

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT BUTLER MEMORIAL HALL ON
WEDNESDAY, MARCH 11, 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 Robert A. Payne III
Councilwoman Christine G. Krupa
Councilman David M. Reynolds
Councilman Richard B. Woodland, Jr.
Supervisor Earle C. Reed

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

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

PUBLIC HEARING

6:01 PM - Local Law Introductory "E" of 2008
(Water Service)

The Supervisor opened the Public Hearing at 6:01 PM; the Town Clerk had available the Notice of Public Hearing, Affidavit of Posting and Proof of Publication (February 25, 2009 edition of The Observer Dispatch) with regard to Local Law Introductory "E" of 2008 which, if adopted, would amend the Town Code by adding a new Chapter 117 entitled "Water Service". The purpose of Chapter 117 is to address the future health, safety, and prosperity of Town residents and businesses that depend upon an adequate supply of clean, potable water and to adjust the debt service roll for the Higby Road Water District.

Councilman Payne explained that there were discrepancies when the Higby Road Water District had been established in 2004; specifically, some properties situate within the District had not been billed for debt service [*and will be billed retroactively*] while some properties outside the District had been charged for debt service [*and will receive refunds*]. There were other situations that needed resolution as well, such as land-locked parcels, vacant parcels, a few parcels that had their own water infrastructure, and so forth. Councilman Payne then reviewed the Equivalent Dwelling Unit (**EDU**) schedule by

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which properties would be billed for debt service. He and Councilwoman Krupa thanked the Town Board, committee and residents for their time and effort to ensure the accuracy of the Higby Road Water District boundaries.

Ralph Humphreys

- Questioned why the Town is getting involved in hydrants when they belong to the Mohawk Valley Water Authority [MVWA] (*.....went unanswered*).
- He understood the refund procedure for Higby Road Water District property owners who are entitled to a refund at this time and also the billing procedure for those properties in the Higby Road Water District/Extension who hadn't received any billings.
- With regard to the **EDU** schedule in the Local Law, he inquired if that schedule had changed since the original Higby Road Water District had been formed. (*Councilwoman Krupa said the Board would need to check on that.*)

Walter Dluginski

- Referring to the **EDU** schedule, Mr. Dluginski said the Town would bill directly to "benefited property owners"; but he said he can't benefit because of his property layout and that he can prove it. When construction began, there was a requirement that the contractor bury the water main five (5) to six (6) feet underground. Running through the front of his property is a creek that is nearly six (6) feet deep. Councilwoman Krupa believed the Dluginski property has been addressed but Mr. Dluginski said no one's addressed him about this. Councilman Payne noted that Page 17 of the Report and Recommendations addresses the Dluginski property in Item 31 -- he'll receive a refund.
- Questioned why any homeowner would be responsible for a water main break or shut down of service for some reason and possibly loose water pressure and sustain damage to their boiler or water system, rather than having this be the responsibility of the water district.

Don Weimer of MVWA

- If the boiler breaks down, you don't get water for a period of time; things like that happen. If a boiler depends on pressure in the pipes to keep it filled and shuts down because there is no pressure, there's no heat. "A smart homeowner would have an alternate source of heat. This is an act of God." Mr. Weimer said it's a paraphrase from the MVWA rules/regulations for everyone.

Walter Dluginski

- A hydrant had been installed at the end of his property away from his driveway; he tries to keep it clean during winter months when the hydrant is buried from snowplowing by municipal vehicles. He plows with his tractor but has to get in the road to clear the hydrant -- it's on a curve in the road with limited visibility

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for motorists. He thinks it should be the responsibility of the fire department rather than homeowner to keep the hydrant free from snow. Councilman Reynolds said he thinks that reference to the hydrants is more for private snowplowing contractors to avoid dumping snow from the driveway onto the hydrant. Mr. Weimer commented that keeping the hydrants clear helps fire departments responding to a fire.

Martin Lewis

- Owns a home on one parcel and he has water service to this property for which he is billed 1 EDU
- He also owns an adjoining parcel with three (3) structures being used as residential dwellings and is being charged 3 EDU's for this parcel although the MVWA will only allow one service to the property. Mr. Lewis said the other two (2) houses on this parcel are supplied with well water. He can't run three separate water lines to these structures.....no pressure to reach the last house. Don Weimer said it might be the size of the pipe. MWVA won't allow water service to those other houses. He has three (3) hookups but because the property is not subdivided, he can't have three (3) separate lines and three (3) meters. Mr. Weimer said if the property is sold, it could be a problem. Mr. Martin doesn't want to subdivide and he doesn't want to incur the expense for installing additional water lines. He thinks he should only be charged 1 EDU for this particular property. *(Leave "as is" for EDUs but Board needs to further look at this.)*

Marguerite Sasson

- Questioned the cost of an EDU. After an explanation by the Board, she commented that she should see a drop in cost because of on-going construction within the district and that she should see a change in rates? The Board's answer was "yes".

Rick Wilson of the Sitrin Home

- commented on Item 25, Page 15 of the Report and Recommendation and specifically with regard to Parcel #340.000-2-21.1 (Vacant lot). Currently, no EDUs are billed for this vacant land and it is not part of the 93 EDUs currently billed to Sitrin's main campus as that billing is based on actual water consumption and this vacant parcel consumes no water. The Recommendation provides that should Sitrin sell, lease or subdivide the subject parcel, in whole or part, to any other person, business or entity or develop or otherwise improve the subject parcel, in whole or part,.....then additional EDUs will be charged as prescribed in the Town Code, Chapter 117. Mr. Wilson stated if this parcel were to be developed by Sitrin and they applied for a loan, their bank would require

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them to subdivide and he asked that the language be changed to reflect that if this particular lot were to be developed and/or subdivided under the umbrella of the Sitrin Home, no EDU's would be charged. The Town Board agreed to this clarification.

Walter Dluginski

- was told his property would be restored to pre-construction condition. The contractor dug a trench, dumped fill – killed the grass and left a shallow ditch – his property wasn't restored to pre-trench conditions; the contractor had guaranteed everything would be taken care of. Highway Superintendent Sherman will make an on-site inspection and contact the contractor.

Marguerite Sasson

- She experienced similar problems as Mr. Dluginski - broke her sump pump and she inquired whether she could be reimbursed.

Don Weimer of the MVWA

- would like to see the Town Board adopt a resolution requiring mandatory notification to the MVWA before demolition permits are issued. Codes Officer Booth asked what the Town would receive in return that the MVWA was, in fact, contacted; Mr. Weimer replied a phone call. Codes Officer Booth will follow up on this suggestion.

Robert Lewis

- Questioned the cost of an EDU. Answer: it differs from year to year; currently it's about \$350 a year
- Inquired about the Higby Road Water District Board of Review. Councilman Payne responded that when the Board of Review is formed, it would consist of staff members and residents. The Board of Review would act as a grievance board; and if a resident is concerned about being overcharged, they would go before this Board of Review, state their case and get an answer from the Board of Review. Once the Board of Review is created, the Town will look for residents who would like to participate.

There being no one further who came forth to speak in the matter, the Public Hearing was closed at 6:38 P.M.

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

**(RESOLUTION NO. 40 OF 2009, INCLUDING
LOCAL LAW NO. THREE OF 2009)**

BE IT RESOLVED, the Town Board hereby accepts and approves the Report and Recommendation of the Higby Road Water District Committee presented this 11th day of March 2009 and moves further to adopt same [attached as Schedule "A"] along with Local Law Introductory "E" of 2008 as Local Law No. Three of 2009 in the following format:

TOWN OF NEW HARTFORD, NEW YORK
Local Law No. Three of 2009

A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF NEW HARTFORD, BY ADDING A NEW CHAPTER 117 ENTITLED "WATER SERVICE LOCAL LAW".

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

Sec. 117-1. PURPOSE; LIMITATIONS OF SERVICE

- A. The Town Board recognizes that the future health, safety, and prosperity of its residents and businesses depend upon an adequate supply of clean, potable water and the establishment and ongoing maintenance of an effective water system owned by the Town and maintained by the Mohawk Valley Water Authority ("MVWA"). Such can be assured through careful, vigilant management and a local law which provides the mechanisms and safeguards to prudently manage, conserve and distribute this valuable but limited resource and assures the funding necessary to achieve these goals.

- B. While it is the desire of the Town to provide such water to all who have reasonable need for the same and are willing to abide by the conditions of service and pay the necessary administrative and other charges therefor, as described hereinafter, all users of the system, present and future, should be aware of the following limitations, which the Town Board deems to be reasonable and necessary.
 - 1. The first priority is to assure a fair and equitable distribution of water with adequate pressure to all residents and businesses of the Town, with due regard to the fact that, at all times, there must be a sufficient reserve within the Town water system to provide for growth and development within the Town, adequate fire protection, other emergencies, droughts and the unexpected.

 - 2. All of the users of the system must recognize that the MVWA may, in its discretion, interrupt and/or withhold services to everyone using the system, from time to time, for emergency purposes and/or that the water supply or pressure may be discontinued, delayed, diminished, and/or interrupted due to water shortages for whatever reason and that in such an eventuality, neither the Town, the water district, or the MVWA shall be held responsible for

damages.

3. Any and all current or future users accept continued or future service subject to the above basic purposes and limitations and the terms hereinafter described, as their use of the Town water supply constitutes a contractual relationship whereby the user, in return for a supply of water, agrees to the policy, purposes, regulations and penalties set forth herein, agrees to pay the rates established hereinafter and also agrees to allow the Town or MVWA employees access to the user's property for the purposes hereinafter described.

Sec. 117-2. CONDITIONS OF SERVICE

- A. When any person, firm, business, entity or corporation, hereinafter called the "user" who owns or otherwise uses property situate within the Town and desires to in any way connect into the Town water system or otherwise use water, for any purpose, such user shall, prior to any such use or consumption of water, be required to first prepare and file a written application with the MVWA and/or Town which shall be accompanied by whatever application fee the Town and/or MVWA shall prescribe pursuant to this local law and/or the other valid requirements.
- B. Any user applying for service and accepting service from the Town accepts such service upon the express condition, agreement and/or understanding that such user shall not permit any other user to connect or use water from said tap and also that such water shall be used solely and exclusively for the use of the building and/or the purposes defined in said application.

Sec. 117-3. CONNECTIONS

- A. Notwithstanding any provisions of this local law to the contrary, it shall be a violation of this local law to make any connection to the water supply system or any private main serviced by Town water outside the corporate limits of the Town without obtaining written consent of the MVWA and/or the Town.
- B. The connection of any pumps or heat pumps or similar devices, which extract heat or cold from water, to the water supply system is expressly prohibited.

Sec. 117-4 PERMIT REQUIRED FOR ADDITIONAL OR OTHER USE OF WATER

Permits shall be those required by the MVWA Rules, Regulations and Charges at the time of proposed uses or addition.

Sec. 117-5 CHARGES FOR ALTERNATION OF SERVICE AND FILLING OF SWIMMING POOL

Charges shall be those imposed by the MVWA Rules, Regulations and Charges at the time service is provided.

Sec. 117-6. INSPECTIONS; REPAIR OF CONDITIONS CAUSING WASTE OF WATER REQUIRED

- A. Any authorized Town official or employee of the MVWA shall have the right of entry into any building to which water is furnished, during reasonable hours for the purpose of making inspection of the plumbing system installed in such building or premises. The owner of such premises must, within the specified number of days (minimum 10) of such notice to him/her or to his/her tenant, repair or cause to be repaired any defective faucet, meter, appliance or any other condition which is causing the wasting of water. Upon failure to do so, the MVWA shall have the right to summarily and without further notice discontinue the furnishing of the water to said premises, in addition to the other penalties described hereinafter. In the event of an emergency as determined by the Town and/or the MVWA, the notice period may be extended, and in such event, the Town and/or the MVWA shall have the right to impose reasonable requirements upon the owner and/or user and also to discontinue the furnishing of water to such owner and/or user if he/she fails to comply therewith.

Sec. 117-7. LIABILITY OF OWNER

The liabilities of an owner under this local law shall include those imposed by the MVWA Rules, Regulations and Charges and additional liabilities imposed by resolution of the New Hartford Town Board.

Sec. 117-8. INTERRUPTIONS OF SERVICE

The Town of New Hartford and the MVWA, its agents and employees shall have the right at any time, without notice, to ration water and/or shut off the water in the mains, or any of them, in cases of conflagration, for making repairs or extensions, or for other purposes. All users having boilers within their premises, which depend upon the pressure in the pipes to keep them supplied, operate the same at their own risk. Risk of loss or damage in all cases shall be exclusively by the user.

Sec. 117-9. LIABILITY OF TOWN

The Town of New Hartford undertakes only to use reasonable care and diligence to provide a constant supply of water through its mains to consumers. In any case, the Town shall not be responsible for any problems that occur from the point where the user connects to the water main line to the user's structure or within the structure itself. Although it is manifestly in the interest of the Town that no break, failure or accident should occur, it is provided, however, that in the event of such occurrence, the Town of New Hartford shall not be liable to any user or property owner for any damages resulting from the public enemy, the elements or any accident, misfortune, failure and break in the

reservoir or mains of the Town and/or the MVWA. Anyone who applied for and/or uses Town/MVWA water accepts the same with that understanding.

Sec. 117-10. MAINTENANCE TO BE RESPONSIBILITY OF OWNER

It shall be the duty of each property owner and/or user to maintain all faucets, valves and private water pipes in a state of good repair and ensure that there shall be no unnecessary waste of water. All owners shall maintain access to curb stops to enable MVWA employees to control flow to the building served. Owners or their tenants shall not re-grade the ground over the water mains or any related easements without first obtaining permission from the Town and/or MVWA.

Sec. 117-11 TRANSFER OF PROPERTY; CHANGE OF USE

All transfers of property or changes of use shall comply with the MVWA Rules, Regulations, and Charges at the time of proposed change or transfer.

Sec. 117-12 TAMPERING WITH HYDRANTS; PENALTIES FOR OFFENSES

- A. No person, except employees of the MVWA or member of a duly organized fire company, fire district or fire protection district shall take water from any fire hydrant, or shall operate, use or disturb any hydrant. No person shall obstruct any fire hydrant in any manner, such as, but not limited to the placing of vehicles, debris or snow anywhere near a hydrant. Hydrants shall be kept accessible from all directions. Fire company/district members shall not open a hydrant without notification and consent of the MVWA, except in an emergency.
- B. Any such offenses shall be subject to rule and fines of the MVWA Rules, Regulations, and Charges as in effect at the time of the offense.
- C. Any unauthorized person tampering with Town/MVWA hydrants shall also be subject to all of the provisions of the Penal Law of the State of New York and shall also be subject to a fine or five hundred dollars (\$500.00) for each such violation.

Sec. 117-13 RIGHT TO CHANGE RULES AND REGULATIONS

The Town Board reserves the right to add, delete, and modify its rules, regulations and rates from time to time, by resolution of the Town Board. The right is also reserved to make such additional rules and regulations, by resolution of the Town Board, as the Town Board sees appropriate, to promote the health, safety, morals and welfare of the inhabitants of the Town of New Hartford.

Sec. 117-14 USE AT CONSTRUCTION SITES

These uses shall comply with the MVWA Rules, Regulations and Charges.

Sec. 117-15 PAYMENT DATES: PENALTY FOR LATE PAYMENT

- A. Water payments for Debt Service and/or Capital Reserve for any water district located within the boundaries of the Town will be billed and are payable in conjunction with the Town/County annual property tax bill on January 1 of each year and are subject to all the laws of New York State as related to tax collection and late payment. It shall be the duty of the water customer unconnected or connected, in the event he/she shall not receive a bill, to contact the Town Office concerning payment within the time period allowed for payment without penalty.
- B. Payment for Operation and Maintenance (O & M) will be made to the MVWA and is based on metered water usage. Water usage and O & M charges will be paid directly to the MVWA subject to MVWA Rules, Regulations and Charges, Latest Edition.
- C. Benefited properties in a newly created water district may be billed for interest charges only, on any debt service principal or bond anticipation notes incurred as result of the water district during the transitional (first) year prior to the establishment of a special district budget. The interest-only payment on the water district debt will be billed directly by the Town to the benefited property owners in the water district. Refer to Section 117-21 "Equivalent Dwelling Unit Schedule" for the payment rate per benefited property.

Sec. 117-16 COLLECTION OF PAST-DUE PAYMENTS

- A. Water District Debt Service – Refer to legislation governing rules and procedures for real property taxation collection – State of New York and Oneida County Department of Taxation and Finance.
- B. Water usage and Operation and Maintenance shall comply with the MVWA Rules, Regulations and Charges as in effect at the time of such collection.

Sec. 117-17 MISREPRESENTATIONS; ABUSES OF SERVICE

Any and all cases of fraudulent misrepresentation by an applicant or user related to waste or improper use of water, including but not limited to the following reasons, shall be subject to any penalties and actions described in the MVWA Rules, Regulations and Charges, Latest Edition, or such further penalties and actions as the Town Board may prescribe:

1. For use of water other than as represented in a customer's/user's application or through a branch connection on the street side of the meter or place reserved therefore.
2. For willful waste by the use of water through improper and imperfect pipes or

by any other means.

3. For molesting any service pipe, seal, meter or any other appliance owned by the water district.
4. For non-payment of bills for water or services rendered.
5. For cross-connecting pipes carrying water supplied by the water district with any other source of supply.
6. For refusal of reasonable access to the property for the purpose of reading, repairing, testing or removing meters, or inspecting water piping and other fixtures.
7. For violation of this local law.

Sec. 117-18 PENALTIES FOR OFFENSES – DUE PROCESS

- A. In addition to any penalties herein provided and those penalties provided by the Penal Law of the State of New York, any public water user and/or applicant who violates any of the provisions of this local law, the rules and regulations of the MVWA or emergency declarations shall be subject to the following penalties and/or fines:
 1. The discontinuance of water supply.
 2. A fine of up to five hundred dollars (\$500.00) for each violation.
 3. Any and all court costs and the reasonable legal fees and disbursements of the Town Attorney and/or the prosecuting attorney.
 4. Other fines, penalties and/or conditions as may be imposed by the Court.
- B. When a violation of any of these provisions is continuous, each day thereof shall constitute a separate and distinct violation, subjecting the offender to additional penalties.

Sec. 117-19 SEVERABILITY

All ordinances, statutes, or local laws of said Town of New Hartford, or parts thereof, which in any manner conflict with the terms and provisions of this local law are hereby repealed.

Sec. 117-20 SERVICE CONNECTION FEE

These fees shall be in accordance with the MVWA Rules, Regulations and Charges.

Sec. 117-21 EQUIVALENT DWELLING UNIT SCHEDULE

The number of benefited units (Equivalent Dwelling Units) allocated to a given property type within the district shall be determined or modified by Resolution of the Town Board of the Town of New Hartford from time to time enacted and therefore filed with the Town Clerk.

No.	Classification	# of Benefited User Units Per Classification
1.	One-Family Residence with or without attached vacant parcels	1 Unit
2.	Two-Family Residence with or without attached vacant parcels	2 Units
3.	For each additional Family or Apartment over listing described	1 Unit
4.	Office (Per 5 employees and/or minimum charge)	1 Unit
5.	Commercial Use without living quarters (eg. Store)	1 Unit
6.	Commercial Use with living quarter for one family	2 Units
7.	Commercial Use with living quarters for two families	3 Units
8.	Gas Stations and Garages	1 Unit
9.	Churches	1 Unit
10.	Restaurant without living quarters	2 Units
11.	Restaurant with living quarters for one family	3 Units
12.	Bar with Bar Menu	2 Units
13.	Bar with Restaurant (Full Menu)	3 Units
14.	Bar only living quarters for one family	3 Units
15.	Beauty Shops or Barber Shops	1 Unit
16.	Laundromat (per washer)	¼ Unit
17.	Post Office	1 Unit
18.	Tourist Home (per rented bedroom)	1 Unit plus ½ Unit per bedroom
19.	Car Wash (per wash bay)	3 Units
20.	Vacant lots (standing alone or with another vacant lot)	½ Unit
21.	Hotel and Motel	1 Unit plus ½ Unit per bedroom
22.	Institutional or similar development	Units based on water consumption

Sec. 117-22 EFFECTIVE DATE

This local law shall take effect immediately upon filing in the Office of the Secretary of State in accordance with the Municipal Home Rule Law.

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***, including Local Law Introductory “E” of 2008 that became Local Law No. Three of 2009.

MINUTES

February 25, 2009 Town Board Meeting

Action was deferred on the February 25, 2009 Town Board minutes to allow the Board members sufficient time to peruse them.

PRESENTATIONS (PUBLIC COMMENTS)

Planning Board Vacancies

Ralph Humphreys inquired if any decision had been made on filling the Planning Board vacancies; he was informed that the Planning Board is handling the matter of interviews and a recommendation to the Town Board.

REPORTS OF TOWN OFFICIALS

AGING (DIRECTOR OF SENIOR SERVICES):

St. Patrick's Day Celebration

Director Spellman announced that on March 17, 2009 a flag-raising ceremony to honor the police and fire departments would be conducted at 11:30 AM at the New Hartford Adult Dining & Activity Center, after which a traditional Irish luncheon would be held together with entertainment by a local school group.

Scam

On April 22, 2009 the New Hartford Adult Dining & Activity Center will sponsor a program on scams, with the Town Police Chief and Oneida County District Attorney participating.

CODES ENFORCEMENT OFFICER:

Proposed Zoning Law Amendments - Local Law Introductory "A" of 2009

Codes Officer Joseph Booth acknowledged that the Town Planning Board and Oneida County Planning Department have submitted their written responses to the referral of Local Law Introductory "A" to their departments; the recommendations include some minor changes. Thereafter, Councilman Reynolds offered the following Resolution for adoption; seconded by Councilwoman Krupa:

(RESOLUTION NO. 41 OF 2009)

RESOLVED that the Town Board of the Town of New Hartford shall conduct a Public Hearing on **Wednesday, March 25, 2009 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 to consider **Local Law Introductory "A" of 2009** which, if adopted, would amend the Code, Chapter 118 thereof entitled **ZONING**, by amending Sections 118-6; 118-7; 118-34; 118-54; 118-59; 118-61; 118-67; 118-72 through 118-80 and 118-93, provided however, that the required publication time frame can be met; if the required

publication time cannot be met, the Public Hearing will be held on **Wednesday, April 8, 2009 at 6:00 P.M.**, or as soon thereafter as reached in the regular course of business, in said Butler Memorial Hall;; and be it

FURTHER RESOLVED that the Town Board does hereby authorize and direct the Town Clerk to publish the legal requisite Notice of Public Hearing in The Observer Dispatch.

A roll call vote ensued:

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***.

HIGHWAY SUPERINTENDENT:

Mechanic Vacancy

Highway Superintendent Sherman briefed the Town Board on last year's probationary appointment of a Highway Department Laborer to fill a mechanic vacancy created by an employee retirement; the probationary period was for 90 ninety days; and, after meeting with the Union and Personnel Technician, the probationary period had been extended up to 45 days. The employee will return to his Laborer position, leaving a vacancy for a mechanic. Councilman Payne offered the following Resolution for adoption; seconded by Councilwoman Krupa:

(RESOLUTION NO. 42 OF 2009)

RESOLVED that the New Hartford Town Board does hereby authorize and direct Highway Superintendent Sherman to post the vacant position of Highway Department Mechanic.

A roll call vote was duly held 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***.

Award of Competitive Bid – Highway Dept. Laundry/Dry Cleaning

On February 27, 2009 bids for the Highway Department Laundry/Dry Cleaning service were received:

- Aramark Uniform Services - \$7,222
- Tri-State Laundries - \$8,256.

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

(RESOLUTION NO. 43 OF 2009)

WHEREAS, the Town Superintendent of Highways did, on the 11th day of February, 2009, duly recommend the advertisement of bids for Highway Department Laundry/Dry Cleaning; and

WHEREAS, subsequently, the Town Board authorized that sealed bids be received on February 27, 2009, with two (2) bids having been received;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize the Town Superintendent of Highways to purchase, in accordance with the provisions of Article 5-A of the General Municipal Law, Highway Department Laundry/Dry Cleaning service in accordance with Town specifications, from Aramark Uniform Services, 3117 Milton Ave., Solvay, NY 13209, as per their low bid submitted on February 27, 2009; and does further authorize the Highway Superintendent to issue a Notice to Proceed.

Highway Superintendent Sherman noted that in 2008 the cost of Laundry/Dry Cleaning services from Tri-State Laundries was in excess of \$11,000. Upon roll call, the Town Board voted 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**.

Disposal of 1985 Bucket Truck

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

(RESOLUTION NO. 44 OF 2009)

WHEREAS, on December 10, 2008 the New Hartford Town Board declared as surplus one (1) 1985 Ford F7M Utility (Bucket Lift) Truck, Vehicle Identification No. 1FDWK74N6FVA57474 and authorized its sale on e-Bay;

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby accept the e-Bay bid of Four Thousand Fifty Dollars (\$4,050) submitted by Thomas Flanagan and does hereby award the sale of said vehicle to Mr. Flanagan of Myrtle Beach, South Carolina; and be it

FURTHER RESOLVED that upon receipt of all necessary sale documents, the Town Clerk is hereby authorized and directed to terminate insurance coverage on this aforesaid vehicle.

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**.

Wages – Seasonal Highway employees

Highway Superintendent Sherman had compared beginning wages of Parks and Recreation seasonal workers with those of Highway laborers and found the Highway employees to begin at a lower rate; the matter was deferred for further consideration.

TOWN CLERK:

2009 Budget Revisions

The Town Clerk presented the Bookkeeper’s Memo with regard to revisions to the 2009 budget; thereafter, Councilman Payne introduced the following Resolution for adoption and Councilman Woodland seconded same:

(RESOLUTION NO. 45 OF 2009)

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

Increase Account DB5142.43 Sand.....\$15,000.00
Decrease Account DB5142.04 Stone.....\$15,000.00
*Requested by Highway Superintendent to cover the cost of the sand used
On the roads during this unusually icy winter season*

Increase Account AA1670.41 Maintenance Agreements.....\$ 1,260.46
Decrease Account AA1990.4 Contingency Account.....\$ 1,260.46

Two Antivirus software Support renewals were inadvertently omitted from the 2009 Budget, one (1) for the Kellogg Road building and one (1) for Butler Memorial Hall.

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.

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

Training - Oneida County Association of Towns Meeting

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

(RESOLUTION NO. 46 OF 2009)

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, March 24, 2009 in the Town of Paris, with expenses to be borne by said Town as budgeted.

The Resolution was voted upon by roll call 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**.

POLICE CHIEF:

Vehicle & Traffic – No Parking on Ney Ave / Local Law Introductory “C” of 2009

Police Chief Philo and Councilwoman Krupa presented legislation for “no parking” on a section of Ney Ave; this action had been prompted by the Ney Ave residents and Utica College whose property adjoins Ney Ave. Thereafter, Councilwoman Krupa introduced

the following legislation for the Town Board's consideration at a future public hearing; seconded by Councilman Reynolds:

**Town of New Hartford, New York
Local Law Introductory "C" of 2009**

A Local Law to amend the Code of the Town of New Hartford, **Chapter 113** thereof entitled **VEHICLES AND TRAFFIC**, by adding a section of Ney Ave 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>
Ney Ave	West	From the northern property line Of 1468 Ney Ave to the south Property line of 1480 Ney Ave (Refer to map on file)

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.

Public Hearing Scheduled – Local Law Introductory "C" of 2009

RESOLVED that the Town Board of the Town of New Hartford shall conduct a Public Hearing on **Wednesday, March 25, 2009 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 to consider **Local Law Introductory "C" of 2009** which, if adopted, would amend the Code, Chapter 113 thereof entitled **VEHICLES & TRAFFIC**, by adding a section of Ney Ave to Section 113-45. Schedule XI: Parking Prohibited At All Times; provided that the required publication time frame can be met; if the required publication time cannot be met, the Public Hearing will be held on **Wednesday, April 8, 2009 at 6:00 P.M.**, or as soon thereafter as reached in the regular course of business, in said Butler Memorial Hall; and be it

FURTHER RESOLVED that the Town Board does hereby authorize and direct the Town Clerk to publish the legal requisite Notice of Public Hearing in The Observer Dispatch.

The Board voted upon roll call:

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*.

REPORTS OF COUNCILMEN

COUNCILMAN REYNOLDS:

Training Requirements – Planning and Zoning Board members

Planning Board Chairman Jerome Donovan has asked the Town Board to adopt a policy requiring training for Planning Board members; Councilman Reynolds stated this would also apply to Zoning Board of Appeals' members and that he had discussed this matter today with Chairman Randy Bogar who is in favor. In fairness to the other Zoning Board of Appeals members, a copy of the proposal will be shared with them prior to any Town Board action to act on minimum requirements for training that the State had enacted in 2007.

REPORT OF SPECIAL COMMITTEE

STORMWATER MANAGEMENT (ADVISORY) IMPROVEMENT COMMITTEE:

Oxford Road Area Drainage Improvements

On March 5, 2009 a Pre-Bid meeting had been held at the Oxford Road site with the eight (8) companies that had picked up bid specification packages; some areas along a drainage ditch need riprap, as a result of which the date for receipt of bids has been extended from Wednesday, March 11, 2009 to Friday, March 20, 2009.

REPORTS OF COUNCILMEN (CONT'D)

COUNCILMAN PAYNE:

Bathroom facilities – Champion Road Soccer Field

The AYSO girl's soccer organization has approached the Town about lack of bathroom facilities at the Champion Road field adjacent to the Sanger Public Works Garage. A quote of \$90 per month for 2 months in the Spring and 2 months in the Fall was received for a port-a-potty. Councilwoman Krupa and Highway Superintendent Sherman will meet on-site to discuss location and Councilwoman Krupa will consult with the Parks and Recreation Director to determine if monies are available in his 2009 budget.

Safety Advisory Committee

There are two (2) vacancies on this committee. The Town Clerk was asked to have an article published about the two vacancies, seeking interested Town residents who have experience in health, safety and OSHA; deadline for submission of letters of interest is April 30, 2009.

COUNCILMAN WOODLAND:

Annexation – Cherrywood Mobile Home Community

With regard to Ralph Humphreys’ request for annexation involving the Cherrywood Mobile Home Community, – talk to Attorney Green before getting Kirkland involved. Councilman Woodland solicited thoughts from the Town Board. Conversed with Attorney Green and the Attorney and staff will review all options; proceed and have the Attorney look at it. Mr. Humphreys asked that comments of the Police Chief and Assessor also be considered.

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL:

Audit of bills

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

(RESOLUTION NO. 47 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 #11 Vouchers AA455-AA461; AA543	\$ 8,038.37
General Fund Whole-Town Abstract #12 Vouchers AA462-AA512; AA536-AA541; AA544-AA545	\$ 96,677.47
General Fund Whole-Town Police #12A Vouchers AA512-AA533	\$ 39,525.03
General Fund Part-Town Abstract #10 Vouchers BB46-BB53	\$ 5,707.81
Highway Fund Part-Town Abstract #8 Vouchers DB225-DB243; DB245-DB256	\$ 93,312.52
Fire District Abstract #2 Vouchers SF2-SF4	\$1,152,437.00
Street Lighting Abstract #4 Voucher SL4	\$ 8,148.91
Sewer Fund Abstract #8 Vouchers SS17-SS20	\$ 3,139.21

Stormwater Drainage Abstract #4
Voucher HU8

\$ 277.50

TOTAL: \$1,407,263.82

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***.

OLD BUSINESS

VACANCY – BOARD OF ASSESSMENT REVIEW (BAR):

The Personnel Technician is waiting for the recommendation of BAR Chairman Duane Farr with regard to filling the existing vacancy. Mandatory training is scheduled for late April 2009.

NEW BUSINESS

VENUE FOR TOWN BOARD MEETINGS

Upon motion of Councilman Reynolds, seconded by Councilman Payne, the following Resolution was offered for adoption:

(RESOLUTION NO. 48 OF 2009)

RESOLVED that the Town Board of the Town of New Hartford does hereby amend Resolution No. 346, Schedule “A”, adopted December 29, 2008, with regard to the venue for Town Board meetings; specifically, all Town Board meetings during 2009 will now be conducted at Butler Memorial Hall.

The Board 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***.

DONOVAN MEMORIAL COMMUNITY CENTER BUILDING - CLOSING

Supervisor Reed announced that the Donovan Memorial Community Center Building on Elm Street will be closed in a cost-savings effort. The Animal Control Office (ACO) will then relocate to the administrative building in Sherrillbrook Park where there is sufficient office space, secretarial help, close proximity to the dog park that will be opening and closer to the Town of Kirkland whom the ACO also serves.

ADJOURNMENT

There being no further business to come before the Board, upon motion of Councilman Reynolds, seconded by Councilman Payne, the meeting was adjourned at 7:10 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk