

**MINUTES OF THE SPECIAL MEETING
TOWN OF NEW HARTFORD PLANNING BOARD
NOVEMBER 5, 2008**

The Special Meeting was called to order by Chairman Hans Arnold at 5:00 P.M. at which time the Pledge of Allegiance was recited. Board Members present were Jerome Donovan, Ellen Rayhill, Rodger Reynolds, Peggy Rotton; also Board Member Bob Wood arrived at 5:25 P.M. Board Member absent: Bob Imobersteg. Also in attendance were Town Planner Kurt L. Schwenzfeier, AICP; and Dory Shaw, Secretary.

This meeting is to address the GEIS. Specifically, the Town Board received a request to consider an additional \$40,000 of funding for peter j. smith and their sub-consultants to complete the work on the GEIS. The Town Board tabled this and requested that the Planning Board review it and make a recommendation. The Planning Board has been the one steering the GEIS and this Board has spent a considerable amount of time re-examining the GEIS and making sure everything was consistent with what our objectives were, reprioritizing and changing some things based on public input. The Planning Board was not involved in drafting or reviewing the scope of work or budget - that was handled by the Staff and Town Board. The reason given by peter j. smith was that there was a change in the growth boundary, but that was identified earlier at the December 2007 and March 2008 public meetings. Also, peter j. smith had said the additional money was needed to run traffic and storm water numbers. We were not given any request by peter j. smith that this could trigger additional expenses. Chairman Arnold stated he arranged to have a telephone conversation with Eve Holberg and Mr. Peter Smith. Given the magnitude of the \$355,000 contract and the fact that it was not the only work on planning issues, the Town had made a substantial financial commitment and we had not seen any detailed basis for an increase in funding and that Chairman Arnold was skeptical. Chairman Arnold asked peter j. smith to reconsider and complete the work for the original amount.

Chairman Arnold submitted a letter received this date from peter j. smith withdrawing the request for additional funds. He asked the Board Members for their input.

Ellen Rayhill: In terms of growth boundary, she asked for the removal of the “snow man”. Perhaps there was some miscommunication but after that request things never got confronted at the March 8th meeting. She agrees that there was a lapse in time; we now have read the contract; it should be highlighted for us if something is going to increase the cost of the relationship on the GEIS. Things change after public meetings are held.

There was a contract signed and whatever it says we have to honor the agreement. This Board did not have any part in the negotiations of the contract. There needs to be better procedures and communication.

Jerome Donovan: We didn't sign the contract. He is concerned that we have been asked to make a judgment on this when we had no involvement with the negotiation of the agreement. He also expressed concern with the lack of communication between the Planning Office, the Town Board and this Board. He expressed that this could be avoided in the future. There is a provision in the contract which says if there are circumstances beyond the consultant's control that adds additional elements, they are entitled to additional compensation. But for us to address a recommendation concerns him as we don't have legal representation for that provision of the contract and doesn't feel it is in our purview to have been asked for this recommendation. If any recommendation comes from this Board, it was a defacto several months ago when we had many meetings with the consultant - he wonders why it took the consultants so long to request this additional money.

Rodger Reynolds: The contract was signed by the Town Board and the consultants in 2006. He doesn't see where anything was clear cut where boundaries go and he can't see how they can come back to us and say that. He also asked who reviewed the invoices from the consultant when they came in - Town Planner Schwenzfeier said he reviewed these and verified them. He will keep this Board aware of the status of these vouchers in the future. Board Member Reynolds also asked if mitigations fees can only be collected in a GEIS area - the answer is yes.

Peggy Rotton: She agrees with what the other Board Members have said. She determined that the consultants still have approximately \$42,000 left. She also asked if we were charged for the Chadwicks meeting because the consultants weren't in attendance. It was not known. Town Planner Schwenzfeier said the consultants agreed to have the next public meeting.

Chairman Arnold that the consultants told him it would take about \$395,000 to complete this. It is his understanding that they are going to complete the work with the original contract amount and if they come up with anything up front, we will hear about it immediately and the work includes another public meeting in Chadwicks.

Chairman Arnold referred to the role of the Planning Board in the Town and its responsibilities. He would like to explore how we handle things between Planning Board Members, Town Board, consultant and the Town Planner for better communication. He also stated that at the public meetings, changes occur and the consultants should be aware of this.

Discussion ensued regarding the consultant's future role with this project – it was determined that they continue with the schedule presented to us by them at the last meeting.

Board Member Donovan stated that he is not dissatisfied with the consultant, but the process and lack of communication. He commended Chairman Arnold for the hard work and persuasiveness over the last two (2) weeks regarding this additional funds issue. Also, the letter of October 14, 2008 addressed to Town Supervisor Earle Reed from the consultant, which Chairman Arnold secured and distributed to this Board and which may not have been produced if he hadn't kept us apprised and solicited our views to come to this meeting, and the outcome. This is a direct result of his commitment to this Board.

Chairman Arnold thanked Board Member Donovan. He referred to the proposed public meeting to be held at the Willowvale Fire Company in Chadwicks, New York commencing at 1:00 P.M. on Saturday, January 24, 2009. The Town Planner said the consultants are aware that they will do an outreach to the residents like what was previously done, and which the mailing cost was absorbed by the consultant. If there is any change to this mailing cost, it can be discussed further.

Chairman Arnold addressed the Board Members stating that he would like to discuss a personnel matter relating to the relationship between the Town Board, consultant, Planning Board and Town Planner and requests that this be discussed under Executive Session under the Public Meetings Law. Motion was made by Board Member Ellen Rayhill to discuss a personnel matter under Executive Session; seconded by Board Member Jerome Donovan. Vote taken:

Chairman Hans Arnold – yes	Board Member Ellen Rayhill – yes
Board Member Rodger Reynolds – yes	Board Member Bob Wood – yes
Board Member Jerome Donovan – yes	Board Member Peggy Rotton – yes

Motion **approved** by a vote of 6 – 0.

At this time, Town Planner Schwenzfeier and Secretary Dory Shaw were excused. They left the meeting at approximately 5:35 P.M.

Chairman Arnold notified Secretary Dory Shaw that a motion was made by Board Member Peggy Rotton to enter into Executive Session at 5:35 P.M.; seconded by Board Member Bob Wood. Vote taken:

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Chairman Hans Arnold – yes
Board Member Rodger Reynolds – yes
Board Member Jerome Donovan – yes

Board Member Ellen Rayhill – yes
Board Member Bob Wood – yes
Board Member Peggy Rotton – yes

Motion **approved** by a vote of 6 – 0.

The Executive Session ended at 6:25 P.M.

Respectfully submitted,

Dolores Shaw, Secretary
Planning Board

dbb