

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT BUTLER MEMORIAL HALL ON
WEDNESDAY, FEBRUARY 11, 2009 AT 6:00 P.M.**

In the absence of the Town Supervisor who was out of town, Deputy Town Supervisor/Councilman Reynolds 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 and
Working Foreman Christopher Moran
Senior Engineering Technician John Meagher
Supervising Public Safety Telecommunicator Jeffrey
Madden
Town Clerk Gail Wolanin Young
Town Planner Kurt L. Schwenzfeier

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

MINUTES

January 14, 2009 Town Board Meeting

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

(RESOLUTION NO. 17 OF 2009)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the *Regular* Town Board meeting held *January 14, 2009* 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.

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

PRESENTATIONS

Upon questioning by the Deputy Town Supervisor whether there was anyone present wishing to address the Board, Peter Bianco – referring to the February 10, 2009 Special Election on a \$2.9 million bond issue – questioned who owns the bond. Deputy Supervisor Reynolds replied the bonds have not been sold yet. Mr. Bianco questioned who the bonds are sold to; the Deputy Supervisor and Councilwoman Krupa responded they are sold to investors, bankers, etc. To Mr. Bianco’s question about the interest rate on the bonds, Accountant Frank Basile stated the rate would be somewhere around 3.75% and 4.25%.

REPORTS OF TOWN OFFICIALS

AGING (DIRECTOR OF SENIOR SERVICES):

Donation

Upon presentation of the Director of Senior Services, the following Resolution was introduced for adoption by Councilwoman Krupa and seconded by Councilman Payne:

(RESOLUTION NO. 18 OF 2009)

WHEREAS, on November 4, 1998 the New Hartford Town Board had established a “gift”/“donation” policy pursuant to Section 64(8) of the Town Law;

NOW, THEREFORE, BE IT RESOLVED that said Town Board does hereby accept the donation of Five Hundred Dollars (\$500) from The Rotary Club and does further authorize Director of Senior Services M. Eileen Spellman to purchase a copier for the New Hartford Adult Dining & Activity Center.

The Deputy Town Supervisor polled the Board members who 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**.

Appointment - Part-time Clerk

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

(RESOLUTION NO. 19 OF 2009)

WHEREAS, on December 10, 2008 Lesli Anweiler had been appointed as a Part-time Clerk for the New Hartford Adult Dining and Activity Center but had not executed her Oath of Office within the prescribed time, thereby creating a vacancy;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby re-appoint Lesli Anweiler as a Part-time Clerk for the New Hartford Adult Dining and Activity Center effective February 12, 2009, at an hourly wage of Seven Dollars and Seventy-five Cents (\$7.75); all wages to be paid bi-weekly:

Whereupon, the Town Board voted upon roll call:

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

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

Appointment – Part-time Meal Site Manager

Upon recommendation of Director of Senior Services M. Eileen Spellman, the following Resolution was introduced for adoption by Councilman Payne and duly seconded by Councilwoman Krupa:

(RESOLUTION NO. 20 OF 2009)

WHEREAS, Charlotte Mazurowski had resigned as Part-time Meal Site Manger effective February 6, 2008;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby appoint Theresa Hock as Part-time Meal Site Manager for the New Hartford Adult Dining and Activity Center, at an hourly rate of Ten Dollars and Ninety-eight Cents (\$10.98) retroactive to February 9, 2009; wages to be paid bi-weekly.

Whereupon, the Town Board voted upon roll call:

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

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

CODES ENFORCEMENT OFFICER:

Proposed Zoning Law Amendments – Local Law Introductory “A” of 2009

Codes Officer Joseph Booth presented proposed legislation to the Town’s Zoning Law that included – but was not be limited to – additional definitions, the parking of storage sheds/tractor trailers/pods on property, clarification on swimming pools, require permits for fences, update the permit fee schedule, and change violations of the Zoning Law from criminal to civil offense. The Codes Officer stated that the Zoning Advisory Committee had worked extensively on these proposed amendments.

Thereafter, Councilman Payne introduced the following legislation for consideration by the Town Board at a future Public Hearing; co-sponsored by Councilwoman Krupa:

**TOWN OF NEW HARTFORD, NEW YORK
LOCAL LAW INTRODUCTORY “A” OF 2009**

A Local Law to amend the Code of the Town of New Hartford, **Chapter 118** thereof, entitled **ZONING**, by amending Sections 118-6; 118-7; 118-34; 118-54; 118-59; 118-61; 118-67; 118-72 through 118-80 and 118-93.

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 118-6, Definitions, is hereby amended as follows:

Section 118-6. Definitions

Replace current “fence” definition with the following:

FENCE Anything other than living plants, trees or shrubs designed to or which divide, enclose or screen a parcel of land or portion thereof and which does not support any roof structure or enclose any covered living space.

Replace current “manufactured home” definition with the following:

MANUFACTURED HOME. A factory-manufactured dwelling unit built on or after June 15, 1976, and conforming to the requirements of the Department of Housing and Urban Development (HUD), *Manufactured Home Construction and Safety Standards*, 24 CFR Part 3208, 4/1/93, transportable in one or more sections, which in the traveling mode, is 8 feet (2438 mm) or more in width or 40 feet (12192 mm) or more in length, or, when erected on site, is 320 square feet (29.7 m²) minimum, constructed on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term "manufactured home" shall also include any structure

that meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Federal Department of Housing and Urban Development and complies with the standards established under the national Manufactured Housing Construction and Safety Act of 1974, as amended. The term "manufactured home" shall not include any self-propelled recreational vehicle.

Add the following definition of “mobile home”

MOBILE HOME. A factory-manufactured dwelling unit built prior to June 15, 1976, with or without a label certifying compliance with NFPA, ANSI or a specific state standard, transportable in one or more sections, which in the traveling mode, is 8 feet (2438 mm) or more in width or 40 feet (12192 mm) or more in length, or, when erected on site, is 320 square feet (29.7 m²) minimum, constructed on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term "mobile home" shall not include travel trailers or any self-propelled recreational vehicle.

Replace current “modular home” definition with the following:

MODULAR HOME. A factory-manufactured dwelling unit, conforming to applicable provisions of this code and bearing insignia of approval issued by the State Fire Prevention and Code Council, which is constructed by a method or system of construction whereby the structure or its components are wholly or in substantial part manufactured in a manufacturing facility, intended or designed for permanent installation, or assembly and permanent installation.

Add the following definition of “recreational vehicle”:

RECREATIONAL VEHICLE A wheeled vehicle used for camping, recreation, or other activities.

SECTION 2. Chapter 118 of the Town Code, Section 118-7, Zoning Districts and Purposes, is hereby amended as follows:

Section 118-7. Zoning districts and purposes.

Add the following phrase to the last sentence in 118-7 P. PDMH Planned Development Mobile Home District:

“.....and is the only zone which provides for the placement of mobile or manufactured homes.”

Add the following sentence after the last sentence in 118-7 T. PDRes Planned

Development Resident District:

“Bulk area regulations that have not been expressly identified in a site plan approval shall conform with the bulk regulations set forth in the MDR zoning classification.”

SECTION 3. Chapter 118 of the Town Code, Section 118-34, Planned Development Districts/Types, is hereby amended as follows:

Section 118-34. Types.

Change 118-34 C. to PDRES

Change 118-34 F. to PDREC

SECTION 4. Chapter 118 of the Town Code, Section 118-54, Signs, is hereby amended as follows:

Section 118-54. Signs.

Replace existing 118-54. B. (2) with the following:

- (2) For signs constructed of individual pieces attached to a building wall, the cumulative area of the sign shall be determined by calculating the area in the form of a perimeter around each individual piece.

Replace existing 118-54 C. (5) with the following:

- (5) No building-mounted sign shall exceed one and one half (1.5) square feet for every one linear foot of building fronting on a public street or private parking area and in no case exceed 40 square feet in an RB3, RB4, PO, P, PHB, PDP, PDI or PDREC Zone or 80 square feet in an RB1, RB2, M, I or PDMU Zone. Not more than one exterior building mounted sign shall be permitted for each business on each wall facing a public street or private parking area and in no case shall more than two, in total, building-mounted signs be allowed per business.

SECTION 5. Chapter 118 of the Town Code, Section 118-59, Special lot regulations, is hereby amended as follows:

Replace existing 118-59. D. Fences and walls, with the following:

- 1) The height of all fences shall be measured from the lowest natural grade directly beneath the fence being erected. A fence placed on a manmade berm shall not circumvent measurement requirements from natural grade.
- 2) Residential fences shall not exceed six feet in height measured from natural grade and shall be positioned from the front most point of a residential building

extending back to the furthest point in the designated rear yard. A through lot shall be allowed a six foot high fence providing adjacent lots treat that same side as their rear yard.

3) Residential fences shall not extend or be positioned forward beyond the front most point of a residential building, except in RA1, RA2, and A zones. In RA1, RA2, and A zones residential fences shall be allowed to extend to within two feet of the front property line provided they are open in style i.e. picket or split rail and not exceed four feet in height and shall comply with provisions regarding visibility at street corners (see § 118-59C).

4) Fences may be erected directly on a property line, except those allowed in a front yard where they must be located a minimum of two feet in back of the front property line, and corner lots where they must conform with section 118-59C.

5) Decorative fences, open in style, not exceeding 4 feet in height, consisting of no more than three posts, and extending no more than eight feet in length in either direction from the center post shall be allowed in the front yard of any property except on corner lots where they must conform to section 118-59C.

6) Fences that have one finished side and one structural side shall be erected so that the finished side faces toward the immediate adjoining property owner's property.

7) Fences shall not be installed in a drainage swale or in any easement area.

8) Fence materials shall be wood, wood composite, brick, vinyl, stone, chain link, wrought iron painted steel

9) Fences shall be maintained to be aesthetically pleasing and structurally sound. Painted or stained fences shall be maintained accordingly. Fences must not be allowed in any state of disrepair which include loose, dangerous, crumbling, missing, broken, rotted or other unsafe portions of fences.

10) Temporary fences not requiring a town permit such as "snow fences" or vinyl roll fences used to protect a potential hazard created by excavation or construction (examples: swimming pools, utility installation ditches, dwelling foundations etc.) shall not be allowed more than 90 days in any one year.

11) All excavations shall be required to be protected by a temporary fence

12) A building permit is required for the installation of a fence. Applicant shall be required to submit a detailed description of the proposed fence and proposed location, with a contemporaneous survey. Property pins or other points of reference must be verifiable or otherwise clearly delineated on the property at the time of inspection.

13) For tennis court fences refer to sections 118-61 E and F

14) Fences to be erected in any commercial zone shall require a special permit and shall comply with the requirements set forth by the Planning Board.

SECTION 6. Chapter 118 of the Town Code, Section 118-61. Swimming pools, tennis courts and similar private recreational facilities, is hereby amended as follows:

Section 118-61. Swimming pools, tennis courts and similar private recreational facilities

Replace existing Section 118-61 with the following:

Except for portable swimming pools less than two (2) feet in height, the following regulations shall apply to permanent and portable swimming pools, tennis courts and similar recreational facilities that are accessory to a residential use:

A. Said use shall be located on the same lot as the principal structure.

B. Said use shall comply with the minimum yard requirements for accessory uses set forth in the Schedule of Use, Area and Bulk Regulations.¹⁴

C. Said use shall be appropriately screened and fenced to minimize adverse impact on adjoining properties.

D. Swimming pools shall also comply with the regulations as set forth in the State Uniform Construction Code.

E. Tennis courts may use a hurricane-type fence around the court area. The maximum height may be six feet along the property line and an additional one foot in height for every additional one foot set back from the property line.

F. Tennis court drainage shall be reviewed by the Town Engineer.

SECTION 7. Chapter 118 of the Town Code, Section 118-67, Parking of commercial and recreational vehicles and boats in residential districts, is hereby amended as follows:

Section 118-67. Parking or storing of commercial and/or recreational vehicles, boats, automobiles and portable storage trailers and/or units.

Replace existing Section 118-67 with the following:

A. Residential and Agricultural Zones.

1. All commercial vehicles, recreational vehicles, automobiles, and boats shall be parked in the rear or side yard. If, the rear or side yard is inaccessible then the front yard may be utilized, however in no case shall they be placed on any area that is not already a driveway or paved area.
2. One mobile storage trailer or container shall be allowed with the issuance of a building permit. Building Permits are required and renewable on a triennial basis but for no more than one year. The trailer or container shall not be placed in any front yard unless the rear or side yards are not accessible. All mobile units shall be currently registered and inspected when applicable.

B. Commercial Use Zones.

1. One mobile storage trailer or container shall be allowed for a period not to exceed two months. The storage unit shall be removed promptly and not more than three Building Permits may be issued in any year. The unit shall be placed in a rear or side yard only. All mobile units shall be currently registered and inspected when applicable.
2. Storage trailers and/or containers located in an M zone shall be exempt from all of the above.

SECTION 8. Chapter 118 of the Town Code is hereby amended by deleting and repealing Section 118-72, Non-conforming lights and illumination.

SECTION 9. The Town Code, Section 118-73, Zoning Enforcement Officer, is hereby amended by deleting and repealing Section 118-73, Zoning Enforcement Officer, and is hereby further amended to read as follows:

Section 118-73. Zoning Enforcement Officer

Refer to Town Code, Chapter 65, Section 65-3, Codes Enforcement Officer and inspectors.

SECTION 10. The Town Code, Section 118-74, Building/site Permits, is hereby amended by deleting and repealing Section 118-74, Building/site Permits, and is hereby further amended to read as follows:

Section 118-74. Building/site Permits

Refer to Town Code, Chapter 65, Section 65-4, Building/Site Grading Permits.

SECTION 11. The Town Code, Section 118-75, Certificate of Occupancy, is hereby amended by deleting and repealing Section 118-75, Certificate of Occupancy, and is hereby further amended to read as follows:

Section 118-75. Certificate of Occupancy

Refer to Town Code, Chapter 65, Section 65-7, Certificates of Occupancy, Certificates of Compliance and Temporary Certificates of Occupancy.

SECTION 12. The Town Code, Section 118-76, Notice of Violation, is hereby amended by deleting and repealing Section 118-76, Notice of Violation, and is hereby further amended to read as follows:

Section 118-76. Notice of Violation

Refer to Town Code, Chapter 65, Section 65-17, Violations.

SECTION 13. The Town Code, Section 118-77, Stop-work Orders, is hereby amended by deleting and repealing Section 118-77, Stop-work Orders, and is hereby further amended to read as follows:

Section 118-77. Stop-work Orders

Refer to Town Code, Chapter 65, Section 65-6, Stop-work Orders.

SECTION 14. The Town Code, Section 118-78, Emergency Action, is hereby amended by deleting and repealing Section 118-78, Emergency Action, and is hereby further amended to read as follows:

Section 118-78. Emergency Action

Refer to Town Code, Chapter 65, Section 65-10, Emergency Action.

SECTION 15. The Town Code, Section 118-79, Inspection and Certificate of Completion, is hereby amended by deleting and repealing Section 118-79, Inspection and Certificate of Completion, and is hereby further amended to read as follows:

Section 118-79. Inspection and Certificate of Completion

Refer to Town Code, Chapter 65, Section 65-11, Inspection and Certificate of Completion

SECTION 16. The Town Code, Section 118-80, Penalties for Offenses, is hereby amended by deleting and repealing Section 118-80, Penalties for Offenses, and is hereby further amended by adding a new Section 118-80 to read as follows:

Section 118-80, Penalties for Offenses

- A. Civil penalties. In addition to those penalties prescribed by state law, any person who violates any provision of the Uniform Code, the Energy Code, or the Code of the Town of New Hartford, or any term or condition of any Building/Site Grading Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Codes Enforcement Officer pursuant to any provision of this local law, shall be considered a civil offense punishable by a fine of not more than **\$250** and/or imprisonment for not more than fifteen (15) days for each such offense. The owner, general agent or contractor of a building premises, or part thereof, where such a violation has been committed or does exist and any agent, contractor, architect, builder, corporation or other person who commits, takes part in or assists in such violation, shall be liable for such an offense. All such penalties shall be collectible by and in the name of the Town. Each and every **week** that any such violation continues after notification that such violation exists, shall constitute a separate offense. Such notice shall be given in writing by the Codes Enforcement Officer and shall be served by certified return mail or personal service.
- B. Court action. The imposition of penalties herein prescribed shall not preclude the Town or any person from instituting appropriate legal action or proceedings in a court of competent jurisdiction to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use or to restrain by injunction, correct or abate a violation or to prevent the illegal occupancy of a building, land or premises.

SECTION 17. Section 118-93 [Fees] of the Town Code, is hereby amended by deleting and repealing paragraphs C. through K. and Section 118-93 [Fees] is hereby further amended by adding a new paragraph C, to read as follows:

C. FEE SCHEDULE

Building Permits

In any situation, where work is started before a Building Permit is issued, the application fee is doubled.

All Building Permits expire one (1) year from the date of issuance.

1. RESIDENTIAL

One and Two Family residences	.26 sq.ft.
Attached garages	.15 sq.ft
Review and inspection fee - alterations, miscellaneous work	\$30.00 minimum or .15 sq.ft.

Decks 150 sq. ft. or <	\$25.00
Each Additional 150 sq. ft or part thereof	\$10.00
3 season rooms	\$25.00 + .15 sq.ft.
Fences	\$50.00
Additions	\$50.00 +.15 sq.ft.
Mobile or Manufactured Home	.15 sq.ft.
Detached accessory buildings	\$30.00 or .10 sq.ft. whichever is greater
Fireplaces or other solid fuel burning appliance	\$30.00
Certificate of Occupancy	\$50.00
Certificate of Compliance	\$10.00
Temporary storage units	\$30.00

2. MULTI-FAMILY

Multi-family residences	.30 sq.ft.
Review and inspection fee – alterations, miscellaneous work	\$50.00 minimum or .15 sq. ft.
Certificate of Occupancy	\$25.00 per dwelling unit
Certificate of Compliance	\$25.00
Decks 150 sq. ft. or <	\$25.00
Each Additional 150 sq. ft or part thereof	\$10.00
3 season rooms	\$25.00 + .15 sq.ft.
Fences	\$50.00
Detached Accessory Buildings	\$30.00 or .10 sq.ft. whichever is greater
Temporary storage units	\$30.00

3. COMMERCIAL

Commercial Building. Anything other than an R occupancy up to 50,000 sq. ft.	.33 sq. ft.
Any remaining portion up to 100,000 sq. ft.	.25 sq. ft.
Any remaining portion over 100,000 sq. ft.	.16 sq. ft.
Commercial Plan Review	.01 sq. ft.
Review and inspection fee - alterations or miscellaneous work	\$100.00 min or .25 sq.ft.
Detached Accessory Buildings	\$ 30.00 or .10 sq.ft. whichever is greater
Kiosks temporary	\$ 45.00
Kiosks permanent	\$250.00
Temporary storage units	\$100.00
Certificate of Occupancy first 1000 sq. ft	\$100.00

each add'l 100 sq. ft or part thereof	\$ 10.00
Certificate of Compliance	\$ 25.00

4. MISCELLANEOUS

Demolition permits:

Commercial Buildings	\$200.00
Residential Buildings	\$100.00

Swimming Pools:

Above Ground	\$ 30.00
In-ground	\$ 50.00

Permanent Signs	\$ 45.00 + \$1 sq.ft.
Temporary Signs and Advertising Devices	\$ 45.00 + \$1 sq.ft.

Commercial Tents not to exceed 20 days no more than 3 times a year	\$100.00
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5. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

Fees are assessed per tax parcel

Mixed occupancy fees are applied per occupancy designation, except in the event that a building contains an area of Public Assembly in which case the Public Assembly fees apply

Multi-Family occupancies with a common area	\$ 30.00 per unit
Multi-Family occupancies without a common area	\$ 15.00 per unit

Commercial buildings except those containing an area of Public Assembly

0-5,000 sq. ft.	\$ 50.00
5,001-10,000 sq. ft.	\$ 50.00 + .01 per sq.ft.
10,001 - 100,000 sq. ft.	\$150.00 + .005 per sq.ft.
100,001 sq.ft. +	\$600.00 + .0025 per sq.ft.

Commercial buildings containing an area of Public Assembly

0-5000 sq. ft.	\$ 50.00
5001-10,000 sq. ft.	\$ 50.00 + .005 per sq.ft.
10,001-100,000 sq. ft.	\$ 75.00 + .0025 per sq.ft.
100,001 sq.ft.	\$300.00 + .00125 per sq.ft.

	sq.ft.
Operating Permit fee	\$10.00
6. Site permits	
Site Grading Permit	\$100.00 min. or \$100.00 per acre or part thereof
Sewer Permit:	
Residential	\$ 50.00
Commercial	\$100.00
Septic Permit	\$ 50.00
Driveway Permit	\$ 25.00
Fence permit	\$ 50.00

7. CONSTRUCTION INSPECTION

When, at the discretion of the Town Codes Enforcement Officer or the Town Engineer, it is determined that an independent construction inspection or services for site work, exterior utilities and appurtenances are required to ensure compliance with the requirement for Town Codes and other Town policy, an additional fee will be assessed to the applicant to compensate for the charge incurred by the Town. A pre-paid fee will be established by the Town Board based on the current hourly inspection rate schedule approved by the Town Board.

8. RE-INSPECTION FEES

Re-inspection fee – each	\$ 75.00
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A re-inspection fee is payable in the following circumstances:

- (1) When a request is made for inspection, an inspector responds to the site and the work is not ready to be inspected
- (2) When an inspection is made, corrective measures are directed by the inspector, a schedule is established for re-inspection, a re-inspection (free of charge) is made but defective work is not properly corrected and a still further inspection is necessitated
- (3) When an approved plan is deviated from in the field, the deviation is discovered by an inspector and re-inspection is necessitated to confirm that the work conforms to the original plan.
- (4) When work is performed in phases and more than one inspection is required before the work is approved, a maximum charge of \$25 would apply for each such inspection.

9. APPLICATION TO ZONING BOARD OF APPEALS

Application for Area Variances:

- a. Residential, one and two-family: \$100.00
- b. Multiple dwellings and other non-residential uses: \$240.00
- c. Interpretations: \$ 40.00
- d. Application for Use Variances (all uses): \$300.00

Applicants appearing before the Zoning Board of Appeals, upon payment of the designated fee, are entitled to only one "no-show" at a Zoning Board of Appeals meeting, unless otherwise adjourned by said Zoning Board; and after that, the applicant must reapply and pay the designated fee.

10. APPLICATION TO PLANNING BOARD

- a. Special Permit Application: \$250.00

11. APPLICATION TO TOWN CLERK

- a. Request for amendment to Zoning Law, Text or Map Amendment, excluding Planned Developments \$100.00
- b. Request for amendment to Zoning Law and Planned Development district (over five acres) \$500.00
- c. Copy of Zoning Law: \$ 50.00

SECTION 18. 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 19. This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

SEQR – Lead Agency Status

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

(RESOLUTION NO. 21 OF 2009)

RESOLVED that the Town Board of the Town of New Hartford does hereby declare itself as Lead Agency in the matter of the Zoning Law Text Amendments as submitted by the Codes Enforcement Officer and identified as Local Law Introductory “A” of 2009; and be it

FURTHER RESOLVED that the Town Board does hereby authorize and direct the Town Clerk to forward copies of said Zoning Law 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 Supervisor declared the Resolution unanimously carried and duly ***ADOPTED***.

General Municipal Law-239 Review

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

(RESOLUTION NO. 22 OF 2009)

WHEREAS, the Codes Enforcement Officer has submitted proposed amendments to the Town's 1999 Zoning Law, said amendments having been introduced as Local Law Introductory "A" of 2009;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby refer Local Law Introductory "A" of 2009 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 1999 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***.

HIGHWAY SUPERINTENDENT:

Vehicle & Traffic (STOP Signs) – Local Law Introductory "B" of 2009

After review by the Highway Superintendent, 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 HARTTORD, NEW YORK
LOCAL LAW INTRODUCTORY "B" OF 2009**

A Local Law to amend the Code of the Town of New Hartford, **Chapter 113** thereof entitled **VEHICLES AND TRAFFIC**, by establishing additional Through Streets (Section 113-40) and additional Stop Streets (Section 113-41).

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

SECTION 1. Chapter 113 of the Code of the Town of New Hartford, Section 113-40, is hereby amended to include the following:

Section 113-40. Schedule VI: Through Streets.

<i>NAME OF THROUGH STREET</i>	<i>NAME OF ENTRANCE STREET</i>	<i>DIRECTION FROM WHICH ENTERING</i>	<i>TRAFFIC CONTROL DEVICE</i>
Higby Road	Sitrin Lane	Northeasterly	Stop Sign
Hartford Park Drive	Woods Park Drive	East	Stop Sign
Woods Park Drive	Hartford Park Drive	South	Stop Sign
Hartford Park Drive	Woods Highway	North	Stop Sign

SECTION 2. Chapter 113 of the Code of the Town of New Hartford, Section 113-41, is hereby amended to include the following:

Section 113-41. Schedule VII: Stop Intersections.

<i>STOP SIGN ON</i>	<i>DIRECTION OF TRAVEL</i>	<i>AT INTERSECTION OF</i>
Sitrin Lane	Southwesterly	Higby Road
Woods Park Drive	West	Hartford Park Drive
Hartford Park Drive	North	Woods Park Drive
Woods Highway	South	Hartford Park Drive

SECTION 3. All other provisions of Chapter 113 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

SECTION 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 “B” of 2009

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

(RESOLUTION NO. 23 OF 2009)

RESOLVED that the Town Board of the Town of New Hartford shall conduct a Public Hearing on Wednesday, **February 25, 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 “B” of 2009** which, if adopted, would amend the Code, Chapter 113 thereof entitled **VEHICLES AND TRAFFIC** by designating additional through streets and stop streets in the area of the New Hartford Business Park, and at the Sitrin Lane-Higby Road intersection; 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 Krupa	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	ABSENT.

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

Competitive Bid – Highway Department Uniform/Laundry Service

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

(RESOLUTION NO. 24 OF 2009)

RESOLVED that the New Hartford Town Board shall receive sealed bids for the ***Town of New Hartford Highway Laundry/Dry Cleaning Services***, in accordance with Town specifications; all bids are to be received by the Town Clerk’s Office no later than 10:45 A.M. on Friday, February 27, 2009, and then shall be publicly opened and read aloud at 11:00 A.M. on said date in the Community Meeting Room of Butler Memorial Hall; and be it

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

The Town Board voted upon roll call as follows:

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

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

Insurance Claim Denial

Highway Superintendent Richard Sherman reported that Genevieve Cahill is putting the Town on notice for a January 3, 2009 incident in which a Town truck salting the Recreation Center parking lot allegedly struck and damaged her vehicle. The Town's insurance carrier has denied the claim, citing that plowing/sanding vehicles are exempt when operating during inclement weather. The Town Attorney will review the matter, which may be brought to Small Claims Court.

Authorization for Competitive Bid – Oxford Road Area Drainage Improvements

The Highway Superintendent met with the Stormwater Improvement Management (Advisory) Committee at their January 27, 2009 meeting and at which time said (Advisory) Committee recommended that the Town Board proceed with competitive bid for the Oxford-Woodberry Road area drainage improvements. Thereafter, Councilman Payne presented the following Resolution and moved its adoption, which was seconded by Councilwoman Krupa:

(RESOLUTION NO. 25 OF 2009)

RESOLVED that the New Hartford Town Board shall receive sealed bids for the Oxford Road Area Drainage Improvements project, consisting of culvert replacement beneath Oxford Road and new culvert installation beneath Woodberry Lane and surrounding yards, including all appurtenances, and stream bank enhancement and restoration to the west and east of the Oxford Road Culvert, in accordance with Town specifications to be prepared by Shumaker Consulting Engineering and Land Surveying; all bids are to be received by the Town Clerk's Office no later than 10:45 A.M. on Wednesday, March 11, 2009 and then shall be publicly opened and read aloud at 11:00 A.M. on said date and in said Office; and be it

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

The Town Board voted upon roll call as follows:

Councilwoman Krupa	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	ABSENT:

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**. Councilman Reynolds stressed the need for the Town to communicate with neighbors who will be heavily impacted by this project. The Highway Superintendent has met with the new resident on the corner of Woodberry and Oxford Road, explaining the project.

Concerned residents will be meeting with the Highway Superintendent. There will be some mitigation on Beechwood Road also.

Highway fleet replacement plan

Highway Superintendent Sherman has developed a replacement plan to update the Town's fleet but deferred discussion until the full Town Board is present.

Annual Curbside Collection

The Highway Superintendent has reviewed the annual curbside collection schedule, which will be ready for mailing to Town residents in March 2009.

PLANNER

Training

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

(RESOLUTION NO. 26 OF 2009)

WHEREAS, Section 77-b of the General Municipal Law allows the governing board of municipalities to authorize any officer or employee to attend a convention, conference or school conducted for the betterment of such municipality;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby grant permission to Kurt L. Schwenzfeier, Town Planner, to attend a day-long conference on SEQR (State Environmental Quality Review) on March 4, 2009 in East Syracuse, New York, with expenses to be borne by said Town as budgeted.

The Resolution was voted upon by roll call as follows:

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

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

Release of Retainer – Dick's Sporting Goods

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

(RESOLUTION NO. 27 OF 2009)

RESOLVED that the New Hartford Town Board does hereby authorize the release of a Twenty-five Thousand Dollar (\$25,000) retainer received in the form of a check that had

been delivered to the Town to ensure the completion of Dick's Sporting Goods in accordance with the Pre-Development Agreement entered into between both parties; said project has been significantly completed and approved by the Codes Department, Engineering Department and Town Attorney.

The Town Board members then voted upon roll call:

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***.

Release of Retainer – Benderson Development/Phase II

Planner Schwenzfeier reported that the Codes Department, Engineering Department, Town Attorney and consultant have signed off on the Benderson Development/Phase II project, presently occupied by VERIZON at the corner of Henderson Street and Commercial Drive and he recommended release of Benderson's retainer. Due to questions she had on stormwater problems in that area, Councilwoman Krupa moved that the matter be tabled.

TOWN CLERK:

Local Law Introductory "E" of 2008 - Higby Road Water District; Higby Road Water District Extension #1

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

(RESOLUTION NO. 28 OF 2009)

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, March 11, 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
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Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	ABSENT.

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

Special Town Election Results

With regard to the proposition voted upon at the Town’s Special Election on February 10, 2009,

Shall the bond resolution dated December 10, 2008 amending a bond Resolution dated April 9, 2008, authorizing the issuance of \$2,900,000 Bonds to pay costs of the construction of improvements to Woods Highway in the New Hartford Business Park, providing that the period of probable usefulness will be fifteen years and that the maximum maturity of such serial bonds will exceed five years, authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of such serial bonds, pledging the faith and credit of the Town to the payment of the principal of and interest on such obligations, and providing for an estoppel provision, be approved?

Town Clerk Young reported that the proposition passed 432 to 362 and which figures included the machine count and 137 absentee ballots.

MATTERS SUBMITTED BY COUNCILMEN

COUNCILMAN REYNOLDS:

Appraisal – Kellogg Road Community Center Building

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

(RESOLUTION NO. 29 OF 2009)

WHEREAS, the Town of New Hartford might have someone interested in purchasing the Kellogg Road Community Center Building;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct that an appraisal be obtained for the Kellogg Road Community Center Building, exclusive of the land upon which it is situated.

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.

Vacancies – Planning Board Chairman and Vice-Chairman

Councilman Reynolds noted that Hans G. Arnold resigned as Member and Chairman of the Planning Board effective February 2, 2009; the membership term of Robert Imobersteg, who was also the Vice-Chairman, expired December 31, 2008 and is currently vacant. Member terms are seven (7) years and Chairman/Vice-Chairman appointments are one (1) year duration. Mr. Arnold’s member term would have expired December 31, 2009.

Appointment - Planning Board Chairman

After discussion with Planning Board Member Jerome Donovan, it was reported that he would accept temporary chairmanship of that Board. Councilwoman Krupa introduced the following Resolution for adoption; seconded by Councilman Payne:

(RESOLUTION NO. 30 OF 2009)

WHEREAS, a vacancy exists in the position of Chairman of the Town Planning Board due to the resignation of Hans G. Arnold effective February 2, 2009;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby appoint Planning Board member Jerome F. Donovan as Chairman of said Board, effective February 12, 2009 and ending December 31, 2009. Mr. Donovan’s member term of office shall remain through December 31, 2014; the member term of Mr. Arnold remains unfilled at this time and any appointment to this position would expire December 31, 2009.

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

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

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

COUNCILWOMAN KRUPA:

Agreement – 2009 Financial Services

With regard to CPA Frank Basile’s proposed financial contract with the Town, Councilwoman Krupa is still reviewing the document; therefore, the Town Board withheld action at this time.

MATTERS SUBMITTED BY DEPUTY TOWN SUPERVISOR

FINANCIAL:

Audit of bills

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

(RESOLUTION NO. 31 OF 2009)

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

General Fund Whole-Town Abstract No. 5 Vouchers AA114-AA119; AA122-AA138; AA140; AA142-AA146; AA148-AA159; AA162-AA171; AA173-AA175; AA188-AA196; AA199	\$ 62,177.58
General Fund Whole-Town Police Abstract No. 5A Vouchers AA177-AA180; AA182-AA184; Vouchers AA186-AA187	\$ 6,420.16
General Fund Whole-Town Abstract No. 6 Voucher AA200	\$104,428.55
General Fund Whole-Town Police Abstract No. 6A Vouchers AA312-AA330; AA341-AA347	\$ 49,721.44
General Fund Whole-Town Abstract No. 7 Vouchers AA201-AA311; AA331-AA340; AA348-AA354	\$114,578.69
General Fund Part-Town Abstract No. 5 Voucher 24	\$ 7,567.29
General Fund Part-Town Abstract No. 6 Vouchers BB22, BB23, BB25	\$ 1,080.00
General Fund Part-Town Abstract No. 7 Vouchers BB26, BB27, BB29-BB39	\$ 7,613.39
Highway Fund Part-Town Abstract No. 3 Vouchers DB34-DB72	\$110,832.29
Highway Fund Part-Town Abstract No. 4 Voucher DB73	\$ 108.00
Highway Fund Part-Town Abstract No. 5 Voucher DB74	\$ 34,809.52
Highway Fund Part-Town Abstract No. 6 Vouchers DB75-DB134	\$129,428.82
Fire District Abstract No. 1 Voucher SF1	\$ 14,341.50
Sewer Fund Abstract No. 3 Voucher SS9	\$ 225.11
Sewer Fund Abstract No. 4 Voucher SS10	\$ 4,540.37

Sewer Fund Abstract No. 5 Voucher SS8	\$ 3,403.75
Sewer Fund Abstract No. 6 Vouchers SS11-SS15	\$ 9,255.41
Stormwater Drainage Project Abstract No. 3 Voucher HU7	\$ <u>90.00</u>
TOTAL:	\$660,621.87

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*.

Local Government Efficiency Grant Program 2008-2009: Planning Grant for Shared Transportation Facility

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

(RESOLUTION NO. 32 OF 2009)

WHEREAS, the Town of New Hartford is desirous of studying and planning for a shared transportation facility with maintenance capabilities for use by component districts and municipal agencies (for example: Village of New Hartford, Village of New York Mills, Town of New Hartford);

THEREFORE, BE IT RESOLVED

Authorization: That the Town of New Hartford designates Howard D. Mettelman, District Superintendent, Oneida-Herkimer-Madison BOCES to submit an application to the Local Government Efficiency Grant Program 2008-2009 Program Year. Mr. Mettelman and/or his designee, Thomas Dorr, will execute all financial and/or administrative processes relating to the grant program.

Project Title and Description: Planning Grant for Shared Transportation Facility

Funding Request: A maximum total project cost will not exceed \$85,000. The maximum grant award is \$50,000.

Local Share Information: That the 10% local share in dollars that the Oneida-Herkimer-Madison BOCES will commit as part of the required cash match will come from its operating budget.

Co-Applicant Information: That the Oneida-Herkimer-Madison BOCES is joined by the Town of New Hartford and the School District of New Hartford in this application. Co-applicants also include the Village of New Hartford and Village of New York Mills. Additional support and endorsements come from the twelve component districts of the Oneida-Herkimer-Madison BOCES (Brookfield, Clinton, Holland Patent, New Hartford, New York Mills, Oriskany, Remsen, Sauquoit Valley, Utica, Waterville, Westmoreland and Whitesboro), local legislators and government officials, and groups involved in transportation in the county.

It was confirmed that the Town would sign on as a participant in the grant process and doesn't obligate the Town for any funds. BOCES writes the grant only to study the feasibility of a transportation facility. The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted 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***.

ADJOURNMENT

There being no further business to come before the Board, upon motion of Councilman Payne, seconded by Councilwoman Krupa, the meeting was adjourned at 6:34 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk