

**REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF NEW HARTFORD, NEW YORK  
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN  
ON WEDNESDAY, JANUARY 13, 2010 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:**

Codes Enforcement Officer Joseph A. Booth  
Deputy Supervisor Matthew Bohn II  
Director of Senior Services M. Eileen Spellman  
Highway Superintendent Richard C. Sherman  
Planner Kurt Schwenzfeier  
Senior Engineering Technician John Meagher  
Town Attorney Herbert J. Cully  
Town Clerk Gail Wolanin Young

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

**MINUTES**

**December 30, 2009 Town Board minutes**

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

**(RESOLUTION NO. 20 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held December 30, 2009 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.

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

**January 1, 2010 Organizational Meeting minutes**

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

**(RESOLUTION NO. 21 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Organizational Town Board meeting held January 1, 2010 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.

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

**PUBLIC PRESENTATIONS (PUBLIC COMMENT)**

**Local Law - Cherrywood Community Annexation**

Ralph Humphreys inquired about the status of a local law to be adopted by the Town of New Hartford, finalizing the annexation of lands in the Kirkland portion of the Cherrywood Community into the Town of New Hartford. He was aware that Town Clerk Young had emailed the Town Board and Attorney Cully concerning this and transmitting copies of Kirkland's final Resolution approving the annexation. New Hartford Town Attorney Herbert Cully said he'd received information from Kirkland Town Attorney Anthony Hallak and that he was working on it. To Mr. Humphreys' question whether the local law would be ready for a public hearing at the January 27, 2010 Town Board meeting, Attorney Cully responded that it wouldn't.

**Concerned Citizens Group presentation; FILM Letter; GEIS (Southern Town)**

Edmund Wiatr, Jr. of the Concerned Citizens group presented the Town Board members and Town Clerk a CD of the January 1, 2010 Swearing-in Ceremony, including pictures taken at the ceremony held at Butler Memorial Hall. In the spirit of openness, the

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Freedom of Information Law and the Open Meetings Law, Mr. Wiatr stated the Concerned Citizens group is at the Town's disposal and can make copies of the digitized Town meetings available to the Town Board and Planning Board if desired. He would like to see continued the spirit of openness displayed by Supervisor Tyksinski and Attorney Cully at a recent Planning Board meeting.

Mr. Wiatr stated there is one item open on FOIL, the letter from the Glens Falls attorney with regard to Fees In Lieu of Mitigation (FILM). If the Town Board gives their O.K. to release the letter, he thanks the Board; if not, they might have to sit down (to discuss the matter). Supervisor Tyksinski said that after speaking with Attorney Cully about Mr. Wiatr's request, it was explained that the letter is subject to attorney-client privilege and the Supervisor explained he needs Town Board approval to release it; it's not the Supervisor's say. The matter will be discussed at the January 27, 2010 Town Board meeting. Attorney Cully acknowledged that today the Town Clerk had left some information for him and that the Town is looking for items the Director of Budget may have created, but the letter from the Glens Falls attorney is subject to attorney-client privilege and the Town Board must decide whether to release it.

Frank Montecalvo said he had also requested under FOIL a copy of the letter from the Glens Falls attorney and he wanted to find out the basis of that opinion and had requested copies of any correspondence the Director of Budget generated to/from the Glens Falls attorney. Mr. Montecalvo said if you use a privilege (attorney-client), it's like you have something to hide; if you assert a privilege, at least explain to the public why you feel it's appropriate in not releasing the document.

Referring to the proposed GEIS for the southern portion of the Town of New Hartford, Mr. Montecalvo stated that an Environmental Impact Study (EIS) generally relates to a specific project ...generally drawn to some proposed action. What action is it intended for? To him, it seems that the Town is proposing some land use plan for this area but not really presented to the public what the Town is trying to accomplish. Environmental impacts related to what? Where did the 5-acre lot development come in? He suggested that the Town come up with a plan first, then do the GEIS and further suggested that before the Town adopts the GEIS that they identify the action the Town wants the GEIS to address; if land use plan, put the matter out to the public and then do the GEIS.

### **Higby Road Water District**

Jerry Bohling said he was upset with the Higby Road Water District tax of \$350 that appeared on his 2010 Town and County tax bills. He said he doesn't need or want water from this district, that he has good water from his well and feels the \$350 is a penalty. Councilwoman Krupa acknowledged having discussed this matter with him several times. A Higby Road Water District Review Board had been created in early 2009 but appointments need to be made to that Board, which would hear grievances from residents

of that particular Water District. After further discussion, it was agreed that Councilwoman Krupa and Supervisor Tyksinski would meet with Mr. Bohling to explain the matter.

**REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRMAN**

**PUBLIC WORKS AND SEWERS – COUNCILMAN BACKMAN:**

**Elm Street, Chadwicks bridge**

In behalf of the Highway Superintendent, Councilman Backman noted that RFP's had been solicited for engineering work on the Elm Street bridge in Chadwicks, that the cost of repair/replacement may reach One Million Dollars (\$1,000,000), and that the work would hopefully be done this year. An engineering report is expected by the end of January 2010; then there is the bond and competitive bid process. It will be necessary to break the road, which will affect school bus routes and fire protection. There may be an alternative way of funding, that being a road "swap" with Oneida County. Highway Superintendent Sherman had talked with Oneida County representatives in the Fall of 2009; those preliminary talks included the County taking ownership of the Elm Street bridge and the Town taking ownership of Graffenburg Road, which also needs repair but can be done in phases....drainage first, then repairs, surface binder, etc. It was noted some Graffenburg Road residents have serious drainage problems. If the Town took ownership of Graffenburg Road, the Town would be responsible to maintain the road including plowing and sanding. The Town Board withheld action at this time, wanting to consider this offer.

**Highway Department Workplace Violence Policy**

Councilman Backman reported that Highway Superintendent Sherman had developed a Workplace Violence Policy for the Highway Department, using the Police Department policy as a guideline; the proposed Policy had been read and approved by former Town Attorney Gerald Green. Town Attorney Herbert Cully said he had no problem with the Town Board adopting the proposed policy and that he approved it. Thereafter, Councilman Backman introduced the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 22 OF 2010)**

**WHEREAS**, in June 2006 the New York State Legislature enacted Article 2, Section 27-b of the New York State Labor Law entitled "The Workplace Violence Prevention Act for Public Employees", requiring public employers to develop and implement a Workplace Violence Prevention Plan;

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**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby approve and adopt, effective January 13, 2010, the Workplace Violence Prevention Program Guidelines developed for the Highway Department by Highway Superintendent Richard C. Sherman, dated December 11, 2009 and which Program Guidelines shall be placed on file at the Sanger Public Works Garage and the Town's Personnel Office.

Discussion ensued whether to defer action and develop a plan to cover all Town departments. Highway Superintendent Sherman noted that his employees had attended the Workplace Violence seminar in November 2009 and that the Town Board must adopt the Policy in order to be compliant with statute. During a recent audit, a neighboring town was found not to have a policy in effect and the NYS Department of Labor threatened to levy a fine if a policy was not forthcoming immediately. Thereafter, the Board members voted upon roll call, as follows:

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

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

**December 2009 Report on Plow Trucks**

According to the Highway Superintendent, Councilman Backman reported that during December 2009 the Highway crews had:

- sanded 11,025.5 miles of roads
- used 1,880.5 tons of salt from the Sanger Public Works Garage location
- used 182 tons of salt from the Washington Mills Sign Shop site
- used 456 tons of mixed salt and sand at both locations.

Also, the Highway Superintendent had compiled the inventory total for the Highway Department.

Addressing the Highway Superintendent, Councilman Reynolds questioned the Snow and Ice Control Agreement on County roads and the revised version that former Town Attorney Green had drafted and the Town had executed, which addressed some Town concerns such as monetary reimbursement and liability exposure. Superintendent Sherman said he reported on this at the December 30, 2009 Town Board meeting at which time the Town Board chose not to take any action; it's an open issue.

**ZONING AND PLANNING – COUNCILMAN WOODLAND:**

**Schedule Public Hearings – Local Laws Introductory “H” and “I” of 2009/Zoning Map and Text Amendments**

The Town Clerk has received the written recommendations of the Town Planning Board and the Oneida County Planning Department with regard to Local Laws Introductory “H” of 2009 and Local Law Introductory “I” of 2009; thereafter, Councilman Woodland introduced the following Resolution for adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. 23 OF 2010)**

**RESOLVED** that the Town Board of the Town of New Hartford shall conduct a Public Hearing on Wednesday, January 27, 2010 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 “H” of 2009 to amend the Code of the Town of New Hartford, Chapter 118 thereof entitled ZONING, by a Zone map amendment from PDMU to PDP pertaining to Tax Map Parcel No. 316.000-2-41.1 adjacent to the Business Park, and to consider Local Law Introductory “I” of 2009 to amend the Code of the Town of New Hartford, Chapter 118 thereof entitled ZONING, by a Zone text amendment to delete and repeal from the Town Code, Chapter 118 thereof, Section 118-39 (Planned Development Park – PDP) and replacing Section 118-39 with new standards and by further deleting and repealing in its entirety Article VIIA, Section 118-41, Business Park District; and be it

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

The Board members voted 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**.

**Schedule Public Hearing – Local Law Introductory “K” of 2009/2 Ellinwood Court LLC**

The Town Clerk has received the written recommendations of the Town Planning Board and the Oneida County Planning Department with regard to Local Law Introductory “K”

of 2009; thereafter, Councilman Woodland introduced the following Resolution for adoption, seconded by Councilwoman Krupa:

**(RESOLUTION NO. 24 OF 2010)**

**RESOLVED** that the Town Board of the Town of New Hartford shall conduct a Public Hearing on Wednesday, January 27, 2010 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 “K” of 2009 to amend the Code of the Town of New Hartford, Chapter 118 thereof entitled ZONING, by a Zone Map Amendment for 2 Ellinwood Court, Tax Map No. 316.020-1-8 (2.9+/- acres) from Planned Development Mixed Use (PDMU) to Retail Business (RB1); 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 Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Backman	-	Aye
Supervisor Tyksinski	-	Aye.

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

**TOWN CLERK COMMITTEE – COUNCILWOMAN KRUPA:**

**Regulation on Reporting for Elected or Appointed Officials (Retirement)**

New regulation 315.4 requires that each official who is a member of the Retirement System and does not use the municipality’s time and attendance system to maintain a record of his/her work-related activities must keep a record for three (3) consecutive months within 150 days of the start of a new term or appointment and then submit it to the legislative clerk of the governing body within 180 days of taking office. If a Tier I Retirement member, the official is exempt from this regulation.

Also, the Town Board must establish standard work days for elected and appointed officials by adopting a resolution that lists each employee title and the number of hours in the standard work day for each title. This resolution must be adopted at the first regular meeting held after the first 180 days of the start of a new term, or whenever a new elected or appointed office is established.

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Discussion ensued with the Town Board needing time to consider and establish a standard workday for various officials; the matter was tabled.

**PUBLIC WORKS AND SEWERS (CONTINUED):**

**Background and Consideration of Part-County Sewer District Resolution (DEC Consent Order)**

Roger Cleveland, Chairman of the Oneida County Sewer District Steering Committee, accompanied by Steven P. Devan, Commissioner of the Oneida County Sewer District, provided background information that has led to the proposed imposition of a surcharge on sewer use. In 2010, the Sewer District intends to continue engineering within the District and commence repairs. The continuation of the engineering and the initiation of the sewer system repairs would be funded through borrowings incurred by the District and paid for with funds collected from a surcharge on the sewer bills of the users of the Sauquoit Creek Pump Station infrastructure in the amount of \$1.05 for each 1,000 gallons of water utilized by each user. The total project repairs estimated for infrastructure tributary of the Sauquoit Creek Pumping Station is \$79.2 million. The determination to utilize a surcharge to fund the engineering and initiate the repairs was recommended by the Steering Committee of the District that is comprised of representatives from a total of nine (9) towns and villages. The Committee has selected a date this year for submitting plans to the NYS Department of Conservation; all repairs must be completed by October 2014. The nine (9) communities want to commence the process and funding and approach the NYS DEC showing a good faith effort. Eight (8) of the municipalities have signed on an agreement for the \$1.05 surcharge; if New Hartford signs on, an estimated \$1.2 million could be generated to use for debt service; this would “kick start” and “do the first round of the fix”.

Discussion with the Town Board included:

- can the Town fine restaurants that dump grease down the sanitary sewer lines  
Look at Town Code, Chapter on Sewers – is there a fine provision for restaurants
- could the Town possibly end up with no sewer department in the future
- acknowledgement of various sewer improvements made by Highway/Sewer Superintendent Sherman, for which the Town was given sewer credits
- would these repairs solve the stormwater as well as inflow/infiltration issues
- whether the Town could use GEIS monies outside the specific GEIS corridors for payment of the first year rather than a surcharge on the customers' water bills, saving money for businesses and residents
  - Attorney Cully said the Pre-Development Agreements (PDA) indicate yes because the development causes some problems downstream.

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Chairman Cleveland referred to the Resolution that had been drafted and, if approved, the Town of New Hartford would join with the other eight (8) municipalities and start the project this year. The Resolution is for one (1) year and allows for adjustments in the future. The Town Attorney will review the matter and make recommendation(s), considering any options the Town may have by January 27, 2010 Town Board meeting.

Steven Devan, Oneida County Commissioner of Water Quality and Water Pollution control, said he is under the gun because the NYS Department of Environmental Conservation in 2007 issued a Consent Order to fix the sewage problem by October 2014. Even though he doesn't own the infrastructure, he's been delegated the responsibility to get this done by the 2014 deadline. He said if New Hartford goes it alone or has other options, he'll have to go with the County's Sewer Ordinance and make sure the Town does it alone and meets all the requirements...that's the bottom line.

Councilman Woodland moved that action in this matter be tabled until the January 27, 2010 Town Board meeting.

### **REPORTS OF SPECIAL COMMITTEES**

#### **STORMWATER MANAGEMENT IMPROVEMENT (ADVISORY) COMMITTEE:**

##### **Status of Projects**

Councilman Backman questioned the status of on-going stormwater projects and the status of stormwater bond money remaining. Highway Superintendent Sherman said there is a little over One Million Dollars (\$1,000,000) left in the bond, in addition to the reimbursement from Oneida County for the Oxford Road Area Drainage Improvement project (Woodberry-Beechwood Road). Some work remains on the Oxford-Kellogg Road Stormwater Detention Basin project. Brantwood Road has been done. Of 16 projects, 13 remain to be done. Councilman Backman was concerned if there would be enough bond money to do all the projects and asked how the Town would fairly allot the remaining money to projects; he plans to hold a public informational meeting in June 2010 on the Beechwood Road stormwater issue. Councilman Backman urged any council members who have water run-off projects in their area that are worthy and are pending, or the public, to come forth and talk to him. Sedgewick Park in Councilwoman Krupa's Ward is a private issue, and no private property issues are on the list said Highway Superintendent Sherman. Beechwood Road will be addressed at the Stormwater Management Improvement (Advisory) Committee within the next month or so.

### **MATTERS SUBMITTED BY COUNCILMEN/ATTORNEY**

#### **COUNCILMAN REYNOLDS:**

**Appointment – New Hartford Adult Dining & Activity Center**

Upon request of Director of Senior Services M. Eileen Spellman, Councilman Reynolds offered the following Resolution for adoption; seconded by Councilwoman Krupa:

**(RESOLUTION NO. 25 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby appoint Rene Kowalski as a Part-time Substitute Bus Driver for the New Hartford Adult Dining and Activity Center effective Monday, January 18, 2010, at an hourly rate of Twelve Dollars and Forty Cents (\$12.40), wages to be paid bi-weekly:

Councilman Reynolds explained this appointment would have no impact upon the 2010 budget but merely allows for a bigger pool from which to draw. The Oneida County Personnel Department and Town Personnel Technician Barbara Aiello have approved Ms. Kowalski's application. Whereupon, 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 then declared unanimously carried and duly **ADOPTED**.

**COUNCILMAN WOODLAND:**

**Fiscal - Expense Tracking Sheet**

Councilman Woodland was interested in instituting an expense-tracking sheet that had been suggested by former Director of Budget Heather Mowat. The tracking sheet would address purchasing matters before the Town Board, whether to seek competitive bids, etc. The matter will be discussed further at the January 27, 2010 Town Board meeting.

**Feasibility of cap on property tax rate and appropriate fund balance amount**

Wanting to start earning the residents' trust, Councilman Woodland would like the Town Board to look at a cap on the property tax rate, get a fund balance and consider what that amount should be. While the Town Board had established a citizens committee in the Spring of 2009, Councilwoman Krupa said it was difficult to know the fund level when the Town Board didn't know where they were financially. Councilwoman Krupa introduced the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 26 OF 2010)**

**WHEREAS**, on June 9, 2009 the Town Board of the Town of New Hartford adopted the following Resolution:

*“(RESOLUTION NO. 130 OF 2009)*

***WHEREAS**, based upon a recommendation from the New York State Comptroller’s Office, stated in a July 2001 Bulletin to all municipalities with regard to a “reasonable amount” for a fund balance;*

***NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby create and establish, effective June 9, 2009, a five-member Citizens Committee on Budget Analysis that shall study what would be considered a “reasonable, appropriate” fund balance not only for individuals funds but for the Town as a whole; and be it*

***FURTHER RESOLVED** that the Citizens Committee on Budget Analysis shall consist of:*

- *Position 1 – Town Board member – Councilwoman Krupa*
- *Position 2 – Town Board member – Councilman Woodland*
- *Position 3 – Director of Budget – Heather Mowat*
- *Position 4 – Town citizen – to be announced*
- *Position 5 – Town citizen – to be announced”;*

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby amend Resolution No. 130 of 2009 so that the Committee on Budget Analysis shall consist of either three (3) or five (5) Town residents, together with a Town Board member liaison who would report to the Town Board; the Committee on Budget Analysis shall have the authority to appoint their own Chairman.

The Supervisor polled the Town Board

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

The Resolution was then declared unanimously carried and duly **ADOPTED**. [NOTE: On August 12, 2009 the Town Board appointed Ronald Ribyat, John Kivela and Catherine Dougherty to serve on the Budget Analysis Committee.]

**COUNCILMAN BACKMAN:**

**Kellogg Road Community Center Building**

Councilman Backman was aware that the Town Board had closed this facility but utilities are still connected. He stated that the people in the First Ward miss using this building for events such as various sports' registrations, Boy/Girl Scout activities and he would like to have the building re-opened for public use. Highway Superintendent Sherman, in charge of Buildings and Grounds, noted that the Community Center needs a new roof with an estimated cost of \$10,000; Councilman Reynolds believes this is an expense the Town doesn't need because the organizations have found good buildings for their meetings. Parks and Recreation Director Michael Jeffery stated that a lot of registrations are held in March annually. Councilman Reynolds said the building was closed because of cost (utilities), repairs and the possibility of selling it. Discussion ensued about possibly opening the facility from April 1<sup>st</sup> to October 31<sup>st</sup> with no heat and no air-conditioning and that if costs were becoming expensive, the Town would close the building. Councilman Backman will contact BOCES to determine if student laborers are available for roof construction. The matter was tabled until the January 27, 2010 Town Board meeting by Councilman Backman until figures can be compiled and it being determined what monies are available in the Budget.

**Fire Protection Districts – Wide Disparity in Rates**

Councilman Backman noted that two (2) houses on one street have a large disparity in their fire protection tax on the Town and County tax bills, with one house being in the Willowvale Fire Protection District and the other in the New Hartford Fire Protection District. He noted that the fire protection tax rate in the Willowvale Fire District had always been higher because the District assessment was lower. Then the Willowvale Fire Company built a new firehouse and it doubled the cost of the tax rate. The Willowvale Fire Company and Town had a gentlemen's agreement that with the sale of the old firehouse on Oneida Street, Chadwicks and the sale of the firehouse on Chapman Road, the proceeds were to go to bond payment and shorten the term of the bond; but that never happened. The second problem was the Willowvale Fire Company approached the Town Board about a retirement program for its members and there was a February vote – a special interest vote; instead of 2,000 residents voting, there were only 400, most of which were interested in getting the vote approved. It passed and the tax rate went from \$1.60 to \$2.70 per thousand of assessed valuation. Did the Town Board consider the impact on the residents? How does it get corrected? The Willowvale Fire Company enjoys something the New Hartford and New York Mills Fire Departments don't and that is Willowvale owns their own firehouse. Willowvale Fire Company has a great

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advantage – they receive a stipend and own their own firehouse and equipment. If the Willowvale Fire Company should sell out, the money would go to the members of the corporation and that's unfair. Councilman Backman wants to spread the Willowvale Fire Company special awards retirement expense town-wide and believes that the financial expense wasn't put out for the residents. They are a good fire department, but how do we correct inequitable fire rate?

### **Plaintiff Allegation – GEIS; 5-acre minimum lot**

Councilman Backman had been contacted by an Observer Dispatch reporter, stating that the former Planning Board Chairman alleged that he is named a plaintiff in a lawsuit planning to sue the Town over the 5-acre minimum lot proposal in the GEIS for the southern sector of New Hartford. Councilman Backman said he did sign a form as registering to attend the informational meeting on the GEIS but he did not donate any money, did not fund and do not believe he is on a member list. He had met with residents and they know his concerns; he had identified himself as a candidate for the Town Board (Aside: he owns 12 acres). Councilman Backman doesn't believe he had any ethics problem, as presented by the Planning Board Chairman and doesn't believe he has a conflict with voting on the GEIS. Other claims made by former Chairman Donovan included comments on the 5-acre minimum lot size and that the GEIS was only an advisory document.

Planning Board member Ellen Rayhill who would like to have a meeting with Town Board members on the GEIS had contacted Supervisor Tyksinski; the Town Supervisor suggested perhaps 2 or 3 members, not the full Board.

Councilman Backman had contacted Town Attorney Cully whether the Town could modify the GEIS or just adopt it. Councilman Reynolds suggested a full board meeting – a special meeting with the Planning Board and the consultant. Councilman Woodland will contact the Planning Board for some possible meeting dates. Councilman Backman asked if the Town Board fails to act on the GEIS, does it default on the Town that by no action, it is adopted. Attorney Cully replied no.

### **Motor Pool Committee**

Councilman Backman had discussed vehicles with the Highway Superintendent; he will also meet with the Police Chief and the Parks and Recreation Director, reviewing insurance coverage on all vehicles. A meeting is planned for March 2010 and he will need access to the Town's insurance policies.

### **Proposed Internal study**

Councilman Backman would like the Town to identify all services provided to the public, identify which are mandated by law and which are quality of life services, prioritize and rank these services and attach costs in both dollars and cost per thousand in the property

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tax rate; and from there, use the study to identify which areas the Town would look at first when in financial distress. He would like to maintain the quality of life in the Town but the Town may have to downsize some departments.

### **Request for Financial Reports**

Councilman Backman would like to see monthly financial reports from the Town Supervisor (status of reserves, amount of anticipated revenue realized to date, budgeted amounts spent to date). Supervisor Tyksinski responded that monthly reports will continue, but is also looking into a layman-friendly profit and loss or income statement. The Supervisor has been receiving inquiries as to when bills will be paid; he is looking to approving bills at the first monthly Board meeting and paying them by the second monthly meeting.

### **Status of Unused GEIS monies**

Pre-Development Agreements in the Seneca Turnpike-Commercial Drive GEIS corridor and the French-Champlin-Burrstone Road GEIS corridor are maturing in 2010 and some in 2013 and Councilman Backman requested the status of the 2010 Agreements – what the Town has collected, what the Town has spent and what remains. Supervisor Tyksinski said this is currently being worked on and he hopes to have the report completed for the February 10, 2010 Town Board meeting.

### **Employee/Volunteer Recognition Luncheon**

Councilman Backman noted that employee morale is really low. Usually the Town and Village of New Hartford sponsor an Employee/Volunteer Recognition Lunch annually in December; however; there was no such function in 2009. He suggested the Town Board consider having a belated recognition event in Butler Memorial Hall on February 12, 2010 with small snacks and take \$100 from the Town Board contractual to cover this expense. Council members suggested:

- Asking employees to bring a dish-to-pass
- If funds are available, reinstate this event for 2010
- Make sure money is available to cover the proposed February event.

Town Board consensus was that the Town Supervisor's secretary would forward an email to the various departments for their interest, with employees to bring a dish-to-pass, to determine employee interest.

### **Arlington Terrace Sewage Pump Station Upgrades – Contract 4**

Bids having been rejected at the September 22, 2009 Town Board meeting, Councilman Backman inquired if the Pump Station Upgrades would be re-bid. Yes, it will.

**MATTERS SUBMITTED BY TOWN SUPERVISOR**

**FISCAL:**

**Audit of Vouchers**

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

**(RESOLUTION NO. 27 OF 2010)**

**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:

Water Fund Abstract #1	
Vouchers FF1	\$ 20.13
Fire District Fund Abstract #1	
Vouchers SF1	\$ 21.32
Street Lighting Fund Abstract #1	
Vouchers SL1-SL2	\$ 8,681.17
Highway Fund Part-Town Abstract #1	
Vouchers DB1-DB2	\$ 5,682.26
General Fund Part-Town Abstract # 1	
Vouchers BB1-BB5	\$ 608.15
General Fund Whole-Town Police Abstract #1	
Vouchers BP1-BP16	\$ 18,575.23
General Fund Whole-Town Abstract #1	
Vouchers AA1-AA32	\$ 20,129.87
Sewer Fund Abstract #1	
Voucher SS1-SS2	\$ <u>1,363.66</u>
<b>TOTAL:</b>	<b>\$ 55,081.79</b>

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 then declared unanimously carried and duly **ADOPTED**.

**Financial Report**

Supervisor Tyksinski had distributed the December 2009 monthly financial report and mentioned that it is not finalized as relates to the actual funds received and expended; not all payables are on the report and not all 2009 revenues have been received.

To date in 2010, the Town has received:

- a check in the amount of \$650,000 from the Receiver of Taxes for 2010. Town taxes paid by property owners
- \$134,250 from Oneida County as reimbursement for stormwater improvements in the Oxford Road Area Drainage Project funded by the Town.

The remaining 2009 NYS sales tax revenue will be forthcoming from the Oneida County Finance Department in February 2010.

The Town's total General town tax levy is \$3,929,402, excluding the Village of New York Mills (\$64,903); the total special district levy is \$1,838,501.42.

**RFPs – 2009 Financial Audit**

Supervisor Tyksinski acknowledged the following RFP responses had been submitted to conduct the audit of the Town's 2009 financial records and noted that, because this is a professional service, the Town is not obligated to accept the low bidder:

- D'Arcangelo & Co. LLC - \$18,550
- Green & Seifter, CPA - \$13,000
- BST - \$23,000
- DB & B, CPAs - declined to bid
- Gustafson & Co., CPA's - \$19,700
- Barone Howard & Co. - \$12,500 to \$13,500, including filing the Town Supervisor's Annual Financial Report with the State.

[The RFP process had been authorized at the November 4, 2009 Town Board meeting.] Since the Town Supervisor intends to submit his financial report to the State, perhaps this will cut down the audit expense. After some discussion, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Backman:

**(RESOLUTION NO. 28 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby authorize the Town Supervisor to negotiate an Agreement from the five (5) firms that submitted RFP's to audit the 2009 financial accounts, exclusive of filing the 2009 Annual Report, at a cost not to exceed Twelve Thousand Five Hundred Dollars (\$12,500) and that the Town

Supervisor be, and he hereby is, authorized to select one of the five firms to perform such services.

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***.

**Mohawk Valley Community Action – Consolidation of Section 8 Housing Programs**

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

**(RESOLUTION NO. 29 OF 2010)**

**WHEREAS**, Mohawk Valley Community Action Agency, Inc. (MVCAA) administers the rental assistance program for the Village of Clayville and nine (9) other municipalities in Oneida County, NY, under contract with the U.S. Department of Housing and Urban Development (HUD); and

**WHEREAS**, the small size of the programs (less than 325 Housing Choice Vouchers) makes the financial management of the program exceedingly difficult; and

**WHEREAS**, there are nine (9) other communities in Oneida County operating very small Housing Choice Voucher Programs under the administration of MVCAA and these nine (9) communities have agreed to consolidate operations in these programs with the Village of New Hartford and naming the Village of New Hartford as the Public Housing Authority (PHA); and

**WHEREAS**, HUD regulations permit the consolidation of various programs under a single Annual Contributions Contract;

**NOW, THEREFORE, BE IT RESOLVED:**

1. The **TOWN OF NEW HARTFORD (NY423)** wishes to consolidate its Housing Choice Vouchers contract with nine (9) other communities in Oneida County, NY, **TOWN OF WHITESTOWN (NY 542), VILLAGE OF CLAYVILLE (NY525), VILLAGE OF CLINTON (NY418), TOWN OF FORESTPORT**

**(NY425), VILLAGE OF NEW HARTFORD (NY552), VILLAGE OF SYLVAN BEACH (NY419), TOWN OF VERNON (NY533), VILLAGE OF WATERVILLE (NY524), TOWN OF CAMDEN (NY523)** who have requested the Village of New Hartford be the lead community and serve as the official Public Housing Authority; and

2. That the aforementioned paragraph is contingent upon:
  - a. The willingness of the above mentioned communities to agree to the consolidation with the Village of New Hartford to serve as the formal Public Housing Authority; and
  - b. The assurance of the Village of New Hartford that the rental assistance programs will continue to be available to residents of the above mentioned communities and currently established service area under provisions of an administrative plan consistent with the current administrative plan for the Village of New Hartford Housing Choice Voucher Program; and
  - c. The approval of HUD for the consolidation of the contracts provided for herein; and that this resolution be sent to the Buffalo area Office of the U.S. Department of Housing and Urban Development and to each of the above mentioned communities relative to the consolidation.

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***.

## **MISCELLANEOUS COMMUNICATIONS**

### ***Authorization for Inter-fund borrowing***

Before the final 2009 Sales tax check and other revenues are received and in order to pay bills, Supervisor Tyksinski requested permission for an Inter-fund borrowing, introducing the following Resolution that was duly seconded by Councilwoman Krupa:

**(RESOLUTION NO. 30 OF 2010)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Bookkeeper to make the following Inter-fund borrowing and that said borrowing be paid back with interest as required:

- \$125,000 from the General Fund Police Account to the Highway Fund Part-Town.

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

**2010 Budget Transfer**

The following Resolution was introduced by Supervisor Tyksinski and duly seconded by Councilman Backman:

**(RESOLUTION NO. 31 OF 2010)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct that the Bookkeeper transfer the sum of Fifty Thousand Dollars from General Whole-Town Fund Account AA1420.04 (Town Attorney Contractual) to General Whole-Town Fund Account AA1420.11 (Personal Services) to pay the Town Attorney's salary.

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

**UNFINISHED BUSINESS:**

**Appointment – Planning Board Member**

Planning Board Member Jerome Donovan had informed the Town Supervisor that he was not interested in being re-appointed as Chairman to said Board, repeating that decision when asked if he would reconsider. When Chairman Donovan was asked if there was anyone he would recommend for the chairmanship, Chairman Donovan said no one on Planning Board wished to become chairman. The term of office of Julius V. Fuks, Jr. ended December 31, 2009 and it was necessary to look “outside” to fill this position by an individual who would accept the Chairman position. Thereafter, Supervisor Tyksinski offered the following Resolution for adoption; Councilman Reynolds seconded same:

**(RESOLUTION NO. 32 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby appoint Elis J. DeLia as Planning Board Member, filling the vacancy created by the expiration of the term of office of Julius V. Fuks, Jr., said appointment of Mr. DeLia to be for a seven (7) year term commencing January 14, 2010 and ending December 31, 2016.

Upon roll call, the 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 – Planning Board Chairman**

Supervisor Tyksinski proposed that Elis DeLia be appointed as Chairman of the Planning Board. Councilman Backman noted this was a unique situation in not getting a current member to take the chairman position; and while he doesn’t like one person having two (2) appointments [Mr. DeLia is the Town’s representative on the Mohawk Valley Water Authority, a possible conflict], he would vote for Mr. DeLia due to his past experience as a Planning Board member and Chairman of that Board. Supervisor Tyksinski then introduced the following Resolution for adoption; seconded by Councilwoman Krupa:

**(RESOLUTION NO. 33 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby appoint Elis J. DeLia as Chairman of the Town Planning Board for a one (1) year term, commencing January 14, 2010 and ending December 31, 2010.

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**.

**Break-in Access/NYS Route 840 – New Hartford Business Park**

Supervisor Tyksinski read a proposed Resolution dated December 9, 2009 that never made it before the Town Board on that date. Current Town Attorney Herbert Cully has reviewed the Resolution. The Town Board believes this is the way to go; the NYS Department of Transportation will require the Clinton Street Extension to start before they consider a break-in access. The Town doesn't have a problem with "right in"/"right out" and makes no commitment to fund it. Thereafter, Councilwoman Krupa offered the following Resolution for adoption and Councilman Reynolds seconded same:

**(RESOLUTION NO. 34 OF 2010)**

**WHEREAS**, in 1990, the Town of New Hartford initiated a Generic Environmental Impact Statement (GEIS) that included the highest sales-tax revenue generating area of Oneida County, the Seneca Turnpike/Commercial Drive corridor. It did so based on the belief that cumulative incremental growth within the GEIS area was exacerbating issues of environmental significance, such as traffic. The Statement of Findings confirmed the need for the Judd Road extension, now constructed as NYS Route 840 to provide improved circulation, to afford patrons of this commercial/retail corridor more efficient ingress and egress, and to provide for continuing economic development within the GEIS area;

**WHEREAS**, the Statement of Findings also identified the need to diversify the Town's tax base such as a business park on lands adjacent to Rte. 840. It recommended the park for a variety of reasons, one being the attribute of having shovel ready space available to attract high tech industry that would be conveniently located adjacent to the commercial/retail corridor and an improved transportation network. The Town worked

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with the NYS Department of Transportation during the design of Rte. 840 to insure that a future break in access to the anticipated park could be accommodated, such as a diamond interchange, which would provide a key element of this network improvement;

**WHEREAS**, as anticipated, during the construction of Rte. 840, the Town was approached by the development community desiring to progress two large-scale economic development projects, both adjacent to the Rte. 840 corridor. One development is located at the western end of Clinton Street at the intersection of Middle Settlement Road. This development proposed a Lowe's Home Improvement Center and two smaller buildings on the property immediately adjacent to the Middle Settlement Road and Clinton Street intersection. The second economic development project proposed was the New Hartford Office Park to be located on Woods Highway between Route 5, Route 840 and Clark Mills Road. This development is west of the first proposed development. In response the Town began to advance a local transportation plan that would improve access, and also reduce traffic loads on other, surrounding intersections. As contemplated by the GEIS and the Statement of Findings the Town contracted with Clark Patterson & Assoc. (CPA) in 2006 to develop a comprehensive transportation plan that would continue the process of addressing cumulative transportation impacts;

**WHEREAS**, two key improvements were identified in the CPA report during discussions with NYSDOT: first, was the need for a connector road between Middle Settlement Rd. (Oneida County Rte. 30) and the Town owned Woods Highway. Second, was the need to reconstruct a portion of Woods Highway and extend it with a break in access to Rte. 840. Working with the two developer applicants for property on the south side of Rte. 840, the Town received guarantees that within their two respective projects, portions of the recommended connector road between County Rte. 30 and Woods Highway would be offered to the Town for dedication and the Town of New Hartford has dedicated these portions of the connector road between Middle Settlement Rd. and Woods Highway. The Town Board and the Planning Board have also resolved to look to any future development proposals on lands between these projects to extend and/or complete this connector road;

**WHEREAS**, the upgrading of Woods Highway, its extension and connection to Rte. 840 and the connection between Middle Settlement Road and Woods Highway are key element in the Town's transportation strategy identified in the GEIS and the CPA report, as well as improved access to the Business Park. As identified in the GEIS and Statement of Findings in the future a diamond interchange may be necessary to provide access from the north and from the NYS Thruway, as well as from all directions. At this time, however, the necessary break in access at Rte. 840 is to provide more efficient ingress/egress to the Park by the general public and to more efficiently link the high-tech industry center at the Griffiss Industrial Park in Rome with the high-tech enterprise, PAR

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Technologies, located adjacent to the Park, and having property for expansion within the Park;

**WHEREAS**, the Town of New Hartford held a public meeting on the variations and alternatives for the potential Break-In-Access on November 7, 2009 and provided an extended comment period until November 16, 2009 in order to receive public input on the recommendation to be made to NYSDOT;

**WHEREAS**, fourteen (14) alternatives were considered but were reduced to three preliminary action alternatives on which the public provided input. In making this recommendation the Town of New Hartford Town Board has taken into consideration all of the public's comments and recommendations;

**WHEREAS**, the GEIS and its Statement of Findings, the 2006 CPA study, and the public input, as well as other documentation has led the Town Board to recommend to NYSDOT that a break in access limited to a right-in and right-out onto the Woods Highway extension is sufficient in light of existing development pressures. The Town Board makes this recommendation with the request to NYSDOT that if NYSDOT contemplates any future changes in Break-In-Access NYSDOT will consult with the Town and the public during the earliest planning process for such Break-In-Access;

**BE IT RESOLVED**, that based on all of the foregoing, that the Town of New Hartford Town Board does hereby recommend to the New York State Department of Transportation that it review and approve a break-in-access for NYS Route 840 with a right-in and right-out access from the Woods Highway extension and associated Clinton Street Extension;

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Town of New Hartford Town Board hereby authorizes the Town Supervisor to send a letter to New York State Department of Transportation requesting that New York State Department of Transportation review and approve a break-in-access for NYS Route 840 with a right-in and right-out access from the Woods Highway extension contingent upon completion of the Clinton Street Extension.

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**.

**NEW BUSINESS:**

**Possible Consolidation – 9-1-1/Dispatch**

Supervisor Tyksinski acknowledged receipt of a letter from Oneida County Executive Picente, saying the 9-1-1 situation (consolidation) is still outstanding. The Town would have to provide notice to the dispatch union that the Town is entering into discussions about the possible consolidation of the Town's dispatch center with the County's. The Town Supervisor introduced the following Resolution; seconded by Councilwoman Krupa:

**(RESOLUTION NO. 35 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to notify the Union representing the Town's Dispatch Center employees, of the Town's intent to discuss the consolidation of the Towns' Dispatch Center with the Oneida County Dispatch Center.

The Resolution was duly put to a roll call vote:

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

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

**Creation, Special Committee – Health Insurance**

Because the cost of health insurance has escalated over the years, the Town Supervisor would like to create another Special Committee to discuss health insurance, including employee contributions toward their health coverage; at one time the cost was low but now is very high. All four (4) union contracts will have to be dealt with this year (dispatch, police, highway and parks). Supervisor Tyksinski then offered the following Resolution for adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. 36 OF 2010)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby create a three (3) to five (5) member citizen committee, with Councilman Woodland to serve as

liaison, for the purpose of reviewing and making recommendations with regard to health insurance coverage offered Town officials and employees.

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***.

**Town Attorney – Deputy Town Supervisor**

Attorney Cully and Deputy Supervisor Bohn had no matters to bring forth at this time.

**PUBLIC PRESENTATION (PUBLIC COMMENT) CONT'D**

**Cherrywood Community Sewers**

Ralph Humphreys inquired if anything has been done about the inequity of sewer tax levy for the Cherrywood Community. The Town Supervisor said he is aware of the situation and will review same with Attorney Cully and report to Mr. Humphreys.

**EXECUTIVE SESSION**

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

**(RESOLUTION NO. 37 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss matters relating to employment issues involving specific persons.

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, were then excused from the meeting at 9:27 P.M. The Town Attorney and Deputy Supervisor remained. Councilman Backman requested a five-minute recess. Supervisor Tyksinski stated that he would have someone document any action by the Town Board and provide same to the Town Clerk for inclusion in the Board minutes.

\* \* \* \* \*

Town Attorney Cully provided the following information on Friday, January 22, 2010.

**END OF EXECUTIVE SESSION**

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

**(RESOLUTION NO. 38 OF 2010)**

**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 10:30 P.M. The regular portion of the Town Board meeting was immediately reconvened.

**Elimination of Town Planner Position**

Town Supervisor Tyksinski then offered the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 39 OF 2010)**

**RESOLVED** that, based upon budgetary concerns, it is apparent that positions would have to be reviewed and accordingly, the Town Board does hereby eliminate the position of Town Planner effective January 14, 2010.

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The Town Board members 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***.

**ADJOURNMENT**

There being no further business to come before the Town Board, upon motion of Councilman Backman and seconded by Councilman Reynolds, the meeting was adjourned at 10:34 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk