

**SPECIAL MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT NEW YORK MILLS UNION FREE SCHOOL,
1 MARAUDER BOULEVARD, NEW YORK MILLS ON
WEDNESDAY, DECEMBER 3, 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: Director of Senior Services M. Eileen Spellman
Parks & Recreation Director Michael W. Jeffery
Planner Kurt L. Schwenzfeier
Police Chief Raymond L. Philo
Senior Engineering Technician John J. Meagher
Supervising Public Safety Telecommunicator
Jeffrey P. Madden
Town Clerk Gail Wolanin Young
Town Justice William M. Virkler

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

PRESENTATIONS

Building Committee Recommendation – Administrative Offices

N. Joseph Yagey, Chairman of the Building Committee that was formed about a year ago, stated that the Committee's recommendations related to a project that numerous administrations had undertaken over 15 to 20 years, or more. He cited the experience and background of Committee members Hans Arnold [Commissioner – County Solid Waste agency and Planning Board Chairman], Police Chief Raymond Philo, Councilman David Reynolds, and the support committee of Attorney Peter Rayhill, Financial Advisor Frank Basile and Architect Andrew Alesia.

Town Justice Virkler has seen Court activity increase and various changes in statute since he took office in 2000. Of the nearly 1300 courts in New York State, New Hartford Town Court is in the top 11% in revenue collected. In 2001, \$246,000 was collected; since that time, revenue has increased 72%. A huge increase was seen in 2005 when Consumer Square opened and the Town became home to more cars, people and criminal activity. About 20 years ago the small, crowded Court offices were moved from Butler

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Memorial Hall to its present site on Kellogg Road, an old renovated Highway Garage. The Town and Village then consolidated offices to share services. For 20 years it's worked okay; however, there have been changes in law over the past 9 years, new state laws like DNA – crimes that require DNA dropped down to local courts, requiring office space to handle these; automatic arrests especially in domestic violence cases – generates more activity – attitude of the DA and attention to the victim; the victim's opinion is needed; attitude of judges with regard to diversion – anger management, drug problems and the decisions of the DA and Court that require more appearances. Sex offenders – the NYS Legislature enactment of mandatory registration of sex offenders, which didn't exist in 2001, 2003 or 2005. Court staff consists of 2 Justices, 3 Clerks, 1 Assistant District Attorney, representative from the Probation Department, 2 Public Defenders and 1 bailiff. Several slides were shown, which are attached hereto as Schedule "A".

Raymond Philo, Police Chief for 16 years and with the Department when it consolidated in the early 1980's, had his office moved from Butler Memorial Hall to the present Kellogg Road location, an old Highway Garage used for storage from 1977 to 1988. At that time, it was a viable option for police and courts. The Police Department encounters many types of people...such as today's article in the Observer Dispatch of a robbery with the suspect on parole ... a manslaughter case earlier this year when the person gave himself up at the Police station with blood on his jacket, for a murder committed in the Town of Kirkland. Chief Philo explained some slides, which are attached hereto as Schedule "A". The Police Department operates about 5 separate computer systems in the building, some of which are connected to Albany, NY and Washington, D.C. He stated that he has a primary responsibility to provide safety to employees and the public. He invited anyone to visit Court when it was in session, stating upwards of 100 people could be crowded into the building at one time – a daunting experience to try to keep up security under these conditions.

Hans Arnold, who over 30 years has seen a great deal of change and building in New Hartford first as an employee of the Oneida County Planning Department, helping to rewrite the Town's comprehensive plan and then serving on the Town Planning Board, has witnessed the construction of Sangertown Square Mall in the late 1970's-early 1980's, a number of developments in the 1980's and now The Orchards and the Business Park and the Town will continue to see new residential growth. He believes the Town will continue to be the commercial hub for the area and growth. Town staff meets with various agencies and staff...we've grown tremendously and are shoehorned into two small buildings. Prior Town Boards have looked at this space problem and at least 20 different locations have been considered. Addressing the Town Board and public, he referred anyone interested in the space allocation for each department to contact the Town Planner, who then presented the final slides, attached hereto as Schedule "A".

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N. Joseph Yagey then presented the Building Committee's recommendation that the Town Board purchase real property at 19 Campion Road. The existing building is a shell and the owner has agreed to construct the interior according to the Town's floor plans, which were available for inspection. This would be a less expensive avenue rather than the Town proceeding through competitive bid. The total cost of the acquisition would be \$1.7 million; \$1.5 million for the building and build-out and \$200,000 for moving, architectural and legal costs, etc. A referendum would be scheduled, with all 17 polling locations open and absentee ballots available.

Frank Basile - the \$1.7 million acquisition cost would be bonded, dependant upon the referendum passing. He offered two (2) bonding options:

- Issuing the bond over 15 years, which would increase the tax rate \$.129 per \$1,000 assessed value [Ex: an increase of \$12.90 on a home assessed for \$100,000], or
- Issuing the bond over 20 years thereby increasing the tax rate \$.11 per \$1,000 assessed value.

He cited the Town's favorable bond rating of A2, or better, from Moody's and Standard & Poors and the Town being in compliance with GASB 34 and 45, all of which is attractive to investors.

The public was then invited to comment on this proposal:

Frank Montecalvo – said he receives all his services from the Village of New York Mills, not the Town of New Hartford and that there's a duplication of services paid for such as the Highway Department, Village Clerk and Town Clerk. While he understands the need for facilities, he was concerned about the shift of economic activities from Utica to New Hartford and the abandoned facilities in Utica. He noted that New Hartford's population is not increasing and that regionally we've lost quite a bit. He asked that the Town Board step back and find a regional solution, for the courts for example.....cost and time sharing with other towns.

William Keiser – thought Chief Philo and Justice Virkler were extremely kind on their remarks on the current facility. People should go in and visit the Courts in action deplorable, unsafe, not good conditions. Safety, parking, efficiency of operation are compromised. Existing court and police offices are not good; need a good logical layout, including safety throughout the Town. However, Mr. Keiser believes this proposal is a "band-aid" approach. If you have to spend \$5 million and the police and courts get what they need, then do it. But the Building Committee's recommendation would create traffic problem in the Village of New Hartford. He was not in favor of breaking the police and court operations apart. He said the Town owns about 8 – 10 buildings and

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now 19 Campion Road would be another. He suggested that the Town build a separate building for police and courts at the Sanger Public Works Garage property. He doesn't believe in co-mingling of other administrative offices with the courts.

Ron Stewart – owns a business on Genesee Street in the Village of New Hartford. Said the Town has an opportunity to time-share buildings and he suggested the Town look for a district court house perhaps on Woods Highway to share between the Towns of Kirkland and New Hartford. He believed the proposal recommended was a “Band-aid” approach and doesn't believe there is adequate parking. In response to a question from Mr. Stewart, Mr. Yagey said an independent appraisal had been done for the building. The acquisition cost would be \$1.5 for the building and the build out, exclusive of moving and incidental costs.

Ralph Humphreys – thanked the Town Board for wanting to schedule a referendum. He noted there have been many problems at the Sanger Public Works Garage before the police and courts started expanding. Taking administrative offices from the Sanger Public Works Garage and putting them in a building with the courts doesn't make sense – there is no relationship. He believed the cost for 19 Campion Road would be more than \$1.7 million because it doesn't take into consideration money to then renovate the Police Department on Kellogg Road.

Ed Wiatr – said he was appointed to a committee under former Supervisor Humphreys' regime to investigate where the buildings should be and the recommendation was to build an addition to the Sanger Public Works Garage, but he said the Police objected to the location for various reasons. Mr. Wiatr said we're in a recession and he took issue with Frank Basile's comments on bonding. He said a \$1.5 bond issue for a police building was voted down in 2006; he asked the Town to save money and take the time to think wisely.

John Longoretta – was Town Attorney for 15 years and is well aware of goings on.... have practiced law for more than 40 years and the situation the Police and Courts work under is deplorable and the Court is the worst he's been in anywhere. He inquired whether the Town Board had analyzed costs for a second story on the Kellogg Road Police Department, or an addition to the Sanger Public Works Garage. He agreed that consolidation would be good but that an immediate solution is needed. Councilman Reynolds responded that in the past a figure of \$3 million had been computed for an addition, but that cost today might be near \$5 million.

Steven Moran – owns a couple properties in the Village of New Hartford. He is in favor of building on Town property but he is not in favor of this proposal in the Village of New Hartford, or in favor of taking this type of property off the assessment rolls. Doesn't want criminal activity with the Courts brought into the village. Parking is not adequate

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for existing employees and operating Court at the same time. Would parking meet the codes? What would be the annual maintenance of the building?

William Keiser and *Ron Stewart* suggested that the matter be tabled.

Attorney Peter Rayhill then read a proposed resolution for the Town Board's consideration:

(PROPOSED RESOLUTION)

WHEREAS, the Town of New Hartford has experienced significant growth in the last thirty years, including significant growth of the commercial sector; and

WHEREAS, this growth has placed increasing and overwhelming demands on the Town's public space; and

WHEREAS, as a result of this growth and the corresponding demands on public space, the Town's police station, court facility and professional office space are now inadequate to serve the Town's populace; and

WHEREAS, Town officials have identified, investigated and considered numerous alternatives and options to resolve the demands on public space over the past thirteen years; and

WHEREAS, the Town Board, in consultation with the Town's engineering department, the Police Department, the Town Justices, the administrative offices of the Presiding Judge of the Fifth Judicial District of the New York Court System, and the Town's architects, has developed a plan for a "build out" of the interior of 19 Campion Road to efficiently and effectively meet the diverse needs of the various Town offices and departments; and

WHEREAS, 19 Campion Road, as conceived, provides a long term, cost effective solution to a significant problem facing the town, as well as providing a convenient location for Town residents; and

WHEREAS, the Town Board has found that purchasing and remodeling 19 Campion Road would constitute an unlisted action under SEQRA; and

WHEREAS, the Town Board finds 19 Campion Road as currently constructed with the planned "build out" proposed will have no significant negative impacts, now, therefore, be it

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RESOLVED, that the Town of New Hartford will enter into an agreement to purchase the building located at 19 Campion Road, Village of New Hartford from JMLV, LLC pursuant to a contract between the Town and JMLV, LLC. The total cost of the building, including all “build out” (remodeling), is \$1,500,000. The Town will authorize an additional cost of up to \$200,000 to cover necessary attendant costs to complete the transaction and open and operate the building including, but not limited to, appropriate professional assistance to the Town necessary for the completion of the design of the build out, the acquisition of the building and supervision of the remodeling, as well as signage and furniture, and be it

FURTHER RESOLVED, that the “build out” will be completed in accordance with architectural and engineering drawings conceived and approved by the Town Board in conjunction with the architectural firm Alesia and Crewell which have been provided to JMLV, LLC and which form the basis for the price of the build out, and be it

FURTHER RESOLVED, that the acquisition of 19 Campion Road with the build out shall be financed by the issuance of General Obligation Bonds by the Town and such acquisition shall be expressly conditioned upon the approval of the acquisition and financing by the residents of the Town pursuant to a public referendum on the question, and be it

FURTHER RESOLVED, that the Town Board, in accordance with the provisions and requirements of New York Town Law shall initiate the calling of a public referendum on the purchasing and financing of the acquisition of 19 Campion Road with build out.

Thereafter, Councilman Reynolds moved the adoption of the following Resolution; seconded by Councilwoman Krupa:

(RESOLUTION NO. 295 OF 2008)

RESOLVED that the New Hartford Town Board does hereby table the adoption of a Resolution pertaining to the acquisition of 19 Campion Road with the build out to be financed by the issuance of General Obligation Bonds, subject to referendum.

Upon roll call, the Board members voted as follows:

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

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The Resolution was declared unanimously carried and duly adopted.

The Town Board recessed at 8:14 P.M. and reconvened at 8:20 P.M.

EXECUTIVE SESSION

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

(RESOLUTION NO. 296 OF 2008)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss an on-going Police Department investigation.

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 8:21 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 Councilwoman Krupa seconded same:

(RESOLUTION NO. 297 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.

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The Supervisor declared the Resolution unanimously carried and duly ***ADOPTED***; the Executive Session ended at 8:29 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public was invited to re-join the meeting.

ADJOURNMENT

There being no further business to come before the Board, upon motion of Councilman Woodland, seconded by Councilman Payne, the meeting was adjourned at 8:32 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk

See Next Page for Schedule "A" – Slide Presentation

