

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, AUGUST 11, 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
Supervisor Patrick M. Tyksinski

ABSENT:

Councilman Richard B. Woodland, Jr.

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
Police Chief Michael S. Inserra
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. [NOTE: Councilman Woodland was unable to attend this meeting due to medical reasons.]

MINUTES APPROVAL

July 14, 2010 and August 4, 2010 Meetings

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

(RESOLUTION NO. 204 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 July 14, 2010 and the Special Town Board meeting held August 4, 2010 and does further waive the reading of the same.

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Upon roll call, the Board members voted as follows:

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

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

PUBLIC PRESENTATIONS

New Hartford Public Library - Trustees

Mary DuRoss, Library Board President, acknowledged that she had met with Town Supervisor Tyksinski on August 10, 2010 and an agreement had been reached with regard to the appointment of Library Trustees. She also alluded to a July 2010 letter from the New York State Education Department, in response to the Library's request that stated the current Library Board could act on a day-to-day basis until the appointment issue was resolved. President DuRoss stated that the Library did not lobby the State; the Library only provided information. President DuRoss said that the Library is in danger of imminent closing as of September 1, 2010 if the Town does not release its funding to the Library, which is causing a deficit, and that the Library has been burning through their reserve fund. Funding from Oneida County is also late. She hoped that the Town would not allow this valuable resource to shut down. President DuRoss said the Library has met every demand.

Town Attorney Cully acknowledged that the Library and Supervisor Tyksinski had reached an agreement yesterday; however, with the State Education Department and Board of Regents becoming involved, the Board of Regents is now saying they will make the Library Trustee appointments in September 2010.

Library Trustee Edmund Wiatr, Jr. said he was not aware of any meeting and as a duly appointed trustee in May 2010, he requested under the Freedom of Information Law copies of minutes and other documents that still have not been provided by the Library; he questioned the statement of Ms. DuRoss that every demand of the Town Board has been met. Trustee Wiatr believes its long overdue that if anyone's made application to the Town Board who may be equally concerned with library operations and expenses, that they should be considered for a Trustee appointment. He also raised the issue that the Friends of the New Hartford Library are not 501 (c) (3); therefore, funding might be in jeopardy.

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To Councilman Reynolds' inquiry, the Town Supervisor stated this matter is an Agenda item for later during the meeting.

Oneida County Sewer District Sauquoit Creek Pump Station – Repair of Tributary Municipal Collection and Conveyance Systems – Technical Engineering Review Assistance

The Town Board had received copies of proposals submitted by engineering firms Barton & Loguidice, PC, and Lochner Engineering. If the Town Board doesn't want to hire an engineering firm, Councilman Backman mentioned that the mayors/supervisors of the affected villages/towns consider forming an association or consortium to safeguard and monitor the project to ensure that no municipality is unduly paying more or less than their share. The Town Supervisor said that something is needed now to give them direction and he would like a cursory review of what the County is looking at now and whether it fits the Town of New Hartford, or are there some alternatives. The first phase for rehabilitation work will cost \$25.8 million; and after that, each municipality must go out and bond on their own. That being the case, that's one reason we look at this now. If it comes about, start repairing perhaps....he's not against it but think it's a two (2)-phase thing. Should the Town be just jumping into this or are there some alternatives? Councilman Backman wants an engineer. Councilman Reynolds also thought it was prudent to involve an engineer rather than relying on an in-house engineer. There would be no further studies under this agreement, which was recommended at a not-to-exceed amount of Ten Thousand Dollars (\$10,000).

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

(RESOLUTION NO. 205 OF 2010)

RESOLVED that the Town Board of the Town of New Hartford does hereby accept the July 12, 2010 proposal submitted by Barton & Loguidice, PC, for engineering technical review assistance with regard to the Oneida County Sewer District Sauquoit Creek Pump Station – Repair of Tributary Municipal Collection and Conveyance System, at a cost not to exceed Ten Thousand Dollars (\$10,000) and does further authorize and direct the Town Supervisor to enter into and to execute said Engineering Services Proposal.

The Supervisor polled the Board members who voted as follows:

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

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

Resident Ralph Humphreys asked if the company planned to have someone to watch out for the Town's interests. Supervisor Tyksinski responded that if the Town doesn't use the engineering services, the Town doesn't pay anything. If Oneida County doesn't give them something to review....no work....no pay.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRPERSON

Public Works/Sewer Committee – Councilman Backman

- **2011 Budget Estimates** – working with Highway/Sewer Superintendent
- **Elm Street, Chadwicks, bridge** – design and plans done; estimated \$697,000 because less work on piers and bedding than originally thought. Expected to bid in September and open bids in October 2010. Temporary easements will be needed from adjacent property owners. One-way traffic from Oneida Street onto Elm Street to Mohawk Street. Looking to schedule public information meeting at Willowvale Firehouse or Donovan Community Building to gather neighborhood input/comments and show plans.
- **Road paving with CHIPS** money started this week and should be finished in September
- **Sewer maintenance fees** – Applewood Community and Woodberry sewers; he is requesting a report from the Assessor for all properties not paying Operation and Maintenance (O & M) fees. Wants this fixed once and for all. Assessor Smith remarked that basically it involves the mobile home parks. Councilman Backman wants the residential units in the mobile home park; the Town Supervisor added, “give us everything.”
- **Beechwood Road drainage** – proposal tendered and one vacant property; the daughter of that property owner will be contacted for consent to easement
- **Consolidation of trash pick-up** – Highway Superintendent looking to consolidate with the Village of New Hartford for trash pick up at all Town-owned buildings and will report in near future and see what savings can be realized
- **Inactive school zone lights** – Because no students walk to the Higby Road School, the lights were de-energized and since have been vandalized. Recommend the lights be replaced with a school zone sign. Police Chief Inserra will look into that; as long as signs are not flashing.
- **Proposed STOP intersections** – recommend STOP intersections for Cosmo Court at Sessions Road and Knight Road at Sessions Road; Town Attorney to prepare local law and look to scheduling a hearing for the second meeting in September; Councilwoman Krupa also supported this.
- **Arlington Terrace Sewage Pump Station** – Councilwoman Krupa introduced the following Resolution for adoption; seconded by Councilman Backman:

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(RESOLUTION NO. 206 OF 2010)

WHEREAS, on March 10, 2010 the New Hartford Town Board awarded the contract for the Arlington Terrace Sewer Pump Station, Contract 4 Upgrade, to Wilkins Mechanical, Inc.;

NOW, THEREFORE, BE IT RESOLVED that the said Town Board does hereby authorize and direct the Town Clerk to return the bid bonds that had been submitted by the following unsuccessful bidders:

- Bat-Con, Inc.
- Steven Miller General Contractors
- Central NY Construction, Inc.
- Henderson Bros., Inc.

Upon roll call, the Town Board voted as follows:

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

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

• **Sanitary Sewer Replacement Route 5A & Sanitary Sewer Relocation on Jordan Road** – Councilwoman Krupa then introduced the following Resolution for adoption; Councilman Backman seconded same:

(RESOLUTION NO. 207 OF 2010)

WHEREAS, the Highway/Sewer Superintendent has reported that the “Sanitary Sewer Replacement Route 5A & Sanitary Sewer Relocation on Jordan Road” project has been completed by L. P. Trucking & Excavating, Inc.;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Clerk to return the bid bond to said L. P. Trucking & Excavating, Inc. and which bid bond had been submitted with their original bid proposal.

A roll call vote ensued:

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

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

Town Clerk Committee – Councilwoman Krupa

Employee Title Change

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

(RESOLUTION NO. 208 OF 2010)

WHEREAS, Shelby L. Bohling has been employed as a Student Worker in the Town Clerk’s Office since May 2009; and

WHEREAS, Ms. Bohling has now graduated from High School;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby change the title of Ms. Bohling and does hereby appoint her as a Part-time Clerk in the Town Clerk’s Office retroactive to June 28, 2010, with no change in her hourly rate, and in accordance with State Civil Service rules and regulations.

The title change has been reviewed and approved by the Oneida County Personnel Department and the Town’s Personnel Technician. The change in title will have no impact on the Town Clerk’s budget. Thereafter, the Town Board members voted as follows:

Councilwoman Krupa	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	ABSENT
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 Reynolds:

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(RESOLUTION NO. 209 OF 2010)

RESOLVED that the New Hartford Town Board does hereby grant permission to Stevens-Swan Humane Society, 5664 Horatio Street, Utica, NY 13502, 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, 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	-	ABSENT
Councilman Backman	-	Aye
Supervisor Tyksinski	-	Aye.

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

Dog License Changes, state-wide

Councilwoman Krupa briefly reviewed some changes in the NYS Department of Agriculture and Markets law that would become effective January 1, 2011, placing the burden of dog licensing entirely within each city/town. Municipal clerks' offices will now be responsible for additional work and expenses including purchasing dog tags and sending renewal notices to dog owners. The Town Clerk has indicated that the Town Board would be required to adopt a local law setting various fees and addressing matters such as annual dog enumerations, dangerous dogs, etc. and the Town Clerk is working with the NYS Town Clerks Association in this regard.

Zoning and Planning Committee – Councilman Reynolds

Training

Upon request of Zoning Board member Karen Stanislaus, the following Resolution was introduced for adoption by Councilman Reynolds and duly seconded by Councilwoman Krupa:

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(RESOLUTION NO. 210 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 Karen Stanislaus, Zoning Board of Appeals member, to attend a Land Use Training Conference on Saturday, October 2, 2010 from 8:30 A.M. to 3:00 P.M. at Mohawk Valley Community College, Utica, NY, with expenses to be borne by said Town as budgeted. Said conference is sponsored by the Herkimer-Oneida Counties Comprehensive Planning Department.

The Resolution was voted upon by roll call as follows:

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

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

Public Safety and Court Committee – Councilwoman Krupa

STOP Intersections – Sessions Road

Police Chief Inserra had performed on-site inspections at two (2) locations on Sessions Road, with the consideration of erecting STOP signs on Cosmo Court and Knight Road, both of which are T-intersections.

REPORTS OF SPECIAL COMMITTEES

Stormwater Management (Advisory) Improvement Committee:

Update on activities

Elisabetta DeGironimo, Chairman of the Stormwater Committee, reported that the Committee had met in July 2010 and had met with the Beechwood residents, touring the area. She is trying to schedule an August 2010 meeting with the Highway Superintendent and the Committee to submit recommendations to the Town Board.

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MATTERS SUBMITTED BY COUNCILMEN/ATTORNEY/DEPUTY TOWN SUPERVISOR

Councilman Backman:

Employee Retirement Policy

Councilman Backman stated that, in light of recent revelations, he believes the Town Board hadn't been apprised of a certain employee retirement from the Town and that with regard to a one (1) day lag, believe she was able to come back to work. It's his feeling that when an employee gets to the point where they can collect their state retirement, it's an opportunity to bring in a younger person at a lower wage; however, when an employee seems so invaluable that you want to bring them back, the Town needs a relief valve. He said the only way to keep a retired employee on the payroll who's receiving their state pension, is a vote of the 5-member Town Board. Supervisor Tyksinski clarified that the bookkeeper appointment is the Supervisor's authority, not the Town Board. The Supervisor stated he had met with the Town's Personnel Technician with regard to anytime a Town employee is looking toward retirement, that he be notified so he can notify the Town Board.

Because a Notice of Claim has been filed in this matter against the Town, the Town Attorney advised that any further comments be made in Executive Session.

Councilwoman Krupa believed the Town couldn't make a blanket policy about the retirement(s) and the salary committee, consisting of Councilman Reynolds and Deputy Supervisor Bohn, declined to review this matter. The Town Supervisor stated he would look to creating a committee in near future.

Deputy Town Supervisor:

Computer Update

Deputy Supervisor Bohn has dedicated much time into the Town's computer system and telecommunications and is making progress in unraveling what the Town has – a very complex network that is not functioning well. The keystone to rebuild involves:

- data communications
- telecommunications with the disbanding of the Town's Dispatcher Center
- new phone system, total rebuild of system and develop some nice features
- relocation of Assessor's office from the Sanger Public Works Garage to Butler Memorial Hall, consider large data base
- with heavy data bases, recommending terminal bases

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There is about \$17,000-\$18,000 in the 2010 Budget and he's trying to procure two (2) servers, one for Butler Memorial Hall and one for the Sanger building. He also mentioned that if money is left, a Barracuda archive system could be purchased. Costs for improvements, included routers, is about \$52,000.

Town Attorney Cully:

Status of Certiorari (Assessment) Proceedings:

The Town Attorney distributed a summary of certiorari proceedings that had been filed against the Town; the cases have already been assigned. Councilwoman Krupa introduced the following Resolution for adoption and Councilman Reynolds seconded same:

(RESOLUTION NO. 211 OF 2010)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Attorney to work out an arrangement on the larger-scale Certiorari (Article 78) Proceedings with the respective School Districts to continue representing the Town as in past years, which would be a substantial savings to the Town of New Hartford.

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

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

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

Auto Damage Claim

Attorney Cully noted that Mr. Ed Smya had submitted an estimate to repair his vehicle, which he claimed was damaged by flying metal from the Town's mowing machine at the Washington Mills Athletic Park. Attorney Cully has prepared a General Release to be signed by Mr. Smya in the event the Town Board decides not to submit this matter to the Town's insurance company but, rather, pay the \$170.65 directly to Mr. Smya. Thereafter, Councilwoman Krupa offered the following Resolution for adoption; seconded by Councilman Reynolds:

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(RESOLUTION NO. 212 OF 2010)

RESOLVED that the New Hartford Town Board does hereby choose to settle a claim for \$170.65 for damages sustained on July 20, 2010 to a vehicle owned by Mr. Ed Smya while he was in the Washington Mills Athletic Park and that payment of \$170.65 be made to Mr. Smya after he signs the General Release prepared by the Town Attorney.

A roll call vote ensued:

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

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

SEORA – 840 Break-in Access

Upon presentation by the Town Attorney, Councilman Reynolds offered the following Resolution for adoption; seconded by Councilwoman Krupa:

(RESOLUTION NO. 213 OF 2010)

WHEREAS, the Town of New Hartford Town Board was the lead agency for the review of the Environmental Impact Statement adopted for the New Hartford Business Park;

WHEREAS, the Town of New Hartford in its continuing role as lead agency is considering whether to approve the construction of Town roadways and infrastructure in connection with a break in access to a State owned and controlled roadways known as NYS Route 840 at the Woods Highway Extension;

WHEREAS, the break in access and alternative configurations have been studied for a number of years at the Town with the assistance of various Town Designated Engineers, Town staff and the NYS Department of Transportation;

WHEREAS, the break in access and associated infrastructure may require Town Board funding, acquisition of property rights by eminent domain, or other Town Board approvals;

WHEREAS, the Town Board, as SEQRA lead agency, has reviewed Parts 1, 2 and 3 of the Environmental Assessment Form attached hereto and incorporated herewith, and

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finds that the break in access and associated infrastructure has the potential to have at least one significant environmental impact;

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby issues a positive declaration of environmental significance pursuant to SEQRA and determines that a Supplemental EIS will be prepared to review the environmental impacts of the proposed break in access and related actions;

BE IT FURTHER RESOLVED that the Town Board hereby directs the Town Attorney and Town staff to publish and file the notice of positive declaration as required by SEQRA; and

BE IT FURTHER RESOLVED that the Town Board determines that no public scoping is necessary for the development of the SDEIS and that a SDEIS be submitted for its review at the earliest possible date.

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

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

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

MATTERS SUBMITTED BY THE TOWN SUPERVISOR

Financial:

2009 Annual Report

The 2009 Annual Report has been completed and filed, with copies to Town Board members. Supervisor Tyksinski gave a synopsis of several funds, reviewing fund balances.

July 2010 Monthly Report

The Supervisor had distributed to the Board members copies of the July 2010 report of expenditures and revenue. He anticipates presenting budget adjustments at the first Town Board meeting in September 2010 for Board approval.

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Union Contracts

The Town is in arbitration with the Police Benevolent Association with regard to the Police Department contract. It is anticipated that negotiations will begin the end of August/beginning of September 2010 with regard to the Highway Department contract with the Teamsters.

EDGE Grants

The Town Supervisor has received information about grants from EDGE for start-up companies; grants may be requested for a minimum of \$5,000 to a maximum of \$35,000. Anyone interested should contact the Supervisor's Office.

School Traffic Officer – Retirement/Appointment

Supervisor Tyksinski reported that Janet Reynolds had retired as a Crossing Guard. He proposed that Susan Jordan be appointed to fill that vacancy subject to approval by Police Chief. Thereafter, Councilwoman Krupa offered the following Resolution for adoption and Councilman Backman seconded same:

(RESOLUTION NO. 214 OF 2010)

WHEREAS, Janet Reynolds retired as a Part-time School Traffic Officer effective June 25, 2010, leaving a vacancy in that position;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby appoint Susan Jordan to fill the vacancy of Part-time School Traffic Officer (Crossing Guard) effective Wednesday, September 1, 2010 at an hourly rate of Eight Dollars and Sixty-eight Cents (\$8.68), payable bi-weekly; said appointment being subject to the approval of Police Chief Michael Inserra.

A roll call vote was held and resulted as follows:

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

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

2011 Budget process

The Town Supervisor has distributed appropriation/revenue sheets to Department Heads for the 2011 Budget; completed forms are to be received in the Supervisor's Office by

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August 16, 2010. Department Heads should get in touch with their respective Standing Committee chairperson.

MS4 Service Agreement

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

(RESOLUTION NO. 215 OF 2010)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute a Service Agreement between the Town of New Hartford and the Oneida County Soil and Water Conservation District for the period of September 1, 2010 to August 31, 2011 whereby said Conservation District will, for the sum of Twenty-five Hundred Dollars (\$2500), provide:

- Site visits and consultations regarding natural resource concerns
- Site Plan Reviews for proposed development
- Construction site inspections for stormwater, erosion and sediment control
- Assistance to MS4 communities for permit compliance
- Education and outreach for municipal officials, residents and contractors
- Flood response and mitigation
- Survey, design and installation of conservation Best Management Practices
- Survey and design of Dry Hydrants
- Grant writing for proposed projects
- Streambank stabilization and stream maintenance including permit assistance
- Wetland development, and
- Hazard Mitigation Plan maintenance.

The Town Board members then voted upon roll call:

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

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

New Hartford Public Library (cont'd from beginning of meeting)

Library President Mary DuRoss expressed her beliefs with the present status of appointments. Supervisor Tyksinski acknowledged that he and Ms. DuRoss had come to an agreement on August 10, 2010 and which agreement was to be presented for approval

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of the Town Board/Library Board. The idea would be to go to the NYS Department of Education and try to explain that the parties had come to an understanding and hopefully the State would accept this agreement. However, the State is taking the position they will make a decision as to trustee appointments, which puts the Town in a precarious situation. The Supervisor said the matter has not been resolved and he referred to the State's (Margolis) letter of July 2010, noting that the "so-called facts" are incorrect and that the State could not possibly obtain such information from newspaper articles, as purported by Ms. DuRoss. The Supervisor feels regretful the State has taken this position and he doesn't see any reason to present the understanding reached the other night because whatever the Town Board does, would be subject to the NYS Education Department. Councilman Reynolds suggested that the current trustees remain until 2011. Trustee James Kirkpatrick said, from his point of view, this all began with the budget and proposed budget cuts. Further, he stated that the Library has been very discreet in comments and haven't hidden behind web sites and names. He believes library trustees should be community-minded and hold a library card. He then read from a letter he sent to the Town Supervisor yesterday.

Supervisor Tyksinski recalled that in Spring 2010 the Town Board had determined that there were no officially appointed trustees on the Library Board and the Town Board decided to put out notices of such vacancy(ies), advertising in the Observer Dispatch and on the Town's Web site. Subsequently, the issue came to appoint trustees and only one person had responded. "When you read his resume, it's impressive" said the Supervisor who recommended the appointment, which was unanimously approved by the Town Board. At that point, one (1) trustee had been appointed (May 2010); and in view of that, meetings and discussions were held with the Library Board to bring us through this matter. It took a number of months to reach an understanding and we were ready to move forward except that someone brought the State Education Department to become involved otherwise, we would have been moving forward and put this to rest. Supervisor Tyksinski doesn't want to turn over any check until he knows he has at least a legitimate quorum on the Library Board of Trustees.

The Town Attorney said his concern was that Margolis (State Education Department) had issued draft findings...first, that the Town Supervisor unilaterally appointed Edmund Wiatr, and that's not true. The State Education Department had contacted the Town Clerk who said that Mary Beth Farr of the Library division wanted copies of the Trustee oaths that had been filed in the Town Clerk's Office (date stamped, etc), which she faxed to that Department. Attorney Cully said that Mr. Wiatr was appointed at a Town Board meeting in May 2010 and reiterated that the Town Supervisor didn't make appointment on his own. The Town Supervisor met with Library President DuRoss yesterday about settling the matter; subsequently, Attorney Cully talked with the Albany-based attorney who has been retained by the Library Board and that attorney understood there was a possible settlement.

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Councilman Reynolds Dave wanted to know the proposed agreement – need an understanding of a wider communication of members of the Library Board and Trustees appointed by the Town Board. The Supervisor said the proposed list would include some current Trustees. Councilman Backman would like to see the names and terms when ready to be appointed by the Board of Regents and that it's the Regents authority to appoint. The Town Attorney said the Trustees are "carry overs" and can continue to attend meetings and participate and that Mr. Wiatr's appointment was done properly. The Town Supervisor said he's tired of resolving errors of past administrations and he wants to do this once and do it correctly; Councilman Backman agreed and the Town Board took no action at this time.

Audit of Vouchers

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

(RESOLUTION NO. 216 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:

Bridge Repair Abstract #2	
Vouchers HB2	\$ 19,960.00
Street Lighting Fund Abstract #9	
Vouchers SL9	\$ 7,303.34
Highway Fund Part-Town Abstract #11	
Vouchers DB474-DB547	\$ 88,110.02
General Fund Part-Town Abstract #11	
Vouchers BB84-BB90	\$ 12,743.88
General Fund Whole-Town Abstract #23	
Vouchers AA587-A592;AA696; AA698-AA700	\$ 2,071.08
General Fund Whole-Town Abstract #2	
Vouchers AA701-AA707	\$ 10,445.69
General Fund Whole-Town Abstract #26	
Vouchers AA708-AA805	\$230,913.08
General Fund Whole-Town Abstract #27	
Vouchers AA806	\$ 63.57
General Fund Whole-Town (Police) Abstract #13	
Vouchers BP173	\$ 497.54
General Fund Whole-Town (Police) Abstract #14	
Vouchers BP175-BP192	\$ 58,314.15

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Sewer Fund Abstract #17
Vouchers SS49-SS55

\$226,349.38

TOTAL: \$656,771.73

Councilman Backman questioned the bill for approximately \$500 on the car leased for use by the (former) Police Chief and which lease ended in June 2010; Supervisor Tyksinski explained there were some damages to car that the Town had to pay. The Town Board then voted upon roll call:

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

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

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 8:59 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk

AUGUST 11, 2010 TOWN BOARD MEETING
Resolution No. 213
Attachment