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finalize the terms and conditions of the “Agreement Allocating P.I.L.O.T. Payments” among the Town of New Hartford (Town), the Oneida County Industrial Development Agency (IDA), the New Hartford Central School District (School District) and the County of Oneida (County), in accordance with the terms and conditions previously agreed upon.

The foregoing Resolution was voted upon by roll call:

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***.

19 Campion Road Property

Councilman Reynolds noted for the record that the Town of New Hartford is no longer interested in acquiring property at 19 Campion Road for Town offices.

Freedom of Information Law – Open Meetings Law

Supervisor Reed announced that Robert Freeman, Executive Director of the Committee on Open Government, had met with Department Heads and staff on April 2, 2008 and the Supervisor thanked all employees who had attended the seminar on FOIL and Open Meetings.

ADJOURNMENT

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

Respectfully submitted,

Gail Wolanin Young, Town Clerk

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Sanitary Sewer, and Stormwater and Wetland Management to address mitigation of offsite issues of environmental significance with regard to the construction of improvements in and near the New Hartford Business Park, including Woods Highway, located in the Town of New Hartford.

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

Potential land acquisition – New Hartford Business Park

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

(RESOLUTION NO. 108 OF 2008)

RESOLVED that the New Hartford Town Board does hereby authorize and direct review into possible land acquisition with regard to the New Hartford Business Park.

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***.

Authorization to finalize P.I.L.O.T. Agreement – New Hartford Business Park

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

(RESOLUTION NO. 109 OF 2008)

RESOLVED that, with regard to the New Hartford Business Park, the Town Board of the Town of New Hartford does hereby authorize and direct the Town Attorney to

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3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 11. No bond anticipation notes shall be issued unless and until (i) the Town Board receives and approves a satisfactory personal guarantee or letter of credit from the Developer providing access to \$140,000 for each of the next five fiscal years, and (ii) the Town Board authorizes the Town Supervisor to sign the above-referenced Agreement Allocating P.I.L.O.T. Payments with the County, School District and IDA. These two conditions are expected to be met within the 20-day estoppel period set forth in Section 8 above and as mandated in Local Finance Law Section 81.00.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

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

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

Authorization to Expend FILM – Improvements in and near the New Hartford Business Park, including Woods Highway

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

(RESOLUTION NO. 107 OF 2008)

RESOLVED that the New Hartford Town Board does hereby authorize the expenditure of \$500,000 from fees in lieu of mitigation derived from the Seneca Turnpike/Commercial Drive GEIS categories of Highway, Land Use, Domestic Water,

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“Agreement Allocating P.I.L.O.T. Payments” by and between the Town of New Hartford (Town), County of Oneida (County), New Hartford Central School District (School District), and the Oneida County Industrial Development Agency (IDA).

Section 5. In addition to the P.I.L.O.T. Payments referenced in Section 4 above, a personal guarantee or letter of credit from the Developer providing the Town of New Hartford access to up to \$140,000 for each of the first five (5) years of debt service by the Town on the subject bond anticipation notes shall serve as an additional source of funding for the Town with which to pay principal and/or interest on such bond anticipation notes. If not paid from such sources, there shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such notes and bonds as the same become due and payable.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 7. All other matters except as provided herein relating to the bond anticipation notes herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The validity of such bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or

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WHEREAS, all conditions precedent to the financing of the capital projects hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed, **NOW, THEREFORE**,

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of New Hartford, Oneida County, New York, as follows:

Section 1. The construction of improvements to the New Hartford Business Park including Woods Highway and surrounding areas located in or near the New Hartford Business Park, located in the Town of New Hartford, Oneida County, New York, including the Seneca Turnpike/Woods Highway intersection realignment with traffic signal; Woods Highway reconstruction; Woods Highway extension; Route 840 intersection-Right-in/Right-out or other suitable connection; other additional road construction, public utility improvements, land acquisition or rights-in-land, sidewalks, curbs, gutters, landscaping, grading or improving rights-of-way, as well as related improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$3,400,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is as follows:

- a) By the issuance of \$2,900,000 bond anticipation notes of said Town, hereby authorized to be issued therefore pursuant to the provisions of the Local Finance Law; and
- b) By the expenditure of \$500,000 from fees in lieu of mitigation derived from the Seneca Turnpike/Commercial Drive GEIS categories of Highway, Land Use, Domestic Water, Sanitary Sewer, and Stormwater and Wetland Management to address mitigation of offsite issues of environmental significance.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose of these improvements is fifteen (15) years, pursuant to subdivision 20© of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bond anticipation notes herein authorized will not exceed five years.

Section 4. The faith and credit of said Town of New Hartford, Oneida County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bond anticipation notes as the same respectively become due and payable. The prescribed payment of principal and interest on such bonds is predicated upon the use of P.I.L.O.T. Payments received annually for fifteen (15) years pursuant to a signed

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\$2.9 Million Bond Resolution – New Hartford Business Park/Woods Highway improvements

The following Resolution was offered by Councilman Reynolds, who moved its adoption, seconded by Councilwoman Krupa, to-wit:

(RESOLUTION NO. 106 OF 2008)

BOND RESOLUTION DATED APRIL 9, 2008

A RESOLUTION AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS IN AND NEAR THE NEW HARTFORD BUSINESS PARK, INCLUDING WOODS HIGHWAY, LOCATED IN THE TOWN OF NEW HARTFORD, COUNTY OF ONEIDA, STATE OF NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$3,400,000 AND FURTHER AUTHORIZING THE ISSUANCE OF \$2,900,000 BOND ANTICIPATION NOTES OF SAID TOWN AND USE OF \$500,000 IN FEES IN-LIEU-OF-MITIGATION TO PAY THE COST THEREOF.

WHEREAS, the Town Board of the Town of New Hartford has determined that development of the New Hartford Business Park will result in various economic and quality of life benefits, including the retention and/or creation of job opportunities, an increase in real property tax base, promotion of ongoing business development in New Hartford within and without the business park, expansion of public utilities and improvement in recreational facilities such as the Rayhill Trail; and

WHEREAS, the Town Board of the Town of New Hartford has further determined that it will be necessary to make public improvements to the existing nearby transportation network, including Woods Highway, Rt. 5, Rt. 840 and surrounding areas of the New Hartford Business Park, as set forth below, in order to improve existing conditions and any increases in traffic which can be expected to result from the development of the New Hartford Business Park and surrounding areas, facilitate the flow of such traffic, and reduce any congestion caused by such traffic; and

WHEREAS, the Oneida County Industrial Development Agency (OCIDA) has approved P.I.L.O.T. Agreements for underlying projects within the business park which are referenced in and made a part of the Agreement Allocating P.I.L.O.T. Payments expected to be signed by the Town, the School District, the County of Oneida and OCIDA: and

WHEREAS, the New Hartford School District has evidenced its support of this development initiative, bonding resolution and prospective Agreement Allocation P.I.L.O.T. Payments in prior School Board resolution adopted in February 2008; and

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NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby grant the request of ***Frank Cristiano d/b/a Tony's Pizzeria, 3899 Oneida Street, Washington Mills, NY*** and does hereby waive the thirty (30) day Liquor License notice requirement.

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.

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

NYS Liquor Authority – Waiver

The Town Clerk has received a request from Rio Grande Tex-Mex for a waiver of the thirty (30) day period for applying to the State Liquor Authority for renewal of their existing liquor license. Councilman Payne then offered the following Resolution for adoption and Councilwoman Krupa duly seconded same:

(RESOLUTION NO. 105 OF 2008)

WHEREAS, the NYS Liquor Authority law requires an applicant for a Liquor License (or renewal thereof) to wait at least thirty (30) days after notifying the municipality of their intent to apply for or renew their current license, before the applicant can actually submit an application to the Liquor Authority;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby grant the request of ***RIO GRANDE TEX-MEX*** and does hereby waive the thirty (30) day Liquor License notice requirement.

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.

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

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General Fund Part-Town Abstract No. 11 Vouchers BB69-BB71	\$ 61.50
General Fund Part-Town Abstract No. 12 Voucher BB72-BB76	\$ 6,055.67
Highway Fund Part-Town Abstract No. 10 Vouchers DB160-DB176	\$ 78,884.66
Sewer Fund Abstract No. 9 Voucher SS25-SS31	\$ 10,891.08
Street Light Fund Abstract No. 5 Voucher SL5	\$ 8,028.51
Fire District Abstract No. 2 Vouchers SF4-SF6	\$ 64,841.77
Higby Road Water Capital Project Abstract No. 3 Voucher HF3	\$ 31.65
GEIS Study Capital Project Abstract No. 3 Voucher HX3	<u>\$ 2,970.00</u>
	TOTAL: \$263,489.85

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***.

NEW BUSINESS

NYS Liquor Authority – Waiver

The Town Supervisor has received a request from Frank Cristiano for a waiver of the thirty (30) day period for applying to the State Liquor Authority for renewal of an existing liquor license. Councilman Payne then offered the following Resolution for adoption and Councilwoman Krupa duly seconded same:

(RESOLUTION NO. 104 OF 2008)

WHEREAS, the NYS Liquor Authority law requires an applicant for a Liquor License (or renewal thereof) to wait at least thirty (30) days after notifying the municipality of their intent to apply for or renew their current license, before the applicant can actually submit an application to the Liquor Authority;

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- Liz Peters-Adelman - Resident
- Raymond Philo - Town Police Chief
- Roger A. Cleveland - Town Highway Superintendent
- Kurt Schwenzfeier - Town Planner
- Michael W. Jeffery - Parks and Recreation Director
- Hans G. Arnold - Planning Board Chairman
- John Meagher - Senior Engineering Technician
- Robert A. Payne III - Town Board Liaison
- Paul Evans - NYS Department of Transportation Liaison.

Thereafter, 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***.

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL:

Audit of bills

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

(RESOLUTION NO. 103 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. 10	
Vouchers AA503-AA512	\$ 23,146.54
General Fund Whole-Town Abstract No. 11	
Vouchers AA514-AA559	
Vouchers AA579-AA588	\$ 21,816.98
General Fund Whole-Town Abstract No. 12A(POLICE)	
Vouchers AA560-AA578	\$ 46,761.49

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Mud Creek Flood Mapping

The Highway Superintendent is awaiting receipt of the flood maps.

Foundation drains/roof leaders – Sanitary sewer system

Councilwoman Krupa talked about properties in New York Mills that she believes may have foundation drains or roof leaders connected to the sanitary sewer system and that situation really needs to be corrected; however, there is no plan at the present time or any indication of forthcoming moneys to make these changes. The Highway Superintendent told her that districts are going to have to evaluate this not only in New York Mills but in similar situations throughout the district and determine how to mitigate it, which may include but not be limited to the district making improvements, low-interest loans to homeowners or some other type of resolution to the matter.

Blind Driveway Sign

The Highway Superintendent will look into Councilman Reynolds' constituent request for a blind driveway sign for their Laurelwood Road property.

Illegal Dumping

Due to recent illegal dumping complaints, Councilman Reynolds asked the Highway Superintendent to publish an article in the Town Crier on this subject.

PARKS AND RECREATION DIRECTOR:

Appointments – Sidewalk Advisory Committee

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

(RESOLUTION NO. 102 OF 2008)

RESOLVED that the New Hartford Town Board does hereby establish a Sidewalk Advisory Committee, whose members shall serve for the duration of calendar year 2008; and be it

FURTHER RESOLVED that the New Hartford Town Board does hereby appoint the following individuals to serve on the 2008 Sidewalk Advisory Committee:

- John D'Amore - Resident
- Peter Rayhill - Resident
- Michael Dunn - Resident
- Andrea Zygmunt - Resident
- Sandra Whitney - Resident

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WHEREAS, an authorization to transfer funds from the Seneca Turnpike-Commercial Drive GEIS Fees In Lieu of Mitigation and a corresponding account increase in the 2008 Town operating budget is required;

THEREFORE, BE IT RESOLVED that the Town of New Hartford did execute an Inter-municipal Agreement with the Village of New York Mills (Resolution No. 69 of 2008) for the purposes of securing 80,000 gallons of offset flow credits; and

RESOLVED that the monies to pay the Village of New York Mills for the 80,726 gallons of offset credits shall be secured from the Seneca Turnpike-Commercial Drive GEIS Fees In Lieu of Mitigation fund; and

RESOLVED that the Town Board does direct the Town Bookkeeper to transfer \$31,009.55 from the Seneca Turnpike-Commercial Drive GEIS Mitigation fees (FILM) into the Sewer Fund of the 2008 operating budget; and

RESOLVED that the Town Board does further direct that the following accounts be increased by \$31,009.55:

Appropriations	-	SS8110.4
Revenue	-	SS5031.1.

The Board members voted 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**.

Consolidated Highway Improvement Program (CHIPS)

New York State Senator Griffo notified the Highway Superintendent that the State Legislature had provided an increase of 22.44% in CHIPS funding to the Town of New Hartford.

Article 15 Permit – Work in Classified Stream

The Sauquoit Creek Basin Inter-municipal Commission has submitted their application for an Article 15 Permit [to work in a classified stream] to the NYS Department of Environmental Conservation

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OF NEW HARTFORD, ONEIDA COUNTY among the Town of New Hartford, the NYS Department of Transportation and the County of Oneida.

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 then declared unanimously carried and duly ***ADOPTED***.

Sewer Extension

A property owner had approached Highway Superintendent Cleveland requesting a sewer extension to serve his Paris Road property, near the intersection of NYS Route 12. Superintendent Cleveland approached the Town Board and asked if they would consider incorporating a sewer district extension to be incorporated into the Consolidated Sewer District with the resultant expanded Consolidated Sewer District participating in the debt service for the sewer extension. The Town Board wanted to know the number of property owners that would be interested in this sewer extension prior to making any decision.

Budget Transfer/ IMA – Resolution #69 of 2008 Seneca Tpke-Commercial Drive GEIS

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

(RESOLUTION NO. 101 OF 2008)

WHEREAS, Town Board Resolution No. 69 of 2008 did, through the execution of an Inter-municipal Agreement (IMA) authorize the Town of New Hartford to procure Inflow and Infiltration (I/I) offset credits from the Village of New York Mills; and

WHEREAS, the cost to the Town for the 80,726 gallons of offset credits, per the IMA of Resolution No. 69 of 2008, was \$31,009.55; and

WHEREAS, as the I/I removal was a mitigation project for offsite issues of environmental significance in the Seneca Turnpike-Commercial Drive Generic Environmental Impact Statement (GEIS) corridor, funds from the Seneca Turnpike-Commercial Drive GEIS' Mitigation Fees, Sanitary Sewer category shall be used to procure the offset credits; and

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(RESOLUTION NO. 99 OF 2008)

RESOLVED that the New Hartford Town Board does hereby appoint the following individuals to the various part-time seasonal positions and for the hourly wages set opposite their several names, for the Highway Department, commencing on the dates set forth and ending August 30, 2008; all wages to be paid bi-weekly:

Effective Date: May 5, 2008

<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
Kenneth Rowe	Laborer	\$ 8.00/hour

Effective Date: May 12, 2008

<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
Wayne Rich	Laborer	\$ 8.00/hour
Andrew Mosher	Laborer	\$ 8.00/hour
Alex VanDyke	Laborer	\$ 8.00/hour
James Gehringer	Laborer	\$ 8.00/hour
Ryan Brady	Laborer	\$ 8.00/hour
Patrick Green	Laborer	\$ 7.75/hour
Michael Shaw	Laborer	\$ 8.00/hour.

Whereupon, the Town Board 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**.

Agreement – NYS Department of Transportation Signal

Upon request of the Highway Superintendent, the following Resolution was introduced for adoption by Councilman Reynolds and duly seconded by Councilwoman Krupa:

(RESOLUTION NO. 100 OF 2008)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an **AGREEMENT FOR MAINTENANCE AND OPERATION OF A TRAFFIC CONTROL SIGNAL, INTERSECTION OF MIDDLESETTLEMENT ROAD (CR#30) AND CLINTON STREET (CR#21), TOWN**

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amount of I/I required to be removed from the collection system to meet the 5:1 offset ratio; and

RESOLVED that the 5:1 offset ratio computation may be diminished by twenty (20) percent if the developer can substantiate to the Town Codes Enforcement Officer that low flow plumbing fixtures are installed throughout the structure, if new, and that all plumbing fixtures are replaced with low flow fixtures in renovated structures; and

RESOLVED that the Four Dollar (\$4.00) sale price shall be for all types of economic development projects determined to be subject to the offset credit requirement, excepting residential strip development on building lots existing on the date of adoption of this resolution; those offset credits shall be computed at a rate of Two Dollars (\$2.00) per gallon; and

RESOLVED that all single family residential shall be computed using the standard of four (4) bedrooms per residential unit, equating to a flow rate of 475 gpd, or as subsequently modified by NYSDEC; and

RESOLVED that the monies realized by the Town through the sale of offset credits shall be deposited in a special sewer account designated specifically for funds to advance additional I/I removal projects; and

RESOLVED that the Town of New Hartford retains the right to change or modify the established price per gallon for offset flow credits at any time, but resolves to review the established price, at a minimum, on a bi-annual basis.

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.

The Supervisor declared the Resolution unanimously carried and duly adopted.

Appointments – Seasonal Employees

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

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WHEREAS, the Consent Order mandates the County to prepare an Inflow and Infiltration (I/I) Offset Plan (Plan) which lays out an initial approach for (I/I) removal from the collection system that will allow, based on the 5:1 removal ratio, a commensurate amount of economic development to continued; and

WHEREAS, NYSDEC has approved the April 2, 2008 Inflow and Infiltration (I/I) Offset Plan submitted by Oneida County (Exhibit A); and

WHEREAS, the Plan provides for member municipalities to implement I/I removal projects that are approved by the County and that will result in the generation of offset flow credits, and to deposit those offset flow credits into a municipal offset credit bank that will be administered by the County; and

WHEREAS, the Plan provides for each member municipality, via application to and permission from the County, to sell those flow credits to a developer in need of flow credits to construct an economic development project; and

WHEREAS, the Plan allows for each member municipality to establish a sale price for each gallon of flow credit; and

WHEREAS, the Town of New Hartford has developed criteria for establishing the sale price for each gallon of flow credit;

THEREFORE, BE IT RESOLVED that the Town of New Hartford, being a member of the Oneida County Sewer District, is subject to the mandates of a New York State Department of Environmental Conservation (NYSDEC) Consent Order No. R6-20060823-67 against Oneida County; and

RESOLVED that, in compliance with the mandates of said Consent Order, an Infiltration and Inflow (I/I) Offset Plan (Plan) was submitted by Oneida County to NYSDEC and has now been accepted by NYSDEC; and

RESOLVED that said Plan allows for the municipal district members to implement certain I/I removal projects, and by the completion of those projects to generate offset flow credits that will be deposited in the municipality's offset flow credit bank, and that with the permission of the County, to sell those flow credits to developers needing said credits to progress economic development projects; and

RESOLVED that the Town of New Hartford does establish a price of Four Dollars (\$4.00) per gallon of flow credit, flow credit being defined as the actual amount of new or increased sanitary sewage flow generated per day by the economic development project and as approved by the County for that economic development project, as opposed to the

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RESOLVED that the Town Board does direct payment to COR of a maximum amount of \$29,351.82 to install additional improvements required for NYSDOT to acquire O&M, based upon review and approval of invoices from COR for the additional improvements to the subject traffic signal, and that said monies shall be paid from the transportation/highway category of the offered Fees In Lieu of Mitigation of the Seneca Turnpike-Commercial Drive GEI; and

RESOLVED that the Town Bookkeeper shall transfer a maximum of \$29,351.82 from the appropriate Trust and Agency Account to an appropriate operating account, and pay COR a maximum of \$29,351.82 based upon submitted and approved invoices for the installed additional improvements.

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***.

Obtaining and Selling of Offset Credits – DEC Consent Order

Upon explanation of the Highway Superintendent, Councilman Payne introduced the following Resolution for adoption; seconded by Councilwoman Krupa:

(RESOLUTION NO. 98 OF 2008)

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has issued a Consent Order, No. R6-20060823-67, against Oneida County; and

WHEREAS, the Town of New Hartford is one of nine member municipalities of the Oneida County Sewer District and is subject to the requirements of the Consent Order; and

WHEREAS, the Consent Order stipulates a 5:1 removal ratio from the district's collection system tributary to the Sauquoit Creek Pump Station for any new connection to the sanitary sewer system, and for significant increases sanitary sewage flow resulting from a change in use of a property whose sanitary flow is tributary to the Sauquoit Creek Pump Station; and

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(RESOLUTION NO. 97 OF 2008)

WHEREAS, the Town of New Hartford owns and operates a traffic signal at the intersection of County Rte. 30 (Middle Settlement Rd.) and County Rte. 21 (Clinton Street); and

WHEREAS, a traffic study performed by COR Development Company for an economic development project (Project) at this intersection that included Lowe's Home Center, Yager Apple Retail Store and a restaurant, recommended improvements to the traffic signal; and

WHEREAS, the Project is located within the boundary of the Seneca Turnpike-Commercial Drive Generic Environmental Impact Statement (GEIS), and the Project subject to Fees In Lieu of Mitigation to progress mitigation of off-site issues of environmental significance; and

WHEREAS, New York State Department of Transportation (NYSDOT) has expressed a desire to acquire operation and maintenance (O&M) of the traffic signal (Exhibit A) for traffic flow, access to NYS Route 840 and safety reasons; and

WHEREAS, the Town is desirous of NYSDOT assuming O&M of the subject traffic signal; and

WHEREAS, for NYSDOT to assume O&M responsibility, improvements to the traffic signal exceed the improvements approved in the Town Planning Board's site plan approval by \$29,351.82 (Exhibit B).

THEREFORE, BE IT RESOLVED that the Town of New Hartford has been contacted by NYSDOT in regards to NYSDOT assuming O&M of the traffic signal at the intersection of County Rte. 30 and County Rte. 21; and

RESOLVED that the Town is desirous of this transfer of O&M; and

RESOLVED improvements required to be made to the traffic signal by COR Development Company as a function of Town Planning Board site plan approval do not incorporate all the improvements required by NYSDOT to have the transfer of O&M effected; and

RESOLVED that the Town has determined that additional work valued at \$29,351.82 is required to effect the transfer of O&M to NYSDOT; and

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Declaration of Surplus Vehicle – Authorization to Sell

Upon request of the Highway Superintendent, the following Resolution was offered for adoption by Supervisor Reed and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 96 OF 2008)

RESOLVED that the Town Board of the Town of New Hartford does hereby declare as surplus the following vehicle, initially purchased for the Police Department:

<u>Year</u>	<u>Make/Model</u>	<u>VIN</u>
1999	Ford Crown Victoria	2FAFP71WXXX185791

And be it

FURTHER RESOLVED that the aforesaid vehicle shall be placed for sale on e-Bay and once sold, the Town Clerk's office shall be notified and shall arrange to terminate insurance coverage on said vehicle.

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

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

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

Kellogg Road Community Center

The Highway Superintendent had met with Councilmen Payne and Reynolds to discuss the possibility of making an on-site walk through of the Kellogg Road Community Center to determine how much upgrade the Town might want to invest in the building. The tour is set for Monday, April 14, 2008 at 5:30 P.M. By closing this building for the winter months, the Town saved \$1700 in utility costs, according to the Supervisor. The total savings will be close to \$2,000 by the time all bills are received. This building will be open for public use beginning May 1, 2008.

Traffic Signal Improvements – Middlesettlement Road/Clinton Street

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

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

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

Declaration of Surplus Vehicle – Authorization for Trade-in

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

(RESOLUTION NO. 95 OF 2008)

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

<u>Year</u>	<u>Make/Model</u>	<u>VIN</u>
2005	Ford Pick-up Truck	1FTNF2159EB69664

And be it

FURTHER RESOLVED that the aforesaid vehicle is hereby authorized as a trade-in vehicle with regard to the January 22, 2008 Bid Opening for purchase of a 2008 Pick-up Truck; the Town Clerk's office shall arrange to terminate insurance coverage on said vehicle.

The foregoing Resolution was voted upon by 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**.

The Highway Superintendent explained that, in his Department's preparation of the January 2008 bid packets using a template, the year and model of the trade-in vehicle was typed correctly (2005 Ford Pick-up Truck), but the VIN was incorrect, that is, the VIN was for a 2003 truck the Town no longer owns instead of for the 2005 trade-in vehicle. Superintendent Cleveland obtained signed documents from the two (2) bidders that they had no confusion as to the trade-in vehicle and resultant preparation of their respective bids and he has those two (2) statements.

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(RESOLUTION NO. 94 OF 2008)

WHEREAS, the Town of New Hartford owns, operates and maintains traffic signals throughout the Town and;

WHEREAS, as a function of age, regulations, changes in traffic volume and/or turning movements, economic development projects, or by operational necessity, the traffic signals and appurtenances including but not limited to signal heads, signage, span wires, mast arms, support poles and controllers are, from time to time, required to be upgraded or replaced; and

WHEREAS, the Town desires to adopt traffic signal and appurtenances standards equivalent to that used and adopted by the New York State Department of Transportation for the purpose of conformity with established standards, operation and maintenance (O & M) and to effect transfer of O & M to the New York State Department of Transportation (NYSDOT) should NYSDOT request this transfer, and the Town be desirous of this transfer;

THEREFORE, BE IT RESOLVED that the Town of New Hartford does own traffic signals and appurtenances throughout the Town; and

RESOLVED that the Town, for the purposes of standardizing O & M, to comply with current applicable regulations, and to accommodate the possible transfer of the O & M to the NYS Department of Transportation, the Town of New Hartford does adopt the following industry accepted standards and any revisions thereto as relates to improvements to or installation of new traffic signals:

1. Federal Manual of Uniform Traffic Control Devices (MUTCD)
2. Title 23 of the Code of Federal Regulations, Part 655.603
3. National Electric Code
4. OSHA standards
5. Incorporation of a controller that is approved by NYS Department of Transportation, and

RESOLVED that any changes to or upgrades of existing traffic signals or installation of new traffic signals and appurtenances shall be implemented using and in accordance with the currently adopted standards of the NYS Department of Transportation.

The Supervisor polled the Board members who moved as follows:

Councilwoman Krupa	-	Aye
Councilman Reynolds	-	Aye

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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***.

2008 Agreement – Pavement Marking

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

(RESOLUTION NO. 93 OF 2008)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to execute the 2008 Pavement Marking Agreement between the Town of New Hartford and the Oneida County Department of Public Works wherein said County will provide road striping within the Town; the cost of which will be determined upon completion of the work.

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***.

Higby Road Water District

The Highway Superintendent and Town Board briefly discussed the possibility of changing the debt service structure for the Higby Road Water District, but no action was taken at this time.

Traffic Signal Standards

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

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Councilman Payne - Aye
Supervisor Reed - Aye.

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

Appointment – Clerk Sub

The Town Clerk received oral confirmation from Personnel Technician Barbara Aiello that the Oneida County Personnel Department had approved the employment application of Louise Skinner. Thereafter, Councilman Woodland introduced the following Resolution for adoption; seconded by Councilman Payne:

(RESOLUTION NO. 91 OF 2008)

RESOLVED that the New Hartford Town Board does hereby appoint Louise Skinner as a Clerk Sub in the secretarial pool effective April 21, 2008 at an hourly wage of Seven Dollars and Seventy-five Cents (\$7.75), payable bi-weekly.

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:

2008 Agreement – Roadside Mowing

Upon recommendation of the Highway Superintendent, the following Resolution was offered for adoption by Councilman Payne and seconded by Councilman Reynolds:

(RESOLUTION NO. 92 OF 2008)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute the Roadside Mowing Agreement between the Town and the County of Oneida wherein the Town agrees to mow town and county roads within the Town of New Hartford during the 2008 Summer Season and the County agrees to furnish the mower that is to be attached to a town tractor and operated by a town employee, and as more fully defined in said Agreement.

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Liability Insurance, be, and she hereby is, directed to issue the permit under Chapter 44 (Assembly, Mass Public) of the Town Code.

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

REPORTS OF TOWN OFFICIALS

TOWN CLERK:

Declaration of Surplus Equipments – Authorization to Dispose

In behalf of Jeffery Madden, the Town Clerk presented the following Resolution for the Town Board’s consideration. Councilman Payne introduced the Resolution for adoption; duly seconded by Councilwoman Krupa:

(RESOLUTION NO. 90 OF 2008)

RESOLVED that the Town Board of the Town of New Hartford does hereby declare as surplus the following non-functioning equipment in the Emergency Dispatch Center:

<u>Make</u>	<u>Model</u>	<u>Serial No.</u>
MAG Innovision LT916S LCD Monitor	700P	F6EQ5A041562U
MAG Innovision LT916S LCD Monitor	700P	F6EQ5A041770U
MAG Innovision LT916S LCD Monitor	700P	F6EQ5A041804U
MAG Innovision LT916S LCD Monitor	700P	F6EX5A041591U

And be it

FURTHER RESOLVED that the aforesaid equipment is hereby authorized to be disposed of at the Oneida-Herkimer Recycling Center.

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

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

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WHEREAS, the Codes Enforcement Officer, Town Police Chief and the New York Mills Fire Chief have reviewed said application and find the contents therein to meet Chapter 44 of the Town Code,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of New Hartford does hereby approve the application of *UNO Restaurant Holdings Corporation* to conduct a “block party” in the UNO’s parking lot at The Orchard shopping plaza, said event to be held on April 30, 2008, and that the Town Clerk, having received the required Certificate of Insurance Liability, be, and she hereby is, directed to issue the permit under Chapter 44 (Assembly, Mass Public) of the Town Code.

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.

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

Permit for Mass Assembly of Persons – Carnival at Home Depot (Midway Rides)

The Town Clerk’s Office had also received an application from Midway Rides to conduct their annual Carnival upon the Home Depot property, French Road and the appropriate offices had reviewed this application with any concerns having been addressed.

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

(RESOLUTION NO. 89 OF 2008)

WHEREAS, on April 2, 2008, the Town Clerk received an application from *Dana Peck of Midway Rides of Utica*, for permission to conduct a Carnival from Wednesday, May 7 through Sunday, May 11, 2008, upon the Home Depot premises at French Road; and

WHEREAS, the Codes Enforcement Officer, Town Police Chief and the New York Mills Fire Chief have reviewed said application and find the contents therein to meet Chapter 44 of the Town Code,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of New Hartford does hereby approve the application of *Dana Peck/Midway Rides of Utica* to conduct a Carnival upon premises owned by The Home Depot from May 7, 2008 through May 11, 2008, and that the Town Clerk, having received the required Certificate of

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MINUTES APPROVAL

March 26, 2008 Town Board Meeting

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

(RESOLUTION NO. 87 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 **March 26, 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

TOWN CODE, CHAPTER 44:

Permit for Mass Assembly of Persons – UNO at The Orchards

In behalf of the Police Chief who had a conflicting meeting, the Town Clerk briefed the Town Board on the Police Department meetings with representatives from UNO who had applied for a “block party” permit; said meetings covered the required state liquor license for outdoor sale/consumption of alcoholic beverages, adequate parking, traffic congestion and pedestrian safety. Mr. Jurek was present with regard to this application. All concerns of the Police Chief having been addressed, Councilman Woodland introduced the following Resolution for adoption, seconded by Councilman Reynolds:

(RESOLUTION NO. 88 OF 2008)

WHEREAS, on February 28, 2008, the Town Clerk received an application from *Kenneth Jurek, Jr., Manager in behalf of UNO Restaurant Holdings Corporation*, for permission to conduct a “block-party” to benefit the Utica Zoo on Wednesday, April 30, 2008, in the UNO’s parking lot in The Orchard shopping plaza; and

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Show of hands **in opposition** of the adoption of Local Law Introductory “A” to amend the PHB Districts to include convenience stores (with or without gasoline service):

- An estimated 35 – 40 people raised their hands.

Councilman Woodland informed the public that the Town has approached the NYS Department of Transportation about reduced speed but to no avail – the Town has to continue to push its representatives to look at this corridor.

An unidentified man inquired why notice of the public hearing wasn’t sent to more people on Homestead Road. Planner Schwenzfeier explained that, in accordance with the Zoning Law, property owners from the edge of PHB districts for a distance of 500 feet were notified, which explains why not everyone was notified on Homestead Road.

After further speaking with his client, Mr. Ehre stated that rather than the Town Board vote and go through this process, Mr. Ahn withdraws his application for a Zoning Law text amendment.

The Public Hearing was closed at 6:36 P.M. after which Councilman Woodland introduced the following Resolution for adoption, seconded by Councilman Reynolds:

(RESOLUTION NO. 86 OF 2008)

RESOLVED that the New Hartford Town Board does hereby accept Young-Duck Ahn’s withdrawal of his application for an amendment to PHB districts in the Town Zoning Law, specifically for the inclusion of convenience stores with/without gasoline service, and does hereby declare the application terminated.

Thereafter, the Town Board voted upon roll call, resulting 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**.

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Donald Ehre interjected that his client would like to address the Town Board. Mr. Ahn said he's been in the United States since 1974. He compared the price of gasoline in Virginia, where he resides, to the much-higher gasoline cost in New York State. Why should he have to have \$3.57 a gallon in New York? He questioned why the Planning Board would deny his request for a Zoning Law text change for PHB districts. He said he's not just talking about New Hartford people, but the convenience of people traveling through the area. Supervisor Reed responded, "... you are seeing democracy"people are here because they may not like the proposal. Mr. Ahn said that New Hartford must approve gas pump business for the people. He bought the land two (2) years ago and he asked the Board to think about the people.

- **John Shaw** – a thirty (30) year resident of Seneca Turnpike, asked if this Zoning Law text proposal is approved, what does it do to the rest of the PHB districts in the Town. Town Planner Schwenzfeier responded that anywhere in a PHB district, if a convenience store meets the criteria, a convenience store could be built. Mr. Shaw has seen commercial development and he has lots of it across the street from his home and next to his home, and he doesn't want one of these (convenience stores) next to his house. He said he's pro-development and this [proposal] isn't about the people, it's quality of life. He was against the proposal.
- **Unidentified woman** – said there's enough commercial activity on Commercial Drive and Seneca Turnpike....it's ruining our life because there are already two (2) convenience stores with gas service. She's lived on Seneca Turnpike for 52 years and she has a nice home with a beautiful view near the Yahnundasis Golf Club. She was in opposition to the subject matter.

Councilman Reynolds referred to the first gentlemen who said the Town needs a study. The Town has a Planning Board and Planner that address these issues. The Town is concerned how growth takes place within the town and the dominance of retail and commercial that takes over residential/agricultural areas. Councilman Reynolds acknowledged that Seneca Turnpike is still a two-lane highway and also understood the argument of "...why can't we put a convenience store on Route 5" and that a similar rezoning request (as reported by the Town Planner) has already been turned down once.

Show of hands **in favor** of the adoption of Local Law Introductory "A" to amend the PHB Districts to include convenience stores (with or without gasoline service):

- John and Patricia Feketa
- Young-Duck Ahn and his wife
- Donald Ehre, P.E.

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- One (1) starts on Seneca Turnpike, west of Homestead Road West to the Kirkland town boundary

Mr. Ehre stated that PHB zoning districts allow a grocery store but not a convenience store. His client proposes that the same minimum lot size and characteristics for grocery stores be allowed for convenience stores, contending that the product line is essentially the same. The second aspect is to permit convenience stores with gasoline service but the parcels would have to be twice as large, a minimum of one (1) acre of land because this type of use would require some buffer from neighboring lots. Gas stations take up space, and if permitted as a site plan review use or special permit use – because gas islands and access to islands take up more room and parking has to be there, his client has asked for slightly larger permeable area...same amount of green space but the parcel would be larger...more pavement and roof but the same amount of green space. The French-Burrstone Road PHB district is pretty much surrounded by other businesses; other than taking down some businesses, a person would have to take several lots or businesses to meet the minimum lot size – he wouldn't expect any action in that area. Also, the stretch of PHB district from the Yahnundasis-Killabrew area westerly to Sangertown ... those are all small lots, existing residential and he would dare to say it would take seven (7) parcels of contiguous land to get a one (1) acre parcel. Also, a certain amount of lot depth is needed.

Mr. Ehre had been informed that as part of the Town Master Plan process, the group (committee) decided to exclude this type of use (convenience stores); however, although he's asked for proof of this, he's received none.

Supervisor Reed apprised Messrs. Ehre and Ahn that calls to the Town Offices from the affected areas were pretty much against Mr. Ahn's request for a Zoning Law text amendment. The Supervisor then invited more comments at which point Mr. Ehre asked to speak with his client and determine whether Mr. Ahn wanted to proceed. Mr. Ahn gave his approval to proceed.

Speaking *in opposition* to the proposal were:

- **Wayne Saddlemire** - he was against the proposed zoning text amendment, citing the existing east/westbound traffic on Route 5 (Seneca Turnpike). He suggested the Town take a thorough study of traffic flow east and west for better flow of traffic. He lives on Route 5 and has to negotiate getting onto Route 5. He said there are convenience stores on both sides of him, one in the Town of Kirkland and one in New Hartford.

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- Town Board received the Town Planning Board recommendation in January 2008 not to endorse this proposal.

The Town Clerk had available the Notice of Public Hearing, Affidavit of Posting and Proof of Publication (March 27, 2008 edition of the Observer Dispatch).

Town Clerk Young then invited Donald Ehre, P.E. and his client, Young-Duck Ahn to make their presentation; however, neither was in attendance at this time.

Supervisor Reed then invited comments from the audience:

- ***Town Planner Schwenzfeier*** stated that during the 1995 comprehensive plan process for rezoning, PHB districts were for more professional office uses rather than convenience stores
 - in their review of Mr. Ahn's 2007 request to change the Zoning Law, the Planning Board voted unanimously to reject this application
 - a rezoning application for a convenience store by Applewood Community was turned down around 2003 or 2004
 - Mr. Ahn has purchased the Feketa property on Seneca Turnpike (far western end) and is trying to see what he can do with the property
- ***Unidentified resident*** inquired whether Mr. Ahn had plans for a convenience store on Seneca Turnpike near the Sangertown-Yahnundasis area
 - Town Planner explained there are four (4) separate PHB zoned districts in the Town, three (3) along Seneca Turnpike and one (1) small area on Burrstone-French Road

[NOTE: At 6:09 P.M. Donald Ehre, P.E. and his client, Mr. Ahn, arrived at the meeting.]

- ***Donald Ehre, P.E.***, briefly explained his client's two-part proposal to change the Zoning Law text to allow convenience stores with and without gasoline service, and to limit such stores to a minimum of one (1) acre lots. He defined the four (4) PHB areas:
 - One (1) at French and Burrstone Roads
 - Appears that the existing convenience store at this location may be a "grandfathered" use
 - One (1) starts on Seneca Turnpike, at the Killabrew property westerly to the Sangertown Square Mall property
 - One (1) starts on Seneca Turnpike, at the intersection of Middlesettlement Road, westerly to Seneca Mobile Manor

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT NEW HARTFORD HIGH SCHOOL AUDITORIUM,
33 OXFORD ROAD, NEW HARTFORD ON
WEDNESDAY, APRIL 9, 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
Councilman Richard B Woodland, Jr.
Supervisor Earle C. Reed

OTHER TOWN OFFICIALS: Attorney for the Town Gerald J. Green
Highway Superintendent Roger A. Cleveland
Parks and Recreation Director Michael W. Jeffery
Planner Kurt Schwenzfeier
Town Clerk Gail Wolanin Young and Deputy
Clerk I Melody K. Fancett

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

PUBLIC HEARING

6:02 P.M. LOCAL LAW INTRODUCTORY "A" OF 2008

At 6:02 P.M. the Town Supervisor opened the Public Hearing. The Town Clerk stated that the Public Hearing related to Local Law Introductory "A" of 2008, an application by Mr. Ahn to amend the Planned Highway Business (PHB) classifications in the Town's Zoning Law to allow convenience stores (with or without gasoline service), as a site plan use or special permit use, according to certain criteria. The Town Board had:

- referred the application to the Oneida County Planning Department and Town Planning Board in August 2007
- received recommendation of approval from the Oneida County Planning Department in August 2007
- the Town Planning Board declared itself Lead Agency (State Environmental Quality Review) in this matter in August 2007