

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, APRIL 28, 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
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

Town Board Meetings – March 24 and April 14, 2010

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

(RESOLUTION NO. 113 OF 2010)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meetings held March 24, 2010 and April 14, 2010 and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

Councilwoman Krupa	-	Aye
Councilman Reynolds	-	Aye

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

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

PUBLIC PRESENTATIONS

Invitation - New York Mills Fire Department “Open House”

New York Mills Fire Chief Robert Glen and New York Mills Village Trustee and Fire Commissioner John Bialek invited the Town Board and Supervisor to the Fire Department’s “open house” on Saturday, May 15, 2010 from 11:00 A.M. to 2:00 P.M. During that time, they will dedicate the emergency vehicle that they worked with the Town Board to acquire and for which they appreciate very much. They extended the Village and Fire Department’s thanks for the Town’s cooperation received in the past and hope it continues in the future.

Cranberry Lane – road deterioration

A resident of Cranberry Lane informed the Town Board of the disintegration of an approximate 20-foot section of Cranberry Lane where it connects to Chestnut Road and he asked that the Town Board follow up on this matter. Highway Superintendent Sherman had performed an on-site inspection and stated that the Highway Department would patch the area with hot asphalt, not cold patch. Town Supervisor Tyksinski informed the gentleman that the Highway Superintendent would either report to the Town Board or contact the resident directly. Councilman Backman noted that the Town does not have a lot of money in the paving budget.

Noise Complaint – Benderson property, Commercial Drive

Kenneth Bart, whose Royal Brook Lane (New York Mills) residence abuts a shopping mall owned by Benderson Development, voiced concern over the issue of noise from the Verizon and Rite Aid stores in the early morning hours when their dumpsters are being emptied. Mr. Bart claimed that Benderson Development agreed in the initial stages not to collect garbage in the early morning but that’s been disregarded. He would like the Town Board to consider adoption of a noise ordinance. Councilwoman Krupa will contact the garbage hauler and/or Benderson about this matter and she raised the question of whether the hours of trash collection had been stipulated and recorded in the Town Planning Board minutes.

Abolition of Police Commission

Town Attorney Cully acknowledged New Hartford Village Attorney Gustave J. DeTraglia, who was present, and stated that a meeting had been held among Town Supervisor Tyksinski, himself, the Village Attorney and Village Mayor Donald Ryan

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with regard to the Police Commission and some discussion about the possibility of continuing the commission (abolished effective February 11, 2010) in some fashion, either as a commission or an advisory committee. Note was made of the discussion at the February 10, 2010 Town Board meeting about forming some sort of advisory committee and that nothing further has occurred in this regard. Attorney Cully said the Village Attorney has some concerns regarding the initial agreement between the Town and the Village prior to the time the Village Police Department was consolidated into the Town Police Department in the early 1980's. The Village wants to make sure certain elements of an agreement are continued such as police protection in that village and police affairs; however, this would be a Town Board decision whether additional action is taken.

Village Attorney DeTraglia stated that Village Mayor Donald Ryan was unable to attend this meeting as he was attending the New Hartford Central School's open house for their new auditorium.

Town Attorney Cully summed up the matter, stating that when the Police Commission had been established, it wasn't meant to be a Town commission solely because it had a Village member, expanded membership and different police patrol zones. He said the New Hartford Police Commission was not really a Town or Village commission, but maybe a hybrid. An advisory board, or some sort of board might be a good idea; an advisory board would not have financial and/or budgetary responsibility or decisions and Attorney Cully noted that the Village didn't want any part of finances. An advisory board could make recommendations with regard to personnel but could not hire – that would be within the scope of the Town Board. Village Attorney DeTraglia had earlier provided Attorney Cully with the history of the commission for his review and to inform him of what the Village theories are. An advisory board should be reporting to the Town Board ... the Police Commission didn't bring everything to the attention of the Town Board; while the Town Board might not have a whole lot of time, they should be informed. Attorney DeTraglia would like to see this happen for the Village of New Hartford and he wants to know how this is going forward; the Town Board invited him to stay for discussion later in this meeting.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRMAN

Parks and Recreation Committee – Councilman Reynolds:

Appointment - Seasonal Employees

The Town Board having reviewed the list of prospective seasonal employees for the Parks and Recreation Department submitted a couple weeks ago, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Woodland:

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(RESOLUTION NO. 114 OF 2010)

RESOLVED that the New Hartford Town Board does hereby appoint the following individuals to the various part-time seasonal positions and for the hourly wages set opposite their several names, for the Parks and Recreation Department, commencing on the dates specified and ending not later than September 1, 2010; all wages to be paid bi-weekly:

Parks A7110.14; Effective May 3, 2010

<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
Richard Davies	Park Laborer II	\$ 8.90/hour
James McCoy	Park Laborer II	\$ 8.90/hour
Christian Lutz	Park Laborer II	\$ 8.90/hour
Daniel M. Dreimiller	Park Laborer II	\$ 8.90/hour
Andrew Roemer	Park Laborer II	\$ 8.90/hour
Michael Kelly	Park Laborer II	\$ 8.90/hour
Nicholas Hanretty	Park Laborer II	\$ 8.90/hour

Playground A7140.11; Effective June 28, 2010

<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
Michael Jankiewicz	Director	\$11.50/hour
Theresa Corleto	Director	\$11.50/hour
Michelle Guca	Director	\$11.50/hour
Amanda Horth	Director	\$11.50/hour
Kimberly Gomez	Director	\$11.50/hour
Chris Roller	Assistant Director	\$ 9.00/hour
Bianca Falange	Assistant Director	\$ 9.00/hour
Marc Montesano	Assistant Director	\$ 9.00/hour
Sarah Heil	Assistant Director	\$ 9.00/hour
Michael Matt	Assistant Director	\$ 9.00/hour
Kaitlyn Jo Hudson	Assistant Director	\$ 9.00/hour
Katelyn Duffy	Assistant Director	\$ 9.00/hour
Joseph Desens	Assistant Director	\$ 9.00/hour
Megan Alsheimer	Assistant Director	\$ 9.00/hour
Mikaela Butler	Recreation Attendant II	\$ 8.15/hour
David Hamlin	Recreation Attendant II	\$ 8.15/hour
Andrew Miller	Recreation Attendant II	\$ 8.15/hour
Matthew Tyoe	Recreation Attendant II	\$ 8.15/hour
Sagar Patel	Recreation Attendant II	\$ 8.15/hour
Daniel Hamlin	Recreation Attendant II	\$ 8.15/hour
Kyle Hutchinson	Recreation Attendant I	\$ 7.50/hour
Elizabeth Johnson	Recreation Attendant I	\$ 7.50/hour

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<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
Kim Sheets	Recreation Attendant I	\$ 7.50/hour
Andrew Buckley	Recreation Attendant I	\$ 7.50/hour
Renee Pardee	Recreation Attendant I	\$ 7.50/hour
Brittany Harrington	Recreation Attendant I	\$ 7.50/hour
Matthew Romanow	Recreation Attendant I	\$ 7.50/hour
Barbara Kivela	Head Bus Driver	\$13.15/hour
Linda Mundrick	Senior Bus Driver	\$12.72/hour
Robin Wheatley	Bus Driver	\$12.38/hour
Kim Ules	Bus Driver	\$12.38/hour
Kristin Abbe	Substitute Bus Driver	\$12.38/hour
Sandra DeSarro	Substitute Bus Driver	\$12.38/hour
Timothy Madden	Girls Basketball Instructor	\$14.25/hour
James Cichon	Girls Basketball Attendant	\$ 8.15/hour
Harold Kaffka	Adult Pick-up Basketball Instructor	\$14.25/hour
Michael Kelly	Boys Basketball Instructor	\$13.50/hour

Swim A7230.1; Effective June 28, 2010

<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
Diane Muller	Pool Director	\$12.26/hour
Diane Muller	Evening Lifeguard	\$ 8.65/hour
Anna Wanner	Assistant Director	\$10.87/hour
Sean Dakus	Certified WSI	\$10.15/hour
Sean Dakus	Evening Lifeguard	\$ 8.65/hour
Lindsay Mundrick	Certified WSI	\$10.15/hour
Lindsay Mundrick	Evening Lifeguard	\$ 8.65/hour
Scott Wanner	Certified WSI	\$10.15/hour
Scott Wanner	Evening Lifeguard	\$ 8.65/hour
Dominick Masi	Certified WSI	\$10.15/hour
Dominick Masi	Evening Lifeguard	\$ 8.65/hour
Jonathan Graniero	Certified WSI	\$10.15/hour
Jonathan Graniero	Evening Lifeguard	\$ 8.65/hour
Marissa Mundrick	Substitute WSI	\$10.15/hour
Marissa Mundrick	Day and Evening Lifeguard	\$ 8.65/hour
Ashley Mundrick	Day and Evening Lifeguard	\$ 8.65/hour
Andrew Crumrine	Day and Evening Lifeguard	\$ 8.65/hour
Jeremy Rose	Evening Lifeguard	\$ 8.65/hour
Sara Dreimiller	Evening Lifeguard	\$ 8.65/hour
Jessica Snyder	Evening Lifeguard	\$ 8.65/hour
Craig Sherman	Pool Attendant	\$ 3.00/hour
Elaine Hage	Water Aerobics Instructor	\$37.00/hour
Maurine Farruggia	Water Aerobics Instructor	\$37.00/hour

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Summer Theater A7140.01; Effective June 28, 2010

<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
Jesse Orton	Summer Theater Director	\$17.25/hour.

Whereupon, the Town Board voted upon roll call:

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

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

Railroad Crossings - Hearing

Upon recommendation of the Town Attorney, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilwoman Krupa:

(RESOLUTION NO. 115 OF 2010)

WHEREAS, the Town of New Hartford, New York intends to layout, extend and construct the Rayhill Trail across the tracks and right of way of the New York, Susquehanna and Western Railway Corporation at points in the Town of New Hartford, Village of New York Mills, and City of Utica; and

WHEREAS, pursuant to Section 90 of the Railroad Law, a trail crossing over tracks is the equivalent of a “new street” and is governed by Section 90 of the Railroad Law;

NOW, THEREFORE, BE IT RESOLVED that, pursuant to Section 90 of the Railroad Law, the Town Board of the Town of New Hartford will conduct an initial hearing wherein the said Railway Corporation shall be invited to appear to discuss the Town’s plans and determine the necessity for such crossing, with such initial hearing to be conducted on Wednesday, May 26, 2010 at 7:00 P.M. in Butler Memorial Hall, 48 Genesee Street, New Hartford, New York

The Town Board then voted upon roll call:

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**. Town Attorney Cully will notify the New York, Susquehanna and Western Railway Corporation of such initial hearing.

Senior Citizens Committee – Councilman Woodland

Mentoring Program

The New Hartford Adult Dining and Activity Center will again sponsor a mentoring program, with volunteer senior citizens tutoring New Hartford students in the 1st through 6th Grades.

Public Works and Sewer Committee – Councilman Backman

Elm Street bridge, Chadwicks (Note: Also see Page 16 of these minutes)

The Elm Street bridge, 52 years old or older, has been yellow flagged for replacement. Aaron Faulkenmaier of DELTA, the engineering consultant, presented five 5) options for the Town Board's consideration:

1. new abutments behind the existing abutments, detour – sidewalks on each side of bridge; cost - \$682,000; construction time: 5 to 7 months
- 1.(a) new abutments behind the existing abutments, off-site detour, sidewalk on the north side of bridge only; cost - \$585,00; construction time: 5 to 7 months (complete stoppage and road closure)
2. new abutments at existing abutments, off-site detour (close the road – about 3 mile detour, 6 minutes travel time); cost - \$932,000; construction time: 7 to 9 months
3. new abutments behind exist abutments, utilizing stage construction; cost - \$732,000; construction time: 7 to 9 months
4. new abutments at existing location, stage construction; cost - a little over \$1,000,000; construction time: 11 months

Town Board discussion ensued on the various options, noting that Option 1.(a), would involve minor utility work, easements, construction, but due to insufficient room for safe access in the road width in that area, stage construction cannot be provided. Councilman Backman advocated stage construction and leaned toward Option 3 with a one-way bridge for traffic traveling from Oneida Street to Mohawk Street, noting the need for medical and fire services to serve that area. Highway Superintendent Sherman noted that signs would need to be posted on NYS Route 8 (Sauquoit Valley Arterial) directing

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traffic toward Sauquoit and then around toward Chadwicks; the Town would realize a cost savings in traffic signals. Preliminary talks with the New York, Susquehanna and Western Railway Corporation found that constructing a temporary stone road along the railroad tracks for emergency vehicles only would not be a good option. Life expectancy of the new bridge would be 75 years; the Town would need to bond for this improvement. Follow-up inspection of the existing bridge has been scheduled for June 2010. After further discussion, Councilman Backman offered the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 116 OF 2010)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct that bid specifications for the replacement of the Elm Street bridge, Chadwicks, be prepared in accordance with Option 3 presented by DELTA Engineering, with one lane traffic open at all times traveling from west to east and with sidewalks on both sides of the bridge structure. Further authorization of the Town Board will be required to set the date for receipt of bids.

The Supervisor polled the Board members who voted as follows:

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

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

2007 Sidewalk Construction – Edgebrook Construction

In 2007 sidewalks constructed by Edgebrook Construction were found to be deficient and the Town withheld Five Percent (5%) of the contract amount; a letter was sent to Richard Alexander, owner of said company, about the deficiencies that needed to be corrected. Meanwhile, then-Highway Superintendent Cleveland retired and the newly appointed Highway Superintendent Sherman had no background knowledge of the situation. The Town has now received a letter from Richard Alexander, requesting their money. Supervisor Tyksinski will hold the paperwork and await the Highway Superintendent's inspection of the sidewalks to ensure that the contractor had undertaken remedial action.

Highway Department Overtime – Supply Overage

With regard to Highway Department employee overtime, Highway Superintendent Sherman reported that the next overtime for employees would not occur until around

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November 29, 2010 when the winter shifts begin. The salt barns are full and the Town is contractually obligated to buy a certain tonnage for winter salt.

Fuel System – Shared Services Agreement

In the event of failure of the Town's fuel system, the Highway Superintendent and Town Attorney are working on a shared services agreement with the Town of Kirkland; the proposed agreement will be brought before the Town Board in the near future.

Camden Way Sewer Pump Station

The Town is waiting receipt of two additional (2) quotes for repair of the Camden Way Sewer Pump Station. One quote (1) has already been received.

Sewer Repairs – 3 locations

With regard to sewer repairs in three (3) different locations (See April 14, 2010 Town Board minutes), the Town is waiting receipt of three (3) quotes.

Crack-sealing machine

Crack sealing of certain roads will commence in the beginning of May 2010.

Digital Towpath (Web site)

Councilman Backman has discussed with Senior Engineering Technician John Meagher the migration of the Town's web site information to the Digital Towpath. In the Fall of 2009, the prior administration adopted a resolution to become a Digital Towpath member and pay the \$600 annual membership fee.

Vehicular Speed Limit – Mohawk Street

The Town has received notification from the NYS Department of Transportation that the speed limit on Mohawk Street, a county highway, from its intersection with Higby Road southerly to the Town of Paris boundary line, has been reduced from 55 miles per hour to 45 miles per hour. Once the County of Oneida posts the appropriate signs, the reduced speed limit will become effective. Councilman Backman discussed this matter with Acting Police Chief O'Neill, asking for a period of education to the public before enforcement of the new speed limit on this road; the Police Department's speed trailer will be placed on Mohawk Street.

Buildings and Grounds

- Police Department rental trailer - \$270 monthly for about 6 – 7 years. Councilman Backman recommended that, instead of renting the trailer, the Kellogg Road Community Center Building be utilized; speculated that additional space in the Police Department might be available when the Emergency Dispatch unit moves out by the end of 2010, at which time the available space could be computed.

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- Records Center needs a new roof, needed 5 years ago. Councilman Backman advocated razing the Records Center and making some improvements for the adjacent Washington Mills Athletic Park. Possibly consider area behind the Records Center for egress from the Park onto Oneida Street due to some visual impairment of the adjacent bridge abutment. The Highway Superintendent and Councilman Backman will work on obtaining quotes for the Records Center roof, as well as three (3) or four (4) options also.
- Donovan Memorial Community Center Building – New Hartford Historical Society President Barbara Couture inquired about use of the Donovan Building for Historical Society programs. While the Historical Society has more space for their museum in their present location in the Village Point Apartments, the facility cannot accommodate more than 25 people for various programs held throughout the year. Currently, the Historical Society has been using other venues alternately to accommodate up to 90 attendees. The Historical Society would like to use the Donovan building for their June 2010 program. Parks and Recreation Director Michael Jeffery noted that NYS Senator Donovan had obtained a member-grant item for renovation of this building and suggested that the Town first review the grant requirements/stipulations for long-term use of this renovated building. The Town Supervisor requested that the Parks and Recreation Director prepare a list of potential organizations that might use the Donovan building, as well as the frequency of use.

Motor Pool Committee – Councilman Backman

Vehicle Usage, Section 500-4

Councilman Backman wants employees to document how many times they use a town vehicle after normal work hours in order to justify their request to take home a town vehicle. This matter had been on the Organizational Meeting agenda for January 1, 2010 but deferred until further review. The Town Board reviewed copies of employee requests that had been received by the Town Clerk in December 2009. This matter will be brought up at a May 2010 Town Board meeting.

Zoning & Planning Committee – Councilman Woodland

Training

Upon request of Zoning Board of Appeals' members, the following Resolution was introduced for adoption by Councilman Woodland and duly seconded by Councilman Reynolds:

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(RESOLUTION NO. 117 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 Zoning Board of Appeals' members Frederick Kiehm and Karen Stanislaus to attend the Continuing Education Program for Planning and Zoning Boards of Appeal, sponsored by Environmental Design and Research, on June 2, 2010 in the Town of Schuylers, New York, with expenses to be borne by said Town as budgeted.

The Resolution was voted upon by roll call as follows:

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

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

STORMWATER MANAGEMENT IMPROVEMENT (ADVISORY) COMMITTEE

No report.

MATTERS SUBMITTED BY COUNCILMEN / DEPUTY SUPERVISOR

Deputy Supervisor:

2010 Budget Category and Budget Transfer

Upon presentation of the Deputy Supervisor, Councilwoman Krupa introduced the following Resolution for adoption; seconded by Councilman Backman:

(RESOLUTION NO. 118 OF 2010)

RESOLVED that the New Hartford Town Board does hereby establish, effective immediately, a new account in the General Whole-Town Fund, to be identified as AA1680.42 (AS/400 Lease); and be it

FURTHER RESOLVED that the said Town Board does hereby approve the transfer of Eighteen Hundred Dollars (\$1800) from General Fund Whole-Town Account AA1680.02

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to General Fund Whole-Town Account AA1680.42, to cover the cost of the new AS/400 Computer Lease, and that the Bookkeeper be, and she hereby is, authorized to create such account and to make such budgetary transfer.

The Supervisor then polled the Board members who 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 Reynolds:

Organization structure; Compensation

Councilman Reynolds and Deputy Supervisor Bohn have met to discuss the Town's organizational structure and compensation of officials and employees, reviewing the previous work by AMTEK dating back to 2000 as well as work done by Nathan Richmond, a Town resident. Councilman Reynolds is still seeking a 3rd person to be a Committee member; Deputy Supervisor Bohn is also reaching out to the public.

Councilman Backman:

Trustee Appointments – New Hartford Public Library

Councilman Backman had met with Kevin Kelly and Earl Cunningham of the New Hartford Public Library, informing them that after a search of the Town Board minutes, he could not find where the Town Board has been appointing the Library Trustees. He said the Library Board has now been informed and reminded that the Town Board makes the appointments, not the Library Board. Councilman Backman stressed the importance of notifying the public that vacancies may exist and that anyone interested in serving on the Library Board should contact the Town; Supervisor Tyksinski asked Councilman Backman to write an article for publication in the monthly Town Crier. Town Attorney Cully will check into the legalities, checking the Library's charter and by-laws, as he is not sure how the Library operates.

Councilman Backman also suggested to the Messrs. Kelly and Cunningham that the Library needs to begin generating revenue.

MATTERS SUBMITTED BY THE TOWN SUPERVISOR

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Financial:

1st Quarter Expenditures

Supervisor Tyksinski has reviewed year-to-date figures for all departments and has contacted Department Heads if their expenses exceeded 25% of their 2010 budget, asking for an explanation of the overage.

Dues – New Hartford Chamber of Commerce

The Town Supervisor questioned whether the Town should be paying dues to the New Hartford Chamber of Commerce that differs from the State Association of Towns, the latter of which offers municipalities educational assistance. Is there a benefit to the Town? The Town Attorney will look into the legality of paying dues.

2010 Voluntary Budget cuts

At the March 24, 2010 Town Board meeting, Supervisor Tyksinski asked the Councilpersons to meet with their respective department heads over the next two (2) months to see what can be cut from the budget. The Town Supervisor reminded the Councilpersons to be working on this task specifically for the 2011 Annual Budget, and for the 2010 Annual Budget as well.

Dispatch Service Agreements – Villages of New York Mills and Whitesboro

The Town Supervisor sent letters to the municipalities with whom the Town had contracted with for emergency dispatch services, notifying them of the Town Board's April 14, 2010 resolution discontinuing the business of providing dispatch services on or before December 31, 2010. Faced with making a determination between money for equipment or dispatch services, the Whitesboro Fire Chief contacted the Town Supervisor as the Fire Chief had only \$2,500 available toward the \$7,510 contract for 2010. Discussion ensued about cutting the contract, the question of what entity would handle Whitesboro's calls, and whether a staggered payment plan could be offered to Whitesboro. The Town Attorney stated that staggered payments were done for a village that he represents. Thereafter, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilwoman Krupa:

(RESOLUTION NO. 119 OF 2010)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to send a letter to the Village of Whitesboro/Whitesboro Fire Department offering said Village and Fire Department a staggered payment plan for the 2010 Agreement for Dispatch Services, with the final payment to be made to the Town of New Hartford not later than January 31, 2011.

The Town Board was polled and voted as follows:

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

The Supervisor declared the Resolution carried and duly **ADOPTED**. If they do not accept the staggered payment plan, the Town could consider terminating the agreement early.

UNFINISHED BUSINESS

Police Chief Vacancy

Town Board consensus was that Councilman Woodland and Councilwoman Krupa [members of the Public Safety Standing Committee] would be the committee to review the resumes/applications received for the Police Chief position, contact the candidates and conduct the initial interviews. Personnel Technician Barbara Aiello will sit in during the interviews. The committee will screen candidates and make recommendation for full interviews with the Town Board. Councilman Woodland and Councilwoman Krupa will meet with the Personnel Technician to review the process.

Abolition of Police Commission

New Hartford Village Attorney Gustave DeTraglia presented his position and the New Hartford Village Board's position with regard to the Village's Memorandum of Understanding (MOU) in 1983, the creation of a Police Commission and the Town's recent action to abolish same; and since a meeting took place among the Town Supervisor, Town Attorney, Village Mayor Donald Ryan and Attorney DeTraglia, he felt it was incumbent to bring the matter before the Town Board for any action.

In his review of the matter, Town Attorney Cully believes the Village's position clearly consented to the consolidation of the Village police department into the Town with some kind of understanding that certain rights of the Village would be preserved. He agreed with Attorney DeTraglia that the Police Commission was a misnomer ... it shouldn't have been used. If a Police Commission is created under Town Law (statute), a wide range of powers is taken away from the Town Board. Attorney Cully believed it was the intent not to create this type of board [commission]. If you look at the original resolution, creating a commission is defined in Town Law, Section 150. Attorney Cully's interpretation of the Village's 1983 Memorandum of Understanding is that it gave an expiration date of December 31, 1983 and the MOU has expired.

Attorney DeTraglia believes a contractual agreement existed between the Village of New Hartford and the Town of New Hartford to create a commission.

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The March 16, 1983 Village Resolution approved the creation of a police commission and it was the commission's mission to prepare a plan of action for the structure and implementation of consolidation of the police organization. That resolution says the commission will exercise its responsibilities for six (6) months...it clearly defined a duration and not a permanent entity in any shape or form said Attorney Cully. The Town's 1984 Resolution provided that the Town would create and operate a police department and establish a police commission in accordance with Section 150 of Town Law. He believes the Village Attorney is looking for the Town to re-establish some type of police advisory committee, that there should be some sort of advisory committee to be the liaison between the Police Department and the Town Board. With no police commission (it was abolished effective February 11, 2010), the Town Board is the police commission and all complaints about the Police Department would come to the Town Board for resolution. Attorney Cully recommended that the Town Board consider creating an advisory committee with Town/Village representation and no financial authority, no decision-making authority.

The Town Supervisor has discussed this with various people (Councilwoman Krupa, Councilman Backman, Deputy Supervisor Bohn, etc.) and the Town Board can't just jump into this and get out easily. The Town Board needs to look at it, determine what the Town Board wants the advisory committee to do and not to do, and Supervisor Tyksinski doesn't believe this is something that could be done in a relatively short time. He acknowledged that Councilman Backman had a lot of ideas but stated that the Town Board still needs to look at getting this implemented correctly.

Attorney Cully stated that legally the Police Commission had been dissolved by Town Board resolution in February 2010. If the Village of New Hartford believes they were harmed by this action, or that the dissolution was not done correctly, the Village of New Hartford could initiate an Article 76 proceeding against the Town. The Village Attorney and Village Board of Trustees know this and they would have to act within four (4) months of the abolition of the Police Commission.

Councilman Backman believes there should be an oversight committee with strict term limits, balanced membership throughout the Town so that every area is represented, the right to address complaints only, issue findings not punitive and refer to the Town Board to make decisions, and/or an appeals process. According to Town Law, Attorney Cully said statute calls for three (3) members, but membership can be enlarged to five (5). Councilman Reynolds would like to meet with New Hartford Village Trustees and believes the Town could have accomplished a solution sooner if the Town sat down with the players. Councilwoman Krupa agreed with Councilman Backman's recommendation of having some type of advisory committee; however, as far as the former Police Commission members are concerned, Councilwoman Krupa stated she is receiving phone calls that weren't very flattering to some people on the Police Commission, so that needs

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to be looked at and a different set of people who would be objective. While the Town Supervisor is not against establishing an advisory committee, he would like to investigate more and he asked each Board member to come up with what authority and/or responsibility they believe the advisory committee should have. Councilman Woodland said he didn't have enough information, to which the Town Supervisor responded that the Board should not buckle under because the Town has been threatened with a lawsuit. Town Board consensus was that each Board member prepare a list of powers and/or duties a police advisory committee should have and bring their recommendations back to the full Town Board.

Certiorari Proceeding - Assessment

Addressing Assessor Paul Smith, the Town Attorney asked for information on a lawsuit involving property in the Town of New Hartford, but in the Clinton School District. Assessor Smith stated that the matter probably had been negotiated by former Town Attorney Gerald Green and suggested that he be contacted. As the Town Attorney had received two (2) bills from a law firm, he questioned whether this matter had been budgeted. Further research will be made.

Elm Street bridge, Chadwicks (Continued from Page 7 of these minutes)

Councilman Backman noted that the Request For Proposal for engineering services came in at \$46,000, just under the projected \$50,000 cost. However, now that the Town Board is considering one-way traffic during the bridge reconstruction, engineering costs will increase by about \$10,000, which is not in the budget.

EXECUTIVE SESSION

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

(RESOLUTION NO. 120 OF 2010)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the employment history of particular employees.

A roll call vote ensued:

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

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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 9:10 P.M. The Town Attorney and Deputy Supervisor remained for the Executive Session.

Town Attorney Cully provided the following transcription on Thursday, April 29, 2010:

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 121 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 9:45 P.M. The regular portion of the Town Board meeting was reconvened at 9:46 P.M.

The following Resolution was introduced by Councilwoman Krupa and duly seconded by Councilman Backman:

(RESOLUTION NO. 122 OF 2010)

RESOLVED that the Town Board of the Town of New Hartford, New York, does hereby deny retired Police Chief Raymond Philo "show up pay" for 2010 based upon legal opinion of counsel.

A roll call vote was duly held as follows:

Councilwoman Krupa	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Nay

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Councilman Backman	-	Aye
Supervisor Tyksinski	-	Aye.

The Supervisor declared the Resolution 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 9:50 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk