

**REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF NEW HARTFORD, NEW YORK  
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN  
ON WEDNESDAY, AUGUST 12, 2009 AT 6:00 P.M.**

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

**TOWN BOARD MEMBERS PRESENT:**

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

**OTHER TOWN OFFICIALS PRESENT:**

Director of Budget Heather Mowat  
Director of Senior Services M. Eileen Spellman  
Highway Superintendent Richard C. Sherman  
Parks and Recreation Director Michael W. Jeffery  
Planner Kurt L. Schwenzfeier  
Police Chief Raymond Philo  
Senior Engineering Technician John Meagher  
Town Clerk Gail Wolanin Young

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

**MINUTES**

**July 8, 2009 Town Board Meeting; July 16, 2009 Annexation Public Hearing**

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

**(RESOLUTION NO. 164 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 **July 8, 2009** and the *Annexation Public Hearing* held **July 16, 2009** and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

Councilwoman Krupa	-	Aye
Councilman Reynolds	-	Aye

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

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

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

### **Lasher Cemetery Restoration**

With regard to recent restoration efforts in the Lasher Cemetery, Councilman Payne acknowledged the involvement of Robert Dicker of the New Hartford Historical Society and local Boy Scout Wayne Murphy who's working toward his Eagle Scout badge. Boy Scout Wayne Murphy reported that he dedicated about 180 hours in the Lasher Cemetery, removing saplings, restoring broken headstones and clearing debris that was hauled away by the Town. He submitted photos of the Cemetery, which was accessible only through contiguous residential properties and the cooperation from those property owners.

The Town Board and Mr. Dicker thanked Wayne for this great community service and that of other scouts who had been involved. Also acknowledged by Mr. Dicker were Councilmen Payne and Woodland, Planner Schwenzfeier, and Highway Superintendent Sherman who made on-site visits. Richard Watkajty of the New Hartford American Legion 1376, which was liaison between the Legion and Boy Scout Troop 4, thanked the Town for its annual contribution of American flags for Memorial Day observance of veterans' burial plots. As part of Wayne's Eagle project, Mr. W stated that Wayne made a presentation before the Legion and acknowledged that a second Civil War veteran grave had been uncovered. Mr. W presented Wayne Murphy with an American Flag. In conclusion, the Town Supervisor signed-off on a document indicating that Wayne Murphy had accomplished his project.

### **Southern GEIS Report**

Dr. Rao presented the Town Supervisor with his analysis for full build-out in the southeastern part of the Town of New Hartford, which Dr. Rao said would take 100 to 300 years to fulfill and would double the residential density and increase impervious surface area. Dr. Rao believes that would do an injustice to people living within this build-out area. He noted that the NYS Department of Environmental Conservation has rules and regulations and that the developers should be advised to follow the guidelines and be held responsible.

## **REPORTS OF TOWN OFFICIALS**

### **Director of Senior Services**

#### **APPOINTMENT – TEMPORARY SITE MANAGER**

Upon request of Director of Senior Services M. Eileen Spellman, the following Resolution was introduced for adoption by Councilman Reynolds and duly seconded by Councilman Payne:

**(RESOLUTION NO. 165 OF 2009)**

**RESOLVED** that the New Hartford Town Board does hereby appoint Marjorie Anweiler as Temporary Site Manager, retroactive to July 8, 2009, necessitated by the non-work related injury sustained by Site Manager Theresa Hock, with Ms. Anweiler's hourly wage being established at Ten Dollars and Ninety-eight Cents (\$10.98), payable bi-weekly; and be it

**FURTHER RESOLVED** that the said Town Board does hereby authorize and direct the retroactive payment to Ms. Anweiler of \$538.02 for forty-nine (49) hours worked since July 8, 2009 during this emergency situation.

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**.

**Assessor**

**Cold War Veterans' Exemption**

In the Spring of 2008, the State legislature passed legislation to grant tax exemptions for eligible Cold War veterans; municipalities wishing to offer this would need to adopt local legislation, which Oneida County did in the Fall of 2008. Assessor Smith had brought this to the Town Board's attention at that time. The Assessor estimated that thirty-four (34) veteran property owners would be eligible and their savings would be about \$10 per parcel. The legislation restricts the exemption to ten (10) years. Board members had been furnished the draft legislation prepared by the Town Attorney. Thereafter, Councilman Woodland introduced the following legislation for the Town Board's consideration at a future public hearing; co-sponsored by Councilman Payne:

TOWN OF NEW HARTFORD< NY  
LOCAL LAW INTRODUCTORY "E" OF 2009

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

**(RESOLUTION NO. 166 OF 2009)**

**RESOLVED** that the New Hartford Town Board does hereby schedule a Public Hearing to commence at 6:00 P.M., or as soon thereafter as reached in the regular course of business, on Wednesday, September 9, 2009 in Butler Memorial Hall, 48 Genesee Street, New Hartford, New York, to consider the adoption of Local Law Introductory "E" of 2009 which, if adopted, would amend the Town Code, Chapter 107 entitled TAXATION, by adding a new Article VIII, a limited exemption from real property taxes for Cold War veterans residing in the Town of New Hartford as authorized by Section 458-b of the Real Property Tax Law; and be it

**FURTHER RESOLVED** that the Town Board does hereby authorize and direct the Town Clerk to publish the legal requisite Notice of Public Hearing in the Observer Dispatch.

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.

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

#### **TRAINING**

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

#### **(RESOLUTION NO. 167 OF 2009)**

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

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby grant permission to Paul E. Smith, Assessor to attend the 2009 New York State Assessors Association Seminar on Assessment Administration from September 27 through September 30, 2009, in Saratoga, New York, with expenses to be borne by said Town as budgeted.

Director of Budget Mowat confirmed that the Assessor is required to have continuing education. 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 then declared unanimously carried and duly **ADOPTED**.

**DIRECTOR OF BUDGET:**

**New Hartford Business Park financial review**

Director of Budget Heather then reviewed the Town’s actions with regard to the New Hartford Business Park:

- Spring 2008 approval of a \$2.9 million bond and \$500,000 of FILM funds for roads, sewer water and any capital improvements around the Business Park
- October 2008 decision to borrow only \$2.3 million
- Issuance of BAN in December 2008 (rolled over, not cumulative)
- February 2009 public referendum on financing
- said borrowing occurred in February 2009
- March 2009 project closed down for expenses
- List of expenditures include legal, printing, public referendum. \$4.7 million borrowed and part of referendum was applied. Balance available of a little more than \$162,000. Have some issues like lighting, sidewalks and making sure punch list gets down. After reviewing all bills – because some expenses occurred in 2008, hope to have the audit ready in a couple weeks. Need to reclassify some expenses in 2008; part of initial authorization there was extensive discussion at a public meeting for a break in access along NYS Route 840 and various alternatives.

Planner Schwenzfeier anticipated scheduling a public meeting the week of September 14, 2009 to inform the public of the proposed break in access to NYS Route 840 and assess traffic to be redistributed, which will affect intersections along Judd Road and other intersections being reviewed by the New York State Department of Transportation (DOT).

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

**(RESOLUTION NO. 168 OF 2009)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Bookkeeper to make the following Budget adjustments:

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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**.

**Town Clerk**

**Authorization for 2009 Grant Application – Town Court**

In behalf of the Town Justices, Town Clerk Young presented the following Resolution that was introduced for adoption by Councilman Woodland and duly seconded by Councilwoman Krupa:

**(RESOLUTION NO. 169 OF 2009)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct Town Justices James VanSlyke and William Virkler and Town Supervisor Earle C. Reed, or his Deputy, David M. Reynolds, to complete, execute and submit a Grant Application under the 2009 Justice Court Assistance Program for enhancement of the Town Court facilities/operation.

Upon roll call, the Board 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**.

**Raffle Consent**

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

**(RESOLUTION NO. 170 OF 2009)**

**RESOLVED** that the New Hartford Town Board does hereby grant permission to The Ziyara Shriners AAONMS, 251 Genesee Street, Utica, NY 13501, an organization duly granted a Games of Chance Identification Number by the New York State Racing and Wagering Board, to sell raffle tickets at Sangertown Square Mall, New Hartford, New York, in accordance with all rules and regulations of said Racing and Wagering Board; and be it

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

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

**August 26, 2009 Public Hearing – National Grid Taking**

The Town Clerk reminded the Board of the August 26, 2009 Public Hearing, the purpose of which is to consider a taking of approximately 0.015 acres of the 6.99 acre parcel of land owned by National Grid located on or near Woods Highway, bearing Tax Map Number 328.000-3-8 which, if adopted, would allow necessary road and other public improvements in conjunction with the development of the New Hartford Business Park.

**Engineering Department**

**Competitive Bid results – Contract 2: Town of New Hartford Office Park/NYS Route 5 Highway Improvement Plan**

At the August 10, 2009 Bid Opening for this project, only one (1) bid was received; Hanson Aggregates' bid amount was \$671,014.65; the Town's estimate for the job was \$678,000. When the Town sought competitive bids in 2008, the quote was about \$900,000 and no award was authorized. The current bid was canvassed with GTS and the New York State Department of Transportation with regard to unit bid prices – prices are reasonable and they've had good experience with Hanson. Work will include relocating the Route 5 traffic signal to its permanent location, activating the traffic signals, overhead work, widening Route 5 from PAR's driveway to Woods Highway for a right turn lane, and widening Route 5 westerly of Woods Highway for a recovery lane and left-turn lane on to Woods Highway. Senior Engineering Technician Meagher recommended that the Town Board accept the sold bid submitted by Hanson Aggregates. Thereafter, Councilwoman Krupa offered the following Resolution for adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. 171 OF 2009)**

**RESOLVED** that the New Hartford Town Board does hereby accept the sole bid from and does hereby award the contract to Hanson Aggregates in the amount of Six Hundred Seventy-one Thousand Fourteen Dollars and Sixty-five Cents (\$671,014.65) as per their bid submitted on August 10, 2009 with regard to Contract 2: Town of New Hartford/NYS Route 5 Highway Improvement Plan; and be it

**FURTHER RESOLVED** that said Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute all necessary legal documents for this project.

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**.

**Highway Work Permits - Undertaking Agreement with NYS Department of Transportation**

Senior Engineering Technician Meagher submitted an undertaking agreement that, if approved by the Town, would eliminate the need for the Town to provide a bond for working on or along State highways. Councilman Reynolds offered said Resolution for adoption; seconded by Councilman Payne:

**(RESOLUTION NO. 172 OF 2009)**

**WHEREAS**, from time to time the Town of New Hartford receives permits from the Department of Transportation of the State of New York allowing said Town to temporarily obstruct, install, construct, maintain, operate or replace any facilities within the bounds of a State highway right-of-way pursuant to Sections 52, 103, 203, 249 and/or 250 of the Highway Law;

**THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford, New York does hereby authorize and direct the Town Supervisor to enter into and to execute an Undertaking in connection with Highway Work Permits issued by the New York State Department of Transportation, a copy of said Undertaking being set forth as Schedule "A".

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

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

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

**DOT Highway Work Permit – Contract 2: Town of New Hartford/NYS Route 5 Highway Improvement Plan**

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

**(RESOLUTION NO. 173 OF 2009)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to enter into and to execute the NYS Department of Transportation Highway Work Permit application and applicable documents as they relate to Contract 2: Town of New Hartford/NYS Route 5 Highway Improvement Plan project.

A roll call vote ensued:

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

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

**SEOR – Lead Agency Status**

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

**(RESOLUTION NO. 174 OF 2009)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby declare itself as Lead Agency in the matter of Contract 2: Town of New Hartford/NYS Route 5 Highway Improvement Plan project.

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

**SEOR – Negative Declaration**

The following Resolution was then presented for adoption and introduced by Councilman Reynolds, seconded by Councilman Payne:

**(RESOLUTION NO. 175 OF 2009)**

**RESOLVED** that the Town Board of the Town of New Hartford, as Lead Agency in the matter of Contract 2: Town of New Hartford/NYS Route 5 Highway Improvement Plan

project and does hereby unanimously adopt the determination and findings set forth in the Negative Declaration (SEQR), Notice of Determination of Non-Significance, which will be 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 Resolution was then declared unanimously carried and duly **ADOPTED**.

**Inter-municipal Agreement with Village of New York Mills (sanitary sewer system)**

Upon presentation by the Senior Engineering Technician, Councilman Payne introduced the following Resolution, which was seconded by Councilman Reynolds:

**(RESOLUTION NO. 176 OF 2009)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby approve and does hereby authorize an direct the Town Supervisor or, in his absence, the Deputy Town Supervisor, to enter into and to execute an Inter-municipal Agreement between the Town of New Hartford and the Village of New York Mills, as follows:

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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**.

Highway Superintendent:

**Refund – Stormwater Drainage Pipe Purchase**

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

**(RESOLUTION NO. 177 OF 2009)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the refund of Five Hundred Seventy-eight Dollars and Eighty Cents (\$578.80) to Robert Partridge and which amount represents that portion of driveway drainage pipe that was in good condition and did not need to be replaced.

The Board members voted by roll call, 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**.

**Quotations – Police Department Garage Roof**

Highway Superintendent Sherman received the following quotes to replace the garage roof at the Police Department:

- Continental Roofing Contractors, Inc. - \$8,480
- Cobblestone Construction, Inc. - \$8,160
- Jewett Brothers Home Improvement - \$5,475.

The vendor pays prevailing wage rates to its employees. Upon recommendation of the Highway Superintendent, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Payne:

**(RESOLUTION NO. 178 OF 2009)**

**RESOLVED** that the New Hartford Town Board does hereby accept the quote of \$5,475 from Jewett Brothers Home Improvement to replace the Police Department garage roof and does hereby award the work to said vendor in accordance with the Town's Purchasing Procedural Manual.

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

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

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

**Oneida County Sewer District Smoke Testing – Sanitary Sewer Lines**

During the week of August 17, 2009, the Oneida County Sewer District employees will perform smoke testing analysis in the following areas of the Town of New Hartford:

- Seneca Turnpike area including Middlesettlement Road (aka NYS Route 5B)
- Commercial Drive and Middlesettlement Road (County highway)
- Willowvale Avenue, Huxford Place, Irvin Avenue and Wakefield Street
- Hand Place and Bleachery Ave
- Red Hill Road
- Oneida Street and Elm Street
- Grange Hill Road

**Authorization for Competitive Bid – Bituminous Concrete Paving**

Upon request of the Highway Superintendent, Councilwoman Krupa presented the following Resolution and moved its adoption, which was seconded by Councilman Payne:

**(RESOLUTION NO. 179 OF 2009)**

**RESOLVED** that the New Hartford Town Board shall receive sealed bids for the ***Bituminous Concrete Paving*** of a portion of Woods Highway, 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 Monday, September 14, 2009 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.

After making an on-site inspection, Highway Superintendent Sherman estimated that this portion of Woods Highway to the new intersection would be Phase I and has nothing to do with the Business Park. Director of Budget Mowat confirmed that the Town does have the money to pay for this paving project and that Woods Highway was explicitly mentioned in a prior study and former Highway Superintendent Cleveland had asked the Board’s consideration is using \$500,000 of FILM from the Seneca Turnpike-Commercial Drive GEIS study area and that Shumaker Engineering did work at the authorization of the Town Board. This portion of Woods Highway It is breaking up at the road shoulders.

The Supervisor polled the Board, which 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***.

**Parks and Recreation Director:**

Extensive discussion ensued on the proposed 3-year Lease Agreement between the Town and Skaters Edge, a concession stand that provides skate rental, sharpening and pro supplies at the Recreation Center and whether this matter was subject to competitive bid. Thereafter, Councilwoman Krupa offered the following Resolution for adoption, seconded by Councilman Payne:

**(RESOLUTION NO. 180 OF 2009)**

**RESOLVED** that, due to the emergency situation that the Recreation Center ice season begins in several weeks, the New Hartford Town Board does hereby approve a ninety (90) day extension to the Town's existing Lease Agreement with Skaters Edge, during which time the Parks and Recreation Director will prepare bid specifications for submission at the September 9, 2009 Town Board meeting, after which competitive bids will be authorized.

A roll call vote ensued:

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

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

**Police Chief**

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

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

**(RESOLUTION NO. 181 OF 2009)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby declare as surplus one (1) 2003 Ford Crown Victoria, VIN 2FAFP71W93X1188268; 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.

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

**Speed Limit Study Request – Woods Highway**

Upon recommendation of the Police Chief, the following Resolution was introduced for adoption by Councilman Woodland and duly seconded by Councilman Payne:

**(RESOLUTION NO. 182 OF 2009)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby request the New York State Department of Transportation, pursuant to Section 1622.1 of the Vehicle and Traffic Law, to conduct a speed study on Woods Highway from the New Hartford-Whitestown line to NYS Route 5 (aka Seneca Turnpike), to determine if having a consistent speed limit of 40 miles per hour for the entire length of Woods Highway would provide for enhanced traffic safety; and be it

**FURTHER RESOLVED** that the Town Clerk be, and she hereby is, authorized to forward said request to the New York State Department of Transportation.

The foregoing Resolution was duly put to a vote upon roll call 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**.

**Promotion to Investigator and Commander (Juvenile Aid)**

Upon recommendation of Police Chief Raymond Philo, the following Resolution was introduced for adoption by Councilman Reynolds and duly seconded by Councilman Woodland:

**(RESOLUTION NO. 183 OF 2009)**

**WHEREAS**, C. Edward Schmidt has retired from the New Hartford Police Department creating a vacancy in the position of Investigator and Commander of the Juvenile Aid Division and School-based Policing Unit;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby appoint Peter Colburn, a nine (9) year veteran with the Police Department who holds the appropriate certification for both aforementioned positions, as Investigator and Commander of the Juvenile Aid Division and School-based Policing Unit, effective September 14, 2009 at the current union salary, payable bi-weekly.

Chief Philo noted that two-thirds (2/3rds) of Officer Colburn's salary will be reimbursed by the School District. Approval has been granted by the Oneida County Personnel Department. A roll call vote was duly held and resulted as follows:

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

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

**Promotion to Patrolman Vacancy**

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

**(RESOLUTION NO. 184 OF 2009)**

**WHEREAS**, Peter Colburn has been promoted to the positions of Investigator and Commander of the Juvenile Aid Division and School-based Policing Unit thereby creating a vacancy in the position of Patrolman;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby appoint Jason Freiburger, a three-year Part-time Police Officer with the Police Department, to fill the vacancy of Patrolman created by Peter Colburn's promotion. Patrolman Freiburger's appointment shall become effective September 14 2009 at the current hourly union wage, payable bi-weekly.

Chief Philo noted that Mr. Freiburger's promotion will leave a vacancy in the position of Part-time Police Officer, which he is not filling at this time. Civil Service approval has been received from the Oneida County Personnel Department. Thereafter, the Board members voted as follows:

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

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

**Dispatch Supervisor:**

**Appointment to fill Part-time Dispatcher Vacancy**

Upon recommendation of Dispatch Supervisor Jeffrey Madden, Councilman Payne introduced the following Resolution for adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. 185 OF 2009)**

**WHEREAS**, Nicole Panetta had submitted her resignation as a Part-time Dispatch in the Emergency Dispatch Center, thereby leaving a vacancy in said position;'

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby appoint Garrett Hauf as a Part-time Dispatch, effective August 17, 2009, at the hourly wage of Ten Dollars and Ninety-eight Cents (\$10.98), payable bi-weekly, **contingent upon the results of Mr. Hauf's full background investigation and fingerprinting.**

Mr. Hauf has passed the required NYS Civil Service examination. The Board members were then polled and 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**.

**Promotion from Provisional Part-time Clerk to Part-time Dispatcher**

Upon recommendation of Dispatch Supervisor Madden, the following Resolution was offered for adoption by Councilwoman Krupa and duly seconded by Councilman Payne:

**(RESOLUTION NO. 186 OF 2009)**

**WHEREAS**, the Town Board of the Town of New Hartford had appointed Kevin Gubbins as a provisional Part-time Clerk in the Emergency Dispatch Center, effective October 27, 2008, at the hourly rate of Ten Dollars and Sixty-six Cents (\$10.66), subject to the following stipulations:

- Successful completion of the applicable NYS Civil Service examination and placing in the top three (3) candidates who would accept the position
- Completion of the background investigation
- Successful completion of a six-month probationary period;

And

**WHEREAS**, the aforesaid stipulations have now been met;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby appoint Kevin Gubbins as a Part-time Dispatch in the Emergency Dispatch Center, effective August 17, 2009, at his current hourly rate of pay, payable bi-weekly.

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

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

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

Highway Superintendent

**Award of Competitive Bid - Oxford Road and Kellogg Road Stormwater Detention Project**

Highway Superintendent Sherman reported the following bids were received on August 5, 2009:

<u>Company</u>		<u>Base Bid</u>
• D. H. Smith Co., Inc.	-	\$356,817.94
• Murphy Excavating	-	\$221,700.00
• Burrows Trucking & Excavating	-	\$336,900.00
• North Country Contractors, LLC	-	\$412,910.00
• Jablonski Excavating	-	\$258,000.00
• Marcy Excavation Services, LLC	-	\$311,100.00
• Bat-Con Inc.	-	\$428,000.00.

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

**(RESOLUTION NO. 187 OF 2009)**

**WHEREAS**, the Town Superintendent of Highways did, on the 12th day of August, 2009, duly recommend stormwater improvements in the area of Oxford and Kellogg Roads;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby accept the low bid of and award the contract to Murphy Excavating, Chapman Road, New Hartford, New York for the Oxford Road and Kellogg Road Stormwater Detention Project for a maximum aggregate price of Two Hundred Twenty-one Thousand Seven Hundred Dollars (\$221,700), said project to be completed in accordance with Town specifications/contract. A contract for the stormwater project shall be duly executed between the Town Supervisor and such vendor; and when the contract has been

executed and approved, and upon completion of the stormwater project, the Town Supervisor shall pay the amount of \$221,700 from proceeds of the stormwater bond.

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***.

**Oxford Road Area Drainage Improvements**

Highway Superintendent Sherman gave a slide presentation of the progress/status of this drainage project that had been awarded in late Spring 2009 to Fred Burrows Trucking and Excavating.

**Christopher Circle stormwater matter**

Upon inquiry of Councilman Payne, Highway Superintendent Sherman will obtain estimates for resolving the surface water problems on Christopher Circle.

**SPECIAL COMMITTEES**

**Energy Committee:**

Councilman Payne announced that the Energy Committee will sponsor an Energy Symposium at the Myles Elementary School, 90 Clinton Road, New Hartford, New York on Saturday, September 12, 2009 from 10:00 A.M. to 4:00 P.M.

**MATTERS SUBMITTED BY COUNCILMEN/ATTORNEY**

**COUNCILMAN PAYNE:**

**Proposed Policy – Conduct at Town Board Meetings**

The Town Clerk was then asked to read proposed rules for conduct at Town Board meetings, as follows:

**WHEREAS**, Towns are authorized to enact rules and regulations regarding the conduct of public meetings and public hearings. Town Law, §130(1). Some residents restrained by these rules will insist that the Town Board has unconstitutionally limited their right of free speech. The response to these claims is that the Town Board has responsibility to ensure that everyone has the right to participate and, therefore, the contents, length, and general nature of public comments can reasonably be limited. Thus, reasonable limitations of speakers are necessary to ensure public participation by numerous speakers presenting various points of view for consideration by the Town Board and attendees at the public hearing or public meeting. Such rules and regulations are consistent with, and in fact help guarantee the rights of free speech; and

**WHEREAS**, while the law does not require that Town Boards set aside time at regular town board meetings for public comment, this Town Board recognizes that public participation is important and for this reason allows for public comment at each meeting; and

**WHEREAS**, in an effort to maintain an efficient, orderly and safe Town Board meeting the following guidelines shall be and hereby are adopted for each meeting:

- 1.) The entrance to the meeting building will be opened to the Public no earlier than 30 minutes and no later than 15 minutes prior to the scheduled start time.
- 2.) The Town Supervisor will begin each meeting at 6:00 PM with the Pledge of Allegiance to the Flag.
- 3.) The meeting will be video recorded by the Town in its entirety and the recording will be kept in the Town Clerk's office for two years. This recording is a reference for meeting minutes and town resident discussions.
- 4.) Videotaping by the general public is allowed and should be expected by those attending.
- 5.) The limit is up to two video cameras per meeting. The video cameras must be tripod mounted and kept in one location. No additional lighting can be used. If the video recording process becomes disruptive, the Town Supervisor can request that the responsible individual stop recording.
- 6.) The public is also advised that audio recording may occur as well during Town Board meetings and accordingly, any and all personal and private conversation should be conducted outside the meeting room to ensure and protect personal privacy.
- 7.) The use of still cameras, including cell phone cameras, by the general public is prohibited.
- 8.) Cell phones are to be turned off during Town Board meetings or put on "vibrate." Calls are to be taken outside the meeting room.
- 9.) At each meeting there will be an opportunity for the general public to address the Board. This allotted time is listed on the agenda as "Public Presentations." At the appropriate time, the individuals wishing to be heard will approach the podium, state their name and address. They will have up to 5 minutes to speak to the Board. The Town Supervisor can end the address short or extend the allowable time.
- 10.) The public is asked to make comments in a civil and respectful manner. Be advised that your statements do not enjoy the same privilege and immunity

given to statements made by members of the Town Board. You are to restrict your comments to matters pertaining to Town business.

11.) During the remainder and course of the meeting, the Town Supervisor can allow the public opportunity to comment or ask questions on agenda matters.

12.) As a courtesy to the Board and all attendees, there will be no talking between attendees while the meeting is in progress.

13.) A person who disregards the directives of the Supervisor in enforcing these rules, disturbs the peace at a meeting, makes impertinent or slanderous remarks or generally conducts himself or herself in a boisterous or inappropriate manner while addressing the Town Board may be barred from further participation, forfeit any balance of time remaining for his or her comments and may be asked to leave the meeting. After a final warning, if a speaker refuses to step down or remain silent, or voluntarily remove himself or herself from the meeting, the Town Supervisor can request that a police officer remove the individual from the meeting room. The authority is section 240.20 of the Penal Law, which provides that a person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm or recklessly creates a risk thereof: 1) he makes unreasonable noise, 2) in a public place, he uses abusive or obscene language, or makes an obscene gesture, or 3) without lawful authority, he disturbs any lawful assembly or meeting of persons or 4) he creates a hazardous or physically offensive condition by any act which serves no legitimate purpose. Disorderly conduct is a criminal offense constituting a violation.

Discussion ensued among the Town Board members and the Town Clerk was asked to submit the proposal to Robert Freeman, Executive Director of the Committee on Open Government, for his review and comment.

**Citizens Committee on Budget Analysis**

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

**(RESOLUTION NO. 188 OF 2009)**

**RESOLVED** that the New Hartford Town Board does hereby appoint the following persons to serve as members of the Citizens Committee on Budget Analysis, created on June 9, 2009, and which Committee shall study what would be considered a “reasonable, appropriate” fund balance not only for individuals funds but for the Town as a whole:

- Position 4 – Ronald Ribyat
- Position 5 – John Kivela
- Position - Catherine Dougherty.

Upon roll call, the Board members voted as follows:

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

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

**Audit of Vouchers**

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

**(RESOLUTION NO. 189 OF 2009)**

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

Water Fund Abstract #2	
Vouchers FF2	\$731.10
Street Lighting Fund Abstract #8	
Vouchers SL8	\$6,684.36
Street Lighting Fund Abstract #9	
Vouchers SL9	\$6,541.11
Stormwater Drainage Abstract #10	
Vouchers HU21-HU22	\$224.30
New Hartford Business Park Fund Abstract #2	
Vouchers H02	\$ 97.28
New Hartford Business Park Fund Abstract #3	
Vouchers H03	\$108,081.23
Highway Fund Part-Town Abstract #15	
Vouchers DB454	\$ 298.05
Highway Fund Part-Town Abstract #16	
Vouchers DB455-DB471;DB473-DB498	\$ 71,220.21
General Fund Part-Town Abstract #19	
Vouchers BB111-BB115	\$ 4,872.01
General Fund Whole-Town Abstract #38	
Vouchers A1141	\$ 365.58
General Fund Whole-Town Abstract # 39	
Vouchers A1142 –A1149	\$ 4,197.98
General Fund Whole-Town Abstract #40	
Vouchers A1150-A1152; A1154	\$ 2,524.25
General Fund Whole-Town Abstract #41	
Vouchers A1156-A1160	\$ 7,269.74
General Fund Whole-Town Abstract # 42	
Vouchers A1162-A1267; A1287	\$241,031.15

General Fund Whole-Town Police Abstract #39A Vouchers A1153	\$ 67.51
General Police Fund Whole-Town Abstract #40A Vouchers A1268-A1286	\$ 45,784.66
General Police Fund Whole-Town Abstract #41A Vouchers A1155	\$ 299.70
Sewer Fund Abstract #18 Vouchers SS53	\$ 1,332.20
Sewer Fund Abstract #19 Voucher SS54-SS59	\$ <u>3,276.85</u>
<b>TOTAL:</b>	<b>\$504,899.27</b>

Upon roll call, the Board members voted as follows:

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

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

### **EXECUTIVE SESSION**

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

#### **(RESOLUTION NO. 190 OF 2009)**

**RESOLVED** that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss matters that imperil public safety.

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 7:35 P.M. The Town Clerk was asked to remain in the event the Town Board wanted to take action after the Executive Session.

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

**END OF EXECUTIVE SESSION**

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

**(RESOLUTION NO. 191 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 7:49 P.M. The regular portion of the Town Board meeting was immediately reconvened. The public was invited to rejoin the meeting.

**ADJOURNMENT**

There being no further business to come before the Town Board, upon motion of Councilwoman Krupa, seconded by Councilman Payne, the meeting adjourned at 7:50 P.M.

Respectfully submitted,

Gail Wolanin Young