

**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 26, 2010 AT 6:00 P.M.**

Town Supervisor Patrick Tyksinski 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 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:**

Town Attorney Herbert J. Cully  
Town Clerk Gail Wolanin Young

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

EXECUTIVE SESSION

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

**(RESOLUTION NO. 144 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the employment history of a particular person.

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**. All persons present, including the news media and Town Clerk, were then excused from the meeting at 6:01 P.M. The Town Attorney remained for the Executive Session.

END OF EXECUTIVE SESSION

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

**(RESOLUTION NO. 145 OF 2010)**

**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 Backman	-	Aye
Supervisor Tyksinski	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 6:56 P.M. The regular portion of the Town Board meeting was reconvened at 7:00 P.M., with the recitation of the Pledge of Allegiance and the following Department Heads/employees having joined the meeting:

**OTHER TOWN OFFICIALS / EMPLOYEES PRESENT:**

Assessor Paul E. Smith  
Codes Enforcement Officer Joseph A. Booth  
Deputy Supervisor Matthew Bohn III  
Highway/Sewer Superintendent Richard C. Sherman  
Parks and Recreation Director Michael W. Jeffery  
Senior Engineering Technician John Meagher

MINUTES

**Special Town Board Meeting – May 20, 2010**

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

**(RESOLUTION NO. 146 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Special Town Board meeting held May 20, 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 HEARING

7:01 P.M.

#### ***Railroad Crossings – Railroad Law, Section 90 Extension of Rayhill Memorial Trail***

The Town Supervisor opened the Public Hearing at 7:01 P.M. with regard to the Town's plans to extend the Rayhill Memorial Trail and which extension would involve railroad crossings. [NOTE: The Town Clerk had available proof of publication of the NOTICE PURSUANT TO RAILROAD LAW (May 12, 2010 edition of the Observer Dispatch), the Affidavit of Posting and notification to the Village of New York Mills and City of Utica.

In response to the Town Attorney's May 4, 2010 letter to The New York, Susquehanna & Western Railway Corporation, Melanie Boyer of said Corporation was present to partake in preliminary discussion of the Town's plans and the necessity for railroad crossings. Town Attorney Cully stated that the Town is beginning the procedure for all three (3) railroad crossings and is conducting this initial hearing in accordance with Section 90 of the Railroad Law. It is the Town's intent to lay out, extend and construct the Rayhill Memorial Trail across the tracks and rights-of-way of said Railway Corporation at points in the Town of New Hartford, Village of New York Mills and the City of Utica. Attorney William M. Borrill was present representing the Village of New York Mills and City of Utica. Senior Engineering Technician John Meagher was present with a detailed map showing the three (3) locations.

Ms. Boyer commented that the Town's plan doesn't really involve an open road without motorized vehicles; parties need to be aware that this isn't really a private matter but rather a NYS Department of Transportation (DOT) matter. The Railway Corporation's legal team is still looking at this project. Town Attorney Cully had discussed this with counsel at DOT who determined that the crossing over tracks clearly applies and the crossing is considered a street or road; he did explore that with Donna Hintz, Division of Legal Affairs, DOT.

Ms. Boyer informed the Town Board that with the three (3) railroad crossings the Town would be responsible for fees, maintenance and legal responsibility. The Town must erect proper signs, crossings and private crossing or whatever other signs (STOP) may be needed. Finally, the Railway Corporation would like to see the overall plans for the entire Rayhill Memorial Trail. The Railway Corporation has concerns of the proximity of the Trail where it parallels the tracks. Will the Town install any barriers to keep people from crossing the tracks? Other than that, the Railway Corporation supports the Trail and crossings.

Attorney Cully stated that if the Town decides to proceed with the extension of the Rayhill Memorial Trail, the Town Board must pass a resolution to conduct a future public hearing and the New York, Susquehanna & Western Railway Corporation would be present for that Hearing.

With no other comments being offered, the Hearing was declared closed. Thereafter, Councilwoman Krupa introduced the following Resolution for adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. 147)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct Town Attorney Herbert Cully, in accordance with Section 90 of the Railroad Law, to send a letter to the Acting Commissioner of the New York State Department of Transportation, with copies to The Chief Administrative Judge (DOT) and the DOT Division of Legal Affairs, requesting a Hearing in the matter of the proposed extension of the Rayhill Memorial Trail, the Town having held its preliminary hearing on May 26, 2010.

The foregoing Resolution was duly put to a vote upon roll call:

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

**Insurance Policy Renewals - Quotes**

Robin Lowitz and Chip Roe of Bailey, Haskell and LaLonde reviewed with the Town Board their company's Insurance Proposal for the period June 30, 2010 through June 30, 2011, including:

- Property Coverage - values are the same as the expiring policy; a lot of adjustments were made last year, increased by millions of dollars due to GASB or some type of evaluation. Insurance is based upon replacement value. Full coverage on property. Reviewed vehicle and property listings with various Department Heads to ensure accuracy. Includes breakdown coverage.
- General Liability Coverage - based on governmental budget. They worked from the 2010 Town Budget that had been supplied to them. Provides for some enhancements.

- Public Officials Liability Coverage – covers errors and omissions of Public Officials. Provides for some extensions; provides “Consent to Settle”.
- Employment Practices Liability Coverage – covers matters such as wrongful termination, personal injury, libel and slander, false arrest, etc. Provides “Consent to Settle”
- Law Enforcement Liability Coverage – pertains to the police department; the insurance company that currently insures the Town has a broad form and one coverage (enhanced) is the line of duty death coverage that they paid on several years ago. Also provides “Consent to Settle”.
- Automobile Coverage – reviewed schedule of vehicles that, again, had been reviewed with Town Department Heads. 82 vehicles are covered.

Councilman Backman inquired if the vehicles have sufficient collision coverage. Ms. Lowitz said not all vehicles have collision, based on the age of the vehicle; she suggested the Town might want to review the list again to ensure the appropriate number of vehicles and coverage.

- Umbrella Coverage - \$4 million umbrella coverage that extends over the aforementioned coverages.

In response to Councilman Backman’s question, Ms. Lowitz explained how the insurance company figures the actual cash value replacement. In response to Councilman Reynolds’ inquiry, Ms. Lowitz stated that the Town could not pick and choose (a la carte) the enhancements.

Councilman Woodland inquired about the Town’s loss history and how that factored into premiums. Chip Roe said the insurance company considers losses during the last five (5) years and the insurance company looks at incidents reported as well as actual losses paid. For example, the Town could have no losses but have had ten (10) Notices of Claim filed against it (with no pay outs) – the insurance company “...would look negatively at the Town and sooner or later question what’s going on here.” Some insurance companies pay out money just to set up a file and cover their employee expenses. Ultimately, these unfounded Notices of Claim affect the Town’s premiums negatively. Currently, the Town has an above average rating – that’s bad and it is having an affect on the Town’s premiums. Deputy Supervisor Bohn questioned the errors and omissions policy coverage; Ms. Lowitz explained that the Town does have a 3-year policy covering employee dishonesty and the Town does have this separate policy currently. The Deputy Supervisor inquired if there was any coverage for computer theft, fraudulent wire transfer (money). Cyber liability is something new coming up said Ms. Lowitz, who indicated they would report back to the Town Board on this matter.

The 2010-2011 premium, based on current deductibles, has increased about 9% based upon the Town’s loss history, a premium totaling \$140,275.

A second option would be to increase various deductibles and the premium would stay about the same as the current year, or \$129,106.

At the request of the Town Board, Ms. Lowitz will provide the Town's loss history by ratio and department. Also, the Town's insurance company will do a survey in the Town and meet with the Town Clerk, Highway Superintendent, Police Chief and Parks and Recreation Director and perform an analysis and perhaps put together a risk management plan; this would be paid by the insurance company with no expense to the Town. Ms. Lowitz and Mr. Roe will meet with the Town Supervisor prior to the June 16, 2010 Town Board meeting, at which it is expected that action would be taken about the policy renewals.

**Police Officer Fringe Benefits**

In addition to looking at health benefits and vacation time for police officers, Mr. Wiatr stated that, in addition to the PBA contract, six (6) former Village of New Hartford police officers have another contract that appears will live into perpetuity and defines various benefits to which they would be entitled. Mr. Wiatr first knew of this when Cathy Lawrence met with Personnel Technician Barbara Aiello. He said the agreement, signed by former Town Supervisor Earle Reed, basically outlives a contract. Mr. Wiatr asked the Town Board to recommend that the Town Attorney seek an advisory opinion from the State Comptroller's office.

Mr. Wiatr asked the Town Board to think with their pocketbooks and think about the residents – how do we pay for this [benefits] in the future? The Town Supervisor assured Mr. Wiatr that the Town would be asking for concessions when negotiating three (3) union contracts.

**Introduction – Oneida County Legislator James D'Onofrio**

Supervisor Tyksinski introduced Oneida County Legislator James D'Onofrio who stated that the biggest issue he faces is stormwater matters; he also has the most heavily traveled county roads in his district. The County Board of Legislators passed a Memorandum Of Understanding with one of the unions for the dispatchers; he voted against it in the Ways and Means Committee as he had issues with dispatcher wages and years of service between County dispatchers and Town dispatchers who might be transferred to the County's 911 program.

**REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRPERSON**

**Senior Services Committee – Councilman Woodland:**

**2010 Budget Adjustments - Donations**

Upon request of the Director of Senior Services, the following Resolution was introduced for adoption by Councilman Woodland and duly seconded by Councilwoman Krupa:

**(RESOLUTION NO. 148 OF 2010)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby accept, in behalf of the New Hartford Adult Dining and Activity Center, a Ten Dollar (\$10) donation from Anita Seaburg and a Five Hundred Thirty-five Dollar (\$535) donation from Fidelis, and does hereby authorize and direct the Town Bookkeeper to make the following 2010 Budgetary adjustments:

<i>Description</i>	<i>Amount</i>	<i>Account No.</i>
Increase Expenditure Programs for the Aging Contractual	\$545.00	AA6772.4
Increase Programs for Aging Revenue (Senior Donation )	\$ 10.00	AA2705.1
Increase Programs for Aging Revenue (Donation to cover cost of expenses for volunteer recognition event)	\$535.00	AA2705.1

The foregoing Resolution was subject to a vote upon roll call, resulting 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 Works and Sewer Committee – Councilman Backman:

**Municipal Separate Storm Sewer System (MS4)**

Completion of the Annual Report for MS4’s was formerly the responsibility of the Town Planner; however, the Planner position was abolished in January 2010 and Highway Superintendent Sherman reported that the MS4 Annual Report was recently given to him to complete. He had solicited the assistance of Joanne Faulkner of the Oneida County Soil and Water Agency and Senior Engineering Technician John Meagher in this effort; Ms. Faulkner, who was present, explained the purpose of the MS4 program, which has been in place since 2003, starting with the Environmental Protection Agency (EPA) – Clean Water Act adopted in the late 1990’s. Municipalities must control the quality of stormwater by eliminating all kinds of debris (salt, sand, litter, etc.) from being dumped into the storm sewer facility within their territorial boundary, so that unfiltered storm water does not flow into streams and wetlands. Regulated MS4s involve many towns and villages; the systems can be closed or open ditches and swales. Minimum control measures include:

- Public outreach and education
- Public outreach and participation (solicit public comment)

- Illicit discharge detection and elimination of stormwater (must adopt a local law)
- Construction site run-off control (local law also needed)
- Post construction stormwater management
- Good housekeeping

The report forms for the MS4 annual report were not received until April 2010 from the State; the Annual Report has been finished and needs the Town Supervisor's signature, after which the Annual Report will be posted on the Town's web site. The public can read the report and offer comments. This public (Town Board) meeting and the Town's web site will suffice for a public hearing. The Annual Report must be filed with the New York State Department of Environmental Conservation by June 1, 2010. Thereafter, Councilman Backman introduced the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 149 OF 2010)**

**WHEREAS**, the Town of New Hartford has been identified as a Municipal Separate Storm Sewer System (MS4) under the EPA's Phase II Stormwater Regulations under the Clean Water Act of 1999; and

**WHEREAS**, the Phase II Program requires each MS4 to prepare a Draft Annual Report on the Town's efforts to protect and improve the water quality of our streams and water bodies; and

**WHEREAS**, the public is invited to review the Draft Annual Report and provide input; and

**WHEREAS**, a Draft Annual Report has been prepared in conformance with the Phase II Regulations by the Highway Department; and

**WHEREAS**, the Annual Report must be submitted to the New York State Department of Environmental Conservation offices in Albany, NY, by June 1, 2010;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board accepts said Draft Annual Report and does hereby authorize and direct the Town Supervisor to execute same and that said Draft Annual Report is available for public review at the Town of New Hartford Town Clerk's Office, Town Web Site, and at the Highway Department.

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**. Councilman Reynolds extended his thanks to Ms. Faulkner and her office for the help afforded to the Town in this matter.

**Agreement – Roadside Ditching**

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

**(RESOLUTION NO. 150 OF 2010)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor and Highway Superintendent to execute the 2010 Roadside Ditching Agreement between the Town of New Hartford and the County of Oneida acting through the Oneida County Department of Public Works wherein said Town agrees to furnish some machinery and labor to the County for the purpose of providing the County with roadside ditching services to keep Right of Way portions of the highway ditches in accordance with the rules and regulations as set forth by the County, which rules and regulations are made a part of said Agreement for the construction season dating from April 2010 through December 2010.

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**.

**Quotes - Camden Way Sewer Pump Station**

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

**(RESOLUTION NO. 151 OF 2010)**

**WHEREAS**, the Highway/Sewer Superintendent had received the following quotations for the repair of the Camden Way Sewer Pump Station:

- Wilkins Mechanical, Inc. - \$21,900.00
- North Country Contractors, LLC - \$30,808.00
- L & P Trucking & Excavating, Inc. - \$13,032.74
- Murphy Excavating - declined to bid
- John Spinella Excavating - declined to bid;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby accept the low quotation of Thirteen Thousand Thirty-two Dollars and Seventy-four Cents (\$13,032.74) submitted by L & P Trucking & Excavating, Inc. and does hereby award the contract to said L & P Trucking & Excavating, Inc. for the repair of the Camden Way Sewer Pump Station.

Supervisor Tyksinski polled the Board members who 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**.

**Quotes – Phase I; Sewer Easement Cleaning – NYS Route 5 and 5B (Middlesettlement)**

Councilman Backman offered the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 152 OF 2010)**

**WHEREAS**, the Highway/Sewer Superintendent had received the following quotations for sewer easement cleaning along NYS Route 5 and 5B:

- Fred Burrows Trucking and Excavating, LLC - \$29,690.70
- L & P Trucking & Excavating, Inc. - \$22,940.00
- Murphy Excavating - declined to bid
- John Spinella Excavating - declined to bid
- North Country Contractors, LLC - \$28,726.00

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby accept the low quotation of Twenty-two Thousand Nine Hundred Forty Dollars (\$22,940) submitted by L & P Trucking & Excavating, Inc. and does hereby award the contract to said L & P Trucking & Excavating, Inc. for the right-of-way sewer easement cleaning along Middlesettlement Road (NYS Route 5B) and NYS Route 5).

The foregoing Resolution was duly put to a vote upon roll call, resulting 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**.

**Quotes – Sewer Repairs (4 locations)**

Councilman Backman offered the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 153 OF 2010)**

**WHEREAS**, the Highway/Sewer Superintendent had received the following quotations for the repair of sewers in four (4) locations:

- Fred Burrows Trucking & Excavating, LLC - \$26,910.00
- L & P Trucking & Excavating, Inc. - \$10,190.71
- Murphy Excavating - declined to bid
- John Spinella Excavating - declined to bid
- North Country Contractors, LLC - declined to bid;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby accept the low quotation of Ten Thousand One Hundred Ninety Dollars and Seventy-one Cents (\$10,190.71) submitted by L & P Trucking & Excavating, Inc. and does hereby award the contract to said L & P Trucking & Excavating, Inc. for sewer repairs at three (3) locations along Middlesettlement Road and one (1) location at Seneca Turnpike (NYS Route 5) and Oakdale Avenue.

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.

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

**Sewers (Town Code, Chapter 98) - Grease trap operation and maintenance**

Highway/Sewer Superintendent Sherman reported that three quarters ( $\frac{3}{4}$ ) of the restaurants have been inspected; about thirty (30) remain to be inspected.

**Buildings & Grounds – Donovan Memorial Community Center, Elm St., Chadwicks**

The Donovan Memorial Community Center has been cleaned, the bathroom facilities are working, tables and chairs are available and the building is ready for public use, although it does need some exterior paint work. In 1998 a prison crew performed some work on the building. Highway Superintendent Sherman will attempt to identify a program whereby prisoners take part in community service; the Town would furnish the paint.

### **Road Paving List**

The Highway Superintendent will prepare a list of roads that need paving; this will include Davis Road, Fairway Drive, Washington Drive and Winchester Drive in the Bon Aire Estates. Funds from the French-Champlin-Burrstone Road GEIS could be used and the Highway Superintendent recommended that, instead of authorizing competitive bidding, the Town “tag onto” the County’s bid.

### **Energy-efficient Furnace – Incentive Awards**

Highway Superintendent Sherman apprised the Board of a program based through National Grid whereby if a municipality replaces its furnace with a more energy efficient unit incentives are awarded. The Town missed the deadline in 2009. The Highway Superintendent noted that the program is re-opening its window for purchase of such equipment and he didn’t want to miss this year’s deadline. Councilman Backman suggested reviewing the application getting a more energy efficient furnace for the Sanger Public Works Garage.

### **Easements – Stormwater projects**

Councilman Backman said he would canvass the Beechwood Road area and Christopher Circle seeking easements from the residents to get these projects done. The Town Attorney suggested obtaining a temporary easement and then a permanent easement, the latter of which would provide the Town with access in the future.

### **Applewood sewer pump station**

Highway/Sewer Superintendent Sherman reported that one of two motors had failed; he obtained a Nineteen Hundred Dollar (\$1900) quote to have the motor repaired; this will be charged to the sewer maintenance budget.

### **Applewood Community sewer tax rate**

Mention was made about the possibility of incorporating the Applewood Community into the Town’s Consolidated Sewer District and by which action, Applewood would then be paying their fair share of sewer taxes. Councilman Backman requested the Town Attorney’s assistance in this effort.

### **New Hartford Public Library - Appointments**

A letter has been sent to the New Hartford Public Library, requesting they submit a list of three (3) persons whom they wish to retain on the Library Board of Trustees.

Councilman Backman said they are being given the courtesy to resolve the appointment status of Trustees; if the Town Board doesn’t receive such list by June 16, 2010, the Town Board will act. Supervisor Tyksinski had recently met with Library representatives and they are very much willing to let the Town Board appoint the Trustees. They’ve tried to get new people on board but have had the same experience as the Town Board – no one is interested. Attorney Cully suggested that the clean way to resolve the appointment issue is to appoint three (3) Trustees this year and appoint eight (8) Trustees in 2011 with staggered terms. Supervisor Tyksinski acknowledged receipt of only one letter of interest in serving on the Library Board and that letter was from Edmund J.

Wiatr, Jr. Thereafter, Supervisor Tyksinski introduced the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 154 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby appoint Edmund J. Wiatr, Jr., as Trustee for the New Hartford Public Library, commencing May 27, 2010 and ending December 31, 2014.

A roll call vote was duly held and resulted 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**.

Parks and Recreation Committee – Councilman Reynolds

**Appointments to fill vacancies (declinations)**

In behalf of the Parks and Recreation Director, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Backman:

**(RESOLUTION NO. 155 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby appoint the following individuals to the positions and hourly wages set opposite their several names for the Parks and Recreation Department, with their employment duration set forth hereunder:

*Parks – A7110.14 Start date June 1, 2010; End date September 7, 2010*

<u><b>Name</b></u>	<u><b>Position</b></u>	<u><b>Rate of Pay</b></u>
John Snyder (replaces Christian Lutz who declined his appointment)	Park Laborer II	\$ 8.90 per hour

*Playground – A7140.11 Start date June 28, 2010; End date August 31, 2010*

Matthew Wakajtys	Assistant Director	\$ 9.00 per hour
Jordan Groah (replaces Dan Hamlin who declined his appointment)	Recreation Attendant II	\$ 8.15 per hour
Andrew Goodelle	Basketball Director	\$14.00 per hour
Kara Sellars	Basketball Attendant	\$ 8.15 per hour

All wages shall be paid bi-weekly.

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.

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

Zoning and Planning Committee – Councilman Woodland

**Property Maintenance - 9600 Chapman Road**

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

**(RESOLUTION NO. 156 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 9600 Chapman Road (Tax Map Parcel No. 340.010-1-59), New Hartford, New York owned by David W. Ferdon whose last known address is 9600 Chapman Road, New Hartford, New York; and

**WHEREAS**, the property is in an “estate” and appears to be abandoned, and the Codes Enforcement Officer having sent a prior communication that had been returned by the Post Office;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby determine that the property is a public nuisance and does hereby authorize and direct the Codes Enforcement Officer to give written notice to the owner of such real property to abate the prohibited property condition as may be necessary to remove such nuisance. Such notice shall be given, in writing, to the owner of such property at the owner’s last known address as appears on the latest real property tax assessment roll of the Town of New Hartford and such notice shall direct that such nuisance be removed within ten (10) days of the mailing of such notice.

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**.

**Appointments - Zoning Board of Appeals**

Councilman Reynolds offered the following Resolution for adoption:

**(PROPOSED RESOLUTION)**

**WHEREAS**, the term of office of Zoning Board of Appeals' member Timothy Tallman will expire on June 9, 2010, thereby creating a vacancy on that Board; and

**WHEREAS**, Mr. Tallman has expressed an interest in reappointment to a five (5) year term on said Zoning Board of Appeals, commencing June 10, 2010;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby reappoint Timothy Tallman as a member of the Zoning Board of Appeals for a five (5) year term beginning June 10, 2010 and ending December 31, 2015.

*There was no second to this Resolution and the matter will be held in abeyance until the June 16, 2010 Town Board meeting.*

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

**(RESOLUTION NO. 157 OF 2010)**

**WHEREAS**, the term of office of Zoning Board of Appeals' member Randy J. Bogar will expire on June 9, 2010, thereby creating a vacancy on that Board; and

**WHEREAS**, Mr. Bogar has expressed an interest in reappointment to a five (5) year term on said Zoning Board of Appeals, commencing June 10, 2010;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby reappoint Randy J. Bogar as a member of the Zoning Board of Appeals for a five (5) year term beginning June 10, 2010 and ending December 31, 2015.

The Resolution was subject to a vote upon roll call, resulting 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 Safety Committee – Councilwoman Krupa:

**Sale of Surplus 2007 Ford CVC Police Interceptor**

After review of E-bay documents from Webmaster Jeffery Madden, Councilwoman Krupa introduced the following Resolution for adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. 158 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby accept and approve the high E-bay bid of Four Thousand One Hundred Sixty-one Dollars (\$4,161) submitted by Windy City Recyclers, Chicago, Illinois, for their purchase of one (1) Town surplus 2007 Ford CVC Police Interceptor, VIN 2FAFP71WX7X151396; and be it

**FURTHER RESOLVED** that the Town Board does hereby authorize and direct the Town Supervisor to execute all documents to finalize the sale and transfer of ownership of the aforementioned surplus vehicle and for the Town Clerk to arrange for termination of insurance coverage on the aforementioned vehicle.

The foregoing Resolution was duly put to a vote upon roll call:

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

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

**Police Chief Position**

Councilwoman Krupa announced that the Town had received thirteen (13) applications for the Police Chief position. Of the 13 applications forwarded to the Oneida County Personnel Department for certification, six (6) applicants qualified and two (2) applicants declined to be interviewed. The remaining four (4) applicants have been interviewed and since that time, the Town has received an inquiry to extend the application submission deadline. Councilwoman Krupa offered the following Resolution for adoption and Councilman Woodland seconded same:

**(RESOLUTION NO. 159 OF 2010)**

**RESOLVED** that, as a result of a recent inquiry, the New Hartford Town Board does hereby approve and authorize the submission deadline for applications for the Police Chief position to be extended through June 2, 2010.

Supervisor Tyksinski polled the Town Board members who 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**.

REPORTS OF SPECIAL COMMITTEES

Stormwater Management Improvement (Advisory) Committee:

**Appointment – Stormwater Management Improvement (Advisory) Committee**

Chairman Elisabetta DeGironimo reported that the Stormwater Committee held a meeting May 25, 2010 with the two (2) new members [Michael Fanelli and Brian Sanders] in attendance; a field trip to review stormwater matters has been scheduled for June 2010. Upon recommendation of Chairman DeGironimo, Councilman Backman introduced the following Resolution for adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. 160 OF 2010)**

**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**, a vacancy now exists on the Stormwater Management Improvement (Advisory) Committee as a result of the resignation of Edward DeSanctis;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby reappoint the following individual as a member of said Stormwater Committee for the term set forth:

<u>At-Large Member</u>		
Position No. 4 -	John McMillan	to fill the above-referenced vacancy, effective May 27, 2010 through May 8, 2013.

The Town Supervisor polled the Board members who 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**.



Whereupon, the Town Supervisor polled the Board:

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

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

Police Committee/Commission

The Town Attorney distributed to the Board members copies of a letter he had received from New Hartford Village Attorney Gustave DeTraglia pertaining to the status of the committee to replace the Police Commission that had been abolished in February 2010. Town Attorney Cully reviewed the Village Attorney's position in the matter, stating that if the Village of New Hartford wants to take action, they only have four (4) months after town's abolition to bring an Article 78 proceeding. If the Village fails to take action within that time frame, they lose the right to take action. Town Board members had differing opinions and thoughts on the matter and also questioned what the focus of the advisory committee would be. It was Town Board consensus to meet with New Hartford Village officials to determine what they are looking for, a mission and/or directive; Attorney Cully will relay this information to Attorney DeTraglia.

MATTERS SUBMITTED BY TOWN SUPERVISOR

Financial and other routine reports:

**Fire Protection District No. 4 – Willowvale Fire Co., Inc.**

Supervisor Tyksinski offered the following Resolution for adoption and Councilman Backman seconded same:

**(RESOLUTION NO. 162 OF 2010)**

**WHEREAS**, invoices for the Willowvale Fire Co., Inc. Service Award Program came in higher than budgeted for calendar year 2010;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize and direct that a loan of Five Thousand Six Hundred Seventy-five Dollars and Forty-seven Cents (\$5,675.47) be made from the General Part-Town Fund to the Fire Protection District No. 4 (Willowvale Fire Company, Inc.) to cover the costs for the 2010 Service Award Program and that the Bookkeeper be, and she hereby is, authorized to effect such loan, which shall be repaid with interest.

Councilman Backman noted that the property owners within Fire Protection District No. 4 would have to make up this difference in the 2011 budget and that this is unfair to those property owners. Thereafter, the Town Board members voted by roll call 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***.

**Early Retirement Incentive Program**

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

**(RESOLUTION NO. 163 OF 2010)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby amend Resolution No. 139, adopted May 12, 2010, to include further eligibility requirements so that the Resolution shall read as follows:

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. To qualify under the Retirement Incentive, employees must meet the following conditions:

- a. an employee must meet all eligibility standards and requirements for retirement provided for by the New York State Retirement System and have a minimum of ten full-time years employment with the Town
- b. such eligible employee must submit a letter of intent to retire no later than July 13, 2010, which said letter becomes an irrevocable letter of resignation for the purpose of retirement on July 14, 2010; and thereafter, must retire on or before December 31, 2010

- c. elected officials are not eligible for the Plan Incentive benefit.

The Town Clerk questioned whether this Early Retirement Incentive Program was being sponsored by the NYS Retirement System, or the Town, and whether a local law would need to be adopted to offer such program. In the past, when the Town offered early retirement through the State, a local law had been required. The Town Attorney will check to determine if the Town Board must enact a local law. Thereafter, the Town Board members voted upon roll call, resulting 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***.

**Village of Yorkville – 2010 Dispatch Agreement**

The Town Supervisor had received a letter from the Village of Yorkville dated May 18, 2010 stating that the Yorkville Board of Trustees had met and voted to cancel the 2010 Dispatch Agreement with the Town of New Hartford, effective June 30, 2010.

**ADJOURNMENT**

There being no further business to come before the Town Board, upon motion of Councilwoman Krupa and seconded by Councilman Backman, the meeting was adjourned at 9:10 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk