

**REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF NEW HARTFORD, NEW YORK  
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN  
ON WEDNESDAY, DECEMBER 9, 2009 AT 6:00 P.M.**

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

**TOWN BOARD MEMBERS PRESENT:**

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

**OTHER TOWN OFFICIALS PRESENT:**

Director of Budget Heather Mowat  
Director of Senior Services M. Eileen Spellman  
Highway Superintendent Richard C. Sherman  
Parks & Recreation Director Michael Jeffery  
Planner Kurt Schwenzfeier  
Senior Engineering Technician John Meagher  
Town Attorney Gerald J. Green  
Town Clerk Gail Wolanin Young

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

**PUBLIC HEARING(S)**

**Local Law Introductory "G" of 2009**

6:01 P.M.      Local Law Introductory "G" of 2009  
                    Zoning Text Amendment  
                    Nonconforming use of buildings

At 6:01 P.M. the Supervisor opened the Public Hearing on Local Law Introductory "G" of 2009 which, if adopted, would amend the Town Code, 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. The Town Clerk had available the Notice of Public Hearing and Local Law Introductory, the Proof of Publication (November 27, 2009 edition of The Observer Dispatch) and the Affidavit of Posting. In addition, the Clerk had available the written recommendation of approval from the Town Planning Board and the "No Recommendation" of the Oneida County Planning Department based upon no significant County-wide or inter-community impacts having been identified with this proposal.

Codes Enforcement Officer Joseph Booth stated that the process of amending the Town's Zoning Law with regard to nonconforming use of buildings began in early July 2009. A real estate appraiser had approached the Town in the Spring of 2009, having difficulty justifying loans for damaged homes in nonconforming-use areas. If a single-family home in one of these nonconforming areas suffered any substantial damage, they would be unable to secure a loan to rebuild their home, or to refinance their home. The proposed amended language in the Town Code would allow these homeowners to rebuild in event of a disaster.

The Supervisor inquired if anyone present wished to speak in favor of, in opposition to, or to comment upon the proposed legislation. Those who spoke were:

- Ralph Humphreys – does this apply to residences or all buildings? The Codes Officer replied "...only to single family dwellings"; it excludes manufactured homes
- To Councilman Woodland's inquiry, Codes Officer Booth said – Joe said the homeowner goes to the Zoning Board of Appeals if a grandfathered use— allows person to rebuild. People who live in Planned Highway Business (PHB) areas can get financing.

No one further having come forth, the Public Hearing was closed at 6:04 P.M.

**Adoption of Local Law Introductory "G" of 2009 as Local Law No. Ten of 2009**

Councilman Woodland moved that Local Law Introductory "G" of 2009 be adopted as Local Law No. Ten of 2009 in the following format; seconded by Councilman Reynolds:

**Town of New Hartford, New York  
Local Law No. Ten 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.

The Town Board voted upon roll call, as follows:

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

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

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

6:04 P.M. Local Law Introductory “J” of 2009  
Vehicles and Traffic  
Additional Stop and Through Streets

At 6:04 P.M. the Supervisor opened the Public Hearing on Local Law Introductory “J” of 2009 which, if adopted, would amend the Town Code, Chapter 113 thereof entitled

VEHICLES AND TRAFFIC, by establishing additional through streets and additional stop streets in the vicinity of the New Hartford Business Park. The Town Clerk had available the Notice of Public Hearing and Local Law Introductory, the Proof of Publication (November 27, 2009 edition of The Observer Dispatch) and the Affidavit of Posting.

Highway Superintendent Sherman had consulted with the Police Chief on this matter and the Police Chief is on board with the proposed designations.

The Supervisor inquired if anyone present wished to speak in favor of the proposal, in opposition to the proposal, or who wished to comment upon the matter.

No one having come forth, the Public Hearing was closed at 6:06 P.M.

**Adoption of Local Law Introductory "J" of 2009 as Local Law No. Eleven of 2009**

Thereafter, Councilman Reynolds moved that Local Law Introductory "J" of 2009 be adopted as Local Law No. Eleven of 2009 in the following format; seconded by Councilwoman Krupa:

**TOWN OF NEW HARTFORD, NEW YORK  
LOCAL LAW NO. ELEVEN 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) in the vicinity of the New Hartford Business Park.

**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>
Woods Highway	Ariana Lane	Both	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>
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Ariana Lane	East	Briana Road
Woods Park Drive	West	Briana Road
Woods Park Drive	East	Briana Road
Briana Road	North	Woods Park Drive
Briana Road	South	Ariana Lane
Ariana Lane	West	Woods Highway

**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.

A roll call vote ensued:

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

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

#### MINUTES

#### **October 28 and November 4, 2009 Town Board Meetings; November 5 and November 12, 2009 Public Hearings**

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

#### **(RESOLUTION NO. 295 OF 2009)**

**RESOLVED** that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Special Town Board meeting held October 30, 2009, the Regular Town Board meeting held November 4, 2009 and the Public Hearings held November 5 and November 12, 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	-	Aye.

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

**PUBLIC PRESENTATIONS (PUBLIC COMMENTS)**

There was no one present to speak.

**REPORTS OF TOWN OFFICIALS**

Director of Parks and Recreation:

**State Property Usage Permit**

The Town Attorney and the Town’s insurance company having reviewed the “Permit For Use of State-owned Property, Parks and Recreation Director Michael Jeffery presented the following Resolution for the Town Board’s consideration. Thereafter, Councilman Reynolds offered that Resolution for adoption and Councilman Payne seconded same:

**(RESOLUTION NO. 296 OF 2009)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to enter into and to execute the “Permit For Use of State-owned Property” as same relates to the Veterans Memorial Park and Gateway Pond with Fountain located at the intersection of Routes 12, 12B, 5 and 921E in the Town of New Hartford, New York.

The Supervisor polled the Board members who voted as follows:

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

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

**Open Charge Account – Airgas Welding and Equipment**

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

**(RESOLUTION NO. 297 OF 2009)**

**WHEREAS**, Airgas Welding and Equipment has requested that the Parks and Recreation Department open a separate charge account from the Town Highway Department; and

**WHEREAS**, the Town Attorney has reviewed the account application;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Parks and Recreation Director to open a credit charge account with Airgas Welding and Equipment, 270 Erie Boulevard, Syracuse, New York.

The Town Board members voted as follows:

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

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

Director of Senior Services:

**Donations**

Donated money for the Senior Center is being held as a pre-paid for the senior book.

**Budget Surplus – Senior Center**

Due to severe cuts in her budget, Director Spellman requested that any surplus in her account for 2009 be carried over for 2010. Director of Budget said that couldn't be done according to the State accounting system.

Codes Enforcement Officer:

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

Codes Enforcement Officer Booth reported that 49 Root Street was the scene of a drug bust and several people had been arrested; his assistance had been requested in evaluating the home, which was subsequently condemned. The residents were removed from the home – during court proceedings, the house was sold and the defendant paid restitution. The new homeowner is taking action to clean up the property.

Highway Superintendent:

**Snow and Ice Intermunicipal Agreements**

Highway Superintendent Sherman presented the Intermunicipal Agreements for Snow and Ice Services that had been updated by the Town Attorney. Formerly three (3) to four (4) year Agreements, the Highway Superintendent has changed to one (1) year agreements in order to keep up on current salt prices. Thereafter, Councilman Woodland introduced the following Resolution for adoption; seconded by Councilwoman Krupa:

**(RESOLUTION NO. 298 OF 2009)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to enter into and to execute Snow and Ice Intermunicipal Agreements with the New Hartford Central School and New York Mills Union Free School, and the Villages of New Hartford and Yorkville for the period January 1, 2010 through December 31, 2010.

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

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

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

**Acquisition of Bobcat – Steer Loader**

Highway/Sewer Superintendent Sherman explained that the existing loader is in desperate need of repairs and new tires. He recommended purchasing a new loader on State Contract, with trade-in value of \$13,000 for the Town's 2000 Bobcat loader; current attachments or accessories that the Sewer Department has will fit the new Loader. With the trade-in value bringing the equipment cost down, there are sufficient monies available in the 2009 Sewer Fund to purchase this equipment that can be used for:

- Repairing sewers
- Locating sewer manholes that become covered up over time
- Working in various wooded areas
- Snow plowing sidewalks.

If purchased in 2009, then the 2010 budgeted amount for this purchase won't be needed. Councilman Payne offered the following Resolution for adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. 299 OF 2009)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Highway/Sewer Superintendent to purchase one (1) new 2009 Bobcat – Steer Loader, Model S220, on State Contract PC64705, with a \$13,000 trade-in of the Town's 2000 Bobcat 863H Skid Steer (Serial No. 514442306), for a maximum price of Twenty-eight Thousand Four Hundred Sixty-nine Dollars (\$28,469), of which \$20,017 shall be paid from Sewer Fund Account No. SS8110.01 and the remaining amount from Highway Part-town Account DB5130.02.

The Town Board members then voted upon roll call:

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

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



### **Sewer Repairs**

National Water Main is still working and sealing manholes; 35 have been completed and it is anticipated a total of 40 will be repaired. They expect to work for another couple weeks depending on the weather. The Town is receiving sewer credits for removal of stormwater from the sanitary sewer system.

### **Sanitary Sewer Repair on Route 5A (Commercial Drive) and Relocation of Sanitary Sewer on Jordan Road**

Highway/Sewer Superintendent Sherman reported that the Commercial Drive project has been completed with the exception of a small list that needs to be addressed according to Shumaker Engineering. With regard to the Jordan Road project, Superintendent Sherman has met with Mrs. Pauley, her attorney and the Town Attorney; the project will continue moving forward and trees may be taken down this Fall and a new sanitary sewer line will be installed in Spring 2010. There will be sufficient time for the contractor to plant trees before the contract duration expires.

### **Workplace violence (& Sexual Harrassment)**

The Highway Department employees attended a workplace violence and sexual harassment class in November 2009; Highway Superintendent Sherman is working with the Town Attorney and Police Chief Philo to finalize a policy with regard to these matters for his Department and will present the final draft to the Town Board for approval on December 30, 2009.

### **Shared Services Agreement – Salting School driveways**

Upon explanation of the Highway Superintendent, it was the consensus of the Town Board that he continue delving into the possibility of salting (not plowing) around the driveway aprons of the four (4) New Hartford Central Schools, including the bus garage, around the existing construction area and where the bus drops off students. Currently, the School has been salting but they have requested the Town provide this service inasmuch as the Town trucks are in the vicinity of the four (4) schools. The Highway Superintendent is considering the mileage involved, hourly rate for the trucks and one (1) operator, including benefits, and he came up with a tentative hourly rate of \$50.00 and the Town motor equipment operators would have to keep track of the times they salt.

### **Stormwater Management (Advisory) Improvement Committee**

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

Highway Superintendent Sherman reported that this project is 75-80% done; in Spring 2010 the contractor (Murphy Excavating) will do the plantings and seedings. The detention basins are operational and the Longworth Acres development is connected to the detention basins and is operational.

### **Planner:**

### **Release of Retainer – Circuit City**

Upon recommendation of the Town Planner, the following Resolution was offered for adoption by Councilman Reynolds and duly seconded by Councilman Payne:

**(RESOLUTION NO. 300 OF 2009)**

**WHEREAS**, Pyramid Management Group, Inc. had deposited the sum of Twelve Hundred Dollars (\$1200) with the Town as a retainer to ensure completion of site work for the Circuit City project at Sangertown Square; and

**WHEREAS**, all site work has been completed by the developer and the site has been inspected by the Town of New Hartford;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Bookkeeper to release to Pyramid Management Group, Inc. the sum of Twelve Hundred Dollars (\$1200), representing a full refund of the retainer as same relates to the Circuit City project which has been completed.

The Town Board members voted as follows:

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

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

**Release of Retainer – Target**

Upon recommendation of the Town Planner, the following Resolution was offered for adoption by Councilman Reynolds and duly seconded by Councilman Woodland:

**(RESOLUTION NO. 301 OF 2009)**

**WHEREAS**, Pyramid Management Group, Inc. had deposited the sum of Forty-two Thousand Dollars (\$42,000) with the Town as a retainer to ensure completion of site work for the Target project at Sangertown Square; and

**WHEREAS**, all site work has been completed by the developer and the site has been inspected by the Town of New Hartford;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Bookkeeper to release to Pyramid Management Group, Inc. the sum of Forty-two Thousand Dollars (\$42,000), representing a full refund of the retainer as same relates to the Target project which has been completed.

The Resolution was duly put to a vote upon roll call which resulted as follows:

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

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

**Release of Retainer – The House of the Good Shepherd**

Upon recommendation of the Town Planner, the following Resolution was offered for adoption by Councilman Reynolds and duly seconded by Councilwoman Krupa:

**(RESOLUTION NO. 302 OF 2009)**

**WHEREAS**, The House of the Good Shepherd had deposited the sum of Seventeen Thousand Five Hundred Dollars (\$17,500) with the Town as a retainer to ensure completion of site work for the building project at their Champlin Avenue Campus; and

**WHEREAS**, all site work has been completed by the developer and the site has been inspected by the Town of New Hartford;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Bookkeeper to release to The House of the Good Shepherd the sum of Seventeen Thousand Five Hundred Dollars (\$17,500), representing a full refund of the retainer as same relates to the building project at the Champlin Avenue Campus which has been completed.

A roll call vote ensued:

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

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

**Release of Retainer – The Orchards**

Upon recommendation of the Town Planner, the following Resolution was offered for adoption by Councilwoman Krupa and duly seconded by Councilman Reynolds:

**(RESOLUTION NO. 303 OF 2009)**

**WHEREAS**, Judd Road Group, LLC had deposited the sum of Five Thousand Dollars (\$5,000) with the Town as a retainer to ensure completion of site work for the Marquee project at The Orchard; and

**WHEREAS**, all site work has been completed by the developer and the site has been inspected by the Town of New Hartford;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Bookkeeper to release to Judd Road Group, LLC the sum of Five Thousand Dollars (\$5,000), representing a full refund of the retainer as same relates to the Marquee project which has been completed.

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

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

**Release of Retainer – Parkview Estates IIIA**

Upon recommendation of the Town Planner, the following Resolution was offered for adoption by Councilman Reynolds and duly seconded by Councilwoman Krupa:

**(RESOLUTION NO. 304 OF 2009)**

**WHEREAS**, Garden Homes Management Corporation had deposited the sum of Thirteen Thousand Two Hundred Dollars (\$13,200) with the Town as a retainer to ensure completion of site work for Phase IIIA at Parkview Estates; and

**WHEREAS**, all site work has been completed by the developer and the site has been inspected by the Town of New Hartford;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Bookkeeper to release to Garden Homes Management Corporation the sum of Thirteen Thousand Two Hundred Dollars (\$13,200), representing a full refund of the retainer as same relates to Phase IIIA which has been completed.

The Town Board then voted upon roll call:

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

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

**Release of Retainer – Benderson Development Phase II**

Upon recommendation of the Town Planner, the following Resolution was offered for adoption by Councilman Reynolds and duly seconded by Councilwoman Krupa:

**(RESOLUTION NO. 305 OF 2009)**

**WHEREAS**, Benderson Development Company, Inc. had deposited the sum of Twenty Thousand Dollars (\$20,000) with the Town as a retainer to ensure completion of site work for the 16,400 square foot retail building on the corner of Commercial Drive HendesonStreet; and

**WHEREAS**, all site work has been completed by the developer and the site has been inspected by the Town of New Hartford;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Bookkeeper to release to Randall Benderson 1993-1 Trust (Benderson Development Company, Inc.) the sum of Twenty Thousand Dollars (\$20,000), representing a full refund of the retainer as same relates to the 16,400 square foot retail building project which has been completed.

Whereupon, the Town Board members voted by roll call:

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

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

Town Clerk:

**Raffle Consent**

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

**(RESOLUTION NO. 306 OF 2009)**

**RESOLVED** that the New Hartford Town Board does hereby grant permission to St. George Antiochian Orthodox Church, 1104 Brinckerhoff Avenue, Utica, NY, an organization duly granted a Games of Chance Identification Number by the New York State Racing and Wagering Board, to sell raffle tickets within the Town of New Hartford,

New York, in accordance with all rules and regulations of said Racing and Wagering Board; and be it

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

The Resolution was voted upon by roll call as follows:

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

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

Police Chief:

**Uniform Cleaning Contract**

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

**(RESOLUTION NO. 307 OF 2009)**

**WHEREAS**, the Police Chief had received quotes from various dry-cleaning establishments in accordance with the Town's Purchasing Policy; and

**WHEREAS**, the Town Attorney has reviewed the proposed Uniform Cleaning Contract for the Police Department;

**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 Dapper Dan Professional Dry Cleaning Services for the purpose of providing police uniform cleaning services; the duration of this agreement shall be from January 1, 2010 through December 31, 2012.

The foregoing Resolution was subject to a roll call vote:

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

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

**2010 STOP DWI Agreement**

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

**(RESOLUTION NO. 308 OF 2009)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement with Oneida County for the STOP DWI Program, the purpose of which is to provide educational programs at schools and community groups, provide extra police patrols and enforcement of DWI laws; said Agreement is for Fiscal Year 2010 in the amount of Forty Thousand Dollars (\$40,000) and applies to Account BB1589.0

Chief Philo stated that the Police Department has been participating in this program for 27 years. A roll call vote ensued:

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

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

**Nuisance Abatements (Local Law)**

The Police Department has enforced some nuisance abatement situations recently and received positive results from both – one on Oakdale Ave and one on Genesee Street.

**Senior Engineering Technician:**

**Findings and Determination – National Grid Taking**

Upon recommendation of Senior Engineering Technician John Meagher and review by the Town Attorney, the following Resolution was introduced for adoption by Councilman Reynolds and duly seconded by Councilwoman Krupa:

**(RESOLUTION NO. 309 OF 2009)**

**RESOLVED** that the New Hartford Town Board does hereby accept and adopt the following ***Findings and Determination*** with regard to the National Grid Taking on Woods Highway:

**Findings and Determinations**

*The Town Board of the Town of New Hartford did conduct a Public Hearing on Wednesday, September 30, 2009, in Butler Memorial Hall, 48 Genesee Street, New Hartford to consider a taking of approximately 0.015 acres of the 6.99 acre parcel of*

*land owned by National Grid located on or near Woods Highway bearing Tax map number 328.000-3-8 which, if adopted, would allow necessary road and other public improvements in conjunction with the development of the New Hartford Business Park. At said public hearing the Town received no public comment and the only written comment was from National Grid. Ms. Schofield advised that no one from Niagara Mohawk Power Corporation (National Grid) would be attending the Public Hearing and that they are in agreement with the proposed taking.*

*The Town does therefore find that this portion of the parcel would provide the additional Right of Way to allow necessary road and other public improvements in conjunction with the development of the New Hartford Business Park and would have no adverse impact on the environment and therefore will proceed with the acquisition of this land. The realigned roadway would improve the safety of the traveling public by increasing sight distance and improved visibility. It will also allow drainage and utility improvement*

And be it

**FURTHER RESOLVED** that the Town Clerk be, and she hereby is, authorized and directed to publish said ***Findings and Determinations*** in The Observer Dispatch on two (2) successive days and to provide the appropriate notice to National Grid.

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

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

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

Director of Budget:

**Sauquoit Creek Basin Intermunicipal Commission – Monetary Contribution**

After having met with Highway Superintendent Sherman and Senior Engineering Technician Meagher, Director of Budget Mowat submitted the following Resolution for the Board’s consideration. Thereafter, Councilwoman Krupa introduced the Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 310 OF 2009)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct that the sum of Nineteen Thousand Three Hundred Eighty-seven Dollars (\$19,387) be allocated as the Town’s contribution to the Sauquoit Creek Basin Intermunicipal Commission, said contribution to be paid from the Seneca Turnpike-



Commercial Drive GEIS FILM to cover engineering costs associated with the Royal Brook Lane, New York Mills stormwater project.

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

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

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

**Sauquoit Creek Basin Intermunicipal Commission – Engineering Services**

Director Mowat noted that all projects paid by the Town by Highway Superintendent Sherman have been in accordance with the Town’s purchasing policy. With regard to engineering services previously RFP’d (Requests for Proposal) by the Sauquoit Creek Basin Intermunicipal Commission, Director Mowat presented the following Resolution for the Town Board’s consideration. Thereafter, the following Resolution was introduced for adoption by Councilwoman Krupa and duly seconded by Councilman Payne:

**(RESOLUTION NO. 311 OF 2009)**

**RESOLVED** that, while the Town did not seek Requests for Proposal (RFP) for this project, the Town Board of the Town of New Hartford does hereby agree to and does hereby authorize the payment of the bill submitted by Alan Swierczek, P.E., for engineering services in the amount of One Thousand Eight Hundred Eighty Dollars (\$1,880.) inasmuch as RFP’s had been solicited by the Sauquoit Creek Basin Intermunicipal Commission and the Town does hereby accept same. Said bill relates to the Mud Creek Bank Stabilization Project and specifically for the design phase engineering services associated with the preparation of plans for stream bank stabilization work and appurtenant work at three sites on Mud Creek between the NYS Route 5A (Commercial Drive) bridge and Consumer Square.

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	-	Aye.

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

**Temporary Traffic Signal – New Hartford Office Park Route 5 & 5A Highway Improvement**

The State Department of Transportation (DOT) has been asking for payment with regard to their installation of a temporary traffic signal at the Seneca Turnpike-Woods Highway intersection last year. Said traffic signal had been installed as part of the New Hartford Office Park Route 5 & 5A Highway Improvement project at an estimated cost of One Hundred Eighty Thousand Dollars (\$180,000). Director Mowat recalled numerous meetings with the developer about this matter and Mr. Adler still objects to some of the overruns, including legal and accounting fees (\$70,000) and Shumaker Engineering inspection costs (\$65,000); he believes the Town should pay the \$63,000 incurred for the temporary traffic signal. Because the Town put off installation of the permanent traffic signal for over a year, Director Mowat asked that the Town Board approve that One Hundred Thousand Seventeen Dollars (\$117,000) be taken from the New Hartford Business Park account and Sixty-three Thousand (\$63,000) out of the General Town Traffic Signal account. Councilman Reynolds commented that the Town had run out of time and weather on this project. Director Mowat stated that if all vouchers/expenses come in to the Town, the Town would be over the bond expenses. Heather said it just wasn't budgeted. Heather wants to apply it to the bond proceeds and is looking to pay the DOT the entire bill. Thereafter, Councilwoman Krupa offered the following Resolution for adopted; seconded by Councilman Reynolds:

**(RESOLUTION NO. 312 OF 2009)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Director of Budget to move forward in paying the sum of One Hundred Seventy-nine Thousand Five Hundred Fifty-five Dollars and Forty-one Cents (\$179,555.41) to the New York State Department of Transportation for their installation of a temporary traffic signal at the intersection of NYS Route 5-Woods Highway in 2008, with \$116,729.00 to be paid from New Hartford Business Park Account HO1620.4 and \$62,826.41 to be paid from General Fund Account AA3310.4.

A roll call vote ensued:

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

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

**Sewer funds**

The Town had received a Freedom of Information Request with regard to unit charges and ad valorem charges on properties. Several years ago Thomas Fiorentino reached an agreement with the Town for sewer service to his Paris Road property and Director Mowat contacted him to make sure he was receiving the sewer service. She stated that

something happened somewhere where staff didn't do their job and get the paperwork to the Clerk's Office for billing purposes. Director Mowat said State law had been passed for the Town about 15 years ago about sewer tax levy. There appears to be a discrepancy between what is charged to the Applewood Community (1 unit) and the Cherrywood Community (28 units).

**Fees In Lieu of Mitigation (FILM) – French-Champlin-Burrstone Road GEIS corridor**

In 1996 the Town contributed \$36,000 to the New York Mills Fire Department for a truck for their services within the French-Champlin-Burrstone Road GEIS corridor. Police and fire services are defined categories in this GEIS corridor. The Town now has an opportunity to provide \$40,000 to this Fire Department to help replace their 1997 EMS vehicle. Director Mowat said the Town has a legal opinion from Attorney Philip Rayhill about 10 years ago that this can be done. This is in their capital plan, she said. Councilwoman Krupa said this is good use of FILM money; the Fire Department can use the money. Thereafter, Councilwoman Krupa introduced the following Resolution for adoption; seconded by Councilman Payne:

**(RESOLUTION NO. 313 OF 2009)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct that the sum of Forty Thousand Dollars (\$40,000) from the French-Champlin-Burrstone Road GEIS corridor, Fees in Lieu of Mitigation (fire services) be contributed to the New York Mills Fire Department to help defray the costs of a new EMS vehicle to be used in said GEIS corridor.

The Town Board members voted upon roll call:

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

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

**Annual Budget - Levy description**

Upon recommendation of the Director of Budget, the following Resolution was introduced for adoption by Councilman Reynolds and duly seconded by Councilman Woodland:

**(RESOLUTION NO. 314 OF 2009)**

**WHEREAS**, there are three (3) types of similarly named categories within the Town's Annual Budget that are confusing and/or misleading;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby change the Fund name previously known as “General Whole-town Minus New York Mills” so that it shall now be designated and known as “General Part-town Police” and be so reflected in future Town budgets and on future Town and County tax bills.

Upon roll call, the Board members voted as follows:

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

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

**Miscellaneous Items:**

- Budget (Fund Balance) – an \$81,000 budget error in hospitalization costs in last year’s budget will likely affect the 2009 fund balance; bills are coming in higher than expected
- Monthly Report of Expenditures and Revenue - shortly the Town Board will be receiving the November 2009 monthly report, an improvement over the past several months when reports were behind by six (6) months
- Railroad Crossings – the Parks and Recreation Director had notified Director Mowat that he would discuss with the new administration in 2010 the Access Agreement between the Town and the railroad wherein the Washington Mills Athletic Park railroad crossing was declared a public crossing, yet the railroad has been billing the Town for maintenance of the gates as if the crossing were a private crossing
- Higby Road Water District - Christine Giotto has refused to cash her refund check because the Town did not refund her money with interest. Director Mowat will determine for the December 30, 2009 Town Board meeting the interest rate on the Giotto and three (3) other refunds

**2009 Budget Modifications**

Upon recommendation of the Director of Budget, Councilwoman Krupa introduced the following Resolution for adoption and Councilman Woodland seconded same:

**(RESOLUTION NO. 315 OF 2009)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the following 2009 Budget modifications:

**Highway Fund Part-Town**

To: Paving	DB5112.04	\$ 73,315	To adjust for previous Board approval of the paving of Woods
To: Mitigation – Paving	DB5031	\$ 73,315	Highway utilizing FILM Funds
From: Repairs	DB5113.04	\$ 180	Unexpected Expenditure

To: Paving	DB5112.04	\$ 180	
From: Gasoline – summer	DB5110.45	\$129,089	To adjust for CHIPS expenditure not budgeted in Adopted 2009 Budget
Personal Services – summer	DB5110.01	\$ 32,458	
Seasonal Employees	DB5110.14	\$ 3,038	
Contractual Expenses – summer	DB5110.47	\$ 2,700	
To: Equipment	DB5130.02	\$167,285	
From: Gasoline – winter	DB5142.44	\$ 58,000	To adjust for health insurance expense below
To: Hospitalization	DB9060.08	\$ 58,000	2009 adopted budget
From: Items for Stock	DB5130.43	\$ 3,000	Unexpected expenditure
To: Tires	DB5130.41	\$ 3,000	

**General Whole-Town**

From: Elections – contractual	AA1450.04	\$ 4,800	Unexpected expenditure
Records Mngmt Contractual	AA1460.04	\$ 1,300	
CFO	AA1315.45	\$ 516	
Central Ptg/Mailing Agreements	AA1670.41	\$ 3,269	
To: Audit – Contractual	AA1320.04	\$ 9,885	
To: Eng'ing Services-Sauquoit Creek	AA1440.44	\$ 19,387	To adjust for Board approved Stormwater Management on Royal Brook Lane from FILM Funds
To: Mitigation – Stormwater	AA5031	\$ 19,387	
From: Buildings – Utilities	AA1620.41	\$ 11,000	Unexpected expenditure
To: Legal Services – Contractual	AA1420.04	\$ 11,000	
From: Eng'ing Services – Sauquoit Creek	AA1440.44	\$ 1,131	To adjust for expenses pre-paid by the owner that was not
To: Clerk of Works – Delaus Eng	AA1440.40	\$ 1,131	classified as pre-paid
From: Buildings – Utilities	AA1620.41	\$ 43,000	To adjust for unexpected expenses such as repair of garage
To: Buildings – Contractual	AA1620.04	\$ 43,000	door and fence installation
To: Police – Equipment	AA3120.02	\$ 45,984	To adjust for previous Board approval of FILM funds
To: Mitigation – Police	AA5031	\$ 45,984	
From: Contingent Account	AA1990.04	\$ 6,700	Unexpected expenditure
To: Unemployment Insurance	AA9050.08	\$ 6,700	
From: Parks – Contractual	AA7110.04	\$ 3,500	To adjust for unexpected repairs to compressors, per Mike
To: Recreation Center – Contractual	AA7020.04	\$ 3,500	Jeffery
From: Buildings – Utilities	AA1620.41	\$ 40,000	To adjust to pay for temporary portion of traffic signal
Rec'r of Taxes – Clerk Sub	AA1330.14	\$ 1,186	
Central Comm – Contractual	AA1650.04	\$ 1,500	
Dispatchers – Personal Services	AA3220.11	\$ 3,000	
Highway – contractual	AA5010.04	\$ 1,500	
Senior Site Manager P/T	AA6772.11	\$ 2,000	
Senor Site – Clerk P/T	AA6772.12	\$ 2,000	
Contingent Account	AA1990.04	\$ 1,814	
To: Traffic Signal – Contractual	AA3310.04	\$ 53,000	

**SEWER**

From: Contractual Expense	SS8110.04	\$ 1,700	Unexpected increase in fees from the Village of
To: Sewer Charges – New York Mills	SS8110.46	\$ 1,700	New York Mills
From: Sewer Reserve for equipment	SS8110.02/		
	SS599	\$ 189,489	To adjust for payment of Sewer Truck and Skidster
From: Sewer – Contractual	SS8110.04	\$ 31,043	
To: Sewer – Equipment	SS8110.02	\$ 21,017	
To: Sewer – Equipment	SS8110.02	\$199,875.	

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

Councilwoman Krupa	-	Aye
Councilman Reynolds	-	Aye

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

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

## **MATTERS SUBMITTED BY COUNCILMEN**

### **COUNCILMAN REYNOLDS:**

#### **Training – Planning Board members**

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

### **(RESOLUTION NO. 316 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; and

**WHEREAS**, statute requires Planning Board members to have four (4) educational credit hours of training annually;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby grant retroactive permission to the Town Planning Board members to attend the December 7, 2009 NYS Department of Environmental Conservation-sponsored Waste Water Seminar in the Town of Marcy, New York and that the 2-hour seminar be recognized towards their 4-hour annual training.

The Resolution was voted upon by roll call as follows:

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

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

### **Councilman Woodland:**

#### **Checklist for tracking expenses**

The Town Board will consider this in 2010.

## **MATTERS SUBMITTED BY TOWN SUPERVISOR**

### **FISCAL:**

**Audit of Vouchers**

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

**(RESOLUTION NO. 317 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 #6	
Vouchers H06	\$ 116,729.00
Street Lighting Fund Abstract #13	
Vouchers SL13	\$ 8,000.26
Stormwater Drainage Project Abstract #16	
Vouchers HU30-HU32	\$ 143,508.69
Highway Fund Part-Town Abstract #23	
Vouchers DB690-DB722	\$ 198,745.64
Highway Fund Part-Town Abstract #24	
Vouchers DB723-DB724	\$ 181,727.00
Highway Fund Part-Town Abstract #25	
Vouchers DB725-DB726	\$ 16,278.27
Highway Fund Part-Town Abstract #26	
Vouchers DB727-DB729	\$ 5,736.32
Highway Fund Whole-Town Abstract #2	
Vouchers DA2	\$ 200.00
General Fund Part-Town Abstract # 26	
Vouchers BB183	\$ 19.00
General Fund Part-Town Abstract # 27	
Vouchers BB184	\$ 12.50
General Fund Part-Town Abstract # 28	
Vouchers BB185-BB190	\$ 5,142.52
General Fund Part-Town Abstract # 29	
Vouchers BB191-BB193	\$ 184.78
General Fund Whole-Town Abstract #62	
Vouchers A1787-A1788	\$ 66.25
General Fund Whole-Town Abstract #63	
Vouchers A1789-A1790	\$ 6,790.00
General Fund Whole-Town Abstract #64	
Vouchers A1791-A1794	\$ 14,840.35
General Fund Whole-Town Abstract #65	
Vouchers A1795-A1796;A1832	\$ 204.19
General Fund Whole-Town Abstract #66	
Vouchers A1797-A1830;A1833-A1852; A1873-A1880;A1885	\$ 219,034.71

General Fund Whole-Town Abstract #67		
Vouchers A1886-1902	\$	20,855.12
General Fund Whole-Town Abstract #68		
Vouchers A1903-A1912	\$	82,881.53
General Fund Whole-Town (Police) Abstract #64A		
Vouchers A1831	\$	299.70
General Fund Whole-Town (Police) Abstract #66A		
Vouchers A1853-A1872;A1881-A1884	\$	90,894.19
Sewer Fund Abstract #29		
Vouchers SS93	\$	1,325.39
Sewer Fund Abstract #30		
Vouchers SS94-SS100	\$	7,313.72
Sewer Fund Abstract #31		
Vouchers SS101	\$	105,711.00
Sewer Fund Abstract #32		
Vouchers SS102-SS103	\$	7,276.91
Sewer Fund Abstract #33		
Vouchers SS104-SS108	\$	31,706.25
<b>TOTAL:</b>		<b>\$1,265,483.29</b>

Upon roll call, the Board members voted as follows:

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

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

**Final 2009 Town Board Meeting**

The Town Supervisor reminded everyone that the last Board meeting for 2009 will be held on Wednesday, December 30, 2009 at 6:00 P.M. in Butler Memorial Hall.

PUBLIC PRESENTATION (Resident concern)

**Railroad Access (Crossing) Fees/Taxes**

Ralph Humphreys inquired if the Town was paying taxes to the railroad, to which the Town Attorney replied the Town is paying fees. Mr. Humphreys (former Town Supervisor) said the Town had a contract with the railroad while he was Supervisor and the railroad couldn't charge the Town taxes or charge for sewer and crossings; Town Attorney Gerald Green will look into this matter. Mr. Humphreys also mentioned a PILOT agreement and reviewing a copy of that document.

**ADJOURNMENT**

There being no further business to come before the Town Board, upon motion of Councilwoman Krupa and duly seconded, the meeting adjourned at 7:18 P.M.



Respectfully submitted,

Gail Wolanin Young, Town Clerk