

**REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF NEW HARTFORD, NEW YORK  
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN ON  
WEDNESDAY, DECEMBER 22, 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  
Deputy Town Supervisor Matthew Bohn III  
Highway/Sewer Superintendent Richard C. Sherman  
Parks and Recreation Director Michael W. Jeffery  
Police Chief Michael S. Inserra  
Town Attorney Herbert J. Cully  
Town Clerk Gail Wolanin Young

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

**MINUTES**

**December 8, 2010 Town Board Meeting**

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

**(RESOLUTION NO. 317 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 8, 2010 and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

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Councilman Reynolds - Aye  
Supervisor Tyksinski - Aye.

The Resolution was declared unanimously carried and duly adopted.

PUBLIC PRESENTATIONS (Resident comments)

Supervisor Tyksinski announced that this portion of the Town Board meeting is for residents to address the Board and that each speaker is allowed three (3) minutes.

**Cable TV Franchise**

Sidney Perry was of the understanding that the Time Warner Cable Television Franchise with the Town would be due to expire in 2011. As a former member of the Town's Cable Television Committee, Mr. Perry recommended that the Town Board not enter into a franchise agreement for a ten (10) year period; he offered his services in negotiating a new contract if the Town should need assistance.

**Proposed Local Law – MS4 (Municipal Separate Storm Sewer System)**

Sidney Perry said that he and Dr. Rao were very interested in the presentation given to the Town Board on the MS4 matter. The Town Attorney acknowledged that the initial proposed legislation has been revised based upon some recommendations from Dr. Rao, the latter of who had been provided an updated copy of the proposed local law. The Town Board will be scheduling a Public Hearing upon this legislation.

**Traffic Signal – Seneca Turnpike (aka NYS Route 5) intersection with Applewood-Cherrywood Boulevards**

James Varieur was present to address the proposed traffic signal at this intersection and agreed to withhold comment until later during the meeting when Councilman Woodland would address the matter.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRMEN

Town Clerk Committee – Chairwoman Krupa

**Close Bank Accounts/Open new Account**

Councilwoman Krupa reported that effective January 1, 2011 the Bank of America will begin assessing various service charges to municipal checking accounts, a concern of the Town Clerk whose fees collected must be distributed to various State agencies and the Town of New Hartford; there is no cushion to absorb these new fees. [NOTE: Using November 2010 checking account activity as an example, the Bank of America would have deducted \$124 in service fees from the Town Clerk checking account.] Therefore, upon request of the Town Clerk, Councilwoman Krupa introduced the following Resolution for adoption; seconded by Councilman Reynolds:

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**(RESOLUTION NO. 318 OF 2010)**

**WHEREAS**, effective January 1, 2011, the Bank of America will begin assessing various service fees to municipal accounts, including the Town Clerk accounts;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Clerk to close the following municipal accounts at the Bank of America:

- Town Clerk Checking Account No. 0070 5011 4460
- Town Clerk Money Market Account No. 0070 5022 7388
- Town Clerk – D.E.C. (electronic) Account No. 0094 1888 1328

And be it

**FURTHER RESOLVED** that the Town Clerk be, and she hereby is authorized to open a Municipal Town Clerk Checking Account at the Adirondack Bank, which will not assess service charges on this Account. Town Clerk Gail Wolanin Young shall be authorized to exercise the following powers and is hereby authorized to be a signatory on said account:

- Open any deposit or share account(s) in the name of the Town of New Hartford
- Endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with the Adirondack Bank.

Deputy Town Clerk I Melody Fancett shall be an alternate signatory in the event the Town Clerk is not available and shall have the power to endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with the Adirondack Bank.

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

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

The Resolution was declared unanimously carried and duly adopted.

Assessor Committee – Councilman Reynolds

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**Appointment – Temporary Clerk/Assessor’s Office**

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

**(RESOLUTION NO. 319 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby appoint Charles Kobielski as a Temporary Clerk in the Assessor’s Office effective Monday, January 3, 2011, at an hourly wage of Eleven Dollars (\$11), payable bi-weekly; said appointment shall terminate on March 31, 2011.

[NOTE: Personnel Technician Schwenzfeier received approval from the Oneida County Department of Personnel; said Department noted that the appointment of a Temporary Clerk cannot exceed six (6) months, but can be renewed.] A roll call vote ensued:

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

The Resolution was declared unanimously carried and duly adopted.

Public Safety and Courts Committee – Councilwoman Krupa

**Surplus equipment –Police Department Fixed Assets**

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

**(RESOLUTION NO. 320 OF 2010)**

**RESOLVED** that, upon request of the Town Police Department, the Town Board does hereby declare the following non-working typewriters as surplus and does hereby authorize and direct the Town Police Chief to dispose of same:

- IBM Typewriter Model 6781; Serial #11-RPA08; NH Tag #1384
- IBM Typewriter Model 6747; no visible Serial No.; NH Tag #070
- IBM Typewriter Model 6750; no visible Serial No.; no NH Tag number
- IBM Typewriter Model 6784; Serial #11-CRGM4; no NH Tag number

And be it

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**FURTHER RESOLVED** that the aforesaid surplus equipment be removed from the Town Police Department Fixed Assets.

The Town Board members voted upon roll call:

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

The Resolution was declared unanimously carried and duly adopted.

**Declaration of Surplus Vehicle – Authorization to Sell**

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

**(RESOLUTION NO. 321 OF 2010)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby declare as surplus one (1) 2004 Chevrolet Silverado pick-up truck, VIN 1GCEC19T94E310060, formerly assigned to the Animal Control Division of the Police Department,

And be it

**FURTHER RESOLVED** that the aforesaid vehicle shall be placed for sale on e-Bay at a minimum bid starting at One Thousand Dollars (\$1,000) and once sold, the Town Clerk's office shall be notified and shall arrange to terminate insurance coverage on said vehicle.

The vehicle has a little over 130,000 miles. The foregoing Resolution was voted upon by roll call as follows:

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

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



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The Town Supervisor noted that the price quote was below the amount requiring the competitive bid process. Thereafter, the Resolution was voted upon by roll call as follows:

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

The Resolution was declared unanimously carried and duly adopted.

REPORTS OF SPECIAL COMMITTEES

Stormwater Management (Advisory) Improvement Committee

Chairwoman Elisabetta DeGironimo reported that three (3) Committee members, the Highway Superintendent and Councilman Backman attended the December 14, 2010 Committee meeting. She noted that two (2) Committee members have had serious illnesses and she will contact them about their continued interest in serving on this Committee. The next Committee meeting has been tentatively set for January 20, 2011 at which time existing issues will be discussed:

- *Mallory Road*
- *Beechwood Road* (an uphill property owner not eager to do anything – will contact Oneida County Soil & Water Conservation to design a plan and see what can be worked out)
- *Sedgewick Park* (will recommend design under small projects if it meets criteria)
- *Whitetail Meadows* (retention pond did overflow and alleviated some problems that would have occurred had the pond not been there. Urge Town Board to purchase the parcel, make improvements and perhaps increase the capacity).

MATTERS SUBMITTED BY COUNCILMEN / TOWN ATTORNEY / DEPUTY TOWN SUPERVISOR

Councilman Woodland:

**Traffic Signal – Seneca Turnpike (aka NYS Route 5) intersection with Applewood-Cherrywood Boulevards**

Councilman Woodland was of the understanding that the Town Attorney had been investigating the status of a traffic signal to be installed on Seneca Turnpike at its intersection with Applewood and Cherrywood Boulevards. The Town Attorney confirmed that he had met with the NYS Department of Transportation (DOT) since

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August 2010 and has been informed that a three (3)-color traffic signal is now warranted as a result of a traffic study the State DOT performed. Also, with Applewood Boulevard now being a town road, the State could be responsible for the cost of the light...but with current budget woes,...money would probably not be available in the near future. There is the possibility of looking to the developer(s) to pay the cost...look to the GEIS area, clearly mitigation fees could be used to pay the cost of the traffic light. The Town Attorney suggested that if the Town Board feels this should proceed, the Town has collected mitigation fees and they could use a portion of the fees designated for traffic. Attorney Cully noted that the State DOT has agreed to perform a lot of the engineering and layout work, which reduces the cost of the light. In response to a Board member's question, the Town Attorney responded that the Seneca Turnpike-Applewood-Cherrywood intersection is a much busier intersection than in the early 1990's and that as of August 1, 2010 the State DOT has a warrant for the multi-traffic light.

Resident James Varieur was of the understanding that DOT had appropriated money for engineering on this project, which the Town Attorney confirmed. Another resident of the Applewood Community cited multiple conditions that could negatively impact public safety, namely, a 55-mile per hour speed limit, the volume of traffic that could be about 700 a day, the road layout, and the sun at certain times of day that could blind a person.

After further discussion, Councilman Woodland introduced the following Resolution for adoption; seconded by Councilwoman Krupa:

### **(RESOLUTION NO. 323 OF 2010)**

**WHEREAS**, in August 2010 the New York State Department of Transportation had determined that, as a result of a traffic study they had performed, a 3-color traffic signal is now warranted for the Cherrywood-Applewood Boulevard intersection with Seneca Turnpike (aka NYS Route 5); and

**WHEREAS**, said State Department of Transportation could be responsible for the cost of the traffic signal since Cherrywood and Applewood Boulevards are town roads intersecting with a State highway; and

**WHEREAS**, considering the current economic status of the New York State Budget, it is unlikely that state funds would be available in the near future to pay for the cost of the traffic signal;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize and direct that the cost of said traffic signal at the aforementioned intersection, estimated to be One Hundred Ten Thousand Dollars (\$110,000), be paid by

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the Town of New Hartford through use of mitigation fees from the Seneca Turnpike-Commercial Drive GEIS study corridor.

The Supervisor polled the Board members who voted as follows:

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

The Resolution was declared carried and duly adopted.

Deputy Town Supervisor:

**Technology and Computer Update**

A while ago, there had been discussion about e-mails, responsibilities and sending or receiving business-related e-mails from an employee's home computer. Deputy Supervisor Bohn gave a presentation on archiving e-mails. After some discussion, Board consensus was to move forward with this proposal.

The Town's computer system is in worse condition than previously thought. There was some mention of an inter-municipal agreement with the City of Rome, whose data processing is handled by M. Polce; the issue now is price – pretty good service. Town officials need to talk more with the City of Rome and needs to address the Town Police Department, which has some serious computer problems.

Town Attorney

**Consent Order – Oneida County Sewer District; Surcharge**

Discussion ensued about the Town's decision not to approve a surcharge on Town residents' quarterly water bills for calendar year 2010 to help cover sewer repairs but, instead, to use mitigation fees for calendar year 2010; refer to Resolution No. 50 adopted on January 27, 2010. The matter is coming up again in 2011 and the Town Supervisor will contact Steven Devan of the Oneida County Sewer District.

**MATTERS SUBMITTED BY TOWN SUPERVISOR**

Financial and other routine reports:

**Financial reports**

Supervisor Tyksinski had distributed the monthly financial reports to the Board members.

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**2010 Budget adjustments**

Supervisor Tyksinski introduced the following Resolution for adoption; seconded by Councilman Backman:

**(RESOLUTION NO. 324 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Finance Office Account Clerk to make the following 2010 budget adjustments:

*General Fund Whole-town*

<u>Account No.</u>	<u>Account Description</u>	<u>Increase</u>	<u>Decrease</u>
AA1110.13	Court Clerk	\$ 2,800.00	
AA1420.41	Leg Union Negotiations	13,000.00	
AA1420.04	Attorney Contractual		\$12,500.00
AA1990.04	Contingency		3,300.00
AA1910.04	Fire Insurance	\$10,429.18	
AA1990.04	Contingency		\$10,429.18
AA1670.04	Contractual	\$ 2,000.00	
AA1670.41	Maintenance Agreements		\$ 2,000.00
AA7020.01	Director	\$ 8,000.00	
AA7020.11	Foreman	5,500.00	
AA7020.13	Overtime		\$11,850.00
AA7020.14	Seasonal		1,650.00
AA7110.14	Seasonal	\$ 2,500.00	
AA7110.15	Recreation Worker	4,500.00	
AA7110.18	Recreation Worker	6,300.00	
AA7110.16	Overtime		\$10,585.00
AA7140.04	Contractual		2,715.00
AA7110.43	Veterans Park	\$ 7,656.13	
AA7140.11	Seasonal		\$ 7,656.13
AA9710.07	Serial Bond	\$42,000.00	
AA9710.08	Serial Bond		\$42,000.00

The Resolution was subject to a vote upon roll call:

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

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The Resolution was declared unanimously carried and duly adopted.

Supervisor Tyksinski then offered for adoption the following Resolution, which was duly seconded by Councilwoman Krupa:

**(RESOLUTION NO. 325 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Finance Office Account Clerk to make the following 2010 budget adjustments:

*General Fund Part-town*

<u>Account No.</u>	<u>Account Description</u>	<u>Increase</u>	<u>Decrease</u>
BB8020.44	Planner	\$ 12.57	
BB8160.04	Contractual Trash	7,000.00	
BB9050.08	Unemployment	10,030.00	
BB9010.08	Retirement		\$17,042.57.

Whereupon the Town Board members voted by roll call:

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

The Resolution was declared unanimously carried and duly adopted.

The Town Supervisor then offered for adoption the following Resolution, which was duly seconded by Councilman Woodland:

**(RESOLUTION NO. 326 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Finance Office Account Clerk to make the following 2010 budget adjustments:

*Police Fund*

<u>Account No.</u>	<u>Account Description</u>	<u>Increase</u>	<u>Decrease</u>
BP3120.14	School Traffic Officers (Guards)	\$ 8,000.00	
BP3120.15	Shift Differential	7,000.00	\$ 1,828.00
BP9050.08	Unemployment		1,000.00
BP9060.08	Health Insurance		12,000.00
BP3120.49	Comp Wages		172.00
BP1120.0	Sales Tax	\$30,000.00	
BP3120.04	Contractual	30,000.00	

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Whereupon the Town Board members voted by roll call:

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

The Resolution was declared unanimously carried and duly adopted.

Supervisor Tyksinski introduced for adoption the following Resolution, which was duly seconded by Councilwoman Krupa:

**(RESOLUTION NO. 327 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Finance Office Account Clerk to make the following 2010 budget adjustments:

*Highway Fund Part-town*

<u>Account No.</u>	<u>Account Description</u>	<u>Increase</u>	<u>Decrease</u>
DB5110.41	Stone	\$3,000.00	
DB9050.08	Unemployment	2,900.00	
DB5140.04	Brush and Weeds		\$5,900.00

The Town Board then voted upon roll call:

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

The Resolution was declared unanimously carried and duly adopted.

Supervisor Tyksinski then offered for adoption the following Resolution, which was duly seconded by Councilwoman Krupa:

**(RESOLUTION NO. 328 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Finance Office Account Clerk to make the following 2010 budget adjustments:

*Sewer Fund*

<u>Account No.</u>	<u>Account Description</u>	<u>Increase</u>	<u>Decrease</u>
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SS8110.41	Flow Credits	\$120,000.00	
SS8110.11	Foreman	\$ 3,000.00	
SS8110.04	Contractual		\$123,000.00

Whereupon the Town Board members voted by roll call:

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

The Resolution was declared unanimously carried and duly adopted.

**Cable Television Franchise – Rate increase**

Supervisor Tyksinski had received information from Time Warner Cable that rates will increase effective February 1, 2011.

New Business:

**Reclassification – Clerical position in Codes Department**

Upon information from Personnel Technician I Barbara Schwenzfeier, Councilman Backman introduced the following Resolution for adoption and Councilman Reynolds seconded same:

**(RESOLUTION NO. 329 OF 2010)**

**WHEREAS**, Dolores B. Shaw has retired as full-time Senior Office Specialist II in the Codes Department, effective November 26, 2010; and

**WHEREAS**, the Town Board is interested in appointing an individual to said vacancy but at a cost savings, as part of the retirement incentive the Board had offered in 2010;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby reclassify the position of full-time Senior Office Specialist II/Codes Department to full-time Office Specialist I in the Codes Department, effective immediately.

A roll call vote ensued:

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

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Councilman Reynolds - Aye  
Supervisor Tyksinski - Aye.

The Resolution was declared unanimously carried and duly adopted.

**Creation; Appointment – Engineering Department Coordinator**

Senior Engineering Technician John Meagher had retired at the end of November 2010, having participated in the Town’s early retirement incentive. Councilman Reynolds introduced the following Resolution for adoption and Councilwoman Krupa seconded same:

**(RESOLUTION NO. 330 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby create the part-time position of Engineering Department Coordinator effective upon approval by the Oneida County Personnel Department and in accordance with New York State Civil Service rules and regulations.

A roll call vote was duly held as follows:

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

The Resolution was declared unanimously carried and duly adopted.

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

**(RESOLUTION NO. 331 OF 2010)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby appoint Elisabetta DeGironimo to the part-time position of Engineering Department Coordinator effective January 1, 2011, in accordance with New York State rules and regulations.

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

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

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Supervisor Tyksinski - Aye.

The Resolution was declared unanimously carried and duly adopted. [NOTE: A salary or hourly rate had not been established.]

**2011 Salaries - Discussion**

Discussion ensued about salaries for 2011 and the Resolution adopted at the November 2010 Budget Hearing pertaining to a raise for non-union, non-elected employees but it wasn't clear whether part-time employees were to receive a Three Percent (3%) raise as well. It was consensus of the Town Board to give a Three Percent (3%) raise to part-time employees for 2011.

**New Business:**

**2011 Organizational Resolutions**

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

**(RESOLUTION NO. 332 OF 2010)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby establish the normal operating hours for the Town of New Hartford offices to be 8:00 A.M. through 4:00 P.M., Mondays through Fridays during Fiscal Year 2011;

**RESOLVED** that Patrick M. Tyksinski, Supervisor of the Town of New Hartford, New York, be and he hereby is authorized and directed to sign all checks for the disbursement of funds of the Town of New Hartford for the Fiscal Year 2011;

**RESOLVED** that the New Hartford Town Board does hereby re-adopt the "**TOWN OF NEW HARTFORD EMPLOYEES HANDBOOK**", prepared by AMTEK, dated September 15, 1999, and thereafter amended from time to time. Found within this manual is the official schedule of fringe benefits of non-union personnel for the year 2011. Also adopted herewith is the Non-union Benefits and Compensation document;

**RESOLVED** that the New Hartford Town Board does hereby establish the mileage rate at forty-six cents (\$.46) for all Town Officials and employees while performing regular and continuous business transactions in and for the Town of New Hartford during the Fiscal Year 2011;

**RESOLVED** that the Town Board of the Town of New Hartford does hereby designate as Official Depositories in which all funds of the Town of New Hartford shall be deposited in 2011 the following institutions:

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- Bank of America
- M & T Bank
- Chase Bank
- Citizens Bank
- Bank of New York
- NBT Bank, N.A.
- Adirondack Bank
- HSBC
- First Niagara

and that the Town Supervisor or Deputy Town Supervisor of said Town be and hereby is authorized and directed to secure a Pledge of Security covering the maximum amount of money the Town would have on deposit at any one time during the Fiscal Year 2011 from each of the Official Depositories designated. A written security agreement and custodial agreement (which can be combined into one document) must be obtained. The Town, however, will try to have delivery of the collateral to an unrelated third party. If this cannot be effected, then all pertinent legal and financial risks will be evaluated;

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize the Town Supervisor or Deputy Town Supervisor of the said Town to deposit funds not needed for immediate expenditures in the form of interest-bearing Certificates of Deposit, Repurchase Agreements, Treasury Bills and Money Market Certificates with the Official Depositories listed in the official Investment Policy of the Town, which policy is presented herein as a separate Resolution;

**RESOLVED** that the New Hartford Town Board does hereby appoint Patrick M. Tyksinski as Marriage Officer in and for the Town of New Hartford for a three-year term commencing January 1, 2011 and ending December 31, 2013, with no remuneration;

**RESOLVED** that the Town Board of the Town of New Hartford does hereby appoint the President of the New Hartford Historical Society as the Town's Historian for Fiscal Year 2011 at a contractual sum of \$3,700.00 payable to the Historical Society;

**RESOLVED** that the Rules of Procedure which were initially adopted April 21, 1965, and amendments thereto, are hereby affirmed and re-adopted by the New Hartford Town Board for Fiscal Year 2011 as set forth in the attached Schedule "A" that is made a part of this resolution;

**RESOLVED** that the New Hartford Town Board does hereby confirm the Supervisor's appointment of Matthew Bohn as Deputy Town Supervisor for a term of three (3) years commencing January 1, 2011 and ending December 31, 2013, with a corresponding stipend of One Thousand Dollars (\$1,000.) annually;

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**RESOLVED** that Matthew Bohn, Deputy Town Supervisor of the said Town be, and he hereby is authorized and directed to sign all checks for disbursements of funds of said Town for Fiscal Year 2011, in the absence of the Town Supervisor;

**RESOLVED** that the New Hartford Town Board does hereby authorize the Town Supervisor or Finance Officer Account Clerk to pay bills/expenses to National Grid, to the Mohawk Valley Water Authority, to all telephone carriers, to the Town's designated vendors for all insurance premiums, to Ford Credit, to Verizon On-line, to Time Warner Cable and to the United States Postal Service (electronic replenishing of postage meter) without prior final audit by the Town Board and does further authorize the Town Supervisor or Personnel Technician to pay bills/expenses to the New York State and Local Retirement Systems (Employees' Retirement System and Police and Fire Retirement System) for employer contributions without prior final audit by the Town Board;

**RESOLVED** that the New Hartford Town Board does hereby re-adopt the Purchasing Policies and Procedural Manual, originally adopted on January 1, 1992 and revised on January 1, 2006.

**RESOLVED** that the New Hartford Town Board does hereby re-adopt the Official Investment Policy for the Town of New Hartford originally adopted on March 3, 1993 and in accordance with Chapter 708 of the Laws of 1992;

**RESOLVED** that the Town Board of the Town of New Hartford does hereby designate The Observer Dispatch as the Town's official newspaper for Fiscal Year 2011.

**SCHEDULE "A"**  
**RULES OF PROCEDURE**

**I. REGULAR MEETINGS:**

Regular meetings of the New Hartford Town Board shall be held in Butler Memorial Hall, 48 Genesee Street, New Hartford, New York on the following Wednesdays commencing at 7:00 P.M. for the Fiscal Year 2011, unless otherwise changed and publicized:

January 12 & January 26  
February 9 & February 23  
March 9 & March 23  
April 13 and April 27  
May 11 and May 25  
June 15, July 13,  
August 17

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September 14 and September 28  
October 5 and October 26  
November 9 and November 16  
December 14 and December 21

The Town Board reserves the right to dispense with the second regularly-scheduled meeting each month if no urgent matters need the Town's attention; if cancelled, notice shall be provided to the Department Heads and the news media by the Friday immediately preceding the meeting to be cancelled.

### **II. SPECIAL MEETINGS:**

The Supervisor may, and upon written request of two (2) members of the Board, call a special meeting of the Town Board at any time by giving at least two (2) days' notice in writing to the other members of the Board of the time when and the place where the meeting is to be held.

### **III. QUORUM:**

A majority of the Board shall constitute a quorum for the transaction of business, but a lesser number may adjourn.

### **IV. VOTING UPON QUESTIONS:**

Every act, motion or resolution shall require for its adoption the affirmative vote of a majority of all members of the Town Board, except in such instances in which a large number of affirmative votes shall be required by law. The vote upon every question shall be taken by ayes and nays, and the names of the members present and their votes shall be entered in the minutes.

### **V. STANDING COMMITTEES:**

The Supervisor shall appoint the following Standing Committees:

- Assessor
- Elections
- Human Resource
- Motor Pool
- Parks and Recreation
- Public Safety and Courts
- Public Works and Sewer
- Senior Citizens
- Town Clerk
- Village/Town/School Liaison
- Zoning and Planning
- Library

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Such Committees shall consist of members of the Board and shall assist the Town Board in the performance of its duties with reference to such matters as may from time to time be referred to such Committees.

### **VI. SPECIAL COMMITTEES:**

The Town Board may, from time to time, appoint such Special Committees as may be deemed desirable to assist the Board in performance of its duties. Such Committees may include Town Officers other than Board members in their membership in an advisory capacity only.

- Each group is to consist of at least one (1) Town Board member and one (1) Department Head, which act in an ADVISORY CAPACITY only, unless prohibited by law
- Each group is to have at least
  - A written list of objectives
  - A Chairperson who is to be recommended by the group's members and submitted to the Town Board for approval. Duties of Chairperson shall include:
    1. Chair open meetings
    2. Act as the official spokesperson for said group
  - Vice-Chairperson is to be appointed directly by the group members. Duties of Vice-Chairperson shall include:

Assume the duties of the Chairperson in his/her absence
  - Maximum number of members to be determined by the Department Head. Unexcused absence from four (4) consecutive meetings is cause for removal of member(s) by the Chairperson
  - If possible, each group shall consist of one member from each of the four (4) Wards in the Town. Selection of Members:
    1. Participation shall be based on written request to the Department Head for consideration.
    2. Appointed by the Town Board
    3. If there are more volunteers than openings, membership shall be determined by the Department Head who shall consider:

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- i. Resume or list of qualifications
  - ii. Personal interview
- Term limits not to exceed two (2) four-year terms, which shall be staggered
- Remuneration to members shall require Town Board budget approval
- Department Heads shall maintain a list of all appointments and terms which shall be reviewed annually with the Town Board and filed with the Town Clerk's Office
- This policy EXCLUDES:
  - Zoning Board of Appeals
  - Planning Board
  - Board of Assessment Review
  - Police Commission.

In the event of vacancies on the Zoning Board of Appeals or Planning Board, the respective Board shall receive and review applications, conduct interviews, and make written recommendation to the Town Board as to the person best qualified to fill the vacancy.

### **VII. ORDER OF BUSINESS:**

The business of all regular meetings of the Town Board shall be transacted in the following order:

- Reading of minutes of previous meeting, unless waived by a majority of the members of the Board present
- Public Hearings (7:00 P.M.)
- Consideration of Public Presentations
- Reports of Town Officials presented by the Chairperson of the respective Standing Committee
- Reports of Standing Committees
- Reports of Special Committees
- Consideration of matters submitted by Town Board members
- Consideration of matters submitted by Town Supervisor in the following order:
  - Financial and other routine reports
  - Miscellaneous communications

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- Unfinished business
- New business.

### **VIII. LEGISLATIVE MATTERS:**

All resolutions, ordinances and local laws, other than routine resolutions approving payment of bills, minutes and like matters, shall be in writing and filed with the Town Clerk and made available to Board members not later than the Saturday prior to the meeting at which they are to be introduced unless this provision be waived as to any such resolution, ordinance or local law by a majority of the members of the Board present at such meeting.

Resolutions, ordinances and local laws shall be introduced in the regular order of business and shall be read aloud by the Town Clerk before being acted upon by the Board.

### **IX. ABSENCE OF SUPERVISOR:**

In the absence of the Supervisor, the Deputy Supervisor shall call the Town Board to order and shall be Chairman of the meeting; and, in the absence of the Supervisor and the Deputy Supervisor, then the Town Clerk shall call the Town Board to order and if a quorum be present, the Town Board shall elect one of its members as Chairman of the meeting.

### **X. MEMBERS MAY NOT ABSENT THEMSELVES:**

No member of the Town Board may absent himself from a meeting of the Town Board for more than ten (10) minutes at a time unless for good cause he is excused by the Supervisor.

### **XI. REFUSAL TO VOTE:**

Each member of the Board shall vote upon each question presented unless for good cause he is excused therefrom by the unanimous consent of all members of the Board present. Any member refusing to vote other than by consent of the Board shall be subject to a motion of censure.

### **XII. PARLIAMENTARY RULES:**

Except as otherwise provided herein, all parliamentary questions shall be decided in accordance with the latest edition of Roberts' Rules of Order, revised, for deliberative assemblies.

### **XIII. SUSPENSION OF RULES:**

Any rule of the Town Board may at any time be temporarily suspended for special reasons by a majority vote of all of the members of the Town Board present at a meeting

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thereof. No permanent alteration may be made except by resolution in writing duly filed with the Town Clerk prior to the meeting at which such amendment is introduced.

The Town Board 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*.

**Appointment – Town Attorney**

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

**(RESOLUTION NO. 333 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby appoint Herbert J. Cully as Town Attorney commencing January 1, 2011 and at the pleasure of the Town Supervisor whose term of office expires December 31, 2013.

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*.

**Amendment – Agreement Allocating PILOT Payments/the Ryan Companies (The Hartford)**

The Town Supervisor announced that the amendment to the above PILOT Agreement had been passed by the Oneida County Board of Legislators a couple weeks ago and was passed by the New Hartford Central School District last night. A copy will be delivered to Shauna of the Oneida County Industrial Development Agency and the Town will receive reimbursement for monies expended with regard to this matter.

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**Dispatch Union Negotiations – Health Insurance Premiums**

During union negotiations, discussion with Special Counsel Peter Jones revealed that the Dispatch Contract contained a requirement that employees pay Fifteen Percent (15%) of their health insurance premiums. The contract was signed in 2006 but the Town never collected that 15%. Since this just came to light, the Town Supervisor requested permission to have the Town Attorney look into this and why this requirement was not applied. Consensus of the Town Board was to authorize the Town Attorney to proceed with his investigation.

**2011 Salary Schedule**

After reviewing the proposed 2011 Pay Schedule submitted by the Personnel Technician, Councilman Reynolds offered the following Resolution for adoption, seconded by Councilman Woodland:

**(RESOLUTION NO. 334 OF 2010)**

**WHEREAS**, Town Law, Section 27, provides that the Town Board of each town shall fix, from time to time, the salaries of all officers, officials and employees of said town, whether elected or appointed, and determine when the same shall be payable;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby approve and establish the following Schedule of 2010 Salaries for the employees and officials of the Town of New Hartford, payable in the manner designated:

<b><u>Title and Name</u></b>	<b><u>2011 Base</u></b>	<b><u>2011 Salary</u></b>	<b><u>Manner of Payment</u></b>
Councilman Donald C. Backman		\$ 6,165	bi-weekly
Councilwoman Christine G. Krupa		\$ 6,165	bi-weekly
Councilman David M. Reynolds		\$ 6,165	bi-weekly
Councilman Richard B. Woodland, Jr.		\$ 6,165	bi-weekly
Town Justice James VanSlyke		\$17,965	bi-weekly
Senior Justice James VanSlyke		\$ 2,500	bi-weekly
Town Justice William M. Virkler		\$17,965	bi-weekly
Clerk to Court Justice Ann Rose	\$18.42/hr		bi-weekly
Court Attendant Robert Bramhall	\$26.72/hr		bi-weekly
Clerk to Court Justice Donna Fanelli	\$14.88/hr		bi-weekly
Part-time Clerk Mary Kennedy	\$11.81/hr		bi-weekly
Supervisor Patrick M. Tyksinski		\$14,795	bi-weekly
Deputy Town Supervisor Matthew Bohn		\$ 1,000	bi-weekly
Account Clerk Carol Ryan	\$21.48/hr		bi-weekly
Account Clerk Janice O’Sullivan	\$16.48/hr		bi-weekly
Receiver of Taxes Hilarie C. Elefante		\$26,098	bi-weekly
Deputy Receiver of Taxes Kathleen Glenn		\$13,842.17	bi-weekly
Assessor Paul E. Smith	\$27.84/hr		bi-weekly
Real Property TSA Teresa Brown	\$15.01/hr		bi-weekly

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<u><i>Title and Name</i></u>	<u><i>2011 Base</i></u>	<u><i>2011 Salary</i></u>	<u><i>Manner of Payment</i></u>
BAR Member Krista Pembroke		\$ 700	annually
BAR Chairman Duane C. Farr		\$ 800	annually
BAR Member Nina Caporale		\$ 700	annually
BAR Member Edward Goggin		\$ 700	annually
BAR Member Jonathan Purdy		\$ 700	annually
Town Clerk Gail Wolanin Young		\$37,576	bi-weekly
Deputy Town Clerk I Melody K. Fancett	\$12.37/hr		bi-weekly
Deputy Town Clerk II Andrea K. Toomey	\$13.96/hr		bi-weekly
Clerk Part-time Shelby Bohling	\$ 7.98/hr		bi-weekly
Personnel Technician II Barbara Schwenzfeier	\$24.52/hr		bi-weekly
Town Attorney Herbert J. Cully		\$51,500	bi-weekly
Cleaner Part-time Roger Jones	\$ 9.51/hr		bi-weekly
Cleaner, Part-time Sub Lewis Smith	\$10.10/hr		bi-weekly
*Police Chief Michael Inserra	\$43.75/hr		All Police bi-weekly
*Police Lieutenant Timothy O'Neill	\$36.17/hr)		
*Police Officer Andrew Allen	\$26.00/hr)		*Police
*Police Officer Christopher Burns	\$25.37/hr)		
*Police Officer Peter Colburn	\$28.36/hr)		Salaries
*Police Officer W. Jason Freiberger	\$26.43/hr)		
*Police Officer Justin Gehringer	\$26.00/hr)		Currently
*Police Officer Daniel G. Herman	\$26.28/hr)		
*Police Officer James Hyatt II	\$25.80/hr)		Under
*Police Officer Francis A. Manfredo	\$25.18/hr)		
*Police Officer Jarold T. Petrie	\$26.00/hr)		Negotiations
*Police Officer Brad Pietryka	\$27.78/hr)		
*Police Officer Matthew J. Sica III	\$25.37/hr)		Union
*Police Officer Jordan Spinella	\$26.62/hr)		
*Police Officer Shane Yoxall	\$25.37/hr)		Contract
*Police Officer Part-time Scott Adsit	\$25.18/hr)		
*Police Officer Part-time Daniel Buley	\$25.18/hr)		Expired
*Police Officer Part-time Raymond Hamo	\$25.18/hr)		
*Police Officer Part-time Andrew Miller	\$25.18/hr)		12/31/2008
*Police Officer Part-time Michael Reilly	\$25.18/hr)		
*Police Officer Part-time Patrick Sacco	\$25.18/hr)		
*Police Sergeant Ronald Fontaine, Jr.	\$31.51/hr)		
*Police Sergeant Michael Kowalski	\$30.89/hr)		
*Police Sergeant Robert Philo	\$30.84/hr)		
School Crossing Guard Rosemari Bennett	\$ 8.94/hr		bi-weekly
School Crossing Guard MaryAnn Jordan	\$ 8.94/hr		bi-weekly
School Crossing Guard Jacqueline Mosakowski	\$ 8.94/hr		bi-weekly
School Crossing Guard Part-time Lewis Smith	\$ 8.94/hr		bi-weekly
School Crossing Guard Part-time (Subs):			
Bernard Green	\$ 8.94/hr		bi-weekly
Susan Jordan	\$ 8.94/hr		bi-weekly
Patricia Randall	\$ 8.94/hr		bi-weekly
Thomas V. Randall	\$ 8.94/hr		bi-weekly
Tina Ryan	\$ 8.94/hr		bi-weekly
James Wilcox	\$ 8.94/hr		bi-weekly
Mary C. Wilcox	\$ 8.94/hr		bi-weekly

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<u><i>Title and Name</i></u>	<u><i>2011 Base</i></u>	<u><i>2011 Salary</i></u>	<u><i>Manner of Payment</i></u>
**Senior Account Clerk Typist Michele Moran	\$17.27/hr	**Under Negotiations	bi-weekly
**Senior Clerk Amy Topor	\$17.03/hr	Union Contract	bi-weekly
**Senior Typist Susan M. Donnenwirth	\$13.67/hr	Expires 12/31/2009.....	bi-weekly
Clerk Part-time Joseph E. Crandall, Jr.	\$ 9.25/hr		bi-weekly
Animal Control Officer Nicholas J. Morosco	\$19.48/hr		bi-weekly
ACO Part-time Joseph Zwijacz	\$12.31/hr		bi-weekly
ACO Part-time James Zwijacz	\$12.31/hr		bi-weekly
Clerk Candy J. Currier	\$14.91/hr		bi-weekly
Highway Superintendent Richard Sherman		\$42,720	bi-weekly
Clerk Part-time Ruth Irwin	\$ 7.98/hr		bi-weekly
Clerk Sub Mary Bolton	\$ 8.72/hr		bi-weekly
Meal Site Manager Sub Marjorie Anweiler	\$11.31/hr		bi-weekly
Clerk Sub Marjorie Anweiler	\$ 7.98/hr		bi-weekly
Food Service Helper Part-time John "Jack" Jecko	\$ 9.51/hr		bi-weekly
Food Service Helper Sub Carol Burney	\$ 8.72/hr		bi-weekly
Food Service Helper Sub Philip Talento	\$ 8.22/hr		bi-weekly
Meal Site Manager Part-time Theresa Hock	\$11.31/hr		bi-weekly
Senior Citizen Center Coordinator M. Eileen Spellman	\$18.63/hr		bi-weekly
Clerk Typist Maureen Owens	\$19.58/hr		bi-weekly
Youth Employment Director Maureen Owens		\$5,670	bi-weekly
Director of Recreation Center John C. Cunningham	\$25.03/hr		bi-weekly
Director of Recreation Programs Michael Jeffery	\$28.63/hr		bi-weekly
Laborer Sheldon Gordon	\$11.48/hr		bi-weekly
Recreation Maintenance Worker James Miller	\$14.21/hr		bi-weekly
Recreation Maintenance Worker Michael K. Natale	\$15.78/hr		bi-weekly
Recreation Maintenance Worker John Randall	\$15.78/hr		bi-weekly
Recreation Maintenance Worker Robert Ahrendsten	\$13.81/hr		bi-weekly
Working Supervisor Brian Jenny	\$20.43/hr		bi-weekly
Working Supervisor James R. Campbell	\$17.25/hr		bi-weekly
Registrar of Vital Statistics Gail Wolanin Young		\$11,098	bi-weekly
Deputy Registrar of Vital Statistics Robin L. Brindisi	\$18.10/hr		bi-weekly
Assistant Codes Enforcement Officer Thomas Rowlands	\$20.30/hr		bi-weekly
Codes Enforcement Officer Joseph A. Booth	\$41.96/hr		bi-weekly
Zoning Enforcement Officer Part-time Carmen Anthony Luppino	\$20.60/hr		bi-weekly
Codes Enforcement Officer Part-time Anthony Klimek		\$20,600	bi-weekly
Office Specialist I Part-time Dolores B. Shaw	\$10.99/hr		bi-weekly

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<u><i>Title and Name</i></u>	<u><i>2011 Base</i></u>	<u><i>2011 Salary</i></u>	<u><i>Manner of Payment</i></u>
Zoning Board of Appeals Chairman Randy Bogar		\$ 2,500	semi-annual
ZBA Member Frederick Kiehm		\$ 1,250	semi-annual
ZBA Member John Montrose		\$ 1,250	semi-annual
ZBA Member Robert Schulman		\$ 1,250	semi-annual
ZBA Member Julius V. Fuks, Jr.		\$ 1,250	semi-annual
ZBA Member Timothy Tallman		\$ 1,250	semi-annual
ZBA Member Karen Stanislaus		\$ 1,250	semi-annual
Planning Board Chairman Elias J. DeLia		\$ 2,500	semi-annual
Planning Board Member Jerome F. Donovan		\$ 1,250	semi-annual
Planning Board Member G. Brymer Humphreys		\$ 1,250	semi-annual
Planning Board Member Ellen Rayhill		\$ 1,250	semi-annual
Planning Board Member (vacancy)		\$ 1,250	semi-annual
Planning Board Member Margaret Rotton		\$ 1,250	semi-annual
Planning Board Member Robert A. Wood		\$ 1,250	semi-annual
Automotive Mechanic Kim Griffith	\$29.73/hr)		bi-weekly
Automotive Mechanic Gerald Webb	\$29.19/hr)	Currently	bi-weekly
Automotive Mechanic Thomas Smith	\$22.95/hr)		bi-weekly
Heavy Equipment Operators:			
Michael L. Coonradt	\$24.08/hr)		bi-weekly
Robert J. Dziedzic	\$24.32/hr)		bi-weekly
Corey Halpin	\$23.96/hr)	Under	bi-weekly
William Marshall	\$25.42/hr)		bi-weekly
Kevin W. Martin	\$24.37/hr)		bi-weekly
Christopher R. Moran	\$23.96/hr)		bi-weekly
Norman Naber	\$24.85/hr)		bi-weekly
Michael Roberts	\$24.32/hr)		bi-weekly
William Smith	\$25.39/hr)	Union	bi-weekly
Michael Smoulcey	\$23.96/hr)		bi-weekly
Laborer Christopher Budlong	\$14.85/hr)		bi-weekly
Laborer James Hinman	\$14.42/hr)		bi-weekly
Laborer Kevin Mathews	\$14.85/hr)		bi-weekly
Laborer Jeremy Waterman	\$14.20/hr)	Negotiations	bi-weekly
Motor Equipment Operator Jesse Conhaim	\$20.46/hr)		bi-weekly
Motor Equipment Operator Douglas W. Gehringer	\$25.47/hr)		bi-weekly
Bryon Rich	\$20.46/hr)	Expired	bi-weekly
David J. DeBlois	\$21.55/hr)		bi-weekly
Joseph G. Fletcher	\$22.82/hr)		bi-weekly
Keith Gehringer	\$20.46/hr)		bi-weekly
John Kelly	\$20.64/hr)	12/31/10	bi-weekly
Jeffery M. Mundrick	\$20.76/hr)		bi-weekly
Thomas S. Panzone, Jr.	\$20.70/hr)		bi-weekly
Brian Smith	\$20.58/hr)		bi-weekly
Timothy Solan	\$20.82/hr)		bi-weekly
Sewer Superintendent Richard Sherman		\$17,280	bi-weekly

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

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

The Resolution was declared carried and duly adopted.

**Appointment – Zoning Board of Appeals’ Chairman**

The Town Supervisor reported that Randy Bogar, whose term as Chairman of the Zoning Board of Appeals ends on December 31, 2010, has indicated his interest in re-appointment. Councilman Krupa then introduced the following Resolution for adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. 335 OF 2010)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby re-appoint Randy Bogar as Chairman of the Zoning Board of Appeals for a one-year term commencing January 1, 2011 and ending December 31, 2011.

The Board then voted upon roll call:

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

The Resolution was declared unanimously carried and duly adopted.

**Appointment – Planning Board Chairman**

Councilman Reynolds introduced the following Resolution, which was duly seconded by Councilman Woodland:

**(RESOLUTION NO. 336 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby re-appoint Elis J. DeLia as Chairman of the Planning Board for a one-year term commencing January 1, 2011 and ending December 31, 2011.

Discussion ensued after which a roll call vote was taken:

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

The Resolution was declared unanimously carried and duly adopted.

**Vacancy; Appointment – Planning Board Member**

The term of office of Elisabetta DeGironimo as a member of the Planning Board will expire December 31, 2010; as she will be accepting a part-time position with the Town in the Engineering Department and therefore, there will be a Planning Board vacancy as of January 1, 2011. After some discussion among Board members, Councilman Backman introduced the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 337 OF 2010)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby appoint Julius V. Fuks, Jr. as a member of the Town Planning Board, filling the position formerly held by Elisabetta DeGironimo whose term will end December 31, 2010, said appointment being effective upon Mr. Fuks' resignation as a Zoning Board of Appeals member and for a term to expire December 31, 2017.

The Supervisor polled the Board members who voted as follows:

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

The Resolution was declared unanimously carried and duly adopted. Councilman Backman suggested that the Zoning Board of Appeals' vacancy then be advertised in The Observer Dispatch and Town's website, with the intent of filling that vacancy at the January 26, 2011 Town Board meeting.

**EXECUTIVE SESSION**

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

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**(RESOLUTION NO. 338 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the possible acquisition of real estate which, if disclosed to the public, would affect the Town's ability to secure the property at a fair value.

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**. All persons present, including the news media and Department Heads, were then excused from the meeting at 8:34 P.M. The Town Attorney and Deputy Supervisor remained for the Executive Session.

The Town Attorney provided the following transcription on Thursday, December 23, 2010.

END OF EXECUTIVE SESSION

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

**(RESOLUTION NO. 339 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 9:28 P.M. The regular portion of the Town Board meeting was immediately reconvened.

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**Eminent Domain – Acquisition of Real Property**

Thereafter, the Town Supervisor offered the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 340 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Attorney to initiate proceedings under Eminent Domain Law to acquire real property necessary to complete the Clinton Street Extension for the NYS Route 840 Break-in Access.

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

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

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

**ADJOURNMENT**

There being no further business to come before the Town Board, upon motion of Councilwoman Krupa and seconded by Councilman Reynolds, the meeting was adjourned at 9:30 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk