(3) construction of temporary motion picture, television and theater stage sets and scenery;

(4) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);

(5) installation of partitions or movable cases less than 5'-9" in height;

(6) painting, wallpapering, tiling, carpeting, or other similar finish work;

(7) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

(8) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or

(9) repairs, provided that such repairs do not involve (i) the removal or cutting away of a load bearing wall, partition, or portion thereof, or of any structural beam or load bearing component; (ii) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress; (iii) the enlargement, alteration, replacement or relocation of any building system; or (iv) the removal from service of all or part of a fire protection system for any period of time.

(g) Exception not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision (f) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code, the Energy Code or Code of the Town of New Hartford.

(h) Applications for Building/Site Grading Permits. Applications for a Building/Site Grading Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to allow a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code, the



## REGULAR TOWN BOARD MEETING

December 29, 2008

Page 9

Energy Code and the Code of the Town of New Hartford. The application shall include or be accompanied by the following information and documentation:

- (1) a description of the proposed work;
- (2) the tax map number and the street address of the premises where the work is to be performed;
- (3) the occupancy classification of any affected building or structure;
- (4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
- (5) at least 2 sets of construction documents (drawings and/or specifications) which (i) define the scope of the proposed work; (ii) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law; (iii) indicate with sufficient clarity and detail the nature and extent of the work proposed; (iv) substantiate that the proposed work will comply with the Uniform Code, the Energy Code and the Code of the Town of New Hartford; and (v) where applicable, provide a licensed survey that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.
- (6) All Site Grading Permits must be approved by the Town Engineer prior to the Code Enforcement Officer issuing said permit.

(i) Construction documents. Construction documents will not be accepted as part of an application for a Building and/or Site Grading Permit unless they satisfy the requirements set forth in paragraphs (5) and (6) of subdivision (h) of this section. Construction documents which are accepted as part of the application for a Building and/or Site Grading Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Officer. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building and/or Site Grading Permit will be issued. Work shall not be commenced until and unless a Building and/or Site Grading Permit is issued.

(j) Issuance of Building/Site Grading Permits. An application for a Building and/or Site Grading Permit shall be examined to ascertain whether the proposed work is

## REGULAR TOWN BOARD MEETING

December 29, 2008

Page 10

in compliance with the applicable requirements of the Uniform Code, Energy Code and the Code of the Town of New Hartford. The Code Enforcement Officer shall issue a Building/Site Grading Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code, Energy Code and the Code of the Town of New Hartford.

(k) Building/Site Grading Permits to be displayed. Building/Site Grading Permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

(l) Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building/Site Grading Permit. The Building/Site Grading Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building and/or Site Grading Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building/Site Grading Permit, such change shall not be made until and unless a new or amended Building/Site Grading Permit reflecting such change is issued.

(m) Time limits. Building/Site Grading Permits shall expire 12 months after the date of issuance. A Building and/or Site Grading Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer. The renewal rate shall be 25% of the original building permit cost and only one renewal is allowed.

(n) Demolition permits. Demolition permits are required whenever work is to be undertaken to dismantle any portion of any building, and shall be performed in conformance with all applicable local, state and federal laws. Demolition permits shall expire 30 days from the date of issuance and only four (4) permits shall be issued per calendar year per structure.

(o) Work hours. Any work being performed within the Town of New Hartford shall not commence earlier than 7AM and continue later than 7PM except work wholly contained within the structure.

(p) Revocation or suspension of Building/Site Grading Permits. If the Code Enforcement Officer, Town Engineer and/or Town Planner determines that a Building/Site Grading Permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a Building/Site Grading Permit was issued violates the Uniform Code, the Energy Code or the Code of the Town of New

## **REGULAR TOWN BOARD MEETING**

**December 29, 2008**

**Page 11**

Hartford, the Code Enforcement Officer shall revoke the Building and/or Site Grading Permit or suspend the Building/Site Grading Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code, the Energy Code and the Code of the Town of New Hartford and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code, the Energy Code and the Code of the Town of New Hartford.

(q) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid at the time of submission of an application for a Building and/or Site Grading Permit, for an amended Building and/or Site Grading Permit, or for renewal of a Building and/or Site Grading Permit.

(r) Required information; liability policy. The plans and specifications or statements shall be accompanied with the full name and address of the owner or owners of record of the structure. For the purpose of this code, any person, firm or corporation holding the fee title to real property, or his or their duly authorized agent or attorney or the guardian, conservator or trustee, shall be regarded as the owner. Unless otherwise expressly waived in writing by the Code Enforcement Officer, the owner or contractor shall be required to have a liability policy in an amount determined by the Code Enforcement Officer for comprehensive general liability coverage with a per location and per project endorsement which names the Town as an additional insured or co-insured during the period of time the permit is in use, or until the permit expires or is revoked by the Code Enforcement officer. The Code Enforcement Officer shall promulgate an official Codes Department policy detailing potentially dangerous or hazardous conditions and/or materials which will also require insurance pursuant to this section.

### **SECTION 5. CONSTRUCTION INSPECTIONS.**

(a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (b) of this section is ready for inspection.

(b) Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:

(1) work site prior to the issuance of a Building and/or Site Grading Permit;

(2) footings and foundation;

## **REGULAR TOWN BOARD MEETING**

**December 29, 2008**

**Page 12**

- (3) preparation for concrete slab;
- (4) framing;
- (5) building systems, including underground and rough-in;
- (6) fire resistant construction;
- (7) fire resistant penetrations;
- (8) solid fuel burning heating appliances, chimneys, flues or gas vents;
- (9) Energy Code compliance; and

(10) a final inspection after all work authorized by the Building and/or Site Grading Permit has been completed.

(c) Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to where the work fails to comply with the Uniform Code, Energy Code or Code of the Town of New Hartford. Work not in compliance with any applicable provision of the Uniform Code, Energy Code or Code of the Town of New Hartford shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code, the Energy Code, and the Code of the Town of New Hartford, re-inspected, and found satisfactory as completed.

(d) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

### **SECTION 6. STOP WORK ORDERS.**

(a) Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to cease and desist:

(1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code, Energy Code or Code of the Town of New Hartford, without regard to whether such work is or is not work for which a Building and/or Site Grading Permit is required, and without regard to whether a Building and/or Site Grading Permit has or has not been issued for such work, or

## REGULAR TOWN BOARD MEETING

December 29, 2008

Page 13

(2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building and/or Site Grading Permit is required, and without regard to whether a Building and/or Site Grading Permit has or has not been issued for such work, or

(3) any work for which a Building and/or Site Grading Permit is required which is being performed without the required Building and/or Site Grading Permit, or under a Building and/or Site Grading Permit that has become invalid, has expired, or has been suspended or revoked.

(4) any work that is being conducted without proof of the required general liability insurance coverage as required in accordance with the provisions set forth in Section 4 (r) of this local law.

(b) Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.

(c) Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by registered mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by registered mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

(d) Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder and any other Person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order.

(e) Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 17 (Violations) of this local law or under any other applicable local law, State or Federal law. Any such other remedy or penalty may be pursued at any time as may be prescribed by law.

## **REGULAR TOWN BOARD MEETING**

**December 29, 2008**

**Page 14**

### **SECTION 7. CERTIFICATES OF OCCUPANCY, CERTIFICATES OF COMPLIANCE and TEMPORARY CERTIFICATES OF OCCUPANCY**

(a) No building, use or structure hereafter erected, relocated or altered as to outside dimensions shall be used, changed in use or occupied until a certificate of occupancy or compliance shall have been issued by the Code Enforcement Officer stating that the use, land or structure complies with all applicable provisions of this chapter. For previously existing construction, the Code Enforcement Officer may, on request, issue a certificate of occupancy or certificate of compliance if the Code Enforcement Officer determines that the use of the building in question meets the requirements of this chapter. The Code Enforcement Officer may issue a temporary certificate of occupancy or temporary certificate of compliance at the Code Enforcement Officer's discretion.

(b) A certificate of occupancy, or certificate of compliance shall be issued only if:

1) the proposed use of the building or land conforms to the provisions of this chapter

2) conforms to the plot plan

3) conforms to approved plans

4) as built drawings, are provided, if applicable

5) conforms to the purpose and description for which the permit was issued

6) building and/or site work is complete to outward appearance in accordance with the building and/or Site Grading Permit issued

7) the building or structure is properly supplied with water

8) the building or structure is properly supplied with approved sanitary disposal facilities

9) all improvements shown on the site plan are installed to the satisfaction of the Code Enforcement Officer, Town Engineer, and/or Town Planner or when applicable sufficient performance guaranty has been posted in the form of a certified check, letter of credit, or bond for improvements not yet completed.

(c) Any building or land which has been granted a special use permit, site plan approval, or variance by the Planning Board or Zoning Board of Appeals. Every certificate of occupancy or certificate of compliance for which special use permit or site plan approval or variance has been granted shall contain a detailed statement of any conditions to which the same is subject and include, by attachment, a copy of such Planning Board or Zoning Board of Appeals decision.

(d) Performance guaranty. No certificate of occupancy or compliance shall be issued until all improvements shown on the site plan are installed or sufficient performance guaranty has been posted for improvements not yet completed. The

## **REGULAR TOWN BOARD MEETING**

**December 29, 2008**

**Page 15**

sufficiency of such performance guaranty shall be determined by the Planning Board after consultation with the Code Enforcement Officer, Town Engineer and/or Town Planner.

(e) The Code Enforcement Officer shall promptly make or cause to be made an inspection of each building or site for which application for a certificate of occupancy or certificate of compliance has been made and shall grant or deny such certificate within 10 days from the date of application.

(f) For any building that is part of a Town-approved project requiring the construction or extension of a public road in addition to the regulations stated in this section at paragraph (b) above, no certificate of occupancy or certificate of compliance shall be issued until all infrastructure improvements with the proposed easements and/or rights-of-way are installed, approved, certified by the Engineer of Record and accepted and approved by the Town. For details of highway construction and dedication requirements, see Code of the Town of New Hartford, Chapter 102, Streets and Sidewalks, Article II.

(g) At the time a certificate of occupancy is applied for, and the developer is unable to complete the installation of the top course or other approved infrastructure improvements within the proposed easement and/or rights of way, and those deficiencies are determined by the town planner or engineer to be non-critical to the occupancy of the building, safety of the traveling public and the proper operation and maintenance of the highway and other public infrastructure, the developer, at the request of the Town Planner or Town Engineer shall execute an agreement with the town and provide surety in the form of a certified check, bond, or letter of credit in an amount equal to two times the value of the deficiencies determined by the town planner or town engineer. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy and/or Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy and/or Certificate of Compliance:

(1) a written statement of structural observations and/or a final report of special inspections, and

(2) flood hazard certifications.

(h) Contents of Certificates of Occupancy and/or Certificates of Compliance. A Certificate of Occupancy and/or Certificate of Compliance shall contain the following information:

**REGULAR TOWN BOARD MEETING**

**December 29, 2008**

**Page 16**

- (1) the Building and/or Site Grading Permit number;
- (2) the date of issuance of the Building and/or Site Grading Permit;
- (3) the address and tax map number of the property;
- (4) the name of the property owner of record;
- (5) if the Certificate of Occupancy and/or Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy and/or Certificate of Compliance is issued;
- (6) the use and occupancy classification of the structure;
- (7) the type of construction of the structure;
- (8) the assembly occupant load of the structure, if applicable;
- (9) if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
- (10) any special conditions imposed in connection with the issuance of the Building and/or Site Grading Permit;
- (11) the decision of the Planning Board or Zoning Board of Appeals as may relate to the subject property regarding a special use permit, site plan approval or variance; and
- (12) the signature of the Code Enforcement Officer issuing the Certificate of Occupancy and/or Certificate of Compliance and the date of issuance.
  - (i) Temporary Certificate of Occupancy. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building and/or Site Grading Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely, (2) that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and (3) that all required means of egress from the building or structure have been provided. The Code Enforcement Officer, Town



## REGULAR TOWN BOARD MEETING

December 29, 2008

Page 17

Engineer, and Town Planner may include in a Temporary Certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code including, but not limited to, surety in the form of a certified check, bond or letter of credit in an amount equal to two times the value of any deficiencies.. A Temporary Certificate shall be effective for a period of time, not to exceed 6 months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate. During the specified period of effectiveness of the Temporary Certificate, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code, the Energy Code and the Code of the Town of New Hartford.

(j) Revocation or suspension of certificates. If the Code Enforcement Officer determines that a Certificate of Occupancy and/or Certificate of Compliance or a Temporary Certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

(k) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid at the time of submission of an application for a Certificate of Occupancy and/or Certificate of Compliance or for Temporary Certificate.

**SECTION 3.** The provisions of this Local Law are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this local law.

**SECTION 4.** This local law shall become effective immediately upon its filing with the Secretary of State.

The Public Hearing upon Local Law Introductory "I" of 2008 will be scheduled and held jointly with a proposed local law to be introduced in January 2009 to amend Chapter 118 [Zoning] of the Town Code. [NOTE: See below]

### **GML-239 Review - Amend Town Code, Chapter 118 [Zoning]**

The Codes Enforcement Officer has been drafting changes to the Town Code, Chapter 118, entitled "Zoning" and which changes will include, among other items, a new fee

**REGULAR TOWN BOARD MEETING**

**December 29, 2008**

**Page 18**

schedule; improved fencing code that was lacking, additional and more current detailed definitions; recreational vehicles and storage units; set back requirements in some Planned Development areas as well as changing violations from a criminal offense to a civil offense. The Town Attorney has reviewed the proposed changes, copies of which have been previously submitted to Board members. The new fee schedule will cover the cost of enforcement. The Town Clerk is in the process of combining all the changes into a local law introductory.

Councilman Woodland introduced the following Resolution, which was duly seconded by Councilman Payne:

**(RESOLUTION NO. 331 OF 2008)**

**WHEREAS**, the Codes Enforcement Officer has proposed numerous changes to the Town Code, Chapter 118 thereof entitled ZONING, and which changes are currently being compiled into local law format;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby refer the proposed local law 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	-	Absent.

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

**SEOR – Lead Agency Status; Amend the Town Code, Chapter 118 [Zoning]**

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

**(RESOLUTION NO. 332 OF 2008)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby declare itself as Lead Agency with regard to Zoning Text changes proposed by the Codes Enforcement Officer to update the Town Code, Chapter 118 [Zoning], to be introduced in its final form in January 2009; and be it

**REGULAR TOWN BOARD MEETING**  
**December 29, 2008**  
**Page 19**

**FURTHER RESOLVED** that the Town Board does hereby authorize and direct the Town Clerk to forward copies of said Zoning Text Amendments 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	-	Absent.

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

**POLICE CHIEF:**

**Declaration of Surplus Vehicles – Authorization to Sell**

Upon request of the Police Chief, the following Resolution was offered for adoption by Councilman Woodland and duly seconded by Councilman Payne:

**(RESOLUTION NO. 333 OF 2008)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby declare as surplus the following vehicles:

<u>Year</u>	<u>Make/Model</u>	<u>VIN</u>	<u>Mileage</u>
1999	Chevrolet Blazer	1GNCT18WXXK208458	126,000
2000	Ford Crown Victoria	2FAFP71W6YX178919	110,187
2002	Chevrolet Tahoe	1GNEK13Z02J309276	91,500
2003	Ford Crown Victoria	2FAHP71W83X201845	85,800
2004	Ford Crown Victoria	2FAHP71W84X179525	95,500

And be it

**FURTHER RESOLVED** that the aforesaid vehicles shall be placed for sale on e-Bay and once sold, the Town Clerk's office shall be notified and shall arrange to terminate insurance coverage on said vehicles.

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

Councilwoman Krupa	-	Aye
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**REGULAR TOWN BOARD MEETING**  
**December 29, 2008**  
**Page 20**

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

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

**Agreement – 2009 Animal Control Service**

Upon recommendation of the Police Chief, Councilman Payne offered the following Resolution for adoption; seconded by Councilwoman Krupa:

**(RESOLUTION NO. 334 OF 2008)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor, or in his absence, the Deputy Town Supervisor to enter into and to execute an Agreement between the Town of New Hartford and the Town of Kirkland, wherein the Town of New Hartford will provide animal control services to the Town of Kirkland during calendar year 2009, in accordance with the terms and conditions set forth therein.

A roll call vote ensued:

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

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

**Agreement – Oneida County STOP DWI Program**

Upon request of the Police Chief, Councilman Woodland introduced the following Resolution for adoption; seconded by Councilwoman Krupa:

**(RESOLUTION NO. 335 OF 2008)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor, or in his absence, the Deputy Town Supervisor to enter into and to execute an Agreement between the Town of New Hartford Police Department and the Oneida County STOP DWI Program; this agreement provides for a \$40,000 Traffic Safety Grant for the Police Department to participate in the STOP DWI Program; and be it

**REGULAR TOWN BOARD MEETING**  
**December 29, 2008**  
**Page 21**

**FURTHER RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Bookkeeper to increase Revenue Account AA1589.0 by \$40,000, and to increase Appropriation Account AA3120.1 by the same amount.

The Deputy Supervisor polled the Board, which voted as follows:

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

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

**Police Patrol Rates – Sangertown Square Mall & Faxton-St. Luke’s Healthcare**

After review with the Police Chief, Councilman Payne offered the following Resolution for adoption; seconded by Councilwoman Krupa:

**(RESOLUTION NO. 336 OF 2008)**

**WHEREAS**, the Town Code, Chapter 25 thereof entitled Police Department, Section 25-4 provides for Rates and Charges with regard to police patrols at the Sangertown Square Mall and Faxton-St. Luke’s Healthcare; and

**WHEREAS**, the initial rate established was Twenty-two Dollars (\$22) per hour for police services and provides that a renegotiated rate shall be established by resolution;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby increase the hourly rate to Thirty Dollars (\$30) per hour for New Hartford Police Officers working assignments at Sangertown Square Mall and Faxton-St. Luke’s Healthcare, effective January 1, 2009; said monthly rate to be reimbursed to the Town on a monthly basis.

Upon roll call, the Board members voted as follows:

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

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

**REGULAR TOWN BOARD MEETING**  
**December 29, 2008**  
**Page 22**

**PLANNER:**

**Pre-Development Agreement & Memorandum of Understanding – Faxton-St. Luke’s**

Upon recommendation of Planner Schwenzfeier, Councilman Payne introduced the following Resolution for adoption and Councilwoman Krupa seconded same:

**(RESOLUTION NO. 337 OF 2008)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor or, in his absence, the Deputy Town Supervisor to execute a Pre-Development Agreement and a Memorandum of Understanding between the Town of New Hartford and Faxton-St. Luke’s Healthcare, Champlin Ave, P.O. Box 479, Utica, NY 13502 wherein said Faxton-St. Luke’s Healthcare has offered to contribute, as per the conditions of said Pre-Development Agreement, the total sum of Forty-eight Dollars and Eighty Cents (\$48.80) as same relates to their 80 square foot utility extension on their main campus within the French-Burrstone-Champlin Ave Generic Environmental Impact Study boundary area [categories: land use and police].

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	-	Absent.

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

**Pre-Development Agreement & Memorandum of Understanding – Java Chalet Coffee Shop**

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

**(RESOLUTION NO. 338 OF 2008)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor or, in his absence, the Deputy Town Supervisor to execute a Pre-Development Agreement and a Memorandum of Understanding between the Town of New Hartford and Java Chalet Coffee Shop, 601 French Road, New Hartford, NY wherein said Java Chalet Coffee Shop has offered to contribute, as per the conditions of said Pre-Development Agreement, the total sum of Five Thousand Seven Hundred Eight Dollars and Thirty-two Cents (\$5,708.32) as same relates to fifteen (15) parking spaces

**REGULAR TOWN BOARD MEETING**  
**December 29, 2008**  
**Page 23**

and an addition of 5,000 square feet of impervious area within the French-Burrstone-Champlin Ave Generic Environmental Impact Study boundary area [categories: traffic, GEIS preparation and stormwater/wetlands].

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	-	Absent.

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

***Agreement with Johnson Controls – Energy/Lighting***

At the request of Councilwoman Krupa who had some questions and wished to review the matter further since she was absent when the information had been distributed at the December 10, 2008 Town Board meeting, no action was taken on this matter.

**HIGHWAY SUPERINTENDENT:**

***Stormwater update - Woodberry–Oxford Road***

After discussing the matter with the Town Planner and meeting with the Oneida County Department of Public Works on November 19, 2008, the Highway Superintendent stated it was decided to consolidate the work and have one (1) contract instead of four (4); this will allow faster completion with only one contractor. Also, Oneida County has offered some help financially in purchasing culvert for the project. Plans are expected to be ready for review by next week and the plans will be reviewed with the Stormwater Management Improvement Advisory Committee. A February 2009 bid date is contemplated with construction in Spring 2009.

***Stormwater update - Jubilee Estates***

The plans are ready for the competitive bid process.

***Acquisition of Portable Pole-mounted Camera – Oneida County Bid***

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

**(RESOLUTION NO. 339 OF 2008)**

**REGULAR TOWN BOARD MEETING**  
**December 29, 2008**  
**Page 24**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Highway Superintendent to purchase one (1) portable, pole-mounted camera at a cost of Twelve Thousand Nine Hundred Nine Dollars and Fifty Cents (\$12,909.50) from Joe Johnson Equipment, Oneida County Bid Reference No. 1349; said purchase shall be made from the Sewer Equipment Account, as budgeted.

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

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

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

**Agreement/Competitive Bid – Highway Department Uniforms & Laundry Service**

Upon presentation by the Highway Superintendent, Councilman Payne introduced the following Resolution for adoption; seconded by Councilwoman Krupa:

**(RESOLUTION NO. 340 OF 2008)**

**WHEREAS**, the Agreement between the Town of New Hartford and **Tri-State Laundries** had expired in February 2008, and automatically renewed without signing, for laundry services for Highway Department employee uniforms and hallway runners; and

**WHEREAS**, a quote was received from **Aramark**, Syracuse, New York for the same clothing and laundry service but at a savings of Twenty-five Hundred Dollars (\$2500) annually;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement between the Town of New Hartford and **Aramark** for employee uniforms and laundry services, unless it is determined that competitive bids are required.

The Resolution was voted upon by roll call as follows:

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



## **REGULAR TOWN BOARD MEETING**

**December 29, 2008**

**Page 25**

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

### **Repair of 1988 Mack Plow Truck**

Highway Superintendent Sherman explained that the 1988 Mack Plow Truck used for plowing the hill areas and cutting back snow banks (ex: Snowden Hill Road, Neal's Gulf Road, Red Hill Road, etc.) had an accident December 26, 2008 in which the rear wheel fell off. The double wings on the plow prevented the plow from tipping over. It was difficult locating lug nuts to replace the rusted ones. This vehicle is temporarily out of service, being tagged and only to be used when really needed – not for day-to-day use. The Town Board must decide whether they want to continue putting money into this 21-year old vehicle.

### **Tentative Road Dedication – Sitrin Lane**

Richard Wilson of the Sitrin Healthcare facility was present with regard to Sitrin Lane. The Highway Superintendent reported that Sitrin Lane is not ready to be dedicated as a public road yet but it is close. The Oneida County Department of Public Works (Sitrin Lane would intersect County highway, Higby Road) had asked if there was proper site distance from the east; Nelson Associates revisited the site and wrote a letter that there is 600 feet for site distance. While the Highway Superintendent received some legal documents for road dedication the week of December 22, 2008, Town Attorney Green had not reviewed them as he is out of town. This matter will be placed on the Agenda for the January 14, 2009 Town Board meeting.

### **Vehicle & Traffic – STOP sign on Sitrin Lane**

While it was reported that a STOP sign had been installed at the intersection of Sitrin Lane and Higby Road, the Town Clerk noted that legislation must be drafted, public hearing scheduled and a local law adopted before the STOP sign can be enforced. The Highway Superintendent and Police Chief will work with the Town Clerk on this matter.

## **PUBLIC HEARINGS (CONT'D)**

Local Law Introductory “G” of 2008

Local Law Introductory “H” of 2008

There having been no one who appeared to speak on the aforementioned legislation, the Public Hearings were closed at 6:36 P.M.

### **Adoption – Local Law No. Four of 2008**

Thereafter, Councilman Payne moved that Local Law Introductory “G” of 2008 be adopted as Local Law No. Four of 2008, in the following format; seconded by Councilwoman Krupa:

**TOWN OF NEW HARTFORD, NEW YORK**  
**Local Law No. Four of 2008**

**A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF NEW HARTFORD, CHAPTER 94 THEREOF ENTITLED "PROPERTY MAINTENANCE", BY REPLACING THE EXISTING TEXT ADOPTED IN 1994 IN ITS ENTIRETY WITH NEW LANGUAGE.**

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

**SECTION 1.** Chapter 94 of the Code of the Town of New Hartford, is hereby amended as follows:

**REPLACE** the existing Chapter with the following new language:

§ 94-1. Prohibited property conditions

Any property condition that is deemed to be in violation of the New York State Property Maintenance Code or the Code of the Town of New Hartford and by its nature represents a direct threat to life, public safety, health, general welfare or represents a public nuisance as defined in Chapter 86 of the Code of the Town of New Hartford.

§ 94-2. Notice to abate nuisance; service of notice.

In the event that the Town Board of the Town of New Hartford determines that a property condition constitutes a threat to health, safety and general welfare of the residents of the Town of New Hartford or represents a public nuisance as defined in Chapter 94 herein, the Town Board shall direct the Code Enforcement Officer to give written notice to the owner of such real property to abate the prohibited property condition as may be necessary to remove such hazard or nuisance. Such notice shall be given, in writing, by personal service or registered mail, to the owner of such property at owner's last known address as appears on the latest Real Property Tax Assessment Roll of the Town of New Hartford. Such notice shall direct that such hazard or nuisance be removed within 10 days of the mailing of such notice.

§ 94-3. Abatement by town; lien.

If, within said 10 days, the owner or occupant should fail, refuse or neglect to abate the hazard or nuisance, the Town Board of the Town of New Hartford may after presentment by the Code Enforcement Officer direct the Code Enforcement Officer to abate the same through the use of Town facilities or equipment, or the Town Board of the Town of New Hartford may contract with an independent contractor or contractors to do the work and

**REGULAR TOWN BOARD MEETING**  
**December 29, 2008**  
**Page 27**

cause the hazard or nuisance to be abated. In either event, the costs incurred by the Town of New Hartford to accomplish the abatement of the hazard or nuisance shall be assessed against and be a lien upon the lot, tract or parcel of land where the hazard or nuisance was found to exist.

§ 94-4. Penalties for offenses.

Civil Penalties. A violation of the code or this article shall constitute a civil offense punishable by a fine and/or imprisonment as prescribed in §118-80 of the Code of the Town of New Hartford. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

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

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

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

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

Local Law Introductory "G" of 2008 was declared unanimously carried and duly ***ADOPTED*** as Local Law No. Four of 2008.

**Adoption – Local Law No. Five of 2008**

Councilman Payne then moved that Local Law Introductory "H" of 2008 be adopted as Local Law No. Five of 2008, in the following format; seconded by Councilman Woodland:

**TOWN OF NEW HARTFORD, NEW YORK**  
**Local Law No. Five of 2008**

**A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF NEW HARTFORD, CHAPTER 98 THEREOF ENTITLED "SEWERS" BY**

**REGULAR TOWN BOARD MEETING**

**December 29, 2008**

**Page 28**

**REPLACING ARTICLE I (INDIVIDUAL SEWAGE TREATMENT SYSTEMS)  
IN ITS ENTIRETY WITH NEW LANGUAGE.**

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

**SECTION 1.** Chapter 98 of the Code of the Town of New Hartford, is hereby amended as follows:

**REPLACE** the existing Article I with the following new language:

*Article I*

**§ 98-1. Purpose.**

**A.** The purpose of these regulations shall be to protect the health, safety, and general welfare of the residents of the Town of New Hartford by regulating individual sewage treatment systems in accordance with Appendix 75-A Wastewater Treatment Standards- Individual Household Systems to ensure among other things that:

- (1) Drinking water supplies will not be contaminated.
- (2) A breeding place for insects, rodents and other possible carriers, which may come into contact with food and drinking water will not be created.
- (3) A health hazard will not be created as the result of sewage exposed on the surface of the ground.
- (4) Waters of any recreational area will not be polluted.
- (5) A nuisance resulting in obnoxious odors and unsightliness will not be caused.
- (6) Safety hazards will not be created
- (7) Attractive nuisances will not be created

**B.** Nothing contained in these regulations shall be construed to permit the installation or continued operation of treatment facilities that are or may become a nuisance.

**§ 98-2. Application; fee.**

**A.** No permit for the installation, alteration or extension of any septic tank, tile field, leaching pit, chemical toilet, privy, pipe or other means for the treatment or discharge of sewage or sink wastes shall be issued, nor shall the construction or erection of any structure intended for human occupancy be commenced, until an application has been duly completed by the applicant on forms supplied by the Codes Enforcement Officer of the Town of New Hartford including the following information:

## **REGULAR TOWN BOARD MEETING**

**December 29, 2008**

**Page 29**

(1) A tax map, plot plan, or survey map of the parcel on which the applicant intends to install the treatment system including tax map number and legend/scale. Said map shall depict the intended location of the treatment system, the location of all property lines, permanent structures, water supply systems, easements and rights of way on the parcel. A licensed survey may be required where the Code Enforcement Officer deems it to be necessary.

(2) A design drawing of the treatment system the applicant intends to install on the parcel which is stamped by a New York State licensed engineer or architect.

3) Upon completion of the installation, the architect or engineer of record shall file a certificate of completion with the officer stating that, to the best of his/her knowledge, and based on his/her or his/her designee's inspection(s), the system has been installed in conformance with the submitted drawings and conforms to all applicable design standards.

**B. Exception:** Installations or repairs made to existing treatment systems that require removal or replacement of less than 50 % of the system shall not be required to be designed and inspected by a New York State licensed engineer or architect.

**C. Alternative or Experimental System:** Any system deemed to be an alternative or experimental system shall also be submitted and approved by the Oneida County Department of Environmental Health or the New York State Department of Health if those services are not available through Oneida County.

**D.** All new installations or repairs to existing systems shall require a Certificate of Compliance or Certificate of Occupancy to be issued by the Code Enforcement Officer.

**E.** Fees shall be paid in accordance with the established fee schedule in 118-93D(10) of the Code of the Town of New Hartford.

### **§ 98-3. Penalties for offenses.**

Civil Penalties. A violation of the code or this article shall constitute an offense punishable by a fine and/or imprisonment as prescribed in §118-80 of the Code of the Town of New Hartford. A violation of the code or this article shall constitute a civil offense punishable by a fine not to exceed an amount established by the Town Board and x/or imprisonment for a term not to exceed that established by the Town Board. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

### **§ 98-4. Forms to be obtained.**

**REGULAR TOWN BOARD MEETING**

**December 29, 2008**

**Page 30**

All appropriate forms shall be obtained from the Codes Enforcement Officer of the Town of New Hartford whose office is located at 111 New Hartford Street, New Hartford, New York.

**§ 98-5. Waivers for existing systems.**

In cases where existing systems fail and cannot be corrected to the standards set forth by the New York State Department of Health, a waiver may be requested from the Oneida County Department of Health. The purpose of this waiver provision is to allow for reasonable compromises regarding design standards for existing traditional systems, where the use of an alternative disposal system is not feasible. This application must contain statements from the Oneida County Sanitary Inspector, a New York State Sanitary Engineer, or other qualified individual experienced in sewage treatment systems detailing what factors prevent the use of a system designed in conformance with the requirements of the "Waste Treatment Handbook, Individual Household Systems."

**§ 98-5.1. Amendments.**

All amendments to this article shall be in accordance with the provisions of the Town Law and Oneida County Department of Health regulations applicable thereto.

**§ 98-5.2. Certificate of Compliance**

Upon the issuance of a Septic permit for a sewage treatment system the Town Codes Enforcement Officer shall issue a Certificate of Compliance. No person shall occupy a residence until such time as the Certificate of Compliance or Certificate of Occupancy is issued.

**SECTION 2** All other provisions of Chapter 98 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

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

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

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

**REGULAR TOWN BOARD MEETING**

**December 29, 2008**

**Page 31**

Thereafter, Local Law Introductory “H” of 2008 was declared unanimously carried and duly *ADOPTED* as Local Law No. Five of 2008.

**REPORTS OF TOWN OFFICIALS (CONTID)**

**TOWN CLERK:**

**Zone Map Amendment Application – New Hartford Plaza, LLC/St. Elizabeth Medical Center - Local Law Introductory “F” of 2008**

With regard to the Zone Map Amendment Application received November 18, 2008 for a rezoning of 4401 Middlesettlement Road (aka NYS Route 5B), the Town Clerk has received the GML-239 reviews from the Oneida County Planning Department and the Town Planning Board, the latter of whom also recommended that a municipal services agreement be entered into for police and fire services. Further, with regard to SEQR, responses have been received from the NYS Department of Environmental Conservation, NYS Department of Transportation, Oneida County Water Pollution & Control, New Hartford Police Department and New Hartford Fire Department.

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

**Town of New Hartford, New York  
Local Law Introductory “F” of 2008**

A Local Law to amend the Code of the Town of New Hartford, **Chapter 118** thereof entitled **ZONING**, and map coincidental thereto, as it pertains to property fronting Middlesettlement Road (NYS Route 5B), a description of which is set forth in Section 2, and changing the designation of property from RB3 (Office Business District) to PDI (Planned Development Institutional).

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

**SECTION 1.** Chapter 118 of the Code of the Town of New Hartford, Section 118-8, and particularly the map coincidental thereto and made a part thereof, is hereby amended as follows:

Section 118-8. Zoning Map

*(Change the designation of thirty-nine point nine [39.9] acres, more or less, situate at 4401 Middle Settlement Road and identified as Tax Map Parcel No. 328.000-2-38, owned by New Hartford Plaza LLC, from RB3 [Office Business District] to PDI [Planned Development Institutional].)*

## REGULAR TOWN BOARD MEETING

December 29, 2008

Page 32

**SECTION 2.** The boundaries and description of said district are as follows:

*ALL THAT TRACT OR PARCEL OF LAND, situate within the Town of New Hartford, County of Oneida and State of New York, being part of Lot Nos. 66 and 67 in the 7<sup>th</sup> Division of Coxes Patent and more particularly described as follows: BEGINNING at an iron pipe located at the intersection of the existing southerly highway boundary of NYS Route 5, a/k/a Seneca Turnpike, with the division line between property of H. B. Realty (reputed owner) on the west and property of Niagara Mohawk Power Corporation (reputed owner) on the east; thence South 04 degrees 26' 50" West along the aforesaid division line a distance of 906.15 feet to an iron pipe; said pipe located on the northerly highway boundary of NYS Route 5B, a/k/a Middle Settlement Road; thence South 70 degrees 54' 00" West along said northerly boundary of Middle Settlement Road, a distance of 527.15 feet to a concrete monument; thence South 69 degrees 49' 00" West continuing along said northerly boundary of Middle Settlement Road, a distance of 535.80 feet to a concrete monument; thence South 73 degrees 28' 00" West continuing along said northerly boundary of Middle Settlement Road, a distance of 478.61 feet to an iron pipe; said pipe located at the intersection of said northerly boundary of Middle Settlement Road with the division line between property of H. B. Realty (reputed owner) on the east and property of Special Metals Corporation (reputed owner) on the west; thence North 05 degrees 07' 35" East along the last mentioned division line and the division line between property of H. B. Realty (reputed owner) on the east and lands designated as "Seneca Heights Estates", as shown on a map dated October 17, 1934, and filed in the Office of the Clerk of Oneida County, New York, on October 18, 1934, on the west, a distance of 1520.28 feet to an iron pipe; thence along the division line between property of H. B. Realty (reputed owner) on the south and the property designated as "Seneca Heights Estates" on the north the following three (3) courses and distances:*

- 1) South 85 degrees 16' 00" East a distance of 913.50 feet to an iron pipe;
- 2) South 04 degrees 15' 00" West a distance of 17.67 feet to an iron pipe;
- 3) South 71 degrees 37' 30" East a distance of 269.00 feet to an iron pipe;

said pipe located at the southeast corner of Lot 1 as shown on said map entitled "Seneca Heights Estates", dated October 17, 1934; thence North 18 degrees 02' 00" East along the division line between property of H. B. Realty (reputed owner) on the east and aforementioned Lot 1 on the west, a distance of 130.05 feet to an iron pipe on the aforesaid existing southerly highway boundary of NYS Route 5, a/k/a Seneca Turnpike; thence South 71 degrees 36' 00" East along said southerly highway boundary of distance of 199.87 feet to the point of beginning.



**REGULAR TOWN BOARD MEETING**

**December 29, 2008**

**Page 33**

**SECTION 3.** All other provisions of Chapter 118 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

**SECTION 4.** This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State.

**Public Hearing Scheduled – Local Law Introductory “F” of 2008**

Whereas the Town has received the 239-reviews and the SEQR responses from various interested agencies with regard to the Zone Map Amendment application for 4401 Middlesettlement Road, Councilman Woodland offered the following Resolution for adoption, seconded by Councilwoman Krupa:

**(RESOLUTION NO. 341 OF 2008)**

**RESOLVED** that the Town Board of the Town of New Hartford shall conduct a Public Hearing on **Wednesday, January 14, 2009 at 6:00 P.M.**, or as soon thereafter as reached in the regular course of business, in Butler Memorial Hall, 48 Genesee Street, New Hartford to consider **Local Law Introductory “F” of 2008** which, if adopted, would amend the Code, Chapter 118 thereof entitled **ZONING**, and specifically the Zoning Map, by changing the designation of thirty-nine point nine [39.9] acres, more or less, situate at 4401 Middle Settlement Road and identified as Tax Map Parcel No. 328.000-2-38, owned by New Hartford Plaza LLC, from RB3 [Office Business District] to PDI [Planned Development Institutional].

and be it

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

A roll call vote ensued:

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

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

**Local Law Introductory “E” of 2008 - Higby Road Water District; Higby Road Water District Extension #1**

**REGULAR TOWN BOARD MEETING**  
**December 29, 2008**  
**Page 34**

In behalf of the Town Attorney who was out of town, the Town Clerk presented the following Resolution and Report that was introduced for adoption by Councilman Payne and duly seconded by Councilwoman Krupa:

**(RESOLUTION NO. 342 OF 2008)**

**WHEREAS**, the Town Attorney had prepared legislation that was introduced on September 24, 2008 as Local Law Introductory "E" of 2008, entitled as A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF NEW HARTFORD, BY ADDING A NEW CHAPTER 117 ENTITLED "WATER SERVICE LOCAL LAW";

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby schedule a Public Hearing for Wednesday, January 28, 2009 commencing at 6:00 P.M. in Butler Memorial Hall, New Hartford, NY to consider the adoption of Local Law Introductory "E" of 2008 and to adjust the debt service roll of the Higby Road Water District and Higby Road Water District Extension No. 1.

Upon roll call, the Board voted as follows:

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

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

**MATTERS SUBMITTED BY DEPUTY TOWN SUPERVISOR**

**FINANCIAL**

**Audit of bills**

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

**(RESOLUTION NO. 343 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:

**REGULAR TOWN BOARD MEETING**  
**December 29, 2008**  
**Page 35**

General Fund Whole-Town Abstract No. 34 Vouchers AA1860-AA1906	\$ 47,018.00
General Fund Part-Town Abstract No. 30 Vouchers BB180-BB183	\$ 636.84
Highway Fund Part-Town Abstract No. 25 Vouchers DB560-DB586	\$ 146,405.88
Sewer Fund Abstract No. 30 Vouchers SS122-SS124	\$ 4,346.64
Street Lighting Abstract No. 13 Voucher SL13	\$ 8,364.39
GEIS Plan Study/Capital Abstract No. 7 Voucher HX7	\$ 2,631.00
Parks Equipment/Capital Fund Abstract No. 6 Voucher H96-H97	<u>\$ 771.74</u>
<b>TOTAL:</b>	<b>\$ 210,174.49</b>

Whereupon, the Town Board members voted individually as follows:

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

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

**2008 Budget Revisions**

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

**(RESOLUTION NO. 344 OF 2008)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and approve the following budgetary revisions in the 2008 Budget:

Paid out comp. Wages to Bookkeeper \$61,544.81 and Separation Pay to Highway Superintendent \$5,560.76.

Increase Account	A1315.15 Comp. Wages	\$61,544.81
Increase Account	A1440.1 Personal Services	\$ 5,560.76
Increase Account	A5999.2 Reserve Fund Balance	\$67,105.57

**REGULAR TOWN BOARD MEETING**  
**December 29, 2008**  
**Page 36**

Transfer from Trust and Agency Funds in Trust from the Consumer Square in the amount of \$16,500 for Consumer Square Project:

Increase Account	A1440.41 Clerk of the Works/Cons. Sq.	\$16,500.00
Increase Account	A2772. Consumer Sq Reimb.	\$16,500.00

Transfer from Veteran's Park Reserve Fund in the amount of \$1,704.02

Increase Account	A7110.41 Veterans Mem. Park	\$ 1,704.02
Increase Account	A5992 Reserve Fund Bal.	\$ 1,704.02

Transfer funds fro Consumer Square Police Reserve Funds in the amount of \$73,144.20

Increase Account	A3210.1 Personal Services	\$73,144.20
Increase Account	A5999.1 Reserve Fund Bal. Police	\$73,144.20

And be it

**FURTHER RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Bookkeeper to make the following 2008 budgetary transfers with regard to over-expended/under-expended accounts:

<u>ACCOUNT</u>	<u>NAME</u>	<u>INCREASE</u>	<u>DECREASE</u>
<b><u>General Fund Whole-Town</u></b>			
AA1010.4	Town Board contractual	\$ 27, 742.23	
AA1440.44	Eng. Ser/Sauq Creek Basin		\$ 27,742.23
AA1110.01	Personal Services	121.93	
AA1315.44	Grant Writer		121.93
AA110.12	Court Attendant	4,318.25	
AA1315.44	Grant Writer		1,878.07
AA1330.2	Equip		2,440.18
AA110.11	Court Clerk	207.45	
AA1110.17	Comp time Pd Current Year		207.45
AA1110.18	Comp time Pd Current Year	1,106.62	
AA1110.13	Assist Court Clerk		448.30
AA1110.17	Comp time Pd Current Year		658.32

**REGULAR TOWN BOARD MEETING****December 29, 2008****Page 37**

<u>ACCOUNT</u>	<u>NAME</u>	<u>INCREASE</u>	<u>DECREASE</u>
AA1220.1	Supervisor Pers. Ser	0.21	
AA1330.2	Rec of Tax Equip		0.21
AA1315.4	Finance Contractual	1,176.56	
AA1330.2	Rec of Tax Equip		59.61
AA1330.4	Rec of Tax Contractual		1,000.00
AA1330.14	Rec of Tax PT clerk		116.95
AA1315.41	Bond Counsel	6,988.00	
AA1330.14	Rec of Tax PT Clerk		383.05
AA1410.13	Deputy Clerk II		6,604.95
AA1315.42	Fiscal Advisors	3,743.26	
AA1410.13	Deputy Clerk II		3,743.26
AA1315.45	CFO	74,422.00	
AA1410.13	Deputy Clerk II		7,104.79
AA1440.44	Eng Ser Sauq Creek Basin		64,770.21
AA1410.11	Deputy Clerk I		2,547.00
AA1320.4	Auditing Ser.	5,236.53	
AA1320.41	GASB 34	5,193.00	
AA1320.42	GASB 45	3,250.00	
AA1440.40	Clerk of Wks DeLaus		7,000.00
AA1440.42	Eng. Ser Woods Hwy		6,679.53
AA1401.2	Clerk PT	1,706.42	
AA1410.11			1,706.42
AA1430.1	Personal Ser	653.96	
AA1430.2	Equip	250.44	
AA1430.4	Contractual	181.94	
AA1430.12	Comp Time		100.00
AA1220.16	Supervisor PT Clerk		986.34
AA1620.4	Bldg Contractual	72,000.00	
AA1440.49	Stormwater Mgt Review		5,000.00
AA1620.41	Bldg Heat, Water Elect		20,000.00
AA1440.44	Eng. Ser. Sauq Creek Basin		47,000.00

**REGULAR TOWN BOARD MEETING**  
**December 29, 2008**  
**Page 38**

<u>ACCOUNT</u>	<u>NAME</u>	<u>INCREASE</u>	<u>DECREASE</u>
AA1355.12	Real Prop Tax Aid	735.87	
AA1355.13	Real Prop Tax Aid	1,090.29	
AA1355.2	Equip		1,500.00
AA1355.14	Comp Wages		300.00
AA1330.2	Rec of Tax Equip		26.16
AA1670.41	Contract Maint	13,131.73	
AA1680.41	Central Date Prg		2,000.00
AA1910.4	Insurance		11,131.73
AA1930.4	Reserve Self Ins.	225.00	
AA1910.4	Insurance		225.00
AA3120.14	School Crossing Guards	4,623.41	
AA3120.4	Police Contractual	22,529.75	
AA3120.18	Senior Act Clerk	260.85	
AA3120.2	Equip		7,327.13
AA3120.15	Shift Diff		1,433.25
AA3120.16	Comp wages/Typist		500.00
AA3120.17	Comp wages/Sr.Clk		500.00
AA3120.49	Technology Grant Impl.		8,000.00
AA1990.4	Contingent Acct		9,653.63
AA3220.1	Dispatch Supervisor	5,884.50	
AA3220.11	Dispatchers		5,884.50
AA3510.11	ACO/PT	12,695.89	
AA3510.1	ACO Personal Service		12,695.89
AA5010.14	Highway Clerk	1,663.20	
AA5010.12	PT Clerk		1,663.20
AA5010.15	Hwy Clerk OT	2,364.27	
AA5010.1	Highway Superintendent		2,364.27
AA7020.1	Director Rec Center	7,389.74	
AA7020.4	Contractual	567.53	
AA7020.11	Working Foreman	2,758.37	
AA7020.12	Rec Maint Worker 1	1,431.90	
AA7020.13	Laborers Overtime		10,500.00
AA7020.2	Equipment		1,647.54

**REGULAR TOWN BOARD MEETING**

**December 29, 2008**

**Page 39**

<u>ACCOUNT</u>	<u>NAME</u>	<u>INCREASE</u>	<u>DECREASE</u>
AA7110.4	Parks Contractual	18,199.50	
AA7110.11	Working Supervisor		9,400.00
AA7110.14	Seasonal Employee		8,799.50
AA7110.18	Maint. Worker II	7,327.55	
AA7110.19	Maint. Worker III	3,180.37	
AA7110.16	Maint. Worker I		10,507.92
AA7140.1	Seasonal Employees	7,837.97	
AA7550.4	Celebrations		3,200.00
AA7270.4	Band Concerts		995.00
A7230.1	Swim Per Serv.		3,086.00
AA7140.4	Playgrounds Contractual		556.97
AA7310.1	Youth Empl. Pers. Ser.	927.75	
AA7310.4	Youth Emp. Contractual		575.00
AA7230.4	Swim Contractual		352.75
AA8540.4	Stormwater	6,829.82	
AA8990.4	Runaway & Homeless		2,500.00
AA3510.13	Dog Enumerators		3,000.00
AA3310.4	Traffic Control		1,329.82
AA9010.8	Employees Retirement	251.00	
AA6772.13	Misc. Helo		251.00
AA9050.8	Unemploy Insurance	6,345.50	
AA3310.4	Traffic Control		6,345.50
<b><u>General Fund Part-Town</u></b>			
BB4020.04	Contractual	543.01	
BB4020.12	Deputy Salary		543.01
BB8010.01	Zoning Enf. Off Salary	29,646.61	
BB8160.04	Contractual		26,000.00
BB8020.44	Planner Contractual		3,646.61
BB8010.11	Zoning Board	625.00	
BB8020.44	Planner Contractual		625.00

**REGULAR TOWN BOARD MEETING**

**December 29, 2008**

**Page 40**

<u>ACCOUNT</u>	<u>NAME</u>	<u>INCREASE</u>	<u>DECREASE</u>
BB8010.13	Zoning Enf. Off. Asst. Salary	1,971.95	
BB8020.44	Planner Contractual		1,971.95
BB8010.14	Zoning Secretary	2,989.84	
BB8020.44	Planner Contractual		1,120.34
BB8010.18	Asst. CEO PT		1,869.50
BB9060.08	Health Insurance	9,422.08	
BB8010.18	Asst. CEO PT		4,410.50
BB8010.04	Zoning Contractual		1,200.00
BB1670.04	Printing/Adv		1,819.00
BB8010.16	Zoning Clerk PT		1,509.08
BB8010.19	Plumbing Inspector		483.50
 <b><u>Highway Fund Part-Town</u></b>			
DB5110.42	Gravel	1,255.00	
DB5110.43	Culvert Pipe		1,255.00
DB5130.4	Repairs	11,599.58	
DB1990.4	Contingent		11,599.58
DB5130.41	Tires	4,845.20	
DB1990.4	Contingent		4,845.20
DB5130.42	Oil & Grease	3,465.03	
DB1990.4	Contingent		3,465.03
DB5142.11	Stone	10,825.32	
DB1990.4	Contingent		10,825.32
DB5142.42	Salt	36,136.81	
DB1990.4	Contingent		19,133.50
DB9030.4	SS		4,500.00
DB5142.11	OVT		12,503.31
DB5142.43	Sand	5,693.88	
DB5142.11	OVT		5,693.88
DB9050.8	Unemployment Ins	2,959.16	
DB5110.48	Contractual Summer		2,959.16



**REGULAR TOWN BOARD MEETING**

**December 29, 2008**

**Page 41**

<u>ACCOUNT</u>	<u>NAME</u>	<u>INCREASE</u>	<u>DECREASE</u>
DB9060.08	Health Insurance	48,032.86	
DB5110.14	Seasonal Emp.		19,755.00
DB5110.43	Culvert Pipe		8,000.00
DB5110.48	Sidewalks		7,000.00
DB5130.43	Items for Stock		377.86
DB5130.44	Rental Equip.		12,900.00

The Resolution was subject to a vote upon roll call as follows:

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

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

**PUBLIC PRESENTATION (RESIDENT REQUEST)**

**FEE WAIVER/TAX-EXEMPT ORGANIZATION – RECREATION CENTER**

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

**(RESOLUTION NO. 345 OF 2008)**

**WHEREAS**, David Corr of the *Mohawk Valley Chapter of Trout Unlimited*, a tax-exempt organization, has reserved the Recreation Center on April 4, 2009 for a family-oriented and educational event for children;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby waive the rental fee for the *Mohawk Valley Chapter of Trout Unlimited* sponsored event to be held at the Recreation Center on April 4, 2009.

A roll call vote ensued:

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

**REGULAR TOWN BOARD MEETING**

**December 29, 2008**

**Page 42**

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

**NEW BUSINESS**

**2009 Re-organizational Resolutions**

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

**(RESOLUTION NO. 346 OF 2008)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby establish the normal operating hours for the Town of New Hartford offices to be 8:00 A.M. through 4:00 P.M., Mondays through Fridays during Fiscal Year 2009;

**RESOLVED** that Earle C. Reed, Supervisor of the Town of New Hartford, New York, be and he hereby is authorized and directed to sign all checks for the disbursement of funds of the Town of New Hartford for the Fiscal Year 2009;

**RESOLVED** that the New Hartford Town Board does hereby re-adopt the “*TOWN OF NEW HARTFORD EMPLOYEES HANDBOOK*”, prepared by AMTEK, dated September 15, 1999, and thereafter amended from time to time. Found within this manual is the official schedule of fringe benefits of non-union personnel for the year 2009. Also adopted herewith is the Non-union Benefits and Compensation document;

**RESOLVED** that the New Hartford Town Board does hereby establish the mileage rate at forty-six cents (\$.46) for all Town Officials and employees while performing regular and continuous business transactions in and for the Town of New Hartford during the Fiscal Year 2009;

**RESOLVED** that the New Hartford Town Board does hereby authorize the Town Supervisor to retain an auditing firm to audit the 2008 financial accounts and for subsequent preparation of the 2008 Annual Report, that auditing firm being Barone and Howard;

**RESOLVED** that the Town Board of the Town of New Hartford does hereby designate as Official Depositories in which all funds of the Town of New Hartford shall be deposited in 2009 the following institutions:

- Bank of America
- M & T Bank
- Chase Bank
- Citizens Bank

## **REGULAR TOWN BOARD MEETING**

**December 29, 2008**

**Page 43**

- Bank of New York
- NBT Bank, N.A.
- Adirondack Bank
- HSBC

and that the Town Supervisor or Bookkeeper of said Town be and hereby is authorized and directed to secure a Pledge of Security covering the maximum amount of money the Town would have on deposit at any one time during the Fiscal Year 2009 from each of the Official Depositories designated. A written security agreement and custodial agreement (which can be combined into one document) must be obtained. The Town, however, will try to have delivery of the collateral to an unrelated third party. If this cannot be effected, then all pertinent legal and financial risks will be evaluated;

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize the Town Supervisor or Bookkeeper of the said Town to deposit funds not needed for immediate expenditures in the form of interest-bearing Certificates of Deposit, Repurchase Agreements, Treasury Bills and Money Market Certificates with the Official Depositories listed in the official Investment Policy of the Town, which policy is presented herein as a separate Resolution;

**RESOLVED** that the New Hartford Town Board does hereby appoint Earle C. Reed as Marriage Officer in and for the Town of New Hartford for a one-year term commencing January 1, 2009 and ending December 31, 2009;

**RESOLVED** that the Town Board of the Town of New Hartford does hereby appoint the President of the New Hartford Historical Society as the Town's Historian for Fiscal Year 2009 at a contractual sum of \$4,000.00 payable to the Historical Society;

**RESOLVED** that the Rules of Procedure which were initially adopted April 21, 1965, and amendments thereto, are hereby affirmed and re-adopted by the New Hartford Town Board for Fiscal Year 2009 as set forth in the attached Schedule "A" that is made a part of this resolution;

**RESOLVED** that the New Hartford Town Board does hereby appoint Councilman Woodland as the Delegate to attend the Annual Business Session of the Association of Towns of the State of New York, (Councilwoman Krupa as Alternate), to be held at New York, New York on February 20, 2009 and to cast the vote of the aforesaid Town, pursuant to Section 6 of Article 3 of the Constitution and By-laws of said Association;

**RESOLVED** that the New Hartford Town Board does hereby confirm the Supervisor's appointment of David M. Reynolds as Deputy Town Supervisor for a term of one (1) year

**REGULAR TOWN BOARD MEETING**

**December 29, 2008**

**Page 44**

commencing January 1, 2009, with a corresponding stipend of One Thousand Dollars (\$1,000.) to Councilman Reynolds for 2009;

**RESOLVED** that David M. Reynolds, Deputy Town Supervisor of the said Town be, and he hereby is authorized and directed to sign all checks for disbursements of funds of said Town for Fiscal Year 2009, in the absence of the Town Supervisor;

**RESOLVED** that the New Hartford Town Board does hereby authorize the Town Supervisor or Bookkeeper to pay bills/expenses to National Grid, the Mohawk Valley Water Authority, all telephone carriers, to the Town's designated vendors for all insurance premiums, to the New York State and Local Retirement Systems (Employees' Retirement System and Police and Fire Retirement System) for employer contributions, without prior final audit by the Town Board;

**RESOLVED** that the New Hartford Town Board does hereby re-adopt the Purchasing Policies and Procedural Manual, originally adopted on January 1, 1992 and revised on January 1, 2006

**RESOLVED** that the New Hartford Town Board does hereby re-adopt the Official Investment Policy for the Town of New Hartford originally adopted on March 3, 1993 and in accordance with Chapter 708 of the Laws of 1992;

**RESOLVED** that the Town Board of the Town of New Hartford does hereby designate The Observer Dispatch as the Town's official newspaper for Fiscal Year 2009.

**SCHEDULE "A"**  
**RULES OF PROCEDURE**

**I. REGULAR MEETINGS:**

Regular meetings of the New Hartford Town Board shall be held in the locations designated and on the following Wednesdays commencing at 6:00 P.M. for the Fiscal Year 2009, unless otherwise changed and publicized:

**Butler Memorial Hall (Community Meeting Room)**

January 14 and January 28, 2009  
February 11 and February 25, 2009  
March 11 and March 25, 2009  
April 8 and April 22, 2009  
October 14 and October 28, 2009  
November 4 and November 18, 2009  
December 9 and \*December 30, 2009

**REGULAR TOWN BOARD MEETING**  
**December 29, 2008**  
**Page 45**

**Kellogg Road Community Center Building**  
May 13 and May 27, 2009  
June 10, 2009  
July 8, 2009  
August 12, 2009  
September 9 and September 30, 2009

The Town Board reserves the right to dispense with the second regularly-scheduled meeting each month if no urgent matters need the Town's attention; if cancelled, notice shall be provided to the Department Heads and the news media by the Friday immediately preceding the meeting to be cancelled.

\*In addition, the Town Board shall meet on or after the 28<sup>th</sup> day of December but not later than the 31<sup>st</sup> day of December as determined by the Supervisor pursuant to Law.

**II. SPECIAL MEETINGS:**

The Supervisor may, and upon written request of two (2) members of the Board, call a special meeting of the Town Board at any time by giving at least two (2) days' notice in writing to the other members of the Board of the time when and the place where the meeting is to be held.

**III. QUORUM:**

A majority of the Board shall constitute a quorum for the transaction of business, but a lesser number may adjourn.

**IV. VOTING UPON QUESTIONS:**

Every act, motion or resolution shall require for its adoption the affirmative vote of a majority of all members of the Town Board, except in such instances in which a large number of affirmative votes shall be required by law. The vote upon every question shall be taken by ayes and nays, and the names of the members present and their votes shall be entered in the minutes.

**V. STANDING COMMITTEES:**

The Supervisor shall appoint the following Standing Committees:

- Assessor
- Elections
- Human Resource
- Motor Pool
- Parks and Recreation
- Public Safety and Courts

## REGULAR TOWN BOARD MEETING

December 29, 2008

Page 46

- Public Works and Sewer
- Senior Citizens
- Town Clerk
- Village/Town/School Liaison
- Zoning and Planning
- Library

Such Committees shall consist of members of the Board and shall assist the Town Board in the performance of its duties with reference to such matters as may from time to time be referred to such Committees.

### **VI. SPECIAL COMMITTEES:**

The Town Board may, from time to time, appoint such Special Committees as may be deemed desirable to assist the Board in performance of its duties. Such Committees may include Town Officers other than Board members in their membership in an advisory capacity only.

- Each group is to consist of at least one (1) Town Board member and one (1) Department Head, which act in an ADVISORY CAPACITY only, unless prohibited by law
- Each group is to have at least
  - A written list of objectives
  - A Chairperson who is to be recommended by the group's members and submitted to the Town Board for approval. Duties of Chairperson shall include:
    1. Chair open meetings
    2. Act as the official spokesperson for said group
  - Vice-Chairperson is to be appointed directly by the group members. Duties of Vice-Chairperson shall include:

Assume the duties of the Chairperson in his/her absence
  - Maximum number of members to be determined by the Department Head. Unexcused absence from four (4) consecutive meetings is cause for removal of member(s) by the Chairperson
  - If possible, each group shall consist of one member from each of the four (4) Wards in the Town. Selection of Members:

## REGULAR TOWN BOARD MEETING

December 29, 2008

Page 47

1. Participation shall be based on written request to the Department Head for consideration.
  2. Appointed by the Town Board
  3. If there are more volunteers than openings, membership shall be determined by the Department Head who shall consider:
    - i. Resume or list of qualifications
    - ii. Personal interview
- Term limits not to exceed two (2) four-year terms, which shall be staggered
  - Remuneration to members shall require Town Board budget approval
- Department Heads shall maintain a list of all appointments and terms which shall be reviewed annually with the Town Board and filed with the Town Clerk's Office
  - This policy EXCLUDES:
    - Zoning Board of Appeals
    - Planning Board
    - Board of Assessment Review
    - Police Commission.

In the event of vacancies on the Zoning Board of Appeals or Planning Board, the respective Board shall receive and review applications, conduct interviews, and make written recommendation to the Town Board as to the person best qualified to fill the vacancy.

### **VII. ORDER OF BUSINESS:**

The business of all regular meetings of the Town Board shall be transacted in the following order:

- Reading of minutes of previous meeting, unless waived by a majority of the members of the Board present
- Public Hearings (6:00 P.M.)
- Consideration of Public Presentations
- Reports of Town Officials
- Reports of Standing Committees
- Reports of Special Committees
- Consideration of matters submitted by Town Board members

## **REGULAR TOWN BOARD MEETING**

**December 29, 2008**

**Page 48**

- Consideration of matters submitted by Town Supervisor in the following order:
  - Financial and other routine reports
  - Miscellaneous communications
  - Unfinished business
  - New business.

### **VIII. LEGISLATIVE MATTERS:**

All resolutions, ordinances and local laws, other than routine resolutions approving payment of bills, minutes and like matters, shall be in writing and filed with the Town Clerk and made available to Board members not later than the Saturday prior to the meeting at which they are to be introduced unless this provision be waived as to any such resolution, ordinance or local law by a majority of the members of the Board present at such meeting.

Resolutions, ordinances and local laws shall be introduced in the regular order of business and shall be read aloud by the Town Clerk before being acted upon by the Board.

### **IX. ABSENCE OF SUPERVISOR:**

In the absence of the Supervisor, the Deputy Supervisor shall call the Town Board to order and shall be Chairman of the meeting; and, in the absence of the Supervisor and the Deputy Supervisor, then the Town Clerk shall call the Town Board to order and if a quorum be present, the Town Board shall elect one of its members as Chairman of the meeting.

### **X. MEMBERS MAY NOT ABSENT THEMSELVES:**

No member of the Town Board may absent himself from a meeting of the Town Board for more than ten (10) minutes at a time unless for good cause he is excused by the Supervisor.

### **XI. REFUSAL TO VOTE:**

Each member of the Board shall vote upon each question presented unless for good cause he is excused therefrom by the unanimous consent of all members of the Board present. Any member refusing to vote other than by consent of the Board shall be subject to a motion of censure.

### **XII. PARLIAMENTARY RULES:**



**REGULAR TOWN BOARD MEETING**  
**December 29, 2008**  
**Page 49**

Except as otherwise provided herein, all parliamentary questions shall be decided in accordance with the latest edition of Roberts' Rules of Order, revised, for deliberative assemblies.

**XIII. SUSPENSION OF RULES:**

Any rule of the Town Board may at any time be temporarily suspended for special reasons by a majority vote of all of the members of the Town Board present at a meeting thereof. No permanent alteration may be made except by resolution in writing duly filed with the Town Clerk prior to the meeting at which such amendment is introduced.

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

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

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

**Appointment - Attorney for the Town**

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

**(RESOLUTION NO. 347 OF 2008)**

**RESOLVED** that the New Hartford Town Board does hereby retain the professional legal services of Gerald J. Green as Attorney for the Town for fiscal year 2009, at the contractual hourly rate of One Hundred Fifty Dollars (\$150) for services rendered.

A roll call was duly held and resulted as follows:

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

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

**Appointment – Planning Board Chairman**

Councilman Payne offered the following Resolution for adoption; Councilwoman Krupa

**REGULAR TOWN BOARD MEETING**  
**December 29, 2008**  
**Page 50**

seconded same:

**(RESOLUTION NO. 348 OF 2008)**

**RESOLVED** that the New Hartford Town Board does hereby re-appoint Hans G. Arnold as Planning Board Chairman for a one (1) year term, commencing January 1, 2009 and ending December 31, 2009.

Upon roll call, the Board voted as follows:

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

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

**Appointment – Planning Board Member**

The vacancy on the Planning Board will be advertised.

**Appointment – Zoning Board of Appeals Chairman**

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

**(RESOLUTION NO. 349 OF 2008)**

**RESOLVED** that the New Hartford Town Board does hereby re-appoint Randy Bogar as Chairman of the Zoning Board of Appeals for a one (1) year term commencing January 1, 2009 and ending December 31, 2009.

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

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

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

**REGULAR TOWN BOARD MEETING**  
**December 29, 2008**  
**Page 51**

**Appointment - Police Commission Member**

Councilman Woodland offered the following Resolution for adoption and Councilwoman Krupa seconded same:

**(RESOLUTION NO. 350 OF 2008)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby re-appoint James F. Spellman as a Member of the Town Police Commission for a five-year term commencing January 1, 2009 and ending December 31, 2013.

The Town Board members voted individually as follows:

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

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

**Appointment – Board of Assessment Review**

NOTE: A vacancy has existed on the Board of Assessment Review since October 1, 2008.

**Appointments – 2009 Town Board Standing Committees**

Supervisor Reed had submitted his list of Standing Committees for fiscal year 2009:

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

**REGULAR TOWN BOARD MEETING**  
**December 29, 2008**  
**Page 52**

**Ethics Committee**

It was the consensus of the Town Board that the three-member Ethic Committee, comprised of Richard B. Woodland, Jr. and two (2) vacant positions, not be disbanded and that, in the event a situation arises, that the Town would use the County Ethics Committee.

**Appointments – Advisory Committee on Safety**

No action was taken on re-appointments; two (2) resident vacancies exist at this time and Councilman Payne is working on this matter.

**Appointments – Advisory Committee on Public Works and Sewer**

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

**(RESOLUTION NO. 351 OF 2008)**

**RESOLVED** that the New Hartford Town Board does hereby re-appoint William Wolbert and Lewis Smith as Members of the ***Advisory Committee on Public Works and Sewers*** for three-year terms each commencing January 1, 2009 and ending December 31, 2011.

The Board members voted as follows:

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

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

**Vacancy and New Position – Stormwater Management (Advisory) Improvement Committee**

Appointments expire May 9<sup>th</sup> annually and are three-year terms. Currently, there is one vacancy due to a resignation.

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

**REGULAR TOWN BOARD MEETING**  
**December 29, 2008**  
**Page 53**

**(RESOLUTION NO. 352 OF 2008)**

**WHEREAS**, Edward DeSanctis has resigned as a Member of the Stormwater Management (Advisory) Improvement Committee, leaving a vacancy in his term that will expire May 9, 2010;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize and direct the advertisement of said vacancy, with resumes and/or applications being submitted to the Town Supervisor's Office.

The Town Clerk stated she would work with Personnel Technician Barbara Aiello on this matter. A roll call vote ensued:

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

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

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

**(RESOLUTION NO. 353 OF 2008)**

**WHEREAS**, the New Hartford Town Board established the Stormwater Management (Advisory) Improvement Committee on May 9, 2007 to consist of two (2) at-large members, one (1) representative from the Public Works and Sewer Advisory Committee, the Planning Board Chairman or his/her designee, the Town Planner, and the Senior Engineering Technician, and that the Town Attorney will serve as an Ad Hoc member on an "as-needed" basis for consultation; and

**WHEREAS**, on May 13, 2008 the Town Board thereafter amended its original Resolution No. 89, adopted May 9, 2007, to provide that the Advisory Committee shall consist of four (4) at-large members, with the remaining membership to remain unchanged and whose terms shall initially be as follows:

At-Large Members		
Position 1.	-	2 years
Position 2.	-	2 years
Position 3.	-	3 years

**REGULAR TOWN BOARD MEETING**

**December 29, 2008**

**Page 54**

Position 4. - 3 years

Public Works and Sewer Advisory Committee representative

Position 5. - 1 year

After the initial member terms expire, all re-appointments shall be for like-duration terms, with the exception of Town staff that shall serve on a yearly basis; and be it

and

**WHEREAS**, the New Hartford Town Board has been asked to include a representative from the Village of New Hartford on the Stormwater Management Improvement (Advisory) Committee;

**NOW, THEREFORE, BE IT RESOLVED** that, effective January 1, 2009, the Town Board does further amend the membership on the Stormwater Management (Advisory) Improvement Committee to include an additional Position, to be known as Position 6 – New Hartford Village Representative, and which Position shall have an initial term expiration of May 9, 2010 and thereafter, shall be a three-year term; and be it

**FURTHER RESOLVED** that the Town Board does hereby appoint John McMillan as a Member of the Stormwater Management (Advisory) Improvement Committee, filling Position 6 – New Hartford Village Representative, effective January 1, 2009.

Upon roll call, the Town Board voted as follows:

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

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

**Appointments – Advisory Committee on Parks and Recreation**

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

**(RESOLUTION NO. 354 OF 2008)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby re-appoint Anthony (Omar) Massoud, William Bonsted and Jerome Pitarresi as Members of the

**REGULAR TOWN BOARD MEETING**

**December 29, 2008**

**Page 55**

*Advisory Committee on Parks and Recreation*, all for three-year terms commencing January 1, 2009 and terminating December 31, 2011.

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

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

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

**Appointments – Advisory Committee on Sidewalks**

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

**(RESOLUTION NO. 355 OF 2008)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby re-appoint the following persons as Members of the *Advisory Committee on Sidewalks*, all for one-year terms commencing January 1, 2009 and terminating December 31, 2009:

- Residents
  - John D’Amore
  - Peter Rayhill
  - Michael Dunn
  - Andrea Zygmunt
  - Sandra Whitney
  - Elizabeth Peters-Adelman
- Police Chief Raymond Philo
- Highway Superintendent Richard Sherman
- Planner Kurt Schwenzfeier
- Parks and Recreation Director Michael Jeffery
- Planning Board Member Margaret Rotton
- Senior Engineering Technician John Meagher
- Town Board Liaison – Councilman Robert Payne
- NYS Dept of Transportation Representative – Paul Evans.

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

**REGULAR TOWN BOARD MEETING**  
**December 29, 2008**  
**Page 56**

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

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

**Appointment – Advisory Committee on Senior Citizen Services**

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

**(RESOLUTION NO. 356 OF 2008)**

**RESOLVED** that the New Hartford Town Board does hereby appoint the following individuals to serve as Members of the ***Advisory Committee on Senior Citizen Services*** for a one-year term beginning January 1, 2009 and ending December 31, 2009:

1. Philip Eastman - “Young at Heart” Group
2. Shirley Waterbury - Clinton Road Senior Group
3. Patricia MacEnroe - New Hartford Adult Center
4. Connie Moran - Meadows
5. Loretta Mandry - New York Mills Seniors
6. Gloria McRorie - Village Elders Senior
7. Denise Reuter - Village Elders Senior
8. Jean McBride - AARP
9. Bridget Kopel - Oneida County Office of Aging
10. Nancy Hartmann - Sunset Wood Apartments
11. Father Joseph S. Zareski - St. John the Evangelist Church
12. Rev. Janet Hoover - New Hartford Presbyterian Church
13. Cindy Dardano - Preswick Glen
14. Claire Murad - Presbyterian Home (Meadows Social Worker)
15. Rev. Dominic Blase
16. M. Eileen Spellman
17. Councilman Robert A. Payne III
18. Councilwoman Christine G. Krupa

The Board members voted upon roll call:

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



**REGULAR TOWN BOARD MEETING**  
**December 29, 2008**  
**Page 57**

Councilman Payne - Aye  
Supervisor Reed - Absent.

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

**Appointments – Advisory Committee on 24-Hour Emergency Dispatch**

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

**(RESOLUTION NO. 357 OF 2008)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby appoint the following individuals to the **24-Hour Emergency Dispatch Committee** commencing January 1, 2009 and ending December 31, 2009:

1. Jeffrey P. Madden, Central Dispatch
2. Raymond Philo, New Hartford Police Chief
3. (Vacancy) New York Mills Police Chief
4. William Freiberger, New Hartford Fire Chief
5. Robert Glenn, New York Mills Fire Chief
6. William Hughes, Willowvale Fire Chief
7. Gary Edwards, Edwards Ambulance
8. Daniel Verminski, Central Oneida County Ambulance
9. George Nassar, Central Oneida County Ambulance
10. Rodger Reynolds, New Hartford Village Representative
11. Robert Maciol, New York Mills Village Mayor
12. Janet Hughes, Town Police Commission member
13. First Ward Councilman/Town Board
14. Second Ward Councilman/Town Board
15. Barbara J. Aiello, Town Personnel Assistant
16. Terrance P. Martin, Citizen at large
17. Lawrence Gilroy, Chairman

The foregoing Resolution was subject to a vote upon roll call as follows:

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

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

**REGULAR TOWN BOARD MEETING**  
**December 29, 2008**  
**Page 58**

**Appointment – Advisory Committee on the Zoning Law**

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

**(RESOLUTION NO. 358 OF 2008)**

**RESOLVED** that the New Hartford Town Board does hereby re-appoint the following individuals to serve as Members of the *Advisory Committee the Zoning Law* for a one-year term beginning January 1, 2009 and ending December 31, 2009:

- Timothy Tallman – Zoning Board of Appeals’ Member
- Jerome F. Donovan – Planning Board Member
- William Delaney – At-large Member
- William Smith – At-large Member
- Jack Jones – At-large Member.

The Board members voted upon roll call:

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

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

**Training School – Town Clerk-Registrar, Records Management**

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

**(RESOLUTION NO. 359 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 Town Clerk Gail Wolanin Young to attend the 27th Annual New York State Town Clerks Association Conference from April 26 through April 29, 2009 in Rochester, New York, with expenses to be borne by said Town as budgeted; and be it

**REGULAR TOWN BOARD MEETING**

**December 29, 2008**

**Page 59**

**FURTHER RESOLVED** that the Town Clerk be, and she hereby is, authorized to attend the business/educational meetings of the Oneida County Association of Town Clerks and State-sponsored Workshops on Records Management and Vitals Statistics during fiscal year 2009, with incidental 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	-	Absent.

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

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

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

**(RESOLUTION NO. 360 OF 2008)**

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

- Codes Enforcement Officer Joseph A. Booth
- Highway Superintendent Richard Sherman
- Highway Department Working Foreman Christopher Moran
- Parks and Recreation Director Michael W. Jeffery
- Police Chief Raymond L. Philo
- Recreation Center Manager John C. Cunningham.
- Senior Engineering Technician John Meagher

And be it

**FURTHER RESOLVED** that a mileage log shall be placed in the vehicles used by the Codes Enforcement Officer and the Recreation Center Manager and upon which these employees shall record the nighttime mileage accumulated, including their destination and purpose of travel.

**REGULAR TOWN BOARD MEETING**  
**December 29, 2008**  
**Page 60**

The Resolution was subject to roll call:

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

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

**2009 Salary Schedule**

The Personnel Technician had provided the Town Supervisor with a list of salaries that coincide with the 2009 approved budget; therefore, Councilman Woodland offered the following Resolution for adoption, seconded by Councilman Payne:

**(RESOLUTION NO. 361 OF 2008)**

**WHEREAS**, Town Law, Section 27, provides that the Town Board of each town shall fix, from time to time, the salaries of all officers, officials and employees of said town, whether elected or appointed, and determine when the same shall be payable.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby approve and establish the following **Schedule of 2009 Salaries** for the employees and officials of the Town of New Hartford, payable in the manner designated:

<b><u>Title and Name</u></b>	<b><u>2009 Base</u></b>	<b><u>2009 Salary</u></b>	<b><u>Manner of Payment</u></b>
Councilman David M. Reynolds		\$ 6,165	bi-weekly
Deputy Town Supervisor David M. Reynolds		\$ 1,000	bi-weekly
Councilman Robert Payne III		\$ 6,165	bi-weekly
Councilwoman Christine G. Krupa		\$ 6,165	bi-weekly
Councilman Richard B. Woodland, Jr.		\$ 6,165	bi-weekly
Town Justice James VanSlyke (Chief Justice)		\$20,465	bi-weekly
Town Justice William M. Virkler		\$17,965	bi-weekly
Clerk to Court Justice Ann Rose	\$17.88/hr		bi-weekly
Court Attendant John Rukavena	\$24.94/hr		bi-weekly
Clerk to Court Justice Donna Fanelli	\$14.45/hr		bi-weekly
Part-time Clerk Mary Kennedy	\$11.47/hr		bi-weekly
Supervisor Earle C. Reed		\$14,795	bi-weekly
Confidential Secretary Carol Ryan	\$20.85/hr		bi-weekly
Bookkeeper Carol D. Fairbrother	\$32.26/hr		bi-weekly
Account Clerk Janice O'Sullivan	\$12.49/hr		bi-weekly
Sub Clerk Cherie Fairbrother	\$ 9.01/hr		bi-weekly
Receiver of Taxes Hilarie C. Elefante		\$26,098	bi-weekly

**REGULAR TOWN BOARD MEETING**  
**December 29, 2008**  
**Page 61**

<u><i>Title and Name</i></u>	<u><i>2009 Base</i></u>	<u><i>2009 Salary</i></u>	<u><i>Manner of Payment</i></u>
Deputy Receiver of Taxes Kathleen Glenn		\$13,439.06	bi-weekly
Pt-time Clerk Sub Hilarie A. Elefante	\$ 7.98/hr		
Assessor Paul E. Smith	\$27.03/hr		bi-weekly
Real Property TSA Teresa Brown	\$14.57/hr		bi-weekly
Real Property TSA Margaret Jones	\$14.82/hr		bi-weekly
BAR Member Krista Pembroke		\$ 700	annually
BAR Chairman Duane C. Farr		\$ 800	annually
BAR Member (Vacant)		\$ 700	annually
BAR Member Edward F. Goggin		\$ 700	annually
BAR Member Jonathan Purdy		\$ 700	annually
Town Clerk Gail Wolanin Young		\$37,576	bi-weekly
Deputy Town Clerk I Melody K. Fancett	\$12.01/hr		bi-weekly
Sub Clerk Andrea K. Toomey	\$11.95/hr		bi-weekly
Sub Clerk Louise Skinner	\$ 7.98/hr		
Deputy Town Clerk II –Stipend A. Toomey	\$ 1.60/hr		bi-weekly
Personnel Technician II Barbara J. Aiello	\$23.80/hr		bi-weekly
Senior Engineering Technician John Meagher	\$32.26/hr		bi-weekly
Cleaner Part-time Roger Jones	\$ 9.23/hr		bi-weekly
Cleaner Candy Currier		\$8,694	bi-weekly
Cleaner, Part-t Sub Lewis Smith	\$ 9.52/hr		bi-weekly
Clerk, Part-time Sub Barbara Couture	\$ 9.84/hr		bi-weekly
Police Chief Raymond Philo	\$40.55/hr		bi-weekly
Police Lieutenant Timothy O'Neill	) All		
Police Officer Andrew Allen	)		
Police Officer Christopher Burns	) Police		
Police Officer Peter Colburn	)		
Police Officer Ronald Fontaine, Jr.	) Officer		
Police Officer Justin Gehringer	)		
Police Officer James Hyatt II	) Salaries		
Police Officer Daniel G. Herman	)		
Police Officer Michael Kowalski	) Currently		
Police Officer Steven Laymon	)		
Police Officer Francis A. Manfredo	) Under		
Police Officer Jarod T. Petrie	)		
Police Officer Brad Pietryka	)		
Police Officer Richard Salamone	) Union		
Police Officer Carl E. D. Schmidt Jr.	)		
Police Officer Matthew J. Sica III	) Negotiations		
Police Officer Jordan Spinella	)		
Police Officer Shane Yoxall	)		
Police Officer Part-time Scott Adsit	)		
Police Officer Part-time Raymond Hamo	)		
Police Officer Part-time Michael Reilly	)		
Police Officer Part-time Patrick Sacco	)		
Police Officer Part-time (vacancy of R. Sherman)	)		
Police Officer Part-time William J. Freiburger	)		
Police Sergeant Paul Colburn	)		
Police Sergeant Michael Inserra	)		
Police Sergeant Robert Philo	)		

**REGULAR TOWN BOARD MEETING****December 29, 2008****Page 62**

<u><i>Title and Name</i></u>	<u><i>2009 Base</i></u>	<u><i>2009 Salary</i></u>	<u><i>Manner of Payment</i></u>
School Crossing Guard Rosemari Bennett	\$ 8.68/hr		bi-weekly
School Crossing Guard MaryAnn Jordan	\$ 8.68/hr		bi-weekly
School Crossing Guard Jacqueline Mosakowski	\$ 8.68/hr		bi-weekly
School Crossing Guard Part-time Lewis Smith	\$ 8.68/hr		bi-weekly
School Crossing Guard Part-time (Subs):			
Edward Bowes	\$ 8.68/hr		bi-weekly
Patricia Randall	\$ 8.68/hr		bi-weekly
Thomas V. Randall	\$ 8.68/hr		bi-weekly
Janet Reynolds	\$ 8.68/hr		bi-weekly
James Wilcox	\$ 8.68/hr		bi-weekly
Mary C. Wilcox	\$ 8.68/hr		bi-weekly
Senior Account Clerk Typist Michele Moran	\$17.16/hr		bi-weekly
Senior Clerk Amy Topor	\$17.03/hr		bi-weekly
Senior Typist Susan M. Donnenwirth	\$13.56/hr		bi-weekly
Clerk Part-time Joseph E. Crandall, Jr.	\$ 8.98/hr		bi-weekly
Public Safety Telecommunicators:			
Michael Brunet	\$20.10/hr		bi-weekly
Craig Burnop	\$16.81/hr		bi-weekly
Gregory DeBernardis	\$16.50/hr		bi-weekly
Deborah Demko	\$21.32/hr		bi-weekly
Steven Ingersoll	\$21.96/hr		bi-weekly
Nancy Woeltje	\$20.70/hr		bi-weekly
Public Safety Telecommunicators Part-time:			
Daniel Buley	\$17.29/hr		bi-weekly
Michael Geller	\$15.33/hr		bi-weekly
James P. Kreutzer	\$21.96/hr		bi-weekly
John A. Libby	\$11.11/hr		bi-weekly
David E. Maier	\$19.51/hr		bi-weekly
Laurie R. Marshall	\$16.50/hr		bi-weekly
(Vacancy of Nicholas Morosco)	\$15.33/hr		bi-weekly
Christopher Roy	\$11.61/hr		bi-weekly
Jarod T. Petrie	\$ /hr		bi-weekly
Vito Sinisgalli	\$15.33/hr		bi-weekly
Michael J. Talento	\$17.29/hr		bi-weekly
Clerk-Dispatch Center Kevin Gubbins	\$10.98/hr		bi-weekly
Supervising Public Safety Telecommunicator			
Jeffrey Madden	\$25.48/hr		bi-weekly
Animal Control Officer Nicholas J. Morosco	\$18.36/hr		bi-weekly
ACO Part-time Joseph Zwijasz	\$11.95/hr		bi-weekly
Clerk Candy J. Currier	\$14.38/hr		bi-weekly
Clerk Sub Allison Back	\$ 9.02/hr		bi-weekly
Highway Superintendent Richard Sherman		\$42,720	bi-weekly
Bus Driver Sub Robin Wheatley	\$12.40/hr		bi-weekly
Bus Driver Part-time Diane Mueller	\$12.40/hr		bi-weekly
Bus Driver Part-time Sub Linda J. Mundrick	\$12.72/hr		bi-weekly
Bus Driver Sub John Shaw	\$12.40/hr		bi-weekly
Bus Driver William J. Hughes	\$12.40/hr		bi-weekly
Clerk Part-time Patricia Butler	\$11.81/hr		bi-weekly
Clerk Part-time Ruth Irwin	\$ 7.75/hr		bi-weekly

**REGULAR TOWN BOARD MEETING**

**December 29, 2008**

**Page 63**

<u><i>Title and Name</i></u>	<u><i>2009 Base</i></u>	<u><i>2009 Salary</i></u>	<u><i>Manner of Payment</i></u>
Clerk Part-time Lesli Anweiler	\$ 7.75/hr		bi-weekly
Clerk Sub Mary Bolton	\$ 8.47/hr		bi-weekly
Food Service Helper Part-time Margaret L. Brady	\$ 8.96/hr		bi-weekly
Food Service Helper Part-time Sub John "Jack" Jecko	\$ 9.23/hr		bi-weekly
Food Service Helper Sub Carol Burney	\$ 8.47/hr		bi-weekly
Food Service Helper/Clerk Sub Nancy Constantine	\$ 8.72/hr		bi-weekly
Food Service Helper/Clerk Sub Patricia Stevenson	\$ 8.22/hr		bi-weekly
Bus Driver Sub/Clerk Sub Robin Wheatley	\$12.04/hr		bi-weekly
Meal Site Manager Part-time Charlotte Mazurowski	\$11.31/hr		bi-weekly
Senior Citizen Center Coordinator M. Eileen Spellman	\$18.09/hr		bi-weekly
Clerk Typist Maureen Owens	\$18.93/hr		bi-weekly
Director of Recreation Center John C. Cunningham	\$24.24/hr		bi-weekly
Director of Recreation Programs Michael Jeffery	\$27.80/hr		bi-weekly
Laborer Sheldon Gordon	\$11.04/hr		bi-weekly
Recreation Maintenance Worker James Miller	\$13.31/hr		bi-weekly
Recreation Maintenance Worker Michael K. Natale	\$14.72/hr		bi-weekly
Recreation Maintenance Worker John Randall	\$14.72/hr		bi-weekly
Recreation Maintenance Worker Robert Ahrendsten	\$12.92/hr		bi-weekly
Working Supervisor Brian Jenny	\$19.76/hr		bi-weekly
Working Supervisor James R. Campbell	\$16.52/hr		bi-weekly
Youth Employment Director Maureen Owens		\$ 5,505	bi-weekly
Deputy Registrar of Vital Statistics Robin L. Brindisi	\$18.93/hr		bi-weekly
Registrar of Vital Statistics Gail Wolanin Young		\$11,098	bi-weekly
Assistant Codes Enforcement Officer Thomas Rowlands	\$16.41/hr		bi-weekly
Village – Codes Enforcement Thomas Rowlands		\$ 6,000	bi-weekly
Codes Enforcement Officer Joseph A. Booth	\$36.21/hr		bi-weekly
Zoning Enforcement Officer Part-time Carmen Anthony Luppino	\$20.00/hr		bi-weekly
Plumbing Inspector Joseph A. Booth		\$ 8,240	bi-weekly
Senior Office Specialist II Dolores B. Shaw	\$23.28/hr		bi-weekly
Zoning Board of Appeals Chairman Randy Bogar		\$ 2,500	semi-annual
ZBA Member Frederick Kiehm		\$ 1,250	semi-annual
ZBA Member John Montrose		\$ 1,250	semi-annual

**REGULAR TOWN BOARD MEETING**

**December 29, 2008**

**Page 64**

<u><i>Title and Name</i></u>	<u><i>2009 Base</i></u>	<u><i>2009 Salary</i></u>	<u><i>Manner of Payment</i></u>
ZBA Member Robert Schulman		\$ 1,250	semi-annual
ZBA Member Kristin Shaheen		\$ 1,250	semi-annual
ZBA Member Timothy Tallman		\$ 1,250	semi-annual
ZBA Member Kimberly Carolan-Faga		\$ 1,250	semi-annual
Planner Kurt Schwenzfeier	\$28.86/hr		bi-weekly
Planning Board Chairman Hans Arnold		\$ 2,500	semi-annual
Planning Board Member Jerome F. Donovan		\$ 1,250	semi-annual
Planning Board Member (vacancy)		\$ 1,250	semi-annual
Planning Board Member Ellen Rayhill		\$ 1,250	semi-annual
Planning Board Member Rodger Reynolds		\$ 1,250	semi-annual
Planning Board Member Margaret Rotton		\$ 1,250	semi-annual
Planning Board Member Robert A. Wood		\$ 1,250	semi-annual
Automotive Mechanic Kim Griffith	\$28.80/hr		bi-weekly
Automotive Mechanic Gerald Webb	\$28.24/hr		bi-weekly
Automotive Mechanic Jeramy Waterman	\$22.28/hr		bi-weekly
Heavy Equipment Operators:			
Michael L. Coonradt	\$23.30/hr		bi-weekly
Robert J. Dziedzic	\$23.55/hr		bi-weekly
Corey Halpin	\$23.18/hr		bi-weekly
William Marshall	\$24.64/hr		bi-weekly
Kevin W. Martin	\$23.58/hr		bi-weekly
Christopher R. Moran	\$23.18/hr		bi-weekly
Norman Naber	\$24.07/hr		bi-weekly
Michael Roberts	\$23.55/hr		bi-weekly
William Smith	\$24.63/hr		bi-weekly
Michael Smoulcey	\$23.18/hr		bi-weekly
Laborer Christopher Budlong	\$12.73/hr		bi-weekly
Motor Equipment Operator Jesse Conhaim	\$19.86/hr		bi-weekly
Laborers:			
James Hinman	\$11.67/hr		bi-weekly
Kevin Mathews	\$13.79/hr		bi-weekly
Motor (H) Equipment Operator Douglas W. Gehringer	\$24.71/hr		bi-weekly
Motor Equipment Operators:			
Bryon Rich	\$19.86/hr		bi-weekly
David J. DeBlois	\$20.83/hr		bi-weekly
Joseph G. Fletcher	\$22.08/hr		bi-weekly
Keith Gehringer	\$19.86/hr		bi-weekly
John Kelly	\$19.86/hr		bi-weekly
Jeffery M. Mundrick	\$20.04/hr		bi-weekly
Thomas S. Panzone, Jr.	\$19.98/hr		bi-weekly
Brian Smith	\$19.86/hr		bi-weekly
Timothy Solan	\$20.11/hr		bi-weekly
Sewer Superintendent Richard Sherman		\$17,280	bi-weekly

The Town Board members voted upon roll call that resulted as follows:



**REGULAR TOWN BOARD MEETING  
December 29, 2008  
Page 65**

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

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

**Inter-municipal Agreement for Building Code Services – Village of New Hartford**

The Inter-Municipal Agreement for 2009 was presented, wherein the Town would continue to provide Building Code services (enforcement) to the Village, in accordance with the terms and conditions set forth in the initial Agreement entered into for 2003, and any amendments thereto. Thereafter, Councilwoman Krupa presented the following Resolution for adoption; seconded by Councilman Payne:

**(RESOLUTION NO. 362 OF 2008)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby approve and does hereby authorize and direct the Town Supervisor to enter into and to execute an Inter-Municipal Agreement between the Town and the Village of New Hartford, wherein said Town will provide Building Code services to said Village during Calendar Year 2009 in accordance with the same terms and conditions set forth in the 2003 Inter-municipal Agreement; a copy of the 2009 Agreement will be filed in the respective Clerks' Offices.

A roll call vote ensued:

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

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

**Agreement for Fire Protection - Village of New Hartford Fire Department**

Councilman Payne moved the following Resolution for adoption and Councilman Woodland seconded same:

**REGULAR TOWN BOARD MEETING**  
**December 29, 2008**  
**Page 66**

**(RESOLUTION NO. 363 OF 2008)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the execution of the one-year Fire Protection Contracts commencing January 1, 2009 and ending December 31, 2009 between the Town of New Hartford and **District 1 and 2 and District 3**, Village of New Hartford and its Fire Department, as follows:

- Districts 1 and 2 - **\$584,708.**
- District 3 - **\$ 50,844.**

Upon roll call, the Board members voted as follows:

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

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

**Agreement for Fire Protection - Willowvale Fire Company, Inc.**

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

**(RESOLUTION NO. 364 OF 2008)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the execution of the one-year Fire Protection Contract commencing January 1, 2009 and ending December 31, 2009 between the Town of New Hartford and **District 4, Willowvale Fire Company, Inc.**, in the amount of Three Hundred Ninety-one Thousand Four Hundred Fifty-six Dollars (**\$391,456**).

Upon roll call, the Board members voted as follows:

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

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

**REGULAR TOWN BOARD MEETING**  
**December 29, 2008**  
**Page 67**

**Agreement for Fire Protection – Village of New York Mills Fire Department**

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

**(RESOLUTION NO. 365 OF 2008)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the execution of the one-year Fire Protection Contract commencing January 1, 2009 and ending December 31, 2009 between the Town of New Hartford and **District 5, Village of New York Mills and its Fire Department.** in the amount of One Hundred Twenty-five Thousand Four Hundred Twenty-nine Dollars (***125,429***).

Upon roll call, the Board members voted as follows:

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

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

**ADJOURNMENT**

There being no further business to come before the Board, upon motion of Councilwoman Krupa, seconded by Councilman Reynolds, the meeting was adjourned at 6:54 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk