

**SPECIAL MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, AUGUST 4, 2010 AT 5:57 P.M.**

Town Supervisor Patrick Tyksinski called the meeting to order at 5:57 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
Supervisor Patrick M. Tyksinski

ABSENT:

Councilman Richard B. Woodland, Jr.

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Codes Enforcement Officer Joseph A. Booth
Deputy Supervisor Matthew Bohn III
Town Attorney Herbert J. Cully
Town Clerk Gail Wolanin Young

Thereafter, a quorum was declared present for the transaction of business. [NOTE: Councilman Woodland was unable to attend the meeting due to medical reasons.]

Sale of Surplus 2007 Ford CVC Police Interceptor

The Town received forty-one (41) e-Bay bids from thirteen (13) bidders, the highest of which was \$3,050.01 for the Town's surplus police vehicle. Thereafter, Councilwoman Krupa offered the following Resolution for adoption, seconded by Councilman Backman:

(RESOLUTION NO. 198 OF 2010)

WHEREAS, on June 16, 2010 the Town Board, by Resolution No. 175, declared one (1) 2007 Ford Crown Victoria Police Interceptor, Vehicle Identification No. 2FAFP71W17X151397, as surplus and did further authorize bids to be received on e-Bay for the sale of said surplus vehicle;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby accept and approve the high e-Bay bid of Three Thousand Fifty Dollars and One Cent (\$3,050.01) submitted by Realty 500, Inc., P. O. Box 1255, Bellmore, New York 11710, for their purchase of the Town's surplus 2007 Ford Crown Victoria Police Interceptor, hereinabove described; and be it

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FURTHER RESOLVED that the Town Board does hereby authorize and direct the Town Supervisor to execute all documents to finalize the sale and transfer of ownership of the aforementioned surplus vehicle and for the Town Clerk to arrange for termination of insurance coverage on said vehicle.

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

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

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

Seasonal Appointment – Parks & Recreation Department

Councilman Reynolds, Chairman of the Parks and Recreation Committee, introduced the following Resolution for adoption; seconded by Councilwoman Krupa:

(RESOLUTION NO. 199 OF 2010)

WHEREAS, two (2) lifeguards had resigned their positions early to return to college;

BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby appoint Lauren Graniero as a Certified Water Safety Instructor (Lifeguard) for the 2010 Summer Swim Program, retroactive to July 21, 2010 and ending August 31, 2010, at an hourly wage of Eight Dollars and Sixty-five Cents (\$8.65); payable bi-weekly.

Upon questioning of Councilman Backman, the Town Supervisor confirmed that the necessary paperwork had been processed through the Town's Personnel office and the Oneida County Department of Personnel. Thereafter, a roll call vote was duly held and resulted as follows:

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

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

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Competitive Bid – Release of Retainer: Oxford Road and Kellogg Road Stormwater Detention Project (2009)

The Highway Superintendent having confirmed that Murphy Excavating had completed the Oxford Road/Kellogg Road Stormwater Detention project, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Backman:

(RESOLUTION NO. 200 OF 2010)

RESOLVED that the New Hartford Town Board does hereby acknowledge that the “Oxford Road and Kellogg Road Stormwater Detention Project” (2009-10) has been completed by Murphy Excavating and the Town Board does further authorize and direct the payment to said Murphy Excavating of their retainer in the amount of Fourteen Thousand Eight Hundred Fifty-nine Dollars and Fifty Cents (\$14,859.50).

A roll call vote was duly held as follows:

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

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

Competitive Bid – Change Order No. 3 for Oxford Road and Kellogg Road Stormwater Detention Project (2009)

Supervisor Tyksinski presented Change Order No. 3 for the above project; Councilman Reynolds offered the following Resolution for adoption and Councilwoman Krupa seconded same:

(RESOLUTION NO. 201 OF 2010)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into a Change Order with Murphy Excavating Corporation and to execute said Change Order No. 3 for the “Oxford Road and Kellogg Road Stormwater Detention Project”, said Change Order being an “add on” in the amount of Thirteen Thousand Two Hundred Dollars (\$13,200) for providing approximately 39,000 square feet of erosion control fabric to control erosion and improve establishment of turf on sloped surfaces adjacent to Jubilee Estates in the vicinity of Oxford and Tibbitts Roads.

The Town Board members then voted upon roll call:

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

The Resolution was declared carried and duly *adopted*.

Competitive Bid – Change Order No. 1 for the Sanitary Sewer Relocation, Jordan Road (2009-10)

Supervisor Tyksinski presented a Change Order relating to the Sanitary Sewer Replacement (Rte 5A)/Sanitary Sewer Relocation (Jordan Road) Project, and specifically relating to the Jordan Road work. Thereafter, Councilman Reynolds introduced the following Resolution for adoption and Councilman Backman seconded same:

(RESOLUTION NO. 202 OF 2010)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into a Change Order with L. P. Trucking and Excavating, Inc. and to execute said Change Order No. 1 for the “Sanitary Sewer Relocation (Rte 5A)/Sanitary Sewer Relocation (Jordan Road) Project”, and which Change Order is a deduct amount of Thirteen Thousand Eight Hundred Nineteen Dollars and Eighty-eight Cents (\$13,819.88) with regard to planting of trees at the Jordan Road location in said contract.

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

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

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

Vacancy/Appointment – Zoning Board of Appeals

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

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(RESOLUTION NO. 203 OF 2010)

WHEREAS, George Koury II had been appointed as a Member of the Zoning Board of Appeals, effective October 15, 2009, to fill the unexpired term of Kimberly Carolan-Faga who had moved out of state, said appointment to terminate on June 9, 2013; and

WHEREAS, a vacancy now exists on the Zoning Board of Appeals due to George Koury II having moved out of state;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby appoint Julius V. Fuks, Jr. as a Member of the Zoning Board of Appeals to fill the unexpired term of office of George Koury II, effective August 5, 2010 and ending June 9, 2013.

A roll call vote ensued:

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

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

Over-time Pay – Former Acting Police Chief

Supervisor Tyksinski and Attorney Cully reviewed with the Board a request from Lt. Timothy O’Neill’s attorney for a one-time payment of certain benefits under the PBA collective bargaining agreement, for the time in which he served as Acting Police Chief in 2010, to be a non-precedent setting basis and not to be bound by any other interim appointment; the PBA is waiving a number of things. At the request of Councilman Backman, the Town Attorney will provide, by the August 11, 2010 Town Board meeting, a breakdown in dollar amounts for the various benefits requested.

Oneida County Sewer District Sauquoit Creek Pump Station – Repair of Tributary Municipal Collection and Conveyance Systems – Technical Engineering Review Assistance

At the July 14, 2010 Town Board meeting, the Town Board received a presentation from Barton & Loguidice, engineers; and since that time, has received a proposal from Lochner Engineering similar to that of Barton & Loguidice. The Board engaged in discussion about experience, how to proceed, whether to retain an engineering firm and costs. The Town Board will invite both firms to the August 11, 2010 Town Board meeting for further consideration.

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Financial – 2009 Annual Report

Supervisor Tyksinski reported that the 2009 Annual Report has been completed and copies have been placed in the Councilmen's mailboxes. Discussion on the Annual Report will take place at the August 11, 2010 Town Board meeting.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilman Reynolds and seconded by Councilwoman Krupa, the meeting was adjourned at 6:17 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk