

**REGULAR MEETING OF THE TOWN BOARD OF  
THE TOWN OF NEW HARTFORD, NEW YORK,  
HELD AT BUTLER MEMORIAL HALL ON  
WEDNESDAY, APRIL 23, 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:** 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:** Codes Enforcement Officer Joseph A. Booth  
Highway Superintendent Roger A. Cleveland  
Police Chief Raymond L. Philo  
Town Clerk Gail Wolanin Young and Deputy  
Clerk I Melody K. Fancett

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

**VENUE CHANGE – TOWN BOARD MEETINGS**

Supervisor Reed announced that beginning May 2008 the Town Board meetings would be held at the Kellogg Road Community Center; the next Board meeting is scheduled for Tuesday, May 13, 2008. In October 2008, Town Board meetings will resume at Butler Memorial Hall.

**MINUTES APPROVAL**

**April 9, 2008 Town Board Meeting**

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

**(RESOLUTION NO. 110 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 *April 9, 2008* 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

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Councilman Payne - Aye  
Supervisor Reed - Aye.

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

### **PRESENTATIONS**

Upon inquiry of the Town Supervisor, there was no one present to address the Town Board.

### **REPORTS OF TOWN OFFICIALS**

#### **CODES ENFORCEMENT OFFICER:**

##### **Proposed Zoning Law Text Amendment for Signs**

Codes Enforcement Officer Joseph Booth summed up ten (10) significant changes with regards to signs in the Town Code, Chapter 118 thereof entitled ZONING. If the Town Board adopts the recommendations submitted by the Zoning Law Advisory Committee, the Town will then be able to:

- Regulate size of wall and building signs per zone
- Regulate size and height of free-standing signs per zone
- Provide minimum setback from the front and side property lines for free-standing signs
- Provide the method of measurement for signs (overall height and square footage)
- Regulate four (4) different types of changeable signs
- Provide detailed regulations on the changeable signs
- Provides for use of changeable signs in only RB-1 zones and that these signs must be reviewed by the Planning Board
- Include new definitions
- Prohibit all signs from public rights-of-way, political signs included
- Incorporates codes omitted from the 1999 Zoning Law

The Washington Mills area is excluded from the changeable signs because there is no RB-1 zoned areas in that location; the RB-1 zones are along Seneca Turnpike and Commercial Drive.

Political signs – square footage allowed was changed as well as the length of time the signs can be displayed. Codes Enforcement Officer Booth will notify political parties ahead of time.

Cathy Lawrence inquired about “house for sale” signs – Codes Officer Booth replied this type of sign would not be allowed in the public right-of-way.

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Existing signs would be grandfathered.

**SEOR – Lead Agency Status; Proposed Zoning Law Text Amendment**

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

**(RESOLUTION NO. 111 OF 2008)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby declare itself as Lead Agency in the matter of the Zoning Law Text Amendment with regard to recommended changes involving signs as submitted by the Zoning Law Advisory Committee.

Upon roll call, the Town Board voted as follows:

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**.

**Referral to Planning agencies – Proposed Zoning Law Text Amendment**

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

**(RESOLUTION NO. 112 OF 2008)**

**WHEREAS**, the Codes Enforcement Officer had discussed with the Town Board at their meetings held February 27, 2008 and March 12, 2008 the need to update language with regard to installation of signs contained in the Town Code, Chapter 118 thereof entitled ZONING; and

**WHEREAS**, the Town Board conducted a Public Hearing on March 26, 2008 on a proposed moratorium on the issuance of building permits for signs; and

**WHEREAS**, at the April 23, 2008 Town Board meeting, the recommendations of the Zoning Law Advisory Committee had been presented with regard to certain changes to the Town's Zoning Law and specifically relating to signs;

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**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby refer to the Oneida County Planning Department and to the Town Planning Board for their review and written recommendations in accordance with General Municipal Law and the Town's Zoning Law, the recommendations submitted by said Zoning Law Advisory Committee.

Whereupon, the Board members voted by roll call:

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***.

**HIGHWAY SUPERINTENDENT:**

***Stormwater Management (Advisory) Improvement Committee***

Highway Superintendent Cleveland reported on the April 16, 2008 meeting of the Stormwater Advisory Committee:

- Joanne Faulkner [Oneida County Soil and Water Agency) reported on issue of stormwater on Tilden Ave and some options which are being investigated for improvements
- Use of southern reservoirs – neither the City of Utica nor the Mohawk Valley Water Authority has opposition to using the southern reservoirs for stormwater management but the City is concerned with the impact of additional flow to a culvert running underground through much of east Utica. Need to revisit this issue and identify and investigate other alternatives
- Woodberry-Beechwood Road area – initial mitigation has been identified and the Committee asked the Town's consultant, Shumaker Engineering, to research some additional areas of concern
- Looked at the Kellogg-Tibbitts Road intersection; received a report from Roefaro and believe the Town may be able to acquire the land at a lesser cost; the property owner is being contacted and the cost is being negotiated
- Last item looked at was the acquisition of a portion of the stream channel on the east side of Oxford road – the same stream that the Woodberry Hills subdivision discharges into. Estate of Sherrill Sherman approached the Town and asked if the Town wanted to obtain the creek area south of Sherrill Lane South – would need survey, legal papers, etc. A not-to-exceed \$1600 quote from Susan Anacker was obtained to get the survey work done. The Town has a sanitary sewer easement

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off the east end of Mallard Brook that provides access to the stream area being proposed for Town ownership.

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

**(RESOLUTION NO. 113 OF 2008)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement between the Town of New Hartford and Susan Anacker, L.S., at a not-to-exceed price of Sixteen Hundred Dollars (\$1600) for which Ms. Anacker will perform the necessary survey work for the acquisition of a portion of a stream channel from the Estate of Sherrill Sherman; said survey work shall be paid from the stormwater bond money.

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.

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

**Kellogg Road Community Center**

A walk-through tour was done and needed improvements identified such as cleaning, repairs and a new roof. A quote of \$9800 for the roof was received from Continental Roofing and two (2) additional quotes will be received in a couple days. Thereafter, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Payne:

**(RESOLUTION NO. 114 OF 2008)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Highway Superintendent, in his discretion, to select the lowest responsible quotation of three (3) quotations to be received for materials and installation of a new roof on the Kellogg Road Community Center Building.

The foregoing Resolution was duly put to a vote upon roll call as follows:

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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**.

**Appointments – Highway Department seasonal employees**

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

**(RESOLUTION NO. 115 OF 2008)**

**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 Highway Department; all wages to be paid bi-weekly:

<b><u>NAME</u></b>	<b><u>POSITION</u></b>	<b><u>RATE OF PAY</u></b>	<b><u>EFFECTIVE</u></b>
Scott Brady** **pending Civil Service approval	Laborer	\$ 8.00/hour	April 25, 2008
Allison Back	Clerk Sub	\$ 8.76/hour	June 16, 2008

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.

**Rayhill Memorial Trail - Trailhead parking**

The Highway Superintendent reported that the trailhead-parking project is moving forward. There was a meeting today with the New York State Department of Environmental Conservation, and a meeting is scheduled for April 24, 2008 with the Army CORPS of Engineers, with whom no issues are expected.

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**Higby Road Water District**

Letters have been sent to three (3) individuals who were due a refund and one (1) due a corrected tax bill; the Assessor's office has the forms needed. May 2, 2008 is the deadline by which property owners must come in to sign the form and for the Town to forward it to Oneida County; the Board of Legislators must act on this.

**POLICE CHIEF:**

**Agreement - Traffic Safety Grant**

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

**(RESOLUTION NO. 116 OF 2008)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to execute an Agreement between the Town of New Hartford and its Police Department, and the Governor's Traffic Safety Committee for a Twenty Thousand Four Hundred Eighty Dollar (\$20, 480.00) Traffic Safety Grant entitled "*The Traffic Safety Corridor Enforcement Program*" (Grant #PT-3364191).

This grant is for the Seneca Turnpike-Commercial Drive area, high traffic accident corridors. The Board then 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.

**Fiscal – Increase Appropriations/Create Revenue Account**

Thereafter, Councilman Woodland offered the following Resolution for adoption and Councilwoman Krupa seconded same:

**(RESOLUTION NO. 117 OF 2008)**

**WHEREAS**, the Town of New Hartford is a 2008 recipient of a grant from the State of New York for traffic safety;

**BE IT RESOLVED** that the New Hartford Town Board does hereby establish General Fund Whole-Town Police Revenue Account No. AA3389.2 entitled "*State*

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*Grant/Corridor Enforcement Program*” with grant funding in the amount of \$20,480.00, and does hereby increase General Fund Whole-Town Police Personnel Services Account No. AA3120.1 by \$20,480.00.

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.

**TOWN CLERK:**

**Permit for Mass Assembly of Persons – UNO at The Orchards**

With regard to the Permit authorized by the Town Board on April 9, 2008, the Town Clerk received written notice from *UNO Chicago Grill* that they were canceling their April 30, 2008 event due to several reasons but anticipated re-applying for a Permit during August 2008.

**Declaration of Surplus Equipment & Disposal**

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

**(RESOLUTION NO. 118 OF 2008)**

**WHEREAS**, the Town Clerk-Registrar’s Office has converted its filing system to end-tab files; be it

**RESOLVED** that the Town Board of the Town of New Hartford does hereby declare as surplus fourteen (14) legal-size, Screw-together Hanging Folder Frames; and be it

**FURTHER RESOLVED** that the said Town Board does hereby authorize and direct the donation of the fourteen (14) frame sets to the New Hartford Historical Society for use in their legal-sized filing cabinets.

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

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



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Councilman Payne - Aye  
Supervisor Reed - Aye.

The Resolution was then declared unanimously carried and duly adopted.

**MATTERS SUBMITTED BY TOWN ATTORNEY**

**Agreement Allocating PILOT Payments - New Hartford Business Park**

Attorney Green submitted a copy of the Agreement Allocating Pilot Payments, asking the Town Board to authorize the supervisor to sign this Agreement when it is finalized, barring substantial changes from the other counsel...if there are changes, Attorney Green will come back to the Town Board. This will then go to the County for approval and the County Executive's signature. The New Hartford Central School District and Superintendent Dan Gilligan have approved the agreement in principle but they would have to sign it. The borrowing will take place in May 2008 and Bond Counsel is aware of this and will be taking care of legal documents. Councilwoman Krupa then introduced the following Resolution; seconded by Councilman Payne:

**(RESOLUTION NO. 119 OF 2008)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to execute the *Agreement Allocating PILOT Payments* among the Town of New Hartford, the County of Oneida, the New Hartford Central School District and the Oneida County Industrial Development Agency, with regard to the following projects in the New Hartford Business Park

- Hartford Fire Insurance Company, Ryan Companies US, Inc.
- New Hartford Office Group, LLC
- BCK Enterprises, LLC

And be it

**FURTHER RESOLVED** that the New Hartford Town Board will accept from the Developer a personal guarantee or letter of credit once it has been revised and accepted by Bond Counsel. [With regard to the personal guarantee that was received, the form wasn't in compliance with the form that Bond Counsel had worked with in the past.]

The Supervisor polled the Board members who 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.

**Status - Preswick Glen Certiorari**

Attorney Green noted that the discovery process is coming to an end. Documentary information will be provided quickly and will close discovery; and after deposition transcripts are reviewed, Attorney Vincelette will bring a motion to Judge Hester for a summary judgment and then wait for opposing counsel to submit his response and then the Judge's determination.

**MATTERS SUBMITTED BY TOWN SUPERVISOR**

**FINANCIAL:**

**Audit of bills**

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

**(RESOLUTION NO. 120 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. 12	
Vouchers AA589-AA607; AA661-AA662	\$ 25,435.08
General Fund Whole-Town Abstract No. 13	
Vouchers AA608-AA644; AA660;	
Vouchers AA663-AA668	\$ 30,271.65
General Fund Whole-Town Abstract No. 13A(POLICE)	
Vouchers AA645-AA659	\$ 11,437.79
General Fund Part-Town Abstract No. 13	
Vouchers BB77-BB78	\$ 325.80
Highway Fund Part-Town Abstract No. 11	
Vouchers DB177-DB196	\$ 28,841.75
Sewer Fund Abstract No.10	
Vouchers SS32-SS42	\$ 7,834.05
Sewer Fund Abstract No.11	
Vouchers SS43-SS44 VOID	
Vouchers SS45-SS47	\$ 25,750.51

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Stormwater Capital Abstract No. 2  
Voucher HU2

\$ 1,716.00  
**TOTAL: \$131,612.63**

Whereupon, the Town Board members voted individually as follows:

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***.

**ADJOURNMENT**

There being no further business to come before the Board, upon motion of Councilman Reynolds, seconded by Councilman Payne, the meeting was adjourned at 6:43 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk