

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT BUTLER MEMORIAL HALL ON
WEDNESDAY, FEBRUARY 25, 2009 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 David M. Reynolds
Councilman Richard B. Woodland, Jr.
Supervisor Earle C. Reed

ABSENT: Councilman Robert A Payne, III
Councilman Christine G. Krupa

OTHER TOWN OFFICIALS: Codes Enforcement Officer Joseph A. Booth
Director of Senior Services M. Eileen Spellman
Highway Superintendent Richard C. Sherman
Senior Engineering Technician John Meagher
Town Clerk Gail Wolanin Young
Town Planner Kurt L. Schwenzfeier

Thereafter, a quorum was declared present for the transaction of business. Due to out-of-town business, Councilman Payne and Councilwoman Krupa were unable to attend this meeting.

PRESENTATION(S)

Donation - Sauquoit Creek Basin Inter-municipal Commission

Former Highway Superintendent Roger Cleveland and current member of the Sauquoit Creek Basin Inter-municipal Commission read from the Commission Chairman's letter, as follows:

“On behalf of the Sauquoit Creek Basin Inter-municipal Commission, we are pleased to acknowledge the Town of New Hartford's on-going stewardship efforts to this [Sauquoit Creek] natural resource. In the fall of 2007, a condition of severe erosion was identified that put at risk both a principal highway and sanitary sewer infrastructure. The condition also allowed exposed gravel to enter the stream flow and be transported to the lower elevation, incrementally decreasing the carrying capacity of the in-bank stream flow, and incrementally increasing the possibility of flooding.

Working in concert with the Commission and its Article 15 Permit, the Town reconstructed and armored the stream bank, restored the width of the stream to pre-erosion conditions, repaired and protected the sewer infrastructure and in the

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process, provided amenities for fish habitat. All construction equaled or exceeded New York State Department of Environmental Conservation and Army Corps of Engineers specifications and this project site, upstream of Oneida Street and Hand Place, has now become a frequent destination for fishermen and picnickers.

The Town of New Hartford was instrumental in the emergence of this Commission and has contributed to all its activities, including the most recent Rayhill trailhead parking lot project that will be completed this Spring.

In recognition of the Town’s support and involvement in the workings of the Commission and for prosecuting the above referenced repair to the stream, the Commission has unanimously voted to donate the sum of \$50,000 to the Town to help offset a portion of the costs associated with the Oneida Street project.”

Thereafter, the following Resolution was introduced for adoption by Councilman Reynolds and seconded by Councilman Woodland:

(RESOLUTION NO. 33 OF 2009)

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 Fifty Thousand Dollars (\$50,000) from the Sauquoit Creek Basin Inter-municipal Commission, said amount donated in recognition of the Town’s support and involvement in the workings of the Commission and for the Town’s action to reconstruct and armor the Sauquoit Creek stream bank, among other improvements, in the vicinity of Oneida Street and Hand Place.

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

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

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

Hazardous Waste Site – Former SOS (Scully) Septic Service Site

Tom Blackman of Lockheed Martin, Greg Rys of the NYS Health Department and an official from the NYS Department of Environmental Conservation (NYS DEC) were

present to provide an update on the clean-up of the former Scully Septic Service Site in the area of Cascade Drive-Valley View Road. *(NOTE: Lockheed Martin assumed responsibility for the cleanup because the Corporation had acquired the former General Electric Company [GE] French Road plant in the 1990's.)*

Mr. Blackman stated that Lockheed Martin Company had provided brief updates to their mailing list in newsletters to the directly impacted neighbors, informing neighbors and the community of what to expect. They held a community meeting at the New Hartford Public Library in the Spring of 2008 prior to the most recent soil removal. He stated that documents are on file at the Utica Public Library and that some information is also on Lockheed's website as well.

The Scully site cleanup occurred throughout 2008 and will be finished in the first part of 2009. The "old" soil has been replaced with certified new soil.

According to Mr. Blackman, contaminated sediments were buried beneath and near the Sylvan Glen Creek and were to be removed; work began in Spring 2008. About 300 mature trees had been removed to create a haul road and a diversion area to temporarily 'move' the Creek. The Creek was diverted to allow the cleanup area to be dry for soil removal. Following cleanup, the Creek was returned to its original state and about 1100 trees were replanted; reseeded will occur in Spring 2009. The upland area, at the former Scully site, was dug out in the Fall and early Winter. After confirming with NYS DEC that cleanup goals were met, backfilling began in February 2009.

Final steps:

- Site work will be completed following backfilling, planting trees in upland area and reseeded in all areas
- Trailers and all equipment will be removed
- Groundwater monitoring plan will be submitted for NYS DEC approval
- When groundwater is demonstrated to meet NYS DEC standards, the final step is to remove the site from the hazardous waste site list.

Mr. Blackman stated that Lockheed Martin is also working on the "old" GE site, now known as ConMed. The western portion of the site since an Order of Consent was signed with NYS DEC and Martin Marietta [now Lockheed Martin] in 1993; details are available on a Lockheed Martin fact sheet. A public notice will be printed in the local newspaper.

Mr. Blackman confirmed there would be a 2-year monitoring period of the site and will ensure that the approximate 1100 trees will grow. He also confirmed the "old" soil has been removed. Answering Councilman Reynolds' inquiry about what the land could now be used for, Mr. Blackman replied that it could be used to build homes.

PUBLIC HEARING

6:18 PM - Local Law Introductory "B" of 2009

The Town Supervisor opened the Public Hearing at 6:18 P.M. and the Town Clerk had available the Notice of Public Hearing, Affidavit of Posting and Proof of Publication (February 15, 2009 edition of the Observer Dispatch). The purpose of the Hearing is to offer the public an opportunity to speak for or against, or to comment upon Local Law Introductory "B" of 2009 which, if adopted, would amend the Town Code, Section 113 thereof entitled Vehicles and Traffic, by adding additional through and stop streets involving the following intersections:

Sitrin Lane and Higby Road
Woods Park Drive and Hartford Park Drive
Hartford Park Drive and Woods Park Drive
Woods Highway and Hartford Park Drive.

Supervisor Reed inquired if anyone present wished to speak in favor of the referenced legislation; no one having come forth, he asked if anyone present wished to speak against or to comment upon the legislation.

No one having come forth at this time, the Public Hearing was held open in the event anyone appears to speak in the matter.

MINUTES

February 11, 2009 Town Board Meeting

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

(RESOLUTION NO. 34 OF 2009)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the **Regular** Town Board meeting held **February 11, 2009** and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

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

Proposed Annexation – Towns of Kirkland/New Hartford

Ralph Humphreys, former owner of Cherrywood Mobile Home Community, approached the Town Board about the possibility of annexing land in the Town of Kirkland that is to be developed and expand said Mobile Home Community, most of which is in the Town

of New Hartford. Kirkland officials have expressed an interest not to become involved in issuing building permits, certificates of occupancy and the like for this small portion in their Town. Due to certain circumstances, Mr. Humphreys may become the owner of the Mobile Home Community soon. In 2008 a court order had been issued for the Town of New Hartford to issue a building permit for the Kies mobile home in the Town of Kirkland portion of the Mobile Home Community, which is provided sewer service through the Town of New Hartford. Kirkland may be interested in annexing an irregularly-shaped parcel (about 430' deep by 48' frontage) from the Town of New Hartford known as Royal Meadows, formerly the old Giftland Trailer Park. This matter will be referred to the Town Attorney and Councilman Woodland for review and discussion.

REPORTS OF TOWN OFFICIALS

AGING (DIRECTOR OF SENIOR SERVICES):

Transfer of Equipment

Upon recommendation of the Director of Senior Services, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 35 OF 2009)

RESOLVED that the New Hartford Town Board does hereby approve the inventory transfer of one (1) defibrillator (Philips Automated External Agilent, Serial No. 0502062734) from the New Hartford Adult Dining & Activity Center to the Town Police Department, effective February 26, 2009.

A roll call vote was duly held and resulted as follows:

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

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

Donations

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

(RESOLUTION NO. 36 OF 2009)

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 following donations:

- \$495 from the Senior Spirit Club
- \$290 donations in memory of Mary Roberts

and does further authorize Director of Senior Services M. Eileen Spellman to use \$495 toward a photocopier and the \$290 for a Wii Game for the New Hartford Adult Dining & Activity Center.

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

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

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

2009 Budget adjustment

Upon request of the Director of Senior Services, Councilman Woodland offered the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 37 OF 2009)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Bookkeeper to make the following 2009 Budget adjustments:

Increase AA6772.2	-	\$500 (photocopier)
Increase AA2705.1	-	\$500 (donation accepted at February 11, 2009 Town Board meeting)
Increase AA6772.2	-	\$495 (photocopier)
Increase AA2705.1	-	\$495 (donation accepted February 25, 2009)
Increase AA6772.2	-	\$290 (Wii Game)
Increase AA2705.1	-	\$290 (donation accepted February 25, 2009)

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

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

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

HIGHWAY SUPERINTENDENT:

Stormwater Update

- Oxford Road area improvements - Highway Superintendent Sherman had met with the Oxford Road-Woodberry Lane area neighbors on February 12, 2009 in Butler Memorial Hall to discuss the upcoming Oxford Road area drainage improvements.
- Beechwood Road – Shumaker Engineering continues to work on the Beechwood Road area and is looking at options

Highway Equipment Replacement Plan

Highway Superintendent Sherman had conducted an investigative report on the Town's current highway vehicles, reviewing state bids, and then discussed with the Town Board his proposal to replace certain vehicles; the Town Board requested that this proposal be discussed with Councilwoman Krupa.

PUBLIC HEARING (CONT'D)

6:40 P.M. Local Law Introductory "B" of 2009

There having been no one who appeared in the matter of Local Law Introductory "B" of 2009, the Supervisor closed the Public Hearing at 6:40 P.M.

Adoption of Local Law Introductory "B" of 2009 as Local Law No. Two of 2009

Thereafter, Councilman Reynolds moved that Local Law Introductory "B" of 2009 be adopted as Local Law No. Two of 2009 in the following format; seconded by Councilman Woodland:

**TOWN OF NEW HARTFORD, NEW YORK
LOCAL LAW NO. TWO OF 2009**

A Local Law to amend the Code of the Town of New Hartford, **Chapter 118** thereof entitled **VEHICLES AND TRAFFIC**, by establishing additional Through Streets (Section 113-40) and additional Stop Streets (Section 113-41).

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 113-40, is hereby amended to include the following:

Section 113-40. Schedule VI: Through Streets.

<i>NAME OF THROUGH STREET</i>	<i>NAME OF ENTRANCE STREET</i>	<i>DIRECTION FROM WHICH ENTERING</i>	<i>TRAFFIC CONTROL DEVICE</i>
Higby Road	Sitrin Lane	Northeasterly	Stop Sign
Hartford Park Drive	Woods Park Drive	East	Stop Sign
Woods Park Drive	Hartford Park Drive	South	Stop Sign
Hartford Park Drive	Woods Highway	North	Stop Sign

SECTION 2. Chapter 113 of the Code of the Town of New Hartford, Section 113-41, is hereby amended to include the following:

Section 113-41. Schedule VII: Stop Intersections.

<i>STOP SIGN ON</i>	<i>DIRECTION OF TRAVEL</i>	<i>AT INTERSECTION OF</i>
Sitrin Lane	Southwesterly	Higby Road
Woods Park Drive	West	Hartford Park Drive
Hartford Park Drive	North	Woods Park Drive
Woods Highway	South	Hartford Park Drive

SECTION 3. 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 4. This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State.

Upon roll call, the Town Board voted as follows:

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

Thereafter, Local Law Introductory "B" of 2009 was declared unanimously carried and duly **ADOPTED** as Local Law No. Two of 2009.

MATTERS SUBMITTED BY COUNCILMEN

COUNCILMAN REYNOLDS:

Preswick Glen

With regard to a recent newspaper article that the Preswick Glen project must pay taxes, Councilman Reynolds acknowledged the efforts of Jerome Donovan for initiating action

with regard to the taxable assessment status of the Preswick Glen project, and for the cooperation and time of all Town staff that worked on this.

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL:

Audit of bills

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

(RESOLUTION NO. 38 OF 2009)

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. 8 Voucher AA198	\$ 20,000.02	
General Fund Whole Town Police Abstract 9A Vouchers AA416-AA427	\$ 7,658.41	
General Fund Whole Town Abstract No. 9 Vouchers AA	\$ 39,726.52	
General Fund Whole Town Abstract No. 10 Vouchers AA428-AA429	\$ 1,118.70	
General Fund Part Town Abstract No. 8 Voucher BB28	\$ 500.00	
General Fund Part Town Abstract No. 9 Vouchers BB40-BB45	\$ 3,068.68	
Highway Fund Part Town Abstract No. 7 Vouchers DB135-DB144	\$ 26,626.37	
Sewer Fund Abstract No. 7 Voucher SS16	\$ 1,749.65	
Street Light Fund Abstract No. 3 Voucher SL3	\$ <u>9,356.56</u>	
	TOTAL:	\$109,804.91

Whereupon, the Town Board members voted individually as follows:

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

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

REPORTS OF TOWN OFFICIALS

ENGINEERING DEPARTMENT:

Acquisition of Permanent Easements/Jubilee Estates - Stormwater

Senior Engineering Technician John Meagher provided the history that led to adoption of Resolution No. 124 of 2008, the purchase of two (2) lots in Jubilee Estates for stormwater purposes. Said Resolution needs to be amended to include two (2) permanent easements and the Town Attorney has prepared the associated documents. This has been a matter reviewed by the Stormwater Management (Advisory) Improvement Committee.

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

(RESOLUTION NO. 39 OF 2009)

WHEREAS, upon recommendation of the Stormwater Management (Advisory) Improvement Committee, on May 13, 2008 the New Hartford Town Board authorized and directed the Town Attorney to prepare the necessary documents for the Town's acquisition of two (2) parcels in the Jubilee Estates Subdivision, identified as Tax Map No. 339.000-4-12 and Tax Map No. 339.000-4-13, for a total cost of Ninety-seven Thousand Five Hundred Dollars (\$97,500) to mitigate stormwater run-off in the Oxford-Tibbitts-Kellogg Road area; and

WHEREAS, it is necessary that the Town of New Hartford acquire two (2) permanent easements with regard to the acquisition of the aforementioned tax map parcels;

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby amend Resolution No. 128, adopted May 13, 2008, by authorizing and directing the Town Attorney to prepare the necessary documents with regard to the Town's acquisition of two (2) permanent easements for stormwater purposes associated with the aforementioned tax map parcels in Jubilee Estates, does hereby authorize the Town Supervisor to execute the Purchase Offer and does further authorize the Town Attorney to tender the executed Purchase Offer to the Seller..

A roll call vote was duly held as follows:

Councilwoman Krupa	-	ABSENT
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Payne	-	ABSENT
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 Woodland, the meeting was adjourned at 6:47 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk