

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT BUTLER MEMORIAL HALL ON
WEDNESDAY, OCTOBER 22, 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: Councilwoman Christine G. Krupa
Councilman David M. Reynolds
Councilman Richard B. Woodland, Jr.
Supervisor Earle C. Reed

ABSENT: Councilman Robert A. Payne III

OTHER TOWN OFFICIALS: Director of Senior Services M. Eileen Spellman
Highway Superintendent Roger A. Cleveland
Planner Kurt Schwenzfeier
Senior Engineering Technician John Meagher
Supervising Public Safety Telecommunicator
Jeffrey P. Madden
Town Attorney Gerald J. Green
Town Clerk Gail Wolanin Young

Thereafter, a quorum was declared present for the transaction of business. Councilman Payne was unable to attend this meeting due to out-of-town business.

MINUTES

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

(RESOLUTION NO. 252 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 September 24, 2008 and does hereby accept and approve the minutes of the Regular Town Board meeting held October 1, 2008 with the following correction on Page 4:

4th paragraph under **Mohawk Valley EDGE**
Ralph Reed should read Ralph Humphrey

and be it

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FURTHER RESOLVED that the Town Board does hereby waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

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

PRESENTATIONS

Oneida County Empire Zone

The representative from this agency did not appear; therefore, no action was taken on a proposed resolution that the Town Board reviewed at the October 1, 2008 Town Board meeting.

REPORTS OF TOWN OFFICIALS

AGING – DIRECTOR OF SENIOR SERVICES:

Appointment – Part-time Meal Site Manager

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

(RESOLUTION NO. 253 OF 2008)

WHEREAS, Linda Christian had resigned as Part-time Meal Site Manger effective September 25, 2008;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby promote and appoint Charlotte Mazurowski as Part-time Meal Site Manager for the New Hartford Adult Dining and Activity Center, at an hourly rate of Ten Dollars and Ninety-eight Cents (\$10.98) commencing October 27, 2008; wages to be paid bi-weekly.

Whereupon, the Town Board voted upon roll call:

Councilwoman Krupa	-	Aye
Councilman Reynolds	-	Aye

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

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

HIGHWAY SUPERINTENDENT:

Stormwater

- Highway Superintendent Cleveland reported that the next Stormwater Management (Advisory) Committee meeting has been scheduled to commence at 5:00 P.M. on Monday, October 27, 2008 in the New Hartford Public Library, 1 Library Lane, New Hartford, NY.
- Brantwood project – project commenced several weeks ago – was designed for slip lining of existing pipe. Discovered some bends that were not picked up by tv camera and one joint deflected and kept slip lining from going. Excavation was required and a lawn and irrigation system in the lawn was damaged. The contractor used the plans that were provided but had not reviewed the tv'ing documents. The Highway Superintendent presented a change order from the original quote of \$81,500 to \$89,715 because of the extra work. Supervisor Reed requested that the matter be tabled until the November 5, 2008 Town Board meeting.

Appointment - Mechanic

After Mechanic Jack Webb retired in early September 2008, the vacant position had been posted for ten (10) days internally; the bargaining contract requires the vacancy to be selected from within the Department if an employee is qualified. Therefore, Highway Superintendent Cleveland presented the following Resolution that was introduced for adoption by Councilman Reynolds and duly seconded by Councilwoman Krupa:

(RESOLUTION NO. 254 OF 2008)

RESOLVED that the New Hartford Town Board does hereby promote Highway Department Laborer Jeramy Waterman to fill the vacant position of Mechanic, said vacancy having been created by the retirement of Jack Webb; said promotion will become effective October 26, 2008 at an hourly wage of Twenty-one Dollars and Sixty-three Cents (\$21.63), payable bi-weekly, and have a forty-five (45) to ninety (90) day probation period. This promotion is made in accordance with the provisions of the current Teamster's contract.

The Resolution was voted upon by roll call as follows:

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

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

Elm Street (Chadwicks) Bridge

The Highway Superintendent reminded the Town Board of his communication to them regarding the Elm Street bridge; specifically, the Town Board needs to respond soon to the New York State Department of Transportation whether the Town will:

- Post the bridge for weight limit
- Close the bridge, or
- Repair/replace the bridge.

Sauquoit Creek Basin Inter-municipal Commission

At the October 21, 2008 meeting of this Commission, Town Planner Kurt Schwenzfeier was designated to attend future meetings after the retirement of Highway Superintendent Cleveland on October 31, 2008. The following Resolution was introduced for adoption by Councilwoman Krupa and duly seconded by Councilman Woodland:

(RESOLUTION NO. 255 OF 2008)

RESOLVED that the New Hartford Town Board does hereby appoint Town Planner Kurt Schwenzfeier as a voting member of the Sauquoit Creek Basin Inter-municipal Commission, effective November 1, 2008, thereby filling the vacancy created by the retirement of Roger A. Cleveland on October 31, 2008.

A roll call vote ensued:

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

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

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County Steering Committee for the NYS DEC Consent Order

Highway Superintendent Cleveland noted that he had been serving on the County Steering Committee for the NYS Department of Environmental Conservation Consent Order and he expressed his interest to continue serving as the Town's representative.

Highway Superintendent Retirement

Town Supervisor Reed expressed his thanks to Superintendent Cleveland for his hard work all these years.

PLANNER:

Farmland Protection Development Plan

Upon presentation by the Town Planner, Councilman Reynolds introduced the following Resolution; seconded by Councilman Woodland:

(RESOLUTION NO. 256 OF 2008)

AUTHORIZING THE SUPERVISOR TO SUBMIT A JOINT APPLICATION WITH THE TOWN OF PARIS TO THE NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS FOR STATE ASSISTANCE PAYMENTS FOR MUNICIPAL AGRICULTURAL AND FARMLAND PROTECTION PLAN DEVELOPMENT

WHEREAS, the Town of New Hartford recognizes the importance of agriculture to our local economy, landscape, and rural character; and

WHEREAS, the Town of New Hartford has completed a comprehensive plan that includes identification of active farms, existing agricultural districts, and areas of prime soils suitable for agricultural use; and

WHEREAS, the Town of New Hartford, which shares a border with the Town of Paris and has comparable agricultural history, land use, agrarian character, and natural features such as soils and topography, has recently adopted a comprehensive plan; and

WHEREAS, the comprehensive plans of both municipalities and data gathered by other entities in Oneida County, including the Oneida County Agriculture and Farmland Protection Board, have identified multiple economic factors affecting the viability of continued farming; and

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WHEREAS, the New Hartford Town Board recognizes that additional detailed evaluation of effective measures for protecting agricultural areas, building on those identified in the comprehensive plan by the consultants *p j smith* and *American Farmland Trust*, would serve to help Town residents achieve their goals and objectives for the community; and

WHEREAS, the Paris Town Board similarly recognizes the value of additional detailed evaluations of strategies for farmland protection; and

WHEREAS, both municipalities have determined that an inter-municipal project is in the best interest of advancing a coordinated strategy for agricultural and farmland protection activities; and

WHEREAS, the Town of New Hartford has reviewed the application and concluded that state assistance could help offset the local costs of developing the required additional site specific details regarding effective measures for farmland protection; and

WHEREAS, the Town of New Hartford will apply to the NYS Department of Agriculture and Markets for funding of up to \$25,000 under Article 25-AAA and agrees to provide a cash match not to exceed \$1,667 out of the General Fund, along with an in-kind match of not less than \$6,666; and

WHEREAS, if this grant application is successful the Town of New Hartford agrees to serve as lead agency, and both municipalities will enter into an Inter-municipal Agreement;

NOW, THEREFORE, BE IT RESOLVED that the Supervisor be, and he hereby is, authorized to sign a joint application with the Town of Paris to the New York State Department of Agriculture and Markets for state assistance payments for developing a municipal farmland protection plan.

The Town Board members voted upon roll call as follows:

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

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

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Letter of Credit – Preswick Glen Project

With regard to the Presbyterian Home’s letter requesting release of their Letter of Credit, the following Resolution was offered for adoption by Councilwoman Krupa and duly seconded by Councilman Woodland:

(RESOLUTION NO. 257 OF 2008)

RESOLVED that, upon recommendation of Town Planner Kurt Schwenzfeier, the New Hartford Town Board does hereby decline release of the Presbyterian Home’s Letter of Credit in the amount of \$104,758.30 until the Presbyterian Home satisfactorily completes the traffic analysis required by the New York State Department of Transportation, as same relates to the entrance of their facility known as Preswick Glen.

The Supervisor polled the Board members who voted as follows:

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

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

Agreement – peter j smith & associates / Southern GEIS

Due to public input at the March 8, 2008 informational meeting on the proposed GEIS for the southern portion of the Town, the proposed plan has been revised; **peter j smith & associates** has requested an increase of \$40,000 for additional consultant work. After some discussion, it was agreed that the Planner Schwenzfeier would discuss this matter with the Town Planning Board to obtain their input.

2008 Excellence Award – Comprehensive Plan

Planner Schwenzfeier had attended the New York Upstate American Planning Association Conference in Rochester in October 2008, at which conference the Town of New Hartford was awarded Honorable Mention for the 2008 Outstanding Planning Excellence Award for Comprehensive Planning. The Planner presented the Award to the Town Board.

TOWN CLERK:

Training

Upon request of Town Clerk-Registrar Gail Wolanin Young, the following Resolution was introduced for adoption by Councilman Woodland and duly seconded by Councilman Reynolds:

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(RESOLUTION NO. 258 OF 2008)

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

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby grant permission to Town Clerk-Registrar Gail Wolanin Young and Deputy Registrar Robin L. Brindisi to attend the October 28, 2008 NYS Department of Health-sponsored training seminar in the Town of Clay, New York, with expenses to be borne by said Town as budgeted; said training session will address vital records security, fraud prevention, and compliance with the Federal Intelligence Reform and Terrorism Prevention Act of 2004 and the Real ID Act of 2005.

The Resolution was voted upon by roll call 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 Hearing Scheduled – Local Law Introductory “E” of 2008

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

(RESOLUTION NO. 259 OF 2008)

RESOLVED that the Town Board of the Town of New Hartford shall conduct a Public Hearing on Wednesday, November 12, 2008 at **6:00 P.M.**, or as soon thereafter as reached in the regular course of business, in the Ralph Perry Junior High School, Weston Road, New Hartford to consider **Local Law Introductory “E” of 2008** which, if adopted, would amend the Code by adding a new Chapter 117 thereof entitled **WATER SERVICE LOCAL LAW**. Said Local Law Introductory would provide the mechanisms and safeguards to prudently manage, conserve and distribute an adequate supply of clean, potable water and the establishment and ongoing maintenance of an effective water system owned by the Town and maintained by the Mohawk Valley Water Authority; and be it

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

A roll call vote ensued:

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

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

Public Hearing Scheduled – 2009 Preliminary Budget

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

(RESOLUTION NO. 260 OF 2008)

RESOLVED that the Town Board of the Town of New Hartford will conduct Public Hearings to commence at 6:00 P.M., or as soon thereafter as reached in the regular course of business, on Wednesday, November 5, 2008 in Butler Memorial Hall, 48 Genesee Street in said Town, to consider the following matters:

- the adoption of the 2009 Preliminary Budget as the 2009 Annual Budget; and
- the establishment of the ad valorem charges for the fiscal year beginning January 1, 2009 for the following special districts/improvement areas

Water Fund
Fire Protection Districts No. 1 through No. 5,
Inclusive
Various Street Lighting Districts; and be it

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

The Resolution was then voted upon as follows:

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

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

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL:

Audit of bills

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

(RESOLUTION NO. 261 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. 27	
Vouchers AA1496-AA1507	\$ 10,060.99
General Fund Whole-Town Abstract No. 28A (POLICE)	
Vouchers AA1569; AA1580-AA1598	\$ 15,402.05
General Fund Whole-Town Abstract No. 28	
Vouchers AA1508-AA1568	
Vouchers AA1570-AA1579	
Vouchers AA1599-AA1607	\$ 213,439.41
General Fund Part-Town Abstract No. 24	
Voucher BB142	\$ 225.00
General Fund Part-Town Abstract No. 25	
Vouchers BB143-BB150	\$ 3,471.45
Highway Fund Part-Town Abstract No. 22	
Vouchers DB445-DB474	\$ 30,622.70
Sewer Fund Abstract No. 25	
Vouchers SS101-SS106	\$ 5,101.85
Street Light Abstract No. 11	
Voucher SL11	\$ 7,534.30
GEIS Study Capital Abstract No. 6	
Voucher HX6	\$ <u>2,160.00</u>

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TOTAL: \$288,057.75

Whereupon, the Town Board members voted individually as follows:

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

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

MATTERS SUBMITTED BY TOWN ATTORNEY

Appler Matter

A tentative agreement has been drafted between the Town and former Police Officer Daniel Appler with regard to continuing his health insurance coverage with the Town and for which he shall reimburse the Town certain monies. If approved by the Town Board, the tentative agreement would be presented to Mr. Appler for his signature. A copy was then given to the Town Clerk to post on the Town's website. Thereafter, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilwoman Krupa:

(RESOLUTION NO. 262 OF 2008)

RESOLVED that the New Hartford Town Board does hereby approve the tentative agreement drafted by the Town Attorney, to be entered into between the Town of New Hartford and former Police Officer Daniel Appler, as same pertains to continued health insurance coverage for Mr. Appler through the Town's insurance carrier.

A roll call vote ensued:

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

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

Executive Session – Matters involving financial history of a particular employee

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COUNCILMAN WOODLAND:

Executive Session – Matters involving the employment history of a particular employee

REPORTS OF TOWN OFFICIALS (CONT'D)

SUPERVISING PUBLIC SAFETY TELECOMMUNICATOR:

Appointment – Part-time Dispatch Clerk

Upon request of Supervising Public Safety Telecommunicator Jeffrey P. Madden, Councilman Woodland introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 263 OF 2008)

WHEREAS, Melissa Stanton had resigned from her position in the Emergency Dispatch Center, thereby creating a vacancy;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby appoint Kevin Gubbins as a provisional Part-time Clerk in the Emergency Dispatch Center, effective October 27, 2008, at an hourly wage of Ten Dollars and Sixty-six Cents (\$10.66), payable bi-weekly, **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.

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

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

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

EXECUTIVE SESSION

Councilman Reynolds introduced the following Resolution for adoption and Councilman Woodland seconded same:

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(RESOLUTION NO. 264 OF 2008)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss:

- contract negotiation discussion with regard to the New Hartford Business Park (Contract #2)
- financial history of a particular employee
- employment history of a particular employee.

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**. All persons present, including the news media, were then excused from the meeting at 6:21 P.M. The Highway Superintendent and Town Attorney remained and the Town Clerk was asked to remain in the event the Board wished to take action after the Executive Session.

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 265 OF 200.)

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	-	ABSENT
Supervisor Reed	-	Aye.

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The Supervisor declared the Resolution unanimously carried and duly *ADOPTED*; the Executive Session ended at 7:10 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public was invited to return to the meeting.

Appointment – Highway Superintendent

Councilman Woodland read from a prepared statement from the Public Works and Sewer Standing Committee comprised of Councilman Payne and himself: “As you are aware, Roger Cleveland is retiring October 31, 2008. The term of Roger’s elected position of Town Highway Superintendent runs through December 31, 2009. The Town Board will be making an interim appointment for the remainder of Roger’s term.

The opening for the interim position of Town Highway Superintendent was posted on the Town Website and also in the Observer Dispatch (10/4 – 10/6/2008). Several people applied. Interviews were held on Wednesday, October 8th. From those interviewed, we recommend that Richard C. Sherman of New Hartford be appointed to fill this position upon his earliest availability after November 1, 2008.

Mr. Sherman has 36 years of Highway maintenance experience with the past 16 years at a management level. His experience ranges from laborer to equipment operator through managing a 30+ employee highway maintenance facility responsible for over 180 lane miles of roadway. He also brings experience with budgets, union negotiations, capital improvement planning, employee safety and preventative maintenance programs, to name a few.

Mr. Sherman would be filing the position of Town Highway Superintendent with the duties of Sewer Superintendent at an annual salary of \$60,000.”

Thereafter, Councilman Woodland introduced the following Resolution for adoption; duly seconded by Councilman Reynolds:

(RESOLUTION NO. 266 OF 2008)

WHEREAS, Town Highway & Sewer Superintendent Roger A. Cleveland has submitted his letter of retirement to become effective October 31, 2008;

NOW, THEREFORE, BE IT RESOLVED that, upon recommendation of the Public Works and Sewer Standing Committee, the New Hartford Town Board does hereby appoint Richard C. Sherman to fill the vacancy of Town Highway & Sewer Superintendent, effective the earliest availability of Mr. Sherman after November 1, 2008. Said appointment shall entitle Mr. Sherman to serve until December 31, 2009, on which date the term of elected Highway Superintendent ends. The Town Board does

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hereby establish the annual salary of Highway & Sewer Superintendent at Sixty Thousand Dollars (\$60,000), payable bi-weekly.

The Supervisor polled the Board members who voted as follows:

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

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

ADJOURNMENT

There being no further business to come before the Board, upon motion of Councilman Reynolds, seconded by Councilwoman Krupa, the meeting was adjourned at 7:13 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk