

**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 7, 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

ABSENT: The late Councilman John C. Waszkiewicz III

OTHER TOWN OFFICIALS: Assessor Paul E. Smith
Attorney for the Town Gerald J. Green
Codes Enforcement Officer Gerald F. Back
Director of Senior Services M. Eileen Spellman
Dispatch Supervisor Jeffrey P. Madden
Highway Superintendent Roger A. Cleveland
Parks and Recreation Director Michael W. Jeffery
Personnel Technician Barbara Aiello
Planner Kurt Schwenzfeier
Police Chief Raymond Philo
Senior Engineering Technician John Meagher
Town Clerk Gail Wolanin Young and
Deputy Town Clerk I Margaret M. Jones

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

CONGRATULATIONS

Councilman Richard Woodland

Supervisor Reed recognized Councilman Woodland for his eight (8) years of public service as Councilman for the Fourth Ward and he congratulated Councilman Woodland on his re-election to a third 4-year term.

WELCOME

Financial Advisers

The Town Supervisor welcomed Frank Basile, CPA and his associate, Gary Batchelder, who assisted the Town on the 2008 budget process.

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CONGRATULATIONS

Councilwoman-Elect – Christine Krupa

Supervisor Reed congratulated Christine Krupa on her election as Councilwoman for the Second Ward, a seat formerly held by the late John C. Waszkiewicz III who had chosen not to run for re-election.

Second Ward Councilman Candidate Russell Cerminaro

The Town Supervisor recognized Russell Cerminaro who ran a hard campaign, a good campaign.

TRIBUTE TO THE LATE COUNCILMAN JOHN C. WASZKIEWICZ III

The Town Supervisor has talked with the Boy Scouts organization and the Town will do something in *J.C.*'s memory in the Spring of 2008.

[**Aside:** Supervisor Reed announced that the late Councilman Waszkiewicz' grandson – his first grandchild -- was born around 4:00 A.M. today.]

PUBLIC HEARING

6:03 P.M.

2008 Preliminary Budget

The Town Supervisor opened the Public Hearing at 6:03 P.M. The Town Clerk had available the Notice of Public Hearing, Affidavit of Posting and Proof of Publication (November 1, 2007 edition of the Observer Dispatch), in addition to the Special Assessment Rolls for various sewer and water districts and copies of the Budget for public dissemination. The purpose of the Hearing is to offer the citizens an opportunity to speak for or against or to comment upon the Budget as a whole, or any part thereof.

Councilman Woodland announced that he would conduct a power-point presentation and he asked that all questions be held until the end of the presentation. Individuals wishing to speak on the Budget are then asked to come forward to address the Board and to provide their name.

Councilman Woodland then reviewed the following slides for the people in attendance:

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(Pages 3 through 17 will consist of copies of the power-point presentation)

Q & A

At 6:12 P.M. Councilman Woodland invited people to come to the front of the room, giving their name and speaking in favor of, in opposition to, or to comment upon the budget in part or in its entirety.

Susan Blatt, President of the New Hartford Public Library, briefly reviewed initial construction of the Library in 1998 and its recent addition, together with fundraising efforts and an offer of \$600,000 by a private donor to complete the recent project. Size of the Library has been doubled and they conservatively asked for a seven percent (7%) increase in the 2008 Budget. Dr. Blatt was unaware of the utility costs associated with the new addition and thanked the Town Board for appropriating the requested increase in funding. The new conference room will be available only to not-for-profit groups, which includes the Town.

The Town Clerk announced that, in accordance with NYS Town Law, Section 202-a and Section 239, the assessment rolls for special improvements/districts was available for review and comment by any interested person and the Town Board would hear and consider any objections to said assessment rolls.

There being no one further to speak in the matter, the Public Hearing was declared closed at 6:16 P.M. A second Public Hearing will be conducted on Thursday, November 8, 2007 at 7:00 P.M. in Butler Memorial Hall.

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MINUTES APPROVAL

October 24, 2007 Town Board Minutes

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

(RESOLUTION NO. 250 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 **October 24, 2007** and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

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

October 10, 2007 Town Board Minutes – Amended

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

(RESOLUTION NO. 251 OF 2007)

RESOLVED that the New Hartford Town Board does hereby amend the minutes of the Regular Town Board meeting held **October 10, 2007**, and specifically Page 9, **PUBLIC PRESENTATION** – **Jerome Madden Justice Building** so that it is hereby noted that, upon questioning, the firefighter identified himself as Rodger Reynolds.

Upon roll call, the Board members voted as follows:

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

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

PUBLIC PRESENTATIONS

Upon inquiry of any public presentations, no one came forth.

REPORTS OF TOWN OFFICIALS

AGING (DIRECTOR OF SENIOR SERVICES):

Appointment – Clerk Sub

Upon recommendation of the Director of Senior Services who had obtained the necessary personnel approvals, the following Resolution was introduced for adoption by Councilman Payne and duly seconded by Councilman Woodland:

(RESOLUTION NO. 252 OF 2007)

RESOLVED that the New Hartford Town Board does hereby appoint Patricia Stevenson as a Clerk Sub for the New Hartford Adult Dining & Activity Center, effective Thursday, November 8, 2007, at an hourly wage of Seven Dollars and Fifty Cents (\$7.50), payable bi-weekly.

Whereupon, the Town Board voted upon roll call:

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

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

HIGHWAY SUPERINTENDENT:

Stormwater Maintenance Agreement – Gregory & Heather Humphrey

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

(RESOLUTION NO. 253 OF 2007)

WHEREAS, Gregory and Heather Humphrey are the reputed owners of property on Kingfisher Lane and the arrangement of such property requires the relocation and reconstruction of a detention basin on said land, and at the property owners' sole cost; and

WHEREAS, a set of plans and specifications had been finalized for the construction of the subject detention basin; and

WHEREAS, Attorney Gerald J. Green has reviewed the proposed Stormwater Maintenance Agreement for the Humphrey property;

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NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute a Stormwater Maintenance Agreement between the Town of New Hartford and Gregory and Heather Humphrey, wherein Gregory and Heather Humphrey, or their successors, shall be responsible for, among other items:

- maintenance of the detention basin
- submission of an annual report to the Town Board

The Town Board shall have the prerogative to inspect the detention basin and, if necessary, to make needed repairs and to levy the cost of same against the subject property (Tax Map #340.000-4-25.9/.10).

A roll call vote ensued:

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

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

Shared Municipal Services Incentive Grant – Philip A. Rayhill Memorial Trail

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

(RESOLUTION NO. 254 OF 2007)

WHEREAS, the Town of New Hartford is desirous of improving and enhancing safe and secure access to the existing Philip A. Rayhill Memorial Trail;

THEREFORE, BE IT RESOLVED:

Authorization: That the Town of New Hartford designates Howard D. Mettelman, District Superintendent, Oneida-Herkimer-Madison BOCES to submit an application to the Shared Municipal Services Incentive Grant Program for the 2007-2008 Program Year. Mr. Mettelmen will execute all financial and/or administrative processes relating to the grant program.

Project Title and Description: That the project “Enhanced Access for the Philip A. Rayhill Memorial Trail” addresses the safe, secure access to the Philip A. Rayhill Memorial Trail from a new parking/trailhead located on the Oneida-Herkimer-Madison

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BOCES property adjacent to the trail. The enhanced access will address safety issues of the current Middle Settlement Road parking, offer parking for cars/buses (in excess of twenty spaces with turn-around) and safe/secure access to the trail for four-season pedestrian/bicycle use. This enhanced trailhead will encourage schools to use the trail for students within their academic calendar.

Funding Request: That the maximum amount of money being applied for is estimated between \$65,000 - \$85,000.

Local Share Information: That the 10% local share in dollars that the Oneida-Herkimer-Madison BOCES will commit as part of the required cash match will come from its operating budget.

Co-Applicant Information: That the Oneida-Herkimer-Madison BOCES is joined by the Town of New Hartford Highway Department, the Town of New Hartford Parks and Recreation Department, and the Sauquoit Creek Basin Inter-municipal Commission in support of this project. On October 10, 2007, the Oneida-Herkimer-Madison BOCES Board approved an IMA addressing this project. Additional support and endorsements come from the twelve component districts of the Oneida-Herkimer-Madison BOCES (Brookfield, Clinton, Holland Patent, New Hartford, New York Mills, Oriskany, Remsen, Sauquoit Valley, Waterville, Westmoreland and Whitesboro), local legislators and government officials, and groups using the Philip A. Rayhill Memorial Trail.

Councilman Reynolds acknowledged that this was a matter that the late Councilman Waszkiewicz had been working on. The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

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

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

2007 Budget Adjustment – FEMA Reimbursement

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

(RESOLUTION NO. 255 OF 2007)

WHEREAS, the Town of New Hartford has received a supplemental reimbursement in the amount of Twelve Thousand One Hundred Twenty-nine Dollars and Forty-six Cents

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(\$12,129.46) from the Federal Emergency Management Agency (FEMA) with regard to the February 14, 2007 snowstorm;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Bookkeeper to credit the appropriate Highway Fund account with FEMA’s \$12,129.46 reimbursement for snow removal.

The foregoing Resolution was subject to a vote upon roll call:

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:

Appointment – Seasonal Employees

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

(RESOLUTION NO. 256 OF 2007)

RESOLVED that the New Hartford Town Board does hereby appoint the following individuals to the various part-time seasonal positions and for the hourly wages set opposite their several names, for the Parks and Recreation Department, commencing December 1, 2007 and ending at the close of the Winter Recreation Programs; all wages to be paid bi-weekly:

Winter Recreation – A7140.11

<u>NAME</u>	<u>POSITION</u>	<u>RATE OF PAY</u>
Jerry Pitaressi	Recreation Director	\$ 17.00/hour
Gyda Capanna	Recreation Leader	\$ 16.00/hour
Peggy Brady	Recreation Attendant	\$ 13.50/hour
Daniel Duffy	Recreation Attendant	\$ 9.50/hour
Tyler Gardinner	Recreation Attendant	\$ 9.50/hour
Daniel Dreimiller	Recreation Director	\$ 16.50/hour

Winter Swim – A7230

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<u>NAME</u>	<u>POSITION</u>	<u>RATE OF PAY</u>
Marissa Mundrick	Substitute Lifeguard/ Recreation Director	\$ 8.15/hour

Whereupon, the Town Board voted upon roll call:

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

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

Agreements - Ice Rental and Concessions

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

(RESOLUTION NO. 257 OF 2007)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute Ice Rental Agreements and Concession Agreements for the 2007-2008 Ice Season between the Town of New Hartford and the following organizations:

- New Hartford Youth Hockey Association, Inc.
- New Hartford Figure Skating Club
- New Hartford Central School District
- Mohawk Valley Community College
- Mohawk Valley Old Timers Association
- New Hartford Youth Concession

all of which groups have provided the Town with the appropriate Certificate of Insurance.

The Town Board members voted as follows:

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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TOWN CLERK:

Public Hearing Scheduled - Local Law Introductory "C" of 2007

Whereas the Oneida County Planning Department and the Town Planning Board have submitted their recommendations with regard to Local Law Introductory "C" of 2007, Councilman Payne offered the following Resolution for adoption, seconded by Councilman Reynolds:

(RESOLUTION NO. 258 OF 2007)

RESOLVED that the Town Board of the Town of New Hartford shall conduct a Public Hearing on Wednesday, December 12, 2007 at **6:00 P.M.**, or as soon thereafter as reached in the regular course of business, in Butler Memorial Hall, 48 Genesee Street, New Hartford to consider **Local Law Introductory "C" of 2006** which, if adopted, would amend the Code, Chapter 118 thereof entitled **ZONING** as it pertains to an increase in various permit fees; 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.

A roll call vote ensued:

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

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

Training School

Upon presentation by the Town Clerk, the following Resolution was introduced for adoption by Councilman Reynolds and seconded by Councilman Payne:

(RESOLUTION NO. 259 OF 2007)

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 interested Department Heads to attend the

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quarterly meeting of the Oneida County Association of Towns on November 27, 2007 to be held at Harts Hill Inn in the Town of Whitestown, New York, with expenses to be borne by said Town as budgeted.

The Resolution was voted upon by roll call as follows:

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

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

Town Board Meeting Date Change

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

(RESOLUTION NO. 260 OF 2007)

RESOLVED that, in order to comply with **NYS TOWN LAW, Section 109**, the New Hartford Town Board does hereby reschedule the Wednesday, November 28, 2007 Town Board meeting to Tuesday, November 20, 2007 at 6:00 P.M. in Butler Memorial Hall, New Hartford, NY.

The Supervisor polled the Board, which voted as follows:

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. 261 OF 2007)

RESOLVED that the New Hartford Town Board does hereby grant permission to Herkimer County Community College, 100 Reservoir Road, Herkimer, New York, an organization duly granted a Games of Chance Identification Number by the New York

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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:

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

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

Special Election – Willowvale Fire Company Service Award Program

Town Clerk Gail Wolanin Young had received the Special Election Resolution from Bond Counsel. The following resolution was offered by Councilman Payne who moved its adoption, seconded by Councilman Woodland to-wit:

(RESOLUTION NO. 262 OF 2007)

RESOLUTION DATED NOVEMBER 7, 2007

A RESOLUTION PROVIDING FOR THE DETAILS OF A SPECIAL ELECTION IN THE MATTER OF THE PROPOSED SERVICE AWARD PROGRAM FOR WILLOWVALE FIRE COMPANY.

WHEREAS, the Town Board of the Town of New Hartford has duly adopted a resolution approving a Service Award Program for the Willowvale Fire Company, Inc., which resolution was adopted subject to approval at a special referendum thereon; and

WHEREAS, the Town Clerk has duly submitted to this Town Board, a form for the proposition to be submitted at a special election of the Willowvale Fire Protection District for the approval of the Service Award Program; **NOW, THEREFORE, BE IT**

RESOLVED, by the Town Board of the Town of New Hartford, Oneida County, New York as follows:

Section 1. A special Town election of the qualified voters of the Willowvale Fire Protection District of the Town of New Hartford, Oneida County, New York, shall be

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held on December 11, 2007 at the Willowvale Fire Company, 3459 Oneida Street, in Chadwicks, New York, in said Town. The polls at said special election shall remain open between the hours of 12:00 o'clock Noon and 8:00 o'clock P.M., Prevailing Time, for the purpose of voting by ballot upon the proposition hereinafter set forth in the notice of such special election, as hereinafter provided.

Section 2. Personal registration of voters shall be required at said special election in accordance with the requirements previously established by resolution of this Town Board. The Board of Registration shall meet at the Willowvale Fire Company on November 27, 2007 between the hours of 4:00 o'clock P. M. and 8:00 o'clock P.M., to add the names of qualified voters to the register of the Town. The Town Clerk, or Deputy Town Clerk in her absence from office, is hereby authorized to cause a notice of meeting of the Board of Registration by publication thereof in the official newspaper of said Town, once, at least ten (10) days prior to the first such meeting. The Town Clerk shall also post same in at least five (5) conspicuous places in the Town at least ten (10) days prior to the first such meeting. Such notice shall be in substantially the form provided as part of the notice of special election as hereinafter provided.

Section 3. The Town Clerk, or Deputy Town Clerk in her absence from office, is hereby authorized and directed to cause a notice of said special election to be given by the publication thereof in the official newspaper of said Town, the publication of such notice to be made at least ten (10) days prior to the time of such special election. In addition, the Town Clerk, or Deputy Town Clerk in her absence from office, shall post or cause to be posted a copy of such notice on the signboard maintained pursuant to subdivision 6 of Section 30 of the Town Law, at least ten (10) days prior to such election and in at least four (4) other conspicuous places in the Town, in addition to said signboard, at least ten (10) days prior to the first meeting of the Board of Registration. The notice of said special election, the proposition to be submitted thereat, and the details concerning personal registration shall be in substantially the following form, to-wit:

NOTICE OF SPECIAL ELECTION

PERSONAL REGISTRATION AND AVAILABILITY OF ABSENTEE BALLOTS

NOTICE IS HEREBY GIVEN that a special election of the Town of New Hartford, Oneida County, New York, will be held at the Willowvale Fire Company, 3459 Oneida Street, in Chadwicks, New York, in said Town, on the 11th day of December, 2007, at which the polls will be kept open between the hours of 12:00 o'clock Noon and 8:00 o'clock P.M. Prevailing Time, for the purpose of voting by ballot on the following proposition:

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PROPOSITION

Shall the Service Award Program as described in Section 216 of the General Municipal Law proposed for Willowvale Fire Company, Inc. at an estimated annual cost of \$76,000, be approved?

Details concerning the aforesaid Service Award Program referred to in the proposition is on file in the office of the Town Clerk of said Town, located in Butler Memorial Hall, 48 Genesee Street, in New Hartford, New York, and may be examined by any interested person during regular business hours.

Any qualified elector of the Willowvale Fire Protection District shall be entitled to vote upon such proposition.

NOTICE IS HEREBY FURTHER GIVEN that personal registration of voters is required, and no person shall be entitled to vote at said election whose name does not appear on the register of said Town. Registration Days, during which time otherwise qualified voters may have their names added to the Register of said Town, shall be November 27, 2007 between the hours of 4:00 o'clock P.M. and 8:00 o'clock P.M. at the Willowvale Fire Company. Any qualified elector whose name appears on the list of registered voters from the County Board of Elections will be entitled to vote in said special election and need not appear for personal registration on a Registration Day.

NOTICE IS HEREBY FURTHER GIVEN that a qualified voter of the Town may vote by absentee ballot if such voter is eligible to vote as an absentee voter in accordance with the requirements therefor set forth in Town Law Section 84-a. Persons eligible to vote as an absentee voter and who wish to obtain an absentee ballot must make written application therefor to the Town Clerk upon a form supplied by said Clerk. Such applications must be received by the Town Clerk no later than seven days prior to the election, if the ballot is to be mailed to the voter, or the day before the election if the ballot is to be delivered personally to the voter or the agent of the voter. Absentee voting shall be as otherwise prescribed in the Town Law and in the Election Law, as applicable. A list of all persons to whom absentee ballots shall have been mailed shall be kept at the office of the Town Clerk where it shall be available for public inspection during regular business hours until the day of the election.

Any qualified voter may, upon examination of such list, file a written challenge of the qualifications as a voter of any person whose name appears on such list, stating the reasons for such challenge. Such list shall also be posted in a conspicuous place or places during the election and any qualified voter may challenge acceptance of the absentee voter's ballot of any person on such list by making a challenge and reasons therefor known to the inspectors of election before the close of the polls.

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All absentee ballots must be received in the office of the Town Clerk not later than 8:00 o'clock P.M. on December 11, 2007.

Dated: New Hartford, New York
November 7, 2007

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD,
ONEIDA COUNTY, NEW YORK**

Town Clerk

Section 4. Pursuant to Section 83 of the Town Law, the following persons are hereby selected from the list of Election Inspectors and Ballot Clerks previously designated by this Town Board for General Election purposes (pursuant to the Election Law), to act as Election Inspectors and Ballot Clerks for such special election:

Celia Marriott Jacqueline Nicholas
Violet Rose Barbara Zogby

Alternates: Winnie Cannarelli
Sarah Pintar

Section 5. The persons named above shall be paid the sum of \$95.00 each for their services; in addition, the Chairman of each polling location shall be paid an additional \$10.00 for serving in that capacity.

Section 6. This resolution shall take effect immediately.

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

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

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

MATTERS SUBMITTED BY COUNCILMEN

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COUNCILMAN REYNOLDS:

Status of Nuisance Abatement Legislation

In response to Councilman Reynolds' inquiry, Police Chief Philo gave an overview of the draft nuisance abatement legislation. It has been recognized that economic conditions have changed some older homes that are being converted into apartments – some with absentee landlords and not much supervision of tenants. Raids at some houses involve drug activity. A number of neighboring communities have adopted similar legislation to monitor tenants to the extent law allows. Properly drafted and enacted, the legislation can have neighborhoods become more stable and desirable, mitigating tenants' undesirable behavior.

Attorney Gerald Green has contacted Village of New Hartford Attorney Gustave DeTraglia with regard to procedural aspects because this legislation will affect the Village. The proposed legislation will also be shared with both Town Justices. After feedback is received, legislation will be introduced and a public hearing schedule.

Stormwater Management Improvement (Advisory) Committee Update

Upon request of Councilman Reynolds, Highway Superintendent Cleveland responded there have been no changes since the October 24, 2007 Town Board meeting. Stormwater Management Improvement Committee members have toured the Town for a first-hand look at areas planned for stormwater improvements. The Shumaker Engineering hydraulic analysis of the Woodberry-Beechwood area has been received and the Committee is still looking at mitigation and prioritizing areas.

COUNCILMAN PAYNE:

Buildings & Grounds – Seasonal Closing of Kellogg Road Community Center Building

The 2006 energy expenses for the Kellogg Road Community Center Building totaled Four Thousand Four Hundred Seven Dollars (\$4,407) while the rental revenues for the same period amounted to about Eight Hundred Dollars (\$800.00). The energy costs for the period December 2006 through April 2007 totaled Two Thousand Six Hundred Sixty-one Dollars (\$2,661.00).

With regard to the targeted seasonal closure date of this building, some outside organizations had scheduled use of the Kellogg Road Community Center and the Highway Superintendent (Buildings and Grounds) had mailed letters to these groups, as well as all patrons who used the building in 2006 about the closure. The Highway Superintendent had been contacted by a couple groups, which have reserved the New Hartford Public Library conference room. The Town Planning and Zoning Board meetings will be conducted at the Library.

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

(RESOLUTION NO. 263 OF 2007)

RESOLVED that, as a cost-savings measure, the Town Board of the Town of New Hartford does hereby close the Kellogg Road Community Center Building for the period December 1, 2007 through April 30, 2008, and by the latter date evaluate whether to extend the closure through May 2008.

The Board members then voted upon roll call:

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

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

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL:

Audit of Vouchers

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

(RESOLUTION NO. 264 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. 25 Vouchers AA1731-AA1735	\$ 1,507.42
General Fund Whole-Town Police Abstract No. 26A Vouchers AA1736	\$ 128.00
General Fund Whole-Town Abstract No. 27 Vouchers AA1737-AA1780; Vouchers AA1788-AA1793	\$ 42,797.66
General Fund Whole-Town Abstract No. 27A Vouchers AA1781-AA1787	\$ 31,270.26

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General Fund Whole-Town Abstract No. 28 Voucher AA1794	\$ 8,362.50
General Fund Part-Town Abstract No. 17 Voucher BB165-BB176	\$ 4,370.81
Highway Fund Part-Town Abstract No. 16 Vouchers DB453-DB471	\$ 34,678.01
Sewer Fund Abstract No. 22 Voucher SS76	\$ 64.00
Sewer Fund Abstract No. 23 Vouchers SS77-SS80	\$ 2,039.34
Drainage Capital Abstract No. 12 Voucher HC60-HC62	\$ 753.37
Higby Road Water District No. 8 Vouchers HF12	\$ 45.00
Stormwater Capital Abstract Fund No. 1 Voucher HU1	\$ 24.00
TOTAL:	\$ 126,040.37

Whereupon, the Town Board members voted individually as follows:

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

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

NEW BUSINESS:

Policy on Disposition of Town Vehicles – License Plates

The Town Supervisor announced that effective immediately all departments that remove Town vehicles from use shall remove and turn the respective license plates over to the Police Chief.

REPORTS OF TOWN OFFICIALS (CONT'D)

TOWN CLERK:

Training (State mandate) – Planning and Zoning Boards of Appeal

Today the Town Clerk received information on an up-coming training session for members of planning and zoning boards of appeal. Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Payne:

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(RESOLUTION NO. 265 OF 2007)

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 members of the Planning Board, Zoning Board of Appeals and Town Planner to attend a 2-hour training session on Planning Board Basics, Site Plan Review and Special Use Permits, sponsored by the Tug Hill Commission and NOCCOG on December 4, 2007 in the Boonville Town & Village Offices, Boonville, New York, with any expenses to be borne by said Town as budgeted.

The Resolution was voted upon by roll call as follows:

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

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

2007 Budget Adjustment - Operation IMPACT Grant

In behalf of the Town Police Chief, the Town Clerk presented the following Resolution, which was offered for adoption by Councilman Woodland and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 266 OF 2007)

WHEREAS, the sum of Seven Thousand Eight Hundred Twenty-six Dollars and Twenty-six Cents (\$7,826.26) had been transferred from the City of Utica's IMPACT Grant to the New Hartford IMPACT grant;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Bookkeeper to increase Police Personal Services Account AA3120.1 by the sum of \$7,826.26 and the transfer of \$7,826.26 from Police Account A1590.8, said money being additional revenue from a supplemental grant from the New York State Division of Criminal Justice Services under the OPERATION IMPACT Grant Program.

A roll call vote ensued:

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

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

EXECUTIVE SESSION

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

(RESOLUTION NO. 267 OF 2007)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the current Wal*Mart tax certiorari.

A roll call vote ensued:

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 6:49 P.M. The Town Clerk was asked to remain in the event the Town Board wanted to take action after the Executive Session.

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 268 OF 2007)

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:

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

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The Supervisor declared the Resolution unanimously carried and duly *ADOPTED*; the Executive Session ended at 6:52 P.M. The regular portion of the Town Board meeting was immediately reconvened.

Wal*Mart Tax Certiorari Settlement

Upon recommendation of Attorney Green, Councilman Woodland offered the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 269 OF 2007)

WHEREAS, a tax certiorari was filed against the Town of New Hartford with regard to the assessment of property owned by Wal*Mart Stores, Inc., located on Commercial Drive in said Town; and

WHEREAS, Attorney William F. Ryan, Jr. of Tabner, Ryan and Keniry, LLP has recommended resolving this matter;

IT IS HEREBY RESOLVED that the New Hartford Town Board does hereby approve the recommendation of Attorney Ryan to accept the Wal*Mart settlement proposal as set forth in Attorney Ryan's November 6, 2007 letter to Attorney Green, a copy of which is to be sent via e-mail to each Board member and the Town Clerk.

A roll call vote ensued:

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

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

ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made by Councilman Reynolds and seconded by Councilman Woodland, the meeting was adjourned at 6:54 P.M.

Respectfully submitted,

**Gail Wolanin Young
Town Clerk**