

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, JUNE 16, 2010 AT 6:00 P.M.**

Town Supervisor Patrick Tyksinski called the meeting to order at 6:00 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:

Deputy Supervisor Matthew Bohn III
Highway/Sewer Superintendent Richard C. Sherman
Town Attorney Herbert J. Cully
Town Clerk Gail Wolanin Young

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

EXECUTIVE SESSION

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

(RESOLUTION NO. 164 OF 2010)

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

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, Highway Superintendent and Town Clerk, were then excused from the meeting at 6:01 P.M. The Town Attorney and Deputy Supervisor remained for the Executive Session.

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END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 165 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 6:53 P.M. The regular portion of the Town Board meeting was reconvened at 7:02 P.M., with the recitation of the Pledge of Allegiance and the following Department Heads/employees having joined the meeting:

OTHER TOWN OFFICIALS / EMPLOYEES PRESENT:

Assessor Paul E. Smith
Codes Enforcement Officer Joseph A. Booth
Parks and Recreation Director Michael W. Jeffery
Senior Engineering Technician John Meagher

MINUTES

Regular Town Board Meeting – May 12, 2010

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

(RESOLUTION NO. 166 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 May 12, 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 Comments)

New Hartford Public Library Matters:

Library Board – Rejection of Appointment

Russell Cerminaro read from a Memo he had distributed to the Town Board members citing the Town Board’s May 26, 2010 appointment of Edmund J. Wiatr, Jr. as a Trustee of the New Hartford Public Library and the Library Board’s subsequent rejection of Mr. Wiatr. He questioned how the Library Board could take such action when they might not be constituted, their membership not having been approved by the Town Board. He cited their arrogance and lack of concern for residents of the Town of New Hartford.

Library Trustee appointment – Mr. Wiatr

Fred (last name not determined) from Utica said he purchased a car from Ed Wiatr for \$4,000 several years ago and it turned out to be a lemon, citing problems he experienced. He felt Mr. Wiatr was not honest to be on the [Library] board. Supervisor Tyksinski addressed the Utica resident, saying his comments during this public presentation time may not be something legitimate nor the proper venue. Further, the Supervisor clarified that Mr. Wiatr is already on the Library Board and asked if he was objecting to Mr. Wiatr’s appointment. The Utica resident said, “No, his honesty.” Supervisor Tyksinski emphasized that the Town Board doesn’t use this venue for those types of personal attacks and that his comments might be better done in a different venue. The Town Supervisor said if the Utica resident wanted to suggest someone be appointed to the [Library] board that would be different. Town Attorney Cully stated that calling someone dishonest in a public forum might lead to a lawsuit. “Cancel it,” said Fred.

Library Trustee Wiatr - Appreciation

Mr. Wiatr thanked the Town Board for the appointment to the New Hartford Public Library. Despite repeated requests to Library Director Hans Plambeck and others, Mr. Wiatr said no Library Trustee has contacted him nor has he received any information as of today. He noted there was an Observer Dispatch article announcing a library meeting June 17, 2010 in Butler Memorial Hall, but the article didn’t mention where in Butler Memorial Hall nor the time.

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The Town Supervisor said he and the Town Attorney had met with the New Hartford Public Library Board over the past few days. Supervisor Tyksinski told Mr. Wiatr that there is supposed to be a packet for him but Mr. Wiatr reiterated they haven't contacted him.

Oneida County Legislator James D'Onofrio:

Legislator D'Onofrio said he could address any matters someone might have. He is continuing to work on the 9-1-1 program and transition and gave assurance that New Hartford residents and the County would be taken care of when the New Hartford Dispatch Center is absorbed into the County's 9-1-1 program; work continues on the number of dispatchers to add and fair pay.

Insurance Policy Renewal - Award

Supervisor Tyksinski and Deputy Supervisor Bohn had met with Robin Lowitz and Chip Roe of Bailey, Haskell & LaLonde early in June 2010 to further discuss the insurance proposal submitted at the May 26, 2010 Town Board meeting. While the Town currently has a policy with limits of exposure on particular persons, the Deputy Supervisor suggested the Town purchase a \$1,000,000 blanket policy on all employees for fraud, forgery, wire theft, etc. Ms. Lowitz confirmed that the policy would be \$1,000,000 per occurrence maximum even if more than one (1) employee were involved; the premium differential would be about \$600. Town Board members had reviewed their copy of the proposal submitted at the May 26, 2010 meeting and had no further questions. Thereafter, Councilman Backman introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 167 OF 2010)

RESOLVED that the Town Board of the Town of New Hartford does hereby approve and accept the quote submitted by Bailey, Haskell & LaLonde for renewal of the following insurance policies for the period June 30, 2010 through June 30, 2011:

- Package Policy
 - Property
 - Inland Marine
 - General Liability
 - Law Enforcement
 - Auto
 - Liability
 - Physical Damage
 - Public Officials
 - Employment Practices Liability

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- OCP
- Umbrella

in the amount of One Hundred Forty-one Thousand One Hundred Sixty-two Dollars and Forty-four Cents (\$141,162.44), which also includes the TRIA Premium, NY Fire Fee and NY Motor Vehicle Fees; and be it

FURTHER RESOLVED that the Town Board does hereby approve and authorize an increase in coverage on the 3-year Crime Policy that is renewable on February 1, 2011 so that \$1,000,000 coverage per occurrence would be effective in the event of employee dishonesty.

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

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

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

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRPERSON

Zoning and Planning Committee – Councilman Woodland:

Property Maintenance – 9615 Roberts Road

Upon request of Codes Enforcement Officer Joseph Booth, Councilman Woodland offered the following Resolution for adoption and Councilman Backman seconded same:

(RESOLUTION NO. 168 OF 2010)

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

WHEREAS, the Town Codes Enforcement Officer has received complaints about high grass and weeds upon premises located at 9615 Roberts Road (Tax Map Parcel No. 350.000-1-52), Sauquoit, New York owned by Mr. And Mrs. Carlos Castro whose last known address is 9615 Roberts Road, P O Sauquoit, New York; and

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WHEREAS, the Codes Enforcement Officer has communicated with said owners, who have failed to comply with the law;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby determine that the property is a public nuisance and does hereby authorize and direct the Codes Enforcement Officer to give written notice to the owner of such real property to abate the prohibited property condition as may be necessary to remove such nuisance. Such notice shall be given, in writing, to the owner of such property at the owner's last known address as appears on the latest real property tax assessment roll of the Town of New Hartford and such notice shall direct that such nuisance be removed within ten (10) days of the mailing of such notice.

The foregoing Resolution was voted upon by roll call, as follows:

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

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

Property Maintenance – 9585 Roberts Road

Upon request of Codes Enforcement Officer Joseph Booth, Councilman Backman offered the following Resolution for adoption and Councilman Woodland seconded same:

(RESOLUTION NO. 169 OF 2010)

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

WHEREAS, the Town Codes Enforcement Officer has received complaints about high grass and weeds upon premises located at 9585 Roberts Road (Tax Map Parcel No. 350.000-1-43), Sauquoit, New York owned by Robert Knox whose last known address is 1800 Tilden Ave, New Hartford, New York; and

WHEREAS, the Codes Enforcement Officer has communicated with said owner who has failed to comply with the law;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby determine that the property is a public nuisance and does hereby

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authorize and direct the Codes Enforcement Officer to give written notice to the owner of such real property to abate the prohibited property condition as may be necessary to remove such nuisance. Such notice shall be given, in writing, to the owner of such property at the owner's last known address as appears on the latest real property tax assessment roll of the Town of New Hartford and such notice shall direct that such nuisance be removed within ten (10) days of the mailing of such notice.

Upon roll call, the Board members voted as follows:

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

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

Property Maintenance – 16 Concord Boulevard

Upon request of Codes Enforcement Officer Joseph Booth, Councilman Woodland offered the following Resolution for adoption and Councilman Backman seconded same:

(RESOLUTION NO. 170 OF 2010)

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

WHEREAS, the Town Codes Enforcement Officer has received complaints about high grass and weeds upon premises located at 16 Concord Boulevard (Tax Map Parcel No. 328.005-2-25), P O Clinton, New York owned by Jill and Christopher Demanski whose last known address is 16 Concord Boulevard, P O Clinton, New York; and

WHEREAS, the Codes Enforcement Officer has communicated with the property owner who has failed to comply with the law;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby determine that the property is a public nuisance and does hereby authorize and direct the Codes Enforcement Officer to give written notice to the owner of such real property to abate the prohibited property condition as may be necessary to remove such nuisance. Such notice shall be given, in writing, to the owner of such property at the owner's last known address as appears on the latest real property tax

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assessment roll of the Town of New Hartford and such notice shall direct that such nuisance be removed within ten (10) days of the mailing of such notice.

Upon roll call, the Board members voted as follows:

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

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

Councilman Backman announced that he wants the Codes Department to e-mail him about any property maintenance issues in his Ward so he can visit the premises to see what's going on.

Property Maintenance - 14 Bradley Road

In response to Councilman Reynolds' inquiry about 14 Bradley Road, Parks and Recreation Director Michael Jeffery stated that his department tries to mow the lawn on an on-going basis, once every two (2) weeks.

Assessor Committee:

Training

Upon request of the Town Assessor, the following Resolution was introduced for adoption by Councilman Reynolds and duly seconded by Councilwoman Krupa:

(RESOLUTION NO. 171 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 Assessor Paul E. Smith to attend the "Seminar on Appraising Application" from July 11 through July 15, 2010 in Ithaca, New York, with expenses to be borne by said Town as budgeted.

The Resolution was voted upon by roll call as follows:

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

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

Town Clerk Committee:

Fireworks Display Permit

Councilwoman Krupa reported that the Town Clerk had referred the Yahnundasis Golf Club Application for a Fireworks Display to the Town Codes and Police Departments, the New Hartford Fire Department and the Town Attorney for their review and comment. Town Attorney Cully complimented the Town Clerk on her diligence ensuring that the Application met the requirements of the revised Penal Law with regard to Fireworks Displays, including verified statements and insurance documents. Any questions having been answered, Councilwoman Krupa introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 172 OF 2010)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Clerk, who has received an Application for a Fireworks Permit and the appropriate Certificate of Insurance naming the Town of New Hartford as an additional insured, to issue to the Yahnundasis Golf Club a Fireworks Display Permit for the display of fireworks upon their premises at 8639 Seneca Turnpike, New Hartford, New York on Sunday, July 4, 2010 not later than 9:00 P.M., in accordance with the State Penal Law and regulations set forth in said Permit

The Supervisor polled the Board members who voted as follows:

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

Whereupon, the Resolution was declared unanimously carried and duly adopted.

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Training - Oneida County Association of Towns Meeting

Information on the Oneida County Association of Towns quarterly business meeting had been received a day after the May 26, 2010 Town Board meeting; therefore it was not possible for the Town Board to grant permission for employees/officials to attend the June 15, 2010 event. The following Resolution was introduced for adoption by Councilwoman Krupa and duly seconded by Councilman Backman:

(RESOLUTION NO. 173 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 retroactive permission to Highway Superintendent Richard C. Sherman to attend the Oneida County Association of Towns Meeting on Tuesday, June 15, 2010 in the Town of Paris, 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 Backman	-	Aye
Councilman Reynolds	-	Aye
Supervisor Tyksinski	-	Aye.

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

MATTERS SUBMITTED BY COUNCILMEN

Councilwoman Krupa:

NYS Department of Environmental Conservation 2007 Consent Order – Sewers

At the Town Supervisor's request, Councilwoman Krupa had attended today's meeting at the Oneida County Office Building, attended by the County Executive Picente, representatives of various local villages and towns, Steve Devan – Commissioner of the Oneida County Sewer District, and Carl Schrantz from Shumaker Engineering. Mr. Schrantz presented an overview of the sewer project. There remains the question of whether the County must build a larger sewer treatment plant. They are committed to getting rid of as much stormwater as possible from the sewer facilities and do not want to find this area in the same situation twenty (20) years from now. Rick McCarthy from the

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Environmental Facilities Corporation (EFC) discussed an inter-municipal loan agreement so the County can borrow funds to make the needed repairs – which is the customer surcharge of \$1.05 per 1,000 gallons of water used that all affected municipalities have approved except the Town of New Hartford, which chose a lump sum financing method for the first year. The Town Attorney will review the proposed inter-municipal agreement outlining a borrowing of \$25,000,000. Construction would commence and the County would begin using the surcharge money, which would be audited on an annual basis and adjusted depending where sewer repairs are done. The Consent Order calls for repairs to be made by 2014.

Councilman Reynolds questioned how the Town is affected when the Board chose a lump sum payment toward repairs; the Town Attorney stated, if the Town paid too much, we receive a credit toward the next year. Because there are several blank dates/spaces in the proposed inter-municipal agreement, the Town Attorney advised that the Town Board couldn't execute the document at this time; he is awaiting further details from Peter Rayhill, Attorney for the Oneida County Sewer District. The Town Supervisor noted that the inter-municipal agreement would commit the Town for the duration of the bond, that is 15 years and he expressed concern that the Town would be paying too much. Councilman Backman recalled that the Town Board committed \$40,000 from GEIS for the first year but that in 2011, the surcharge hits the taxpayers. He expressed concern on how the Town would finance the project in 2011 and going forward. Councilman Reynolds inquired when the Town receives credits for sewer repairs made within the Town; Attorney Cully said the Town receives credits as the repairs are made and this will be considered when the annual audit is done. Councilman Woodland moved the following Resolution for adoption; seconded by Councilman Backman:

(RESOLUTION NO. 174 OF 2010)

RESOLVED that the Town Board of the Town of New Hartford does hereby table action on an inter-municipal agreement between Oneida County and various municipalities along the Sauquoit Creek for I/I sewer remediation projects until the Town Attorney receives details that are lacking in said agreement.

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**.

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Declaration of Surplus Vehicles – Authorization to Sell

Councilwoman Krupa presented the Police Department’s request to declare a vehicle as surplus; the Town Clerk suggested that the vehicle not be placed for sale on E-bay until it is determined that the Town does, in fact, have the Certificate of Title. Because police vehicles are not required to be registered, the Town may possess only the Certificate of Origin at this time. Thereafter, the following Resolution was offered for adoption by Councilwoman Krupa and duly seconded by Councilman Backman:

(RESOLUTION NO. 175 OF 2010)

RESOLVED that the Town Board of the Town of New Hartford does hereby declare as surplus one (1) 2007 Ford Crown Victoria Police Interceptor, Vehicle Identification No. 2FAFP71W17X151397 that is in fair condition, has a transmission problem and non-functioning odometer;

And be it

FURTHER RESOLVED that the aforesaid vehicle shall be placed for sale on e-Bay after the Town Clerk’s Office confirms that the Certificate of Title has been received and, once sold, the Town Clerk’s office shall be notified and shall arrange to terminate insurance coverage on said vehicle.

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**.

Public Works and Sewer Committee – Councilman Backman

Status of sewer rates

Before the next tax season, Councilman Backman wants to have the Operation and Maintenance (O & M) matters resolved in connection with the Applewood Community on Seneca Turnpike and the Woodberry Sewer District. He believed there is a 2002 Woodberry Sewer resolution to add O & M. The Town Attorney will review the sewer agreement for the Applewood Community to determine if the agreement is binding and whether it can be changed. Councilman Backman would like these situations rectified in fairness to what everyone else is paying.

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Highways – Undedicated streets

Councilman Backman was of the understanding that Jubilee Lane and a few other streets have not been dedicated as Town roads but that the Town may be maintaining them and he noted that, under Highway Law, after a certain number of years, the Town could take ownership “by Highway and use”. These situations pre-existed Highway Superintendent Sherman’s term and Senior Engineering Technician said that some roads in the Applewood Community were dedicated but that the deeds were never recorded. The Town Attorney will meet with all Town officials involved to resolve this and to review the list of undedicated streets to be prepared by the Highway Superintendent.

Stormwater Matters

Councilman Backman wished to clarify the process for remediation of stormwater matters; it was his understanding if a problem existed in an area, the matter would be referred to the Stormwater Management Improvement (Advisory) committee who would determine if it qualifies for remediation and if so, send it to the Town Board for approval. Easements would then be obtained and filed permanently. The Town Attorney stated that an instrument survey is usually needed. The Stormwater Committee has divided existing problems down to small projects and very small projects – \$10,000 and under. If the Town requires an instrument survey, by the time the work is done, the Town may break the \$10,000 limit. Councilman Backman was looking for some relief. He thanked the Town Attorney for drawing out an instrument survey; Attorney Cully acknowledged he had surveys to go by. If a survey is available, the Town Attorney said he’s okay with preparing the legal document; however, he would pick and choose where he can help and consider the scoring and rating process of Committee.

Municipal Separate Storm Sewer System (MS4)

Highway/Sewer Superintendent Richard Sherman gave the proposed local law(s) to the Town Attorney for his review today. Councilman Backman suggested officials be prepared for oral review of pros and cons if the Town enacts the local law(s).

Elm Street bridge, Chadwicks

The New York State Department of Transportation has inspected the Elm Street bridge for 2010 and they are aware that the replacement of the bridge is in the engineering stage and that the Town plans to replace the structure in 2011. Highway/Sewer Superintendent Sherman has the proposed agreement.

Highway Department Vehicle List

Councilman Backman apprised the Board that the Highway Superintendent had been discussing with him the feasibility of leasing two (2) trucks, which the Highway Superintendent said are needed because the 1995 and 1996 plow trucks have served their purpose and because not properly maintained over the years, the vehicles have deteriorated (wings, frame, oil tanks). Highway Superintendent Sherman said he had

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discussed this matter with the Town Supervisor and some Board members. The Highway Superintendent reviewed terms of a 5-year lease. Two (2) new trucks would be capable of one-man plowing. Highway Superintendent Sherman said he learned at the June 15, 2010 Oneida County Association of Towns quarterly meeting that any truck 2002 or earlier must have retrofitted emissions that would cost about \$10,000 per truck. The Town Supervisor commented that the Town doesn't have the money – sales tax revenue is down and he remembered that in December 2009 the Highway Superintendent said he was all set for equipment. Now, you're looking to pay \$80,000 out of next year's budget. If the Board has any idea how to get the money, the Supervisor asked them to speak up. Councilman Backman acknowledged that some body parts are rotting out especially when vehicles are 15 years old or older and the Town still has services to offer. If the Town reduces the fleet and has three (3) vehicles with one-man plowing, Councilman Backman noted that the Town would be saving on labor costs. Highway Superintendent Sherman said he is putting the Town on notice that, if the plows break down during the winter, it will take longer to plow roads and will delay school buses, emergency vehicles, etc. To Councilman Woodland's question whether a breakdown would affect public safety and the safety of Town employees, the Highway Superintendent said "yes".

Garbage pick-up/municipal facilities

The Highway Superintendent is working with the Village of New Hartford on an agreement whereby the Village would pick up trash at Town-owned buildings and he will bring this before the Town Board in the near future.

Crack sealing

Highway Superintendent Sherman reported that the crack sealing of Town roads would be completed in a week or two.

Donovan Community Center

Councilman Backman has received a letter from the New Hartford Historical Society about use of the Donovan Community Center, Elm Street, Chadwicks. Highway Superintendent Sherman noted that an arrangement has been made for local inmates to scrape and paint the exterior of this facility; the Town will purchase the supplies. Councilman Backman will contact the Historical Society President, Barbara Couture about use of the building.

The Code, Chapter 72, Garage Sales

Councilman Backman inquired if there was a level of interest in modifying Chapter 72 (Garage Sales) to provide a once-a-year town-wide sale with no permits being required. The Town Attorney expressed concern that if the Town were to sanction garage sales on one particular weekend town-wide what would be the effect on traffic and neighborhood children running around. Would the Town want to sanction or encourage this on one weekend; would the Town be creating a dangerous situation – traffic, congestion, people

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lined up before the sale(s) open. The Town Board had no interest in pursuing this modification.

Trustee Appointments – New Hartford Public Library

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

(RESOLUTION NO. 176 OF 2010)

RESOLVED that the Town Board of the Town of New Hartford does hereby appoint the following individuals as Interim Trustees of the New Hartford Public Library commencing June 17, 2010 and until such time that the New Hartford Town Board makes permanent appointments:

- Sheldon Storrier
- Susan M. Blatt
- Kevin M. Kelly
- Earl Cunningham
- Mary DuRoss
- Connie P. Stephens
- William Bonsted
- Peter Rayhill
- James Kirkpatrick
- Linda Romano.

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**. The Town Clerk questioned whether Oaths of Office should be administered; the Town Attorney replied affirmatively – as Interim Trustees.

Minutes – New Hartford Public Library

The Town Clerk had received an inquiry as to whether the New Hartford Public Library files their Board minutes with the Town; and if not, whether the Town Clerk would request same from the Library Board. The Library Board has not filed any minutes with the Town and the Town Clerk had questioned whether she and/or the Town had the

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authority to request that the Library Board minutes be so filed. The Town Attorney responded affirmatively and advised the Town Clerk to obtain the Library Board minutes; Councilwoman Krupa also asked that the annual audit reports of the Library also be obtained.

Fire District Rates

Councilman Backman again brought up that property owners in Fire District 4 are paying four (4) times the fire tax rates of Fire Districts 1 and 2, 3 and 5 and he objected to the “gross inequity.” Councilwoman Krupa offered the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 177 OF 2010)

RESOLVED that the New Hartford Town Board does hereby move to refrain from spending any money on a study pertaining to the Town’s five (5) fire protection districts and related tax rates and does further refrain from investigating the feasibility of changing district boundaries of the five (5) fire protection districts.

Councilman Backman addressed Councilman Reynolds, “ You were a 25-year Fire Chief (New Hartford)”. Councilman Reynolds replied that he (fire department) did not draw the district boundaries. He stated that Willowvale Fire Company, Inc. (Fire District 4) needed a new building and the Fire Company had a Service Award Program created, both of which the Town sanctioned through a special election for the voters. Fire District 4 has incurred expenses now. Councilman Backman asked the Town Board “..how are we going to fix this?” The Town Supervisor responded there is a way of forming a Town-wide fire district without redistricting and he will provide the information to the Town Board members for their review. 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**.

NYS Civil Service Law, Personnel Changes - Transfers

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

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(RESOLUTION NO. 178 OF 2010)

RESOLVED that, pursuant to Section 70 of the Civil Service Law of the State of New York, the New Hartford Town Clerk is directed to post the names of all employees of the Dispatch Center outside of her office, and that the Town Supervisor is directed to sign the Certification verifying said list of employees.

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**.

FOIL Appeal – Alessi letter

Town Attorney Cully reviewed Edmund J. Wiatr, Jr.'s recent request for a copy of the June 2008 letter from Deborah Alessi to then-Supervisor Earle Reed and then-Police Chief Raymond Philo. Based upon an April 2010 Memorandum from Acting Police Chief Timothy O'Neill citing reasons for denial, the Town Clerk informed Mr. Wiatr that access to this letter had been denied. The Town Attorney noted that Mr. Wiatr had complied with Section 89. 4.(a) of the Freedom of Information Law by filing a written Appeal with the Town Board within 30 days of such denial and that within ten (10) business days of receipt of the Appeal, the Town Board must meet to review the Appeal and give an explanation in writing for denial, or access has to be given. The Town Attorney had reviewed Section 50-a of the New York Civil Rights Law with regard to complaints against law enforcement officers. Attorney Cully referred to a letter in 2008 from Robert Freeman, Executive Director of the Committee on Open Government, that a document such as this would be confidential according to statute....a complaint against a police officer. The document could be released only upon written authorization from the respective police officer, or by court order; the police officer mentioned in the Alessi letter does not want it released. Addressing Mr. Wiatr who was present, the Town Attorney stated that it was up to Mr. Wiatr whether he wants to overrule the prior determination.

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

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(RESOLUTION NO. 178 OF 2010)

WHEREAS, Edmund J. Wiatr, Jr. had submitted a Freedom of Information Request for access to the June 2008 letter to certain Town Officials from Deborah Alessi who allegedly made a complaint about a particular Police Officer; and

WHEREAS, after receiving a Memorandum dated April 2010 from Acting Police Chief Timothy O'Neill citing the NY Civil Rights Law, Section 50-a and several Advisory Opinions from the Committee on Open Government, the Town Clerk had notified the FOIL applicant that access to the Alessi letter had been denied;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby affirm the Town Clerk's determination that access be denied to the 2008 Alessi letter based upon the provisions of the New York Civil Rights Law, Section 50-a and based upon advice of the Town Attorney.

The Town Supervisor believed and the Town Attorney agreed that the Town is prohibited from disclosing the contents of the Alessi letter without the permission from the police officer, in accordance with NY Civil Rights Law, Section 50-a, or by order of the court. The Town Attorney stated that Ms. Alessi came to a Board meeting and there was discussion in an open meeting. Initially, Robert Freeman advised that the Alessi letter could be released; however, when Mr. Freeman had reviewed comments from then-Police Chief Raymond Philo, Mr. Freeman ruled otherwise. The Town Board then 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**.

Notice of Petition (Article 78 Proceeding) – Village of New Hartford; Police Commission

The Town Supervisor referred to the Town Attorney for his review the Notice of Petition filed against the Town by the Village of New Hartford seeking multiple forms of relief, vacating and nullifying the February 2010 Town Board resolution abolishing the Police Commission and asking that the Town form some type of advisory board. Town Board consensus was that Town Attorney Cully would handle the matter.

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MATTERS SUBMITTED BY TOWN SUPERVISOR

Financial:

Audit of Vouchers

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

(RESOLUTION NO. 179 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:

Street Lighting Abstract #6	
Vouchers SL6	\$ 7,846.44
Street Lighting Abstract #7	
Vouchers SL7	\$ 7,392.87
Highway Fund Part-Town Abstract #8	
Vouchers DB329-DB406	\$ 55,764.97
Highway Fund Part-Town Abstract #9	
Vouchers DB7-DB409	\$ 40,885.37
Highway Fund Whole-Town Abstract #1	
Vouchers DA1-DA2	\$ 10,172.50
General Fund Part-Town Abstract #7	
Vouchers BB62	\$ 100.00
General Fund Part-Town Abstract # 8	
Vouchers BB63-BB72	\$ 2,822.19
General Fund Part-Town Abstract # 9	
Vouchers BB73	\$ 5,692.01
General Fund Whole-Town Abstract #18	
Vouchers AA65-AA67	\$ 603.70
General Fund Whole-Town Abstract #19	
Vouchers AA468-AA474	\$ 10,393.54
General Fund Whole-Town Abstract #20	
Vouchers AA475-AA477; AA536; AA538-AA543; AA572-AA578	\$ 54,453.36
General Fund Whole-Town Abstract #21	
Vouchers AA478-AA488;AA490- AA535; AA544-AA571	\$ 41,954.38
General Fund Part-Town Police Abstract # 9	
Vouchers BP114	\$ 299.70

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General Fund Part-Town Police Abstract #10 Vouchers BP115-BP135	\$ 12,741.33
General Fund Part-Town Police Abstract #11 Vouchers BP136-BP142	\$ 49,657.61
Sewer Fund Abstract #11 Vouchers SS35	\$ 1,287.83
Sewer Fund Abstract # 12 Vouchers SS36-SS37	\$ 5,418.44
Sewer Fund Abstract #13 Voucher SS38-SS40	\$ 4,515.51
TOTAL:	\$312,001.75

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**.

Monthly financial report

The Town Supervisor had sent to the Town Board members the monthly report of year-to-date expenses and revenue and he commented the Town is still on budget with the exception of sales tax revenue.

YINCAE Advanced Materials, LLC – schedule public hearing on relocation

Jay Sherman, Rensselaer County Empire Zone Coordinator, is handling the application of YINCAE Advanced Materials, LLC, to move from New Hartford into the Rensselaer County Empire Zone. YINCAE is a developer, manufacturer and supplier of high performance coatings and adhesives and electronic materials. 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. 180 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, July 14, 2010 in Butler Memorial Hall, New

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Hartford, NY to solicit comments regarding the relocation of YINCAE Advanced Materials, LLC, 121 Harrogate Road, New Hartford, New York 13413, into the Rensselaer County Empire Zone; 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.

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**.

NYS Energy Efficiency

The State has come through on how to save energy in your home; Supervisor Tyksinski urged anyone to contact his office for information or copies on this program.

Appointment – Zoning Board of Appeals

The Town Supervisor announced an open position on the Zoning Board of Appeals. Current Board member Timothy Tallman has expressed interest in re-appointment and Julius Fuks, Jr., former Planning Board member, has also expressed interest in appointment. Councilman Reynolds acknowledged that Mr. Tallman had submitted his letter of interest in March 2010 and stated that Mr. Fuks would be an outstanding member and that Mr. Tallman has demonstrated track knowledge and experience. Thereafter, Councilman Reynolds offered the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 181 OF 2010)

WHEREAS, a vacancy exists on the Zoning Board of Appeals due to the expiration of the term of office of Timothy W. Tallman, the former incumbent thereof;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby re-appoint Timothy W. Tallman to a five-year term as Member of the Zoning Board of Appeals, beginning June 10, 2010 and ending June 9, 2015.

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

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

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

Appointment – Provisional Town Police Chief B

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

(RESOLUTION NO. 182 OF 2010)

RESOLVED that the New Hartford Town Board does hereby appoint Michael S. Inserra as Provisional Town Police Chief B effective June 17, 2010 and until such time that he takes, passes and is reachable on the appropriate Civil Service examination anticipated for March 2011; said appointment at an annual salary of Ninety-one Thousand Dollars (\$91,000) that includes longevity pay, “show-up” pay, any type of raise that would be coming forward to 2009. Police Chief Inserra shall also be entitled to health insurance, retirement, personal time, sick leave, vacation time and other leave that might be provided in the Police Benevolent Association contract. As all department heads receive an extra five (5) vacation days annually for attending Town Board and other meetings during evening hours and/or weekends, Police Chief Inserra shall also receive these five (5) additional vacation days annually.

Town 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**.

Public Comments:

Ralph Humphreys – thinks in the Highway Superintendent’s presentation that by waiting on the trucks, the Town will incur extra costs – about \$20,00 a piece because of new emissions regulations coming out soon and maintenance. Not sure that was considered during Town Board discussion. New ones coming out in 2011 will have the emissions included.

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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 9:04 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk