

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, OCTOBER 5, 2011 AT 7:03 P.M.**

Town Supervisor Patrick Tyksinski called the meeting to order at 7:03 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
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

September 14, 2011 Town Board meeting

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

(RESOLUTION NO. 252 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 **September 14, 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
Supervisor Tyksinski	-	Aye.

REGULAR TOWN BOARD MEETING

October 5, 2011

Page 2

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

PUBLIC HEARING

7:04 PM Local Law Introductory "G" (As Amended) of 2011
Stormwater Management

The Town Supervisor opened the Public Hearing at 7:04 P.M. with regard to Local Law Introductory "G" (As Amended) of 2011, which, if adopted would create a new Chapter 101 in the Town Code to be entitled STORMWATER MANAGEMENT. [NOTE: The Town Clerk had available the Local Law Introductory, Notice of Public Hearing, Proof of Publication (September 23, 2011 edition of The Observer Dispatch), and Affidavit of Posting.]

The Town Attorney stated that the proposed Local Law relates to stormwater management, erosion and sediment control (Part 1) and illicit discharges, activities and connections (Part 2), and that there have been a number of changes in the legislation over the months and some corrections since the September 28, 2011 Town Board meeting.

Engineering Department Coordinator Elisabetta DeGironimo recommended that on page 2 that the Town reserves the right to change the designation of the enforcing officer from the Codes Enforcement Officer to a different person/title. It was suggested that logging - nursery/tree farm and cutting be exempted.

Councilman Reynolds initiated discussion about Dr. Rao and Sidney Perry's concerns about "build out" of developments, performance bonds. It was suggested that language be included about 75% "build out" or final completion with a set duration.

Supervisor Tyksinski inquired if anyone present wished to speak in favor of, in opposition to, or to comment upon this matter. Those who spoke were:

- Judy Cusworth – questioned the relationship to hills and development of southern portion of town. She couldn't see why the Town would approve development in the hills because she believed the Town didn't '...have a handle on stormwater in that area.'

The Town Supervisor stated that the proposed Stormwater Management legislation was not specifically for the southern end of the Town, but rather for the entire Town. The Town needs to pass this legislation – required by State to pass. The Town would have less control without this legislation being adopted. With this legislation, the Town Attorney said the developer is held accountable and must abide by what the Planning Board advises they must do. This adds protection for stricter compliance with

REGULAR TOWN BOARD MEETING

October 5, 2011

Page 3

stormwater issues. Ms. Cusworth believes the "...Town is dumping it on the people." The Town Attorney and Supervisor said to the contrary, that the town would hold the developer accountable. The Supervisor also clarified that this legislation is not GEIS related; this legislation is for stormwater control. Councilman Reynolds added that the developer must meet standards and is accountable for five (5) years.

- Charles Staggs – questioned what is being done about stormwater now, mentioning the flooding of the Bleachery Ave-Brookside Mobile Manor area at the end of August-beginning of September.

The Town Supervisor said this matter would be discussed after the Public Hearing.

There being no one further to come before the Town Board, the Public Hearing was closed at 7:12 P.M.

PUBLIC PRESENTATIONS (Resident Comments)

Flooding – Sauquoit Creek

Charles Staggs questioned who was "...responsible for all the building that's created this problem (flooding). The Town Supervisor said that the Town Board has never had anyone come with documents and said this developer caused the problem. The Town Board is not ignoring problems, but is moving forward and trying different options. The Town Supervisor was not aware of any engineering study that points to a particular person/developer. Councilwoman Krupa stated that she would be attending the October 2011 meeting of the Sauquoit Creek Basin Intermunicipal Commission and that she would obtain information for Mr. Staggs. Currently, the NYS Department of Environment Conservation (DEC) does not allow municipalities to dredge the creek bed, which rises due to erosion and heavy rains and creates flooding. Efforts have begun to request the NYS DEC to allow dredging to keep the water in the creek. Supervisor Tyksinski also noted that the town has retained the services of Barton & Loguidice to prepare recommendations for certain areas. This is not a small problem as Sauquoit Creek covers a number of municipalities and the Town may ask other municipalities to do something to help out. The Town might have some kind of tentative plan by the end of October 2011, said the Town Supervisor.

Beechwood Road Drainage Improvements project

Ken Knutsen of Barton & Loguidice had met with the Munsell and Appler property owners (NOTE: Refer to September 28, 2011 Town Board minutes) and reached a consensus to reduce the size of the easement in one area. Accordingly, the easement maps have been revised that need to be sent to property owners. Councilman Backman and Highway Superintendent Sherman had also attended the meeting. Thereafter,

REGULAR TOWN BOARD MEETING

October 5, 2011

Page 4

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

(RESOLUTION NO. 253 OF 2011)

RESOLVED that the New Hartford Town Board does hereby authorize and direct that three (3) quotes be obtained for tree removal service in connection with the Beechwood Road Drainage Improvement project.

The Supervisor polled the Town 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**.

Pre-construction Meetings – Beechwood Road Drainage & NYS Route 840 Eastbound ramps

Barton & Loguidice announced that pre-construction meetings would be held on Friday, October 7, 2011 at 9:00 A.M. and at 11:00 A.M. for the Beechwood Road Drainage Improvement Project and the NYS Route 840 Ramps project, respectively.

Award of Competitive Bid – Clinton Street Extension

Barton & Loguidice has reviewed the contract documents for the Clinton Street Extension project; the Mohawk Valley Water Authority has also reviewed these documents. There is a potential change order. The Town Supervisor offered the following Resolution for adoption and Councilman Reynolds seconded same:

(RESOLUTION NO. 254 OF 2011)

WHEREAS, the Town of New Hartford received the following bids on September 23, 2011 for the Clinton Street Extension project:

- Murphy Excavating Corporation - \$540,000.
- Barrett Paving Materials, Inc. - \$495,448.
- Central Paving, Inc. - \$543,450.
- Central New York Construction, Inc. - \$554,000.
- Fred Burrows Trucking & Excavating, LLC - \$376,900., and

REGULAR TOWN BOARD MEETING

October 5, 2011

Page 5

WHEREAS, Barton & Loguidice has recommended award of the contract to the low bidder, Fred Burrows Trucking & Excavating, LLC;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby accept the low bid of Three Hundred Seventy-six Thousand Nine Hundred Dollars (\$376,900) submitted by Fred Burrows Trucking & Excavating, LLC, subject to the Town Attorney’s review and approval of a change order. and does further award the contract for said project to said low bidder; and be it

FURTHER RESOLVED that the Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute all contract documents pertaining to the Clinton Street Extension project.

Councilman Backman asked how this project would be paid; the Supervisor confirmed payment would come from mitigation fees and a bond; the Town is capped at \$1.1 million said the Supervisor. Councilman Backman wants the change order matter addressed before doing anything.

A roll call vote was duly held and resulted as follows:

	Councilwoman Krupa	-	Aye
	Councilman Reynolds	-	Aye
	Councilman Woodland	-	Nay, because he wanted the
change order cost.			
	Councilman Backman	-	Aye
	Supervisor Tyksinski	-	Aye.

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

Elm Street (Chadwicks) Bridge Replacement

Barton & Loguidice and the Town Highway Superintendent had conducted a site visit along Elm Street to survey the damage along Sauquoit Creek, above and below the Elm Street bridge that is being replaced. Floodwaters had washed away the bank and it was necessary to redesign where to install the guide rails. This was a “tough” situation where the water crested the bridge.

Traffic Signal Improvements – NYS Route 5 at Applewood Boulevard

Mr. Knutsen of Barton & Loguidice reported that Syracuse Signal Systems had poured the concrete poles today and that the poles need to cure for three (3) days before further construction can occur. It is expected that this project will be completed in a couple of weeks. In accordance with Resolution No. 223, adopted September 14, 2011, the Town

REGULAR TOWN BOARD MEETING

October 5, 2011

Page 6

Supervisor signed the Conformed contract agreements between the Town of New Hartford and Syracuse Signal Systems for the traffic signal improvements project.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRPERSON

Town Clerk Committee – Councilwoman Krupa

Training

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

(RESOLUTION NO. 255 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 Council members Backman, Krupa and Reynolds, Supervisor Tyksinski, Deputy Supervisor Bohn and Town Attorney Cully to attend the Oneida County Association of Towns Meeting on Tuesday, October 18, 2011 in the Town of Forestport, NY, 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 Backman	-	Aye
Councilman Reynolds	-	Aye
Supervisor Tyksinski	-	Aye.

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

2012 Tentative Budget

The Town Clerk acknowledged receipt from the Town Supervisor of the 2012 Tentative Budget, said document having been filed in the Clerk's Office on September 30, 2011; in accordance with statute, copies have been distributed to the Town Board members.

Councilwoman Krupa noted there was an approximate tax decrease of Six Percent (6%) in the General Fund. She will begin departmental meetings on specific budgets.

Councilman Backman expressed his interest in attending the meetings, which affect him as a Standing Committee member.

REGULAR TOWN BOARD MEETING

October 5, 2011

Page 7

Parks and Recreation Committee – Councilman Reynolds

Recreation Center – Refrigeration Repairs

Councilman Reynolds acknowledged that extensive work at the Recreation Center has been completed and that revenue is flowing back.

Agreement- Ice Rental

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

(RESOLUTION NO. 256 OF 2011)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Ice Rental Agreement for the 2011-2012 Ice Season between the Town of New Hartford and the New Hartford Youth Hockey Association, Inc., said group having provided the Town with the appropriate Certificate of Insurance.

The Town Board members voted as follows:

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

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

MATTERS SUBMITTED BY COUNCILMEN / TOWN ATTORNEY

Councilman Backman:

Zoning Law (Signs)

With regard to Councilman Backman's request that the Town Attorney provide his opinion with regard to the Town's sign regulations in the Zoning Law, the Town Attorney stated he wasn't able to work on this matter yet and asked that it be placed on the agenda for the second meeting in November 2011.

Town Attorney:

REGULAR TOWN BOARD MEETING

October 5, 2011

Page 8

Bid Security - Traffic Signal Improvements (NYS Route 5 and Applewood Boulevard)

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

(RESOLUTION NO. 257 OF 2011)

WHEREAS, Syracuse Signal Systems submitted a certified check in the amount of Six Thousand One Hundred Seventy-five Dollars and Twenty-five Cents (\$6,175.25) as bid security with their bid on September 12, 2011 for the Traffic Signal Improvements at the NYS Route 5-Applewood Boulevard intersection; and

WHEREAS, by Resolution No. 223 adopted September 14, 2011, said Syracuse Signal Systems, the low bidder, was awarded the contract for the Traffic Signal Improvements at the aforementioned location; and

WHEREAS, said Syracuse Signal Systems has now furnished the Town with a performance bond as bid security and which bond has been reviewed by the Town Attorney;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor/Finance Department to issue a refund from the Trust and Agency Account for the original bid security deposit in the amount of \$6,175.25 to Syracuse Signal Systems.

Upon roll call, the Town Board voted as follows:

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

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

MATTERS SUBMITTED BY TOWN SUPERVISOR

Financial:

Audit of bills

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

REGULAR TOWN BOARD MEETING

October 5, 2011

Page 9

(RESOLUTION NO. 258 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 #8	
Voucher HB19	\$ 5,946.00
Street Lighting Fund Abstract #10	
Voucher SL11	\$ 7,781.72
Stormwater II Abstract #2	
Voucher HK2	\$ 29,848.97
New Hartford Business Park Abstract #3	
Voucher H04	\$ 566.00
Recreation Center Building Abstract #4	
Voucher H76	\$ 24,940.00
Trust & Agency Fund Abstract #32	
Voucher TT164	\$ 908.35
Trust & Agency Fund Abstract #33	
Vouchers TT165-TT171	\$ 15,165.43
Trust & Agency Fund Abstract #34	
Vouchers TT172-TT176	\$ 12,560.83
Highway Fund Part-Town Abstract #12	
Vouchers DB724-DB758	\$ 69,538.73
General Fund Part-Town Abstract #12	
Vouchers BB140-BB141	\$ 696.08
General Fund Part-Town Abstract #13	
Voucher BB142-BB148	\$ 4,276.16
General Fund Part-Town Police Abstract #14	
Vouchers BP253-BP254	\$ 11,339.75
General Fund Part-Town Police Abstract #15	
Vouchers BP255-BP274	\$ 44,576.56
General Fund Whole-Town Abstract #27	
Vouchers AA1140-AA1141	\$ 407.80
General Fund Whole-Town Abstract #28	
Vouchers AA1142-AA1147	\$ 11,605.73
General Fund Whole-Town Abstract #29	
Vouchers AA1148-AA1215	\$ 92,065.97
Sewer Fund Abstract #18	
Voucher SS64	\$ 2,046.40
Sewer Fund Abstract #19	
Vouchers SS65-SS72	\$ <u>37,874.02</u>

REGULAR TOWN BOARD MEETING
October 5, 2011
Page 10

TOTAL: \$372,144.49

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**.

2012 Tentative Budget - Highlights

The Town Supervisor provided some highlights of the Tentative Budget for 2012:

- General Fund Whole-Town tax rate decreased from \$1.07 to \$1.01/per 1M assessed valuation
- General Fund Part-Town tax rate would remain the same
- General Fund Part-Town Police - keeping even; \$200,000 payment provided toward deficit to reduce that deficit from prior years. Settled PBA contract and reaped some benefits; under employee hospital, medical benefits, the amount has been reduced from \$777,496 to \$495,744
- Proposed lay-off of five (5) employees from existing positions
- Receiver of Taxes and Assessments - as you know, there will be a referendum at the General Election on November 8, 2011 to eliminate the Office of Receiver of Taxes and Assessments and to consolidate that office with the Town Clerk's Office. Some money budgeted in case it's not eliminated.
- Finance Office/Comptroller's Office – the 2011 budget appropriated \$82,400 that included 2 full-time employees and a part-time Finance Director – approximately \$128,000 in total with benefits. The Supervisor proposes that in the 2012 budget that the second (2nd) clerk position not be filled but that the hours of the Finance Director be increased for a total of \$114,000 including benefits
- Medical insurance – General Fund Whole-Town; non-union employees switched to NYSHIP and by doing so everyone in the whole-town except parks, recognize a savings of \$86,000, down 15% from last year.
- Sales tax revenue same as last year.

Public Hearing Scheduled – 2012 Preliminary Budget

Thereafter, Councilman Backman introduced the following Resolution, which was duly seconded by Councilwoman Krupa:

REGULAR TOWN BOARD MEETING
October 5, 2011
Page 11

(RESOLUTION NO. 259 OF 2011)

RESOLVED that the Town Board of the Town of New Hartford will conduct Public Hearings to commence at 7:00 P.M., or as soon thereafter as reached in the regular course of business, on Wednesday, November 9, 2011 in Butler Memorial Hall, 48 Genesee Street in said Town, to consider the following matters:

- the adoption of the 2012 Preliminary Budget as the 2012 Annual Budget; and
- the establishment of the ad valorem/unit charges for the fiscal year beginning January 1, 2012 for the following special districts/improvement areas:
 - New Hartford Consolidated Sewer District (1 and 2)
 - Clinton Street Sewer District
 - Woodberry Hills Sewer District
 - Jubilee Estates Drainage District
 - Higby Road Water District
 - Washington Mills Water Improvement
 - Old Paris Road Water District
 - Roberts Ave Water District
 - Seneca Turnpike Water District
 - Water Fund (Consolidation)
 - Fire Protection Districts No. 1 through No. 5, inclusive
 - Various Street Lighting Districts; and be it

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

The Resolution was then voted upon 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**. The Town Supervisor emphasized that the Town Board must come up with a Preliminary Budget by October 26, 2011.

REGULAR TOWN BOARD MEETING

October 5, 2011

Page 12

Local Law Introductory "G", as Amended, of 2011 – Stormwater Management

Councilman Backman initiated discussion about septic tanks and whose responsibility it would be to check the cover and contents. The Town Attorney stated that would be the property owner's responsibility to check on an annual basis. Councilman Backman requested that language be added to the legislation that would allow the Codes Enforcement Officer to inspect, remove grass and open the cover and Codes Enforcement Officer Joseph Booth agreed. The Town Attorney will amend the language that would require the property owner to reasonably maintain the septic tank system (sewerage discharge, odor, etc.)

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilwoman Backman and seconded by Councilwoman Krupa, the meeting was adjourned at 8:12 PM

Respectfully submitted,

Gail Wolanin Young
Town Clerk