

**SPECIAL MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK, HELD
AT THE KELLOGG ROAD COMMUNITY CENTER
BUILDING ON WEDNESDAY, JUNE 18, 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
Supervisor Earle C. Reed

ABSENT: Councilman Richard B. Woodland

OTHER TOWN OFFICIALS: Codes Enforcement Officer Joseph A. Booth
Director of Senior Services M. Eileen Spellman
Highway Superintendent Roger A. Cleveland
Town Clerk Gail Wolanin Young

Thereafter, a quorum was declared present for the transaction of business. Councilman Woodland was unable to attend the meeting due to his full-time job commitments.

PRESENTATIONS (RESIDENT COMMENTS)

Upon inquiry of the Town Supervisor, there was no one present to address any concerns or comment upon any matters.

REPORTS OF TOWN OFFICIALS

AGING (DIRECTOR OF SENIOR SERVICES):

Appointments – Substitute Bus Driver

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

(RESOLUTION NO. 163 OF 2008)

RESOLVED that the New Hartford Town Board does hereby appoint Kim Ules as a Substitute Bus Driver for the New Hartford Adult Dining and Activity Center, commencing June 19, 2008, at an hourly rate of Twelve Dollars and Four Cents (\$12.04); wages to be paid bi-weekly.

Thereafter, the Town Board voted as follows:

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

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

CODES ENFORCEMENT OFFICER:

Property Maintenance – 15 Narla Lane

Upon recommendation of the Codes Enforcement Officer, the following Resolution was introduced for adoption by Councilman Reynolds and seconded by Councilman Payne:

(RESOLUTION NO. 164 OF 2008)

WHEREAS, the Town of New Hartford had adopted on September 24, 1994 a Local Law (Chapter 94 of the Code) regulating property maintenance and which Law prohibits the accumulation of brush, grass, rubbish or weeds on any real property in said Town; and

WHEREAS, the Town Codes Enforcement Officer has received complaints about high grass upon premises [which has been under construction for several years] located at 15 Narla Lane, Tax Map Parcel No. 330.020-1-37.6, owned by Thomas Scanlon whose last known address is 15 Narla Lane, New Hartford, New York 13413; and

WHEREAS, the property appears to be abandoned, and the Codes Enforcement Officer had communicated with said Thomas Scanlon via certified mail with regard to abatement of these conditions, with no response having been received from Mr. Scanlon;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Codes Enforcement Officer to proceed with removal of the high grass at 15 Narla Lane with the costs and expenses incurred by the Town in connection with said proceedings to be assessed against the land on which said public nuisance exists; specifically, the Town Board does hereby approve clean up of said premises by the Parks and Recreation Department.

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

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

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Councilman Payne - Aye
Supervisor Reed - Aye.

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

Property Maintenance – 10 Mulvihill Drive

Upon recommendation of the Codes Enforcement Officer, the following Resolution was introduced for adoption by Councilman Reynolds and seconded by Councilman Payne:

(RESOLUTION NO. 165 OF 2008)

WHEREAS, the Town of New Hartford had adopted on September 24, 1994 a Local Law (Chapter 94 of the Code) regulating property maintenance and which Law prohibits the accumulation of brush, grass, rubbish or weeds on any real property in said Town; and

WHEREAS, the Town Codes Enforcement Officer has received complaints about high grass and a swimming pool upon premises [which appears to be vacant] located at 10 Mulvihill Drive, Tax Map Parcel No. 328.020-1-40, owned by Arleeta Vaeth whose last known address is 10 Mulvihill Drive, New Hartford, New York 13413; and

WHEREAS, the property appears to be abandoned, and the Codes Enforcement Officer had communicated with said Arleeta Vaeth via certified mail with regard to abatement of these conditions, with no response having been received from Ms. Vaeth;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Codes Enforcement Officer to proceed with removal of the high grass and removal of water from the swimming pool at 10 Mulvihill Drive with the costs and expenses incurred by the Town in connection with said proceedings to be assessed against the land on which said public nuisance exists; specifically, the Town Board does hereby approve clean up of said premises by the Parks and Recreation Department.

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

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

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

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Property Maintenance – 1122 Pleasant Street

Upon advice of Attorney for the Town Gerald Green, the Codes Enforcement Officer will pursue abatement of conditions at 1122 Pleasant Street under New York State's public property nuisance legislation.

HIGHWAY SUPERINTENDENT:

Change Order - Final Design Contract: Stormwater Improvements (Oxford-Kellogg-Tibbitts- Road)

With regard to the Shumaker Engineering Change Order in the amount of Fifty-four Hundred Dollars (\$5400) authorized by Resolution No. 125 at the May 13, 2008 Town Board meeting, Highway Superintendent Cleveland presented the related documents for the Town Supervisor's signature.

Award of Competitive Bid – Infrastructure, New Hartford Business (Office) Park

Highway Superintendent Cleveland submitted a small map of the Business Park that showed various bids or segments of this project that are to be constructed. Bids on the infrastructure were due into the Town Clerk's Office on Monday, June 16, 2008; only one (1) bid had been received, that being from *Fred Burrow's Trucking & Excavating, LLC* for:

- General Conditions
- Site Work
- Sanitary Sewer – Road C
- Water Distribution – Road C and Road D
- Water Distribution – Woods Highway
- Stormwater
- Road Construction
- Pedestrian Walk
- Alternates
- Add Items.

Roads C & D are part of the Town's bond issue and also includes water construction up to Road A; any extension will be at the developer's expense both on Roads A & B as well as water line and sewer extension on those roads. Upon presentation of Superintendent Cleveland, Councilman Payne offered the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 166 OF 2008)

WHEREAS, the Town of New Hartford did authorize bid letting for Bid Package No. 1 (Contract 1), Infrastructure Improvements to the New Hartford Office Park; and

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WHEREAS, the Town did receive bids on June 16, 2008, and did open same at 11:00 A.M. at the Town Clerk's Office on said date; and

WHEREAS, the firm of *Fred Burrows Trucking & Excavating, LLC*, 437 Oriskany Boulevard, Whitesboro, New York 13492 was the sole bidder; and

WHEREAS, the total bid amount for work Items 1 – 7 and 9 was One Million Three Hundred Thirty-two Thousand Eight Hundred Ninety-five Dollars (\$1,332,895); and

WHEREAS, the Town has canvassed the bid and finds as follows:

- That *Fred Burrows Trucking and Excavating* did receive Addendum No. 1
- That the extended prices and the total amount of the Bid are accurate
- That in submitting the Bid, the Bidder did provide a Bid Bond in the amount of Five Percent (5%) of the Bid
- That in submitting the Bid, the Bidder did execute the Non-Discrimination Form
- That in submitting the Bid, the Bidder did execute the Non-Collusive Certification
- That in submitting the Bid, the Bidder did complete the Statement of Surety's Intent
- That in submitting the Bid, the Bidder did complete the Bidders Qualification Statement
- That in submitting the Bid, the Bidder did submit the Sub-Contractor listing
- That the apparent low Bidder is willing to perform the work for the Bid price, less the road paving
- That the apparent low Bidder has submitted the required Bonds and Insurances

THEREFORE, BE IT RESOLVED that the Town has reviewed the Bid of *Fred Burrows Trucking & Excavating, LLC*, and finds it to be the lowest, responsive, responsible and only Bid in the amount of One Million Three Hundred Thirty-two Thousand Eight Hundred Ninety-five Dollars \$1,332,895); and

RESOLVED that the Town of New Hartford does choose to utilize the Town's Bituminous Paving Contract to install the asphalt concrete required of this Contract for road paving; and

RESOLVED that *Fred Burrows Trucking & Excavating, LLC* both acknowledges and agrees to the reduction in Bid Price from One Million Three Hundred Thirty-two Thousand Eight Hundred Ninety-five Dollars (\$1,332,895) to One Million One Hundred Forty-eight Thousand Eight Hundred Sixteen Dollars (\$1,148,816), reflecting the

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reduction in price for the elimination of road paving (see attached letter dated June 18, 2008); and

RESOLVED that the Town Board does hereby award Contract No. 1 to ***Fred Burrows Trucking & Excavating, LLC***, in the amount of One Million One Hundred Forty-eight Thousand Eight Hundred Sixteen Dollars (\$1,148,816), subject to the following conditions:

- That Contract No. 1, being for the construction, installation and improvement work in and adjacent to the New Hartford Office Park is awarded to ***Fred Burrows Trucking & Excavating, LLC***, upon condition that no work or improvements shall be performed on any land, property or real estate parcels to which the Town does not have good and proper title, or that is otherwise in public ownership. The condition includes Road C and Road D as well as the proposed intersection at which Woods Highway will connect to Road D as such roads and intersection are identified on Map C-2, dated May 5, 2008, a copy of which is attached hereto and made a part of this Resolution; and
- That prior to commencing construction, that the Contractor provides the Owner (Town of New Hartford) with the required schedules of construction; and

RESOLVED that the Town Board does hereby authorize the issuance of a Notice to Proceed, based on the conditions herein previously stated herein.

Upon roll call, the Town Board voted as follows:

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

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

Inter-Municipal Agreement – Sauquoit Creek Basin Inter-Municipal Commission

Upon presentation by the Highway Superintendent, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilwoman Krupa:

(RESOLUTION NO. 167 OF 2008)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Inter-Municipal Agreement between the

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Town of New Hartford and the Sauquoit Creek Basin Inter-Municipal Commission for the installation of paving near the BOCES property on Middle settlement Road.

Superintendent Cleveland reported that Attorney Green had reviewed the Inter-Municipal Agreement, after which the Town Board members voted as follows:

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

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

Information Meeting – Jubilee Estates Stormwater Project

About sixty (60) or more persons had attended the June 16, 2008 informational meeting on the stormwater project involving Jubilee Estates; affected residents came out of the meeting with a better understanding of the Town’s efforts to abate stormwater problems.

Informational Meeting – Woodberry-Beechwood sub-area

Approximately 500 letters/invitations were mailed to residents within the Woodberry-Beechwood sub-area notifying them of a June 24, 2008 informational meeting to commence at 6:00 P.M. in the New Hartford High School Auditorium.

ADJOURNMENT

There being no further business to come before the Board, upon motion of Councilman Payne, seconded by Supervisor Reed, the meeting was adjourned at 6:21 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk