

**REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF NEW HARTFORD, NEW YORK  
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN  
ON WEDNESDAY, FEBRUARY 23, 2011 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 Booth  
Deputy Supervisor Matthew Bohn III  
Engineering Department Coordinator Elisabetta DeGironimo  
Highway/Sewer Superintendent Richard C. Sherman  
Parks and Recreation Director Michael W. Jeffery  
Police Chief Michael Inserra  
Town Attorney Herbert J. Cully  
Town Clerk Gail Wolanin Young

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

MINUTES APPROVAL

**February 9, 2011 Town Board meeting**

Because the Town Board members did not have sufficient time to review the minutes of the February 9, 2011 Town Board meeting, action was deferred until the March 9, 2011 Town Board meeting.

PUBLIC PRESENTATIONS

The Supervisor inquired if anyone present wished to address the Town Board; no one came forth.

REPORTS OF TOWN OFFICIALS SUBMITTED BY STANDING COMMITTEE  
CHAIRPERSON

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Town Clerk Committee – Councilwoman Krupa:

**Competitive Bid – Authorize release of bid security deposits on Elm Street bridge project; unsuccessful bidders**

Upon information from the Town Clerk, Councilwoman Krupa introduced the following Resolution for adoption; seconded by Councilman Backman:

**(RESOLUTION NO. 47 OF 2011)**

**WHEREAS**, the Town Clerk’s Office had received five (5) bids on December 22, 2010 for the replacement of the bridge on Elm Street, Chadwicks and said bids having been canvassed by the Highway Superintendent and the Public Works and Sewer Standing Committee; and

**WHEREAS**, on February 9, 2011, the New Hartford Town Board adopted Resolution No. 32, accepting the low bid of and awarding the contract for said bridge replacement to the low bidder, Economy Paving Co., Inc., 1819 NYS Route 13, Cortland, NY 13045, in the amount of \$594,832;

**NOW, THEREFORE, BE IT RESOLVED** that the said Town Board does hereby authorize and direct the Town Clerk to release the bid security deposits to all unsuccessful bidders on the aforementioned project, as follows:

- Vector Construction Corp - Bid Bond (5% of bid amount)
- Slate Hill Constructors, Inc. - Bid Bond (5% of bid amount)
- Tioga Construction Company, Inc. - Bid Bond (5% of bid amount)
- D. H. Smith Co., Inc. - Bid Bond (5% of bid amount).

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

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

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

Zoning and Planning Committee – Councilman Woodland:

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**Training**

Upon request of Planning Board members Donovan and Humphreys, the following Resolution was introduced for adoption by Councilman Woodland and duly seconded by Councilman Reynolds:

**(RESOLUTION NO. 48 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 Planning Board members Jerome F. Donovan and G. Brymer Humphreys to attend the Community Leadership Conference on April 6, 2011 in Cooperstown, NY, with expenses to be borne by said Town as budgeted.

It was noted that this educational session qualifies for the annual training requirements for Planning Board members. Thereafter, the Resolution was voted upon by roll call as follows:

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

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

Public Works & Sewer Committee – Councilman Backman:

**Trash Dumpsters – Various Town buildings**

After reviewing information received from the Highway Superintendent, Councilman Backman offered the following Resolution for adoption and Councilwoman Krupa seconded same:

**(RESOLUTION NO. 49 OF 2011)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Highway Superintendent to purchase the following equipment from the Buildings and Grounds contractual account:

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- Two (2) small dumpsters, one (1) each for the Donovan Memorial Park and the Washington Mills Athletic Park - \$4,491.38 for two (2)
- Two (2) large dumpsters, one (1) each for the Sherrillbrook Park and for the Sanger Public Works Garage - \$5,358.00 for two (2)

for a grand total of Nine Thousand Eight Hundred Forty-nine Dollars and Thirty-eight Cents (\$9,849.38), delivered to the Town.

The Highway Superintendent informed the Town Board that the cost for trash collection by a private hauler at the three (3) parks in 2010 totaled \$5,729. By purchasing the dumpsters (a one-shot purchase), the Town would realize a payback in two (2) years and starting in 2012, would only have to pay tipping fees at the Oneida-Herkimer Solid Waste Authority site. Highway Superintendent Sherman estimated that two (2) staff members would spend about two (2) hours each Monday and Friday when the dumpsters are emptied. Parks and Recreation Director Michael Jeffery believes this system will work fine and will actually provide extra storage for debris at the Sherrillbrook Park. Thereafter, the Town Board members voted upon roll call, resulting as follows:

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

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

**Agreement – Shared Services and Equipment (with Oneida County)**

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

**(RESOLUTION NO. 50 OF 2011)**

**WHEREAS**, the original five-year term of the Oneida County Shared Services and Equipment Agreement between said County and the Town of New Hartford is due to expire on or about June 1, 2011;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to enter into and to execute a renewal of the Shared Services and Equipment Agreement with Oneida County subject, however, to the review and approval of the Town Attorney and being further subject to approval by the Oneida County Board of Legislators.

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A roll call vote ensued and resulted as follows:

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

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

**Clerk of the Works – Elm Street Bridge, Chadwicks (continued from February 9, 2011 Town Board meeting)**

One (1) engineering firm has picked up an information packet for the (Clerk of the Works) Elm Street bridge project but has not submitted a proposal yet; the only proposal received to date is that from Delta Engineering. The Highway Superintendent had discussed this matter with a third engineering firm, which has yet to pick up an information packet. The Supervisor had discussed the matter with a representative from Delta Engineering and would like time to review the matter; the Board agreed to defer action until the March 9, 2011 Town Board meeting.

**Stormwater Box Culvert – Elm Street (near Collins dairy farm)**

The Highway Superintendent has received the following proposals for improvements to the Elm Street box culvert near the Collins farm:

- Delta Engineering - \$13,945
- Barton & Loguidice - \$16,400

and he is awaiting a 3<sup>rd</sup> quote, reported Councilman Backman. The matter was deferred until the March 9, 2011 Town Board meeting. Engineering Department Coordinator DeGironimo and Highway Superintendent Sherman agreed that this work could not be done in-house.

**Stormwater Management (Advisory) Improvement Committee**

Chairwoman DeGironimo anticipated that this committee would meet in March 2011. She has contacted some Committee members, but not all, to determine their interest in continuing on this committee. Councilman Backman was reassured that the Beechwood Road project was a “go” with the Committee and Town Board.

**SEOR – Expenditure of FILM**

Supervisor Tyksinski acknowledged receipt of an e-mail from Frank Montecalvo, received today, claiming that according to the NYS Environmental Conservation Law the Town would be required to perform a SEQR study each time the Town expends

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mitigation fees. The Town Supervisor stated that the Town Attorney needs to look at this statute and Attorney Cully said he should be prepared with a response at either the March 9 or March 23, 2011 Town Board meeting.

### MATTERS SUBMITTED BY COUNCILMEN

Councilman Reynolds:

#### **Rayhill Trail Update**

Councilman Reynolds briefed the Board on a meeting that the Highway Superintendent and Parks and Recreation Director had attended today with the NYS Department of Transportation (DOT), the gist of which was to shorten the Rayhill Trail thereby eliminating the need to acquire real property in or along Chenango Road and/or the City of Utica. The goal is to preserve the grant but pare down the project to save some money. The Town Attorney affirmed that the idea was to keep the walking trail up to the Pietryka Park (New York Mills) but that the trail along Chenango Road into Utica would be eliminated. A temporary easement would be required to a crane to lower beams along a section of trail. Supervisor Tyksinski stated that the reason this revision was looked at was because updated cost figures from DOT increased by about \$500,000. After a meeting with Town department heads and the Town Attorney, Councilman Reynolds had suggested omitting the trail along Chenango Road and Utica – makes it cheaper, easier and quicker – and cuts down the number of railroad crossings from three (3) to one (1).

#### **Stormwater - Standards for and Retainers from Developers**

Upon questioning of Councilman Reynolds, Stormwater Committee Chairwoman DeGironimo said she would review past standards for developers, including retainers held by the Town and for how long and report her recommendations to him. Councilman Reynolds believed that in the past, standards were not adequate and he questioned how the Town would hold the developer liable. Town Attorney Cully brought Councilman Reynolds' attention to the enforcement section of the proposed legislation to regulate Municipal Separate Storm Sewer Systems (MS4s).

### MATTERS SUBMITTED BY THE TOWN SUPERVISOR

Financial:

#### **Monthly financial report**

Supervisor Tyksinski confirmed that he had provided the January 2011 monthly financial reports to Town Board members. Also, the Town has received from Oneida County the fourth quarter sales tax check for 2010 in the amount of \$1,256,877.83, which is higher than the fourth quarter sales tax check for 2009.

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### ***New Hartford Business Park – Shumaker Engineering Invoice (Woods Highway Reconstruction)***

With regard to the Shumaker Engineering invoice discussed at the February 9, 2011 Town Board meeting, the Town Attorney said he had subsequently provided Town Board members with information including the recommendation from then-Highway Superintendent Cleveland for the Woods Highway improvement, a letter from Karl Schrantz (Shumaker Engineering) to then-Highway Superintendent Cleveland dated October 3, 2008 and the Town Board resolution adopted May 13, 2008 authorizing the services. It all appears to be appropriate documentation ... appears they are services acquired by Town Board approval in 2008, said the Town Attorney. The Town Supervisor questioned why the August 12, 2008 voucher hadn't been paid; Councilman Backman thought the Town might have been awaiting a check from developer Lawrence Adler. Councilwoman Krupa recalled a number of invoices totaling about \$188,000 for various job overruns that the Town was hopeful of recouping from developer Lawrence Adler and she wanted to know what made up that total; the Town Attorney will check into this. There was no motion to pay this invoice/voucher.

### ***Applewood Community road paving – The Gorman Group***

The Highway Superintendent reviewed with the Town Board and Attorney an apparent miscalculation by The Gorman Group when they submitted their proposal (based upon the County contract list) for paving roads in the Applewood Community. On September 8, 2010, the Town Board adopted Resolution No. 219, authorizing the paving of several roads in this development "...at a total project cost of \$99,301.72 per the estimate submitted by The Gorman Group." However, due to the miscalculation, the Gorman Group actually paved more roadway and they are now asking to be paid \$112,885.49. Town Board consensus was to have the Town Attorney discuss splitting the difference with The Gorman Group.

### ***Inter-municipal Agreement (IMA) – Information Technology (IT) Services***

The Town Supervisor mentioned prior reports by Deputy Supervisor Bohn involving a possible contract with M. A. Polce Consulting, Inc., Rome, NY and a possible inter-municipal agreement with the City of Rome to share the cost of information technology services. The one-year IMA has been finalized and includes a monthly payment of \$3,745 for IT services, which Deputy Supervisor Bohn confirmed is the same agreement the Town Board previously reviewed and the IMA sets it into place. Councilman Reynolds offered the following Resolution for adoption and Councilwoman Krupa seconded same:

#### **(RESOLUTION NO. 51 OF 2011)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to enter into and to execute a one-year Inter-municipal

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Agreement between said Town and the City of Rome, New York, wherein the two (2) municipalities will share information technology services through M. A. Polce Consulting, Inc., and as more fully set forth in said Agreement.

Councilman Backman requested and received reassurance that this IMA would not include new hardware and/or software and that the IMA would be only for maintenance, upgrade without hardware, software and response to emergency situations. The Resolution was duly put to a vote upon roll call, resulting as follows:

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

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

**Vacancy/Appointment – Board of Assessment Review**

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

**(RESOLUTION NO. 52 OF 2011)**

**WHEREAS**, the term of office of Krista Pembroke as a member of the Board of Assessment Review had expired on September 30, 2010, thereby creating a vacancy;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby reappoint Krista Pembroke as a Member of the Board of Assessment Review, effective February 24, 2011 and for a five-year term ending September 30, 2015.

A roll call vote was duly held as follows:

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

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



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**Appointment of Police Officers - Tabled**

Supervisor Tyksinski moved and Councilman Reynolds seconded a motion to appoint Patrick Sacco as a full-time Police Officer replacing retired Officer Salamone and to appoint Thomas Hulser as a full-time Police Officer replacing retired Officer Laymon, at the entry-level salary pursuant to the union contract. Councilwoman Krupa thought the Town Board was going to wait until Union negotiations had been finalized before filling vacancies. Councilman Reynolds commented that this "...falls in line with budget talks – not to fill two (2) police positions. The Town would realize savings because Officers Salamone and Laymon were higher paid." Councilman Backman said he hasn't reviewed their applications and reminded the Town Board they should be meeting at least once a month as a Police Commission. The Supervisor acknowledged meeting the prospective employees and stated that the Police Chief had recommended them. Councilman Backman moved to table this matter until union negotiations are finalized; the matter was tabled.

**EXECUTIVE SESSION**

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

**(RESOLUTION NO. 53 OF 2011)**

**RESOLVED** that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss PBA negotiations and the acquisition of real property.

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 Department Heads, were then excused from the meeting at 7:55 P.M. The Town Attorney, Deputy Supervisor and Police Chief remained for the Executive Session.

[NOTE: The Town Attorney provided the following information on Thursday, February 24, 2011.]

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END OF EXECUTIVE SESSION

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

**(RESOLUTION NO. 54 OF 2011)**

**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 8:43 P.M. The regular portion of the Town Board meeting was immediately reconvened.

**Appointment of Police Officers**

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

**(RESOLUTION NO. 55 OF 2011)**

**WHEREAS**, full-time Police Officers Richard Salamone and Steve Laymon have retired from the Town's employment;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby appoint Patrick Sacco as a full-time Police Officer to fill the vacancy created by the retirement of Officer Richard J. Salamone, said appointment to become effective February 27, 2011 at an annual salary of \$48,704.13 and does further appoint Thomas Hulser as a full-time Police Officer to fill the vacancy created by the retirement of Officer Steve Laymon, said appointment to become effective March 13, 2011 at an entry-level salary of \$42,672.46, all in accordance with the current union contract.

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

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

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

**Promotion – Police Investigator**

The Town Supervisor then offered the following Resolution for adoption and Councilwoman Krupa seconded same:

**(RESOLUTION NO. 56 OF 2011)**

**WHEREAS**, upon the retirement of full-time Police Officer Richard Salamone, the position of Investigator which he had held also became vacant;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby promote full-time Police Officer Daniel Herman to the vacant position of Investigator, said appointment to become effective February 27, 2011 at an annual salary of \$57,289.19.

The Town Board members voted upon 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**.

**ADJOURNMENT**

They're being no further business to come before the Town Board, upon motion of Councilman Backman and seconded by Councilman Reynolds, the meeting was adjourned at 8:44 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk