

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, MAY 25, 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
Deputy Supervisor Matthew Bohn III
Engineering Department Coordinator Elisabetta DeGironimo
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

April 27, 2011 Town Board meeting

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

(RESOLUTION NO. 124 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 *April 27, 2011* and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

Councilwoman Krupa	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Backman	-	Aye

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Supervisor Tyksinski - ABSTAINED, as he did not attend the April 27, 2011 meeting.

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

PUBLIC PRESENTATIONS

The Supervisor inquired if anyone present wished to address the Town Board with what's going on in the Town, noting that each person would have three (3) minutes to speak.

Earthen Dam

Florence Walter, who was on the meeting agenda, said she'd like to take a rain check as her neighbor was unable to attend this meeting.

Proposed Reinstatement of Comptroller Position

Edmund Wiatr, Jr. read in the Observer Dispatch an article saying that Supervisor Tyksinski wanted to reinstate the comptroller position, that subsequently there was an Observer Dispatch editorial on the same subject, and he quoted Jerome Donovan's comments from a November 2009 meeting. Mr. Wiatr recalled that in 2009 then-Supervisor-elect said he would perform the duties of both Supervisor and Comptroller. Mr. Wiatr recommended that the Town Board establish a citizens' committee on this matter and defer any action tonight on reinstating the comptroller position; further, that RFP's be sought and review all candidates' qualifications.

Road Paving List

Ron Ribyat of Chestnut Hills inquired whether the 2011 road paving list had been prepared. Supervisor Tyksinski responded that this subject will be addressed later during the meeting.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRPERSON

Senior Citizens Committee – Councilman Reynolds:

Sale of Turtle Top Bus – Upgrade Computers

Senior Services Director M. Eileen Spellman requested that the \$6,100 proceeds from the sale of the Turtle Top bus be used to upgrade computers at the New Hartford Adult Dining and Activity Center, replacing software and hardware purchased in 2003. Director Spellman's goal was to start a TelMed program where seniors could communicate with their doctors and have to make less office visits. Thereafter, Councilman Reynolds offered the following Resolution for adoption; seconded by Councilman Backman:

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(PROPOSED RESOLUTION)*withdrawn

RESOLVED that the New Hartford Town Board does hereby authorize and direct the transfer of Six Thousand One Hundred Dollars (\$6,100) from General Fund, Whole Town Revenue Account (Sale of Turtle Top bus), to General Fund, Whole Town Senior Appropriation Account AA6772, for the purpose of upgrading the hardware/software at the Adult Dining and Activity Center.

Discussion ensued with Councilman Backman wanting to review proposals for this equipment because “..computers are cheap these days.” Councilman Reynolds stated that the Director of Senior Services has or will have quotes. The Town Supervisor noted that Seven Thousand Dollars (\$7,000) in revenue for the sale of the bus had been included in the 2011 budget; this would be a new appropriation (computers) that he suggested be done through bonding. Thereafter, Councilmen Reynolds and Backman withdrew their motion.

Donation

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

(RESOLUTION NO. 125 OF 2011)

WHEREAS, on November 4, 1998 the New Hartford Town Board had established a “gift”/“donation” policy pursuant to Section 64(8) of the Town Law;

NOW, THEREFORE, BE IT RESOLVED that said Town Board does hereby accept the donation of Five Hundred Twenty-three Dollars (\$523) from Capital District Physician Health Plan and does further authorize and direct the following budget adjustments, to cover costs associated with the Senior Volunteer Recognition Event held May 18, 2011:

Increase

General Fund Whole-Town Senior Account AA6772.4	-	\$523
General Fund Whole-Town Revenue (Donation) Account AA2705.1	-	\$523.

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

Councilwoman Krupa	-	Aye
Councilman Woodland	-	Aye
Councilman Backman	-	Aye
Councilman Reynolds	-	Aye

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Supervisor Tyksinski - Aye.

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

Parks & Recreation Committee – Councilman Reynolds:

Appointments – Seasonal Parks, Swim and Playground

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

(RESOLUTION NO. 126 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; all wages to be paid bi-weekly:

Parks A7110.14; beginning May 25, 2011 and ending August 26, 2011

<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
Matthew Maggio	Park Laborer I	\$8.91/hour

Swim A7230.1; beginning June 27, 2011 and ending August 26, 2011

<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
Jaclyn Perra	Substitute Evening Lifeguard	\$8.91/hour
Paige Whitney	Substitute Evening Lifeguard	\$8.91/hour
Marianna Maliani	Substitute Evening Lifeguard	\$8.91/hour

Playgrounds A7140.11; beginning June 27, 2011 and ending August 26, 2011

<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
Emily Miller	Recreation Attendant I	\$7.72/hour
Samantha North	Recreation Attendant I	\$7.72/hour
Kelsey Evans	Recreation Attendant I	\$7.72/hour
Valerie Kane	½ day Recreation Attendant	\$7.72/hour
Jaclyn Perra	½ day Recreation Attendant	\$7.72/hour
Daniel Duffy	½ day Recreation Attendant	\$7.72/hour.

Whereupon, the Town Board voted upon roll call:

Councilwoman Krupa - Aye

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

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

Public Works and Sewer Committee – Councilman Backman:

Elm Street Bridge Replacement – Change Order No. 1

It was reported that Lochner Engineering had identified a design flaw in the Elm Street bridge plans prepared by Delta Engineers. As a result, Supervisor Tyksinski introduced the following Resolution for adoption and Councilman Backman seconded same:

(RESOLUTION NO. 127 OF 2011)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute Change Order No. 1 between the Town of New Hartford and Delta Engineers in the amount of Six Thousand Dollars (\$6,000) for design change in sidewalks and drainage pertaining to the Elm Street bridge replacement project.

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

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

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

Road Paving List

Highway Superintendent Sherman stated that the road-paving list for 2011 is not done yet. He would like to pave some roads on the County's contract with Suit-Kote Corporation, an asphalt product manufacturer, not committing to a dollar amount or specific roads. Councilman Backman then offered the following Resolution for adoption and Councilman Reynolds seconded same:

(RESOLUTION NO. 128 OF 2011)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Highway Superintendent to “piggy-back” on Oneida County’s contract for road paving with Suit-Kote for fiscal year 2011.

A roll call vote ensued:

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

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

Quotes – Building/roof renovations

Councilman Backman reported that the Highway Superintendent had obtained three (3) quotes for roof/building renovations at the Records Retention Center and the Kellogg Road Community Center Building; these are bond items totaling \$40,125 for both buildings; Jewett Bros. Home Improvement, Inc. had submitted the lowest quote.

Appointments – Seasonal Highway Department

The Highway Superintendent proposed the hiring of several laborers for the summer months; discussion ensued on whether these positions had been budgeted, where the money would come from if not budgeted and the hourly wage of the laborers. The Town Supervisor said funds allocated for trash bins could be used as these items are included in bonding; a budget adjustment would be necessary. Supervisor Tyksinski said the laborers could assist the Highway Department in cleaning up the Town as a result of the April 28, 2011 rainstorm and flooding. Thereafter, Councilman Backman introduced the following Resolution for adoption and Councilwoman Krupa seconded same:

(RESOLUTION NO. 129 OF 2011)

RESOLVED that the New Hartford Town Board does hereby appoint Donald Cavoli, Stephen Kuhn and Andrew Mosher as Highway Department seasonal laborers, commencing Tuesday, May 31, 2011, at an hourly rate of Ten Dollars (\$10.) payable bi-weekly; the wages of said seasonal laborers shall be paid from a budget adjustment of \$9,849.38 from the General Whole-Town Fund, Buildings and Grounds Account No. AA1620.4 (Trash rollouts/dumpsters) to the appropriate Fund for seasonal highway department employees and when the \$9,849.38 has been depleted, the laborers’ employment with the Town shall be terminated.

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The Supervisor polled the Board members who voted as follows:

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

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

Jubilee Estates and Jewel Ridge subdivisions – Road Paving

With regard to Jubilee Estates, the Town is trying to get an agreement about road paving. With regard to the Jewel Ridge subdivision, this matter is in limbo because a new prospective buyer has come into the picture and may possibly buy the project.

MATTERS SUBMITTED BY COUNCILMEN AND TOWN ATTORNEY

Local Law Introductory “E” of 2011 – Moratorium on Hydrofracking

Town Attorney Cully stated that the Town’s proposed legislation for a moratorium on hydrofracking had been patterned after the Town of DeWitt’s local law. Thereafter, Councilman Backman introduced Local Law Introductory “E” of 2011 for the Town Board’s consideration at a future Public Hearing; co-sponsored by Councilwoman Krupa:

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

Section 1. Title

This Local Law shall be referred to as the “Local Law imposing a moratorium on the activity known as hydraulic fracturing and/or hydrofracking in the Town of New Hartford 2011.”

Section 2. Purpose and Intent

Pursuant to the statutory powers vested in the Town of New Hartford to regulate and control land use and to protect the health, safety and welfare of its residents, the Town Board of the Town of New Hartford declares a six-month moratorium on the process known as hydraulic fracturing and/or hydrofracking, as well as a moratorium on any activity associated therewith or intending to support such process including the establishment, implementation, placement, or construction of such process or activity in the Town of New Hartford.

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Section 3. Legislative Findings

Pursuant to its legislative powers and the Comprehensive Plan for the Town, the Town of New Hartford Town Board proposes to enact a “Local Law imposing a moratorium on the activity known as hydraulic fracturing and/or hydrofracking in the Town of New Hartford.”

The issues which led to the decision have not abated, and the issues have also not ripened to the point that the town has been able to address or enact appropriate and comprehensive legislation to address this highly controversial issue. This Board is mindful that a moratorium of an extended period is not generally advisable, however, not only is the issue hydrofracking unique, the issue as to the manner in which activity should be regulated in the Town of New Hartford and also the State of New York is an ongoing matter of great concern and controversy throughout the State.

As of this date, there is an Executive Order put in place by the former Governor of the State of New York which has suspended permits for hydrofracking in the State of New York. It is currently unknown as to the exact date that Order may be lifted. And, it is not yet clear as to what safeguards are anticipated to be put in place by the NYDEC and/or NY Legislature to protect New York waters, properties and people, nor exactly how long such regulation may take to enact. Accordingly, it is difficult for the Town to determine the type or extent of legislation that would be necessary, required or permitted, until well after the State clarifies its position. Without preliminary legislation in place by the State, the drafting of comprehensive legislation in the Town at this time would be unnecessarily time consuming with the possibility of some or all of it being rendered moot.

Although there are various sections of the Town of New Hartford Code which regulate some issues relating to energy production as well the export of energy off site, these regulations may not be sufficient cover some hydrofracking issues. This Board is desirous of utilizing this extended moratorium period to continue to monitor and review state legislation, legislation of other towns and municipalities relating to this subject and gathering the continuing mass of information that is becoming available on this subject; including possible legislative language for towns as suggested by experts in the field. Particularly, when and if the permit prohibition by the state is lifted, this Board wants to have sufficient additional time to put appropriate legislation in place.

At this point it is important to note that there are no applications for hydrofracking pending in the Town, nor do there appear to be any potential applicants. Therefore, there does not appear to be any person or party substantially prejudiced by this moratorium at this time. Nonetheless, the Town Board determines that while the review and monitoring of and in consideration of the significant environmental issues surrounding the hydrofracking process and its potentially permanent and irreversible consequences, a

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moratorium on is appropriate and necessary in order to preserve the status quo until the new regulations can be adopted.

Section 4. Scope of Controls

A. During the effective period of this Local Law:

1. The Town Board of the Town of New Hartford shall not grant any approvals that would have as the result the establishment, implementation, placement, or construction of the process known as hydraulic fracturing and/or hydrofracking, including any activity associated therewith or intending to support such process including the establishment or implementation of such process or activity in the Town of New Hartford.

2. The Town Planning Board shall not grant any preliminary or final approval to a site plan, special use permit, specific use permit or other permit that would have as a result the establishment, implementation, placement, or construction of the process known as hydraulic fracturing and/or hydrofracking, including any activity associated therewith or intending to support such process including the establishment or implementation of such process or activity in the Town of New Hartford.

3. The Town Zoning Board of Appeals shall not grant any variances, special use permits, specific use permits or any other permit that would have as a result the establishment, implementation, placement, or construction of the process known as hydraulic fracturing and/or hydrofracking, including any activity associated therewith or intending to support such process including the establishment or implementation of such process or activity in the Town of New Hartford.

4. The Codes Department shall not issue any permit that would have as a result the establishment, implementation, placement, or construction of the process known as hydraulic fracturing and/or hydrofracking, including any activity associated therewith or intending to support such process including the establishment or implementation of such process or activity in the Town of New Hartford.

B. The Town Board of the Town of New Hartford reserves the right to direct the Codes Officer to revoke or rescind any building permits, certificates of occupancy or other permits or certificates issued in violation of this Local Law.

Section 5. No consideration of New Application

No applications for construction affected by this Local Law or for approvals for a site plan, variance, specific use permit, special use permit or other permits shall be considered

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by any board officer or agency of the Town while the moratorium imposed by this Local Law is in effect.

Section 6. Term

This moratorium imposed by this Local Law shall be in effect for a period of 180 days from the effective date of this local law. This moratorium may be extended for an additional period of not more than 180 days by the Town Board.

Section 7. Penalties

Any person, firm, corporation or other entity that shall take any action to establish, implement, place, or construct the process known as hydraulic fracturing and/or hydrofracking, including the establishment, implementation, placement or construction of any activity associated therewith or intending to support such process in violation of the provisions of this Local Law or shall otherwise violate any of the provisions of this Local Law shall be subject to:

A. Such penalties as may otherwise be provided by applicable local law, ordinances, rules or regulations of the Town for violations; and

B. Injunctive relief in favor of the Town to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction or reconstruction that may have taken place in violation of this Local Law.

Section 8. Validity

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

Section 9. Hardship

A. Should any owner of property affected by this Local Law suffer an unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Town Board of the Town in writing for a variation from the strict compliance with this Local Law upon submission of proof of such unnecessary hardship.

For the purposes of this Local Law, unnecessary hardship shall not be mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special use permit, specific use permit, site plan or other permit during the period of the moratorium imposed by this Local Law.

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B. Procedure. Upon submission of a written application to the Town Clerk by the property owner seeking a variation of this Local Law, the Town Board shall, within thirty (30) days of receipt of said application, schedule a Public Hearing on said application upon five (5) days written notice in the official newspaper of the Town. At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Town Board shall, within thirty (30) days of said Public Hearing, render its decision either granting or denying the application for a variation from the strict requirements of this Local Law. If the Town Board determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Town Board shall vary the application of this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

Section 10. Definitions

A. The terms Hydraulic fracturing and/or Hydrofracking shall mean the process of recovering and/or developing natural gas trapped behind shale or rock and which generally is accomplished by a gas well that is drilled vertically into the ground and then horizontally from the well head, after which water, sand and/or chemicals are injected into the well the breaking and/or fracturing of shale and/or other natural structures under the ground intending to release natural gas from the ground.

B. The term “Town” when used in this Local Law shall mean the Town of New Hartford.

C. The terms “Town Board,” “Planning Board” and “Zoning Board of Appeals” when used in this Local Law shall refer to the appropriate boards established in the Town of New Hartford.

D. The term “Development and Operations” when used in this Local Law shall refer to the Department of Development and Operations of the Town of New Hartford as established by Local Law No. 1 of the year 1983 of the Town of New Hartford and set forth in Chapter 15 of the Code of the Town of New Hartford.

11. Effective Date

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

Public Hearing Scheduled – Local Law Introductory “E” of 2011 – Moratorium on Hydrofracking

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

(RESOLUTION NO. 130 OF 2011)

RESOLVED that the Town Board of the Town of New Hartford does hereby schedule a Public Hearing to commence at 7:00 P.M., or as soon thereafter as reached in the regular course of business, on Wednesday, June 15, 2011 in Butler Memorial Hall, New Hartford, New York, to consider Local Law Introductory “E” of 2011 which, if adopted, would impose a moratorium on the activity known as hydraulic fracturing and/or hydrofracking in the Town of New Hartford in 2011; and be it

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

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

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

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

Municipal Separate Storm Sewer System (MS4) – Annual Report

Highway Superintendent Sherman had worked with Joanne Faulkner Humphreys of the Oneida County Soil and Water Agency in completing the MS4 Annual Report, Phase II of EPA Clean Water Act. Ms. Humphreys, who was present, explained the purpose of the MS4 program, which has been in place since 2003, starting with the Environmental Protection Agency (EPA) – Clean Water Act adopted in the late 1990’s. The Town must meet six (6) control measures annually and submit their annual report to the State by June 1, 2011. Minimum control measures include:

- Public outreach and education
- Public outreach and participation (solicit public comment)
- Illicit discharge detection and elimination of stormwater (must adopt a local law)
- Construction site run-off control (local law also needed)
- Post construction stormwater management
- Good housekeeping

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She noted that this public (Town Board) meeting and the Town's web site would suffice for a public hearing.

Stormwater Management (Advisory) Improvement Committee – Technical services

Upon request of Committee Chairman Elisabetta DeGironimo, Councilman Backman introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 131 OF 2011)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement with Vertex Geospatial, Inc. for professional GIS technical and mapping services in support of stormwater related initiatives at a cost not to exceed Three Thousand Dollars (\$3,000) [40 hours]; and be it

FURTHER RESOLVED that the said Town Board does hereby authorize and direct Vertex Geospatial, Inc. to migrate the Town's web page to Digital Towpath at a cost not to exceed Two Thousand Dollars (\$2,000).

With Digital Towpath, each department will be able to access and update their own web pages. Supervisor Tyksinski stated that the funding for these projects could be taken out of maintenance agreements. Thereafter, a roll call vote was held:

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

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

Councilwoman Krupa:

Appointment (Permanent) – Police Chief B

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

(RESOLUTION NO. 132 OF 2011)

WHEREAS, on June 16, 2010 the New Hartford Town Board provisionally appointed Michael S. Inserra as Police Chief B for the Town of New Hartford; and

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WHEREAS, Chief Inserra has taken, passed and is reachable on the appropriate New York State Civil Service examination;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby permanently appoint Michael S. Inserra as Police Chief B, effective May 25, 2011, in accordance with all New York State Civil Service rules and regulations.

Upon roll call, the Town Board voted as follows:

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

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

Appointment – Advisory Committee on Public Works and Sewers

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

(RESOLUTION NO. 133 OF 2011)

WHEREAS, a vacancy exists on the Advisory Committee on Public Works and Sewers due to the resignation of Kenneth Lowell;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby appoint Sidney Perry to fill the vacancy created by Mr. Lowell’s inability to serve on said Advisory Committee, said appointment to be effective Thursday, May 26, 2011.

The Board voted upon the foregoing Resolution, resulting as follows:

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

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

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Appointments - Stormwater Management (Advisory) Improvement Committee

The Town Supervisor offered the following Resolution for adoption; seconded by Councilwoman Krupa:

(RESOLUTION NO. 134 OF 2011)

WHEREAS, vacancies exist on the Stormwater Management (Advisory) Improvement Committee due to the inability of several persons to continue attending and participating in meetings;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby appoint Sidney Perry to the Stormwater Management (Advisory) Improvement Committee, Position No. 5 as the representative of the Advisory Committee on Public Works and Sewers, for a one-year term effective Thursday, May 26, 2011 and ending May 8, 2012.

The Town Board voted upon roll call:

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

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

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

(RESOLUTION NO. 135 OF 2011)

WHEREAS, vacancies exist on the Stormwater Management (Advisory) Improvement Committee due to the inability of several persons to continue attending and partaking in meetings;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby appoint Anthony (Omar) Massoud to the Stormwater Management (Advisory) Improvement Committee, to fill Position No. 2 (an at-large member) for a two-year term beginning May 26, 2011 and ending May 8, 2013, replacing Michael Fanelli whose term expired; and

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BE IT FURTHER RESOLVED that the New Hartford Town Board does hereby appoint James Carucci to the Stormwater Management (Advisory) Improvement Committee, to fill Position No. 3 (an at-large member) filling the unexpired three-year term of Brian Sanders, beginning May 26, 2011 and ending May 8, 2012.

The Town Board voted upon roll call:

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

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

Stormwater Committee Report

Committee Chairperson DeGironimo reported that the Highway Superintendent and she were out today with Barton & Loguidice in the Beechwood Road area. Work is moving along well and it's expected that a camera crew will be out next week. The residents are happy to see work starting and the Town is trying to obtain easements now. Barton & Loguidice is asking for a surveyor in some area(s).

MATTERS SUBMITTED BY THE TOWN SUPERVISOR

Financial:

Monthly Reports and Budget Correction

Supervisor Tyksinski had distributed copies of the financial reports to Board members, noting there was one correction to be made with regard to the Town Attorney salary. Thereafter, the Town Supervisor introduced the following Resolution for adoption; seconded by Councilwoman Krupa:

(RESOLUTION NO. 136 OF 2011)

WHEREAS, the 2011 Budget contained a typographical error with regard to the Town Attorney salary account;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby correct the salary account number of the Town Attorney from AA1420.04 (Contractual Expense) to AA1420.01 (Salary).

A roll call vote ensued:

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

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

Proposal to re-instate Comptroller position

Supervisor Tyksinski clarified comments and his position about the Comptroller position. He stated that when running for office a couple years ago, he met with the editorial board of the Observer Dispatch and was asked a question about hiring a comptroller. In response, he said he would turn around the town finances but never said he wouldn't hire a comptroller. When he took office January 1, 2010, the Town had a 30-plus year full-time bookkeeper who knew the "ins and outs". The Town doesn't have that now and a Clerk position in the 2011 budget was not filled. Currently there is one (1) person in the Accounting Office and as well as the Director of Finance who works a few hours weekly, which "isn't cutting it".

Saying he can't be the Comptroller, the Bookkeeper and the Supervisor, the Town Supervisor proposed reinstating the Comptroller position at a salary of \$52,400. "If someone wants to hold me to it.....but I can't do this all", he said, noting that the Bookkeeper's retirement in November 2010 left a big gap. Thereafter, the Supervisor introduced the following Resolution, which was duly seconded by Councilwoman Krupa:

(RESOLUTION NO. 137 OF 2011)*Defeated

RESOLVED that the Town Board of the Town of New Hartford does hereby create/reinstate the full-time position of Comptroller for said Town at an annual salary of \$52,400.

Discussion ensued. Councilman Backman commented that he doesn't mean to not give the Town Supervisor the ability to do his job. He wouldn't be opposed to hiring another clerk but a comptroller has a set term of four (4) years so the next Town Supervisor will have that Comptroller for 1 ½ years whether he/she wanted that person or not. Supervisor Tyksinski emphasized that this Town needs continuity, and stated he would rather have a comptroller on for 1 ½ years after the Supervisor's term ends when the Town might have a new Supervisor – need expertise from someone on board. Councilmen Backman, Reynolds and Woodland said they have not been contacted by Director of Finance Daniel Dreimiller since he took office earlier this year; only Councilwoman Krupa had contact with him. Supervisor Tyksinski explained that when you have someone limited to work five (5) or six (6) hours weekly, you don't want

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him/her asking Town Board members if they have questions. Some Board members were concerned that they would no longer audit vouchers, that if the comptroller position were created, it would take away the Town Board's power to pay and/or withhold payment on vouchers. If the Town Board were to create the position of comptroller, Councilman Backman said the Board should advertise the position and interview candidates. Councilman Reynolds believed a position is needed and he would support the cost; "If we could get Heather (Mowat) back, he would support that. Further, Councilman Reynolds agreed that the position should be advertised but he prefers the title of Budget Director or Finance Director, just not comptroller. Councilman Woodland is in favor of a Budget Director; he believes the Town Board does need another set of eyes to look at the books and free up the Supervisor to do his duties and felt the position should be advertised. Councilwoman Krupa doesn't have a problem with the comptroller position; she still believes the Town would have control. Councilman Woodland pointed out that a comptroller has a residency requirement. The Town Board then voted upon roll call, resulting as follows:

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

The Resolution was declared ***DEFEATED***.

\$137,000 Bond Resolution:

The following resolution was offered by Councilman Reynolds, who moved its adoption, seconded by Councilwoman Krupa, to-wit:

(RESOLUTION NO. 138 OF 2011)
BOND RESOLUTION DATED MAY 25, 2011.

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE CONSTRUCTION OF IMPROVEMENTS TO TOWN BUILDINGS, IN AND FOR THE TOWN OF NEW HARTFORD, COUNTY OF ONEIDA, STATE OF NEW YORK. AT A MAXIMUM ESTIMATED COST OF \$137,000 AND AUTHORIZING THE ISSUANCE OF \$137,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

WHEREAS, all conditions precedent to the financing of the capital projects hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; NOW, THEREFORE,

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BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of New Hartford, Oneida County, New York, as follows:

Section 1. The construction of improvements to the Town buildings, in and for the Town of New Hartford, Oneida County, New York, including incidental expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$137,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$137,000 bonds of said Town, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes of these improvements is at least fifteen (15) years, pursuant to subdivision 12 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of New Hartford, Oneida County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, forms and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by

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Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in full or summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERNDUM.**

The Town Supervisor noted that these are the maximum amounts anticipated and that if bids come in lower, the Town doesn't need to borrow the entire amount authorized by the Bond Resolution. The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

The resolution was thereupon declared duly **ADOPTED**.

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\$286,000 Bond Resolution

The following resolution was offered by Councilman Backman, who moved its adoption, seconded by Councilman Reynolds, to-wit:

(RESOLUTION NO. 139 OF 2011)
BOND RESOLUTION DATED MAY 25, 2011.

A RESOLUTION AUTHORIZING VARIOUS PURPOSES IN AND FOR THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK, AT AN AGGREGATE MAXIMUM ESTIMATED COST OF \$286,000, AND AUTHORIZING THE ISSUANCE OF \$286,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of **not less than two-thirds of the total voting strength** of the Town Board of the Town of New Hartford, Oneida County, New York, as follows:

Section 1. For the purpose of paying the cost of various purposes in and for the Town of New Hartford, Oneida County, New York, there are hereby authorized to be issued \$286,000 bonds of said Town pursuant to the provisions of the Local Finance Law, apportioned among such items as set forth below:

- a) Purchase of Leaf Vac machines, including incidental expenses in connection therewith, at a maximum estimated cost of \$37,000. It is hereby determined that the plan for the financing of such class of objects or purposes shall consist of the issuance of \$37,000 serial bonds of the \$286,000 serial bonds authorized to be issued therefor pursuant to this bond resolution. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is five years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law;
- b) Computer and data system upgrades, including incidental expenses in connection therewith, at a maximum estimated cost of \$163,000. It is hereby determined that the plan for the financing of such specific object or purpose shall consist of the issuance of \$163,000 serial bonds of the \$286,000 serial bonds authorized to be issued therefor pursuant to this bond resolution. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivisions 32 of paragraph a of Section 11.00 of the Local Finance Law;
- c) Telephone and communication system upgrades, including incidental expenses in connection therewith, in and for said Town, at a maximum estimated cost of \$51,000. It is hereby determined that the plan for the financing of such specific object or purpose shall consist of the issuance of \$51,000 serial bonds of the \$286,000 serial bonds authorized to be issued therefor pursuant to this bond resolution. It is hereby determined

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d) that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision 32 of paragraph a of Section 11.00 of the Local Finance Law;

e) Purchase of trash containers, including incidental expenses in connection therewith, in and for said Town, at a maximum estimated cost of \$10,000. It is hereby determined that the plan for the financing of such class of objects or purposes shall consist of the issuance of \$10,000 serial bonds of the \$286,000 serial bonds authorized to be issued therefor pursuant to this bond resolution. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is five years, pursuant to subdivision 32 of paragraph a of Section 11.00 of the Local Finance Law; and

f) Reconstruction of the roof at the Record Retention Center, including incidental expenses in connection therewith, in and for said Town, at a maximum estimated cost of \$25,000. It is hereby determined that the plan for the financing of such specific object or purpose shall consist of the issuance of \$25,000 serial bonds of the \$286,000 serial bonds authorized to be issued therefor pursuant to this bond resolution. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is at least five years, pursuant to subdivision 11 of paragraph a of Section 11.00 of the Local Finance Law.

It is hereby further determined that the maximum maturity of the serial bonds herein authorized for each of the above-described objects or purposes shall not exceed five years.

Section 2. The faith and credit of said Town of New Hartford, Oneida County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 3. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, forms and contents, and shall be sold in such manner, as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 4. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates,

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within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 5. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 6. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 7. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

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The resolution was thereupon declared duly *ADOPTED*.

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

Supervisor Tyksinski reported that Account Clerk O’Sullivan is identifying vouchers/invoices with regard to New Hartford Business Park expenditures; therefore, the matter was deferred until the June 15, 2011 Town Board meeting.

Appointment – Planning Board vacancy

Due to the term expiration of Elisabetta DeGironimo effective December 31, 2011, a vacancy exists on the Town Planning Board. Supervisor Tyksinski introduced the following Resolution for adoption; seconded by Councilman Backman:

(RESOLUTION NO. 140 OF 2011)

RESOLVED that the Town Board of the Town of New Hartford does hereby appoint Julius Fuks, Jr. as a Member of the Town Planning Board to fill the vacancy created by the term expiration of the former incumbent thereof, Elisabetta DeGironimo. Said appointment is subject to and will commence upon Mr. Fuks’ resignation as a Member of the Zoning Board of Appeals. The Planning Board appointment is a seven (7) year term ending December 31, 2017.

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

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

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

Appointment – Zoning Board of Appeals vacancy

Supervisor Tyksinski stated that, with Mr. Fuks’ pending resignation from the Zoning Board of Appeals, there would be three (3) openings on that Board. Noting the past history of Taras Tesak as a Zoning Board of Appeals’ member, the Town Supervisor introduced the following Resolution for adoption; seconded by Councilwoman Krupa:

(RESOLUTION NO. 141 OF 2011)

WHEREAS, Julius Fuks, Jr. will be resigning as a Member of the Zoning Board of Appeals to accept the appointment as a Member of the Town Planning Board;

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NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby appoint Taras Tesak as a Member of the Zoning Board of Appeals to fill the unexpired term of office of Julius Fuks, Jr.; said appointment shall become effective June 10, 2011 and expire on June 9, 2013.

[NOTE: This position had been held by Kimberly Carolan-Faga whose term would end June 9, 2013; she moved out of state and George Koury was appointed to fill her unexpired term. George Koury then moved out of state and Julius Fuks, Jr. was appointed to fill said unexpired term. Julius Fuks has now been appointed to the Planning Board, leaving a vacancy for the term ending June 9, 2013.] A roll call vote was duly held and resulted as follows:

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

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

Appointment – Stormwater Management (Advisory) Improvement Committee:
Elisabetta DeGironimo apprised the Town Board that the membership of Stephen Donachie on the Stormwater Committee had expired May 8, 2011 and that he was interested in re-appointment. Thereafter, Councilman Backman introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 142 OF 2011)

WHEREAS, the term of office of Stephen Donachie on the Stormwater Management (Advisory) Improvement Committee had expired May 8, 2011; and

WHEREAS, Mr. Donachie has expressed his interest in re-appointment to said Committee;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby re-appoint Stephen Donachie to Position No. 1 (a 2-year term for an at-large resident) on the Stormwater Management (Advisory) Improvement Committee, effective May 26, 2011 and ending May 8, 2013.

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

Zoning Board of Appeals' vacancies - Appointment

The Town Supervisor stated that Robert Schulman does not wish to be reappointed to the Zoning Board of Appeals; ZBA member John Montrose would like to be re-appointed. Thereafter, Councilwoman Krupa offered the following Resolution for adoption and Councilman Reynolds seconded same:

(RESOLUTION NO. 143 OF 2011)

WHEREAS, the term of office of John Montrose as a Member of the Zoning Board of Appeals will expire on June 9, 2011; and

WHEREAS, Mr. Montrose has expressed his desire to be re-appointed to said Board;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby re-appoint John Montrose as a member of the Zoning Board of Appeals for a five (5) year term commencing June 10, 2011 and expiring June 9, 2016.

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

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

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

Elm Street bridge replacement – traffic/construction

The Town Supervisor had received complaints about one-way traffic due to the bridge replacement on Elm Street, Chadwicks. He asked the Town Board to revisit the project and consider whether the Town Board wants to continue one-way traffic. Councilman Backman said the one-way traffic in an easterly direction only was a compromise; originally, it was discussed to continue two (2) way traffic but there were problems with the cost of a traffic signal and the close proximity to the railroads tracks – no traffic

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backing upon the tracks. Councilman Backman said he's fighting for the Willowvale Fire Department to keep traffic open on Elm Street.

EXECUTIVE SESSION

Supervisor Tyksinski introduced the following Resolution for adoption and Councilwoman Krupa seconded same:

(RESOLUTION NO. 144 OF 2011)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the Hoffman claim against the Town of New Hartford.

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 8:46 P.M. The Town Attorney and Deputy Supervisor remained for the Executive Session.

[NOTE: The Town Attorney provided the following transcription on Thursday, May 26, 2011.]

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 145 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

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Councilman Backman - Aye
Supervisor Tyksinski - Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 9:10 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public was invited to re-join the meeting.

Claim – Hoffman vs Town

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

(RESOLUTION NO. 146 OF 2011)

WHEREAS, a claim was filed against the Town of New Hartford for vehicular damages; and

WHEREAS, said claim can be released as against the Town of New Hartford for the sum of Five Thousand Dollars (\$5,000);

IT IS HEREBY RESOLVED that the New Hartford Town Board does hereby authorize the payment of Five Thousand Dollars (\$5,000) in consideration for full release against the Town of New Hartford and its officers, for any and all claims said Barbara Hoffman may have suffered as a result of a motor vehicle accident on April 6, 2011 the Alvin Place-Clinton Road intersection.

Upon roll call, the Town Board voted as follows:

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

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

Appointment – Substitute Court Attendant (Bailiff)

Supervisor Tyksinski introduced the following Resolution for adoption; seconded by Councilwoman Krupa:

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(RESOLUTION NO. 147 OF 2011)

RESOLVED that the New Hartford Town Board does hereby appoint Robert E. Bramhall as a Substitute Court Attendant (Bailiff) retroactive to May 12, 2011, at the hourly wage of Twenty-six Dollars and Seventy-two Cents (\$26.72), payable bi-weekly.

The Board then voted upon roll call, 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**.

Appointments – Police Department

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

(RESOLUTION NO. 148 OF 2011)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct that Police Officer Daniel Herman be transferred from the position of Investigator to Police Officer effective Sunday, May 29, 2011 at the hourly wage of Twenty-six Dollars and Twenty-eight Cents (\$26.28) and that the Town Board does further substitute and appoint Matthew Sica in the now-vacant Investigator position within the Town Police Department, effective May 29, 2011 at the hourly wage of Twenty-six Dollars and Sixty-three Cents (\$26.63).

The Supervisor polled the Board members who voted as follows:

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

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

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ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilwoman Krupa and seconded by Councilman Reynolds, the meeting was adjourned at 9:13 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk