

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK, HELD
AT THE KELLOGG ROAD COMMUNITY CENTER
BUILDING ON WEDNESDAY, SEPTEMBER 10, 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: Attorney for the Town, Gerald J. Green
Codes Enforcement Officer Joseph A. Booth
Director of Senior Services M. Eileen Spellman
Highway Superintendent Roger A. Cleveland
Lt. Timothy O'Neill
Parks & Recreation Director Michael W. Jeffery
Senior Engineering Technician John Meagher
Town Clerk Gail Wolanin Young

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

7TH ANNIVERSARY – 9/11 TERRORISTS ATTACKS ON THE UNITED STATES

Supervisor Reed asked those in attendance to remain standing for a moment of silence in memory of all those killed in the September 11, 2001 terrorist attacks in the United States.

NYS DEPARTMENT OF TRANSPORTATION MEETING (DOT) – NEW HARTFORD BUSINESS PARK

Supervisor Reed apologized to Edmund J. Wiatr, Jr. for a remark made at a September 2008 meeting with DOT officials with regard to the New Hartford Business Park.

2008-09 SCHOOL TAX BILLS

With property owners having received their 2008-09 School Tax bills, Supervisor Reed asked everyone to remember that for each One Dollar (\$1.00) paid in taxes that

- \$.72 goes to the School District
- \$.24 goes to Oneida County
- \$.06 goes to the Town.

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ASSESSMENT - STAR REBATE CHECKS

Supervisor Reed announced that the New York State Department of Taxation and Finance would be mailing the 2008 STAR rebate checks to property owners on or about October 5, 2008.

NEW HARTFORD BUSINESS PARK

The Town Supervisor stated that the Town had partnered with Oneida County, New Hartford Central School and EDGE to promote economic development. This project had been in planning with the late Philip A. Rayhill, Esq. for many years. Commitments have changed dramatically in the last few weeks. No date has been scheduled yet for a public information meeting that is anticipated for the end of September/beginning of October and which meeting will be attended by public leaders, the NYS Department of Transportation, a representative from the Governor's Office and EDGE. Supervisor Reed said nothing is set in stone for the business park, that the Town wants to work with the citizens, wants this project to be a success and live within the PILOT agreements.

MINUTES APPROVAL

August 13 and August 25, 2008 Town Board Meetings

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

(RESOLUTION NO. 205 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 **August 13, 2008** and the *Special* Town Board meeting held **August 25, 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
Councilman Payne	-	Aye
Supervisor Reed	-	Aye.

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

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PUBLIC HEARINGS

Proposed Longworth Acres Drainage District:

Moved by Councilman Payne and seconded by Councilwoman Krupa, the Public Hearing was opened at 6:06 P.M. with regard to the petition of the Longworth Acres Subdivision to establish the Longworth Acres Drainage District. [NOTE: The Town Clerk had available the Order for Public Hearing, Affidavit of Posting, Proof of Publication (August 29, 2008 edition of the Observer Dispatch) and the Assessor's Certification.]

It was identified that the State Environmental Quality Review (SEQR) process had not been completed and the Highway Superintendent recommended that the Public Hearing be closed and rescheduled.

Thereafter, moved by Councilman Reynolds, seconded by Councilman Payne and carried, the Public Hearing was closed at 6:07 P.M.

Reschedule Public Hearing

Proposed Longworth Acres Drainage District

ORDER NO. 2 OF 2008

* * * * *

In the Matter of

The Application of **LONGWORTH ACRES
SUBDIVISION CORPORATION** to Estab-
lish the **LONGWORTH ACRES STORM-
WATER DRAINAGE DISTRICT**

* * * * *

WHEREAS, a written petition dated May 1, 2008 in due form has been presented to and filed with the Town Board of the Town of New Hartford, County of Oneida, and State of New York, for the establishment of a drainage district in said Town to be bounded and described as follows:

See legal description attached hereto as Exhibit 1 containing 80.61 acres of land, more or less, and being subject to all easements, covenants, or restrictions of record; and

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WHEREAS, the improvements proposed consist of the installation of storm drainage ditches, catch basins, and related facilities within the proposed area to serve the said district; and

WHEREAS, the facilities proposed to be constructed in the said district as shown on the map and plan accompanying the petition are to be constructed at the sole expense of the petitioner; it is hereby

ORDERED that a meeting of the Town Board of the Town of New Hartford shall be held at the Kellogg Road Community Center Building in the Town of New Hartford, County of Oneida, and State of New York, on the 24th day of September, 2008 at 6:00 P.M. on that day, or as soon thereafter as reached in the regular course of business, to consider the said petition and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of said Town Board with relation thereto as may be required by law or proper in the premises; and it is further

ORDERED that a copy of this order certified by the Town Clerk be published and posted as provided by law; and it is further

ORDERED that this order be entered in the minutes of the proceedings of the Town Board.

“Exhibit 1”

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN OF NEW HARTFORD, COUNTY OF ONEIDA AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

Beginning at an iron rod on the southerly highway boundary of Tibbitts Road (County Route 15), said iron rod standing at the intersection of the southerly highway boundary of Tibbitts Road with the easterly boundary of Norman A. and Arlene Scianna (Now or Formerly) as described in a Warranty Deed dated August 29, 1979 and filed in the Oneida County Clerk's Office in Liber 2086 of Deeds at Page 1063; thence N89 deg. 24' 28" E 1905.52 feet along the southerly highway boundary of Tibbitts Road to an iron rod standing on the westerly boundary of Carolee Kogut (Now or Formerly); thence S00 deg. 30' 45" E 152.65 feet along the westerly boundary of Kogut to an iron rod standing on the southerly boundary of Kogut; thence N89 deg. 29' 15" E 125.00 feet along the southerly boundary of Kogut to an iron rod standing on the westerly boundary of Stephen C. Couture (Now or Formerly); thence S00 deg. 30' 45" E 10.00 feet along the westerly boundary of Couture to an iron rod standing on the southerly boundary of Couture; thence N89 deg. 29' 15" E 140.00 feet along the southerly boundary of Couture to an iron rod standing on the easterly boundary of Couture; thence N00 deg. 30' 45" W 167.38 feet

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along the easterly boundary of Couture to a point standing on the southerly highway boundary of Tibbitts Road; thence N 86 deg. 56' 07" E 224.58 feet along the southerly highway boundary of Tibbitts Road to an iron rod standing on the westerly boundary of Lynne Stewart (Now or Formerly); thence S01 deg. 27' 58" E 64.98 feet along the westerly boundary of Stewart to an iron rod standing on the northerly boundary of Stewart; thence S88 deg. 32' 02" W 25.00 feet along the northerly boundary of Stewart to an iron rod standing on the westerly boundary of Stewart; thence S01 deg. 27' 58" E 57.50 feet along the westerly boundary of Stewart to an iron rod standing on the southerly boundary of Stewart; thence N88 deg. 32' 02" E 52.00 feet along the southerly boundary of Stewart to an iron rod standing on the westerly boundary of Robert O. Owens Jr., Etal. (Now or Formerly); thence S01 deg. 09' 21" E 125.00 feet along the westerly boundary of Owens, Etal. To an iron rod standing on the southerly boundary of Owens, Etal; thence N 88 deg. 32' 02" E 100.53 feet along the southerly boundary of Owens, Etal. To an iron rod standing on the westerly highway boundary of Oxford Road (County Route 26A); thence S00 deg. 29' 15" E 230.03 feet along the westerly highway boundary of Oxford Road to a point standing on the centerline of Snowden Hill Road; thence S 43 deg. 43' 06" W 482.87 feet along the centerline of Snowden Hill Road to a point standing on the northeasterly boundary of Scott and Elizabeth M. Checola (Now or Formerly); thence N 46 deg. 20' 00" W 233.00 feet along the northeasterly boundary of Checola to an iron rod standing on the northwesterly boundary of Checola; thence S 43 deg. 40' 00" W 500.00 feet along the northwesterly boundary of Checola, the northwesterly boundary of Kevin J and Eileen M. Kolek (Now or Formerly), the northwesterly boundary of Robert K. and Christine A. Teesdale (Now or Formerly) and the northwesterly boundary of Steven P. and Cheryl B. Kolek (Now or Formerly) to an iron rod standing on the southwesterly boundary of Kolek; thence S 46 deg. 20' 00" E 233.00 feet along the southwesterly boundary of Kolek to appoint sanding on the centerline of Snowden Hill Road; thence S 43 deg. 47' 00" W 430.05 feet along the centerline of Snowden Hill Road to a point standing on the northeasterly boundary of Michael and Sara Amante (Now or Formerly); thence N 46 deg. 18' 08" W 234.59 feet along the northeasterly boundary of Amante to an iron rod standing on the northwesterly boundary of Amante; thence S 43 deg. 41' 52" W 125.00 feet along the northwesterly boundary of Amante to an iron rod standing on the northwesterly boundary of Roger D. and Carol S Hudson (Now or Formerly); thence S 43 deg. 41' 51" W 150.53 feet along the northwesterly boundary of Hudson to an iron rod standing on the northeasterly boundary of Vincent M. Restive (Now or Formerly); thence N 46 deg. 27' 16" W 25.00 feet along the northeasterly boundary of Restive to an iron rod standing on the northwesterly boundary of Restive; thence S 43 deg. 32' 44" W 200.00 feet along the northwesterly boundary of Restive to an iron rod standing on the southwesterly boundary of Restive; thence S 46 deg. 27' 16" E 25.00 feet along the southwesterly boundary of Restive to an iron rod standing on the northwesterly boundary of Edward A. Koslick (Now or Formerly); thence S 43 deg. 32' 44" W 822.76 feet along the northwesterly boundary of Koslick, the northwesterly boundary of Calvary Gospel Church, Inc. (Now or Formerly), the northwesterly boundary of John C. and Gail L.

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Convertino (Now or Formerly), the northwesterly boundary of Alfred C. Lavier and Eileen J. Leary (Now or Formerly), the northwesterly boundary of Louis A. and Constance J. Angelini (Now or Formerly), the northwesterly boundary of Keith and Jeanine Vandresor (Now or Formerly), the northwesterly boundary of Jack R. and Melitta M. Lewis (Now or Formerly) and the northwesterly boundary of Richard C. White (Now or Formerly) to a point; thence S 40 deg. 42' 14" W 572.82 feet continuing along the northwesterly boundary of White, the northwesterly boundary of Victor J. and Dorothy Sharkey (Now or Formerly), the northwesterly boundary of David P. and Pauline A. Radley (Now or Formerly), the northwesterly boundary of Thomas A. and Mary Jane Blanchfield (Now or Formerly), the northwesterly boundary of Lorraine A. Burns and Carole A. Slawson (Now or Formerly), the northwesterly boundary of Eugene M. and Carolyn C. Burney (Now or Formerly) and the northwesterly boundary of Barbara M. Bouchard (Now or Formerly) to an iron rod standing on the easterly boundary of Bouchard; thence N 02 deg. 28' 07" W 2671.72 feet along the easterly boundary of Bouchard and the easterly boundary of Scianna to the point and place of beginning.

The above described premises containing 83.761 ± acres of land more or less.

Subject to the rights of the public to that portion of the above described premises lying within the bounds Snowden Hill Road.

Also subject to any other easements, covenants or restrictions of record.

EXCEPTING AND RESERVING THEREFROM:

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN OF NEW HARTFORD, COUNTY OF ONEIDA AND STATE OF NEW YORK BOUNDED AND DESCRIBED AS FOLLOWS:

Beginning at an iron rod on the southerly highway boundary of Tibbitts Road (County Route 15), said iron rod standing therein distant N 89 deg. 24' 28" E 1873.35 feet as measured along the southerly highway boundary of Tibbitts Road from a point standing at the intersection of the southerly highway boundary of Tibbitts Road with the easterly boundary of Norman A and Arlene Scianna (Now or Formerly) as described in a Warranty Deed dated August 29, 1979 and filed in the Oneida County Clerk's Office in Liber 2086 of Deeds at Page 1063; thence N 89 deg. 24' 28" E 32.17 feet along the southerly highway boundary of Tibbitts Road to an iron rod standing on the westerly boundary of Carolee Kogut (Now or Formerly); thence S 00 deg. 30' 45" E 152.65 feet along the westerly boundary of Kogut to an iron rod; thence S 89 deg. 24' 28" W 32.17 feet to an iron rod; thence N 00 deg. 30' 45" W 152.60 feet to the point and place of beginning.

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The above described premises containing 0.11± acres of land more or less.

Subject to any easements, covenants or restrictions of record.

It being the intent to described Out Lot "A" as shown on a map of Longworth Acres Subdivision dated August 9, 2004 and last revised on September 29, 2005 prepared by Boulder Consultants and filed in the Oneida County Clerk's Office on December 13, 2005 as map number M2005-000310.

EXCEPTING AND RESERVING THEREFROM;

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN OF NEW HARTFORD, COUNTY OF ONEIDA AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

Beginning at a point, said point standing therein distant N 89 deg. 24' 28" E 600.00 feet and S 02 deg. 35' 40" E 1529.50 feet as measured respectively from a point standing at the intersection of the southerly highway boundary of Tibbitts Road (County Route 15) with the easterly boundary of Norman A and Arlene Scianna (Now or Formerly) as described in a Warranty Deed dated August 29, 1979 and filed in the Oneida County Clerk's Office in Liber 2086 of Deeds at Page 1063; thence N 43 deg. 32' 44" E 277.21 feet to a point; thence S 02 deg. 35' 40" E 500.00 feet to a point standing on the northwesterly boundary of John C. and Gail L. Convertino (Now or Formerly); thence S 43 deg. 32' 44" W 277.21 feet along the northwesterly boundary of Convertino, the northwesterly boundary of Alfred C. Lavier and Eileen J. Leary (Now or Formerly) and the northwesterly boundary of Louis A. and Constance J. Angelini (Now or Formerly) to a point thence N 02 deg. 35' 40" W 500.00 feet to the point and place of beginning.

The above described premises containing 2.29 ± acres of land more or less.

Together with a access easement as shown on a map of Longworth Acres Subdivision dated August 9, 2004 and last revised on September 29, 2005 prepared by Boulder Consultants and filed in the Oneida County Clerk's Office on December 13, 2005 as map number M2005-000310 bounded and described as follows:

Beginning at a point on the centerline of Snowden Hill Road; said point standing at the intersection of the centerline of Snowden Hill Road with the northeasterly boundary of Michael and Sara Amante (Now or Formerly) as described in a Executor's Deed dated August 27, 2003 and filed in the Oneida County Clerk's Office in Instrument Number 2003-022720; thence N 46 deg. 18' 08" W 234.59 feet along the northeasterly boundary of Amante to an iron rod standing on the northwesterly boundary of Amante; thence S 43 deg. 41' 52" W 125.00 feet along the northwesterly boundary of Amante to an iron rod

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standing on the northwesterly boundary of Roger D. and Carol S. Hudson (Now or Formerly); thence S 43 deg. 41' 51" W 150.53 feet along the northwesterly boundary of Hudson to an iron rod standing on the northeasterly boundary of Vincent M Restive (Now or Formerly); thence N 46 deg. 27' 16" W 25.00 feet along the northeasterly boundary of Restive to an iron rod standing on the northwesterly boundary of Restive; thence S 43 deg. 32' 44" W 200.00 feet along the northwesterly boundary of Restive to an iron rod; thence N 87 deg. 24' 20" W 164.05 feet to a point; thence N 02 deg. 35' 40" W 30.12 feet to a point; thence S 87 deg. 24' 20" E 153.09 feet to a point; thence N 43 deg. 32' 44" E 491.99 feet to a point; thence S 46 deg. 18' 08" E 290.45 feet to a point standing on the centerline of Snowden Hill Road; thence S 43 deg. 47' 00" W 30.00 feet along the centerline of Snowden Hill Road to the point and place of beginning.

The above described access easement containing 0.77 ± acres of and more or less.

Subject to a 10 foot wide drainage easement on the westerly and easterly boundary of Outlot "B" as shown on a map of Longworth Acres Subdivision dated August 9, 2004 and last revised on September 29, 2005 prepared by Boulder Consultants and filed in the Oneida County Clerk's Office on December 13, 2005 as map number M2005-000310.

Also subject to any other easements, covenants or restrictions of record.

It being the intent to described Outlot "B" as shown on a map of Longworth Acres Subdivision dated August 9, 2004 and last revised on September 29, 2005 prepared by Boulder Consultants and filed in the Oneida County Clerk's Office on December 13, 2005 as map number M2005-000310.

The Resolution was voted upon by roll call as follows:

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

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

Local Law Introductory "D" of 2008

Councilman Payne moved and Councilman Reynolds seconded the opening of the Public Hearing at 6:08 P.M. in the matter of Local Law Introductory "D" of 2008 which, if adopted, would amend the Town Code, Chapter 113 thereof entitled VEHICLES AND TRAFFIC, by adding a portion of Oneida Street to Section 113-45 Schedule XI: Parking Prohibited at all times. [NOTE: The Town Clerk had available the legislation, Notice of

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Public Hearing, Proof of Publication, and Affidavit of Posting (August 29, 2008 edition of the Observer Dispatch).]

Councilman Payne stated that several months ago he had been contacted by some concerned residents from the mobile home park off Oneida Street in Washington Mills, who thought there was a safety hazard trying to gain access to Oneida Street. Subsequently, the Police and Highway Departments assessed the site to determine if a hazard existed and recommended a solution; namely, a no parking zone on Oneida Street near the northern entrance to the Garden Homes Mobile Home Park, opposite Mallory Road.

Councilman Payne noted that some Concerned Citizens had met with some Oneida Street residents and there was some confusion as to where the no parking zone would be established – between the two driveways to the Mobile Home Park or down to Kellogg Road, neither of which were accurate.

Sherry Dutcher, Resident Manager of the Garden Homes mobile home community, stated there is a real problem exiting the northern-most driveway of the mobile home park, particularly near the mailboxes and across from Mallory and that one house in particular has parallel parking – then add the garbage pails and snow banks. She said the proposed no parking legislation “..would satisfy our concerns”. Ms. Dutcher said she has a list of signatures if anyone wants it; the Town Clerk said she did..

Also speaking in favor of the no parking zone was Helen Fountain who said the situation was “..very dangerous, very hazardous”.

Lt. O’Neill explained that, traveling south on Oneida Street, the “No Parking at All Times” sign would be to the northern entrance of the driveway, right there at the edge of the driveway.

Edmund Wiatr, Jr. questioned the street address of the power pole involved. It was confirmed 3871 Oneida Street. .

There being no one further to speak in the matter, Councilman Payne moved and Councilman Reynolds seconded that the Public Hearing be closed at 6:12 P.M.

Adoption – Local Law No. Three of 2008

Councilman Payne moved that Local Law Introductory “D” of 2008 be adopted as Local Law No. Three of 2008 in the following format; seconded by Councilman Reynolds:

Town of New Hartford, New York
Local Law No. Three of 2008

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A Local Law to amend the Code of the Town of New Hartford, **Chapter 113** thereof entitled **VEHICLES AND TRAFFIC**, by adding a portion of Oneida Street to Section 113-45. Schedule XI: Parking Prohibited at All Times.

BE IT ENACTED by the Town Board of the Town of New Hartford as follows:

SECTION 1. Chapter 113 of the Code of the Town of New Hartford, Section 113-45, is hereby amended to include the following:

Section 113-45. Schedule XI: Parking Prohibited at ALL Times

<u>NAME OF STREET</u>	<u>SIDE</u>	<u>LOCATION</u>
Oneida Street	West	From power pole labeled NM 895, LI 18, and NYT 104, in front of 3871 Oneida Street to the corner of the northerly edge of the entrance driveway into Garden Homes Mobile Home Park; sign to read NO PARKING FROM HERE TO CORNER

SECTION 2. All other provisions of Chapter 113 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

SECTION 3. This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State.

A roll call vote was held as follows:

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

Thereafter, Local Law Introductory "D" of 2008 was declared unanimously carried and duly **ADOPTED** as Local Law No. Three of 2008.

PRESENTATIONS (RESIDENT COMMENTS)

Stormwater

Douglas Long, who lives on Oneida Street downstream from the Chestnut Hills development and had been before the Town Board a month ago, was present to follow up

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on the status of his stormwater problem in light of the pending retirement of the Highway Superintendent. Highway Superintendent Cleveland stated he had talked with Mr. Long before this meeting and he will try by the end of this week to contact the County to get this back on track; the Highway Superintendent will copy the Town Board on this.

Update on Town Offices – Special Town Board meeting

N. Joseph Yagey stated that about a year ago the Town Board asked him to gather a committee and assess the space problems in Town offices; the space problem has been an issue for at least 10, maybe 15 years. The driving need for additional Town Court space became evident last year during their State inspection. The Committee, consisting of Planning Board Chairman Hans G. Arnold, Town Police Chief Raymond L. Philo, Councilman David Reynolds and Mr. Yagey, is just about complete with their study, having looked at maybe 20 different alternatives, buildings, every possible alternative. One site has been selected and the Committee would like to make a presentation at a special Town Board meeting. A few items need to be answered and it's expected the answers will be available by the special meeting date. Informational meetings within the community have been scheduled with Rotary, Kiwanis, Chamber of Commerce and a couple others. The civic clubs said even if residents are not members, they would be welcome to attend these meetings.

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

(RESOLUTION NO. 206 OF 2008)

RESOLVED that the New Hartford Town Board does hereby schedule a Special Town Board Meeting for Wednesday, October 8, 2008 at 6:00 P.M. in the Community Meeting Room, Butler Memorial Hall, 48 Genesee Street, New Hartford, New York for the purpose of receiving a presentation on Town Office(s) space problems, recommendations and possible action related thereto.

The foregoing Resolution was duly put to vote upon roll call, which 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**.

REPORTS OF TOWN OFFICIALS

AGING (DIRECTOR OF SENIOR SERVICES):

Fiscal – 2008 Budget Revisions

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

(RESOLUTION NO. 207 OF 2008)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Bookkeeper to make the following 2008 Budget adjustments with regard to the Senior Services Account:

- Increase Appropriation Account A6772.4 - \$750.00
- Increase Revenue Account A2771.4 - \$700.00
- Increase Revenue Account A2705.1 - \$ 50.00,

and that said revenue be placed in a reserve account to be used for payment of the updated Senior Services Book.

A roll call vote ensued 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***.

Donation & 2008 Budget Revision

Upon recommendation of the Director of Senior Services, the following Resolution was introduced for adoption by Councilman Reynolds and seconded by Councilman Payne:

(RESOLUTION NO. 208 OF 2008)

WHEREAS, on November 4, 1998 the New Hartford Town Board had established a “gift”/“donation” policy pursuant to Section 64(8) of the Town Law;

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NOW, THEREFORE, BE IT RESOLVED that said Town Board does hereby accept the following monetary donations for the purposes indicated:

- \$2,443.00 from *SENIOR SPIRIT*, toward purchase/installation of carpet
 - \$ 475.00 from *Fidelis Care NY*, toward May Volunteer Recognition Program
 - \$ 55.85 from *SENIOR SPIRIT*, to defray senior 100th Birthday Party expense
- \$2,973.85 TOTAL

and be it

FURTHER RESOLVED that the Town Board does hereby authorize and direct the Bookkeeper to make the following 2008 Budget revisions:

- Increase Appropriation Account A6772.4 - \$2,973.85
- Increase Donation Account A2705.1 - \$2,973.85.

The Town Supervisor polled the Board members who voted as follows:

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

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

CODES ENFORCEMENT OFFICER:

Appointment – Permanent Civil Service/Assistant Codes Enforcement Officer

Codes Enforcement Officer Joseph Booth presented the following Resolution that was introduced for adoption by Councilman Payne and seconded by Councilman Reynolds:

(RESOLUTION NO. 209 OF 2008)

WHEREAS, Thomas Rowlands had been appointed on September 12, 2007 as a provisional Assistant Codes Enforcement Officer with the following conditions:

- He pass the New York State Civil Service Examination for Codes Enforcement Officer, placing in the top three (3) on the list of persons who would accept the position

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- He achieve certification as Codes Enforcement Officer by the State of New York, which is understood may involve a year's time

WHEREAS, Mr. Rowlands has met both conditions;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby appoint Thomas P. Rowlands as Assistant Codes Enforcement Officer (permanent Civil Service status) effective Monday, September 15, 2008.

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 declared unanimously carried and duly **ADOPTED**.

Salary – Codes Enforcement Officer Thomas P. Rowlands

Thereafter, Councilman Payne moved the following Resolution for adoption; seconded by Councilwoman Krupa:

(RESOLUTION NO. 210 OF 2008)

RESOLVED that the New Hartford Town Board does hereby establish the salary of Codes Enforcement Officer Thomas P. Rowlands at Thirty-five Thousand Dollars (\$35,000), effective Monday, September 15, 2008; payable bi-weekly.

The Resolution was voted upon by roll call as follows:

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

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

Irvin Ave mobile home park - Status

The out-of-state owner has evicted some residents and the NYS Department of Environmental Conservation was contacted about a deliberate oil spill. The owner is

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interested in removing all mobile homes and creating a 5 or 6-lot subdivision; land surveyor LaBella is performing a survey.

PARKS AND RECREATION DIRECTOR:

Donation of Two (2) Scoreboards and Speakers

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

(RESOLUTION NO. 211 OF 2008)

WHEREAS, on November 4, 1998 the New Hartford Town Board had established a “gift”/“donation” policy pursuant to Section 64(8) of the Town Law;

NOW, THEREFORE, BE IT RESOLVED that said Town Board does hereby accept the donation of one (1) Eversan Indoor Hockey scoreboard with Penalty and Shots on Goal, one (1) Eversan Indoor Hockey Scoreboard with Penalty Times, and speakers for the Recreation Center per a Shipping Document from Eversan, Inc. totaling Nine Thousand Five Hundred Two Dollars and Fifty Cents (\$9,502.50), said equipment having been donated by the New Hartford Youth Hockey Organization.

The Town Supervisor polled the Board members who 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**.

Appointments – Seasonal Employees

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

(RESOLUTION NO. 212 OF 2008)

RESOLVED that the New Hartford Town Board does hereby appoint the following individuals as seasonal Ice Attendants for the Parks and Recreation Department commencing September 30, 2008 for the 2008-09 Ice Hockey Season, at an hourly wage of Seven Dollars and Thirty-five Cents (\$7.35), to be paid bi-weekly:

- Chris Luker
- Haley Butler
- Ryan Gros
- Marisa Matt
- Sara Ahrendtsen
- Michael Zalewski
- Briana Pristera
- Andrew Crumrine.

The foregoing Resolution was duly put to vote upon roll call, which 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***.

Campion Road Soccer Fields – Lack of Bathroom Facilities

Councilman Payne discussed the lack of bathroom facilities at the Campion Road soccer fields adjacent to the Sanger Public Works Garage. Parks and Recreation Director Michael Jeffery reviewed prior options that did not work out. Councilman Payne asked that Director Jeffery bring this to the Parks and Recreation Advisory Committee for discussion.

HIGHWAY SUPERINTENDENT:

Competitive Bid Award – Brantwood Road Culvert Lining and Outlet Modifications

On August 15, 2008 the following bids were received for the referenced project:

<u>Name</u>	<u>Base Bid</u>	<u>Allowance</u>	<u>Total Bid</u>
• Central New York Construction, Inc.	\$ 76,515.00	\$ 5,000.00	\$ 81,515.00
• Murphy Excavating	\$124,392.00	\$ 5,000.00	\$129,392.00
• D. H. Smith Co.	\$ 97,264.06	\$ 5,000.00	\$102,264.06
• Shamrock Sewer Service	\$ 79,985.00	\$ 5,000.00	\$ 84,985.00

Upon recommendation of the Stormwater Management Improvement (Advisory) Committee on September 9, 2008, the following Resolution was introduced for adoption by Councilman Payne and duly seconded by Councilwoman Krupa:

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(RESOLUTION NO. 213 OF 2008)

RESOLVED that the New Hartford Town Board does hereby accept the low bid of Eighty-one Thousand Five Hundred Fifteen Dollars (\$81,515.00) submitted by Central New York Construction, Inc. and does hereby award the contract to said low bidder for the Brantwood Road Culvert Lining and Outlet Modification project.

Highway Superintendent Cleveland stated that the Town has access to the land through adjoining property owners and that opportunity will go away very soon. The foregoing Resolution was duly put to vote upon roll call, which 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**.

Stormwater Management Improvement (Advisory) Committee Meetings

- August 20, 2008 – discussed progress with consultant on Beechwood-Woodberry and Tilden Avenue projects; also update on southern reservoir and pursuing issues utilizing abandoned reservoirs at reservoir site. Utica officials have concerns – discharge goes through part of East Utica. Looking at alternative basins on the Mohawk Valley Water Authority site, which might be less expensive. Will keep the Town Board apprised.
- September 3, 2008 - talked to counsel regarding a Notice of Claim. From that meeting the Highway Superintendent asked the Stormwater Advisory Committee whether they wanted their working sessions open to the public. Some people have attended the meetings in the past and weren't asked to leave. The Stormwater Committee agreed to have their meetings (working sessions) open to the public and that this consensus be brought to the attention of the Town Board. [NOTE: (8/8/07 Town Board Minutes) Advisory Committee Meetings – Exemption from Open Meetings Law. According to the New York State Association of Towns, because advisory committees merely advise the Town Board and do not take any action and/or make any binding decisions, the advisory committees are not subject to the Open Meetings Law; i.e., public notice and posting of their meetings are not required, nor public attendance.]

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Stormwater Management Improvement (Advisory) Committee Meetings – Reversal of Closed Meetings:

Thereafter, Councilman Reynolds introduced the following Resolution, which was duly seconded by Councilman Woodland:

(RESOLUTION NO. 214 OF 2008)

WHEREAS, on September 12, 2007 the motion of Councilman Waszkiewicz, seconded by Councilman Woodland, that the advisory committee meetings – specifically, the Stormwater Management Advisory Committee meetings – be open to the public, had been defeated by a vote to 3 – 2; and

WHEREAS, the Stormwater Management Committee on September 9, 2008 agreed to open their meetings (working sessions) to the public;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby unanimously agree that the meetings, including working sessions, of the Stormwater Management Improvement (Advisory) Committee, be open to the public from this date forward.

Upon roll call, the Town Board members 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**.

- September 9, 2008 – Recommended approval of the Brantwood Road project. Getting close to bid on the Oxford-Kellogg-Tibbitts Road project; back to a two (2)-basin scheme; developer trying to do this at lowest possible cost. Talked about the Woodberry-Beechwood Road project – moving forward with conveyance structure across Oxford Road. Must look at Beechwood, primarily below 43 Beechwood where water overflows into backyards and down to Oxford Road; consultant will look into this further. The Tilden Ave issue with Mr. Cragnolin has been rescheduled. Submitted a draft bond resolution chart; will be revised at the next meeting. Liz DeGironimo is working on mapping and will meet with staff next week at 12 Noon. Suggesting a secretary to get things on the website, etc. and also a liaison between the Advisory Committee and the Town Board.

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Joseph Bolton questioned if efforts had been made to survey the area around Root Street, which ties into the system but isn't on a map. Highway Superintendent Cleveland responded that Oneida County Soil & Water Agency is working on an inventory of storm systems in the Town.

Attorney for the Town, Gerald Green inquired whether a prioritized list of stormwater projects would be published; Highway Superintendent Cleveland said the list would go out with the minutes of the Stormwater group.

Mechanic Retirement – Advertise Vacancy

Upon recommendation of the Highway Superintendent, the following Resolution was introduced for adoption by Councilman Payne and duly seconded by Councilman Woodland:

(RESOLUTION NO. 215 OF 2008)

WHEREAS, Jack Webb has retired from his position as a Mechanic in the Highway Department effective Saturday, September 6, 2008;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize the posting/advertising of the vacancy in a Mechanic position.

Whereupon, the Town Board members 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**.

Authorization to Purchase Plow Wings

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

(RESOLUTION NO. 216 OF 2008)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Highway Superintendent to purchase two (2) plow wings at a total cost of Four Thousand Three Hundred Sixty-eight Dollars (\$4,368) from the Highway Machinery Account.

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Councilman Reynolds inquired about the “old” wings; the Highway Superintendent explained they are quite rusty but haven’t been declared as surplus yet. Thereafter, 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.

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

Cedarbrook Project - Roads

The Sitrin Healthcare facility has approached the Town about dedicating the Cedarbrook project roads as public roads; final decision rests with the Town Board. The roads must be 60 feet wide and be constructed according to Town specifications. There is approximately 3400 lineal feet of road in this fully taxable development. No action was taken at this time.

Sewer Extension – (Old) Paris Road

Mr. Hund was present with regard to a petition for sewer service on upper (Old) Paris Road, near NYS Route 12. Over the past several months discussions included whether to stay with standard protocol and create a separate sewer district that only the service area [in this instance, 6-7 homes] would be responsible for the debt service, OR expand the Consolidated Sewer District to include this area into Consolidated Sewer District with the properties in the new service area. This new service area would help to pay for and fund any sewer charges anywhere in the Town. It was noted there are some other small sewer districts that could be included in the Consolidated Sewer District; this would require SEQR review and a public hearing. The matter was deferred until the September 24, 2008 Town Board meeting.

Sedgewick Park Drainage Project

The Highway Superintendent noted that the late Councilman Waszkiewicz had three (3) stormwater projects approved, two (2) of which had been completed. With regard to the remaining project, the property owners have now agreed to a solution and Superintendent Cleveland asked that the Town Board honor the late Councilman’s commitment and get the work done. The Highway Superintendent will obtain a cost estimate; some of the work may be done in-house.

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TOWN CLERK:

Appointments (Civil Service) – Real Property Tax Service Aides

In behalf of the Assessor who had another commitment, the Town Clerk presented the following Resolution that was introduced for adoption by Councilman Payne and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 217 OF 2008)

WHEREAS, Teresa M. Brown had been appointed on October 24, 2007 as a provisional Real Property Tax Service Aide *contingent upon her passing the NYS Civil Service examination for said position and being reachable on the Civil Service list*; and

WHEREAS, Margaret M. Jones had been provisionally appointed on December 10, 2007 to fill the second position of Real Property Tax Service Aide *subject to passing the NYS Civil Service examination for said position and being reachable on the Civil Service list*; and

WHEREAS, both Teresa M. Brown and Margaret M. Jones have met the requirements of their provisional appointments;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby appoint Teresa M. Brown and Margaret M. Jones as Real Property Tax Service Aides (permanent Civil Service), effective Monday, September 15, 2008 at the hourly wage of Fourteen Dollars and Fifteen Cents (\$14.15), payable bi-weekly.

The Resolution was voted upon by roll call as follows:

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

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

Training – Oneida County Association of Towns Quarterly Business Meeting

The Town Clerk presented the following Resolution, which was introduced for adoption by Councilman Reynolds and duly seconded by Councilman Payne:

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(RESOLUTION NO. 218 OF 2008)

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 any Department Head to attend the Oneida County Association of Towns Meeting on Tuesday, September 16, 2008 in Boonville, New York, with expenses to be borne by said Town as budgeted.

Upon roll call, the Board voted as follows:

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

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

Training – Planning Board

In behalf of the Planning Board, the Town Clerk presented the following Resolution that was introduced for adoption by Councilman Payne and duly seconded by Councilwoman Krupa:

(RESOLUTION NO. 219 OF 2008)

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 Planning Board Members Jerome F. Donovan and Rodger Reynolds to attend the HOCCPP Land Use Training Conference on Saturday, September 27, 2008 at M.V.C.C., Utica, New York, with expenses to be borne by said Town as budgeted.

The Resolution was voted upon by roll call as follows:

Councilwoman Krupa	-	Aye
Councilman Reynolds	-	Aye

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

The Resolution was 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. 220 OF 2008)

RESOLVED that the New Hartford Town Board does hereby grant permission to the American Red Cross of the Mohawk Valley, 1415 Genesee Street, Utica, New York, an organization duly granted a Games of Chance Identification Number by the New York State Racing and Wagering Board, to sell raffle tickets throughout the Town of 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:

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

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

REPORTS OF STANDING COMMITTEES

Public Works Committee

In light of the Highway Superintendent's intent to retire at the end of October 2008, Councilman Payne introduced the following Resolution for adoption; seconded by Councilman Reynolds:

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(RESOLUTION NO. 221 OF 2008)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize the advertisement of the soon-to-be vacant Highway Superintendent position, together with a job description.

The Town Board then voted upon 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**.

REPORTS OF SPECIAL COMMITTEES

Board of Assessment Review – Position Opening

Supervisor Reed acknowledged the letter from Catherine Lawrence who stated that she is not interested in re-appointment as a Member of the Board of Assessment Review when her term ends on September 30, 2008.

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

(RESOLUTION NO. 222 OF 2008)

RESOLVED that the New Hartford Town Board does hereby authorize the advertisement of a vacancy as a Member of the Board of Assessment Review; said vacancy being effective October 1, 2008.

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**.

MATTERS SUBMITTED BY TOWN ATTORNEY

Preswick Glen Certiorari – Status

Special Counsel Daniel Vincelette has filed a Notice of Motion; there is a tentative court date on October 28, 2008 at 9:00 or 10:00 A.M. before Judge Hester who may hear oral argument, take under advisement, have staff perform research and then render a decision. Attorney Green then provided copies of the Notice of Motion and related documents to the Town Clerk. Councilman Payne introduced the following Resolution for adoption, seconded by Councilwoman Krupa:

(RESOLUTION NO. 223 OF 2008)

RESOLVED that the New Hartford Town Board does hereby authorize the Town Clerk to forward an e-mail to Assessor Smith directing that he gather Preswick Glen-related information on file in the Assessor’s Office and transmit same to the Town’s Webmaster for posting on the Town’s Website and that the Town Clerk forward the Notice of Motion, Memorandum of Law and Affidavit in Support of Motion for Summary Judgment received by her at the September 10, 2008 Town Board meeting to the Webmaster for posting.

A roll call vote ensued:

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**.

PILOT Agreement – New Hartford Business Park

Upon recommendation of Attorney Green, the following Resolution was introduced for adoption by Councilman Payne and seconded by Councilwoman Krupa:

(RESOLUTION NO. 224 OF 2008)

WHEREAS, Attorney for the Town Gerald J. Green has obtained copies of the Payment-In-Lieu-Of Tax-Agreement (PILOT) between Hartford Fire Insurance Company (“Hartford”), Ryan Companies US, Inc. (“Ryan”), and Oneida County Industrial Development Agency (the “Agency”), together with a Prime Lease Agreement, a Leaseback Agreement and a Guaranty, Job Creation, Job Retention and Recapture Agreement;

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NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize the Town Clerk to forward said PILOT Agreement and related documents to the Town's Webmaster for posting on the Town's Website.

Upon roll call, the Town Board members 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**.

Request for Executive Session

- Proposed/potential litigation
- Particular employee/financial

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL:

Audit of bills

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

(RESOLUTION NO. 225 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. 23	
Vouchers AA1251-AA1264; AA1325	\$ 18,406.94
General Fund Whole-Town Abstract No. 24	
Vouchers AA1264-AA1272	
Vouchers AA1274-AA1324	
Vouchers AA1328-AA1339	
Vouchers AA1350-AA1353	\$117,213.44
General Fund Whole-Town Abstract No. 24A (Police)	
Vouchers AA1326-AA1327	\$ 917.07

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General Fund Whole-Town Abstract No. 25A (Police)	
Vouchers AA1340-AA1349	\$ 49,963.17
General Fund Part-Town Abstract No. 21	
Vouchers BB127-BB132	\$ 5,504.81
Highway Fund Part-Town Abstract No.19	
Voucher DB357-DB409	\$ 75,060.48
Sewer Fund Abstract No. 21	
Voucher SS85	\$ 2,113.68
Sewer Fund Abstract No. 22	
Vouchers SS86-90	\$ 9,590.52
Stormwater Capital Fund Abstract No. 6	
Vouchers HU11	\$ 180.00
Parks Equipment/Capital Improvement Abstract No. 4	
Voucher H94	\$ 4,000.00
GEIS Plan/Capital Abstract No. 5	
Voucher HX5	\$ <u>3,010.00</u>
	TOTAL: \$285,960.11

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***.

Seasonal Closing – Kellogg Road Community Center Building

The matter of closing the Kellogg Road Community Center Building for the winter months was deferred until the Town Clerk confirms with the Oneida County Board of Elections that they have an alternate site for polling purposes.

FOIL Appeal

The Town Supervisor had received a communication dated September 8, 2008 from Catherine Lawrence who was appealing the denial of access to the following documents:

- Signed “Agreement Allocating P.I.L.O.T Payments” by and between the Town of New Hartford (Town), County of Oneida (County), New Hartford Central School District (School District), and the Oneida County Industrial Development Agency (IDA), as referenced in Bond Resolution No. 106 adopted in 2008

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- Signed and dated copy of the “Tax Increment Financing Agreement (TIF)” between the Town of New Hartford, New Hartford Central School, the County, and Oneida County Industrial Development (OCIDA)
- ANY signed and dated agreement between ANY or ALL of the following: the Town of New Hartford, the New Hartford Central School District, Oneida County and the Oneida County Industrial Development Agency (OCIDA) regarding the New Hartford Business Park and/or The Hartford and/or Ryan Companies, and/or The Hampton Inn, and/or Dr. Costello.

Town Board Action

- Signed “Agreement Allocating P.I.L.O.T Payments” described above; none exists. The Town does not have such an Agreement. However, Attorney for the Town Gerald J. Green was able to obtain a copy of a duly executed Payment-In-Lieu-Of Tax-Agreement (PILOT) between Hartford Fire Insurance Company (“Hartford”), Ryan Companies US, Inc. (“Ryan”), and Oneida County Industrial Development Agency (the “Agency”), a copy of which he forwarded to the Town Clerk today (September 10, 2008), together with a duly executed Prime Lease Agreement, a Leaseback Agreement and a duly executed Guaranty, Job Creation, Job Retention and Recapture Agreement. Mrs. Lawrence can now obtain copies from the Town Clerk’s Office.
- Signed and dated copy of the “Tax Increment Financing Agreement (TIF)” None exists. The Town Supervisor will certify that no such document exists at this time.
- ANY signed and dated agreement between ANY or ALL of the following: the Town of New Hartford, the New Hartford Central School District, Oneida County and the Oneida County Industrial Development Agency (OCIDA) regarding the New Hartford Business Park and/or The Hartford and/or Ryan Companies, and/or The Hampton Inn, and/or Dr. Costello. None exists. The Town Supervisor will certify that no such document exists at this time.

EXECUTIVE SESSION

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

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(RESOLUTION NO. 226 OF 2008)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss proposed/pending litigation involving the Humphrey Airport/Landing Area and the financial history of two (2) particular employees.

A roll call vote ensued:

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**. All persons present, including the news media, were then excused from the meeting at 7:08 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 Reynolds then offered the following Resolution for adoption and Councilman Payne seconded same:

(RESOLUTION NO. 227 OF 2008)

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:

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

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 7:37 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public invited to return to the meeting.

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Public Hearing Scheduled – Private (Airport) Landing Strip

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

(RESOLUTION NO. 228 OF 2008)

RESOLVED that the Town Board of the Town of New Hartford does hereby schedule a Public Hearing for Wednesday, November 19, 2008 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, New York, to consider the request of Ralph B. Humphreys to operate a private (airport) landing strip in accordance with Section 249 of the NYS General Business Law; and be it

FURTHER RESOLVED that Attorney Green be directed to e-mail the Zoning Board of Appeals and the Town Planning Board for their comment on the matter prior to the public hearing date.

Attorney Green stated he would contact Murray Kirshtein, attorney for Mr. Humphreys. Thereafter, 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.

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

ADJOURNMENT

There being no further business to come before the Board, upon motion duly made and seconded, the meeting was adjourned at 7:38 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk