

**REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF NEW HARTFORD, NEW YORK  
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN  
ON WEDNESDAY, OCTOBER 14, 2009 AT 6:00 P.M.**

In the absence of the Town Supervisor who was out of town, Deputy 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 PRESENT:**

Councilman Robert A. Payne III  
Councilwoman Christine G. Krupa  
Deputy Supervisor/Councilman David M. Reynolds  
Councilman Richard B. Woodland, Jr.

**ABSENT:**

Supervisor Earle C. Reed

**OTHER TOWN OFFICIALS PRESENT:**

Codes Enforcement Officer Joseph A. Booth  
Director of Budget Heather Mowat  
Highway Superintendent Richard C. Sherman  
Personnel Technician II Barbara Aiello  
Senior Engineering Technician John Meagher  
Town Clerk Gail Wolanin Young

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

**MINUTES**

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

**(RESOLUTION NO. ....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 *September 9, 2009* and the *Special* Town Board meeting held *September 22, 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.

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

## **PUBLIC PRESENTATIONS (PUBLIC COMMENTS)**

### **Town's Financial Condition**

Edward R. Rowan, a Town resident, said his primary reason for attending tonight's meeting was to address questions of Supervisor Reed. Deputy Supervisor/Councilman Reynolds replied that the Supervisor's not here tonight. In response to Mr. Rowan's request of why the Supervisor was not present, Deputy Supervisor/Councilman Reynolds stated that the Supervisor was on vacation. Mr. Rowan wanted to address Supervisor Reed about his responsibility in putting the Town in the position it finds it is currently ..... he should be here. Addressing the remaining Board members, Mr. Rowan said all of you are charged with the financial responsibility of guiding the Town and being actively involved in the budget and the review of bills. Where'd the \$3 million dollars go? How was it spent? Mr. Rowan has lived in New Hartford for 25 years; prior to that, he resided for 25 years in Oriskany, which at that time was considering its own call [dispatch] center but believed it was a duplication of costs. Why not have one call center, citing the State of New Hampshire and other governments that have only one dispatch center. He believes it is common sense to consolidate services. Mr. Rowan said "...the primary plan should be where are we now...you are the account money overseers." While Mr. Rowan holds no animosity to the Board, he is upset a little bit.

Deputy Supervisor/Councilman Reynolds said some of Mr. Rowan's comments are good points and he will have Director of Budget Heather Mowat address some matters later in meeting.

### **Stormwater Drainage Problems – Christopher Circle**

Nicholas Kattato, Jr., a Town resident, has attended a Stormwater Management (Advisory) Improvement Committee meeting and has spoken with Councilman Payne and Highway Superintendent Sherman with regard to the six (6) residences on the inner circle of Christopher Circle that have been experiencing stagnant water in their adjoining back yards. Mr. Kattato said that the developer installed the pipe initially and claimed that the Town then did some restoration work. The pipe has now collapsed and water lies stagnant and there is concern with small children who play in the backyards. Also, in the summer, there could be a problem of mosquitoes with stagnant water. Mr. Kattato said all the neighbors are willing to sign releases to allow the Town to correct this problem. Mr. Kattato said that one (1) of the six (6) property owners goes south in the winter and probably might not sign....doesn't affect them that much. He asked if something can be done. Councilman Payne noted that this matter was discussed two (2) meetings ago and the Town Board was set to bring this to the people (Christopher Circle) who would pay for the improvement but then the Town received an email from the Concerned Citizens group stating that this action was illegal.

Councilwoman Krupa believes it's a bigger issue than going on their private property.

Deputy Supervisor/Councilman Reynolds said the Town is still working on the matter. Councilwoman Krupa interjected that it's not our pipe and probably the property owners own the pipe now and its their responsibility. Responding to the Town Board's inquiry, Highway Superintendent Sherman said it would be a minor job, involving a couple days, but it's a legal matter.

### **Town's Financial Condition**

Ray Zyla, a Town resident, said his purpose in attending the meeting was to get involved in the budget process...but understand it's not set out yet [Preliminary Budget]. He is being versed in comments on the budget and what people are saying. He believed the Town is a business and should be run as a business. He stressed that he wants all of you [Board members] to keep in mind...it's a business; run it as a business....even if toes are stepped on....keep in mind the greater good of the community.

### **Digital Towpath Website**

Councilman Payne introduced Jean Brown, Project Director, Institute for Local Government & Digital Towpath Cooperative (DTC), who gave a presentation on the Digital Towpath Cooperative, a shared service project and consortium of local governments organized under General Municipal Law, Section 5G, and how this Cooperative could help the town:

- Website content management software
- Hosting of the resultant website
- Server space for secure storage of electronic files
- Municipal email hosting
- The DTC hardware and bandwidth required to support these systems
- Administrative support
- Technical support
- DTP system maintenance.

A new module entitled Stormwater Module was specifically designed for and is intended for use with the State Pollution Discharge Elimination System (or SPDES Permit) for Stormwater Discharges from Municipal Separate Storm Sewer Systems (or MS4s).

The annual fee for members of the DTC is \$600 each year; there are no start-up costs. The municipality is in charge of updating their own website and can manage the website through any computer that has internet access. The DTC looks for ways to save money by being a group, such as purchasing spy ware, antivirus protection, hardware, etc. Planner Schwenzfeier and Dispatch Supervisor Madden attended the September 18 2009 informational meeting held locally. Ms. Brown noted that unlimited support is offered. The Town Board will take this matter into consideration in view of the Town's current financial status and 2010 budget process.

## **REPORTS OF TOWN OFFICIALS**

**CODES ENFORCEMENT OFFICER:**

**Local Law Introductory “G” of 2009**

Codes Enforcement Officer Booth reviewed proposed legislation that “...would loosen the noose on many homeowners in the Town currently because of zone changes wherein single family residences are being considered as nonconforming structures in specific zoning classifications. Currently, if a single family nonconforming home were to burn down, the owners cannot rebuild, cannot obtain a mortgage and sometimes cannot purchase homeowners insurance. The Zoning Advisory Committee has reviewed and recommended the proposed changes to the Zoning Law and which proposed changes have been reviewed by the Town Attorney. 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, New York  
Local Law Introductory “G” of 2009**

A Local Law to amend the Code of the Town of New Hartford, **Chapter 118** thereof entitled **ZONING**, by amending Section 118-11. Application of regulations, Section 118-59. Special lot regulations, and Section 118-69. Nonconforming use of buildings.

**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 118-11. Application of regulations, is hereby amended as follows:

*Section 118-11.* Application of regulations

**ADD the following language to the last sentence in Paragraph B.:**

or as provided in Section 118-69 B. and Section 118-69 D.

**SECTION 2.** Chapter 118 of the Code of the Town of New Hartford, Section 118-59. Special lot regulations, is hereby amended as follows:

*Section 118-59.* Special lot regulations

**ADD the following language to the last sentence in Paragraph A.:**

except as provided in Section 118-69 B. and Section 118-69 D.

**SECTION 3.** Chapter 118 of the Code of the Town of New Hartford, Section 118-69. Nonconforming use of buildings, is hereby amended as follows:

*Section 118-69.* Nonconforming use of buildings

**ADD the following sentence at the end of Paragraph B. and Paragraph D.:**

This section shall not apply to single-family dwellings, not regulated as manufactured or mobile, situated wholly and solely within the boundaries of its lot description.

**SECTION 4.** 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 5.** 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 – Local Law Introductory “G” of 2009**

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

**(RESOLUTION NO. ... 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 Text Amendment, entitled as Local Law Introductory “G” of 2009 submitted by Codes Enforcement Officer Joseph A. Booth and recommended by the Zoning Advisory Committee; and be it

**FURTHER RESOLVED** that the Town Board does hereby authorize and direct the Town Clerk to forward copies of said Zoning Text Amendment (aka Local Law Introductory “G” of 2009) 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.**

**GML-239 Review – Local Law Introductory “G” of 2009/Nonconforming use of buildings**

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

**(RESOLUTION NO. ... OF 2009)**

**WHEREAS**, the Zoning Advisory Committee and Codes Enforcement Officer have presented legislation for a Zoning Text Amendment (aka Local Law Introductory “G” of 2009) that would address nonconforming single family residences in specific zoning classifications;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby refer Local Law Introductory “G” 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 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***.

**Town Code - Chapter 94, Property Maintenance – 49 Root Street**

Codes Enforcement Officer Joseph Booth briefed the Town Board about the condemnation of a residence at 49 Root Street, the owner of which has plead guilty in Town Court to twenty (20) violations; the Court has given the owner fifteen (15) days to remove their personal items, after which the Town can access the premises and remove some safety and health matters that include rodents, spoiled food (electricity has been turned off/refrigerator not working), and food sources. The basement is full of water, with the possibility of mold. The property owner must return to Town Court on November 24, 2009, at which time the Codes Enforcement Officer will provide a report to the Court, including any costs incurred by the Town in the removal of the safety/health issues and by what method the Town will be reimbursed from the owner, which could include a lien upon the real property. Upon request of the Town Codes Enforcement Officer, the following Resolution was introduced for adoption by Councilman Payne and duly seconded by Councilwoman Krupa:

**(RESOLUTION NO. ... OF 2009)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct Codes Enforcement Officer Joseph A. Booth to obtain quotes for the removal of spoilage, garbage, rodents and food sources from a condemned residence located at 49 Root Street, New Hartford, New York.

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

**HIGHWAY SUPERINTENDENT:**

**Snow and Ice Control Agreement on County Highways**

Highway Superintendent Sherman stated that Oneida County is saying to sign the original agreement they distributed with no additions or exceptions and they'll get back to us. Several Towns have issues like New Hartford does and Kirkland and Whitestown did not sign the agreement last year. The County doesn't want a multitude of different contracts with different municipalities. The Town Attorney does not want the Town Board to sign the County's original contract (a three [3] year duration) because there are concerns with liability and indemnification rather than monetary issues. Councilwoman Krupa and Councilman Reynolds agreed with the Town Attorney to amend the verbiage with regard to liability and indemnification. Highway Superintendent Sherman noted that the Town is not being reimbursed totally for what it costs the Town to plow and sand the twelve (12) County roads; at the same time, the Town does a better job and there is concern about the hills (such as Red Hill Road, Snowden Hill Road, Tibbitts Road, Higby Road, and especially Chapman Road with the school bus runs to the Perry Junior High School). After further discussion, the Town Board agreed to meet further with Oneida County officials and to re-address this Agreement at the October 28, 2009 Town Board meeting.

**Competitive Bid, Award – New Trailer Mounted Vacuum Collector**

Highway Superintendent Sherman reported that only one (1) bid was received at the October 6, 2009 Bid Opening, that being from Joe Johnson Equipment in the amount of Fifteen Thousand Dollars (\$15, 000); money is available in the 2009 budget. Thereafter, Councilman Payne offered the following Resolution for adoption and Councilwoman Krupa seconded same:

**(RESOLUTION NO. ... OF 2009)**

**WHEREAS**, the Town Superintendent of Highways did, on the 14th day of October, 2009, duly recommend the purchase of certain equipment pursuant to the provisions of Section 142 of the Highway Law;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize the Town Superintendent of Highways to purchase, in accordance with the provisions of Article 5-A of the General Municipal Law, the following equipment from Joe Johnson Equipment, 62 LaGrange Ave., Rochester, New York 14613:

One (1) New Trailer Mounted Vacuum Collector, as per Town specifications

for a maximum aggregate price of Fifteen Thousand Dollars (\$15,000), delivered at the Sanger Public Works Garage, 111 New Hartford Street, New Hartford, New York, not later than one (1) week after award of the contract. A contract for the item purchased shall be duly executed between the Town Superintendent of Highways and such vendor at which time it shall become effective. Upon delivery of the item purchased, the Town Supervisor shall pay the amount of Fifteen Thousand Dollars (\$15,000) from budgetary appropriations for purchase of equipment.

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**.

**Streetlight at Sitrin Lane-Higby Road Intersection; National Grid to Proceed**

At the September 9, 2009 Town Board meeting, Highway Superintendent Sherman reported that the Sitrin Healthcare facility would purchase the streetlight pole and LED light to be installed at the intersection of Sitrin Lane with Higby Road and Mohawk Street and that the Town would be responsible for the annual electric charge. Since that time, however, National Grid asked the Town Clerk to revise the Town Board resolution; specifically, because the streetlight pole and light would be installed in the County's right of way on Higby Road, the most beneficial location for motorists, the pole and light cannot be purchased by a private entity. Further, National Grid does not offer LED lights, only high-pressure sodium lights. If the street light pole and light were to be erected on private property, then Sitrin would be able to purchase the pole and light. The Town Board agreed to table this matter until the Highway Superintendent can verify the annual electric charge for this streetlight. The Town Clerk recommended that the September 9, 2009 Resolution be rescinded; thereafter, Councilwoman Krupa offered the following Resolution for adoption; seconded by Councilman Payne:

**(RESOLUTION NO. ... OF 2009)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby rescind Resolution No. ..., adopted September 9, 2009 with regard to installation of a streetlight pole and light at the Sitrin-Higby-Mohawk Street intersection inasmuch as a private entity cannot purchase such appurtenances when installed within a public road right of way.

The Resolution was then voted upon by 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*.

**Grant Application – Oneida County Water Quality Improvement Project & Oneida County Sewer District**

Highway Superintendent Sherman announced that Schumaker Engineering is applying for two (2) grants to the New York State Department of Environmental Conservation to address a water quality improvement project and sanitary sewer rehabilitation project in behalf of various municipalities. Without grant money, municipalities could not afford the projects on their own as it would cost millions of dollars. Upon request of the Highway Superintendent, the following Resolution was introduced for adoption by Councilwoman Krupa and duly seconded by Councilman Woodland:

**(RESOLUTION NO. ... OF 2009)**

**RESOLVED** that the Town Board of the Town of New Hartford endorses the Water Quality Improvement Grant Project funding applications to be submitted to the New York State Department of Environmental Conservation by Oneida County for the rehabilitation of sanitary sewers in the Town of New Hartford and offers its intent to participate in this project should funding be secured.

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*.

**STORMWATER MANAGEMENT (ADVISORY) IMPROVEMENT COMMITTEE**

**Oxford Road Area Drainage Improvement Project**

Highway Superintendent Sherman informed the Board that this project, in the area of Woodberry and Oxford Road has been 100% completed by Fred Burrows Trucking and Excavating.

**Oxford Road and Kellogg Road Stormwater Detention Project**

This project, awarded to Murphy Excavating, is about one-third finished, reported the Highway Superintendent. The work is being done in the vicinity of Tibbitts and Oxford Road near the Jubilee Estates Development. The contractor is building detention ponds and bringing earth in and are preparing to install some drainage pipe.

**Stormwater issues on Private Property**

Highway Superintendent Sherman reported that at last evening's Stormwater Committee meeting, discussion included matters of stormwater issues on private property and preparing a list of these problem areas.

**REPORTS OF TOWN OFFICIALS (CONT'D)**

**TOWN CLERK:**

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

In behalf of the Police Chief who was unable to attend this meeting, the Town Clerk presented the following Resolution that was offered for adoption by Councilman Woodland and duly seconded by Councilman Payne:

**(RESOLUTION NO. ... OF 2009)**

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

<u>Year</u>	<u>Make/Model</u>	<u>VIN</u>
2005	Ford Crown Victoria	2FAHP71W65X160649

And be it

**FURTHER RESOLVED** that the aforesaid vehicle 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 vehicle.

The foregoing Resolution was voted upon by 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**.

**DIRECTOR OF BUDGET:**

**Retainer policy**

Director of Budget Mowat requested that this matter be tabled until the October 28, 2009 Town Board meeting.

**Establishment of Police Severance Account:**

Director of Budget Mowat apprised the Town Board that there is a balance of \$100,000 for police severance payments, generated by accrued amounts of \$25,000 a year in the annual budgets since calendar year 2005; this practice was discontinued in 2009. The State Comptroller's Office has advised that the Town Board set up an account for these funds that have been held by the Town as a "defacto" Police Severance Reserve. Councilwoman Krupa introduced the following Resolution, seconded by Councilman Payne:

**(RESOLUTION NO. ... OF 2009)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct that a separate account, entitled "Police Severance Reserve Account", be established for the paying of sick/vacation days.

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.

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

**Expenditure from Police Severance Account**

Upon request of Director of Budget Mowat, Councilwoman Krupa introduced the following Resolution for adoption; seconded by Councilman Payne:

**(RESOLUTION NO. ... OF 2009)**

**RESOLVED** that the New Hartford Town Board does hereby authorize the expenditure of Forty-six Thousand Six Hundred Eighty-nine Dollars and Sixty Cents (\$46,689.60) from the Police Severance Reserve Account as a result of the retirement of Police Officer C. Edward Schmidt and which amount reflects payment for unused sick and vacation time for said Officer pursuant to the Union Contract.

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**.

**Fiscal – Authorization to Borrow Money from other Funds**

Director of Budget Mowat stated that annually in the Fall of the year, the Town feels the pressure on cash flow with bills coming due. Since she became aware this was happening, she's come to the Town Board which must approve any borrowing among funds and which borrowing(s) must be paid back with interest. Upon request of the Director of Budget, Councilman Payne introduced the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. ... OF 2009)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the borrowing of One Hundred Fifty Thousand Dollars (\$150,000) from the Sewer Fund, with Seventy-five Thousand Dollars (\$75,000) to be loaned to the Highway Part-Town Fund and Seventy-five Thousand Dollars (\$75,000) to be loaned to the General Whole-Town Fund; said borrowing shall be paid back to the Sewer Fund with interest.

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

**Budget Stress**

For 2008 – where did the money go; Director of Budget Mowat noted that a number of adjustments had been made, including grants that had been applied for but not yet reimbursed to the Town. What happened in 2008 that affected 2009 and ultimately 2010? A budget is a fiscal footprint of where you want to go. When the first fund balance draw-down was taken, it was for everyday expense. Instead of raising taxes, the Town used its fund balance.

After reviewing financial records of 2005-07 and into 2008, Director of Budget Mowat noticed a pattern of using the fund balance to pay everyday expenses....it became a normal practice. In 2000 the Town tax rate was \$2 per thousand of assessed valuation; in 2009 the Town tax rate was \$2.19 per thousand of assessed valuation, or Twenty-nine Dollars (\$29) more in taxes than in 2000. Some expenses are unavoidable, like health insurance. With no tax increases, the Town depended on its fund balances, cutting contractual accounts and equipment accounts, and borrowing large amounts of money to purchase equipment. The debt expense increased dramatically and had a domino effect because the Town did not gradually raise taxes as expenses increased. In 2008, the Town had a One Million Dollar (\$1,000,000) fund balance. Sales tax revenue must go to the Highway Part-Town Fund entirely before it can be used in the General Whole-Town

Fund. Estimates for sales tax over the past three (3) years was Five and a Half Million Dollars (\$5,500,000) in each budget when the Town was only receiving Five Million Dollars (\$5,000,000); that's One and a Half Million Dollars (\$1,500,000) you don't have. It was Director Mowat's understanding that the Town Board had not been properly briefed on the Town's expenditures on a timely basis. She said big strides have been made to questions of where the numbers are. After meeting with department heads, cuts in the budget were made in July and October 2009 and it has been noted that sales tax revenue will be lower. Can't stress enough...where the budget was in 2009. then we go to 2010; there are a lot of questions with regard to the proposed Fifty-four Percent (54%) tax increase upon the current \$2.19 tax rate and whether or what it will do to the fund balance. By the end of December 2009, the Town will have about a One Hundred Fifty Thousand Dollar (\$150,000) balance at the most; .....and cable television franchise revenue are coming in higher; the Town is still making cuts in the current budget. This proposed Fifty-four Percent (54%) has nothing to do with where the fund balance will be in 2010. Director Mowat said it saddened her to apprise the Town Board that the Town's bond rating was dropped one (1) level, from A3 to BAA1 with a negative outlook. Bond rating affects the interest rate at which a municipality can borrow money. Discussions have included possible consolidation with the county and/or other departments; there is the possibility of thirteen (13) employees retiring and either don't fill these positions, or fill them at an entry-level salary. Presently no one pays toward health insurance; but considering the Town Board will not grant pay raises to twenty-two (22) non-union employees and the Town Board on September 30<sup>th</sup> rescinded these employees' longevity, the Town can't go to these 22 employees for health insurance contributions and not to the union employees who don't pay but are guaranteed their pay raises/longevity through the union contracts. Town Officials have talked to Oneida County about the current method of sales tax disbursement; while the Town of New Hartford collects Seventy-eight Percent (78%) of the sales tax in Oneida County and bears the expense for police, water, sewer infrastructure, etc., not all of that sales tax revenue is reimbursed to the Town. The Town went eight (8) years without a comptroller. I think things started breaking down during that eight (8) year period, Director Mowat said. "So, no money is missing," commented Councilman Reynolds, "it just went to everyday expenses." Director Mowat said that is correct. Councilman Reynolds questioned the Town tax rate compared to the school tax rate; Director Mowat said the school taxes – over the same period 2000 – 2009 – had increased Eighteen Percent (18%) whereas the Town increased Ten Percent (10%) over that same 10 year period.

The proposed Fifty-four Percent (54%) tax increase is on the current Two Dollars and Nineteen Cent (\$2.19) tax rate, which would bring the 2010 tax rate to Three Dollars and Thirty-seven Cents (\$3.37) per thousand of assessed valuation. It is not Fifty-four Percent (54%) of total taxes paid in a year (County, School and Town). Four (4) years ago, a separate line item was incorporated into the budget because the Village of New York Mills (partially in New Hartford and partially in Whitestown) had a Police Department that became full time. This necessitated a separate line for the taxpayers in the New Hartford portion of New York Mills; property owners have been paying Fifteen Cents (\$.15) or Eighteen Cents (\$.18) per thousand of assessed valuation but now it

looks like these same property owners may be paying more than One Dollar (\$1) per thousand of assessed valuation.

Further, Director of Budget Mowat reported that the Town is negatively affected by PILOT (Payments In Lieu of Mitigation) Agreements where businesses come in and want to grow, bring in people, construct buildings; and as a result, about Sixty-seven Million Dollars (\$67,000,000) in assessments has been taken off the “taxable” assessment roll. She cited Utica National Insurance Company that was taken off the roll this year and the Town had not been made aware of this. Sales tax distribution is based on “taxable” assessed valuation, which is minus the \$67 million, which equates to \$..... The Oneida County Industrial Development Agency (IDA) votes on this after a public hearing and the Town didn’t get to vote. Town Supervisor Reed has requested a county legislative change with regard to sales tax distribution; this was done before for the Town of Marcy. The Town has petitioned the Oneida County and Director Mowat recommended having a sit- down discussion with them. Also, there were a couple parcels that should have been put back on the “taxable” assessment rolls but the IDA didn’t turn over the deeds in time.

Councilwoman Krupa and Councilman Woodland were concerned with the proposed 54% tax increase going into 2010 and talked about tracking expenses. Director of Budget Mowat responded that Oneida County has a sign-off form so that the Board of Legislators know that sufficient monies are available for expenses. The question arose as to whether Director of Budget Mowat believed not having a comptroller didn’t get things done in a timely manner. “Yes,” she replied, adding that she believed employees feel the stress.

Councilman Reynolds made a final “...point that is often missed” and that is that the proposed Fifty-four Percent (54%) tax increase is on \$2.19 per thousand of assessed valuation, qualifying that he didn’t want to minimize this.

## **REPORTS OF SPECIAL COMMITTEES**

### **Zoning Board of Appeals:**

#### **Appointments:**

In behalf of Zoning Board of Appeals Chairman Randy Bogar, the Town Clerk presented Chairman Bogar’s recommendations to fill two (2) vacancies on that Board, copies of which had been distributed to the Town Board on or about September 30, 2009. Thereafter, Councilwoman Krupa offered the following Resolution for adoption; seconded by Councilman Payne:

### **(RESOLUTION NO. ... OF 2009)**

**WHEREAS**, Kristen Shaheen and Kimberly Carolan-Faga have resigned as Members of the Zoning Board of Appeals due to their relocation outside of the Town of New Hartford, New York, thereby creating two (2) vacancies; and

**WHEREAS**, the Zoning Board of Appeals' nominating committee has met and does hereby recommend the appointment of Karen Stanislaus and George Koury to fill said vacancies;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby appoint Karen Stanislaus, Esq., to fill the unexpired term of office of Kristen Shaheen, Esq., effective October 15, 2009 and which term will expire on June 9, 2014 and does further appoint George Koury to fill the unexpired term of office of Kimberly Carolan-Faga, effective October 15, 2009 and which term will expire on June 9, 2013.

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

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

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

## **MATTERS SUBMITTED BY COUNCILMEN**

### **COUNCILWOMAN KRUPA:**

#### **Budget Workshops**

Councilwoman Krupa and Councilman Woodland had met with various department heads beginning October 5, 2009, including representatives of the New Hartford Public Library. Reviews were made of the respective 2010 budget estimates and different ideas surfaced as how to cut expenses in different categories. "There's not much really[to cut] aside from looking at consolidation across the board, like police and dispatch, health and labor costs," said Councilwoman Krupa.

### **COUNCILMAN PAYNE:**

#### **Town Board Meeting Protocol**

Councilman Payne asked that this subject be placed on the Agenda for the October 28, 2009 Town Board meeting. He stated that the proposal had been updated to include some comments from Robert Freeman, Executive Director of the Committee on Open Government. The Town Clerk requested an updated copy of this proposal; Councilman Payne will furnish this.

## **MATTERS SUBMITTED BY DEPUTY TOWN SUPERVISOR**

### **FISCAL:**

**Audit of Vouchers**

On recommendation of the Deputy Town Supervisor, Councilman Woodland presented the following Resolution for adoption; seconded by Councilwoman Krupa:

**(RESOLUTION NO. ... 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, which had been duly audited by the Town Board:

New Hartford Business Park Abstract #4	
Voucher HO4	\$ 159,006.72
Stormwater Drainage Abstract #13	
Vouchers HU26-HU27	\$ 339,705.00
Street Lighting Fund Abstract #11	
Vouchers SL11	\$ 7,133.74
Highway Fund Part-Town Abstract #19	
Vouchers DB604-DB611	\$ 32,241.87
General Fund Part-Town Abstract # 22	
Vouchers BB151-BB160	\$ 6,536.39
General Fund Whole-Town Abstract #51	
Vouchers A1527-A1531	\$ 1,125.12
General Fund Whole-Town Abstract #52	
Vouchers A1532-A1580; A1582; A1603-A1608	\$ 210,624.88
General Fund Whole-Town Abstract #53	
Vouchers A1609-1619	\$ 24,748.34
General Fund Whole-Town Abstract #53A	
Vouchers A1581	\$ 900.00
General Fund Whole-Town Abstract #54	
Vouchers A1620	\$ 39,920.00
General Fund Whole-Town Police Abstract #51A	
Vouchers A1583-A1602	\$ 56,399.37
Sewer Fund Abstract #24	
Vouchers SS79-SS81	\$ 3,069.20
<hr/>	
<b>TOTAL:</b>	<b>\$ 881,410.63</b>

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 then declared unanimously carried and duly *ADOPTED*.

**Public Hearing Scheduled – 2010 Preliminary Budget**

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

**(RESOLUTION NO. ... OF 2009)**

**RESOLVED** that the Town Board of the Town of New Hartford will conduct Public Hearings to commence at 6:00 P.M., or as soon thereafter as reached in the regular course of business, on Thursday, November 5, 2009 in either the Perry Junior High School, Weston Road, New Hartford or the New York Mills Union Free School, Marauder Boulevard, New York Mills, depending upon availability, to consider the following matters:

- the adoption of the 2010 Preliminary Budget as the 2010 Annual Budget; and
- the establishment of the ad valorem charges for the fiscal year beginning January 1, 2010 for the following special districts/improvement areas

Water Fund  
Fire Protection Districts No. 1 through No. 5,  
Inclusive  
Various Street Lighting Districts; and be it

FURTHER RESOLVED that the said Town Board does hereby authorize to reserve the right to adjourn the November 5, 2009 Public Hearing and conduct another Hearing at a date to be determined and does hereby direct the Town Clerk to publish the legal requisite Notices of Public Hearing in The Observer Dispatch and on the Town's website.

The Resolution was then voted upon as follows:

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

Thereafter, the Deputy Supervisor declared the Resolution unanimously carried and duly adopted.

**EXECUTIVE SESSION**

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

**(RESOLUTION NO. ... OF 2009)**

**RESOLVED** that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss collective bargaining negotiations per Article 14 of the Civil Service Law.

A roll call vote ensued:

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**. All persons present, including the news media, were then excused from the meeting at 7:54 P.M. Personnel Technician Barbara Aiello remained for the Executive Session. The Town Clerk was asked to remain in the event the Town Board wanted to take action after the Executive Session.

**END OF EXECUTIVE SESSION**

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

**(RESOLUTION NO. ... OF 2009)**

**RESOLVED** that the New Hartford Town Board does hereby move to end its Executive Session and to reconvene the regular portion of the Town Board meeting.

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

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

The Deputy Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 8:13 P.M. The regular portion of the Town Board meeting was immediately reconvened. The Public was invited to re-join the meeting.

**ADJOURNMENT**

There being no further business to come before the Town Board, upon motion of Councilman Payne and seconded by Councilwoman Krupa, the meeting adjourned at 8:13 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk