

**REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF NEW HARTFORD, NEW YORK  
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN  
ON WEDNESDAY, APRIL 22, 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 PRESENT:**

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 PRESENT:**

Codes Enforcement Officer Joseph Booth  
Highway Superintendent Richard C. Sherman  
Parks and Recreation Director Michael W. Jeffery  
Planner Kurt L. Schwenzfeier  
Senior Engineering Technician John Meagher  
Town Clerk Gail Wolanin Young and Deputy Clerk  
Melody K. Fancett

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

**PUBLIC PRESENTATIONS (PUBLIC COMMENTS)**

There were none.

**REPORTS OF TOWN OFFICIALS**

**HIGHWAY SUPERINTENDENT:**

**Appointment – Seasonal Employee**

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

**(RESOLUTION NO. 75 OF 2009)**

**WHEREAS,** Wayne Rich had been appointed on April 8, 2009 as a Highway Department seasonal laborer for the 2009 Summer Season; and

**WHEREAS,** Wayne Rich has subsequently declined said employment;

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**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby appoint Steven Kuhn, a first year employee, to fill the vacancy of seasonal Highway Department Laborer created by the declination of Wayne Rich; Steven Kuhn's hourly rate of pay is hereby established at Eight Dollars and Twenty-five Cents (\$8.25), payable bi-weekly, commencing in mid May 2009 and ending August 31, 2009.

Whereupon, the Town Board voted upon roll call:

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

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

**Sewer Line Replacement – Commercial Drive (NYS Route 5A)**

Highway/Sewer Superintendent Sherman reported that easements are being obtained with regard to this project.

**2009 Agreement - Roadside Mowing**

Upon recommendation of the Highway Superintendent, Councilman Woodland presented the Roadside Mowing Agreement and moved its adoption; seconded by Councilwoman Krupa:

**(RESOLUTION NO. 76 OF 2009)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor and the Highway Superintendent to enter into and to execute the Roadside Mowing Agreement between the Town of New Hartford and the County of Oneida wherein the Town agrees to mow town and county roads within said Town during the 2009 Summer Season and the County agrees to furnish the mower that is to be attached to a town tractor and operated by a town employee, and as more fully defined in said Agreement.

The County agrees to reimburse the Town for labor and expenses at \$300.00 per mile, the total cost not to exceed \$6,144.00. Thereafter, Town Board voted upon roll call as follows:

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

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Councilman Payne - Aye  
Supervisor Reed - Aye.

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

**Inter-municipal Agreement – New York Mills Village/Fuel**

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

**(RESOLUTION NO. 77 OF 2009)**

**RESOLVED** that the New Hartford Town Board does hereby agree to enter into an Agreement with the Village of New York Mills for the three (3) year period commencing May 1, 2009 and terminating December 31, 2012, wherein the Town of New Hartford will provide fuel to said Village for utilization in its vehicles belonging to and performing services for said Village, at the rate of the actual purchase cost to the Town plus five cents (\$.05) per gallon; and be it

**FURTHER RESOLVED** that the Town Supervisor is hereby authorized and directed to execute the above-referenced Agreement.

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.

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

**Oxford Road Area Stormwater Improvement**

Highway Superintendent Sherman acknowledged that the Town has secured four (4) easements and is awaiting two (2) additional easements on Woodberry; when all easements have been obtained, Superintendent Sherman will present the contract for signature. Shumaker Consulting and Planner Kurt Schwenzfeier have met with and addressed the questions of some residents who might be affected during implementation of this project.

**Declaration of Surplus Vehicle – Authorization to Sell**

Upon recommendation of the Highway Superintendent, the following Resolution was

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offered for adoption by Councilman Reynolds and duly seconded by Councilwoman Krupa:

**(RESOLUTION NO. 78 OF 2009)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby declare as surplus the following vehicle/equipment:

<u>Year</u>	<u>Make/Model</u>	<u>VIN</u>
1988	Mack Dump Truck with plow and wings	2M2S197C2JC001019

And be it

**FURTHER RESOLVED** that the aforesaid vehicle/equipment shall be placed for sale on E -Bay and once sold, the Town Clerk’s office shall be notified and shall arrange to terminate insurance coverage on said vehicles.

The foregoing 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**.

**Sidewalk Replacement**

Highway Superintendent Sherman and a representative from the New York State Department of Transportation performed an on-site inspection of sidewalks in Chadwicks, from the area of St. Anthony of Padua Church northerly to the Red Hill Road intersection. Under the Federal Stimulus Program, monies are available to replace existing sidewalks that are in disrepair.

**REPORTS OF SPECIAL COMMITTEES**

**STORMWATER MANAGEMENT (ADVISORY) IMPROVEMENT COMMITTEE:**

**Committee Vacancies**

Highway Superintendent Sherman announced that Douglas Peterson and Frank Montecalvo have resigned as members of the Stormwater Management (Advisory)

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Improvement Committee. After advertising vacancies on this Committee, the Town Clerk received applications from Stephen Donachie and Robert Lewis, both of who will be invited to the next Committee meeting to determine if they are interested in serving on this Committee. The Town Board will then make the necessary appointments.

**Douglas Long property – Oneida Street**

This drainage situation has been referred to Joanne Faulkner of the Oneida County Soil & Water Agency to determine if any work can be done by that agency.

**CODES ENFORCEMENT OFFICER:**

**Authorization to Purchase Non-budgeted Items**

Upon request of Codes Enforcement Officer Booth, the following Resolution was offered for adoption by Councilman Reynolds and duly seconded by Councilman Woodland:

**(RESOLUTION NO. 79 OF 2009)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize the Codes Enforcement Officer to purchase from the National Fire Protection Association, Avon, MA, six (6) volumes of codes regulations to replace outdated volumes; the cost of these books totals \$301.90.

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

**Certification – Codes Officer and Assistant Codes Officer**

Codes Enforcement Officer Booth announced that Assistant Codes Officer Thomas Rowlands has received the mandatory, annual twenty-four (24) hours of training required to maintain certification as a Codes Officer; he attended school in Rochester. Codes Officer Booth has received fifteen (15) hours of training this year and will achieve the remaining nine (9) hours through an organization of which he is a member.

**POLICE CHIEF:**

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**Appointment – Part-time Animal Control Officer**

Upon recommendation of Police Chief Philo, the following Resolution was introduced for adoption by Councilman Reynolds and seconded by Councilman Payne:

**(RESOLUTION NO. 80 OF 2009)**

**WHEREAS**, a vacancy exists in a Part-time Animal Control Officer position due to the retirement of Shawn Morgan and the promotion of Nicholas Morosco as full-time Animal Control Officer (ACO);

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby appoint James Zwijacz as a Part-time Animal Control Officer effective Sunday, April 26, 2009 at an hourly rate of Eleven Dollars and Ninety-five Cents (\$11.95), for a maximum of twenty (20) hours weekly; wages shall be paid bi-weekly.

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

**MATTERS SUBMITTED BY COUNCILMEN**

**COUNCILWOMAN KRUPA:**

**Clarification of Planning Board appointments made April 8, 2009**

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

**(RESOLUTION NO. 81 OF 2009)**

**WHEREAS**, on April 8, 2009 the Town Board of the Town of New Hartford appointed Julius V. Fuks, Jr. and G. Brymer Humphreys as members of the Town Planning Board to fill existing vacancies;

**NOW, THEREFORE, BE IT RESOLVED** that said Town Board does hereby clarify that Julius V. Fuks, Jr. was appointed to fill the unexpired member term of office of Hans G. Arnold and that Mr. Fuk's appointment shall become effective on April 9, 2009 and terminate on December 31, 2009; and be it

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**FURTHER RESOLVED** that the said Town Board does hereby clarify that G. Brymer Humphreys was appointed to fill the vacancy created by the expiration of the member term of office of Robert Imobersteg, the former incumbent thereof; and that Mr. Humphreys’ seven-year appointment shall become effective April 9, 2009 and terminate on December 31, 2015.

A roll call vote ensued:

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

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

**COUNCILMAN PAYNE:**

**Update on Abandoned Cemeteries**

The Town Planner is working on the legal and financial aspects of the six (6) abandoned cemeteries in the Town. An Eagle Scout has expressed interest in taking on the project for a merit badge. The Town Planner will be the “point” person for the project.

**MATTERS SUBMITTED BY TOWN SUPERVISOR**

**FINANCIAL:**

**Audit of Vouchers**

On recommendation of the Town Supervisor, Councilwoman Krupa presented the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 82 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, which had been duly audited by the Town Board:

General Fund Whole-Town Police Abstract #15A		
Voucher AA658	\$	18.29
General Fund Whole-Town Abstract #16		
Vouchers AA659-AA662	\$	6,541.78
General Fund Whole-Town Police Abstract #16A		
Vouchers AA686-AA698	\$	6,492.82

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General Fund Whole-Town Abstract #17 Voucher AA706	\$ 435.52	
General Fund Whole-Town Abstract #19 Vouchers AA664-AA685; AA699-AA705; AA707-AA739	\$226,011.16	
General Fund Part-town Abstract #13 BB73-BB79	\$ 1,005.40	
Sewer Fund Abstract #11 Vouchers SS28-SS29	\$ 9,174.79	
Stormwater Capital Abstract #6 Vouchers HU10-HU12	\$ 5,718.00	
Street Lighting Abstract #3 Voucher SL5	\$ 7,439.59	
Fire District Abstract #3 Voucher SF3	\$ 1,971.60	
	<b>TOTAL:</b>	<b>\$251,774.06</b>

Upon roll call, the Board members 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***.

**NEW BUSINESS:**

**Retain Consultant – GEIS & Capital Improvement Program**

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

**(RESOLUTION NO. 83 OF 2009)**

**WHEREAS**, the Town of New Hartford has a current policy, practice and procedure with regard to collecting and spending FILM; and

**WHEREAS**, the Town Board is desirous of updating those policies, practices and procedures in accordance with the new GEIS, the updates to the existing GEIS, the Town’s Master Plan, the Town’s contemplated Capital Improvement Program, current



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case law and the policies, practices and procedures adopted by other municipalities around the State of New York and elsewhere; and

**WHEREAS**, to that end, assistance is required from a person or persons familiar with past Town practices with regard to FILM, basic knowledge and understanding of the current GEIS, the updates to existing GEIS, the Town's Master Plan, the Town's contemplated Capital Improvements Program and the policies, practices and procedures adopted and exercised in other municipalities in and around the State of New York; and

**WHEREAS**, Roger Cleveland, former Highway Superintendent, is such a person with the requisite background, knowledge, experience and time to effectively and efficiently assist the Town in this regard; and

**WHEREAS**, Mr. Cleveland has submitted a written proposal (attached Exhibit A) outlining the scope of work, cost to the Town and a time frame within which the desired work will be completed; and

**WHEREAS**, the Town of New Hartford is under mandate of the New York State Department of Environmental Conservation Consent Order #R620060823-67 as relates to, among other things, I/I remediation in the Town and elsewhere throughout the Sauquoit Creek Basin Sewer District; and

**WHEREAS**, to that end, assistance is required from a person or persons familiar with said Consent Order as well as past and future I/I remediation projects in the Town and elsewhere; and

**WHEREAS**, Roger Cleveland, former Highway Superintendent, is such a person with the requisite background, knowledge, experience and time to effectively and efficiently assist the Town in this regard; and

**WHEREAS**, Mr. Cleveland has submitted a written proposal (attached Exhibit A) outlining the scope of work, cost to the Town and a time frame within which the desired work will be completed;

**NOW, THEREFORE**, the Town Board does hereby resolve to retain the services of Roger Cleveland, former Highway Superintendent, to render assistance to the Town Attorney, the Planner and the Senior Engineer in researching and collecting data and information from other municipalities, analyzing such data and information and formulating Town Board policy with regard to (1) the expenditure of FILM monies and (2) I/I remediation as prescribed in the DEC Consent Order Case #R620060823-67 relating to the Sauquoit Creek Basin Sewer District and its member municipalities;

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Mr. Cleveland is to receive \$1,800 for his collective work on both these two (2) separate projects as described in his proposal and is to complete his work in 4 – 6 weeks.

The foregoing 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 Supervisor declared the Resolution unanimously carried and duly **ADOPTED**. The Town Clerk was directed to place this Resolution and Exhibit A on the Town's website.

**EXECUTIVE SESSION**

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

**(RESOLUTION NO. 84 OF 2009)**

**RESOLVED** that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss information relating to current/future investigation or prosecution of a potential criminal offense and matters that imperil public safety.

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 6:28 P.M. The Town Clerk was asked to remain in the event the Town Board wanted to take action after the Executive Session; the Town Attorney and Police Chief were asked to remain for the Executive Session.

**END OF EXECUTIVE SESSION**

Councilwoman Krupa then offered the following Resolution for adoption and Councilman Payne seconded same:

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**(RESOLUTION NO. 85 OF 2009)**

**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 7:34 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public invited to return to the Board meeting.

**ADJOURNMENT**

There being no further business to come before the Town Board, upon motion of Councilman Reynolds, seconded by Councilwoman Krupa, the meeting adjourned at 7:34 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk