

**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 27, 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:**

Assessor Paul E. Smith  
Codes Enforcement Officer Joseph A. Booth  
Director of Senior Services M. Eileen Spellman  
Highway/Sewer Superintendent Richard C. Sherman  
Parks and Recreation Director Michael W. Jeffery  
Police Chief Michael S. Inserra  
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

**October 13, 2010 Meeting**

Supervisor Tyksinski wished to clarify an item in the October 13, 2010 minutes, Page 13, under Review of the Supervisor's 2011 budget; specifically, he clarified that the new, part-time Director of Finance position would set up rules and regulations – initially get things ready to hire a full time Comptroller. Also, on Page 14, it appeared that Councilman Reynolds' comment about Buildings in the budget was incomplete. The Town Clerk acknowledged that it was and that she needs to confirm the Councilman's remarks. Thereafter, Councilman Reynolds moved to table action on the October 13, 2010 minutes until the November 3, 2010 Town Board meeting.

PUBLIC PRESENTATIONS

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**Stormwater matter – Oneida Street, Chadwicks**

Patricia Savicki acknowledged that the potholes and lumps of pavement fronting her Oneida Street property have been repaired and that she is very happy. At the same time, she stated that she wishes to remain on the list for repairs because the recent work is a temporary solution. Her car is no longer “bottoming” out and she is not getting wet nor is her mail. She thanked the Highway Department for their work and said she knows it will be repaired permanently next year.

**Library Trustees - Vacancies**

Edmund Wiatr, Jr. wished to inquire about Agenda Item III. Reports of Standing Committees by Committee Chairperson, C. Library Committee, and specifically, the reappointment of Earl Cunningham and Peter Rayhill as Library Trustees. Mr. Wiatr said he had reviewed the letter he received about his appointment. Supervisor Tyksinski clarified there is a thirty (30) day window in which persons have to take their oath of office and they didn't, so the Library Trustee positions are vacant and the Town Board needs to make appointments. .

Mr. Wiatr, a Library Trustee, explained that he's had trouble getting minutes and financial records from the Library Board. With regard to sitting Library Trustees, he remarked it appears to be a continual recycling of people over and over and over again. He knows people in the community who would like to serve on the Library Board. He believes the Library Board has no accountability and Mr. Wiatr asked that the Town Board consider other individuals who have come forth with an expressed desire to serve on the Library Board. He believes the Library Board appointments are “lopsided” and that there are many Library Trustees who reside in the Village of New Hartford.

**Stormwater matter – Oneida Street, Chadwicks**

Florence Walter, who resides next to Patricia Savicki, added her thanks to the Highway Department for the recent stormwater repairs

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

**Town Clerk Committee – Councilwoman Krupa:**

**Raffle Consent**

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

**(RESOLUTION NO. 259 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby grant permission to the ***American Red Cross***, 1415 Genesee Street, Utica, NY 13501, an organization duly

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granted a Games of Chance Identification Number by the New York State Racing and Wagering Board, and *AC-Flyers*, 59 Cross Street, Yorkville, NY 13495, an organization that is not required to obtain a Games of Chance Identification Number because their gross proceeds will not exceed \$5,000, to sell raffle tickets in 2010 throughout the Town of New Hartford, New York, in accordance with all rules and regulations of said Racing and Wagering Board; and be it

**FURTHER RESOLVED** that the Town Clerk be, and she hereby is, authorized and directed to execute the respective Forms GC-RCF, Raffle Consent Form.

Upon roll call, the Town Board voted as follows:

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

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

Public Safety & Courts Committee – Councilwoman Krupa

**Appointment – School Traffic Officer (Crossing Guard)**

Upon request of the Town Police Chief, Councilwoman Krupa introduced the following Resolution for adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. 260 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby appoint Tina Ryan as a School Traffic Officer (Crossing Guard) to fill the vacancy created by the resignation of Edward Bowes; said appointment to become effective Thursday, October 28, 2010 and at the hourly wage of Eight Dollars and Sixty-eight Cents (\$8.68), payable bi-weekly. .

A roll call vote was duly held 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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**Appointment – Substitute School Traffic Officer (Crossing Guard)**

Upon request of the Town Police Chief, the following Resolution was offered for adoption by Councilwoman Krupa and seconded by Councilman Reynolds:

**(RESOLUTION NO. 261 OF 2010)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby appoint Bernard Green as an “on call” Substitute School Traffic Officer (Crossing Guard), effective Thursday, October 28, 2010 at an hourly rate of Eight Dollars and Sixty-eights Cents (\$8.68), payable bi-weekly.

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**.

**Public Works and Sewer Committee – Councilman Backman**

**2010 Budget Transfer (Highway Department)**

Highway Superintendent Sherman apprised the Town Board that he had sent out Requests For Proposal (RFP's) for a heavy-duty (salt) hopper spreader; however, when RFPs were received, the RFPs were for a medium duty (salt) hopper spreader. The price for a heavy-duty (salt) hopper spreader is Two Thousand Dollars (\$2,000) more, which he requested be transferred from within the Highway Fund. Thereafter, Councilman Backman introduced the following Resolution for adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. 262 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Bookkeeper to transfer the sum of Two Thousand Two Hundred Twenty-five Dollars (\$2,225) from Highway Part-Town Account DB5130.44 (Equipment Rental) to Highway Part-Town Account DB5130.02 (Purchase New Equipment) to cover the additional cost of one (1) heavy-duty Smith, Stainless Steel Hopper Spreader; Model: SSV-9C, with Screens; Serial #11211, including the shipping charges.

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Superintendent Sherman said he had obtained three (3) quotes, with the lowest having been submitted by Wayne's Welding from Whitesboro, NY. The Highway Superintendent gave a copy of Wayne's Welding RFP to the Town Supervisor. Upon questioning of the Town Supervisor, Highway Superintendent Sherman said that the Town's old Airflow hopper spreader had been declared as surplus on March 24, 2010 and sold for scrap on March 31, 2010. Supervisor Tyksinski inquired if the Highway Superintendent had distributed specifications to all bidders, as normally done; the Highway Superintendent said yes and showed the Supervisor a document. Thereafter, the Town Board members voted as follows:

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

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

**Intermunicipal Agreement – Village of New Hartford/trash collection**

With regard to the feasibility of the Village of New Hartford providing trash collection to several Town-owned buildings versus a contractual arrangement with a private hauler, the Highway Superintendent indicated the Town would need to purchase about four (4) to five (5) manually-lifted, forty-four (44) gallon trash containers with lids per building. The Highway Superintendent requested Town Board authorization to purchase the containers at an estimated cost of \$1,200, which could be purchased from the Buildings and Grounds account; he had checked prices at Lowe's, Home Depot, and Farm and Family. The Village service would be a big savings versus a private hauler and would include the Jerome Madden Justice Building, the Sanger Public Works Garage, the Recreation Center and the three (3) Parks. Councilman Backman moved to authorize the expenditure of funds to purchase the trash containers contingent upon the Town Attorney's review and completion of an Intermunicipal agreement; seconded by Councilman Reynolds. The Town Supervisor would like to see this agreement and what savings would be realized before entering into an agreement; he wants the figures that the Village would charge for twice-a-week pickup versus once-a-week pickup by Przuluke. The Highway Superintendent clarified to the Parks and Recreation Director that the dumpsters would remain at the Parks and at the Recreation Center. The motion was noted voted upon and the Town Board reached consensus to table this matter until the November 3, 2010 Town Board meeting.

**Dumpster Program for Residents (Replaces Curbside Trash Collection)**

The Highway Superintendent intends to continue the transfer station the way it was operated this year; residents were satisfied with dumpsters being available throughout the

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summer months. The Highway Superintendent expressed his desire to purchase four (4) roll-offs but Councilman Backman suggested buying two (2) roll-offs and save \$2,750 each.

**Removal – “BLIND CHILD” Area Sign**

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

**(RESOLUTION NO. 263 OF 2010)**

**WHEREAS**, the Town Highway Superintendent had received a communication from William Marshall of Mallory Road that the “BLIND CHILD” area signs are no longer needed and Mr. Marshall requested the removal of said signs;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Highway Superintendent, through the Highway Department, to remove all “BLIND CHILD” area signs from the right-of-way along Mallory Road.

Upon roll call, the Town Board voted as follows:

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

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

**Library Committee – Councilman Reynolds**

Councilman Reynolds had contacted Earl Cunningham and Peter Rayhill, both of whom had been appointed as Trustees for the New Hartford Public Library Board at the September 8, 2010 Town Board meeting and both were apologetic about failing to sign their Oaths of Office within the prescribed time, leaving their positions vacant; both are very much interested in reappointment to the same terms as specified in September.

Councilman Reynolds moved that the Town Board reappoint Earl Cunningham and Peter Rayhill as Library Trustees for terms ending December 31, 2013 and December 31, 2011, respectively; seconded by Supervisor Tyksinski.

Discussion followed. While the Town Supervisor understood Mr. Wiatr’s position (comments earlier in the meeting), Supervisor Tyksinski noted that there are one (1) or

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two (2) Library Trustee positions that will expire December 31, 2010, at which time new applicants could be considered. Councilman Backman said he has had conversation with Mr. Cunningham who has served a long time as Trustee/Treasurer and comment was made that the Town might look for a replacement. Councilman Backman noted that Mr. Cunningham works in Butler Hall and is there just about every day – it wouldn't take long to go down to the Town Clerk's Office to sign his Oath; also, Peter Rayhill resides on Paris Road and goes by Butler Hall every day. Councilman Reynolds reiterated that he had contacted both individuals and both were extremely apologetic and want to stay on as Trustees. Mr. Wiatr commented that Peter Rayhill had missed three (3) Library Board meetings in 2010. It was clarified that if a Trustee misses three (3) consecutive meetings, they would be removed from the Library Board, not missing three (3) meetings throughout the year. Mr. Wiatr further stated that NYS law says a person "...can't have a bite at a 2<sup>nd</sup> appointment"; the Town Attorney will check into this. The Town Attorney emphasized there are now two (2) vacant Trustee positions because the Messrs. Cunningham and Rayhill never took their Oath, so the Library Board can't appoint for new terms; the Library Board could appoint a Trustee, however, to fill an unexpired term. Thereafter, Councilman Reynolds rescinded his motion.

### Senior Citizens Committee – Councilman Reynolds

#### **Surplus Sale – New Hartford Adult Dining & Activity Center Bus**

Councilman Reynolds noted that the surplus bus authorized for sale did not cost the New Hartford taxpayers any money, but rather was funded through a grant from the Herkimer-Oneida County Community Foundation. While the proceeds from the sale of the bus are earmarked for the General Fund, Councilman Reynolds would like the proceeds held to cover the needs at Adult Dining & Activity Center.

#### **Property Maintenance – 9640 Wakefield Street**

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

### **(RESOLUTION NO. 264 OF 2010)**

**WHEREAS**, the Town of New Hartford had adopted on September 24, 1994 a Local Law regulating property maintenance and which Law prohibits the accumulation of brush, grass, rubbish or weeds on any real property in said Town (Code, Chapter 94); and

**WHEREAS**, the Town Codes Enforcement Officer has received complaints about high grass, weeds and two (2) unregistered vehicles upon premises located at 9640 Wakefield Street (Tax Map Parcel No. 349.008-2-21), New Hartford, New York owned by Patrick

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and Paula Nasto whose last known address is 9640 Wakefield Street, New Hartford, New York; and

**WHEREAS**, the property appears to be abandoned, and the Codes Enforcement Officer had communicated with said owners via certified mail only to have the letter returned as undeliverable by the U. S. Postal Service;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Codes Enforcement Officer, through the Parks and Recreation Department, to proceed with mowing the lawn and clearing the property of the unregistered vehicles at 9640 Wakefield Street and that the costs and expenses incurred by the Town in connection with said proceedings be assessed against the land on which said public nuisance exists; specifically, the Town Board does hereby authorize and direct Oneida County to levy such charges on the 2011 Town and County tax bill.

Upon roll call, the Board members voted 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**.

Zoning (Codes) and Planning – Councilman Woodland

**Fixed Assets (Inventory)**

Upon request of the Codes Enforcement Officer, the following Resolution was offered for adoption by Councilman Woodland and seconded by Councilwoman Krupa:

**(RESOLUTION NO. 265 OF 2010)**

**WHEREAS**, the Codes Enforcement Office has a 1984 Canon typewriter that is broken and irreparable;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize and direct Account Clerk Janice O’Sullivan to remove said 1984 Canon typewriter from the Fixed Assets of the Codes Enforcement Office.

A roll call vote ensued:



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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 Maintenance – status of 402 Higby Road**

Councilman Backman reported that the property owners were served with a notice of the violations and the trash has been picked up but the neighbors are uncertain if the building is safe; there are open windows and broken steps. The Parks Department crew cleaned up the garbage and mowed the lawn. Codes Enforcement Officer Joseph Booth said the building is secure but there are broken back steps. Councilman Backman has heard there is no power to the house. The Codes Enforcement Officer said there is nothing the Town can do until Oneida County takes ownership due to back taxes.

**MATTERS SUBMITTED BY COUNCILMEN**

**Councilman Backman:**

**Neighborhood complaints – Hamlet of Chadwicks**

Councilman Backman and Police Chief Inserra met on Saturday, September 25, 2010 with Chadwicks residents to listen to their complaints about neighborhood deterioration and to discuss possible solutions. The Town does have a nuisance abatement law and can use this legislation to serve absentee landlords and make them responsible for actions of their tenants. Councilman Backman questioned whether the Town had the ability to enhance or tighten up the nuisance abatement law. Chief Inserra acknowledged that some properties are in violation of the nuisance abatement law; some tenants have moved and one moved down the street and the problem followed. Chief Inserra will forward a copy of the Town’s legislation to the Town Attorney for his review.

**Donovan Memorial Park, Elm Street, Chadwicks**

Councilman Backman acknowledged that the Donovan Memorial Park is a wonderful park, well kept, with many visitors to it but who often are not as responsible as Town residents and neighboring citizens often feel pushed out of the Park. Councilman Backman will meet with the Parks and Recreation Director to discuss this matter.

**Motor Vehicle parking on sidewalks – Chadwicks area**

In some areas of the First Ward, Councilman Backman was aware of complaints that motorists were parking their vehicles across sidewalks and on the road rather than using driveways. As parking issues come up and are studied, Councilman Backman will ask

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the Town Board to restrict parking on some streets as necessary. Police Chief Inserra said his Department had taken a pro-active approach to parking over the past year and now find very few vehicles parking on sidewalks on Oneida Street, as one gets deeper into Chadwicks.

### **Donovan Memorial Park – Pedestrian Crossing**

Councilman Backman asked the Highway Superintendent to re-stripe the pedestrian crossing on Elm Street, Chadwicks at the entrance to the Park, early during the Spring of 2011.

### **Neighborhood complaints – Hamlet of Chadwicks (Cont'd)**

With reference to the September 25, 2010 resident meeting, Police Chief Inserra said the Chadwicks people wanted the Town to know some of the neighborhood problems. The residents now want to form a neighborhood watch and he had a subsequent meeting with people in this regard on Saturday, October 16, 2010.

### **Lt. O'Neill – Request for additional pay**

To Councilman Backman's inquiry about the status of Lt. O'Neill's request for additional pay while he was Acting Police Chief, the Town Supervisor responded that the Town Board concurred to let Special Counsel Peter Jones and PBA Attorney Rocco DePerno to resolve the issue. Special Counsel Peter Jones has been made aware there are some sensitive issues with the original proposal and believe he will contact Attorney DePerno to see what can be done.

### **Bids/Sewer Vector Truck**

Upon request of the Highway/Sewer Superintendent, Councilman Backman introduced the following Resolution for adoption; seconded by Councilman Woodland:

#### **(RESOLUTION NO. 266 OF 2010)**

**WHEREAS**, on August 18, 2009 the Town of New Hartford received bids for the purchase of one (1) new sewer vacuum body, with the low bid being submitted by Joe Johnson Equipment, Rochester, New York, in the aggregate amount of \$202,164.95, less trade-in of one (1) 2004 Sterling Tank in the amount of \$108,000.00, for a net cost to the Town in the amount of \$94,164.00; and

**WHEREAS**, the Town Board awarded the purchase of said equipment to Joe Johnson Equipment by Resolution No. 320 adopted on December 30, 2009; and

**WHEREAS**, on October 20, 2010, the Highway/Sewer Superintendent sent written confirmation to the Town Clerk that the equipment had been delivered and that said equipment met all Town specifications;

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**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Bookkeeper to release the bid security deposit of Joe Johnson Equipment in the amount of Nine Thousand Seven Hundred Sixty-three Dollars (\$9,763.00) and that a check in that amount be drawn from the Trust and Agency Account and delivered to the Town Clerk for further processing.

The Town Supervisor polled the Board:

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

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

**Jewel Ridge Development – Road Paving**

Councilman Backman inquired about the status of the road-paving proposal in the Jewel Ridge development off Higby Road. The Town Attorney said he is reviewing the matter and calling the bond – “It’s an insurance claim,” said Attorney Cully.

**Agreement with Oneida County - Snow & Ice Control 2009-2012**

Having reviewed the three-year Snow and Ice Control Agreement with Oneida County, the Town Attorney was satisfied with the agreement; thereafter, Councilman Backman offered the following Resolution for adoption and Councilwoman Krupa seconded same:

**(RESOLUTION NO. 267 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Superintendent of Highways and the Town Supervisor to enter into and to execute an Agreement with the County of Oneida, by and through Brian N. Scala, Deputy Commissioner, County Department of Public Works, 6000 Airport Road, Oriskany, New York, for the control of snow and ice on County Roads for the Snow Season dating from November 1, 2009 through April 30, 2012, and as more fully set forth in an Agreement on file in the New Hartford Town Clerk’s Office.

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

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

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Supervisor Tyksinski - Aye.

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

**REPORTS OF SPECIAL COMMITTEES**

**Stormwater Management (Advisory) Improvement Committee:**

**Municipal Separate Storm Sewer System (MS4)**

The Town Attorney reported that the MS4 legislation has been amended and perhaps the Town Board would consider going forward with this in mid-November 2010.

**MATTERS SUBMITTED BY THE TOWN SUPERVISOR**

**Financial:**

**Monthly Financial Report**

The Town Supervisor had placed the September 2010 monthly financial reports in the Board members' mailboxes.

**Surplus Sale – New Hartford Adult Dining & Activity Center Bus**

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

**(RESOLUTION NO. 268 OF 2010)**

**WHEREAS**, on September 22, 2010 the New Hartford Town Board declared the Turtle Top Bus, used for senior citizen activities, as surplus and authorized its sale via the eBay;

**NOW, THEREFORE, BE IT RESOLVED** that the said Town Board does hereby establish a minimum starting bid price of Twelve Thousand Dollars (\$12,000.00) for this vehicle.

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

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

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

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**Resignation of Bookkeeper**

The Town Supervisor announced that Bookkeeper Carol Fairbrother has submitted her letter of resignation effective November 12, 2010.

**Installation of new computer servers**

In behalf of the Deputy Supervisor who was out of Town on business, Supervisor Tyksinski briefed the Board about servers to replace ones that are failing, the fact that the Town's hours under the current IT contract with ISSYS have been depleted, and Deputy Bohn's contacts with other companies, especially those that are certified to handle secure documents of a Police Department. The firm of M. A. Polce Consulting, Inc. comes highly recommended and is certified to handle secure police documents. The Town Supervisor noted that Police Chief Inserra had met with Oneida County also because the Police Department has many "special" needs. Thereafter, Councilman Backman offered the following Resolution for adoption; seconded by Councilwoman Krupa:

**(RESOLUTION NO. 269 OF 2010)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement between the said Town and M. A. Polce Consulting, Inc., 401 Phoenix Drive, Rome, NY 13440 for an estimated installation time of forty-eight (48) to fifty-four (54) hours at the Time and Materials rate of One Hundred Dollars (\$100.00) per hour to install three (3) servers; the Statement of Work being defined in said Agreement.

The Town Board members voted upon roll call:

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

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

**Installation of new data lines**

In behalf of Deputy Supervisor Bohn, the Town Supervisor briefed the Town Board on his Deputy's research into the installation of new data lines between Butler Memorial Hall and the Sanger Public Works Garage and also between Butler Memorial Hall and the Jerome K. Madden Justice Building. Approximately twelve (12) years ago, the original plan was to run a T-1 line among the buildings and subsequently, that line was divided up and the new phone system was added, which slows down the system. The Deputy Supervisor recommended now in light of the new servers, a proposal from Time Warner

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to increase the bandwidth of the T-1 lines. Councilman Backman then offered the following Resolution for adoption and Councilman Woodland seconded same:

**(RESOLUTION NO. 270 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute a contract between the Town of New Hartford and Time Warner Cable for a three-year contract involving the installation of the new Ethernet data lines among Town offices, i.e., 2 MB X2 MB at a monthly rate of Two Hundred Thirty-two Dollars and Seventeen Cents (\$232.17), with a one-time installation fee of One Hundred Fifty Dollars (\$150.00) for each of the three (3) sites

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

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

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

**2010 Budget Transfers**

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

**(RESOLUTION NO. 271 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 2010 budget transfers:

- \$44,870 from the Water Fund to General Fund Whole-Town
  - \$26,130 from the Sewer Fund to General Fund Whole-Town
- \$71,000 TOTAL.

Councilman Backman asked if the Town is required to pay back inter-fund loans with interest and the Supervisor answered “..yes, but the going rate for interest now is minimal”. Councilman Backman inquired if the Town Supervisor wanted to establish an interest rate; the Supervisor responded that he could come up with a figure for the next Board meeting. If these transfers are approved tonight, the Supervisor would get the interest figure for the next Board meeting. The Town Board members then voted upon roll call:

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

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

Upon further request of the Town Supervisor, Councilman Backman offered the following Resolution for adoption and Councilman Woodland seconded same:

**(RESOLUTION NO. 272 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Bookkeeper to make the following 2010 Budget transfer:

- \$12,192.50 from the Highway Whole-Town Fund to the Elm Street Bridge Capital Fund.

A roll call vote ensued:

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

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

**MATTERS SUBMITTED BY TOWN ATTORNEY**

**Village of New Hartford, Article 78 Proceeding: Police Commission abolished**

Town Attorney Cully reported that New York State Supreme Court Judge Clark had ruled in favor of the Town of New Hartford and specifically, the Town Board's action in abolishing the Police Commission earlier in 2010. Attorney Cully noted that the Village of New Hartford intends to appeal the Judge's decision.

**Assessment Certiorari Proceeding – Robert Donnelly**

With regard to the recent Certiorari Proceeding initiated by Robert Donnelly, the Town Attorney reported that New Hartford School District Attorney Anthony Hallak would represent the Town of New Hartford in this assessment matter. Councilwoman Krupa introduced the following Resolution that was duly seconded by Councilman Backman:

**(RESOLUTION NO. 273 OF 2010)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby approve and authorize Anthony Hallak, Attorney for the New Hartford Central School, to represent the Town in Robert Donnelly’s certiorari proceeding, with the Town to be billed for a portion of Attorney Hallak’s time.

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.

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

**NYS Route 840 Break-In Access – Final Supplemental EIS**

The Town Attorney then read a proposed resolution acknowledging that the Final Supplement Environmental Impact Statement had been completed for the NYS Route 840 Break-In Access. Thereafter, Councilwoman Krupa introduced said Resolution for adoption and Councilman Reynolds seconded same.

**(RESOLUTION NO. 274 OF 2010)**  
**NYS Route 840 Break-In Access**  
**Determination of Completion of Final SEIS**

**WHEREAS**, the Town Board of the Town of New Hartford in its role as continuing lead agency for the SEQRA review has issued a positive declaration of the NYS Route 840 Break-In Access Project, requiring the preparation of a Draft Supplemental Environmental Impact Statement (DSEIS) on the project;

**WHEREAS**, a DSEIS has been developed and submitted evaluating the impacts of the New York State Route 840 Break-In Access at Woods Highway Extension; and

**WHEREAS**, the Town Board has determined that the DSEIS is complete and sufficient for public review as required by SEQRA; and

**WHEREAS**, the Town Board accepted public comments on the DSEIS for a 30-day period expiring on October 8, 2010, including a public hearing on September 27, 2010; and



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**WHEREAS**, an FSEIS has been developed and submitted considering all relevant public comments, providing responses and identifying appropriate revisions made to the DSEIS; and

**WHEREAS**, the DSEIS has been appropriately revised according to public comments;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board determines that the FSEIS is complete; and

**BE IT FURTHER RESOLVED THAT** the attached Notice of Completion be published and filed as required by the SEQRA regulations, including the posting of the Notice, revised DSEIS and FSEIS on the Town website [www.newhartfordtown.com](http://www.newhartfordtown.com).

Councilman Backman didn't want this Resolution to bind the Town with regard to the break-in access. Attorney Cully clarified that by passing this Resolution the Town Board is merely acknowledging that the FSEIS is complete.

The Town Board then voted upon roll call:

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

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

**Notice of Claim – Joseph Bolton**

The Town Attorney stated that the Town was served with a Notice of Claim in behalf of Joseph Bolton with regard to the public comment period of Town Board meetings. Attorney Cully stated that the Town does provide for a public comment period at Board meetings and according to law, it's an opportunity for the public to make comments ...it's not a public hearing....with no answers coming from the Town Board. The public comment time is regulated by the Town Supervisor and Town Board and limitations can be imposed. The Town Board allows three (3) minutes per speaker, which is perfectly legitimate. By law, a Town doesn't have to have a public comment period at Board meetings.

**MATTERS SUBMITTED BY TOWN SUPERVISOR**

**Financial:**

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### **2011 (Preliminary) Budget**

Supervisor Tyksinski reminded the Town Board that tonight the Board must come up with a preliminary budget and that he must have it in the Town Clerk's office by 8:00 A.M. on Friday, October 29, 2010, the date the Legal Notice of Public Hearing will be published in The Observer Dispatch. He will make any changes tomorrow that the Board approves tonight and then deliver the preliminary budget to the Town Clerk by 8:00 A.M. on October 29<sup>th</sup>. Supervisor Tyksinski commented that it appears a lot of items had been added back to the Tentative Budget after the Board had held numerous budget work sessions. Also, with regard to the raises for the Town Supervisor, Town Attorney and Receiver of Taxes and Assessments, Supervisor Tyksinski said he has eliminated those raises from the budget as well as no raises for the Town Board. Three Percent (3%) raises are included for non-union employees because this would be the second consecutive budget for some employees who have not received an increase .. and some of these same employees didn't receive raises during the Kazanjian regime....some of these non-union employees have gone four (4) to six (6) years without an increase. The Town Supervisor still believes \$200,000 is an excessive amount to budget for gasoline for the Highway Department; but if the Town Board wants this figure in the budget because they truly believe gas prices are going to increase that much, then the Town Supervisor asks that no transfers be made out of that account in 2011 and that any surplus be applied to the 2012 Budget to reduce taxes. The Town Supervisor wanted Town Board consensus on the \$10,000 new revenue for the Codes Department; he believes there is revenue out there that can be realized together with other items in the Codes budget; go get them. After review of the Sewer Fund, Supervisor Tyksinski noticed there was no salary for a foreman; in past years, salaries were included for the Sewer Superintendent, part of the Engineer's wages and a foreman to supervisor laborers. He believes that is way too much.

The Town Attorney had contacted the New York State Comptroller's Office for clarification on the use of sales tax revenue/distribution. The Town Supervisor reported that a municipality cannot use sales tax money for police expenses and gave explanations. Only after sales tax revenue is applied to all part-town funds, can the remaining revenue be used for whole-town expenses. Board discussion ensued.

Highway Superintendent Sherman requested that \$100,000 be added to the Highway budget for debt service; the Town Supervisor said the allocation he used was different from last year's once he reviewed it with Bookkeeper Carol Fairbrother. He will move the debt service from the Highway Whole-Town fund to the Highway Part-Town fund with no change in tax rate.

Supervisor Tyksinski then asked for each Board members concerns and or suggestions with regard to the proposed 2011 preliminary budget.

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Councilwoman Krupa:

- wants no raises for elected officials
- wants no raises for department heads
- take out additional \$25,000 for trash program
- take out new \$10,000 additional revenue for Codes Department
- Councilman Backman asked Councilwoman Krupa about the raise for the Deputy Receiver of Taxes from the current \$13,000 to a proposed \$19,000 salary; Councilwoman Krupa said she had missed that line item and was opposed to such a big raise
- Councilwoman Krupa was okay with the rest of the budget and with restoring the five (5) Highway Department layoffs.

Councilman Backman:

- Led discussion about Highway budget
  - one-man plowing
  - can't support layoffs
- Police budgets, may not fill vacancies as employees retire

Councilwoman Krupa said the fundamental problem is with the unions.

- Pretty well set on salaries. When you set 3% increase for non-union it should include the full time officials, publish 3% for all elected officials except the Town Board members and deal with it at the time salaries are set at the January 2011 organizational meeting.
- Give 3% raise for all non-union employees, including full-time elected
- Sales tax distribution – get an attorney for a legal opinion.
- Inquired about Town Supervisor's request for \$5,000 in equipment, up \$2,000 from current year. Money for computer and office equipment.
- Town Board contractual is fine and no Board member should attend the February 2011 Association of Towns meeting in New York City. (Councilwoman Krupa said she might attend at her own expense.
- Comptroller Unit – Director of Finance and Bookkeeper
- Is on board with plans to hire a part-time engineer as needed – willing to give this a try
- Believe real genuine effort was made to reduce expenditures. Wish more employees had taken retirement incentive
- Is fine with \$400,000 for the New Hartford Public Library
- Questioned animal control and the new dog licensing procedures for 2011; the Town Clerk stated that expenses are included in the Town Clerk budget except that no moneys have been budgeted for a dog census
- Commented he doesn't know how the Codes Officer got such a huge salary increase in 2010; referred to a chart recommending starting wages and a step process

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- Refuse collection and contract - he wants figures from the Highway Superintendent to compare what the Village of New Hartford would charge versus a private refuse hauler (discussed earlier in this meeting)
- Urge Town Board to consider when two (2) more police officers retire, try not to fill the vacancies.
- Highway budget – can live with initial cut. Try and live within boundaries. If surplus, use in following year to reduce budget
- Sales tax – don't know what to do with Sewer Fund; just as soon leave it as is

Councilman Reynolds:

- can't support layoffs
- No pay raises across the board, get concessions about health insurance
- Supports the Director of Finance position
- Would like to talk more about combining two (2) part-time zoning positions
- No trash pick up (curbside collection)
- Agrees with Councilwoman Krupa's list
- Police Department has two (2) vacancies now and will have two (2) more; leave at nineteen (19) full-time and two (2) part-time officers.
- Okay with gasoline line item for the Highway Department
- agree with Councilman Backman on the Sewer Fund.

Councilman Woodland:

- no wage increases
- Cut back the equipment and contractual for all departments to the 2010 budget level, except Town Clerk because of new dog licensing procedures (State has opted out of this program) effective January 2011
- On defense of Director of Finance; wonder whether it's the year or not for this
- Highway budget – okay with reinstating the laborers; regarding gasoline money, add an extra \$20,000 to \$30,000 to the Supervisor's \$100,000
- try another year without the curbside trash collection program; buy our own roll offs – agree with Councilwoman Krupa

The Town Supervisor performed the following review/summation of the Town Board proposals and the Board votes:

Councilwoman Krupa's recommendations

- no raises for any elected officials: (3-2 no raises)
- no raises for non-elected officials (Town Attorney, department heads and Deputy Receiver of Taxes and Assessments; (3-2 no raises)
- take \$25,000 out of refuse and no curbside trash collection (4-1 to remove)
- take out the \$10,000 in new revenue for the Codes Office: (3-2 leave out)

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- add back the five (5) highway employee positions: (4-1 to reinstate)

### Councilman Backman's recommendations

- 3% raise to elected officials is OUT
- 3% raise to non-union, non-elected and clerical employees: (3-2 leave out)
- Gasoline - add \$10,000 to \$20,000 to the Supervisors figure and split between winter and summer gasoline. Supervisor's figures were based on actual expenses: (3-2 ok)
- Add sewer foreman back into Sewer Fund at \$14,000: (3-2 ok)

### Councilman Reynolds' recommendations

- No raises – voted on above; none
- Director of Finance ok
- Reinstate five (5) Highway laborers; voted on above; ok
- Add \$14,000 in Sewer Fund for Foreman voted on above; ok
- Police – all okay
- Combining two (2) part-time zoning positions (\$20,000 salary and \$8,000 salary) to one (1) full time; could Codes Officer get one qualified person....then there's benefits, vacation schedule, health, retirement, social security, accumulation of sick pay, said Councilman Backman.

### Councilman Woodland's recommendations

- no wage increases – voted on above; none
- five (5) Highway employees back in budget; voted on above, okay
- increase gasoline for Highway Department; voted on above, okay
- curbside trash collection; voted on above; none
- reduce all departments' equipment and contractual to 2010 budget level, except Town Clerk due to new dog licensing administration and enforcement: (3-2 okay)

The Town Supervisor will make the necessary adjustments for the preliminary budget; no raises for anyone; the curbside trash collection is not funded; \$10,000 in new revenue is removed from the Codes Department; five (5) highway laborers are reinstated as well as the sewer foreman being funded at \$14,000 in the Sewer Fund.

### Public Comment –

#### **2011 Budget**

With regard to the Sewer Fund, Ralph Humphreys said the Town has three (3) working men who work 40 hours and then there are two (2) foremen for about 2/3 time.

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Cathy Lawrence brought to the Board's attention that the Corr Health Insurance line item appeared in two places in the budget; in the General Fund Whole-Town and the General Fund Part-Town. The Town Supervisor will correct this.

EXECUTIVE SESSION

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

**(RESOLUTION NO. 275 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the following matters:

- Pending litigation including the Adelman claim, Donnelly Article 78 proceeding, and Bolton Notice of Claim
- Police and Highway union negotiations and interest arbitration
- Acquisition of real property for stormwater improvements which, if discussed in open session, could effect the price
- Employment history with regard to a former employee.

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**. All persons present, including the news media and Department Heads, were then excused from the meeting at 10:30 P.M. The Town Attorney remained for the Executive Session.

NOTE: The Town Attorney provided the following transcription on Thursday, October 28, 2010.

END OF EXECUTIVE SESSION

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

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**(RESOLUTION NO. 276 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 11:10 P.M. The regular portion of the Town Board meeting was immediately reconvened.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilwoman Krupa and seconded by Councilman Reynolds, the meeting was adjourned at 11:11 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk