

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, JUNE 15, 2011 AT 7:00 P.M.**

Town Supervisor Patrick Tyksinski called the meeting to order at 7:00 P.M. and led those in attendance in the Pledge of Allegiance to the American Flag. The roll was then taken with the following Town Officials and Department Heads being present during the progress of the meeting.

TOWN BOARD MEMBERS PRESENT:

Councilman Donald C. Backman
Councilwoman Christine G. Krupa
Councilman David M. Reynolds
Councilman Richard B. Woodland, Jr.
Supervisor Patrick M. Tyksinski

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Assessor Paul E. Smith
Codes Enforcement Officer Joseph Booth
Deputy Supervisor Matthew Bohn III
Director of Senior Services M. Eileen Spellman
Highway/Sewer Superintendent Richard C. Sherman
Parks and Recreation Director Michael W. Jeffery
Police Chief Michael Inserra
Town Attorney Herbert J. Cully
Town Clerk Gail Wolanin Young

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

MINUTES APPROVAL

May 11, 2011 Town Board meeting

As the Town Clerk is awaiting receipt of the SEQR resolution pertaining to the Julian Zone Map Amendment, the Town Board deferred action on the May 11, 2011 Town Board minutes.

PUBLIC HEARING

7:05. P.M. Proposed Moratorium on Hydraulic Fracturing
Local Law Introductory "E" of 2011

At 7:05 P.M. the Town Supervisor opened the Public Hearing on Local Law Introductory "E" of 2011, which, if adopted, would impose a moratorium on the activity known as Hydro Fracturing or hydrofracking. The Town Attorney stated that this Town Board has already unanimously indicated full support of a six (6) month moratorium on

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hydrofracking. Legislation had been introduced at the May 25, 2011 Town Board meeting and it's proposed to adopt a local law tonight, imposing a six (6) month moratorium to stop the process of hydrofracking in the town and give total control of any applications, including variances, to the Town Board. New York State already has a moratorium in place and is performing an EIS. There is some expressed concern that the State's moratorium might end in July 2011 so the Town Board is taking this action. If an activity isn't permitted in a specific zone in the Town's zoning law, the applicant must apply for a variance.....puts legal action in hands of town board; can't circumvent and go to the Zoning Board of Appeals or Planning Board.

[The Town Clerk had available Local Law Introductory "E", the Notice of Public Hearing, proof of publication (June 1, 2011 edition of The Observer Dispatch), and proof of posting.]

Supervisor Tyksinski asked those present who opposed hydrofracking and nearly everyone raised their hand. He then invited people to speak on the matter:

- Cynthia Banas, Town of Vernon – since NYS already passed an extension of their moratorium this week for another year, why are you only doing six (6) months? The Town Attorney responded that six (6) months is normally the period allowed for moratoriums in court. We're still waiting for the State to come forward with their EIS; meanwhile, the Town patterned their legislation after the Town of DeWitt and they are on their second six (6) months.
- Mary Chapin – New Hartford - thanked the Town Board for holding this hearing on moratorium – she's been working against natural gas hydrofracking for two (2) years. Moratorium gives time for us to be an informed electorate. Natural gas hydrofracking in thirty-two (32) other states have caused alarming, dangerous and long-term negative results. Cited various organizations opposing hydrofracking, including the Bassett Medical Center (Board of Trustees) in Cooperstown, the NYS LWV, the Catholic Diocese of Buffalo.
- Peter Bianco – New Hartford - was concerned that the Town would have only one six (6) month extension; the Town Attorney said no, that the Town Board can keep extending the moratorium
- Garry Colarusso – from Clinton inquired whether the Town's legislation in future extensions could be enhanced or changed in any way, more stringent or less; Attorney Cully replied, yes.
- Bonnie Reynolds – Spring Farm CARES, Town of Kirkland – has interest in property in the Town of New Hartford - against hydrofracking – ignorance of law – keep us in the dark. Mentioned compulsory fracking, that if your property is

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within a specific area, your property could be used whether or not you give permission. There are environmental negative impacts and health problems.

- Margaret Unkle - Town of Kirkland, but with interest in property in the Town of New Hartford – agreed with Bonnie Reynolds. She emphasized that the companies make things sound wonderful but they won't hire local persons, traffic will be horrible with operations day and night, the subsequent noise, health issues and the tax burden will be absolutely horrendous.
- Nancy Morelle – New Hartford - submitted a petition with thirty (30) signatures, asking that New Hartford's water, air, health and economy be safeguarded and that the Town enact a permanent moratorium on hydrofracking in the Town of New Hartford.
- Carlton Corey – New Hartford - thanked the Town Board for taking its position against hydrofracking by imposing a moratorium. He submitted a petition with over one hundred (100) signatures, thanking the Town Board for their action.

Councilman Backman interjected, asking if anyone present was in favor of hydrofracking; no one raised their hands.

- Unidentified lady – Why include Section 9. (Hardship); Attorney Cully stated that people have a right to try to meet burden of unnecessary hardship and to submit proof of said unnecessary hardship.
- Teresa Morelle – Utica - went door to door on hydrofracking – she is against this activity – she echoed other people's sentiments. This is a huge issue for this area or anywhere in New York State. She cited various accidents involved in Pennsylvania and elsewhere that ruined the environment, etc. "Do not bend to pressure of oil and gas companies," she concluded.
- Nancy Grove – New Hartford - against hydrofracking – had concerns about drinking water; has a business on Red Hill Road providing vegetables, etc. through a farmers market to consumers in the area and she relies on well and pond water to grow and wash vegetables. Her business would be at risk.
- Edmund J. Wiatr, Jr. – New Hartford - against hydrofracking
- Peter Bianco – if the moratorium were challenged in court, could the Town change its zoning law during the challenge process. With what the State has done, Attorney Cully believes the Town would have sufficient time to process zoning changes.

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- Al Schnier – New Hartford - questioned zoning loopholes that people refer to – hydrofracking. Wondered whether they would find a way to get this done – wanted more explanation of process. The Town Attorney stated that the Town has jurisdiction over zoning but that environmental issues are under control of the NYS Department of Environmental Conservation.
- Robert Copper - from Sauquoit, expressed concern that the watershed could be affected – toxic chemicals and asked if any coalition was going on.

There being no one further to speak in the matter, the Supervisor declared the Public Hearing closed at 7:37 P.M.

Local Law No. Five of 2011 (Local Law Introductory “E”)

Councilman Backman then moved that Local Law Introductory “E” of 2011 be adopted as Local Law No. Five of 2011, as follows; seconded by Councilman Reynolds:

Town of New Hartford, New York Local Law No. Five 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.

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.”

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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 that regulate some issues relating to energy production as well the export of energy off site, these regulations may not be sufficient to 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 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:

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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 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.

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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.

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

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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.

A roll call vote then ensued:

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

Thereafter, Local Law Introductory “E” of 2011 was declared unanimously carried and duly **ADOPTED** as Local Law No. Five of 2011.

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INSURANCE POLICIES – RENEWAL

Robin Lowitz of Bailey, Haskell & LaLonde, gave a brief summary of the various policy renewals due June 30, 2011, including buildings, equipment, motor vehicles and employees/officials covered, loss runs over the past five (5) years and frivolous lawsuits that affect premiums. Basically, the insurance program offering is the same insurance company as in the past year, with property coverage the same limits. The Town has had appraisals done and these should be fine. All kinds of enhancements are automatically built in to coverage and specific to public entities, at no extra charge. Supervisor Tyksinski will review the schedule of property/vehicles for accuracy. The Town has a \$4 million umbrella policy in addition to General Liability (negligence, etc.), Public Officials Liability (Town has option of consent to settle), Employment Practices Liability, Police Professional Liability, Automobile. Ms. Lowitz stated that the quotes for insurance policy renewals is Nineteen Dollars (\$19) less than last year. Councilman Backman initiated discussion on when the Town might eliminate collision coverage on some vehicles; Ms. Lowitz responded about eight (8) or ten (10) years old, unless it is an unusual vehicle. He then asked the Board why the Town wasn't bidding this; the Town Supervisor said that another company had been interested and then backed out. Supervisor Tyksinski said an attempt was made to obtain quotes but some companies don't like to bid when they review the Town's loss runs. Robin said they look at number of claims, type of claims, whether fruitless or not, and that frivolous claims affect negatively the town's policies.

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

(RESOLUTION NO. 149 OF 2011)

RESOLVED that the Town Board of the Town of New Hartford does hereby approve and accept the quote submitted by Bailey, Haskell & LaLonde for renewal of the following insurance policies for the period June 30, 2011 through June 30, 2012:

- Package Policy
 - Property
 - Inland Marine
 - General Liability
 - Law Enforcement
 - Auto
 - Liability
 - Physical Damage
 - Public Officials
 - Employment Practices Liability

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- OCP
- Umbrella

in the amount of One Hundred Thirty-nine Thousand One Hundred Ninety-one Dollars and Forty-four Cents (\$139,191.44), which includes the NY Fire Fee and NY Motor Vehicle Fees and excludes terrorism coverage.

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

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

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

PUBLIC PRESENTATIONS (RESIDENT COMMENTS)

Office of Receiver of Taxes & Assessments - Outsourcing

Kathy Glen addressed the Town Board as a resident and the Deputy Receiver of Taxes and Assessments. She feels that it would not be beneficial to abolish or outsource the Receiver of Taxes' job. The town tax collection each January is available to the Town Supervisor within days of collection and receives interest; Oneida County gets their share of taxes collected on March 20th annually. The Receivers office assists new property owners, local and out-of-town property owners, bills in the wrong name. Oneida County doesn't always have updated information and property owners contact the Receiver's office for copy of bills, which are provided in a timely manner. Realtors, etc. can access information on-line with Oneida County but the County doesn't issue receipts. The Receivers office has a lot of walk-ins; it's a personal service that the Town has provided people forever. Ms. Glenn said that from April 1 through April 15 each year, the office is incredibly busy with receipts for people's tax filing. She suggested it might be time to consider credit card payments and changing the hours of operation. How much are you really going to save? If you were going to save a substantial amount of money I'd be with you. She asked that the Town Board reconsider their thought of abolishing the position.

The Town Attorney said the matter is subject to a local law and a public hearing will be held and then a motion to adopt or reject the legislation. If the Town Board adopts the legislation to abolish the Office of Receiver of Taxes and Assessments, the matter goes for a mandatory referendum.

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Margaret Rotton, a Republican Committeeperson in New Hartford, expressed concern because the process of getting petitions signed for election started on June 7, 2011 and the position of Receiver of Taxes and Assessments is already part of this petition process. She felt a need for clarification because it affects the primary and general elections this year.

Edmund J. Wiatr, Jr. remarked that, in deference to comments of the Deputy Receiver and Ms. Rotton, one needs to look at the totality of office hours for that department, which he figured cost \$77 per hour. The Town would be saving much more than \$20,000. He suggested moving the job out of the Town – “Piggy-back” on Oneida County but did acknowledged that a referendum would be needed first.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRPERSON

ZONING (CODES) AND PLANNING COMMITTEE – COUNCILMAN WOODLAND

Training

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

(RESOLUTION NO. 150 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 Jerome F. Donovan to attend the seminar on “Legal Aspects of Public Highways” to be held June 29, 2011 at SUNY IT, Marcy Campus, 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	-	Aye
Councilman Reynolds	-	Aye
Councilman Backman	-	Aye
Supervisor Tyksinski	-	Aye.

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

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Parks and Recreation Committee – Councilman Reynolds

Appointments – Splash Pad seasonal workers

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

(RESOLUTION NO. 151 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:

SWIM A7230.1 Start Date 6/27/11; End Date 8/31/11

<i>Name</i>	<i>Position</i>	<i>Hourly Wage</i>
Aaron Canarelli	Splash Pad Attendant	\$8.15
Aaron Canarelli	Substitute Evening Lifeguard	\$8.91
Dylan Smith	Splash Pad Attendant	\$8.15
Marissa Visingardi	Sub Splash Pad Attendant	\$8.15
Marissa Visingardi	Substitute Evening Lifeguard	\$8.91
Avrie Canarelli	Sub Splash Pad Attendant	\$8.15

PLAYGROUND & UPGRADES Start Date 6/27/11; End Date 8/31/11

Bianca Falange	Director	\$11.85
Mikaela Butler	Assistant Director	\$11.85
Thomas Clifford	Basketball Attendant	\$ 8.39

Whereupon, the Town Board voted upon roll call:

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

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

Public Works and Sewer Committee – Councilman Backman

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Elm Street bridge replacement

Councilman Backman reported that this project is well underway – the Willowvale Fire Chief’s concerns about fire apparatus getting across the bridge have been remedied.

Elm Street culvert replacement

When the Town created a water district at the end of 2005, the area on Elm Street where the culvert collapsed (near the Collins’ farm) was added to the water district and now the water line has to be severed and reconnected when the culvert is replaced, requiring additional engineering work. The Highway Superintendent mentioned asking the Mohawk Valley Water Authority for reimbursement for the additional water line. Highway Superintendent Sherman said the construction season is short, the work needs to be done, there’s no land acquisition and he doesn’t believe any easements are necessary; he would like to begin the competitive bid process.

Authorization for Competitive Bid – Leaf Vacuum Collectors; Elm Street Culvert

Upon request of the Highway Superintendent, Councilman Backman presented the following Resolution and moved its adoption, which was seconded by Councilwoman Krupa:

(RESOLUTION NO. 152 OF 2011)

RESOLVED that the New Hartford Town Board shall receive sealed bids for the following projects:

- ***Elm Street culvert replacement***
- ***Two (2) new trailer mounted Vacuum Debris Collectors***

in accordance with Town specifications; all bids are to be received by the Town Clerk’s Office no later than 10:45 A.M. on Wednesday, July 13, 2011 and then shall be publicly opened and read aloud at 11:00 A.M. on said date and in said Office; and be it

FURTHER RESOLVED that the said Town Board hereby authorize and direct the Town Clerk to publish the legal requisite Advertisements-Invitations to Bid in The Observer Dispatch.

The Town Board voted upon roll call as follows:

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

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

Storm of April 28, 2011

The Highway Superintendent reported that clean up is still underway as a result of the April 28, 2011 storm.

Stormwater Management (Advisory) Improvement Committee

Brian Sanders, Chairman of the Stormwater Committee announced the Committee would meet on June 20, 2011 at 5:30 P.M. in Butler Memorial Hall. The Committee is being reorganized.

Jewel Ridge Subdivision

The Town Attorney has filed a demand letter and had received updates from the Attorney who is representing the developer; a list of deficiencies has been identified.

Councilman Backman stated that a Christopher Circle resident claims he has stormwater problems resulting from the Jewel Ridge Subdivision. The Town Attorney will obtain the name of the excavator from the developer and give it to the Highway Superintendent. Councilman Backman wants a "... a drop dead date – you get moving, or we get moving."

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

Discussion ensued with Councilman Backman not sure what the Supervisor was discounting on the Shumaker invoice; conversation included the Budget Director's figures related to the Business Park including internal bond costs, the special election, the former Attorney for the Town's services. Supervisor Tyksinski noted that "... three (3) of you were here..." and he referred to a contract between the Town and developer, not the PILOT agreement that had been entered into prior to Supervisor Tyksinski's term of office. Discussion also included the accounts from which bills were paid. Councilman Backman would like the Town Attorney to offer a compromise to developer Larry Adler; specifically, that if Mr. Adler pays the Shumaker bill that all other bills would be forgiven. Attorney Cully affirmed that the Supervisor is correct in that the Town Board approved these past bills in prior years. The Town Attorney will submit a report to the Town Board at the July 13, 2011 Town Board meeting.

Senior Citizens Committee – Councilman Reynolds:

Councilman Reynolds and the Deputy Supervisor will review the three (3) quotes obtained by Director of Senior Services M. Eileen Spellman for computer replacement, including a site assessment by the Deputy Supervisor; recommendations will be submitted to the Town Board.

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Town Clerk Committee – Councilwoman Krupa:

Fireworks Display Permit

Upon presentation by the Town Clerk, the following Resolution was introduced for adoption by Councilwoman Krupa and seconded by Councilman Woodland:

(RESOLUTION NO. 153 OF 2011)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Clerk, who has received an Application for a Fireworks Permit and the appropriate Certificate of Insurance naming the Town of New Hartford as an additional insured, to issue to American Fireworks Manufacturing Co., Inc., 716 Elizabeth Street, Utica, New York 13501, a Fireworks Display Permit for the display of fireworks upon the premises of the Yahnundasis Gold Club at 8639 Seneca Turnpike, New Hartford, New York 13413, on Sunday, July 3, 2011 at 9:30 P.M., in accordance with the State Penal Law and regulations set forth in said Permit.

The Supervisor polled the Board members who voted as follows:

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

Whereupon, the Resolution was declared unanimously carried and duly **ADOPTED**.

Training - Oneida County Association of Towns Meeting

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

(RESOLUTION NO. 154 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 Highway Superintendent Richard Sherman to attend the Oneida County Association of Towns quarterly business meeting on Tuesday, June 21, 2011 in the Town of Paris, New York, with expenses to be borne by said Town as budgeted.

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The Resolution was voted upon by roll call as follows:

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

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

Miscellaneous

- The Village of New York Mills extended its thanks to Highway Superintendent Sherman for his Department's cooperation in removing a tree that had fallen in Mud Creek.
- The Town Police Department feels they do not have to conduct an award ceremony.

STORMWATER MANAGEMENT (ADVISORY) IMPROVEMENT COMMITTEE

Brian Sanders reported for Elisabetta DeGironimo who was out of Town on business. He gave a brief status report on the mapping project introduced at the last meeting as well as the database to show where the stormwater problems are. This is not complete and is on going with Vertex.

MATTERS SUBMITTED BY COUNCILMEN / TOWN ATTORNEY

Councilman Backman:

2009-2010 Audit and 2010 AUD – Supervisor Tyksinski expects completion of the audit at the latest by the first week of July 2011; the fieldwork is basically done and the financials need to be put together. He will give a report at the July 13, 2011 Town Board meeting.

Councilman Woodland:

Abolish Office of Receiver of Taxes and Assessments

The Town Attorney had drafted legislation to abolish the Office of Receiver of Taxes and Assessments and to transfer all powers and duties of that office to the Office of Town Clerk. He reviewed the steps of a Special Election to be held 60-75 days after adoption of the local law, or submission of the legislation at the November 2011 General Election. Councilman Backman noted that if the mandatory referendum passes, someone could be elected as Receiver of Taxes and never sworn in because the position would be abolished

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effective December 31, 2011. The Town would save about \$50,000. Thereafter, Councilman Reynolds introduced the following legislation for the Town Board's consideration; co-sponsored by Councilman Backman:

TOWN OF NEW HARTFORD, NEW YORK
Local Law Introductory "F" of 2011

A Local Law to amend the Code of the Town of New Hartford by creating a new Chapter 26 entitled RECEIVER OF TAXES AND ASSESSMENTS and providing for the abolishment of said Office of Receiver of Taxes and Assessments.

Article 1

Section 1. Purpose.

The purpose of this article is to abolish the Office of the Receiver of Taxes and Assessments in the Town of New Hartford, New York and to transfer all powers and duties of that office to the Town Clerk.

Section 2. Abolition; powers transferred to Town Clerk

The Office of Receiver of Taxes and Assessments in the Town of New Hartford, New York, is hereby abolished, effective December 31, 2011. The powers and duties of that office shall be transferred to the Office of the Town Clerk of the Town of New Hartford, New York on the first day of January, 2012.

Section 3. Mandatory Referendum.

This article is adopted subject to a mandatory referendum and shall be submitted for approval of the qualified voters of the Town of New Hartford, New York at the General Election to be held Tuesday, November 8, 2011.

Section 4. Statutory authority.

This article is adopted pursuant to the provision of the Municipal Home Rule Law and the Town Law of the State of New York.

Section 5. When effective.

This Chapter shall take effect upon the affirmative vote of a majority of the qualified electors voting therein at such election on November 8, 2011, and the filing with the

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Office of the Secretary of State in accordance with the applicable provisions of law, on December 31, 2011.

Public Hearing scheduled – Local Law Introductory “F” of 2011; abolish Office of Receiver of Taxes and Assessments

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

(RESOLUTION NO. 155 OF 2011)

RESOLVED that the Town Board of the Town of New Hartford shall conduct a Public Hearing on Wednesday, July 13, 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 Hartford to consider **Local Law Introductory “F” of 2011** which, if adopted, would amend the Code, by creating a new Chapter 26 entitled RECEIVER OF TAXES AND ASSESSMENTS and providing for the abolishment of said Office of Receiver of Taxes and Assessments as of December 31, 2011 and the transfer of powers and duties to the Office of Town Clerk effective January 1, 2012; 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 Woodland	-	Aye
Councilman Reynolds	-	Aye
Councilman Backman	-	Aye
Supervisor Tyksinski	-	Aye.

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

Property Taxes – 2% Cap

Councilman Woodland initiated discussion on the property tax cap recently enacted by the State Legislature. He believed as long as the Town keeps reducing taxes, the Town should have no problem. Supervisor Tyksinski stated that the Town Board would probably revisit this matter before budget time. Councilman Woodland suggested that a committee be established to determine or recommend suggested fund balances for numerous Town accounts. It was Town Board consensus that Councilman Woodland

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would chair this committee; Councilwoman Krupa volunteered to help Councilman Woodland in this matter. This committee will report to the Town Board prior to 2012 budget time.

Curbside Trash Pick-up

In visiting residents door-to-door, Councilman Woodland has been hearing the difficulties of some people to dispose of household items since the Town stopped the curbside trash collection; water tank won't fit in a car, no access to a truck, work during the "drop off" schedule for the Sanger Public Works Garage dumpster, etc. The Town Supervisor suggested some type of scheduled permit system; the Highway Superintendent said he would be willing to offer this service and publish the schedule. Councilman Backman has also been contacted by residents in this regard.

MATTERS SUBMITTED BY TOWN SUPERVISOR

Financial:

Audit of bills

On presentation by the Town Supervisor, Councilman Backman presented the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 156 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 #4	
Vouchers HB6-HB9	\$ 13,761.34
Street Lighting Fund Abstract #6	
Vouchers SL7	\$ 7,402.13
Fire District Abstract #4	
Vouchers SF6-SF7	\$ 53,676.91
Trust & Agency Fund Abstract #18	
Vouchers TT83-TT90	\$ 14,811.50
Trust & Agency Fund Abstract #19	
Vouchers TT91-TT97	\$ 15,432.20
Trust & Agency Fund Abstract #20	
Vouchers TT98-TT103	\$ 15,655.00
Trust & Agency Fund Abstract #21	
Vouchers TT104-TT111	\$ 15,057.85

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Trust & Agency Fund Abstract #22	
Vouchers TT112-TT113	\$ 2,034.82
Capital Bldg. Renovations Fund Abstract #1	
Vouchers H71-H72	\$ 140.20
Communications Capital Fund Abstract # 2	
Vouchers H12-HL3	\$ 140.20
Highway Fund Part-Town Abstract # 7	
Vouchers DB511-DB568	\$ 101,842.47
General Fund Part-Town Abstract # 7	
Vouchers BB93-BB104	\$ 16,390.45
General Fund Whole-Town Abstract # 15	
Vouchers AA680-AA684	\$ 9,992.04
General Fund Whole-Town Abstract # 16	
Vouchers AA685-AA810	\$ 110,767.87
General Fund Whole-Town Police Abstract #10	
Vouchers BP160-BP182	\$ 71,944.53
Sewer Fund Abstract #10	
Voucher SS41	\$ 2,357.20
Sewer Fund Abstract #11	
Voucher SS42-SS45	\$ 123,669.64
	\$ 575,076.35

Upon roll call, the Board members voted as follows:

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

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

Monthly Report of Appropriations/Expenditures

The Town Supervisor had distributed copies of the monthly report to Town Board members.

Wage Amendment – Seasonal Highway Department Laborers

Upon recommendation of the Town Supervisor, Councilman Backman introduced the following Resolution for adoption; seconded by Councilman Reynolds:

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(RESOLUTION NO. 157 OF 2011)*Amended 08-04-11

WHEREAS, by Resolution adopted May 25, 2011, the New Hartford Town Board appointed Donald Cavoli, Stephen Kuhn and Andrew Mosher as Highway Department season laborers at the hourly wage of Ten Dollars (\$10.00); and

WHEREAS, the Personnel Technician has verified that the current hourly wage for seasonal Highway Department laborers is Eight Dollars and Eighty-five Cents (\$8.85);

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby amend Resolution No. 129 adopted May 25, 2011 with regard to the hourly wage of the Messrs. Cavoli, Kuhn and Mosher; specifically that commencing Tuesday, May 31, 2011 the hourly wage for said employees is hereby established at Eight Dollars and Eighty-five Cents (\$8.85), payable bi-weekly.

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

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

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

Applewood Community road paving – The Gorman Group

It was reported at the April 27, 2011 Town Board meeting that, in response to the Town Attorney’s letter, the Gorman Group is willing to accept the \$99,301.72 payment for road paving in the Applewood Community pursuant to their quote, which had contained a mathematical error, and is looking forward to receiving that payment versus the invoice they had submitted in the amount of \$112,885.49. The Town Supervisor said he is still withholding payment because he didn’t believe the Town Board had actually adopted a Resolution authorizing payment. The matter was deferred until the July 13, 2011 Town Board meeting.

Inter-municipal Agreement for Building Code Services – Village of New Hartford

A 6-month Inter-Municipal Agreement for 2011 had been authorized in March 2011, wherein the Town would continue to provide Building Code services (enforcement) to the Village, in accordance with the terms and conditions set forth in the initial Agreement entered into for 2003, and any amendments thereto; that 6-month Inter-Municipal Agreement will end June 30, 2011. Councilman Woodland offered the following Resolution for adoption; seconded by Councilwoman Krupa:

(RESOLUTION NO. 158 OF 2011)

RESOLVED that the Town Board of the Town of New Hartford does hereby approve and does hereby authorize and direct the Town Supervisor to enter into and to execute an Inter-Municipal Agreement between the Town and the Village of New Hartford, wherein said Town will provide Building Code services to said Village for the six-month period commencing July 1, 2011 and ending December 31, 2011, in accordance with the same terms and conditions set forth in the 2003 Inter-municipal Agreement; a copy of the 2011 Agreement will be filed in the respective Clerks' Offices.

Upon roll call, the Board members voted as follows:

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

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

Kellogg Road Community Center – Renovations

After brief discussion, Councilwoman Krupa offered the following Resolution for adoption and Supervisor Tyksinski seconded same:

(RESOLUTION NO. 159 OF 2011)

RESOLVED that the New Hartford Town Board does hereby authorize specifications to be prepared for the renovation of the Kellogg Road Community Center Building, for use by the Police Department in anticipation of seeking bids for this project.

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**.

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(Amended) Inter-Municipal Shared Services and Equipment Master Agreement – Oneida County

With regard to the subject Master Agreement, the Town Attorney clarified that minor language changes had been made with respect to workers compensation for employees and liability, which he said was standard language. Thereafter, Councilman Backman introduced the following Resolution that was duly seconded by Councilwoman Krupa:

(RESOLUTION NO. 160 OF 2011)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute the Amended Inter-Municipal Shared Services and Equipment Master Agreement between the Town of New Hartford and the County of Oneida, said amendment referring to liability language (last sentence in letter [f] and letter [h] of the referenced agreement; further, the updated agreement also allows that municipalities can share services between all who adopt the agreement and not just with Oneida County).

The Supervisor requested a vote upon roll call, which 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**.

EXECUTIVE SESSION

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

(RESOLUTION NO. 161 OF 2011)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss land acquisition, union negotiations/contracts, the Sangertown Square Mall certiorari (assessment) against the Town, the employment history of a particular employee, and the Notice of Claim filed in 2010 by Benderson for 2009 expenditure of FILM.

A roll call vote ensued:

Councilwoman Krupa	-	Aye
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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 9:18 P.M. The Town Attorney and Deputy Supervisor remained for the Executive Session.

[NOTE: The Town Attorney provided the following transcription on Thursday, June 16, 2011.]

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 162 OF 2011)

RESOLVED that the New Hartford Town Board does hereby move to end its Executive Session and to reconvene the regular portion of the Town Board meeting.

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

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

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 9:56 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public re-invited to the meeting.

Benderson vs Town of New Hartford – Special Counsel

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

(RESOLUTION NO. 163 OF 2011)

RESOLVED that the Town Board of the Town of New Hartford does hereby retain the legal services of Attorney Mark Schlactler to represent the Town in the Benderson Development lawsuit.

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Whereupon, the Resolution was voted by 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.***

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilwoman Krupa and seconded by Councilman Backman, the meeting was adjourned at 9:58 P.M.

Respectfully submitted,

Gail Wolanin Young
Town Clerk