

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, MAY 12, 2010 AT 7:00 P.M.**

Town Supervisor Patrick Tyksinski called the meeting to order at 7:00 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 Donald C. Backman
Councilwoman Christine G. Krupa
Councilman David M. Reynolds
Councilman Richard B. Woodland, Jr.
Supervisor Patrick M. Tyksinski

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Assessor Paul E. Smith
Codes Enforcement Officer Joseph A. Booth
Deputy Supervisor Matthew Bohn III
Dispatch Supervisor Jeffrey P. Madden
Highway Superintendent Richard C. Sherman
Parks and Recreation Director Michael W. Jeffery
Senior Engineering Technician John Meagher
Town Attorney Herbert J. Cully
Town Clerk Gail Wolanin Young

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

MINUTES

Town Board Minutes – April 28, 2010

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

(RESOLUTION NO. 123 OF 2010)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held April 28, 2010 and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

Councilwoman Krupa	-	Aye
Councilman Reynolds	-	Aye

Councilman Woodland	-	Aye
Councilman Backman	-	Aye
Supervisor Tyksinski	-	Aye.

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

PUBLIC PRESENTATIONS

Stormwater run-off – Oneida Street

Patricia Savicki who lives on Oneida Street between Red Hill Road and Oxford Road, apprised the Town Board of a water run-off problem that has affected her property for years by creating a “pond” between her front yard and Oneida Street. As a result, passing vehicles splash water upon pedestrians and upon her sidewalk that has become pitted, her mail becomes soaked in the roadside mail receptacle during rainy weather, the dirt has become corroded near her mail receptacle, the bottom of her driveway apron has deteriorated and her vehicle bottoms out and during the winter, the area freezes over like a skating rink. Ms. Savicki stated that the Highway Department has promised for the past three (3) years to remedy the situation. While the area had been patched two (2) years ago, it made the situation worse. Highway Superintendent Sherman responded that he’s familiar with the problem and will report on it later during the meeting; Ms. Savicki was asked to remain for further discussion/information.

Suggestion: Comment period at end of Town Board meetings

Ralph Humphreys inquired if the Town Board would consider a public comment period before adjournment of meetings in the event the public might want to comment on what occurred during the meeting. Town Board consensus was to allow a 5-minute period at the end of Town Board meetings for this purpose.

Stormwater Issues

Sidney Perry was awaiting arrival of Dr. Rao as both had comments with regard to stormwater issues.

Suggested Budget Savings

Edmund Wiatr stated that he and Cathy Lawrence have been reviewing Town budget documents and have identified a number of areas whereby the Town could realize significant cost savings of about \$3 million dollars:

- Non-budgeted overtime of police officers
- Non-budgeted overtime for non-law enforcement personnel
- Policy that department heads can’t be paid for overtime, sick time, or receive severance pay
- Cease rental of trailer for the Madden Justice Building and save on associated utility costs as well [*NOTE: Supervisor Tyksinski noted that the Town Board has already discussed this.*]

- Sell three (3) Town vehicles that they believe aren't being used properly by Town employees; they believe there is no accountability by Town employees as to mileage and use for government time and/or personal use
- Office supplies – stop purchasing bottled drinking water for employees paid for by Town residents
- Stop renting coffee machines for the Highway Department and buildings – the Town shouldn't subsidize employees' coffee; don't know if coffee is included in the monthly rental costs
- Believe law enforcement department is overstaffed by eight (8) positions that could be cut
- Issue with stipends if an employee has more than one (1) job. The Personnel Technician is charged with paying employees properly
- Butler Memorial Hall needs its own identity but believe Butler Memorial Hall is charging the Town too much for office space/parking
- Instead of a private trash hauler for the Town's various buildings, consider a shared services agreement with the Village of New Hartford Village which provides trash collection
- Eliminate monthly lease of Police Chief's vehicle [*NOTE: Town Board has already taken action to terminate the lease in June 2010.*]
- Eliminate three (3) Recreation Department employees without sacrificing services; Mr. Wiatr did commend Parks and Recreation Director for his excellent work.
- Eliminate Highway Department personnel, where during winter months they drive around with three (3) or four (4) employees; feel it's a waste of money
- Have employees pay a portion of their health insurance premiums
- Discontinuance of Emergency Dispatch Center; while the Town believes they will save about \$700,000 annually, Mr. Wiatr/Ms. Lawrence believe the Town would see a savings of nearly \$1.1 million
- Charges to the Kellogg Road Community Center Building while it was closed from public use.

In response to Mr. Wiatr's comments, Supervisor Tyksinski stated that labor, overtime and other concerns are presently being reviewed by a committee comprised of Councilman Reynolds and Deputy Supervisor Bohn, who will report to the Town Board. The Town Board will look at water and coffee machine expenditures; department heads do not get overtime. With regard to other overtime, the committee should be taking care of this. Concerning employee co-pays toward health insurance, the Town is negotiating three (3) union contracts and this is one item the Town is asking for in all negotiations. The Town Supervisor has had discussions with the Highway, Parks and Police Departments and are looking at lot of items Mr. Wiatr had mentioned. Supervisor Tyksinski extended his thanks for Mr. Wiatr bringing these matters to the Board's attention, stating there are a number of things the Town is looking into and hopefully before budget time in August, will get on the right track.

Mr. Wiatr commended Highway Superintendent Richard Sherman for an excellent job but believes there are some improvements that still can be made.

Ms. Savicki also thanked the Highway Superintendent for fixing a pothole near her property this spring.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRMAN

Zoning and Planning Committee – Councilman Woodland

Training

With regard to mandated training for members of Zoning Boards of Appeal and Planning Boards, Councilman Woodland introduced the following resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 124 OF 2010)

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 Zoning Board of Appeals' member Robert Schulman and Planning Board members G. Brymer Humphreys and Robert Wood to attend the Continuing Education Program for Planning and Zoning Boards of Appeal, sponsored by Environmental Design and Research, on June 2, 2010 in the Town of Schuylers, 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 Woodland	-	Aye
Councilman Reynolds	-	Aye
Councilman Backman	-	Aye
Supervisor Tyksinski	-	Aye.

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

Parks and Recreation Committee – Councilman Reynolds:

Monthly expenses/revenues

Councilman Reynolds distributed copies of the monthly statement of expenditures and revenue prepared by the Parks and Recreation Director.

Donovan Memorial Community Center

In response to the Supervisor's request at the April 28, 2010 Town Board meeting, the Parks and Recreation Director prepared a list of potential non-profit use groups which might use the Donovan Memorial Community Building on Elm Street, Chadwicks; while

all organizations have found other venues to meet, some might be interested in utilizing the Donovan Building. This facility would not be used for birthday parties and like events. Highway/Buildings and Grounds Superintendent Sherman said the building needs a good cleaning and it would be ready for use; Parks and Recreation Director Jeffery stated that his Department takes care of the exterior of the building. The Parks and Recreation Director noted that renovations to this building had been accomplished through state funding through the late NYS Senator James Donovan. Board consensus was to clean up the building and make it available to non-profit groups.

Agreement – Ice Rental Agreement

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

(RESOLUTION NO. 125 OF 2010)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute a Rental Agreement between the Town of New Hartford and the Utica Roller Girls for use of the New Hartford Recreation Center from April 29, 2010 through August 31, 2010.

The Supervisor polled the Board members who voted as follows:

Councilwoman Krupa	-	Aye
Councilman Woodland	-	Aye
Councilman Reynolds	-	Aye
Councilman Backman	-	Aye
Supervisor Tyksinski	-	Aye.

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

Credit Applications

Upon request of the Parks and Recreation Director, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilwoman Krupa:

(RESOLUTION NO. 126 OF 2010)

WHEREAS, two (2) vendors will not ship items upon presentation of an approved Purchase Order only, and are requesting that the Town of New Hartford file credit applications with their company(ies);

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to sign and to submit credit applications to John Deere Landscapes, Syracuse, New York and to Waterplay Manufacturing, Inc., St. Kelowne, British Columbia, Canada, with regard to purchase by the Parks and Recreation Department.

A roll call vote ensued:

Councilwoman Krupa	-	Aye
Councilman Woodland	-	Aye
Councilman Reynolds	-	Aye
Councilman Backman	-	Aye
Supervisor Tyksinski	-	Aye.

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

2010-2011 and 2011-2012 Ice Rental Rates

Councilmen Reynolds and Backman are working with the Parks and Recreation Director for recommendations as to future ice rental rates at the Recreation Center.

Public Works and Sewer Committee – Councilman Backman

Highway Department Matters:

- Crack sealing machine is here and is being used
- CHIPS revenue - came to attention of Highway Superintendent and Councilman Backman that this revenue cannot be used for crack sealing of roads

STORMWATER MANAGEMENT IMPROVEMENT (ADVISORY) COMMITTEE

Christopher Circle Stormwater

Elisabetta DeGironimo, Chairman of the Stormwater Management Improvement (Advisory) Committee, reported that the Committee met May 11, 2010 and are two-thirds done developing criteria with regard to some small stormwater issues, one of which is the Christopher Circle area. The Committee was urged to get some small projects done while working on bigger projects. Christopher Circle is ready and engineered, as well as the cost associated with it; Highway Superintendent believes the project can be accomplished in-house for approximately \$2,900 in materials over a period of two (2) or three (3) days. The Committee recommended a cap of \$10,000 for this project, to include surveying, permanent easements and filings. The \$10,000 could be expended from the Stormwater bond money. The Town Attorney recommended permanent easements be obtained so that the Town would have the right to access from time to time in the future. Councilman Backman introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 127 OF 2010)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct that a not-to-exceed amount of Ten Thousand Dollars (\$10,000) be and it hereby is approved to pay for the associated costs of stormwater improvement on Christopher Circle, said costs to include materials, surveying, acquisition of permanent easement and the filing of same. The payment of these costs shall be made from the stormwater bond monies.

Discussion continued with Chairman DeGironimo confirming that remediation work would be done on private property and that some small projects had reached the threshold of \$10,000. The Committee hasn't studied the downstream effect of the water. The Town Attorney commended Chairman DeGironimo and the Stormwater Committee for looking at these projects very closely, rating the projects and determining whether there's a public benefit. He noted that, over the years, the Christopher Circle area has been built up which may be contributing to the problem. Highway Superintendent Sherman stated there is a public benefit to be derived and that Joanne Faulkner of the Oneida County Soil and Water Conservation Agency had performed an on-site inspection. Councilman Reynolds inquired how the Town would handle this matter if someone challenged the Town; Attorney Cully replied that the Town could prove there is a public benefit and that the Town did not cause the problem.

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

Councilwoman Krupa	-	Aye
Councilman Woodland	-	Aye
Councilman Reynolds	-	Aye
Councilman Backman	-	Aye
Supervisor Tyksinski	-	Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**. Councilman Backman noted that the Town's regulations do not protect the Town, that a developer can come in and build and then the Town is "...left holding the bag." The Town needs to work to not repeat that scenario. If a developer builds a system and it fails, the Town should make the developer correct the problem. He said the Planning Board should be reviewing these systems. Councilman Reynolds said the Town is in the process of updating its subdivision regulations. The Town Attorney stated that the Town should have its own independent engineering consultant to review stormwater plans and cited the Jubilee Estates development that had gabion baskets which were thought to work but they failed and the Town ended up purchasing two (2) lots and building a detention basin.

Sedgewick Park Stormwater

Councilwoman Krupa again brought up the stormwater problems experienced by the Sedgewick Park property owners who had been promised since 2003 to have their problem resolved and the Town Board had adopted a Resolution to set aside money for remediation. In response to Supervisor Tyksinski's question about funding for this project, Councilwoman Krupa will review the 2010 Budget to determine if monies were budgeted; if so, there would be no need to use stormwater bond monies. Chairman

DeGironimo wasn't aware of this situation. The Town Supervisor asked that the Stormwater Management Improvement (Advisory) Committee review this matter.

Chairman DeGironimo recommended that permanent easements be obtained and then consider grouping small projects together for surveying purposes.

Beechwood Road Stormwater

With regard to the Beechwood Road project, Chairman DeGironimo is hopeful that the necessary easements can be secured; the conceptual engineering has been done but not the preliminary and final because the latter depends upon easements being secured. She asked Councilman Backman to notify the Beechwood Road residents. In response to the Town Attorney's question, Chairman DeGironimo believes that stormwater bond monies would cover incidental costs.

Miscellaneous Drainage Districts

Chairman DeGironimo noted there are drainage districts in many areas and suggested that the Town identify those drainage districts that should be contributing maintenance money rather than using stormwater bond monies.

Appointments – Stormwater Management Improvement (Advisory) Committee

Councilman Backman then introduced the following Resolution which was duly seconded by Councilwoman Krupa:

(RESOLUTION NO. 128 OF 2010)

WHEREAS, the Town Board adopted Resolution No. 89 on May 9, 2007 thereby creating the Stormwater Management Improvement (Advisory) Committee whose members shall include two (2) at-large members, one (1) representative from the Public Works and Sewer Advisory Committee, the Planning Board Chairman or his/her designee, the Town Planner, and the Senior Engineering Technician, with the Town Attorney to serve as an Ad Hoc member on an "as-needed" basis for consultation; and

WHEREAS, the Town Board adopted Resolution 123 on May 13, 2008 setting forth the membership and establishing terms of office for the Stormwater Management Improvement (Advisory) Committee; and

WHEREAS, several vacancies now exist on the Stormwater Management Improvement (Advisory) Committee;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby *appoint/**reappoint the following individuals as members of said Stormwater Committee for the terms set opposite their several names:

At-Large Members

Position No. 2 - *Michael Fanelli to fill the unexpired term of Robert Lewis, effective May 13, 2010 thru

May 8, 2011

Position No. 3 - *Brian Sanders to replace Elisabetta DeGironimo who will become the Planning Board Representative, appointment effective May 13, 2010 thru May 8, 2013

Public Works and Sewer Advisory Committee representative
Position No. 5 - **Kenneth Lowell May 13, 2010 thru May 8, 2011

And be it

FURTHER RESOLVED that the New Hartford Town Board does hereby designate Elisabetta DeGironimo as the Town Planning Board representative for a one-year term beginning May 13, 2010 through May 8, 2011.

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

Councilwoman Krupa	-	Aye
Councilman Woodland	-	Aye
Councilman Reynolds	-	Aye
Councilman Backman	-	Aye
Supervisor Tyksinski	-	Aye.

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

MATTERS SUBMITTED BY COUNCILMEN / DEPUTY SUPERVISOR

Councilman Backman:

Records Center

The square footage of the Records Center has been determined. The question remains of whether to rehabilitate the facility; three (3) quotes for roofing have been obtained but no action will be taken until the Town Board decides what to do with the building. If the Board decides not to replace the roof and vacate the building, the Town Board would have to look at other options.

Freedom of Information Law (FOIL) – E-mails

Recently FOIL requests have been received for emails, including town business done on an officials/employees home computer. After some discussion, it was decided that if a Town official/employee did receive and/or send emails at their home computer, that the respective official/employee forward copies to the Town computer for accessibility. The Deputy Supervisor will look into this matter.

New Hartford Public Library

Councilman Backman had met with Kevin Kelly and Earl Cunningham of the New Hartford Public Library, explaining the Town Board's interest in bringing two (2) or three (3) new members to the Library Board of Trustees. The Library Board hasn't provided the Trustee names they wish to retain on the Board so Councilman Backman will contact them again. He will arrange for an article to be placed on the Town's web site and in the Observer Dispatch stating the Town Board's intent to appoint three (3) new trustees and possibly more.

Property Maintenance – (14 Bradley Road)

Upon recommendation of Codes Enforcement Officer Joseph Booth, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 129 OF 2010)

WHEREAS, the Town of New Hartford had adopted on September 24, 1994 a Local Law regulating property maintenance and which Law prohibits the accumulation of brush, grass, rubbish or weeds on any real property in said Town (Code, Chapter 94); and

WHEREAS, the Town Codes Enforcement Officer has received complaints about high grass and weeds upon premises located at 14 Bradley Road (Tax Map Parcel No. 329.020-7-63), New Hartford, New York owned by Gary E. Bernstein whose last known address is 14 Bradley, New Hartford, New York; and

WHEREAS, the property appears to be abandoned, and the Codes Enforcement Officer had communicated with said owner via certified mail;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Codes Enforcement Officer, through the Parks and Recreation Department, to continue with mowing the lawn at 14 Bradley Road and that the costs and expenses incurred by the Town in connection with said proceedings be assessed against the land on which said public nuisance exists; specifically, the Town Board does hereby authorize and direct Oneida County to levy such charges on the 2011 Town and County tax bill.

Upon roll call, the Board members voted as follows:

Councilwoman Krupa	-	Aye
Councilman Woodland	-	Aye
Councilman Reynolds	-	Aye
Councilman Backman	-	Aye
Supervisor Tyksinski	-	Aye.

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

Property Maintenance – (2 Waterford Lane)

Property located at 2 Waterford Lane, Tax Map. No. 330.012-8-50 (owner - Michael Van Fossen) appears to be abandoned or distressed. Codes Enforcement Officer Joseph Booth has contacted the mortgage company, which indicated they would have a private company mow the lawn at this location. Codes Enforcement Officer Booth will monitor this site.

:

MATTERS SUBMITTED BY HIGHWAY SUPERINTENDENT

Highway Superintendent Sherman reported on several matters:

- *CHIPS Funding* - apologized to the Town Board, saying he was misled on the use of CHIPS money. These state funds cannot be used for road patching, but must be used for paving projects that last at least ten (10) years. The Town has 82 miles of town roads and in every ward there are roads that need paving. Board members were asked to prepare a list of roads needing paving in their respective Ward, after which the Highway Superintendent would rank the roads in order of need
- *Crack sealing program* - about \$22,000, cheaper than anticipated; found moneys that can be transferred. The program has been operational for two (2) weeks.
- *Curbside trash collection (Discontinuance)* – recently WKTV had a news broadcast about the Town’s discontinuance of the annual Curbside Trash Collection. The Highway Superintendent stated that beginning in April 2010 dumpsters at the Sanger Public Works Garage have been available to Town residents each Monday, Wednesday and Friday from 7:00 A.M. to 2:30 P.M.; this service will continue through August 27, 2010 and will also be available on Saturday, August 28, 2010. To accommodate residents during evening hours, the dumpsters will be available on June 9 and June 23, 2010. While the Town must pay tipping fees at the transfer station, Highway Superintendent Sherman reported the Town receives “drop-off” fees from residents and is reimbursed for steel items. To date, this program has broke even. Residents who have talked to the Highway Superintendent about the revised trash collection have said they like being able to do this at their leisure from April to August, that they can clean one room or area at a time on their property. To the Town’s advantage, this revised program frees up employees to perform crack sealing, picking up tree limbs, etc.
- *Sewer repairs (3 sites)* – have 2 quotes, awaiting a third; bring up at next meeting
- *Camden Way Sewer Pump Station* – obtaining quotes; bring up at next meeting
- *Restaurant inspections (grease traps/sewers)* – dedicate certain number of hours in the morning, three (3) days per week; inspections going well and getting good results. Restaurant owners seem to be glad the Town is doing this – they get a chance to “get up to snuff” and free grease from their traps.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRMAN

Town Clerk Committee – Councilwoman Krupa:

NYS Liquor Authority – Waiver

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

(RESOLUTION NO. 130 OF 2010)

WHEREAS, State Liquor Authority law requires an applicant to wait at least thirty (30) days after notifying the Town of New Hartford before the applicant can submit an application for a liquor/wine license to the Liquor Authority; and

WHEREAS, due to oversight, Frank Cristiano, dba Tony’s Pizzeria of Washington Mills, NY, failed to comply with the timely notification to the Town of New Hartford of his intent to re-new his business’ liquor/wine license;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby waive the thirty (30) day timeframe, having been notified on February 26, 2010 that the Tony’s Pizzeria was re-applying for their liquor/wine license.

The Resolution was voted upon by roll call as follows:

Councilwoman Krupa	-	Aye
Councilman Woodland	-	Aye
Councilman Reynolds	-	Aye
Councilman Backman	-	Aye
Supervisor Tyksinski	-	Aye.

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

Raffle Consent

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

(RESOLUTION NO. 131 OF 2010)

RESOLVED that the New Hartford Town Board does hereby grant permission to Kids Oneida, Inc., 310 Main Street, Utica, NY 13501, an organization duly granted a Games of Chance Identification Number by the New York State Racing and Wagering Board, to sell raffle tickets in the Town of New Hartford, New York, 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 Backman	-	Aye
Supervisor Tyksinski	-	Aye.

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

MATTERS SUBMITTED BY COUNCILMEN / TOWN ATTORNEY

Town Attorney:

Railroad Crossings – Access Agreement

Attorney Cully distributed copies of a letter addressed to the New York, Susquehanna and Western Railway Corporation with regard to an approximate \$7,833 credit due the Town for maintenance charges paid for the railroad crossing at the Washington Mills Athletic Park for a period of eight years. The Railway Corporation will review the matter. Attorney Cully will also ask Assessor Paul Smith to review matters with regard to property taxes.

Retirement – Standard Workday Schedule

The Town Attorney expects to have a Resolution finalized by the May 26, 2010 Town Board meeting, establishing a standard workday to comply with new State regulations for retirement purposes.

Councilwoman Krupa:

Declaration of Surplus Vehicle – Authorization to Sell

Upon request of the Acting Police Chief O’Neill, the following Resolution was offered for adoption by Councilwoman Krupa and duly seconded by Councilman Woodland:

(RESOLUTION NO. 132 OF 2010)

RESOLVED that the Town Board of the Town of New Hartford does hereby declare as surplus the following vehicle that has a bad transmission and is no longer road worthy:

<u>Year</u>	<u>Make/Model</u>	<u>VIN</u>
2007	Ford Crown Victoria Police Interceptor (Car #46)	2FAFP71WF151396

And be it

FURTHER RESOLVED that the aforesaid vehicle 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 vehicle.

The foregoing Resolution was voted upon by roll call as follows:

Councilwoman Krupa	-	Aye
Councilman Woodland	-	Aye
Councilman Reynolds	-	Aye
Councilman Backman	-	Aye
Supervisor Tyksinski	-	Aye.

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

E-Bay Sales, Procedures

The Town Supervisor had been reviewing E-bay sales of surplus Town equipment and vehicles and questioned the procedure of who receives the money for the sale of town items and who determines how the money is spent. After a brief discussion, Councilman Backman introduced the following Resolution for adoption; seconded by Councilwoman Krupa:

(RESOLUTION NO. 133 OF 2010)

RESOLVED that the Town Board of the Town of New Hartford does hereby establish the following policy for all Town Departments with regard to E-Bay sales of surplus Town vehicles and equipment:

- Town Board shall adopt a resolution to declare any items as surplus and to authorize the items for sale on E-bay
- Town Webmaster shall post the surplus items for sale on E-bay, together with any stipulations made by the Town Board
- Upon close of bidding time, Town Webmaster shall provide copies of E-bay bids to the Town Board which shall adopt a resolution to accept the highest bid, or to reject any/all bids
- Town Webmaster shall notify successful bidder; or in the event bids are rejected, notify all unsuccessful bidders.
- The successful bidder shall deliver the full purchase price of all items directly to the Town Clerk's Office, where a receipt will be written for the purchase price and describing the surplus sale items purchased
- Town Clerk's Office shall then issue a Memorandum to the Bookkeeper or Comptroller detailing the surplus items sold, the amount of money collected, and deliver the money to said Bookkeeper or Comptroller.

Upon roll call, the Town Board members voted as follows:

Councilwoman Krupa	-	Aye
--------------------	---	-----

Councilman Woodland - Aye
Councilman Reynolds - Aye
Councilman Backman - Aye
Supervisor Tyksinski - Aye.

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

Councilman Reynolds:

Jordan Road - Relocation of Sanitary Sewer line

Upon inquiry of Councilman Reynolds, Highway/Sewer Superintendent Sherman explained that the construction of a sewer line at the intersection of Jordan Road and Genesee Street years ago had become a problem, collecting stormwater that would pop off the sewer manhole cover. Once that happened, the Town was mandated to report the incident to the New York State Department of Environmental Conservation because stormwater was draining into the sanitary sewer system. Recently, the existing sewer line was changed by installing a pipe at a 45-degree angle to eliminate this condition, installing a new stormwater catch basin and grading the corner property (Pauley) graded.

Savicki property, Oneida Street

The Town Supervisor asked the Highway Superintendent to make an on-site inspection of the Savicki property on Oneida Street and then contact the Town Supervisor as to what remediation can be done.

Complaint – Water Tank,

Councilman Reynolds had received a constituent complaint about the water tank at the corner of Sanger Avenue and Jordan Road, that it needs painting; the Highway Superintendent will look into this matter, as well as a possible leak as there is evidence of some water flow on the ground.

MATTERS SUBMITTED BY THE TOWN SUPERVISOR

Financial:

Audit of Vouchers

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

(RESOLUTION NO. 134 OF 2010)

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:

Trust & Agency Fund Abstract #18
Vouchers TT73-TT74

\$ 508.18

Highway Fund Part-Town Abstract # 6 Vouchers DB268	\$ 2,263.50
Highway Fund Part-Town Abstract #7 Vouchers DB269-DB328	\$100,884.68
General Fund Part-Town Abstract # 5 Vouchers BB53	\$ 3,240.00
General Fund Part-Town Abstract # 6 Vouchers BB54-BB61	\$ 10,998.47
General Fund Whole-Town Abstract #13 Vouchers AA252-AA260; AA362	\$ 2,374.37
General Fund Whole-Town Abstract #15 Vouchers AA363-AA369	\$ 17,573.17
General Fund Whole-Town Abstract #16 Vouchers AA370-AA437; AA442-AA464	\$187,518.46
General Fund Whole-Town Abstract #17 Vouchers AA438-AA440	\$ 300.83
General Fund Whole-Town Police Abstract #7 Vouchers BP91	\$ 299.70
General Fund Part-Town Police Abstract #8 Vouchers BP92-BP113	\$ 45,038.70
Sewer Fund Abstract #8 Voucher SS27	\$ 2,474.45
Sewer Fund Abstract #9 Voucher SS28	\$ 80,000.00
Sewer Fund Abstract #10 Vouchers SS29-SS34	\$ 7,173.50
Fire Protection (Willowvale Fire Co.) Abstract #4 Vouchers SF6-SF8	<u>\$ 55,542.69</u>
TOTAL:	<u>\$516,542.69</u>

with the exception of Voucher SF8 on Fire Protection Abstract #4 (Willowvale Fire Company, Inc. Special Awards Program), which is to be held until confirmation is received that said voucher in the amount of \$53,225.02 payable to Nationwide Life Insurance is not a duplicate of a voucher paid in February 2010 and that sufficient monies had been budgeted for this item.

Upon roll call, the Board members voted as follows:

Councilwoman Krupa	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Backman	-	Aye
Supervisor Tyksinski	-	Aye.

This Resolution was declared unanimously carried and duly **ADOPTED**. [NOTE: The bill of \$14,711.15 paid in February 2010 was for life insurance premiums for the

Willowvale Fire Company volunteer firefighters. The bill of \$53,225.02 (Voucher SF8) is for the side contribution for retirement benefits for said volunteer firefighters.]

2010 Budget

Supervisor Tyksinski has reviewed some figures and it looks as though total budget wise the Town is okay.

Unfinished business:

Whitesboro Dispatch Service Agreement - 2010

Supervisor Tyksinski reported that the Whitesboro Fire Department had been offered installment payments for dispatch services during 2010 with the last payment to be received by the Town not later than January 31, 2011. Their fiscal year runs differently, but their comment is they only have \$2500; the Agreement is approximately \$7500. After some discussion, it was the Town Board's consensus that if the Agreement between the Town and the Whitesboro Fire Department has not been signed, the Town will terminate dispatch services to Whitesboro as of June 30, 2010 and give them written notice.

Police Chief – update

Councilwoman Krupa and Councilman Woodland have been working with Personnel Technician Barbara Aiello with regard to the Police Chief vacancy; the Town Board will commence interviews the week of May 17, 2010. Based upon review of those interviews, the Town Board might be able to make a decision at the May 26, 2010 Town Board meeting.

Extension of Rayhill Memorial Trail

Senior Engineering Technician John Meagher reported that the final design for the extension of the Rayhill Memorial Trail has been approved by the New York State Department of Transportation and that the Town Supervisor's signature is now required on two (2) forms. Councilwoman Krupa offered the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 135 OF 2010)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to execute two (2) forms with regard to the extension of the Rayhill Memorial Trail and which forms will be filed as part of the Rayhill Memorial Trail Project Report with the New York State Department of Transportation:

- A statement that a Public Hearing had been held on this matter on March 18, 2009 in Butler Memorial Hall, New Hartford, NY; and
- A statement, pertaining to the scope and design approval, that the required environmental determinations had been made and the preferred alternative for this project is ready for final design.

Senior Engineering Technician Meagher said the Town could now acquire the necessary property and perhaps bid the project in Fall of 2010. Thereafter, the Supervisor polled the Board members who voted as follows:

Councilwoman Krupa	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Backman	-	Aye
Supervisor Tyksinski	-	Aye.

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

Certiorari Proceeding – Applewood vs Town

With regard to the Attorney bill pertaining to the Applewood Community appraisal and attorney fees associated therewith, Supervisor Tyksinski stated this was, by prior Town Board Resolution, a 50/50 financial arrangement on the appraisal and 90/10 arrangement on the attorney fees. There is barely enough money in the 2010 Budget to pay the attorney fees. Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Backman:

(RESOLUTION NO. 136 OF 2010)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the payment of Two Hundred Sixteen Dollars (\$216.00) to Ferrara, Fiorenza, Larrison, Barrett & Reitz, P.C., said amount representing the Town’s Ten Percent (10%) share of professional services rendered by said law firm in the matter of The Applewood Community, Inc. versus Town of New Hartford, et al, certiorari proceeding (assessment) for the period through May 31, 2010.

A roll call vote ensued:

Councilwoman Krupa	-	Aye
Councilman Woodland	-	Aye
Councilman Reynolds	-	Aye
Councilman Backman	-	Aye
Supervisor Tyksinski	-	Aye.

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

2010 Budgetary Transfers

Supervisor Tyksinski introduced the following Resolution for adoption; seconded by Councilman Backman:

(RESOLUTION NO. 137 OF 2010)

WHEREAS, at the January 14, 2010 Town Board meeting, a Resolution had been adopted thereby eliminating the position of Town Planner;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Bookkeeper to make the following 2010 Budgetary transfers:

<u>Description</u>	<u>Amount</u>	<u>Account Numbers</u>	
		<u>To</u>	<u>From</u>
<u>General Fund Part-Town</u>			
Reduce Expenditure Planner Salary	\$ 39,163.82		BB8020.12
Reduce Expenditure Planner Contractual	\$ 4,880.00		BB8020.44
Reduce Sales Tax Revenue	\$ 44,043.82		BB1120.00
<u>General Fund Whole-Town</u>			
Increase Contingent Account	\$ 44,043.82	AA1990.04	
Increase Attorney Contractual	\$ 25,000.00	AA1420.04	
Increase Sales Tax Revenue	\$ 19,043.82	AA1120.00	

The Town Board members were polled and voted as follows:

Councilwoman Krupa	-	Aye
Councilman Woodland	-	Aye
Councilman Reynolds	-	Aye
Councilman Backman	-	Aye
Supervisor Tyksinski	-	Aye.

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

2007 Sidewalk Construction – Edgebrook Construction

As a follow up to discussion at the April 28, 2010 Town Board meeting, Highway Superintendent Sherman has performed on-site inspections of sidewalks installed by Edgebrook Construction and that the necessary remediation work had been performed by said contractor. Superintendent Sherman recommended that the Town release the final monies withheld on this project. Councilwoman Krupa introduced the following Resolution for adoption and Councilman Backman seconded same:

(RESOLUTION NO. 138 OF 2010)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Bookkeeper to release to Edgebrook Construction the final monies owed said contractor for the 2007 Sidewalk Construction project, said final monies in the amount of One Thousand One Hundred Seventy-five Dollars and Thirty-four Cents (\$1,175.34) having been retained until sidewalk construction deficiencies had been remedied by the contractor.

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

Councilwoman Krupa	-	Aye
Councilman Woodland	-	Aye
Councilman Reynolds	-	Aye
Councilman Backman	-	Aye
Supervisor Tyksinski	-	Aye.

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

Early Retirement Incentive

The Town Supervisor and Councilman Backman have discussed the feasibility of offering an incentive to employees to retire early. Supervisor Tyksinski worked up some numbers and basically looked at the Highway Department (and others), considering those who might be thinking of retirement. The Personnel Technician helped with the figures; i.e.,

- wages to be saved
- separation to be paid upon retirement required in union contracts
- promotions to be made to fill those positions
- insurance savings at a reduced cost
- pension and payroll taxes.

The Town could save about \$103,277 in the first year. If the Town offered \$5,000 or \$7,000 to each employee who elects to retire early, additional savings could be realized. Based upon five (5) employees retiring early, year two could see a savings of a little over \$240,000. Because it's May 2010, the Town wouldn't see a full year's savings until 2011. Discussion included a 30-day sign-up period to commit to retire – non-retractable and would be offered to all Town employees. Attorney Cully will review the various union contracts to determine if this proposal would violate any provisions of the existing contract(s). Thereafter, Councilwoman Krupa introduced the following Resolution for adoption; seconded by Councilman Backman:

(RESOLUTION NO. 139 OF 2010)*(Amended 05-26-2010)

RESOLVED that the New Hartford Town Board does hereby offer an Early Retirement Incentive for Town of New Hartford Employees who would retire between July 14, 2010 and December 31, 2010, with eligible employees to receive a lump sum payment of Seven Thousand Dollars (\$7,000) each. Eligible employees must submit a letter of intent to retire no later than July 13, 2010 and which letter shall be an irrevocable letter of resignation for the purpose of retirement on July 14, 2010; and thereafter, must retire on or before December 31, 2010.

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

Councilwoman Krupa	-	Aye
--------------------	---	-----

Councilman Woodland	-	Aye
Councilman Reynolds	-	Aye
Councilman Backman	-	Aye
Supervisor Tyksinski	-	Aye.

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

2010 Budget Reductions

With regard to his comments made at the March 24, 2010 Town Board meeting that the Town could save \$500,000 through reductions in the Highway, Parks and Police Departments, Supervisor Tyksinski said it looks like those figures will be achieved.

Public Comment Period:

Stormwater – Various Items

Sidney Perry recalled that the Town Board would like to meet with the Planning Board for stormwater resolutions and Mr. Perry offered his assistance, as well as that of his friend, Dr. Rao.

Edmund Wiatr, Jr. believes there should be advanced notice of Stormwater Management Improvement (Advisory) Committee meetings. Supervisor Tyksinski responded that he has already discussed this with Committee Chairwoman Elisabetta DeGironimo and meeting dates will be posted on the Town’s web site.

Mr. Wiatr inquired whether there was any resolution to the *peter j smith & associates* GEIS for the southeastern portion of the Town. The Town Supervisor acknowledged receipt of a phone call from that firm “...and basically the ball is in their court at this time.”

Mary Jo Kelly thanked the Town Board and Stormwater Committee Chairwoman DeGironimo for their efforts and authorizing stormwater remediation on Christopher Circle.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilman Reynolds and seconded by Councilwoman Krupa, the meeting was adjourned at 9:06 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk