

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT BUTLER MEMORIAL HALL ON
WEDNESDAY, FEBRUARY 27, 2008 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
Supervisor Earle C. Reed

ABSENT: Councilman Richard B. Woodland, Jr.

OTHER TOWN OFFICIALS: Codes Enforcement Officer Joseph A. Booth
Highway Superintendent Roger A. Cleveland
Parks & Recreation Director Michael W. Jeffery
Town Clerk Gail Wolanin Young and Deputy
Clerk I Melody K. Fancett

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

In Memoriam – late Police Officer Joseph D. Corr

The Town Supervisor requested that everyone remain standing for a moment of silence in memory of the Town's loss two years ago tonight of our friend, Police Officer Joseph D. Corr for whom a memorial service is being conducted at St. John the Evangelist Church at 6:00 P.M. tonight.

Absence – Councilman Woodland

Due to a weather-related injury sustained yesterday, Councilman Woodland may be late for the meeting.

MINUTES

February 13, 2008 Town Board Meeting

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

(RESOLUTION NO 55 OF 2008)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the *Regular* Town Board meeting held *February 13, 2008* and does further waive the reading of the same.

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Upon roll call, the Board members voted as follows:

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

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

PRESENTATIONS

Sale of Willowvale Fire Co., Inc.

Walter Dluginski submitted a request that the Town Board address certain issues involving the sale of the old Willowvale Fire Co., Inc. and report their findings to the public:

- *Gary Edwards of Edwards Ambulance purchased the building for \$85,000*
 - *Who set the price*
 - *What was and is assessment of building*
- *Did Edwards Ambulance pay rent and utilities when they occupied the building prior to the sale*
- *Is there a possible conflict of interest as Gary Edwards is a ranking officer of Willowvale Fire Company*
- *What is the status of the audit of the Willowvale Fire Company*
- *Is it true that the Town Highway Department plows the firehouse parking lot; if so, why.*

Supervisor Reed acknowledged Mr. Dluginski's questions and referred the matter to Councilman Payne, in whose councilmanic district the Fire Company is located, for a response.

REPORTS OF TOWN OFFICIALS

CODES ENFORCEMENT OFFICER:

Building Permits and Inquiries

Since the beginning of 2008, the Codes Enforcement Office has issued 17 Building Permits with a cost of construction and renovation totaling \$1.4million, most of which relate to the Slocum Dickson and the former Elks Club properties. Three (3) homes are on hold for sewer connection approvals from the Water Pollution and Control Authority.

To date in 2008, the Codes Enforcement Office has handled nearly 400 calls pertaining to such matters as building, zoning, housing, zoning complaints, etc.

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Fire Inspections

Since January 2008 the Codes Office has conducted 80 fire inspections, 62% of which required a second inspection; and of that number, 12% required a third inspection. The total number of fire inspections for the entire year will increase by about 450 as statute now requires that all buildings within the town, excluding one- and two-family dwellings, be subject to fire inspections; multiple dwellings will be added. Photo identification cards have been ordered for Codes Officers Joseph Booth and Thomas Rowlands. A brief discussion ensued on possibly establishing a re-inspection fee.

Proposed Zoning Law Text Amendments – Advisory Committee

Discussion ensued on impending and proposed Zoning Law text amendments after which Codes Officer Booth requested that the Town Board form a citizens advisory committee to review proposed zoning text amendments. The Highway Superintendent has commenced regular staff meetings with other department heads at the Sanger Public Works Garage and the meetings have been very productive. As a result of these meetings, a Guide* to Acquiring a Building Permit for a Single or Duplex Family Dwelling in the Town of New Hartford was created. Codes Officer Booth asked that the Town Board review the Guide* and, if there are no changes, post the document on the Town's Website.

Unsafe Building – 7 Marks Place

After a report by Codes Enforcement Officer Joseph Booth about the condition of premises at 7 Marks Place, the following Resolution was introduced for adoption by Councilman Payne and duly seconded by Councilman Reynolds:

(RESOLUTION NO 56 OF 2008)

WHEREAS, the Town of New Hartford had adopted on July 21, 1982 a Local Law regulating buildings that become dangerous or unsafe to the public, from any cause (Code, Chapter 52); and

WHEREAS, the Codes Enforcement Officer had been contacted by the Town Police Department with regard to the open rear door of a home located at 7 Marks Place, New Hartford, New York, Tax Map Parcel No. 328.016-4-75, owned by Natalie M. Fessia whose last known address is 7 Marks Place, New Hartford, New York; and

WHEREAS, upon inspection of said premises, it appears that the aforementioned property, which has been problematic in the past, has been abandoned since February 13, 2008, with the contents of the house strewn about, and the premises having become rat infested; and

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WHEREAS, the Codes Enforcement Officer had communicated via registered mail with said Natalie Fessia on February 13, 2008, with no response having come forth from said property owner; and

WHEREAS, the Codes Enforcement Officer had subsequently posted a notice of the particulars on said premises, as well as in the Office of the Oneida County Clerk pursuant to Town Law, Section 130, Subdivision 16d;

NOW, THEREFORE, BE IT RESOLVED that, the Town Board of the Town of New Hartford does hereby authorize the Codes Enforcement Officer, through the Parks and Recreation Department or the Highway Department, to proceed with securing the rear door of the aforementioned residence and does hereby authorize and direct that the costs and expenses incurred by the Town in connection with said proceedings be assessed against the land on which said public nuisance exists and does hereby authorize and direct Oneida County to levy such charges on the 2009 Town and County tax bill for the subject property. The Town Board further authorizes the Codes Enforcement Officer to monitor 7 Marks Place for maintenance issues.

Upon roll call, the Board members voted as follows:

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

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

Creation of Zoning Law Advisory Committee

Codes Officer Booth apprised the Board that some language in the 1999 Zoning Law is outdated or may have some glitches that would prevent a property owner from making changes to a particular property. He suggested that the Town Board consider creating an advisory committee to assist with proposed Zoning Law text amendments. Thereafter, Councilman Payne introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO 57 OF 2008)

RESOLVED that the New Hartford Town Board does hereby create a five (5) member ***Zoning Law Advisory Committee*** to consist of one (1) Zoning Board of Appeals member, one (1) Planning Board member and three (3) at-large Town residents, whose

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mission would be to review and to recommend proposed amendments to the Town's 1999 Zoning Law.

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

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

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

HIGHWAY SUPERINTENDENT:

Stormwater Management (Advisory) Committee – Update

At the February 20, 2008 Committee meeting, the following transpired:

- *Liz DeGironimo is continuing work on updating maps*
- *Oneida County Soil & Water Agency was unable to attend; however, JoAnn Faulkner had met with Utica officials who had the same concerns with access and security as did the Mohawk Valley Water Authority. They made note of the capacity of the City storm system and wanted assurance that discharge from the facilities wouldn't over burden the carrying capacity of the City system. Ms. Faulkner will provide a write-up of these issues*
- *Tilden Avenue stormwater project – Ms. Faulkner met with Mr. Peterson and reviewed a plan that could be installed on his property; he's opposed to the plan as it was substantial in size and assumed the absence of any upstream stormwater control. Highway Superintendent Cleveland will speak with the upstream property owner to ascertain their future plans of the property*
- *Woodberry-Beechwood Road area – Town Board accepted the recommendations of the Stormwater Management (Advisory) Committee and accepted the fee proposal from Shumaker Engineering to investigate mitigation options, which will include maintenance consideration*
- *Oxford-Kellogg Road area – the Board accepted the Roefaro fee proposal to perform an appraisal; the landowner will pay half the cost of said appraisal. That work should now be in progress and ready for reporting at the next meeting*

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- *Request for Proposal (RFP) – to include recommendations on maintenance and grouping of projects. The RFP will be sent out in the near future*
- *Drainage Districts – a list of districts has been furnished and staff is continuing its investigation of the kinds, types and frequency of maintenance required*
- *Detention basins – there are a number of detention basins in the Town, some of which have a tax map number that have been sold at County auctions in the past and another one was recently sold. This is a result of the approach of past Town Boards not wanting to own these parcels after the storm water facility had been built by the developer. Typically after the sale, the buyer comes to obtain a building permit and, in most cases, never looked at the land prior to the purchase. Staff is in the process of identifying all of the stormwater basins in the Town and to see if they are covered by easement, owned by the Town, or under the control of the Oneida County Board of Legislators after which policy recommendations will be made to the Town Board*
- *At the next meeting (late March or early April) term limits will be addressed*

Mallard Brook Lane

The Highway Superintendent stated that several months ago the Town Board approved a driveway permit abutting Mallard Brook Lane. This land was supposedly given to the Town during the early 1990's but it was discovered that it actually hadn't happened. The Town Attorney is reviewing the matter and the developer is still willing to give the Town the land.

Road Salt Shortage

Cargill, Inc. is limiting municipalities as to the amount of salt they can purchase as there is a shortage statewide. As a result, Town Officials may notice more sand/salt mixture on the roads.

PARKS AND RECREATION DIRECTOR:

Authorization for Request for Proposals (RFP's) – Recreation Center Lighting

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

(RESOLUTION NO 58 OF 2008)

RESOLVED that the New Hartford Town Board solicits *Requests for Proposal (RFP's)* for the *Town of New Hartford Recreation Center Energy Proposal for Replacing the*

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Current Light System, all RFP's to be received by the Town Clerk's Office no later than 10:45 A.M. on Tuesday, March 18, 2008 and then publicly opened and read aloud at 11:00 A.M. on said date and in said Office; and be it

FURTHER RESOLVED that the said Town Board does hereby authorize and direct the Town Clerk to publish the legal requisite Request For Proposal Advertisement in The Observer Dispatch.

The Town Board voted upon roll call as follows:

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

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

State Contract – Park Dump Truck

Upon request of the Parks and Recreation Director, the following Resolution was introduced for adoption by Councilman Reynolds and duly seconded by Councilman Payne:

(RESOLUTION NO 59 OF 2008)

RESOLVED that the New Hartford Town Board does hereby authorize and direct Parks and Recreation Director Michael Jeffery to purchase on State Contract #PC62886 one (1) new, 2008 Ford Dump Truck XL DRW (Forest Green), NYSOGS Item 24, for a cost of Thirty-seven Thousand Four Hundred Forty-one Dollars and Fifty Cents (\$37,441.50), plus any delivery fee for a maximum aggregate cost of Thirty-seven Thousand Five Hundred Dollars (\$37,500.00).

The Resolution was voted upon by roll call as follows:

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

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

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TOWN CLERK:

Cancel Public Hearing - Local Law Introductory "A" of 2008

Upon presentation of the Town Clerk, Councilman Reynolds introduced the following Resolution, which was seconded by Councilman Payne:

(RESOLUTION NO 60 OF 2008)

WHEREAS, on January 23, 2008 the Town Board had scheduled a Public Hearing upon Local Law Introductory "A" of 2008 to commence at 6:00 P.M. on March 12, 2008; and

WHEREAS, on February 22, 2008, Young-Duck Ahn, through his engineer Donald Ehre, P.E., requested that the Town Board table his request for a Zoning Law text amendment (Local Law Introductory "A" of 2008) to allow Convenience Stores with gasoline stations in Planned Highway Business (PHB) districts, until further notice; and

WHEREAS, the Town Clerk then cancelled the Notice of Public Hearing that would have been published in the February 25, 2008 edition of The Observer Dispatch;

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby rescind Resolution No. 25, adopted January 23, 2008, thereby canceling the Public Hearing scheduled for March 12, 2008 in this matter.

The Resolution was voted upon by roll call as follows:

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

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

On February 26, 2008 Mr. Young-Duck Ahn reversed his decision after he learned that all property owners in Planned Highway Business Districts would be notified of the proposed Zoning Text Amendment and would have the opportunity to attend a Public Hearing. The Town Clerk suggested that the Town Board defer setting another Public Hearing date until a suitable venue can be located to accommodate a possibly large number of persons. The Oxford Road High School, Myles Elementary School and New Hartford Public Library were not available in March 2008.

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Re-appointment – Board of Assessment Review

Upon presentation of the Town Clerk, Councilwoman Krupa offered the following Resolution for adoption; seconded by Councilman Payne:

(RESOLUTION NO 61 OF 2008)

WHEREAS, on November 1, 2006, Duane C. Farr had been re-appointed to a five-year term as a Member of the Board of Assessment Review (retroactive to October 1, 2006 and ending September 30, 2011); and

WHEREAS, the Town Clerk's Office thereafter notified Mr. Farr in writing of his re-appointment and responsibility to be administered an Oath of Office; and

WHEREAS, Mr. Farr has not complied with the Oath requirement, thereby creating a vacancy on the Board of Assessment Review; and

WHEREAS, Mr. Farr has indicated his willingness to be re-appointed to the Board of Assessment Review;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby re-appoint Duane C. Farr as a Member of the Board of Assessment Review for the duration of a five-year term, commencing February 28, 2008 and ending September 30, 2011.

The Resolution was voted upon by roll call as follows:

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

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

Re-appointment – Mohawk Valley Water Authority

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

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(RESOLUTION NO 62 OF 2008)

WHEREAS, on December 28, 2007, Elis J. DeLia had been re-appointed to a three-year term as the Town of New Hartford Representative on the Mohawk Valley Water Authority, effective January 1, 2008 through December 31, 2010; and

WHEREAS, the Town Clerk's Office thereafter notified Mr. DeLia in writing of his re-appointment and responsibility to be administered an Oath of Office; and

WHEREAS, Mr. DeLia has not complied with the Oath requirement, thereby creating a vacancy on the Mohawk Valley Water Authority; and

WHEREAS, Mr. DeLia has indicated his willingness to be re-appointed as the Town of New Hartford Representative on the Mohawk Valley Water Authority;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby re-appoint Elis J. DeLia as the Town of New Hartford Representative on the Mohawk Valley Water Authority for the duration of a three-year term, commencing February 28, 2008 and ending December 31, 2010.

The Town Board then voted upon roll call as follows:

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

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

Training – Zoning Board of Appeals; Engineer

The Town Clerk presented the following Resolution that was introduced for adoption by Councilman Reynolds and duly seconded by Councilwoman Krupa:

(RESOLUTION NO 63 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 Zoning Board of Appeals Chairman Randy

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Bogar, Zoning Board Members Timothy Tallman and Robert Schulman, and Senior Engineering Technician John Meagher to attend a training program on planning and zoning on March 5, 2008 in the Town of Schuyler, 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	-	Absent
Councilman Payne	-	Aye
Supervisor Reed	-	Aye.

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

Appointment – Mohawk Valley Water Authority Finance Committee

Upon presentation of the Town Clerk, Councilman Payne introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO 64 OF 2008)

WHEREAS, a three (3) year term as Member on the Mohawk Valley Water Authority Finance Committee alternates between the Towns of New Hartford and Whitestown; and

WHEREAS, the term of the Whitestown Member has expired on December 31, 2007;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby appoint Robert Bannigan as the Town of New Hartford Representative on said Finance Committee, effective February 28, 2008 and ending December 31, 2010.

Upon roll call, the Board voted as follows:

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

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

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL

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Audit of bills

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

(RESOLUTION NO 65 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:

General Fund Whole-Town Abstract No. 6	
Vouchers AA285-AA341;	
Vouchers AA358-AA363	\$ 83,387.71
General Fund Whole-Town Abstract No. 6A(POLICE)	
Vouchers AA342-AA357	\$ 17,808.10
General Fund Part-Town Abstract No. 6	
Vouchers BB40-BB43	\$ 857.50
General Fund Part-Town Abstract No. 7	
Voucher BB44	\$ 14,861.00
Highway Fund Part-Town Abstract No. 6	
Vouchers DB72-DB80	\$ 20,155.97
Sewer Fund Abstract No. 6	
Voucher SS16-SS17	\$ 2,705.03
Street Light Fund Abstract No. 3	
Voucher SL3	\$ 9,315.63
GEIS Study Capital Project Abstract No. 2	
Voucher HX2	<u>\$ 43,325.59</u>
	TOTAL: \$192,416.53

Whereupon, the Town Board members voted individually as follows:

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

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

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ADJOURNMENT

There being no further business to come before the Board, upon motion of Councilwoman Krupa, seconded by Councilman Reynolds, the meeting was adjourned at 6:41 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk