

**REGULAR MEETING OF THE TOWN BOARD OF  
THE TOWN OF NEW HARTFORD, NEW YORK, HELD  
AT BUTLER MEMORIAL HALL, IN SAID TOWN ON  
WEDNESDAY, NOVEMBER 20, 2007 AT 6:00 P.M.**

Supervisor Reed 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  
Councilman David M. Reynolds  
Councilman Richard B. Woodland, Jr.  
Supervisor Earle C. Reed

**OTHERS:** Councilwoman-elect Christine G. Krupa

**OTHER TOWN OFFICIALS:** Assessor Paul E. Smith  
Highway Superintendent Roger A. Cleveland  
Planner Kurt Schwenzfeier  
Town Clerk Gail Wolanin Young and  
Deputy Town Clerk I Margaret M. Jones

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

**APPOINTMENT AND ADMINISTRATION OF OATH - 2<sup>ND</sup> WARD  
COUNCIL VACANCY**

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

**(RESOLUTION NO. 270 OF 2007)**

**WHEREAS**, a vacancy exists in the Council seat for the Second Ward due to the untimely passing of John C. Waszkiewicz III on October 19, 2007, the former incumbent thereof;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby appoint Councilwoman-elect Christine G. Krupa to fill the unexpired term of office of Second Ward Councilman John C. Waszkiewicz III, effective November 20, 2007 and ending December 31, 2007.

Upon roll call, the Board voted as follows:

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

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

The Town Clerk then administered the Oath of Office to Councilwoman Krupa, who then signed the Oath Book and joined the Town Board.

**TRIBUTE TO THE LATE COUNCILMAN WASZKIEWICZ**

Supervisor Reed announced that the Town Board would finalize a tribute to the late Councilman Waszkiewicz in the Spring of 2008, noting that "J.C". was especially fond of the parks.

**PUBLIC PRESENTATIONS**

Upon inquiry by the Town Supervisor, there were none.

**REPORTS OF TOWN OFFICIALS**

**PARKS AND RECREATION:**

**Appointment – Seasonal Employee**

Upon recommendation of Director Michael Jeffery, the following Resolution was introduced for adoption by Councilman Woodland and duly seconded by Councilman Reynolds:

**(RESOLUTION NO. 271 OF 2007)**

**RESOLVED** that the New Hartford Town Board does hereby appoint Ryan Gros as a Substitute Ice Attendant (Recreation Center – A7020.14) at the hourly wage of Seven Dollars and Fifteen Cents, commencing November 21, 2007 and ending at the conclusion of the 2007-08 Ice Season; wages to be paid bi-weekly.

Parks and Recreation Director Jeffery apprised the Board that Personnel Technician II Barbara Aiello had approved Mr. Gros' application and the Town was awaiting approval from the Oneida County Personnel Department. 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*.

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**ASSESSOR:**

**Interview Process - Real Property Tax Service Aide, 2<sup>nd</sup> position**

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

**(RESOLUTION NO. 272 OF 2007)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct Assessor Paul E. Smith to begin the interview process for the second position of Real Property Tax Service Aide whose primary duties would include, but not be limited to, assisting with exemption applications, data collection and entry and coverage for staff illness/absences.

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**.

**HIGHWAY SUPERINTENDENT:**

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

**(RESOLUTION NO. 273 OF 200.)**

**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 renewal of an Inter-municipal Fuel Agreement between the Town of New Hartford and the Willowvale Fire Co., Inc. wherein the Town will provide fuel to said Fire Company; the cost of which will be billed to the Willowvale Fire Co., Inc.

Highway Superintendent Cleveland stated that Attorney Green had reviewed the Agreement. Upon roll call, the Board members voted as follows:

Councilwoman Krupa	-	Aye
Councilman Reynolds	-	Aye

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

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

**Appointment – Highway Laborer**

Upon request of the Highway Superintendent who reported that Personnel Technician Aiello had completed the necessary forms, the following Resolution was introduced for adoption by Councilman Payne and duly seconded by Councilman Woodland:

**(RESOLUTION NO. 274 OF 2007)**

**WHEREAS**, a vacancy exists in a Laborer position in the Highway Department as a result of an employee promotion;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby appoint Jeremy Waterman as a Laborer with a CDL, effective November 25, 2007 at an hourly wage of Thirteen Dollars (\$13.00), payable bi-weekly.

The Resolution was voted upon by 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**.

**Retirement – Deputy Highway Superintendent**

Deputy Highway Superintendent Anthony DeCuffa has retired effective November 9, 2007.

**Designation – Highway Department Foremen**

The Highway Superintendent informed the Town Board that he designated William Marshall and Michael Smoulcey as Foremen for the 2007-08 winter months; Town Personnel Technician Aiello has reviewed this; the Foremen will be covering shifts created during the winter.

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**Agreement – Shared Municipal Services (Oneida County Department of Public Works)**

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

**(RESOLUTION NO. 275 OF 2007)**

**WHEREAS**, the County of Oneida is applying for shared Municipal Services Incentive Grant (SMSI) from the State of New York for the acquisition of a Rubber Tired Excavator with Telescopic Boom; and

**WHEREAS**, the County of Oneida has requested that the Town of New Hartford participate in the Grant Application as a Co-Applicant for the referenced grant;

**NOW, THEREFORE, BE IT RESOLVED** that the Town of New Hartford will be a Co-Applicant, with the County of Oneida as Lead Applicant, in the County’s application to apply for a Shared Municipal Incentive Grant; and be it

**FURTHER RESOLVED** that Supervisor Earle Reed be designated to execute all administrative processes on behalf of the Town, as related to said grant program.

Whereupon, 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**.

**Fund Transfer**

Upon request of the Bookkeeper, Councilman Payne introduced the following Resolution for adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. 276 OF 2007)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Bookkeeper to transfer Four Thousand Thirty-three Dollars and Forty-six Cents (\$4,033.46) from the Seneca Turnpike Mitigation Fees Sanitary Sewer Account into the Clinton Street Sewer Capital Project; and be it

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**FURTHER RESOLVED** that the Town Board does hereby authorize and direct the Bookkeeper to transfer Five Thousand Three Hundred Twenty-two Dollars and Forty-eight Cents (\$4,322.48) from the Seneca Turnpike Mitigation Domestic Water Account into the Clinton Street Water Capital Project to cover amounts due to Other funds so that Capital Projects that have been completed, can be closed out.

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**.

**TOWN PLANNER**

**Big Apple Music – Refund Retainer for Pre-Development Agreement**

Upon request of the Town Planner, the following Resolution was introduced for adoption by Councilman Woodland and duly seconded by Councilman Reynolds:

**(RESOLUTION NO. 277 OF 2007)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Bookkeeper to refund the Two Thousand Two Hundred Fifty Dollar (\$2,250) retainer to **Big Apple Music** for completion of their parking lot expansion on Commercial Drive in accordance with the 2004 Pre-Development Agreement entered into with the Town and which project had received Town Planning Board approval.

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**.

**Pre-Development/Memorandum of Understanding - Dick's Sporting Goods Store**

Upon request of Planner Schwenzfeier, Councilman Reynolds presented the following Resolution for adoption, moving its adoption; seconded by Councilman Woodland:

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**(RESOLUTION NO. 278 OF 2007)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute a Pre-Development Agreement between the Town of New Hartford and *Sangertown Square* wherein said Sangertown Square would contribute, as per the conditions of said Pre-Development Agreement, the total sum of zero dollars (\$0) as same relates to this development within the Seneca Turnpike-Commercial Drive Generic Environmental Impact Study boundary area:

- Demolish 31,765 sq.ft. of mall retail shops internally between H & M and J C Penney stores
- Demolish 14,529 sq.ft. of the former Utica Concrete building, Commercial Drive
- Demolish 9,360 sq.ft. of the former Color Ad building, Seneca Turnpike
- Construct a new 49,000 sq.ft. one-story Dick's Clothing and Sporting Goods Retail store
- Reconfigure existing adjacent parking areas, adding curbed islands and new landscaping
- Relocate the existing 10-inch water main and storm catch basins within the new Dick's building footprint.

The foregoing Resolution was duly put to a vote 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***.

**TOWN CLERK:**

**Year-End Board Meeting**

Town Clerk Gail Wolanin Young reminded the Board that they must meet between December 28 and December 31, 2007 to finalize year-end financial matters.

**MATTERS SUBMITTED BY COUNCILMEN**

**COUNCILMAN PAYNE:**

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**Willowvale Fire Co., Inc. Special Awards Program – Public Information Meeting/  
Special Town Election**

Councilman Payne reported that he had contacted Willowvale Fire Chief William Hughes about their scheduling a public hearing or public informational meeting for the voters in the Willowvale Fire Protection District prior to the December 11, 2007 Special Town Election on the Special Awards Program and Councilman Payne was told that the Fire Company wasn't going to have a hearing or informational meeting.

The Town Clerk apprised the Board that she has already obtained a set of digitized poll binders (voters) from the Oneida County Election Board and that the Notice of Special Election and Registration had been

- published in The Observer Dispatch on Friday, November 16, 2007
- will be published in the December 2007 edition of the Town Crier
- was posted on the Town's web site
- was posted in five (5) places within the Town.

After some discussion, the Town Supervisor – with consensus of the Board members – asked that Councilman Payne again contact Fire Chief Hughes and advise the Willowvale Fire Company that they must have a public informational meeting for the voters.

**MATTERS SUBMITTED BY TOWN SUPERVISOR**

**FINANCIAL:**

**Audit of Vouchers**

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

**(RESOLUTION NO. 279 OF 2007)**

**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. 29	
Vouchers AA1795-AA1853;	
Vouchers AA1855-AA1858; AA1875	\$ 32,153.19
General Fund Whole-Town Police Abstract No. 29A	
Vouchers AA1859-AA1874	\$ 9,975.84
General Fund Part-Town Abstract No. 18	
Voucher BB177-BB182	\$ 1,546.44

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Highway Fund Part-Town Abstract No. 17 Vouchers DB472-DB494	\$218,405.09
Sewer Fund Abstract No. 24 Voucher SS81	\$ 265.72
Street Lighting Abstract No. 13 Voucher SL13	\$ 8,094.70
Drainage Capital Abstract No. 13 Voucher HC663-HC64	\$ 721.83
GEIS Study Capital Abstract No. 8 Voucher HX20	<u>\$ 15,450.05</u>
<b>TOTAL:</b>	<b>\$286,612.86</b>

Whereupon, the Town Board members voted individually as follows:

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

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

**Adoption 2008 Annual Budget**

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

**(RESOLUTION NO. 280 OF 2007)**

**WHEREAS**, Public Hearings were duly held on November 7, 2007 and November 8, 2007, to consider the adoption of the 2008 Preliminary Budget;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby adopt the 2008 Preliminary Budget as the 2008 Annual Budget as set forth in Schedule "A" annexed hereto and made a part of this Resolution and does hereby set the rates of special districts/improvement areas as set forth in said budget.

Thereafter, a roll call was duly held and resulted as follows:

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

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Supervisor Reed - Aye.

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

**Refund to Partners Trust Bank – 2005 Tax Refund**

Upon documentation and request of the Bookkeeper, Councilman Woodland introduced the following Resolution for adoption; seconded by Councilman Payne:

**(RESOLUTION NO. 281 OF 2007)**

**WHEREAS**, an IRS audit of Partners Trust Bank has revealed that the Town of New Hartford had over-billed the Bank for property taxes in 2005 by sending a tax bill for 100% of the taxable value; and

**WHEREAS**, at the same time, the Town erroneously sent a bill in lieu of taxes in the amount of \$2,142.51 under the Oneida County Industrial Development Agency agreement, which is dated in 2006;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Bookkeeper to refund the sum of Two Thousand One Hundred Forty-two Dollars and Fifty-one Cents (\$2,142.51) to Partners Trust Bank for said over-billing.

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**.

**MINUTES APPROVAL**

**November 7, 2007 Town Board Minutes**

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

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**(RESOLUTION NO. 282 OF 2007)**

**RESOLVED** that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the *Regular* Town Board meeting held *November 7, 2007* and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

Councilwoman Krupa	-	ABSTAINED, as she was not
a Board member at that time		
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	Aye.

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

**November 8, 2007 Public Hearing Minutes**

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

**(RESOLUTION NO. 283 OF 2007)**

**RESOLVED** that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Public Hearing held *November 8, 2007* and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

Councilwoman Krupa	-	ABSTAINED, as she was not
a Board member at that time		
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	Aye.

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

**NEW BUSINESS:**

**Annual Employee/Volunteer Recognition Dinner**

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

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**(RESOLUTION NO. 284 OF 2007)**

**RESOLVED** that the New Hartford Town Board does hereby agree to co-sponsor with the New Hartford Village Board of Trustees an Employee/Volunteer Recognition Dinner on Thursday, December 20, 2007, commencing at 4:00 P.M. at Cavallo's Restaurant.

The 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***.

**ADJOURNMENT**

There being no further business to come before the Town Board, upon motion duly made and seconded, the meeting was adjourned at 6:23 P.M.

**Respectfully submitted,**

**Gail Wolanin Young**  
**Town Clerk**