

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, APRIL 13, 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
Supervisor Patrick M. Tyksinski

ABSENT:

Councilman Richard B. Woodland, Jr.

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. Due to out-of-town travel, Councilman Woodland was unable to attend this meeting.

MINUTES APPROVAL

March 23, 2011 Town Board meeting

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

(RESOLUTION NO. 77 OF 2011)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held *March 23, 2011* and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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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**.

EXECUTIVE SESSION

Because an out-of-Town attorney was present to discuss litigation against the Town, the Town Supervisor asked that the Town Board go into Executive Session at this time rather than waiting until the end of the meeting. Thereafter, Councilwoman Krupa introduced the following Resolution for adoption and Councilman Reynolds seconded same:

(RESOLUTION NO. 78 OF 2011)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the Sangertown Square Mall certiorari proceeding versus the Town of New Hartford.

A roll call vote ensued:

| | | |
|----------------------|---|--------|
| Councilwoman Krupa | - | Aye |
| Councilman Reynolds | - | Aye |
| Councilman Woodland | - | ABSENT |
| 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 7:03 P.M. The Town Attorney and Deputy Supervisor remained for the Executive Session.

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 79 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.

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The Board members voted upon roll call that resulted as follows:

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

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 7:18 P.M. The regular portion of the Town Board meeting was immediately reconvened and Town Officials/Department Heads and the public were invited to rejoin the meeting.

PUBLIC HEARING

7:19 P.M. Julian Zone Map Amendment application
Local Law Introductory "C" of 2011

At 7:19 P.M. the Town Supervisor opened the Public Hearing on Local Law Introductory "C" of 2011 which, if adopted, would amend the Town Code, Chapter 118 thereof entitled ZONING, and map coincidental thereto, as it pertains to property located at 4752-4756 Middlesettlement Road (aka County Road 30), a description of which is set forth in Section 2 of said legislation, and changing the designation of approximately thirteen point twenty-five (13.25) acres, more or less, owned by Harold and James Julian, as well as acreage in the NYS Route 840 right-of-way owned by the State of New York, from Office Business District (RB3) to Planned Development Mixed Use District (PDMU). Said property is further identified as Tax Map Parcels Nos. 316.016-6-64.1; 316.016-6-65 and 316.020-1-3.

[The Town Clerk had available Local Law Introductory "C", the Notice of Public Hearing, proof of publication (March 30, 2011 edition of The Observer Dispatch), and proof of posting. Also available were the recommendations of the County Planning Department and Town Planning Board for approval of the zone map amendment, as well as the SEQR responses from various state and local agencies, and notifications to the Town of Whitestown and property owners within a 500-foot radius of the subject parcels.]

The Julian's intended use of the acreage, if rezoned, would include a mix of commercial, business, congregate residential and professional uses. The Julians have entered into a purchase and sale agreement with Affordable Senior Housing Opportunities of New York, Inc. for the sale of a portion of the property, the latter of whom desires to utilize a portion of that property for an independent senior housing community.

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The Town Supervisor inquired if anyone present wished to speak in favor of, in opposition to, or to comment upon the Julian request for rezoning. Those who came forth included:

- Opposed
 - Thomas Marchitelli – increased traffic

- In support
 - Thomas Bonfiglio
 - Andrew S. Kowalczyk III
 - Andrew Morgan
 - John Tomasik

for various reasons – less commercial/retail businesses and associated traffic, better use of the property and controlled use under the Planned Development designation.

- Comment
 - Edmund J. Wiatr, Jr.

There being no one further to speak in the matter, the Supervisor declared the Public Hearing closed at 7:31 P.M.

Andrew Kowalczyk III, attorney for the Julian's, asked that the Town Board hold in abeyance any action to be taken on his clients' Zone Map Amendment Application until such time that the full membership of the Town Board is present at a meeting; the Town Board agreed not to act until all five (5) Town Board members are present.

PUBLIC PRESENTATIONS (RESIDENT COMMENTS)

Agriculture – Importance:

Addressing the Town Supervisor, G. Brymer Humphreys hoped that Supervisor Tyksinski had been misquoted in a recent Observer Dispatch article in which Mr. Humphreys believed the Town Supervisor had downplayed agriculture in the Town of New Hartford as being unimportant. Mr. Humphreys took "...great exception to a statement like that because I believe that the Town of New Hartford land mass is 60% agricultural and there are a number of farms in New Hartford operating, manufacturing. They take raw materials of sunlight, rain and soil and produce a product that brings millions of dollars into the Town of New Hartford each year and I think that's important. The other thing is a survey shows the residents of New Hartford want the view shed that's there, they like the variety of landscape in New Hartford and so I find that's an important aspect and I take exception". Also, Mr. Humphreys believes that New

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Hartford is on deck this year to receive an estimated \$25,000 grant from the New York State Department of Agriculture and Markets for agricultural review in New Hartford and he thinks statements like that jeopardize a grant that the area might be receiving.

Supervisor Tyksinski questioned the word unimportant because he didn't believe he made that remark and he asked Mr. Humphreys whether the newspaper article stated it that way or did Mr. Humphreys put it in.

Julian Zone Map Amendment Public Hearing

Edmund Wiatr, Jr. apologized to the Town Board about the intonation of his comments during the Public Hearing on the Julian Zone Map Amendment application. He thinks that people who want to say something sometimes are not heard and that we have free speech.

Hydrofracking – proposed legislation

Carleton Corey thanked the Town Board on its decision at the March 23, 2011 meeting to have a Syracuse attorney address the Board on the hydrofracking issue and to have the Town Attorney begin drafting legislation in this regard. Mr. Corey distributed copies of news articles for the Town Board to review.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRPERSON

ZONING (CODES) AND PLANNING COMMITTEE – COUNCILMAN REYNOLDS:

Planning Board – Residency/Membership; Local Law Introductory “D” of 2011

The Town Attorney explained that in 1996 the Town Board had established a 7-member Planning Board and required that a resident of the Village of New Hartford and a resident of the Village of New York Mills hold seats on that Planning Board. Attorney Cully stated that the term of office of the person holding the New Hartford Village appointment had ended December 31, 2010 and that the Town Board made an appointment of a person who wasn't a Village of New Hartford resident; the Town Board had violated its own local law and had to remove the person and the Planning Board seat is still vacant. The issue is whether the Town Board should consider the best-qualified applicant without having the geographic aspect. Thereafter, Councilman Backman introduced the following legislation for the Town Board's consideration at a future public hearing; co-sponsored by Supervisor Tyksinski:

**Town of New Hartford, New York
Local Law Introductory “D” of 2011**

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A Local Law to amend the Code of the Town of New Hartford, **Chapter 23** thereof entitled **PLANNING BOARD**, by amending the title and body of said Chapter to omit a representative from each Village within the Town.

BE IT ENACTED by the Town Board of the Town of New Hartford as follows:

SECTION 1. Chapter 23 of the Code of the Town of New Hartford, Title, is hereby amended as follows::

Delete from Title:

“...which shall include a representative from each respective Village within the Town.”

SECTION 2. Chapter 23 of the Code of the Town of New Hartford is hereby further amended as follows:

Delete from Section 1. (1st Paragraph)

“Membership to include a representative from each respective Village in the Town.”

Delete from Section 1. (2nd Paragraph)

“...including a representative from each respective Village within the Town.”

SECTION 3. All other provisions of Chapter 23 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

SECTION 4. This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State.

Public Hearing Scheduled – Local Law Introductory “D” of 2011 (Planning Board)
Councilman Backman then offered the following Resolution for adoption, seconded by Supervisor Tyksinski:

(RESOLUTION NO. 80 OF 2011)

RESOLVED that the Town Board of the Town of New Hartford shall conduct a Public Hearing on Wednesday, May 11, 2011 at **7:00 P.M.**, or as soon thereafter as reached in the regular course of business, in Butler Memorial Hall, 48 Genesee Street, New

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Hartford, New York, to consider **Local Law Introductory “D” of 2011** which, if adopted, would amend the Code, **Chapter 23** thereof entitled **Planning Board** by eliminating the requirement that one (1) member reside in the Village of New Hartford and that one (1) member reside in the Village of New York Mills; and be it

FURTHER RESOLVED that the Town Board does hereby authorize and direct the Town Clerk to publish the legal requisite Notice of Public Hearing in The Observer Dispatch.

A roll call vote ensued:

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

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

Training

Upon request of Margaret Rotton, the following Resolution was introduced for adoption by Councilwoman Krupa and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 81 OF 2011)

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 member Margaret Rotton to attend the Continuation Education Program for Planning and Zoning Board of Appeals’ members on June 1, 2011 in the Town of Schuyler, New York, with expenses to be borne by said Town as budgeted.

The Resolution was voted upon by roll call as follows:

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

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

Property Maintenance – (3289 Mohawk Street, Chadwicks)

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

(RESOLUTION NO. 82 OF 2011)

WHEREAS, the house at 3289 Mohawk Street (corner of Elm Street), Chadwicks has been condemned; and

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 the aforesaid premises (Tax Map Parcel No. 350.000-3-37), Chadwicks, New York, owned by Reba Bickford whose last known address is 3289 Mohawk Street, P O Box 262, Chadwicks, New York; and

WHEREAS, the property is abandoned, and the Codes Enforcement Officer had communicated with said owner via certified mail, to no avail;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Codes Enforcement Officer to request that the owner abate the public nuisance (high grass and weeds) within a specified time; and if she fails to do so, the Codes Enforcement Officer, through the Parks and Recreation Department, will proceed with mowing the lawn at the aforesaid property and that the costs and expenses incurred by the Town in connection with said proceedings be assessed against the land on which said public nuisance exists; specifically, the Town Board does hereby authorize and direct Oneida County to levy such charges on the 2012 Town and County tax bill.

Upon roll call, the Board members voted as follows:

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

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

Property Maintenance – (55 Root Street, New Hartford)

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

(RESOLUTION NO. 83 OF 2011)

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 55 Root Street (Tax Map Parcel No. 339.006-3-11), New Hartford, New York owned by the Estate of George Hopkinson whose last known address is 55 Root Street, New Hartford, New York; and

WHEREAS, the property appears to be abandoned, and the Codes Enforcement Officer had communicated with said Estate via certified mail, as well as relatives of the late George Hopkinson, to no avail;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Codes Enforcement Officer to request that the Estate representatives (owner), or last owner of record, abate the public nuisance (debris, high grass and weeds) within a specified time; and if the public nuisance is not removed within the designated timeframe, the Codes Enforcement Officer, through the Parks and Recreation Department, will proceed with mowing the lawn and removing the debris at the aforesaid property and that the costs and expenses incurred by the Town in connection with said proceedings be assessed against the land on which said public nuisance exists; specifically, the Town Board does hereby authorize and direct Oneida County to levy such charges on the 2012 Town and County tax bill.

Upon roll call, the Board members voted as follows:

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

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

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PUBLIC WORKS AND SEWER COMMITTEE – COUNCILMAN BACKMAN:

2011 Agreements – Town/Village Pavement Marking, Roadside Mowing, and Roadside Ditching

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

(RESOLUTION NO. 84 OF 2011)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to execute the 2011 Town/Village Pavement Marking Agreement between the Town of New Hartford and the Oneida County Department of Public Works wherein said County will provide road striping within the Town, in accordance with the terms set forth in said Agreement; and be it

FURTHER RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute the Roadside Mowing Agreement between the Town and the County of Oneida wherein the Town agrees to mow town and county roads within the Town of New Hartford from May 2011 through September 2011 and the County agrees to furnish the mower that is to be attached to a town tractor and operated by a town employee, and as more fully defined in said Agreement; and be it yet

FURTHER 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 2011 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 ditched 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 2011 through December 2011.

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

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

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

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Stormwater Management (Advisory) Improvement Committee

Councilman Backman expressed concern with on-going stormwater issues and that with no recent meetings of the Stormwater Management Committee, there have been no discussions about these matters. Committee Chairperson Elisabetta DeGironimo responded that there had been much activity this month, that the Highway Superintendent and she had met with the firm of Barton and Loguidice, that two (2) Committee members cannot continue to serve due to health matters and some residents have offered to serve on this Committee, and that they had met with a Roman Road resident about another stormwater condition. The Committee will meet on Monday, May 2, 2011 at 5:30 P.M. and anticipate making recommendations to fill vacancies; Barton and Loguidice will make a report or suggestions.

Hydrofracking

The Town Attorney reported that he had talked with Attorney Michael Kenneally from the Association of Towns with regard to hydrofracking legislation, copies of which he distributed to the Town Board for their review. Town Board consensus was that the Town Attorney shall draft a local law on this matter for presentation to the Board.

Sewer Operation & Maintenance fees

Councilman Backman noted that certain areas of the Town – usually mobile home or manufactured housing developments – are only paying one (1) sewer unit and the contracts cannot be located, compared to about 90% of sewer users paying per lot or pad. Supervisor Tyksinski stated that the agreements were signed by the owners of the mobile home parks and there must have been a reason they signed them. The Town Attorney produced a copy of a 1992 Agreement when Ralph Humphreys contracted with the Town for the Cherrywood Community wherein each lot was to pay an operation and maintenance fee. Applewood Community, however, only pays one (1) unit for their entire project.

Competitive Bid – Refund Bid Specification Deposits on Elm Street Bridge project

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

(RESOLUTION NO. 85 OF 2011)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to release from the Trust and Agency Account the bid specification fees deposited by the following companies who have returned said specifications relating to the Elm Street bridge replacement project:

- CDC New Construction Co. - \$ 20.00
- Central New York Construction, Inc. - \$ 20.00

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- Bell Construction Co. - \$ 20.00
- Economy Paving Co. - \$ 20.00

and be it

FURTHER RESOLVED that the following bidders and non-bidders hereby forfeit their **bid specification fees** deposited because the specification books had not been returned to the Town as prescribed in the Advertisement of Bidders and the Town Board does hereby authorize and direct the Town Supervisor to transfer said **forfeited fees** from the Trust and Agency Account to Whole-Town General Fund Account A2620.4 (Forfeiture of Deposits):

- Husted Concrete Products - \$ 20.00
- Barrett Paving Materials, Inc. - \$ 40.00 (2 sets)
- Herbert F. Darling, Inc. - \$ 20.00
- Central Paving Co. - \$ 20.00
- Jefferson Concrete Corp. - \$ 20.00
- Seismic Energy Products, LP - \$ 20.00.

The Town Board members then voted upon roll call:

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

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

National Grid gas and electric bills

After auditing bills, Councilman Backman had noticed different kilowatt hour costs charged by National Grid and he would like to standardize this with the lowest cost. He asked that the Town Supervisor review the bills, contact the providers and get the lowest cost for the Town.

MS4s – Proposed stormwater regulations

Having reviewed the proposed MS4 legislation, Councilman Backman questioned whether a developer's bond period should be five (5) years or seventy-five percent (75%) of build out. The Town Attorney will consider this and whether it's sustainable and if feasible, bring it back to the Town Board.

PARKS AND RECREATION COMMITTEE – COUNCILMAN REYNOLDS:

Competitive Bid – Award of Contract/Recreation Center Roof Repair

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

(RESOLUTION NO. 86 OF 2011)

WHEREAS, the Town received the following bids on March 18, 2011 for the Recreation Center Roof Repair:

- Shoreline Roofing & Construction Co. LLC - \$177,700.00
- Collingwood Construction Corp. - \$126,887.00
- Insulating Coatings Corp.(Specified Systems Inc.) - \$ 78,500.00
- Pulver Roofing Company, Inc. - \$168,000.00
- Capital Roof Coatings - \$131,400.00; and

WHEREAS, all bids have been canvassed with the recommendation that the contract for the Recreation Center Roof Repair be awarded to the lowest, responsible bidder, that being Insulating Coatings Corp.;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby award the contract for the aforesaid project to the lowest bidder, Insulating Coatings Corp., Binghamton, New York, as per their bid submitted in the amount of Seventy-eight Thousand Five Hundred Dollars (\$78,500.00); and be it

FURTHER RESOLVED that the Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute all contract documents for the Recreation Center Roof Repair project.

A roll call vote ensued:

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

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

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Competitive Bid – Return Bid Security to unsuccessful bidders

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

(RESOLUTION NO. 87 OF 2011)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to release the Bid Security Deposit from the Trust and Agency Account to the following bidders for the Recreation Center Roof Repair project:

- Shoreline Roofing & Construction - \$8,885.00
- Capital Roof Coatings - \$6,570.00

and does further authorize and direct the Town Clerk to release the Bid Bonds submitted as Bid Security Deposits to the following bidders for the aforesaid project:

- Pulver Roofing Co., Inc.
- Collingwood Construction.

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

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

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

Appointment – Seasonal Employees

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

(RESOLUTION NO. 88 OF 2011)

RESOLVED that the New Hartford Town Board does hereby appoint the following individuals to the various part-time seasonal positions and for the hourly wages set opposite their several names, for the Parks and Recreation Department, for the time period specified below; all wages to be paid bi-weekly:

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PARKS A7110.14 Start Date 4/18/11; End Date 8/31/11

| <i><u>Name</u></i> | <i><u>Position</u></i> | <i><u>Hourly Wage</u></i> |
|--------------------|------------------------|---------------------------|
| Andrew Roemer | Park Laborer 11 | \$9.17 |
| Michael Kelly | Park Laborer 11 | \$9.17 |
| Dustin Benton | Park Laborer 11 | \$9.17 |
| Clayton Whittemore | Park Laborer 1 | \$8.50 |
| Jason Fitzgerald | Park Laborer 1 | \$8.50 |
| Luke Raiano | Laborer/Gardner | \$8.50 |

SWIM A7230.1 Start Date 6/27/11; End Date 8/12/11

| | | |
|-------------------|---------------------------|----------------|
| Diane Muller | Pool Director | \$12.63 & 8.95 |
| Anna Wanner | Ass't Director | \$11.20 & 8.95 |
| Lindsay Mundrick | Certified WSI & Lifeguard | \$10.45 & 8.91 |
| Scott Wanner | Certified WSI & Lifeguard | \$10.45 & 8.91 |
| Dominick Masi | Certified WSI & Lifeguard | \$10.45 & 8.91 |
| Jonathan Graniero | Certified WSI & Lifeguard | \$10.45 & 8.91 |
| Andrew Crumrine | Certified WSI & Lifeguard | \$10.45 & 8.91 |
| Marissa Mundrick | Lifeguard | \$8.91 |
| Jeremy Rose | Lifeguard | \$8.91 |
| Sara Dreimiller | Evening Lifeguard | \$8.91 |
| Marisa Matt | Evening Lifeguard | \$8.91 |
| Meghan Rose | Evening Lifeguard | \$8.91 |
| Ashley Mundrick | Evening Lifeguard | \$8.91 |
| Craig Sherman | Pool Attendant | \$7.25 |
| Elaine Hage | Water Aerobics Instructor | \$37.00 |
| Marisa Matt | Splash Pad Attendant | \$8.15 |
| Mikaela Butler | Splash Pad Attendant | \$8.15 |

PLAYGROUND A7140.11 Start Date 6/27/11; End Date 8/12/11

| | | |
|--------------------|--------------------|---------|
| Michael Jankiewicz | Director | \$11.85 |
| Jordan Groah | Director | \$11.85 |
| Chris Roller | Director | \$11.85 |
| Sara Heil | Director | \$11.85 |
| Kimberly Gomez | Director | \$11.85 |
| Marc Montesano | Director | \$11.85 |
| Bianca Falange | Assistant Director | \$9.27 |
| Michael Matt | Assistant Director | \$9.27 |
| Kaitlyn Jo Hudson | Assistant Director | \$9.27 |
| Katelynn Duffy | Assistant Director | \$9.27 |

(RESOLUTION NO. 89 OF 2011)

WHEREAS, the Town Board of the Town of New Hartford, New York has reviewed the updated cost projections for the Rayhill Trail Extension Project, right-of-way issues and the need for an additional railroad track crossing;

NOW, THEREFORE, BE IT RESOLVED that said Town Board does hereby request that the Rayhill Trail Extension Project Local/State Agreement with the New York State Department of Transportation be modified to eliminate the trail segment that was initially planned to run Southeasterly from the New Hartford/Utica boundary line, after crossing the Sauquoit Creek, and then terminating at the beginning of the ConMed parcel. Said modification shall not affect the Town's intent to pursue extending the Rayhill Trail to New York Mills, ending the trail at Pietryka Park.

Councilman Reynolds stated this modification will eliminate a creek crossing and two (2) railroad crossings, thereby reducing costs; the City of Utica wasn't interested in participating in the Trail Extension project.

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

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

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

Agreement – Rental of Recreation Center

Upon recommendation of the Parks and Recreation Director, Councilman Reynolds introduced the following Resolution, seconded by Councilwoman Krupa:

(RESOLUTION NO. 90 OF 2011)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute a Rental Agreement between the Town of New Hartford and the Utica Roller Girls for the period April 3, 2011 through August 13, 2011, ***subject to review and approval by the Town Attorney***, and as more fully set forth in said Agreement to be filed in the Town Clerk's Office; said group has provided the Town with the appropriate Certificate of Insurance.

The Town Board members voted as follows:

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

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

Parks and Recreation – Overtime elimination

Councilman Reynolds noted that Parks and Recreation Director Michael Jeffery has developed a schedule to eliminate overtime and scheduling workers around straight time and he applauded him for those cost-saving measures.

Highway Department street sweeper

Councilman Reynolds acknowledged that the Highway Department street sweepers were cleaning roads in the Town and he asked Highway Superintendent Sherman if he would coordinate with the State Department of Transportation the sweeping of sidewalks along Seneca Turnpike. Superintendent Sherman said he is working on this and about ½ to ¾ of the Town is done.

TOWN CLERK COMMITTEE – COUNCILWOMAN KRUPA:

Training - Oneida County Association of Towns Meeting

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

(RESOLUTION NO. 91 OF 2011)

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 Councilwoman Krupa and Highway Superintendent Sherman to attend the Oneida County Association of Towns quarterly business meeting on Tuesday, April 19, 2011 at the Delta Lake Inn, Rome, New York, with expenses to be borne by said Town as budgeted.

The Resolution was voted upon by roll call as follows:

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

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Councilman Backman - Aye
Supervisor Tyksinski - Aye.

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

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL:

Audit of bills

On presentation by the Town Supervisor, Councilwoman Krupa presented the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 92 OF 2011)

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:

| | |
|---------------------------------------------|---------------|
| Elm Street Bridge Repair Fund Abstract #2 | |
| Vouchers HB4 | \$ 1,187.50 |
| Street Lighting Fund Abstract #4 | |
| Vouchers SL5 | \$ 7,746.43 |
| Trust & Agency Fund Abstract #11 | |
| Vouchers TT51-TT57 | \$ 16,117.27 |
| Trust & Agency Fund Abstract #12 | |
| Vouchers TT58 | \$ 220,000.00 |
| Trust & Agency Fund Abstract #13 | |
| Vouchers TT59-TT63 | \$ 13,498.62 |
| Trust & Agency Fund Abstract #14 | |
| Vouchers TT64-TT65 | \$ 2,032.72 |
| Highway Fund Part-Town Abstract #5 | |
| Vouchers DB343-DB466 | \$ 216,548.00 |
| General Fund Part-Town Abstract #5 | |
| Vouchers BB55-BB75 | \$ 9,399.21 |
| General Fund Whole-Town Abstract #10 | |
| Vouchers AA459-AA464 | \$ 19,190.68 |
| General Fund Whole-Town Abstract #11 | |
| Vouchers AA465-AA582 | \$ 228,849.16 |
| General Fund Part-Town (Police) Abstract #7 | |
| Vouchers BP95-BP123 | \$ 118,912.31 |
| Sewer Fund Abstract #6 | |
| Vouchers SS27 | \$ 2,245.99 |

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Sewer Fund Abstract #7
Vouchers SS28-SS34

| | |
|---------------|---------------------|
| | \$ 11,286.15 |
| TOTAL: | \$867,014.04 |

Upon roll call, the Board members voted as follows:

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

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

Lease – Police Vehicle

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

(RESOLUTION NO. 93 OF 2011)

WHEREAS, funds for a police vehicle had been budgeted for fiscal year 2010 but pursuant to consensus between the Town Board and the Police Chief, the lease was delayed until fiscal year 2011; and

WHEREAS, Lt. O’Neill had performed the research on the vehicle and costs associated therewith and which costs had been reviewed by the Town Supervisor and Police Chief;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby approve a lease between the Town of New Hartford and First Niagara for the purchase of a 2011 Chevrolet Tahoe under State Contract PC-65026. The total cost to the Town, including finance charges is \$29,800.96 and the Town shall make four (4) quarterly payments of \$1,862.56 over a four (4) year period, after which the Town will own the vehicle; and be it

FURTHER RESOLVED that the Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute all necessary documents for the lease of said vehicle.

Upon questioning of Councilman Backman, Supervisor Tyksinski stated that this particular vehicle would not be getting the use, the pounding that patrol cars normally incur and that this particular vehicle is more economical. A roll call vote ensued:

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

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

Bond Resolution

The Town Supervisor distributed information on a proposed Bond Resolution to include the financing of the Elm Street (Chadwicks) bridge replacement, the Elm Street box culvert replacement, Recreation Center reproofing, trash containers, etc. He asked that the Town Board review the proposal and consider whether they would like to add or delete any items. Meanwhile, Supervisor Tyksinski will contact Fiscal Advisors to proceed and this matter will be on the Agenda for the April 27, 2011 Town Board meeting.

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

After having reviewed the invoices submitted by Shumaker Engineering, the Town Supervisor believes the Town owes money to said engineering firm for work performed in 2008. The Town Attorney said he doesn't see any agreement and no relation to the incidental expenses. Councilman Backman referred to a Memo from former Budget Director Heather Mowat, itemizing expenses against the \$2.3 million borrowing. Councilwoman Krupa recalled some communications and will try to locate them.

Inter-municipal Agreement – CENTRO (Bus Service)

Supervisor Tyksinski informed the Board that on October 15, 2009 then-Supervisor Earle Reed had received a letter dated October 13, 2009 from Oneida County Executive Anthony Picente, Jr. with regard to bus service provided by the Central New York Regional Transportation Authority (CNYRTA), which ultimately had assumed all operation of the Utica Transit Authority (UTA) and the Rome VIP Transportation. The matter of renewing the Inter-municipal Agreement for continued bus operations in the Town had not been presented to the Town Board in 2009 and is still pending, including the Town's annual contribution toward the bus services. Therefore, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilwoman Krupa:

(RESOLUTION NO. 94 OF 2011)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Inter-Municipal Agreement between the County of Oneida and the Town of New Hartford wherein the Central New York

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Regional Transportation Authority (CNYRTA) will provide affordable bus service within the Town for calendar years 2010, 2011, 2012, 2013 and 2014, with the Town paying Thirty Thousand Dollars (\$30,000) for each year and as more fully set forth in said Agreement to be filed in the Town Clerk's Office.

Councilman Reynolds noted that funds had been allocated in the budget for these services. Upon roll call, the Town Board voted as follows:

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

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

Status of Surplus Vehicle

With regard to the surplus 2004 Silverado (ACO) and 2004 Turtle Top Bus [2003 Ford E-series Van E-350] (Senior Center) that had not sold on E-bay earlier this year, Councilman Backman offered the following Resolution for adoption and Councilwoman Krupa seconded same:

(RESOLUTION NO. 95 OF 2011)

RESOLVED that the Town Board take a tour on the 2004 Turtle Top bus throughout the Town and promote its sale, with Councilman Backman to drive the bus.

Councilman Backman thought another organization had been interested in purchasing the bus. Supervisor Tyksinski had contacted the Community Foundation through which the Town had acquired the bus, however, the Foundation was not interested in taking back the vehicle. Thereafter, a roll call vote ensued:

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

The Resolution was declared unanimously carried and duly ***ADOPTED***. The Town Attorney will contact the Utica Common Council to determine if they would be interested in acquiring the surplus bus through an Inter-municipal Agreement.

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Surplus Sale on E-bay; 2004 Turtle Top Bus

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

(RESOLUTION NO. 96 OF 2011)

WHEREAS, the New Hartford Town Board had previously declared a 2004 Turtle Top Bus as surplus and had advertised its sale on E-bay, to no avail;

NOW, THEREFORE, BE IT RESOLVED that said Town Board does hereby authorize and direct that the 2004 Turtle Top Bus [2003 Ford E-series Van E-350] again be placed for sale on E-bay, with a starting bid price of Three Thousand Dollars (\$3,000) Ford E-series Van E-350] and once sold, the Town Clerk's office shall be notified and shall arrange to terminate insurance coverage on said vehicle.

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

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

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

Surplus Sale on E-bay; 2004 Chevrolet Silverado

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

(RESOLUTION NO. 97 OF 2011)

WHEREAS, the New Hartford Town Board had previously declared a 2004 Chevrolet Silverado pick-up truck (Animal Control Office) as surplus and had advertised its sale on E-bay, to no avail;

NOW, THEREFORE, BE IT RESOLVED that said Town Board does hereby authorize and direct that the 2004 Silverado again be placed for sale on E-bay, with a starting bid price of One Thousand Dollars (\$1,000) and once sold, the Town Clerk's office shall be notified and shall arrange to terminate insurance coverage on said vehicle.

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

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

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

Agreement – Rental of Recreation Center/Utica Roller Girls

The Town Attorney approved the Rental Agreement (approved earlier in the meeting by Town Board Resolution No. 90) between the Town and the Utica Roller Girls, with a minor change of eliminating any reference to “ice”.

Consultant for Town – development projects

Discussion ensued about obtaining consulting services under projects, such as Aldi’s, wherein agreements would require developers to have an escrow account to cover costs and that the money is handled between the consultant and the developer, or vice versa, and the Town does not handle any money.

Planning/Zoning Clerical

Due to the volume and nature of work being performed for the Planning and Zoning Boards, it was decided to request that the Oneida County Personnel Department reclassify the clerical position to be “Paralegal”; however, the civil service process that the County must follow will involve several months and meanwhile, Dolores Shaw will be required to work additional hours. Therefore, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilwoman Krupa:

(RESOLUTION NO. 98 OF 2011)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to increase General Part-Town Account No. BB8010.1 Secretary, Part-time by the sum of \$8,000.00 and to decrease General Part-Town Account No. BB8010.14 Zoning Secretary by a like amount in the 2011 Budget.

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

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

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Attorney – Clients

Town Attorney Cully stated that in order to avoid the appearance of impropriety he could have representing clients that might have dealings with the Town, he will contact other attorneys in New Hartford to handle certain cases.

EXECUTIVE SESSION

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

(RESOLUTION NO. 99 OF 2011)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss land acquisition, union negotiations, and the Sangertown Square Mall certiorari (assessment) against the Town.

A roll call vote ensued:

| | | |
|----------------------|---|--------|
| Councilwoman Krupa | - | Aye |
| Councilman Reynolds | - | Aye |
| Councilman Woodland | - | ABSENT |
| 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 8:47 P.M. The Town Attorney and Deputy Supervisor remained for the Executive Session.

[NOTE: The Town Attorney provided the following transcription on Friday, April 15, 2011.]

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 100 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:

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

The Supervisor declared the Resolution unanimously carried and duly *ADOPTED*; the Executive Session ended at 9:11 P.M. The regular portion of the Town Board meeting was immediately reconvened.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilman Reynolds and seconded by Councilwoman Krupa, the meeting was adjourned at 9:12 P.M.

Respectfully submitted,

Gail Wolanin Young
Town Clerk