

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, NOVEMBER 18, 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:

Assessor Paul E. Smith
Director of Budget Heather Mowat
Director of Senior Services M. Eileen Spellman
Highway Superintendent Richard C. Sherman
Parks & Recreation Director Michael Jeffery
Planner Kurt Schwenzfeier
Senior Engineering Technician John Meagher
Town Attorney Gerald J. Green
Town Clerk Gail Wolanin Young

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

MINUTES

November 4, 2009 Town Board Meeting

Action was deferred until the December 2009 Town Board meeting.

PUBLIC PRESENTATIONS (PUBLIC COMMENTS)

Retention of Comptroller Position in 2010 Budget

Jerome Donovan commented on the opportunity he had as Planning Board Chairman to work with Budget Director Heather Mowat over the past several months with regard to the policies and practices established before either held their respective positions. Lauding her professionalism and technical skills in municipal finance, he observed that Ms. Mowat in six (6) months, conducted financial triage necessitated by the mismanagement and inattentiveness to town's finances over the past several years, the town's most serious financial mismanagement in nearly 50 years. Residents are outraged with the proposed 50% tax increase in the 2010 budget; and once respected for its progressive leadership and economic engine, the Town is now ridiculed for its financial

missteps, lack of demonstrable leadership and lack of openness. The budget before the Town Board tonight is the Board's budget, not the Director of Budget's budget; you make and have made the decisions that have brought us here tonight. While Supervisor-elect Patrick Tyksinski publicly stated his intent to perform both the Supervisor and Comptroller positions beginning January 1, 2009, Mr. Donovan believed the Town should practice a degree of oversight and have two sets of eyes on the town's books. In conclusion, Mr. Donovan believed it was imperative to retain funding in the 2010 operating budget for the Comptroller's position, a step in restoring public confidence in town government and putting the Town's financial house back in order.

2010 Budget

To Pete Bianco's question of what the Town had changed in the budget since the last meeting, the Town Supervisor replied "...We'll go over that later tonight."

REPORTS OF TOWN OFFICIALS

Zone Map Amendment Application – 2 Ellinwood Court, LLC

In behalf of *2 Ellinwood, LLC*, Attorney Richard Compson stated that the Town had been provided the Zone Map Amendment application last week, with the full Environmental Assessment Form (EAF) having been submitted today, November 18, 2009. The request of *2 Ellinwood, LLC* is for a rezoning of a Planned Development Mixed Unit (PDMU) parcel to Retail Business (RB1), the same zoning classification as two adjoining parcels, which would then allow the use of the existing buildings for medical purposes (different doctor specialty offices). Planner Schwenzfeier confirmed that PDMU does not allow for this type of use.

SEOR, Lead Agency Status – 2 Ellinwood Court, LLC

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

(RESOLUTION NO. 276 OF 2009)

RESOLVED that the Town Board of the Town of New Hartford does hereby declare itself as Lead Agency in the matter of the Zone Map Amendment application submitted by *2 Ellinwood, LLC* to change the zoning classification of a 2.9 acre parcel (Tax Map No. 316.020-1-8) located at 2 Ellinwood Court from Planned Development Mixed Use (PDMU) to Retail Business-1 (RB1) for the purpose of converting existing buildings for medical offices, an unlisted action; and be it

FURTHER RESOLVED that the Town Board does hereby authorize and direct the Town Clerk to forward copies of said Zone Map Amendment application to all interested and/or involved agencies for SEQR review.

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**.

GML 239-Review – 2 Ellinwood Court, LLC

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

(RESOLUTION NO. 277 OF 2009)

WHEREAS, *2 Ellinwood, LLC* had filed a Zone Map Amendment application with the Town Clerk on November 13, 2009, with the EAF having been filed on November 18, 2009, for a rezoning of a 2.9 acre parcel (Tax Map No. 316.020-1-8) at Ellinwood Court, for the purpose of converting existing buildings for medical offices; and

WHEREAS, the Town Planner has reviewed said Application and has determined that the Application appears to be accurate and sufficient;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby refer the Zone Map Amendment application submitted by *2 Ellinwood, LLC* to the Oneida County Planning Department and to the Town Planning Board for their review and written recommendation pursuant to General Municipal Law and the Town's Zoning Law.

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

Zone Map and Text Amendment – adjacent to New Hartford Business Park

Town Planner Schwenzfeier reviewed the recommendations of the Town Planning Board for a zone map and text amendment with regard to the Business Park and which Planning Board requested the Town Board to enact such amendments to the Business Park District; these amendments would streamline the Site Plan Review and approval process, better define zone boundaries and update permitted uses. A summary of the proposed changes includes:

- Amend the purpose statement to reflect private ownership
- Substitute Planned Development Park (PDP) for Business Park District (BPD)
- Amend District Uses based on expected sector demands
- Amend the Zoning Map to reflect boundaries of the proposed PDP
- Substitute Planning Board for Staff Review
- Substitute Site Plan Review for Staff Review
- Pre-existing uses – make applicable to Bulk area regulations set forth in MDR
- Amend Dimensional Standards as recommended by professional staff
- Amend Fencing, Walls and Screening to comply with Section 118.59(D) of the Zoning Code
- Amend Signage and Illumination section to be compliant with current Code
- Eliminate definitions no longer relevant
- Update Schedules of Use, Area and Bulk Regulations.

SEQR, Lead Agency Status – adjacent to the New Hartford Business Park

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

(RESOLUTION NO. 278 OF 2009)

RESOLVED that the Town Board of the Town of New Hartford does hereby declare itself as Lead Agency with regard to the Town Planning Board’s recommendation for a zone map amendment pertaining to Tax Map Parcel No. 316.000-2-41.1 adjacent to the Business Park, and text amendments to delete and repeal from the Town Code, Chapter 118 thereof, Section 118-39 (Planned Development Park – PDP) and replacing Section 118-39 with new standards and by further deleting and repealing in its entirety Article VIIA, Section 118-41, Business Park District, deemed to be unlisted actions; and be it

FURTHER RESOLVED that the Town Board does hereby authorize and direct the Town Clerk to forward copies of said Zone Map Amendment application to all interested and/or involved agencies for SEQR review; the subject matter shall be identified as Local Laws Introductory “H” and “I” of 2009.

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**.

GML 239-Review – adjacent to the New Hartford Business Park

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

(RESOLUTION NO. 279 OF 2009)

WHEREAS, on September 29, 2009 the Town Planning Board submitted proposed recommendations with regard to a zone map amendment pertaining to Tax Map Parcel No. 316.000-2-41.1 adjacent to the Business Park, and text amendments to delete and repeal from the Town Code, Chapter 118 thereof, Section 118-39 (Planned Development Park – PDP) and replacing Section 118-39 with new standards and by further deleting and repealing in its entirety Article VIIA, Section 118-41, Business Park District; and

WHEREAS, the Town Planner has reviewed said recommendations and agrees with the proposed changes;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby refer the aforementioned Zone Map amendment and Zoning Text amendments submitted by the Town Planning Board to the Oneida County Planning Department and to the Town Planning Board for their review and written recommendation pursuant to General Municipal Law and the Town’s Zoning Law; the subject matters shall be identified as Local Laws Introductory “H” and “I” of 2009.

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

DIRECTOR OF PARKS AND RECREATION:

Appointments – Winter (Seasonal) Gym Program

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

(RESOLUTION NO. 280 OF 2008)

RESOLVED that the New Hartford Town Board does hereby appoint the following individuals to the various part-time seasonal positions and for the hourly wages set opposite their several names, for the Parks and Recreation Department, commencing December 5, 2009 and ending March 31, 2010; all wages to be paid bi-weekly:

<u>NAME</u>	<u>POSITION</u>	<u>RATE OF PAY</u>
Jerome Pitarresi	Recreation Director	\$17.25/hour
Gyda Capanna	Recreation Leader	\$16.25/hour

Margaret Brady	Recreation Attendant	\$13.75/hour
Tyler Gardinier	Recreation Attendant	\$ 9.75/hour
Dennis Philipkoski	Recreation Leader	\$10.00/hour.

The Parks and Recreation Director noted that a cut-back from three (3) hours to two (2) hours has been instituted and is part of the 2010 budget cuts. 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**.

Town Clerk:

Training – NYS Town Clerks Regional Meeting

The Town Clerk had received information about a seminar with regard to Retirement compliance for all newly elected and appointed Town officials and also Mass Fatality Procedures and the appointment of a Sub-Registrar for issuance of burial permits; thereafter, the following Resolution was introduced for adoption by Councilwoman Krupa and duly seconded by Councilman Woodland:

(RESOLUTION NO. 281 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 Town Clerk Gail Wolanin Young to attend the NYSTCA Regional Meeting on December 7, 2009 in Liverpool, New York, with expenses to be borne by said Town as budgeted.

The Resolution was voted upon by roll call as follows:

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

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

Raffle Consent

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

(RESOLUTION NO. 282 OF 2009)

RESOLVED that the New Hartford Town Board does hereby grant permission to Rome Catholic School, 800 Cypress Street, Rome, New York, an organization duly granted a Games of Chance Identification Number by the New York State Racing and Wagering Board, to sell raffle tickets within the Town of New Hartford in accordance with all rules and regulations of said Racing and Wagering Board; and be it

FURTHER RESOLVED that the Town Clerk be, and she hereby is, authorized and directed to execute Form GC-RCF, Raffle Consent Form.

Upon roll call, the Town Board voted as follows:

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

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

Raffle Consent

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

(RESOLUTION NO. 283 OF 2009)

RESOLVED that the New Hartford Town Board does hereby grant permission to the Whitesboro Administrators Association of Whitesboro Central Schools, 67 Whitesboro Street, Yorkville, New York, an organization not required to possess a Raffle License under section 5601.1© of the NYS Racing and Wagering Board, to sell raffle tickets within the Town of New Hartford in accordance with all rules and regulations of said Racing and Wagering Board; and be it

FURTHER RESOLVED that the Town Clerk be, and she hereby is, authorized and directed to execute Form GC-RCF, Raffle Consent Form.

Upon roll call, the Town Board voted as follows:

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

Councilman Payne - Aye
Supervisor Reed - Aye.

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

Schedule Public Hearing - Local Law Introductory "G" of 2009/Nonconforming use of buildings

The Town Clerk has received the written recommendations of the Town Planning Board and the Oneida County Planning Department with regard to Local Law Introductory "G" of 2009; thereafter, Councilman Payne introduced the following Resolution for adoption, seconded by Councilman Reynolds:

(RESOLUTION NO. 284 OF 2009)

RESOLVED that the Town Board of the Town of New Hartford shall conduct a Public Hearing on Wednesday, December 9, 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 "G" of 2009** which, if adopted, would amend the Code, Chapter 118 thereof entitled **ZONING**, by amending Section 118-11. Application of regulations, Section 118-59. Special lot regulations, and Section 118-69. Nonconforming use of buildings.

and be it

FURTHER RESOLVED that the Town Board does 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 Resolution was declared unanimously carried and duly **ADOPTED**.

Highway Superintendent:

Road Dedication – Renaming of Roads "A" and "B"/New Hartford Business Park

Highway Superintendent Sherman reported that the names for Roads "A" and "B" in the Business Park have been cleared by the Dispatch (911) Center; thereafter, Councilman Woodland introduced the following Resolution for adoption and Councilman Reynolds seconded same:

(RESOLUTION NO. 285 OF 2009)

WHEREAS, 911 has reviewed the proposed name changes for Road “A” and Road “B” in or adjacent to the New Hartford Business Park, as recommended by Developer Lawrence Adler; and

WHEREAS, the New Hartford Police Chief, New York Mills Fire Chief and Town Highway Superintendent do desire and request this honorable Board to change the names of Road “A” and Road “B” to Ariana Lane and Briana Road, respectively;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby change the 0.4 miles of Town dedicated road known as Road “A” to Ariana Lane and does further change the 0.2 miles of Town dedicated road known as Road “B” to Briana Road and does further direct the Highway Superintendent and Town Clerk to take such actions as may be necessary, including the installation of new signage and notification of all required agencies to apprise them of the officials name change.

The foregoing Resolution was subject to a vote upon roll call as follows:

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

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

Local Law Introductory “J of 2009 – Stop Signs Vicinity of Business Park

Upon presentation of the Highway Superintendent, Councilman Woodland introduced the following Local Law for consideration by the Town Board at a future public hearing; co-sponsored by Councilwoman Krupa:

**TOWN OF NEW HARTFORD, NEW YORK
LOCAL LAW INTRODUCTORY “J” OF 2009**

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

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>
Woods Highway	Ariana Lane	Both	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>
Ariana Lane	East	Briana Road
Woods Park Drive	West	Briana Road
Woods Park Drive	East	Briana Road
Briana Road	North	Woods Park Drive
Briana Road	South	Ariana Lane
Ariana Lane	West	Woods Highway

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.

Public Hearing Scheduled – Local Law Introductory “J” of 2009

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

(RESOLUTION NO. 286 OF 2009)

RESOLVED that the Town Board of the Town of New Hartford shall conduct a Public Hearing on Wednesday, December 9, 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 “J” of 2009** which, if adopted, would amend the Code, Chapter 113 thereof entitled **VEHICLES AND TRAFFIC**, by establishing additional Through Streets (Section 113-40) and additional Stop Streets (Section 113-41) in the vicinity of the New Hartford Business Park.

and be it

FURTHER RESOLVED that the Town Board does 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 Resolution was declared unanimously carried and duly **ADOPTED**.

Miscellaneous Reports

- Sewers – National Water Main: taking photos of manholes before and after repairs; 35 manholes done to date. Town is receiving sewer credits for work accomplished; Oneida County is providing the figures. Believe work will be finished the second week of December 2009 barring inclement weather.
- Commercial Drive and Jordan Road – the sewer line on Commercial Drive has been installed and is working; 660 feet was lined; putting sidewalks and driveways back in today. 99% complete.
- Snow and Ice Agreements – Villages and Schools – discussion and review on-going with Town Attorney; will be ready for December 9, 2009 Town Board meeting.
- Stormwater – The detention basin project in the vicinity of Kellogg-Oxford Road and Jubilee estates is on-going; great weather. Will need to topsoil in the spring.
- Woods Highway – the section of Woods Highway that had been competitively bid has been milled, binded and has been completed.

Director of Senior Services:

Senior Services Special Event

Director of Senior Services M. Eileen Spellman announced that an ecumenical thanksgiving service will be conducted at 11:00 A.M. on Thursday, November 19, 2009 for deceased family members and that a thanksgiving luncheon will immediately follow at the New Hartford Adult Dining and Activity Center. Everyone is invited to attend.

Director of Budget:

Fees In Lieu of Mitigation (FILM)

Director of Budget Heather Mowat received a legal opinion with regard to the ending date by which FILM must be expended, or returned to the developer; some funds must be spent by December 31, 2010 and the Town can move monies among FILM funds. There is approximately \$130,000 in the Seneca Turnpike-Commercial Drive GEIS corridor, about \$50,000 of which can be used for the Highway/Sewer Superintendent's manhole

project. Other types of work are being reviewed, including the piping of ditches along the east side of Woods Highway thereby eliminating potential problems for motorists.

In the French-Burrstone Road GEIS corridor, monies are being looked at for highway and water improvements and Senior Engineering Technician John Meagher is meeting with the Mohawk Valley Water Authority trying to isolate what and when the work can be done, buying the pipe now – about \$87,000. There aren't a lot of town roads in this corridor.

Since the two (2) police cars in the 2010 budget had been eliminated, Director Mowat recommended that two (2) police cars be purchased, one out of each GEIS corridor. The late Philip Rayhill, Esq. had written an opinion years ago that it was proper to purchase police vehicles from FILM. Councilwoman Krupa had asked for a copy of this opinion and had been given a copy. It's a contractual issue....if not spent by January 1, 2010, Director Mowat stated the Town must give back the money to the developer. Also, the Town can move money between the GEIS corridors and not hit the taxpayers for the purchase of the vehicles. She suggested leaving \$6,000 for lease under police contractual but to purchase 2 police vehicles, one from each corridor at \$23,000 each before the end of the current year. To Councilman Woodland's question whether reporting requirements exist to ensure the vehicles work in their respective corridors, Director Mowat said "...you have to document". Chief Philo confirmed that their use could be documented, that vehicles are assigned to specific zones and the police department can track it.

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

(RESOLUTION NO. 287 OF 2009)

RESOLVED that the New Hartford Town Board does hereby authorize and direct that two (2) police vehicles be purchased on State Contract, one from the Seneca Turnpike-Commercial Drive GEIS corridor FILM and one from the French-Champlin-Burrstone Road GEIS corridor FILM, at a cost not to exceed Twenty-three Thousand Dollars (\$23,000) each, respectively.

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**.

Upon recommendation of the Director of Budget, Councilman Reynolds introduced the following Resolution for adoption and Councilman Woodland seconded same:

(RESOLUTION NO. 288 OF 2009)

RESOLVED that the Town Board of the Town of New Hartford does hereby approve a 2009 Budget modification by increasing the Police Equipment Account AA3120.02 by the sum of Forty-six Thousand Dollars (\$46,000) and by increasing the Police Revenue Account AA5031.5 by the sum of Forty-six Thousand Dollars (\$46,000) for the purpose of purchasing two (2) police vehicles.

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**.

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

(RESOLUTION NO. 289 OF 2009)

RESOLVED that the Town Board of the Town of New Hartford does hereby grant permission to the Director of Budget to move forward with identifying and utilizing Fees In Lieu of Mitigation (FILM) for appropriate projects and to present the recommendations at the December 9, 2009 Town Board meeting.

The Town Board voted upon 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**.

Audit - 2009 Town Court Records

No one or no company having responded to the Town's advertisement to perform an audit of the Town Court records, Director of Budget Mowat made some phone calls and found a company willing to perform the audit. Thereafter, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Payne:

(RESOLUTION NO.290 OF 2009)

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires that town and village justices annually provide their court records and dockets to their respective town and village auditing boards, and that such records then be examined or audited and that fact be entered into the minutes of the board's proceedings;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby accept the proposal of Gustavason & Company, CPA???, address, in the amount of One Thousand Seven Hundred Fifty Dollars (\$1,750) for which said firm shall perform an independent audit of the cash receipts and cash disbursements of the Town of New Hartford Justice Courts for the year ended December 31, 2008; and be it

FURTHER RESOLVED that the Town Board does hereby approve a budget modification by transferring \$1,750 from the General Fund Contingency Account AA1990.04 to the Financial Audit Contractual Account AA1320.04 to cover the cost of the audit.

Upon roll call, the Board members voted as follows:

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

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

Miscellaneous:

- Time Warner Cable Television Franchise – agreement will expire August 2012
- CENTRO Bus contract – paying \$35,000 annually for years; Supervisor Reed had contacted them to possibly negotiate it and confirm what services the Town receives; no response yet from CENTRO
- Preswick Glen update – Have \$151,000 in Trust & Agency from Preswick Glen; received 3 quarterly payments in 2009 and 4th expected in December 2009. Working with Assessor Paul Smith on assessments
- Computer – major computer problem in accounting office; happens about every 10 years. Almost not able to issue 1099's and W-2's; bookkeeper suggests updating the software. The Town has no updates and no support; the program could break down anytime. Bring Supervisor-elect Patrick Tyksinski into decision-making process and take action at the December 9, 2009 Town Board meeting
- State Comptroller audit began today at 12 Noon; looking at initial risk assessment, internal controls, policy and procedures; looking at 2-3 years of board minutes; Personnel Technician assembling policies; looking at retirement and hours people working. Will be here everyday, possibly up to 4 auditors.

2010 Budget

Suggestions from various Board members:

- suggested if the Town could have a tax cap so the rate couldn't go up beyond a certain percentage each year. Heather said it's better to have a fund balance
- 5% pay reduction and elimination of some staff.
- Have 22 non-union employees – no pay raises and no longevity
- Union contracts – try to renegotiate, they get pay raises, longevity, etc.;
- \$75,000 reduced library
- eliminate Town Comptroller position, \$30,000 saved
- Clerk of Works for Jewel Ridge Subdivision, \$6,000 saved
- Eliminate Parks Department bookkeeper
- eliminate Fiscal Advisors line item
- don't fill in new fire and zoning officer positions
- central printing maintenance agreements - review and renew

The Director of Budget considered the Board's concerns and put together what she thought the Town Board would go with. Other suggested amendments or cuts:

- Reduce the Comptroller position to \$30,000
- reduce the Town Attorney to \$30,000
- John Meagher suggested a reduction in General Fund Whole-Town Account AA1440.49, Stormwater Management Review, from \$10,000 down to \$2,500.
- Recreation Center equipment \$1,000 for wii 5 accessible and reduce to \$350;
- sidewalks – reduce from \$5,000 to \$0.
- police vehicles take out of this year – talked about before

Highway Superintendent Sherman went through his budget again and recommended the following:

- curb side trash collection program in spring time; all employees go on curbside collection for 6 weeks. Instead of curbside service, he recommended using dumpsters at the Sanger Public Works Garage for five (5) months and residents bring their trash to that site weekdays and a couple Saturdays. Reduce program expense from \$45,000 to \$20,000. Other towns have done this and it worked. The Highway Superintendent recommended an electronic gate to protect fuel tanks and eliminate opportunity to dump off garbage after business hours.
- Also looked at seasonal laborers of 15 or more in past years; but this year he had only 7 employees, a savings of \$38,000. Regular full-time employees would be freed up to perform other jobs if dumpsters are used. Eliminated seasonal workers entirely in his 2010 budget.
- Eliminated seasonal Highway Clerk to cover for summer vacations. Try to use other employees in the Sanger Public Works Garage – \$4,000 savings; he has answered phones, etc. when staff was absent.

Director of Budget communicated with Police Chief Philo who has over \$51,000 due in grant reimbursements but might not know until 2010 if money is available from the State because they are financially in trouble. Chief Philo explained that federal money is channeled through the State – Safety Traffic money, child restraint and school resource officer. Chief Philo said BOCES on Middlesettlement Road will be expanding in the next year or so and alternative school students will be attending this facility.

With regard to the Sauquoit Creek Basin Intermunicipal Commission, \$20,000 has been budgeted on the appropriation and revenue sides.

Director of Budget stated that the General Fund total tax increase would be 46.1%. She had conversations with the State Comptroller's Office and the Town Attorney and the former is not ready to opine on the matter of sales tax-the police department issue-and Village of New York Mills property owners. Ms. Mowat's recommendation is to leave sales tax where it's been – in whole town general fund. Go with what seems equitable. She recommended getting a lawyer familiar with writing and reading tax law. The law is not specific and therefore the State Comptroller's Office declines to opine on the matter. She recommended after speaking with the State C, that even though they said sales tax should go to part town first, that to leave it in whole town so one village does not benefit more than the other. While she would rather have a legal opinion, she would rather be fair.....\$1.08 per thousand for New York Mills village property owners.

Councilwoman Krupa inquired what happened to other cuts...Ms. Mowat said it's up to the Town Board:

- 5% sharing of health care benefits (\$16,000) – Councilman Reynolds doesn't think it's appropriate at this time, have union employees who have guaranteed benefits and then non-union employees are not getting a raise/no longevity and don't feel its appropriate. Contracts expire in 2010 and try to renegotiate saying the non-union people have to pay. He believes it has to be addressed but not now. Councilman Woodland said people in private business are not getting raises and still contribute to their health insurance coverage.
- Look at retirement incentive for people eligible to retire and pursue it...only 11 employees are eligible to retire; Director of Budget said she doesn't think retirees contribute to their on-going health benefit.
- Library funding – reinstatement of \$75,000; Councilman Reynolds said to leave it at \$475,000; Councilman Payne felt if the Town Board wants to reduce the appropriate for 2011, they can do it in 2010.
- Town Supervisor Earle said he did overestimate the sales tax and didn't raise taxes enough and feels he's the one to take the blame for this; feel it's a good budget and have challenges in 2010.
- Dialogue on eliminating comptroller - Councilman Payne, if position is eliminated, there is no two (2) sets of eyes on the finances. Councilwoman Krupa said the Supervisor is the Chief Fiscal Officer and Budget Officer – leave it to him; Heather has done over and above what she was hired for. If the Supervisor-

elect wants to take on that responsibility, leave it to him; address it in the 2011 budget if it doesn't work.

In response to the question of a citizen present, it was stated that this budget does nothing to restore fund balance. It was suggested that the Town look into consolidation, the way to go but need to look beyond dispatch; it's happening across New York State. A citizen said the Highway Department made cuts, the library should make cuts even if it has to close one day a week.

Mike Ciancolo – Having attended the two (2) Budget Public Hearings, he said the Town Board should take a hard look at the citizens' concerns. He suggested new labor negotiations next year...benefits....pay cuts...out-source bookkeeping...library cuts...out-source maintenance on highway vehicles. He said the town's tax base is shrinking. Councilman Reynolds and Supervisor Reed responded there is some start up in residences, etc. that was stymied in the past year because of sewer credits; the Town Supervisor and Director of Budget brought to Oneida County's attention the problem with PILOT Agreements (assessments removed from the roll) and sales tax revenue – a double whammy to the town.

Russell Cerminaro brought up the matter of paying Bookkeeper Carol Fairbrother about \$75,000 for overtime that he said a 1999 Town Board Resolution precluded her from receiving, that her raise was to include all hours to perform payroll functions as well as accounting duties. The Town Supervisor said the Town paid a Syracuse law firm for a legal opinion on this and ruled in Ms. Fairbrother's favor.

Councilman Reynolds said all the big ticket items cannot be addressed between now and Friday (November 20th, the deadline for adopting the budget) or now and 6 months from now. This is a budget and it doesn't mean department heads have carte blanche; there is a Purchase Order system, etc. and the next administration can cut. Director Mowat said that most department heads cut their 2010 budgets. If you choose to lay people off, that's up to next administration.

Adoption – 2010 Annual Budget

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

(RESOLUTION NO. 291 OF 2009)

WHEREAS, the Town Board of the Town of New Hartford held Public Hearings on November 5, 2009 and November 12, 2009, to consider the adoption of the 2009 Preliminary Budget, including special district rates;

NOW, THEREFORE, BE IT RESOLVED that the said Town Board does hereby adopt the 2010 Preliminary Budget as the 2010 Annual Budget as set forth in Schedule "A" annexed hereto and made a part of this Resolution and does hereby set the rates for all funds and the special districts/improvement areas as set forth in said budget.

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

Councilman Payne – believes the Town departments have worked hard on this, need public safety and adequate services; quality of life; library has reduced budget request – don't like tax increase – AYE

Councilman Woodland – at the end of the day, we're putting the cost of the Town of New Hartford on the people who are suffering; believes another \$150,000 could be cut; haven't seen library cuts and health benefits - NAY

Councilman Reynolds – looked at budget; labor costs and benefits big ticket items; applaud the Highway Superintendent for work he's done; again, each cost center is pretty well stripped and nothing left to cut – AYE

Councilwoman Krupa -- NAY, doesn't feel the Board wants to do any more to reduce the budget impact.

Supervisor Reed – AYE; thankful of snowstorm the night of the November 5th Budget hearing -- must maintain roads and public safety.

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

MATTERS SUBMITTED BY COUNCILMEN

COUNCILWOMAN KRUPA:

Executive Session

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

(RESOLUTION NO. 292 OF 2009)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss proposed, pending or current litigation as relates to the Appler medical benefits matter and to discuss the employment history of a particular employee.

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**. All persons present, including the news media, were then excused from the meeting at 7:44 P.M. The Town Clerk was asked to remain in the event the Town Board wanted to take action after the Executive Session; also remaining for the Executive Session were Attorney Green, Police Chief Philo and Police Commission Member James Spellman.

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 293 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 8:28 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public was invited to re-join the meeting.

MATTERS SUBMITTED BY TOWN SUPERVISOR

FISCAL:

Audit of Vouchers

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

(RESOLUTION NO. 294 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:

Stormwater Drainage Abstract #15	
Vouchers HU29	\$ 540.00
New Hartford Business Park Fund Abstract #5	
Vouchers H05	\$ 36,879.10
Highway Fund Part-Town Abstract #22	
Vouchers DB665-DB689	\$ 25,000.73

General Fund Part-Town Abstract # 25	
Vouchers BB170-BB182	\$ 4,999.08
General Fund Whole-Town Abstract #60	
Vouchers A1701-A1702	\$ 296.11
General Fund Whole-Town Abstract #61	
Vouchers A1703-A1768;A1782-A1786	\$ 34,560.40
General Fund Whole-Town Police Abstract #60A	
Vouchers A1769-A1781	\$ 8,324.82
Sewer Fund Abstract #28	
Voucher SS90-SS92	\$ <u>1,016.09</u>
TOTAL:	\$111,616.33

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

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilman Payne and duly seconded, the meeting adjourned at 8:29 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk