

**REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF NEW HARTFORD, NEW YORK  
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN  
ON WEDNESDAY, MARCH 10, 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 Supervisor Matthew Bohn II  
Dispatch Supervisor Jeffrey P. Madden  
Highway Superintendent Richard C. Sherman  
Lt. Timothy P. O'Neill  
Parks and Recreation Director Michael W. Jeffery  
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

**February 24, 2010 Town Board minutes**

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

**(RESOLUTION NO. 77 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 February 24, 2010 and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

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

PUBLIC PRESENTATIONS (Public Comment)

The Town Supervisor inquired if anyone present wished to make any public statements; no one came forth.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRMAN

Parks and Recreation Standing Committee – Councilman Reynolds:

**Local Law Introductory “A” of 2010 – No Parking; Schedule Public Hearing**

After a safety issue had been brought to the attention of the Parks and Recreation Director, he had drafted legislation to prohibit parking in a specific area at the Washington Mills Athletic Park; Councilman Reynolds stated that the Police Department and Town Attorney had reviewed the proposed legislation, copies of which had been distributed to Town Board members. Thereafter, Councilman Woodland introduced the following legislation for the Town Board’s consideration at a future Public Hearing, co-sponsored by Councilman Backman:

**Town of New Hartford, New York  
Local Law Introductory “A” of 2010**

A Local Law to amend the Code of the Town of New Hartford, **Chapter 113** thereof entitled **Vehicles & Traffic**, by amending Section 113-27, semi-public parking areas and driveways and specifically relating to the Washington Mills Athletic Park.

BE IT ENACTED by the Town Board of the Town of New Hartford as follows:

**Section 1.** Chapter 113 of the Code of the Town of New Hartford, Section 113-27, Semi-Public Parking Areas and Driveways, is hereby amended as follows:

Section 113-27. Semi-public parking areas and driveways

Add the following Subparagraph:

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G. Washington Mills Athletic Park, 3695 Oneida Street, Washington Mills, New York.

(1) Parking Prohibited:

- a) Fire lane located adjacent to Field #1 beginning on the northeastern corner of the Athletic Park parking lot, proceeding west 60' to the northwestern corner of same lot. Fire lane shall continue 400' in a southern direction on the western side of the parking lot to a point 15' beyond the inside corner of the main lot. The fire lane will then proceed in a westerly direction to end at the northwestern corner of the main parking lot adjacent to the restrooms and concession area as designated on a map of the Athletic Park dated March 3, 2010 which map is on file with the Office of the Town Clerk.

**Section 2.** All other provisions of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

**Section 3.** This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

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

**(RESOLUTION NO. 78 OF 2010)**

**RESOLVED** that the Town Board of the Town of New Hartford shall conduct a Public Hearing on Wednesday, **March 24, 2010 at 7:00 P.M.**, or as soon thereafter as reached in the regular course of business, in Butler Memorial Hall, 48 Genesee Street, New Hartford to consider **Local Law Introductory "A" of 2010** which, if adopted, would amend the Code, **Chapter 113** thereof entitled **VEHICLES & TRAFFIC** by establishing a no parking zone along a specific area within the Washington Mills Athletic Park; and be it

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

A roll call vote ensued:

Councilwoman Krupa	-	Aye
Councilman Reynolds	-	Aye

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Councilman Woodland - Aye  
Councilman Backman - Aye  
Supervisor Tyksinski - Aye.

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

**2010 Summer Program Fees**

Councilman Reynolds reviewed proposed fee increases for various summer programs, i.e., playgrounds, splash pad and summer theatre. Discussion ensued about the largest increase, that being for the playground program with the first child of a family being increased to \$90 for the 6-week program (formerly \$40), \$70 for the 2<sup>nd</sup> child of a family (formerly \$30), and \$35 for the 3<sup>rd</sup> child of a family (formerly \$15). Councilwoman Krupa stated that the increased fees had been allocated in the 2010 Annual Budget. While the playground fees are the same as in the 2010 Budget, the Parks and Recreation Director said the summer theatre fees are not. Councilman Backman believed the Town should reconsider the large increase in the 6-week playground program for 2010 and go with a “step” program and to implement the remainder of the fee increase in 2011. During the 6-week playground program, the Director noted that children must be registered, are supervised by Town staff and a responsible adult is required to drop off the child(ren) at 8:45 A.M. and pick up the child(ren) by 4:15 P.M. Supervisor Tyksinski understood that this is still a small percentage of what the Town expends each year for the playground program, an extensive program with indoor and outdoor activities and weekly trips. He believes \$90 for a 6-week program is a deal. While Councilman Backman agreed about the monetary worth, he said he was uncomfortable doubling the cost in one year. Parks and Recreation Director Jeffery acknowledged this is a big raise but one that is needed to help cover the Town’s expenses. Councilman Backman did acknowledge the level of supervision and managerial support for these programs. The Director said the Town might lose some revenue with multi-children but if registrations fall short, the Town will save money on expenses. Thereafter, Councilman Reynolds offered the following Resolution for adoption; seconded by Councilwoman Krupa:

**(RESOLUTION NO. 79 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby approve and adopt the following fee schedules for the programs listed, effective March 10, 2010:

**Summer Playground Programs (New Hartford Residents only)**

Six (6) week Program

1 <sup>st</sup> Child	-	\$90.00
2 <sup>nd</sup> Child	-	\$70.00
3 <sup>rd</sup> Child	-	\$35.00
4 <sup>th</sup> Child	-	No Charge

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**Summer Theatre** - \$10.00 per person

**Splash Pad**

Daily admission fee - \$ 1.00 per person

Season pass (**New Hartford Residents only**)

Individual - \$10.00

Family - \$20.00

Group admission (**permit required New Hartford groups**)

New Hartford groups of 20  
or more individuals - \$20.00

Non-New Hartford groups, 20 or  
more individuals with a  
maximum of 40 users at  
a time - \$40.00

**Field User Fees**

Tournament Fee (**New Fee**)

New Hartford youth groups - \$125.00

Non-New Hartford youth groups \$200.00.

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.

This Resolution was declared unanimously carried and duly **ADOPTED**. There were no changes in fees for the Dog Run, Pavilion rentals and regular Field user fees, Recreation Center and Parks special event fees and the Swim Program. The Parks and Recreation Director is still completing his analysis on recreation center fees for ice time and will be recommending increases in the near future.

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

**Highway Reports**

Councilman Backman gave the following report for February 2010 for the Highway Department:

- Approximate total miles traveled (snowplows & sanders) – 7,688.5
- Approximate total – salt from Sanger Public Works Garage – 1,042

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- Approximate total – salt/Washington Mills Shed site - 123
- Mixed salt/sand – both locations - 237.

**Award of Competitive Bid – Arlington Terrace Sewage Pump Station, Contract 4 Upgrade**

Councilman Backman reviewed the base bids received February 26, 2010 for the upgrade of the Arlington Terrace Sewage Pump Station read bids:

- Bat-Con, Inc - \$149,000
- Steven Miller General Contractors - \$132,000
- Central NY Construction, Inc. - \$148,600
- Wilkins Mechanical, Inc. - \$124,955
- Henderson Bros., Inc. - \$166,428.

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

**(RESOLUTION NO. 80 OF 2010)**

**WHEREAS**, the Town Superintendent of Highways did, on the 10th day of March 2010, duly recommend the purchase of certain improvements to the Arlington Terrace Sewage Pump Station;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby accept the low bid of and award the contract to Wilkins Mechanical, Inc., P. O. Box 220, Warners, New York, as per their base bid submitted in the amount of One Hundred Twenty-four Thousand Nine Hundred Fifty-five Dollars (\$124,955) for the above-referenced sewer project, subject to any deduct amounts listed as Alternates in their bid. Upon receipt of the appropriate insurance documents, a contract for the improvement shall be duly executed between the Town of New Hartford and such vendor and then shall become effective. When the contract has been executed and approved, and upon completion of the improvements, the Town Supervisor shall pay the amount of \$124,955 from budgetary appropriations.

Upon roll call, the Town Board voted as follows:

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

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

**2010 Roadside Mowing Agreement – Insurance on County Mower**

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

**(RESOLUTION NO. 81 OF 2010)**

**WHEREAS**, by Resolution No. 71 adopted by the New Hartford Town Board on February 24, 2010, said Town Board authorized the Town Supervisor to enter into and to execute the Roadside Mowing Agreement between the Town of New Hartford and the County of Oneida for the 2010 Summer Season; and

**WHEREAS**, said Roadside Mowing Agreement requires the Town of New Hartford to provide insurance coverage for the County's mower;

**NOW, THEREFORE, BE IT RESOLVED** that the said Town Board does hereby authorize and direct the Town Clerk to arrange for insurance coverage for the County's 2001 Alamo, Model Grass King Mower, Serial No. RHGK 01360, (Co. #4075), on a calendar basis for an estimated cost not to exceed Thirty Dollars (\$30) annually.

The Resolution was then voted upon by roll call:

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

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

**Town/Village Pavement Marking Agreement with Oneida County**

Councilman Backman offered the following Resolution for adoption and Councilman Woodland seconded same:

**(RESOLUTION NO. 82 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 the 2010 Town/Village Pavement Marking Agreement (fka Road Striping Agreement) between the Town of New Hartford and the Oneida County Department of Public Works wherein said County will

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provide road striping within the Town and the Town will supply all supervision to stripe Town roads, as more fully described in said Agreement.

Discussion ensued; the Town will pay for the paint and the Highway Superintendent confirmed the paint has been budgeted for 2010. This procedure worked fine last year. The Town will perform forty (40) hours of ditching on County Highways at the rate of \$275 per hour). Town Attorney Cully reviewed the Town Clerk's March 8, 2010 e-mail after which the Board members voted as follows:

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

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

**2010 Cab & Chassis/Sewer Vacuum Body**

The new sewer truck that had been competitively bid in 2009 will be delivered the week of March 15, 2010. Upon delivery of the new vehicle, the Town's 2004 Sterling Tank, VIN 2FZHAZDE74AN30442, will be relinquished as the designated trade-in and insurance coverage will be terminated.

**Highway Crews – Shift Work**

After speaking with the Highway Superintendent today, Councilman Backman apprised the Board that the Highway crew winter shifts are scheduled to end on Monday, April 5, 2010; but if the area experiences a big snowstorm, it will need to change.

**Parks and Recreation Standing Committee (Cont'd)**

**License Agreement – Recreation Center Concession (The Skaters Edge)**

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

**(RESOLUTION NO. 83 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute the Recreation Center Concession Agreement for the period of July 1, 2010 through June 30, 2013 between the Town of New Hartford and The Skaters Edge, the latter of whom will provide hockey and figure skating sharpening services and skating related equipment during the aforementioned period.



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The Skaters Edge has provided the Town with the appropriate Certificate of Insurance. Deputy Supervisor Bohn stated that several businesses had been contacted about submitting a Request for Proposal for the skate sharpening concession but basically declined due to the financial commitment of purchasing skates as well as the time commitment. Thereafter, the Town Board voted as follows:

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

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

Town Clerk Standing Committee – Councilwoman Krupa

**Training - Oneida County Association of Towns Meeting**

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

**(RESOLUTION NO. 84 OF 2010)**

**WHEREAS**, Section 77-b of the General Municipal Law allows the governing board of municipalities to authorize any officer or employee to attend a convention, conference or school conducted for the betterment of such municipality;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby grant permission to Supervisor Tyksinski, Deputy Supervisor Bohn, Town Attorney Cully, Town Clerk Young, Councilman Backman, Highway Superintendent Sherman and Assessor Smith to attend the Oneida County Association of Towns Quarterly Business Meeting on March 16, 2010 in Rome, NY with expenses to be borne by said Town as budgeted; the main topic will be “Retirement Reporting – the New State Rules”.

The Resolution was voted upon by roll call as follows:

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

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

Senior Citizens Standing Committee – Councilman Woodland

**Special Event – March 17, 2010**

In behalf of the Director of Senior Services, Councilman Woodland reported that a traditional St. Patrick’s Day luncheon of corned beef and cabbage would be served after the flag ceremony honoring the local fire, police and highway departments.

Zoning & Planning Standing Committee – Councilman Woodland

**Pre-Development Agreement/MOU – Seneca Turnpike Liquors**

Town Attorney Cully had recently reviewed the Pre-Development Agreement for Seneca Turnpike Liquors that had been prepared by the Planner in early Fall of 2009 with subsequent changes having been made by then-Town Attorney Gerald Green in November 2009; the revised Agreement, with no sunset clause, had never been formally executed or approved. The Town Attorney recommended that the Agreement be approved with no sunset clause. Thereafter, Councilman Woodland introduced the following Resolution for adoption; seconded by Councilwoman Krupa:

**(RESOLUTION NO. 85 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute a Pre-Development Agreement/Memorandum of Understanding between the Town of New Hartford and Seneca Turnpike Liquors, 8630 Seneca Turnpike, New Hartford, NY 13413 wherein said Seneca Turnpike Liquors has offered to contribute, as per the conditions of said Pre-Development Agreement, the total sum of Fifteen Hundred Two Dollars and Forty Cents (\$1502.40) as same relates to this development within the Seneca Turnpike-Commercial Drive Generic Environmental Impact Study boundary area; said Pre-Development Agreement contains no “sunset” clause.

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

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

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

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### REPORTS OF SPECIAL COMMITTEES

#### Stormwater Management (Advisory) Improvement Committee

##### **Beechwood Road drainage**

Councilman Backman and Highway Superintendent Sherman had met with Oneida County Department of Public Works Commissioner Dennis Davis with regard to drainage problems on Beechwood and Oxford Roads. On the right side of Beechwood Road proceeding westerly from Oxford Road, existing drainage pipe might go under some houses and the Stormwater Committee looked at going forth to resolve the matter. Councilman Backman recalled that approximately nine (9) years ago, then-Highway Superintendent Cleveland proposed a drainage project for Beechwood Road involving a ravine between Beechwood Road and Janet Terrace; however, the project was awarded without all easements having been obtained, some neighbors refusing to sign easements and the project “died”.

Councilman Backman proposed having an April 1, 2010 public presentation of the Town’s intent to resolve the matter on the left side of Beechwood, notifying all Beechwood Road residents and having a blanket easement prepared for property owners to sign that evening; those who don’t attend the presentation could be visited at a later time and if the Town can’t obtain all easements, the project would be dead. The Town Attorney explained the complexity of easements and the unlikelihood of having the information and signatures on April 1, 2010, to which Councilman Backman suggested that the property owners might sign a letter of intent to sign an easement.

Elisabetta DeGironimo of the Stormwater Management Improvement Committee noted that some top piping had become disconnected from the bottom piping. Supervisor Tyksinski preferred that the Stormwater Committee review this matter and then schedule a public meeting with the residents.

Highway Superintendent Sherman said some Beechwood Road property owners are upset about drainage pipe being installed through their backyards, upsetting swimming pools, yards, etc., to which he referred as Plan “A”. He suggested the Town install drainage pipes within the Town’s road right-of-way, to which he referred as Plan “B”, since there wouldn’t be the need for as many easements. The Highway Superintendent believed it was too early for a public meeting. Councilman Backman said the Stormwater Management Improvement (Advisory) Committee has recommended that the Town go forth with the design phase to remediate the stormwater problems. The Board confirmed an informational meeting for the residents would be held on Thursday, April 1, 2010 at Butler Memorial Hall at a time to be determined.

### MATTERS SUBMITTED BY COUNCILMEN / ATTORNEY

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Councilman Reynolds:

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

The Inter-Municipal Agreement for 2010 was presented, wherein the Town would continue to provide Building Code services (enforcement) to the Village, in accordance with the terms and conditions set forth in the initial Agreement entered into for 2003, and any amendments thereto. Thereafter, Councilman Reynolds presented the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 86 OF 2010)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby approve and does hereby authorize and direct the Town Supervisor to enter into and to execute an Inter-Municipal Agreement between the Town and the Village of New Hartford, wherein said Town will provide Building Code services to said Village during Calendar Year 2010 in accordance with the same terms and conditions set forth in the 2003 Inter-municipal Agreement; a copy of the 2010 Agreement will be filed in the respective Clerks' Offices.

The Agreement had been reviewed by Councilman Reynolds, Codes Enforcement Officer Joseph Booth and the New Hartford Village Board of Trustees. Figures are in line with past agreements and indicative of current costs; there has been no dollar amount change since inception of the Agreement. Councilman Backman suggested the Town review the revenue aspect next year. The Town is not expected to take on more responsibility with the passing of Village Zoning Officer Terrence Martin because the Village Zoning Officer and Village Codes Officer were two (2) separate positions. 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**.

Councilman Backman:

**NYS Superfund Program: Update on DEC "Proposed Remedial Action Plan" in Chadwicks; Public Hearing**

Due to the February 25, 2010 snowstorm, that evening's Public Hearing by the NYS Department of Environmental Conservation had been rescheduled to March 3, 2010. The

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remediation of contaminants at 3456 Oneida St., Chadwicks, formerly known as the Madden and/or Central Steel property) is scheduled for 2011. Councilman Backman sent a letter to the NYS DEC asking that they keep the Town up-to-date on the bid process and commencement of work. [NOTE: Refer to Town Board minutes of February 10, 2010.]

**Elm Street bridge, Chadwicks**

After meeting with *Delta Engineers, Architects and Land Surveyors*, the Highway Superintendent and Councilman Backman stated that the Town would be looking at replacing the Elm Street bridge one-lane-at-a-time. Highway Superintendent Sherman is working with *Delta* on the difference in costs by either replacing the bridge all at once, or lane-by-lane the latter of which would have additional expenses for rental of traffic lighting.

**MATTERS SUBMITTED BY TOWN SUPERVISOR / DEPUTY SUPERVISOR**

Financial and other routine reports:

**Financial Report**

Supervisor Tyksinski reported that the most current financial statement of expenditures/revenues had been completed; copies will be distributed to the Town Board tomorrow, March 11, 2010.

**Audit of Bills**

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

**(RESOLUTION NO. 87 OF 2010)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the payment of the bills itemized on the following Abstracts, which had been duly audited by the Town Board:

Fire District Abstract #3	
Vouchers SF3-SF5	\$1,109,838.00
Street Lighting Abstract #3	
Voucher SL4	\$ 8,555.92
Highway Fund Part-Town Abstract #4	
Vouchers DB77-DB166	\$ 193,143.58
General Fund Part-Town Abstract #3	
Vouchers BB20-BB39	\$ 17,817.48
General Fund Part-Town (Police) Abstract #5	
Vouchers BP41-BP63	\$ 124,990.98

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General Fund Whole-Town Abstract # 7		
Vouchers AA157-AA161	\$	498.52
General Fund Whole-Town Abstract #8		
Vouchers AA163-AA169	\$	20,218.41
General Fund Whole-Town Abstract #9		
Vouchers AA170-AA236	\$	159,376.76
Sewer Fund Abstract #4		
Voucher SS11	\$	1,918.14
Sewer Fund Abstract #5		
Vouchers SS12-SS16	\$	<u>9,234.88</u>
<b>TOTAL:</b>	<b>\$</b>	<b>1,645,592.67</b>

Upon roll call, the Board members voted as follows:

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

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

**Audit Report on Justice Records**

Audit of the Town Justice records has been completed and the Town Board has been furnished with copies of the audit performed by Gustafson and Co. The audit included comments with regard to bank deposits of daily transactions within a 72-hour timeframe, reconciliation of credit card charges on a daily basis and reconciliation of bank statements on a timely basis; these comments were referred to the Town Justices who have reviewed and corrected these procedures.

**Insurance Policies**

Since the Town's insurance policies will expire June 30, 2010, the Town Supervisor inquired whether the Town Board wanted to seek bids, or to forego the process this year due to time constraint. Councilman Woodland noted that the Town has advertised for bids over the past two (2) of three (3) years and, upon consensus of the Town Board, he agreed to be responsible for the current bid process. In response to Councilman Backman's inquiry, Councilman Woodland stated that NYMIR submitted high bids in the past. Deadline for submission of bids or requests for proposal will be 4:00 P.M. on Wednesday, May 26, 2010.

**Unfinished Business**

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**Publication of Police Chief vacancy**

Supervisor Tyksinski inquired how the Town Board wanted to proceed with advertising for the Police Chief vacancy; Personnel Technician Aiello had drafted a 2-to-3 line ad and received quotes of about \$400 for three days in the Utica Observer Dispatch, about \$600 for three days in the Syracuse and Albany newspapers, and is awaiting a quote from the Rome Sentinel. Discussion also included the internet and law enforcement magazines. Lt. O'Neill, who will become Acting Police Chief on March 14, 2010, will provide the Town's Personnel Technician with names of two or three law enforcement magazines in order to receive a diverse response. Councilman Reynolds then offered the following Resolution for adoption; seconded by Councilwoman Krupa:

**(RESOLUTION NO. 88 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Personnel Technician to advertise the Town Police Chief vacancy on the Town's web site, to provide the advertisement to the Concerned Citizens Group of New Hartford, and to publish same in area newspapers/magazines at a cost not to exceed Two Thousand Dollars (\$2,000).

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

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

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

**Update – Grant Agreement: Readiness and Emergency Management for Schools**

As a follow up to discussion at the February 24, 2010 Town Board meeting, Supervisor Tyksinski reported that the Town would bear no financial commitment by entering into this grant agreement with BOCES. He had discussed this with Lt. O'Neill who said there would be no financial commitment for the Police Department. Because a deadline was involved, the Supervisor signed the Grant Agreement on February 25, 2010 and asked the Town Board to approve this signing. Thereafter, Councilwoman Krupa offered the following Resolution for adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. 89 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute the Readiness and Emergency Management

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for Schools – Partner Agreement-Government to indicate the Town’s commitment to a coordination and collaboration in this Grant process between the Oneida-Herkimer-Madison BOCES and representatives of local government, law enforcement, emergency management, health, and mental health agencies with the common goal of strengthening and improving our regional school emergency response plans.

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.

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

New Business

**MTC Apparatus Co. – schedule public hearing on relocation**

Peter Zawko, representing Mohawk Valley EDGE, is handling the application of MTC Apparatus Co. to move from outside an empire zone (hamlet of Chadwicks) into an empire zone (Oriskany), said move necessary for larger accommodations. This small manufacturing operation reconditions motors and employs five (5) people, with more employees expected in the future. Mr. Zawko stated that the municipality from which the company is moving is required to hold a public hearing, in accordance with General Municipal Law. This would allow the company to access the credits going into an empire zone. Councilman Backman moved adoption of the following Resolution; seconded by Councilman Reynolds:

**(RESOLUTION NO. 90 OF 2010)**

**RESOLVED** that, in accordance with General Municipal Law, Article 18-B, Section 959 (a) (iii), the New Hartford Town Board does hereby schedule a Public Hearing to commence at 7:00 P.M. on Wednesday, March 24, 2010 in Butler Memorial Hall, New Hartford, NY to solicit comments regarding the relocation of MTC Apparatus, Inc., 3456 Oneida Street, Chadwicks, NY 13319, into the Oneida County Empire Zone; if the publication timeframe cannot be met for the March 24<sup>th</sup> date, then the Public Hearing will be held at the same time and place on Wednesday, April 14, 2010; and be it

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



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Whereupon, the Board members voted by roll call:

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

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

**Contracts for Emergency Dispatch Services.**

Supervisor Tyksinski noted that the 2009 and 2010 Dispatch Service Agreements with various municipalities had not been approved and/or executed. He now had copies of the contracts for the Board's consideration. Councilwoman Krupa offered the following Resolution for adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. 91 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 Agreements between the Town and the following three (3) villages wherein the Town Emergency Dispatch Center will provide emergency dispatch services during the calendar years 2009 and 2010, for the amounts specified in said Agreements:

- Village of New York Mills
- Village of Whitesboro
- Village of Yorkville.

Upon roll call, the Town Board members voted as follows:

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

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

**Highway Department – Teamsters Union Agreement**

The Town Supervisor received a letter from the Teamsters Union giving notice that the Highway Department Union Contract will expire December 31, 2010 and that

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negotiations must begin 150 days before the end of the Union Contract. He will disseminate this information to the Town Board.

**Change Order No. 3 – Contract 2: New Hartford Office Park Route 5 & 5A Highway Improvements**

The Town Supervisor received Change Order No. 3 from Senior Engineering Technician John Meagher with regard to the Route 5 & 5A Highway Improvements project, awarded to Hanson Aggregates in 2009. This Change Order, totaling \$119,134.07, is for additional work required on Woods Highway when the contractor experienced problems with a water line that was higher than identified, as well as additional landscaping and buffering. Councilman Reynolds introduced the following Resolution for adoption and Councilwoman Krupa seconded same:

**(RESOLUTION NO. 92 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute Change Order No. 3 between the Town of New Hartford and Hanson Aggregates for additional work required on Contract 2, New Hartford Office Park Route 5 & 5A Highway Improvements, said Change Order being in the amount of One Hundred Nineteen Thousand One Hundred Thirty-four Dollars and Seven Cents (\$119,134.07).

Councilman Backman inquired where the money was coming from to pay for this additional work; Supervisor Tyksinski responded money from the bond proceeds and from the developer. Senior Engineering Technician Meagher has sent a copy of Change Order No. 3 to the developer today. Thereafter, the Town Board members voted as follows:

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

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

**Recommended Appointment – Chairman of Stormwater Management Improvement (Advisory) Committee**

After discussions with Elisabetta DeGironimo, Highway Superintendent Sherman and Senior Engineering Technician Meagher with regard to who chairs the Stormwater Committee meetings, the Town Supervisor apprised the Board that Highway Superintendent and Senior Engineering Technician believed they should act in an

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advisory capacity only and Supervisor Tyksinski recommends that. The Town Supervisor asked Ms. DeGironimo if she would be interested in chairmanship to the Committee and she indicated here willingness. Thereafter, Councilman Reynolds offered the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 93 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby recommend to the members of the Stormwater Management Improvement (Advisory) Committee that Elisabetta DeGironimo be appointed as Chairman of the aforesaid Committee.

A roll call vote ensued:

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

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

Town Attorney:

**Pre-Development Agreement/MOU – Seneca Turnpike Liquors**

With regard to these documents that had been approved earlier in this meeting and which the Town Board authorized the Supervisor to sign, the Town Attorney inquired if the Town had the Agreement signed by the property owner. Town Clerk Gail Wolanin Young said she had an Agreement signed by Greg Gorea. [Note: After the Board meeting, the Town Clerk asked the Town Attorney to review that Agreement and found it to be the “old” version, not the revised Agreement containing no “sunset” clause. Therefore, the Town must have Mr. Gorea sign a new Agreement and the Town Clerk should withhold depositing the Fees In Lieu of Mitigation check.]

**Railroad Crossings – Access Agreement**

Town Attorney Cully received a letter from the New York Susquehanna and Western Railway Corporation, verifying that the Town of New Hartford is not responsible for any inspection or maintenance fees for railroad crossings. Attorney Cully commended the Parks and Recreation Director for scrutinizing Access Agreements and for input from Senior Engineering Technician, that their hard work resulted in this decision by the Railway Corporation. The Railway Corporation will identify all the fees paid for in past years and apply these amounts as “forgiveness” for other fees due.

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**Tilden Ave Stormwater basin – Cragnolin property**

Last year the Stormwater Management Improvement (Advisory) Committee recommended negotiations with Alsace Cragnolin for the possible acquisition of property on Tilden Ave to use as a stormwater basin. The initial appraiser became ill and couldn't perform the appraisal work and Mr. Cragnolin has since died. There was subsequent discussion and at the last Committee meeting, Joanne Faulkner of the Oneida County Soil & Water Conservation Agency recommended contacting Attorney William Schmidt who represented Mr. Cragnolin and/or his son. Terry Hoffman of New Hartford has been contacted to determine if he'll perform the appraisal. Supervisor Tyksinski provided this information in the event any questions arise on this matter.

**Oneida County Grant Application – 9-1-1 Consolidation/Dispatch Center**

Town Attorney Cully prepared a resolution that paralleled the County's resolution as it relates to securing a grant to consolidate 9-1-1 emergency dispatch services, if the Town does go forth with consolidating its Emergency Dispatch Center with Oneida County's 9-1-1 call center. The following Resolution was introduced for adoption by Councilwoman Krupa and duly seconded by Councilman Backman:

**(RESOLUTION NO. 94 OF 2010)**

**WHEREAS**, the County of Oneida is applying for funding from the New York State Division of Local Government Services for an Efficiency Implementation Grant to assist the County, the City of Utica and the Town of New Hartford in securing funding needed to effect a functional consolidation of their respective 911 dispatch services, and

**WHEREAS**, Oneida County shall be the lead applicant on the request for such funding and shall apply such funds to the delivery of emergency dispatch services through a single Public Safety Answer Point (PSAP) within the County thus consolidating and eliminating the emergency dispatch functions currently being provided by the City of Utica and the Town of New Hartford, and

**WHEREAS**, the Town of New Hartford wishes to join as a co-applicant on this request for funding from the State for consolidation of the emergency dispatch function between the three named municipalities, now therefore, be it hereby

**RESOLVED**, that the Town Board of the Town of New Hartford requests that the County of Oneida make application, as lead applicant, for an Efficiency Implementation Grant under the New York State Department of State Local Government Efficiency Program and, be it further

**RESOLVED**, the Town Board of the Town of New Hartford authorizes the Town of New Hartford appear on the grant application as co-applicants and, be it further

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**RESOLVED**, that the amount of the requested grant funding is \$600,000.00, which funds shall be applied to consolidation of 911 emergency dispatch services to improve coordination of and communication/information sharing between first responders and emergency personnel in Oneida County.

Councilman Reynolds questioned whether adopting this Resolution would commit the Town to consolidation; the Town Attorney responded, no, it's binding the Town only on the funding mechanism on the grant. Councilman Reynolds questioned that this isn't a commitment of the Town to abolish the Dispatch Center; he believed it's a given that if the grant comes forth, the Town would go forward with consolidation. Councilman Backman said the Town would have to vote on it. Supervisor Tyksinski said the idea is to get Utica and New Hartford into the consolidation grant. Councilman Reynolds believes its tantamount to consolidation. Town Attorney Cully disagreed and doesn't think the Town is bound; he offered to review the grant application to see if there's a commitment to consolidate. Councilman Woodland asked Attorney Cully to also check if they should not get money, what's plan? The Town Attorney said this application all relates to the cost of what consolidation would be; that's why we need to go forth to get funding and then determine if it will cost the Town something or not. Councilman Woodland wants to make sure the Town isn't committed to consolidation or dissolution.

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

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

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

**Agreement for Animal Shelter Services**

Lt. O'Neill confirmed that the Stevens-Swan Humane Society agreement for animal shelter services is the same agreement that has been in effect for years, except for some minor amendments. The Agreement is a useful and necessary service mandated by Article 7 of the NYS Agriculture and Markets Law. Thereafter, Councilwoman Krupa offered the following Resolution for adoption and Councilman Reynolds seconded same:

**(RESOLUTION NO. 95 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement between the Town of New Hartford and the Stevens-Swan Humane Society, wherein the Society will provide animal

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shelter services to the Town of New Hartford during calendar year 2010, in accordance with the terms and conditions set forth therein..

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***.

Deputy Supervisor:

**Computer System**

Deputy Supervisor Matthew Bohn reviewed problems the Town has experience with its current computer system, which is ailing and out of maintenance. Some trepidation occurred while producing the W-2s. The Town should look to upgrading the AS400 and windows has been considered. Software that's being run is proprietary and for towns, the database is a pretty valuable software to have. He recommended continuing with IBM and software and stated there are certified people in Rochester, NY that would help us. He proposed a state contract machine at the cost of \$14,769 for hardware, licensing of 10 users. The Deputy Supervisor had checked and found that 10 users is fairly reasonable. The state contract price doesn't include the statement of work to migrate data; this statement will be forthcoming from Frank Mazzotti with whom he's meeting next week to see what's need for migration from the AS-400. He also met with Jon Fredericks of Issys, Inc., who's been servicing the Town's networks to discuss numerous matters including back-ups. He also learned there are several issues with the main controller at the Police Department which is older than the 2 Dells and working on windows 2000 – security issues. The Town would probably want to look at a minimum 2003 or 2008 software package. There is also a concern about how the Parks and Recreation Department communications work, which might be able to be resolved through Time Warner Cable. The Deputy Supervisor will provide another report at the March 24, 2010 Town Board meeting, noting that upgrades will be a substantial cost...about \$100,000 . Some servers and a base server should be replaced (\$6,000 to \$10,000). Councilman Backman recommended upgrading to Windows 2008.

**Standards for New Development Stormwater Run-off**

Dr. Rao stated that at the December 30, 2009 Town Board meeting, Councilman Reynolds requested that Senior Engineering Technician John Meagher draft recommendations that would address stormwater run-off in new developments that could

be incorporated in the Town's subdivision regulations and he inquired about the status of this matter. Senior Engineering Technician said he spoke with a representative of the NYS Department of Environmental Conservation about a month ago and that they are also aware of the problem with the current regulations. Technician Meagher will be reporting any recommendations or new requirements for the Town Board's consideration as well as that of the Stormwater Management Improvement (Advisory) Committee.

**Surplus Equipment Sale – Village of New Hartford**

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

**(RESOLUTION NO. 96 OF 2010)**

**WHEREAS**, the Village of New Hartford has declared a snowplow as surplus equipment and has authorized the disposal of same; and

**WHEREAS**, said Village has requested permission from the New Hartford Town Board to sell said surplus equipment through the Town's web site;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby grant permission to the Village of New Hartford to sell their surplus equipment referenced above through the Town's website, at no expense to the Town of New Hartford.

The Town Board then voted upon roll call:

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**.

Town Supervisor (Cont'd)

**EXECUTIVE SESSION**

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

**(RESOLUTION NO. 97 OF 2010)**

**RESOLVED** that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss pending litigation (Tretter vs Town).

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, Department Heads and the Town Clerk, were then excused from the meeting at 8:33 P.M. The Town Attorney, Deputy Supervisor and Acting Police Chief remained for the Executive Session.

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Town Attorney Cully provided the following transcription on March 11, 2010.

**END OF EXECUTIVE SESSION**

Councilman Reynolds then offered the following Resolution for adoption and Supervisor Tyksinski seconded same:

**(RESOLUTION NO. 98 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 9:26 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 9:27 P.M.

Respectfully submitted,



Gail Wolanin Young, Town Clerk