

**REGULAR MEETING OF THE TOWN BOARD OF  
THE TOWN OF NEW HARTFORD, NEW YORK,  
HELD AT BUTLER MEMORIAL HALL ON  
WEDNESDAY, JANUARY 14, 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:** 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/EMPLOYEES:**

Codes Enforcement Officer Joseph A. Booth  
Director of Senior Services M. Eileen Spellman  
Highway Superintendent Richard C. Sherman  
Personnel Technician II Barbara Aiello  
Planner Kurt Schwenzfeier  
Police Chief Raymond L. Philo  
Sr. Engineering Technician John Meagher  
Town Clerk Gail Wolanin Young

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

**PUBLIC HEARING**

6:01 P.M. Local Law Introductory "F" of 2008

At 6:01 P.M. the Town Supervisor opened the Public Hearing and the Town Clerk had available the Notice of Public Hearing/Local Law Introductory "F" of 2008, Affidavit of Posting and Proof of Publication (January 2, 2009 edition of The Observer Dispatch). The purpose of the public hearing was to offer the citizens an opportunity to speak for or against Local Law Introductory "F" of 2008 that, if adopted, would amend the Town Code, Chapter 118 thereof entitled Zoning, and specifically the map, by changing the designation of 39.9 acres, more or less, situate at 4401 Middlesettlement Road and identified as Tax Map Parcel No. 328.000-2-39, from RB3 (Office Business District) to PDI (Planned Development Institutional). The property, currently owned by New Hartford Plaza, LLC, is being sold to St. Elizabeth Medical Center, which intends to consolidate and relocate a number of offices at the 4401 Middlesettlement Road location.

Town Clerk Young reported that recommendations of approval of the requested zone change had been received from the Town Planning Board and the Oneida County

Planning Department. In addition, the Town Planning Board recommended that a “municipal services agreement” be considered between St. Elizabeth Medical Center and the Town to offset police and fire services to this facility.

With regard to SEQR, the following responses had been received from:

- NYS Department of Environmental Conservation – not within defined areas of protected streams nor within or near any NYS regulated wetland or its 100-foot adjacent area. Advised that the property is situated within an archeologically sensitive area which needs to be considered if there will be any physical change to the site in the future
- Oneida County Dept. of Water Quality & Water Pollution Control – Reviewed the application and had no comment
- New Hartford Police Department – believes the proposed business units that would occupy New Hartford Plaza, LLC would provide for an appropriate use for this existing facility; further, believes the increase in demands to the police department because of this rezoning, and other recent and proposed developments, would put and is putting an untenable burden on these police services
- NYS Department of Transportation – concurs with the proposed amendment to the Town’s zoning map to allow St. Elizabeth Medical Center to reuse the existing 60,000 square foot building for purposes stated in their application; does not appear to generate additional traffic and should not significantly impact NYS Route 5B. Should additional development or changes to the property be proposed, a review of the traffic and drainage would be warranted
- New Hartford Fire Department – The current facility is still being utilized as offices thus there is no significant impact on the Fire Department’s ability to perform necessary emergency services.

Robert Scholefield, representing St. Elizabeth Medical Center – which intends to purchase the property, reviewed the proposed uses within the 4401 Middle settlement Road office building:

- Consolidate and relocate some existing physician offices
- Relocate St. Elizabeth Medical Center’s Business Office
- Relocate Medical Imaging Services
- Medical Group Management Offices
- Urgent Care Services – new and would be closing at 9 PM – 10 PM
- Wound Care Services
- Conference space to allow for teleconferencing to the main office
- Community Education space
- Food Court/Cyber Café
- Possibly leasing 25,000 square feet of office space for private physician offices, which would be taxable

St. Elizabeth Medical Center intends to sell their offices at 86 Genesee Street, New Hartford and relocate those offices to the Middlesettlement Road site; this property, once sold, would go back on the assessment/tax rolls.

The Supervisor inquired if anyone present wished to speak for or against, or to comment upon this rezoning application:

- Councilwoman Krupa inquired if St. Elizabeth Medical Center had any plans to change the footprint of the existing building. Other than installation of handicapped ramps, Mr. Scholefield said there were no such plans.
- Louise White – her yard abuts the subject property; will St. Elizabeth Medical Center change the forest behind both properties? Mr. Scholefield responded their intent is to occupy the building “as is” now. There will be much less cars there. He anticipated up to 250 employees in the building. Mrs. White emphasized she doesn’t want the trees taken down and ruin the view. Mr. Scholefield stated it is not the intention to have an exit onto NYS Route 5 (aka Seneca Turnpike).
- Ralph Humphreys - what percentage of the property will be tax exempt? Mr. Scholefield replied that 25,000 square feet would be taxable; hospital functions would be tax exempt.
- Councilman Reynolds – brought up the Town Planning Board’s recommendation that the Town Board look into the feasibility of a “municipal services agreement” between the Town and St. Elizabeth Medical Center wherein an annual payment would be made by the Medical Center to offset police/fire services to the site. Mr. Scholefield noted that, as a tax-exempt organization, the hospital is not required to pay this – and wouldn’t intend to; currently St. Elizabeth Medical Center is providing over \$12 million to the community and is not prepared to pay any additional money. He cited the need to rent the 25,000 square feet for private office space to offset part of the building.
- Cathy Lawrence – what is the anticipated date to have the space filled? Mr. Scholefield said there have been conversations with physicians but he couldn’t commit because they hadn’t closed on the property yet.
- Councilwoman Krupa – is anyone interested in the property at 86 Genesee Street? Mr. Scholefield stated that a private individual has toured the building and if sold to this individual, then the property would be generating taxes.

There being no one further to speak in the matter, the Supervisor declared the Public Hearing closed at 6:11 P.M.

**SEOR – Negative Declaration – Local Law Introductory “F” of 2008**

Planner Kurt Schwenzfeier had prepared the SEQR Negative Declaration with regard to New Hartford Plaza’s application for a rezoning of their 4401 Middlesettlement Road

property. Thereafter, Councilman Woodland offered the following resolution for adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. 1 OF 2009)**

**RESOLVED** that the Town Board of the Town of New Hartford, as Lead Agency in the matter of the rezoning request submitted by New Hartford Plaza, LLC (St. Elizabeth Medical Center), does hereby unanimously adopt the determination and findings set forth in the Negative Declaration (SEQR), Notice of Determination of Non-Significance, which has been filed in the Town Clerk's Office.

Upon roll call, the Town Board voted as follows:

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

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

**Adoption of Local Law Introductory "F" of 2008 as Local Law No. One of 2009**

Councilman Woodland then moved that Local Law Introductory "F" of 2008 be adopted as Local Law No. One of 2009, in the following format; seconded by Councilwoman Krupa:

**Town of New Hartford, New York  
Local Law No. One of 2009**

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

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

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

Section 118-8. Zoning Map

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

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

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

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

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

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

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

Upon roll call, the Town Board members voted as follows:

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

Thereafter, Local Law Introductory "F" of 2008 was declared unanimously carried and duly **ADOPTED** as Local Law No. One of 2009.

## **MINUTES**

### **December 29, 2008 Town Board Meeting**

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

#### **(RESOLUTION NO. 2 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 **December 29, 2008** and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

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

## **PRESENTATIONS**

### **Grant Applications**

J. Caroline Williams of Cornell Cooperative Extension reviewed workshop and grant opportunities and application deadlines for municipalities for matters such as rural accesses, energy efficiency, records management, etc.

## **REPORTS OF TOWN OFFICIALS**

### **ENGINEERING:**

Acquisition of Real Property – “Sherman” Parcel

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

**(RESOLUTION NO. 3 OF 2009)**

**RESOLUTION TO SIGN TRANSFER DOCUMENTS AND FILE DEED RELATING TO THE TRANSFER OF A SMALL PARCEL OF LAND FROM SHERRILL SHERMAN (“SHERMAN”) TO THE TOWN OF NEW HARTFORD (“TOWN”) FOR NO CONSIDERATION**

**WHEREAS**, the Town Board having previously approved the transfer of a parcel of land owned by the late Sherrill Sherman, Jr., located on or near Sherrill Lane and Mallard Brook Lane in the Town of New Hartford; and

**WHEREAS**, the Town’s cause and purpose for accepting this conveyance was and is to provide improved stormwater management and maintenance in that particular area of Town and other areas affected; and

**WHEREAS**, the subject conveyance was made by Sherman to the Town for no consideration; and

**WHEREAS**, the subject parcel was surveyed, good and proper title thereto has been provided, along with an Executor’s Deed, satisfactory legal description and corresponding map;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board that the Town Supervisor shall be, and hereby is, duly authorized to sign any and all transfer documents and necessary papers to facilitate filing of the subject deed to the subject parcel.

A roll call vote ensued:

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

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

**HIGHWAY SUPERINTENDENT:**

**Road Dedication – Sitrin Lane**

Highway Superintendent Richard Sherman reported that the site distance at the intersection of Sitrin Lane-Higby Road is sufficient; the Town Attorney has reviewed the road dedication documents, with the paperwork being in order. Sitrin Lane runs from

Higby Road to Kavod Road. Thereafter, Councilman Payne offered the following Resolution for adoption; seconded by Councilwoman Krupa:

**(RESOLUTION NO. 4 OF 2009)**

**RESOLUTION FOR THE DEDICATION OF SITRIN LANE IN THE TOWN OF NEW HARTFORD.**

**WHEREAS**, the Charles T. Sitrin Home (“Sitrin”) is desirous of transferring Sitrin Lane to the Town of New Hartford (“Town”) by Warranty Deed; and

**WHEREAS**, the Town is desirous of accepting Sitrin Lane to include in, and become a part of, the Town’s public streets and highway system; and

**WHEREAS**, such conveyance to the Town from Sitrin is deemed to be in the better interest of the public serving the public’s health, safety and general welfare; and

**WHEREAS**, upon such conveyance, the Town shall become responsible for the care, maintenance and upkeep of said Sitrin Lane; and

**WHEREAS**, the Town has been provided Certification by Sitrin’s engineer as to the quality and character of the construction of Sitrin Lane in letter dated December 17, 2008 from GYMO Architecture, Engineering and Land Surveying, P.C. to Richard Wilson, CEO, Sitrin; and

**WHEREAS**, the Town has been provided core test results from Atlantic Testing Laboratories attesting to the depth of the sub-base layer and verifying geo-textile fabric placement; and

**WHEREAS**, by reason of weather conditions beyond the control of Sitrin, installation of a 1” top course asphalt layer on Sitrin Lane will be performed in the Spring of 2009 as will removal of a mountable curb at the intersection of Kavod Road; and

**WHEREAS**, to that end and to ensure performance by Sitrin of this identified work, Sitrin has provided the Town a Performance Bond in the amount of \$100,000 which has been deemed sufficient by the Town Engineer and Highway Superintendent; and

**WHEREAS**, the Town is in receipt of three (3) copies of final approved plans for the location and construction of Sitrin Lane along with four (4) copies of as-built drawings which have been reviewed and approved by the Town Engineer and Highway Superintendent; and

**WHEREAS**, the Town is in receipt of a Warranty Deed from Sitrin including a legal description of the subject conveyance along with a corresponding “Property Map showing lands known as Sitrin Lane to be conveyed to the Town of New Hartford” dated December 9, 2008 as prepared by D. L. Mowers Land Surveyors and Associates which

Deed, description and map appear satisfactory to the Town Engineer, Town Highway Superintendent and Town Attorney; and

**WHEREAS**, the Town has also been provided one (1) or more master abstracts of title relating to the lands upon which the subject Sitrin Lane has been constructed; and

**WHEREAS**, from said master abstracts of title to the greater lands owned by Sitrin. A spin-off abstract has been or will be created relating to the subject conveyance; and

**WHEREAS**, said spin-off abstract of title has been or will be brought up-to-date at the time of filing the aforementioned Warranty Deed and related transfer documents; and

**WHEREAS**, Allied American Abstract Co. has preliminarily reviewed title to the lands upon which Sitrin Lane has been constructed, has deemed Sitrin fully vested in the right to convey the subject premises and has noted certain encumbrances which Sitrin has agreed to resolve to Allied's satisfaction, all of which has been memorialized in a letter dated January 14, 2009; and

**WHEREAS**, the Town Highway Superintendent, Town Planner and Town Engineer have visited the subject Sitrin Lane and observed its status and condition; and

**WHEREAS**, a letter of approval has been prepared by the Town Highway Superintendent dated January 14, 2009; and

**WHEREAS**, a letter of approval has been prepared by the Town Engineer dated January 14, 2009;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board does hereby approve acceptance and dedication of Sitrin Lane upon the issuance and receipt of title insurance from Allied American Abstract Co. to the Town and upon final review and letter of approval of everything recited herein by the Town Attorney.

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

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

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**. The Town Clerk was asked to contact the Town's insurance agent about coverage of Sitrin Lane before plowing operations can commence.

**Road Dedication - New Hartford Business Park – Road A (a/k/a Roads and B)**

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

**(RESOLUTION NO. 5 OF 2009)**

**RESOLUTION FOR THE DEDICATION OF ROAD A (a/k/a ROADS AND B) IN THE TOWN OF NEW HARTFORD**

**WHEREAS**, the New Hartford Office Group, LLC (“Office Group”) and Par Technology Corporation (“Par”) are desirous of transferring to the Town of New Hartford (“Town”) Road A (previously known and identified as Roads A and B) located within the New Hartford Business Park situate in the Town of New Hartford by Bargain and Sale Deed; and

**WHEREAS**, the Town is desirous of accepting said road to include in, and become a part of, the Town’s public streets and highway system; and

**WHEREAS**, such conveyance to the Town from the Office Group and Par is deemed to be in the better interest of the public serving the public’s health, safety and general welfare; and

**WHEREAS**, upon such conveyance, the Town shall become responsible for the care, maintenance and upkeep of said Road A which is more fully described in the aforementioned Bargain and Sale Deed and corresponding survey map dated December 8, 2008 as prepared by Snyder Engineering and Land Surveying, LLP; and

**WHEREAS**, the Town has been provided letter dated January 14, 2009 from Napierala Consulting to Town Engineer John Meagher attesting that construction of “Roads A and B” is in general conformance with the road design plans and specifications; and

**WHEREAS**, the Town has been provided core test results from Atlantic Testing Laboratories attesting to the depth of the sub-base layer and verifying geo-textile fabric placement which have been reviewed and approved by the Town Engineer and Highway Superintendent; and

**WHEREAS**, the Town is in receipt of three (3) copies of final approved plans for the location and construction of Road A along with four (4) copies of as-built drawings which have been reviewed and approved by the Town Engineer and Highway Superintendent; and

**WHEREAS**, the Town is in receipt of a Bargain and Sale Deed from the Office Group and Par including a legal description of the subject conveyance along with a corresponding survey map dated December 8, 2008 as prepared by Snyder Engineering and Land Surveying, LLP which Deed, description and map appear satisfactory to the Town Engineer, Town Highway Superintendent and Town Attorney; and

**WHEREAS**, an Easement Agreement has been prepared whereby the Town grants the Office Group an easement to maintain the sanitary sewer line constructed on, over, under and across Road A as depicted in the aforementioned map dated December 8, 2008 which agreement await review and signature; and

**WHEREAS**, Allied American Abstract Co. has reviewed title to the lands upon which Roads A and B have been constructed, deems same acceptable and will issue title insurance as relates to the subject conveyance; and

**WHEREAS**, the Town Highway Superintendent, Town Planner and Town Engineer have visited the subject Roads A and B and observed their status and condition; and

**WHEREAS**, a letter of approval has been prepared by the Town Highway Superintendent dated January 14, 2009; and

**WHEREAS**, a letter of approval has been prepared by the Town Engineer dated January 14, 2009;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board does hereby approve acceptance and dedication of Roads A and B upon the issuance and receipt of title insurance from Allied American Abstract Co. to the Town, upon full execution of the aforementioned sanitary sewer easement agreement and upon final review and letter of approval of everything recited herein by the Town Attorney.

The Town Board voted upon roll call as follows:

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

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

**Vehicle Damage – Kevin Kelly**

Upon explanation of Highway Superintendent Sherman, Councilman Reynolds offered the following Resolution for adoption; seconded by Councilman Payne:

**(RESOLUTION NO. 6 OF 2009)**

**WHEREAS**, on November 3, 2008 Kevin Kelly was allegedly driving at the intersection of Jordan Road-Genesee Street, when his vehicle ran over a manhole cover, popping the cover off and damaging the underside of his vehicle; and

**WHEREAS**, the Police Department and a Highway Department crew had been dispatched immediately to the scene, placing the manhole cover to its original position and on the following day, the Highway Department crew adjusted the manhole cover for a tighter fit; and

**WHEREAS**, Mr. Kelly presented a letter to the Town Clerk, explaining the accident, together with a bill for the damages to his vehicle; and

**WHEREAS**, the Town's insurance company denied Mr. Kelly's claim because the Town of New Hartford had adopted a "prior notice of defect" legislation and the Town had not received a notice of any defect at the aforementioned location;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board does hereby authorize and direct the reimbursement of \$321.83 (need to confirm) to Mr. Kelly for damages sustained by his vehicle on November 3, 2008, based upon knowledge that an adjustment had been made to the manhole cover.

Councilwoman Krupa requested verification of whether the "prior notice of defect" was the insurance company's or the Town's; the Town Clerk confirmed it is the Town's requirement.

The Supervisor polled the Board members who voted as follows:

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

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

**Stormwater update**

The Highway Superintendent met with Schumacher Engineering on January 13, 2009 and the draft is done for the Woodberry-Oxford Road project. Superintendent Sherman will be meeting with the County the week of January 19, 2009 to review the draft after which the Stormwater Management (Advisory) Improvement Committee will meet around January 27, 2009. A February/March 2009 bid date is anticipated.

**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. 7 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 a Friday to be arranged by the Highway Superintendent and Town Clerk, and then shall be publicly opened and read aloud at 11:00 A.M. on said date and in said Office; and be it

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

The Town Board voted upon roll call as follows:

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

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

**Competitive Bid – Refund of Bid Security on 1997 Bucket Truck**

Upon recommendation of the Highway Superintendent, Councilman Reynolds introduced the following Resolution for adoption, seconded by Councilwoman Krupa:

**(RESOLUTION NO. 8 OF 2009)**

**WHEREAS**, the Town Clerk has received written confirmation from the Highway Superintendent that Tallman's Tires had delivered the 1997 Bucket Truck to the Sanger Public Works Garage on December 19, 2008;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Bookkeeper to release the Bid Security Deposit from the Trust and Agency Account to said Tallman's Sales & Service in the amount of Seven Hundred Fifteen Dollars (\$715).

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

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

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

**Highway Working Foreman – Earned Time**

Highway Superintendent Sherman explained that due to the transition of Highway Superintendents, Christopher Moran had lost the use of his birthday and one (1) personal day; although he had the right to utilize these days off prior to December 31, 2008, Mr. Moran chose to work due to the busy winter weather conditions and to help ease the transition. Highway Superintendent Sherman requested that the two (2) days be reinstated to Mr. Moran; this is a one-time request. Councilman Reynolds then offered the following Resolution for adoption; seconded by Councilman Payne:

**(RESOLUTION NO. 9 OF 2009)**

**RESOLVED** that, due to the early and continued winter weather and the transition of Highway Superintendents in the Fall of 2008, the New Hartford Town Board does hereby grant a “one-time” request and does hereby reinstate a “birthday” and one (1) “personal” day to Highway Department Working Foreman Christopher Moran.

A roll call vote ensued:

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

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

**PERSONNEL TECHNICIAN II BARBARA AIELLO:**

**Appointment of Court Attendant**

Upon presentation by the Personnel Technician, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Payne:

**(RESOLUTION NO. 10 OF 2009)**

**RESOLVED** that the New Hartford Town Board does hereby appoint Robert Bramhall as a Court Attendant for the Town Court Offices, effective January 28, 2009, at an hourly rate of Twenty-five Dollars and Ninety-four Cents (\$25.94), payable bi-weekly; Mr. Bramhall will be manning the metal detector now required by the Office of Court Administration.

The Town Board members voted upon roll call:

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

Supervisor Reed - Aye.

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

**Update – Sub Clerk Ruth Irvin**

Ruth Irvin, who had previously been working in the New Hartford Adult Dining and Activity Center, will also assist in the Receiver of Taxes office from January 29 through February 2, 2009.

**Upgrade – Engineering Department**

Personnel Technician Aiello reported that former Highway Superintendent Roger Cleveland, prior to becoming Superintendent, was an Engineer for the Town of New Hartford. Upon his interim appointment and later election to the position of Town Superintendent of Highways, Roger Cleveland continued to be involved in the Engineering Department and therefore, Sr. Engineering Technician John Meagher reported directly to Superintendent Cleveland. Since Superintendent Cleveland's retirement, John Meagher has taken on all the duties and responsibilities of the Engineering Department. Therefore, it is recommended that John Meagher be designated as Department Head.

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

**(RESOLUTION NO. 11 OF 2009)**

**WHEREAS**, Sr. Engineering Technician John Meagher had been under the direction of and reporting to former Town Superintendent of Highways Roger Cleveland; and

**WHEREAS**, Roger Cleveland has retired his position as Town Superintendent of Highways;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby designate Sr. Engineering Technician John Meagher as a Department Head, effective immediately; and

**BE IT FURTHER RESOLVED** that Sr. Engineering Technician John Meagher shall serve at the pleasure of and report directly to the Town Board.

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

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

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

**TOWN CLERK:**

**Training – 20<sup>th</sup> Annual Local Government Conference**

In behalf of Planning Board member Jerome Donovan, Councilman Reynolds offered the following Resolution for adoption; seconded by Councilman Payne:

**(RESOLUTION NO. 12 OF 2008)**

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

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby grant permission to Jerome F. Donovan, Planning Board Member to attend the 20<sup>th</sup> Annual Local Government Conference on March 26, 2009 in Watertown, 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	-	Aye.

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

**Local Government Records Management Improvement Fund - Grant**

Town Clerk Young explained that the Northern Oneida County Council of Governments (NOCCOG) would serve as the lead agency for a cooperative records management grant to digitize municipalities' archival records prior to 1910. NOCCOG will administer the grant and work with the designated Clerks and/or Project Managers. The Towns of Deerfield, Kirkland, and Marcy and the Villages of Clinton and New Hartford, among others, will be participants in this endeavor. The Town Clerk recommended that the Town also join this valuable project. Thereafter, Councilman Woodland introduced the following Resolution for adoption; seconded by Councilwoman Krupa:

**(RESOLUTION NO. 13 OF 2009)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby intend to participate in a cooperative records management project to digitize its historical records; this effort will make these records more broadly accessible as well as aid in the ongoing preservation of these historical records by using the digital images as the "use copy" of their records; and be it

**FURTHER RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor and the Town Clerk (Records Management Officer) to sign all required applications and supporting documents to be submitted for grant approval through the Local Government Records Management Improvement Fund for fiscal year 2009-10.

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**.

### **MATTERS SUBMITTED BY COUNCILMEN/ATTORNEY**

#### **COUNCILMAN PAYNE:**

##### **Advisory Committee on Safety**

Councilman Payne, who will continue to Chair the Advisory Committee on Safety, had met with some members of the Committee immediately prior to this Town Board meeting; action is being taken to fill the two (2) vacant resident positions on this Committee.

##### **Energy Evaluation Study – Professional Services Agreement/Johnson Controls, Inc.**

Chris Kalwara of Johnson Controls, Inc. was present; because the Town Supervisor had some questions and Councilwoman Krupa also had concerns, the matter was tabled until the January 28, 2009 Town Board meeting; the Board might possibly request another presentation by Mr. Kalwara.

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

#### **FINANCIAL**

##### **Audit of bills**

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

#### **(RESOLUTION NO. 14 OF 2008)**

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

#### **Year 2008**

General Fund Whole Town Abstract #35A (Police Voucher AA1923	\$ 299.70
General Fund Whole Town Abstract #35 Vouchers AA1909 – AA1922	\$ 42,480.04
General Fund Whole Town Abstract #36 Vouchers AA1909 – AA1922	\$ 1,500.00
<b><u>Year 2009</u></b>	
General Fund Whole Town Abstract #1A (Police) Vouchers AA72 – AA97	\$ 13,706.02
General Fund Whole Town Abstract #1 Vouchers AA1 – AA56; AA59 – AA71; AA98	\$ 209,486.06
General Fund Whole Town Abstract #2 Vouchers AA57 & AA58	\$ 803.00
General Fund Part Town Abstract #1 Vouchers BB1 – BB7; BB10 – BB12	\$ 1,976.62
General Fund Part Town Abstract #2 Vouchers BB8 & BB9	\$ 930.00
Sewer Fund Abstract #1 Vouchers SS1 – SS3	\$ 14,427.57
Street Light Fund Abstract #1 Voucher SL1 & SL2	\$ 8,585.37
Water Fund Abstract #1 Voucher FF1	\$ 19.18
Business Park Capital Abstract #1 Voucher H01	\$1,047,676.63
Parks Equipment Capital Abstract #1 Voucher H91	\$ 8,439.30
Stormwater Capital Fund Abstract #1 Vouchers HU1 – HU5	\$ <u>103,079.00</u>
<b>TOTAL:</b>	<b>\$1,453,408.49</b>

Whereupon, the Town Board members voted individually as follows:

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

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

**EXECUTIVE SESSION**

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

**(RESOLUTION NO. 15 OF 200.)**

**RESOLVED** that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the employment history of a particular employee.

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**. All persons present, including the news media, were then excused from the meeting at 6:43 P.M.; Planning Board members remained. 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 Councilman Reynolds seconded same:

**(RESOLUTION NO. 16 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	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 8:00 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public invited to return to the meeting.

**ADJOURNMENT**

There being no further business to come before the Board, upon motion of Councilwoman Reynolds, seconded by Councilman Woodland, the meeting was adjourned at 8:02 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk