

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, SEPTEMBER 8, 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 III
Highway/Sewer Superintendent Richard C. Sherman
Parks and Recreation Director Michael W. Jeffery
Police Chief Michael S. Inserra
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 APPROVAL

August 11, 2010 Meeting

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

(RESOLUTION NO. 217 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 August 11, 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

Willowvale Fire Company, Inc. Service Award Program (SAP)

Damian Ulatowski of *Affordable Benefits Concepts, Inc.* was present as a follow-up to his July 9, 2010 letter to the Town Board with regard to changes in the administrative platform that currently provides recordkeeping for the Willowvale Fire Company's retirement plan. The Fire Company's Service Award Program is comprised of a pre-retirement death benefit and also a side-funded annuity that accumulates assets over time to pay benefits to volunteers as a pension; that particular account is held by Nationwide, and Nationwide has had an administrative platform change within the same company resulting in substantive changes.

Mr. Ulatowski introduced Dan Cavaretta of Nationwide who gave an overview of the new program including but not limited to:

- Investment management services with Wilshire Associates as the portfolio management sub-advisor
- Wider selection of investment options including retail mutual funds
- Institutional class investing, typically only available to large plans
- Fee transparency and clear disclosure
- Tools to assist the Town with its fiduciary obligations.

Administrative fees are going down and in some instances, the interest rate is going up.

The Town Supervisor inquired whether Affordable Benefits/Nationwide could provide some projections as to the annual expense for the SAP, explaining the budget process and budget shortfall the past two (2) years. Mr. Ulatowski stated he could provide a copy of the 2009 SAP Valuation Report that contains the total projected plan cost for 2010.

Councilman Backman inquired about payment of the death benefit, what the SAP costs, how many volunteers are on retirement on such a short time (plan in effect for 3 years) and other particulars of the SAP. Mr. Ulatowski stated that the Willowvale Fire Company, Inc. has a better plan than does the New Hartford Fire Department.

Mr. Cavaretta left documents to be signed with the Town Supervisor; action was postponed until the September 22, 2010 Town Board meeting.

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Constituent Comments

The Town Board members had received a letter from Joseph Bolton, who was out of town on business, and who had asked that his letter be read at the Board meeting. After consulting the Town Attorney, Councilman Backman read aloud the letter that expressed Mr. Bolton's concern about the lack of resolutions to problems such as the Police Commission, Library, Town's finances and current situation with the Town Bookkeeper. He believes the Town should produce documents substantiating the Bookkeeper's status, i.e., exempt or not exempt and whether the 1999 Resolution stands as is and also, any retirement papers that may have been filed by the Bookkeeper. He also objected to the Bookkeeper's "taxpayer funded lawyer" who "counter-sues two town residents for \$3 million."

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRPERSON

Public Works and Sewers Committee – Chairman Backman

- **Elm Street, Chadwicks, bridge**
Verizon and National Grid need to reach a resolution on the relocation of pole(s) with regard to the proposed bridge replacement.
- **Chadwicks sidewalks** – this project has been completed.
- **Oxford Road paving** – the topcoat had been applied yesterday or today; paving is almost done on this County highway. It was questioned whether the road shoulders would be paved, or marked as sidewalks; Councilman Backman replied, – no, not as sidewalks.
- **Beechwood Road drainage** – still need one easement from a property owner who is out of town
- **Applewood Community road paving and dedication** – Highway Superintendent Sherman submitted a quote of \$99,301 to pave Anthony Lane, Brett Brae and Matthew Drive from the Seneca Turnpike GEIS money; the project can be completed under NYS Office of General Services and Oneida County bids. Some roads in the Applewood Community have been accepted and parts of other roads need to be accepted. Core testings have or should be done and certified; Highway Superintendent Sherman said some core testings were done prior to his becoming Highway Superintendent. The Town is maintaining the roads. Councilman Backman wants to know exactly what roads are to be accepted – not a blanket resolution for all roads. Senior Engineering Technician John Meagher said there are Board resolutions accepting some roads but the deeds were never filed with the County by the developer. To clean it up, Town Attorney Cully said a blanket description of all roads in the development had been prepared and one deed would be filed for all roads. Councilman Backman moved to postpone accepting any roads in the Applewood Community until the September 22, 2010 Town Board

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meeting when the Town Board will have had an opportunity to review the map. There being no second, the motion died.

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

(RESOLUTION NO. 218 OF 2010)

WHEREAS, based upon the following:

- advice of the Town Attorney
- the Roadway Dedication Plat originally dated December 28, 2004 and last revised on May 29, 2009 (having been recorded in the Oneida County Clerk's Office on May 11, 2010) that had been received in the Town Engineer's Office, and
- the Highway Superintendent's statement that the roads in the Applewood Community development have been core tested to determine whether the roads were constructed in accordance with Town specifications;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby accept a Deed dated May 7, 2010 between The Applewood Community, Inc. and the said Town wherein The Applewood Community, Inc. conveys specific roads within said Development to the Town of New Hartford; and

BE IT FURTHER RESOLVED that the New Hartford Town Board does hereby accept and dedicate all such roads described in said aforementioned Roadway Dedication Plat as public roads effective immediately, with the stipulation that this acceptance and dedication shall refer only to those roads laid out on the aforementioned Roadway Dedication Plat filed in the Town Engineer's Office and with the understanding that said roads have been core tested and meet Town road specifications; and be it

YET FURTHER RESOLVED that the Town Board does hereby authorize and direct the Town Clerk to file the applicable road dedication documents with the Oneida County Clerk's Office.

Senior Engineering Technician John Meagher was directed to file a condensed map of the dedicated roads with the Town Clerk, to be annexed to this Resolution. The Town 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**.

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

(RESOLUTION NO. 219 OF 2010)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Highway Superintendent to pave Anthony Lane, Brett Brae and Matthew Drive, within the Applewood Community, at a total project cost of \$99,301.72 per the estimate submitted by The Gorman Group. Said project shall be funded by the use of Seneca Turnpike-Commercial Drive GEIS Fees In Lieu of Mitigation and the project shall be completed under State Contract, pursuant to NYS Office of General Services and Oneida County bids.

A roll call vote was duly held and resulted 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**.

- **Replacement of Drainage pipe** – Over past years, if a property owner wanted to eliminate an open ditch fronting their property, the Town made an on-site inspection and prepared a cost estimate for pipe for which the property owner would be responsible; galvanized pipe had been used and now some of these installations need replacement as the galvanized pipe has deteriorated. Currently, the Town installs plastic pipe. Since this occurs Town-wide, the Highway Superintendent wanted to apprise the Town Board of this situation and asked how the Town Board wanted to proceed with repairing or replacing drainage pipe. Discussion ensued whether the Town should bear the cost of replacing the galvanized pipe, or the Town remove the deteriorated galvanized pipe and leave an open ditch, or cover the ditches with the property owner to bear the cost as originally done. The Town Board agreed not to change policy and that the property owner be responsible for the cost of replacing the pipe.

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REPORT OF TOWN SUPERVISOR

Traffic Signal – Seneca Turnpike at Applewood Boulevard

Four (4) residents of the Applewood Community inquired about a possible traffic light at the intersection of Seneca Turnpike-Applewood Boulevard. The Town Supervisor reported that the New York State Department of Transportation (DOT) had approved a three (3)-color light for the Applewood-Seneca Turnpike intersection and that the owners of the Applewood Community are aware of this decision. Supervisor Tyksinski stated that the issue now is the cost of the light, estimated to be One Hundred Ten Thousand Dollars (\$110,000), and who pays for it. Once that has been determined, the DOT will proceed with the requisite engineering work at no cost to the Town. The Town Attorney needs to review paperwork and the Town Board will make a decision. It is possible that the traffic signal could be operational by the end of 2010.

REPORTS OF SPECIAL COMMITTEES

Stormwater Management (Advisory) Improvement Committee:

Committee Chairman Elisabetta DeGironimo reported there was no quorum present to conduct the meeting scheduled for August 23, 2010; she will try to schedule a meeting for September 2010.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRPERSON

(Cont'd)

Zoning (Codes) and Planning Committee – Councilman Woodland

Property Maintenance – 3 Sycamore Drive West

Upon recommendation of Codes Enforcement Officer Joseph Booth, the following Resolution was introduced for adoption by Councilman Woodland and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 220 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 3 Sycamore Drive West (Tax Map Parcel No. 328.015-4-24), New Hartford, New York owned by Michael Rinko whose last known address is 3 Sycamore Drive West, New Hartford, New York; and

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WHEREAS, the Codes Enforcement Officer had communicated with said owner via certified mail, with no response having come forth from Mr. Rinko and the property appears to be abandoned;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Codes Enforcement Officer, through the Parks and Recreation Department, to proceed with mowing the lawn at 3 Sycamore Drive West, and that the costs and expenses incurred by the Town in connection with said proceedings be assessed against the land on which said public nuisance exists; specifically, the Town Board does hereby authorize and direct Oneida County to levy such charges on the 2011 Town and County tax bill.

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**.

Election Committee – Councilman Woodland

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

(RESOLUTION NO. 221 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 Town Clerk Gail Wolanin Young and to Councilman Backman to attend the Oneida County Association of Towns Meeting on September 21, 2010 in the Town of Forestport, NY, with expenses to be borne by said Town as budgeted; the topics will include new voting machines, election issues and changes in polling locations.

The Resolution was voted upon by roll call as follows:

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

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

MATTERS SUBMITTED BY COUNCILMEN/ATTORNEY/DEPUTY TOWN SUPERVISOR

Town Attorney

SEORA Public Hearing scheduled – NYS Route 840 Break In Access

The Town Attorney stated the Draft SEIS had been submitted to a number of agencies including the NYS Department of Transportation, with recommendations that were included in the supplemental EIS. *peter j. smith & company* performed the original EIS in 1999. Upon presentation by the Town Attorney, Councilwoman Krupa introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 222 OF 2010)
NYS Route 840 Break In Access

DETERMINATION OF COMPLETION OF DRAFT SEIS AND ISSUANCE OF COMBINED NOTICE OF COMPLETION AND PUBLIC HEARING AND COMMENT PERIOD ON THE DSEIS

WHEREAS, the Town Board in the Town of New Hartford in its role as continuing lead agency for the SEQRA review of the NYS Route 840 Break In Access Project has issued a positive declaration requiring the preparation of a Draft Supplemental Environmental Impact Statement (DSEIS) on the project;

WHEREAS, *peter j. smith & company, inc.* has developed and submitted a DSEIS evaluating the impacts of the New York State Route 840 Break In Access at Woods Highway Extension in accordance with the requirements of SEQRA and the positive declaration for the review of the Town Board and Town Staff; and

WHEREAS, the Town Board and Town Staff have reviewed the DSEIS and determined that the DSEIS addresses potential impacts and alternatives as required by the positive declaration issued by the Town Board and the SEQRA regulations;

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NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board determines that the DSEIS is complete and sufficient for involved and interested agency and public review and comment as required by SEQRA; and

BE IT FURTHER RESOLVED THAT the Town Board will hold a Public Hearing on the SDEIS at the Town offices located at 48 Genesee St., New Hartford, New York starting at 7:00 P.M. on Wednesday, September 22, 2010 and that written public comments on the DSEIS submitted to the Town Clerk of the Town of New Hartford will be accepted if submitted on or before October 1, 2010; and

BE IT FURTHER RESOLVED that the attached Combined Notice of Completion and the Public Hearing and Comment Period and the DSEIS be published and filed as required by the SEQRA regulations, including the posting of the Notice and the DSEIS on the Town website.

Councilman Backman questioned what the Planning Board's role was in this matter; the Town Attorney replied, "None – this is right in, right out". Thereafter, the Resolution was voted upon by 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***.

Appointments - Library Trustees

The Town Attorney referred to a joint letter directed in August 2010 to Bernard Margolis, State Librarian & Assistant, signed by Supervisor Tyksinski and Library President DuRoss indicating an agreement had been reached with regard to library trustee appointments and asking that the Board of Regents ratify the trustees to be selected by the Town of New Hartford as identified in Exhibit "A" of said letter. Thereafter, Councilwoman Krupa offered the following Resolution for adoption and Councilman Reynolds seconded same:

(RESOLUTION NO. 223 OF 2010)

RESOLVED that the Town Board of the Town of New Hartford does hereby ratify the terms of the August 17, 2010 Letter Agreement between said Town and the New Hartford Public Library Board of Trustees with regard to the appointment of Trustees,

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said Letter Agreement having been directed to Bernard A. Margolis, State Librarian and Assistant, Commissioner for Libraries New York State Library; and be it

FURTHER RESOLVED that said Town Board does hereby appoint the following individuals as Trustees on the New Hartford Public Library Board of Trustees, effective September 9, 2010, and for terms ending on the dates set forth opposite their several names:

- Susan Blatt* December 31, 2011
- William Bonsted* December 31, 2014
- Earl Cunningham* December 31, 2013
- Virginia Emmert* December 31, 2012
- Peter Rayhill* December 31, 2011
- Linda Romano* December 31, 2013
- Connie Stephens* December 31, 2013
- Edward Wiatr* December 31, 2014
- *the eight (8) Trustees referenced in Paragraph 1 of the August 17, 2010 Letter Agreement
- Mary DuRoss December 31, 2014
- Kevin Kelly December 31, 2010
- Sheldon Storrier December 31, 2010.

And be it

YET FURTHER RESOLVED that the New Hartford Town Board does hereby request the Board of Regents to ratify the trustees selected by the Town of New Hartford for the terms designated and asterisked hereinabove.

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**.

Proposed Local Law - MS4 (Municipal Separate Storm Sewer System)

Town Attorney Cully distributed a proposed local law for the Town Board's review and consideration at the September 22, 2010 Town Board meeting. Joanne Faulkner of the

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Oneida County Soil & Water Agency has stated that it is imperative that the Town adopts legislation to control Municipal Separate Storm Sewer Systems.

PILOT Agreement – New Hartford Business Park

Town Attorney Cully apprised the Board that an amendment is needed to close a loophole in the prior PILOT Allocation Agreement for the Business Park, which pre-dated his involvement with the Town Board. The loophole provided that PILOT payments made pursuant to the Agreement could not be disbursed until the debt service payment was due and those payments are sitting in limbo. The purpose of the amendment allows the Oneida County Industrial Development Agency (OCIDA) to give the Town the money. The Town has paid about \$110,000 without getting the money from OCIDA. Thereafter, Councilman Backman introduced the following Resolution for adoption; Councilwoman Krupa seconded same:

(RESOLUTION NO. 224 OF 2010)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to execute the first amendment to Agreement Allocating PILOT Payments, dated October 2008, between and among the New Hartford Central School District, the County of Oneida, the Town of New Hartford, and the Oneida County Industrial Development Agency.

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

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

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

Assessment (Tax) Certiorari Proceeding - Legal Representation

In past years, Joseph Shields, attorney for the New York Mills Union Free School District, would represent the Town of New Hartford in assessment (tax) certiorari cases, at a cost savings; however, he is citing a conflict of interest in the matter of Burrstone Energy Center, LLC vs the Town and has declined to represent the Town. Assessor Smith stated that the structure at issue is not bolted down. After some discussion, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilwoman Krupa:

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(RESOLUTION NO. 225 OF 2010)

RESOLVED that the Town Board of the Town of New Hartford does hereby retain the legal services of Herbert J. Cully to represent the Town in the assessment (tax) certiorari matter of Burrstone Energy Center, LLC, vs the Town of New Hartford, at an hourly rate of Two Hundred Dollars (\$200).

The Town Board members 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*.

Insurance Policy – Law Enforcement, “Line of Duty Death Coverage”

The Town Attorney is investigating whether the Town is responsible for a \$5,000 deductible on the \$50,000 Line of Duty Death payment made by Clarendon National Insurance Company with regard to the February 27, 2006 death of Police Officer Joseph Corr. In July 2010 the Town Clerk’s Office was notified that the insurance company was attempting to collect the deductible from the 2006 payout. Attorney Cully said the statute of limitations is six (6) years; he will review the 2005-2006 Law Enforcement Policy and report at the September 22, 2010 Town Board meeting.

Councilman Backman:

Donovan Community Center, Elm Street, Chadwicks

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

(RESOLUTION NO. 226 OF 2010)

RESOLVED that the Town Board of the Town of New Hartford does hereby re-open the Donovan Community Center building, Elm Street, Chadwicks, for public use effective immediately and in accordance with rules and regulations heretofore adopted and that all individuals, agencies and/or organizations obtain a permit for use of said facility through the Buildings and Grounds/Highway Department.

Councilman Backman has received a request from the New Hartford Historical Society to use the Donovan building; President Barbara Couture will be directed to the Buildings

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and Grounds Department to obtain a permit. 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*.

Garbage Collection – Regulation of hours

Councilman Backman had received a request from a Barley Mow Run resident who would like the Town to consider regulating the hours during which household garbage can be collected, preferably 7:00 A.M. to 7:00 P.M. (construction hours), rather than beginning at 5:00 A.M. After Board discussion, it was the consensus that the homeowner should approach the garbage hauler directly.

Zoning Law - Signs

Councilman Backman has received complaints from property owners, candidates, etc. with regard to political signs being erected in the Town. Revamping of the Town's Zoning Law on signs was intended to clean up the Town's (road) right-of-way but there will always be cars parked in the rights-of-way, mailboxes installed in the rights-of-way, etc. He said enforcement, at best, is sporadic; the Codes Department is busy and can't catch them all and he questioned whether the Town Board would want to consider easing the restrictions, for example, in residential areas having a specific sign size not to be exceeded, etc. A lack of an official list of roads makes it difficult to determine where the Town's right-of-way is – whether the roads are 2-rod or 3-rods wide. The current Zoning Law addressing signs is much better than prior zoning laws and has addressed intersection blockages, etc., said Councilman Backman. The Town Board had passed the legislation that had been reviewed by the Zoning Law Advisory Committee, which helped clean up the Town, said Codes Enforcement Officer Booth. Councilman Backman will work with the Zoning Law Advisory Committee to draft an official list of roads; if any vacancies exist on said Advisory Committee, the Town Board will make appointments. Councilman Backman is to report to the Town Board at the September 22, 2010 Town Board meeting.

Local Law Introductory “B” of 2010 – Town Code, Chapter 113

The Highway Superintendent and Police Chief having made an on-site inspection along Sessions Road and recommending erection of two (2) STOP signs, Councilman Backman introduced the following legislation for the Town Board's consideration at a future Public Hearing; co-sponsored by Councilman Reynolds:

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TOWN OF NEW HARTFORD, NEW YORK
LOCAL LAW INTRODUCTORY "B" OF 2010

A Local Law to amend the Code of the Town of New Hartford, Chapter 113 thereof entitled VEHICLES AND TRAFFIC, by establishing an additional Through Street (Section 113-40) and additional Stop Streets (Section 113-41) in the vicinity of Sessions Road.

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

SECTION 1. Chapter 113 of the Code of the Town of New Hartford, Section 113-40, is hereby amended to include the following:

Section 113-40. Schedule VI: Through Streets.

<i>NAME OF THROUGH STREET</i>	<i>NAME OF ENTRANCE STREET</i>	<i>DIRECTION FROM WHICH ENTERING</i>	<i>TRAFFIC CONTROL DEVICE</i>
Sessions Road	Cosmo Court	Southwest	Stop Sign
Sessions Road	Knight Road	Southwest	Stop Sign

SECTION 2. Chapter 113 of the Code of the Town of New Hartford, Section 113-41, is hereby amended to include the following:

Section 113-41. Schedule VII: Stop Intersections.

<i>STOP SIGN ON</i>	<i>DIRECTION OF TRAVEL</i>	<i>AT INTERSECTION OF</i>
Cosmo Court	Northeast	Sessions Road
Knight Road	Northeast	Sessions Road

SECTION 3. All other provisions of Chapter 113 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

SECTION 4. This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State.

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

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(RESOLUTION NO. 227 OF 2010)

RESOLVED that the Town Board of the Town of New Hartford shall conduct a Public Hearing on Wednesday, September 22, 2010 at **7:00 P.M.**, or as soon thereafter as reached in the regular course of business, in Butler Memorial Hall, 48 Genesee Street, New Hartford to consider **Local Law Introductory “B” of 2010** which, if adopted, would amend the Code of the Town of New Hartford, Chapter 113 thereof entitled **VEHICLES & TRAFFIC** by designating Sessions Road as a through street at its intersections with Cosmo Court and Knight Road, the latter two of which would be designated as STOP streets; 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.

A roll call vote was duly held 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**.

Town and County Tax bill corrections

Recent revelations pointed out that numerous parcels throughout the Town had not been assessed, one of which was the Edwards Ambulance parcel within the Willowvale Fire Protection District 4 which had not paid taxes since they purchased the former Willowvale Fire Company property on Oneida Street about three (3) years ago. Councilman Backman inquired how many years the Town could recover back taxes. Assessor Smith said the Town could only go back one (1) year. The Town Attorney will research the matter and report at the September 22, 2010 Town Board meeting.

Assessor – Sewer District reports

Assessor Paul Smith distributed reports on sewer districts that had been requested at the August 11, 2010 Town Board meeting. Discussion ensued about consolidating all sewer districts so that every property owner pays operation and maintenance costs. The Town Supervisor, Town Attorney and Deputy Supervisor will review Town documents from the 1990’s when the Town’s sewer districts had been consolidated, and after which prior administrations established new, separate sewer districts.

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Town Insurance Company – Counter Claim

Based upon his discussion with the Town’s insurance company, Councilman Backman was told the Town is paying for the counter claim filed by the Town’s Bookkeeper versus two (2) Town residents. The Town Attorney cautioned that this matter involves a claim and would be better discussed in Executive Session. Councilman Backman commented that he is not in support of using taxpayer dollars to sue residents.

MATTERS SUBMITTED BY THE TOWN SUPERVISOR

Financial:

Audit of vouchers

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

(RESOLUTION NO. 228 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:

Stormwater Abstract #1	
Vouchers HK1-HK2	\$184,821.24
New Hartford Business Park Abstract #2	
Vouchers H02	\$ 46,255.37
Capital Parks Equipment Abstract #1	
Vouchers H91	\$ 10,695.00
Bridge Repair Fund Abstract #3	
Vouchers HB3	\$ 7,080.00
Street Lighting Abstract #10	
Vouchers SL10	\$ 7,401.08
Highway Fund Part-Town Abstract #12	
Vouchers DB548-DB559; DB561-DB600	\$ 60,939.75
General Fund Part-Town Abstract # 12	
Vouchers BB91-BB97	\$ 6,265.69
General Fund Part-Town Police Abstract #15	
Vouchers BP193-BP223	\$ 55,282.33
General Fund Whole-Town Abstract #28	
Vouchers AA807-AA814	\$ 95,050.00
General Fund Whole-Town Abstract #29	
Vouchers AA815	\$ 3,000.00

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General Fund Whole-Town Abstract #30	
Vouchers AA816-AA869; AA877-AA878	
AA880-AA897	\$ 87,589.37
General Fund Whole-Town Abstract #31	
Vouchers AA870-AA875	\$ 7,092.78
General Fund Whole-Town Abstract #32	
Vouchers AA879	\$ 200.00
Sewer Fund Abstract #18	
Voucher SS56-SS57	\$ 11,499.70
Sewer Fund Abstract #19	
Voucher SS58; SS60-SS63	\$ <u>6,335.90</u>
Sewer Fund Abstract #20	
Voucher SS59	\$ <u>1,401.26</u>
TOTAL:	\$590,909.47

Councilman Backman initiated discussion on the voucher submitted by the Sauquoit Creek Basin Municipal Commission, stating we would like to know the formula used for the Town's payment versus other municipalities' payments, what the Commission is doing, what benefits the Town is getting and why the Town of New Hartford is paying three (3) times more than anyone municipality. Thereafter, 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**.

Monthly Report of Expenditures/Revenue

Supervisor Tyksinski had distributed the August 2010 monthly financial report to the Board members.

2010 Budget Adjustments

Upon recommendation of the Town Supervisor, Councilman Backman offered the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 229 OF 2010)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Bookkeeper to make the following 2010 Budget adjustments:

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<u>Account No.</u>	<u>Account Description</u>	<u>Increase</u>	<u>Decrease</u>
BP2770.5	Special Patrols (AT&T)	\$38,937.89	
BP3120.11	Police Chief Salary	\$38,937.89	
AA1220.04	Supervisor Contractual	\$ 1,200.00	
AA1930.04	Contingent		\$ 1,200.00
Hw/Whole-Town	Elm Street Bridge Project		\$23,375.00
Capital Elm			
Street Bridge	Elm Street Bridge Project	\$23,375.00.	

The foregoing Resolution was subject to a vote 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***.

Minutes/audits – New Hartford Public Library

The Town Clerk confirmed that in August 2010 she had requested minutes and audits from the New Hartford Public Library; however, to date, she has not received these documents. The Town Supervisor will contact the Library Board of Trustees.

Discontinuance - Emergency Dispatch Center

With the authority given to him by the Town Board in late spring/early summer 2010 as to the date by which the Town's Emergency Dispatch Center operation would be discontinued, the Town Supervisor has sent a letter to Kevin Revere, Oneida County 911 Center, that all dispatch services of the Town will be discontinued effective October 1, 2010. This matter has been discussed with Telecommunicator Supervisor Jeffrey Madden and Police Chief Michael Inserra, whom he thanked in getting this job done. He also extended thanks to the Town Board and County of Oneida for their cooperation.

Disband 24-hour Dispatch Committee

In light of the fact that the Town's Dispatch Center will be discontinued effective October 1, 2010 with all calls to be handled by the Oneida County 9-1-1 Center, Councilwoman Krupa offered the following Resolution for adoption; seconded by Councilman Backman:

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(RESOLUTION NO. 230 OF 2010)

WHEREAS, the Town of New Hartford Emergency Dispatch Center will discontinue all services effective October 1, 2010, with all calls to be handled through the Oneida County 9-1-1 Center;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of said Town does hereby disband the 24-Hour Dispatch (Advisory) Committee effective October 1, 2010 and that the Town Supervisor send letters to all Committee members thanking them for their time, dedication and service to the community.

A roll call vote was then duly held and resulted 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**.

Agreements – School Resource Officers

Upon presentation by the Town Supervisor, Councilwoman Krupa introduced the following Resolution for adoption and Councilman Reynolds seconded same:

(RESOLUTION NO. 231 OF 2010)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement between the Town and the New Hartford Central School District wherein the Town shall provide School Resource Officer services for the sum of Thirty-seven Thousand Five Hundred Dollars (\$37,500) during school year 2010-2011.

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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Thereafter, Councilman Backman offered the following Resolution for adoption and Councilwoman Krupa seconded same:

(RESOLUTION NO. 232 OF 2010)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement between the Town and the Sauquoit Valley School District wherein the Town shall provide School Resource Officer services for the sum of Thirty-seven Thousand Five Hundred Dollars (\$37,500) during school year 2010-2011 and for a second Agreement between said parties for the sum of Twelve Thousand Dollars (\$12,000) for the same period.

The Town Board then 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**.

Whitetail Meadows – Retention Pond

There had been a need and request to install a retention pond in the Whitetail Meadows development, off Oneida Street, Chadwicks and which agreement apparently had been reached between then-Highway Superintendent Roger Cleveland and developer John Barkett, the latter of who would provide some labor and build the retention pond. This pond is working and doing what it's supposed to be doing but bills related to this infrastructure were not paid. The Town received a bill for Lot No. 4 upon which the retention pond had been constructed with a noted \$52,000 acquisition cost for the lot, plus late fees of more than \$8,000. The question arose whether the Town Board should approve the payment, contingent upon the Town receiving a deed so that it is town-owned. Also, developer Barkett had submitted a bill for labor and materials for the retention basin (\$5,950) and late fees (\$981.75) for a total of \$6,931.75.

Town Attorney Cully referred to former Attorney Gerald Green's 2009 Memo on these subjects. Highway Superintendent Sherman said this retention pond is helping the residents on Oneida Street who used to get flooded from time to time; however, he questioned whether the lot was worth \$52,000 and Liz DeGironimo, Chairman of the Stormwater Management Improvement (Advisory) Committee had a problem with not having an appraisal and she suggested getting an appraisal. The Town Board asked the

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Assessor to prepare a report of lot sales in the area of Whitetail Meadows and Town Attorney Cully will communicate with Mr. Barkett's attorney.

Police Sub-station – Butler Memorial Hall

The Town Supervisor acknowledged that with the assistance of Police Chief Inserra, a Police Sub-station has been created in Butler Memorial Hall; the office is located on the first floor between the Receiver of Taxes office and the Accounting Department and is great for both Village and Town offices.

Proposed Local Law Introductory – Amend Town Code, Chapter 41, Alarm Permits

A Local Law Introductory was distributed which, if adopted, would amend the schedule of fines for false alarms and which schedule of fines would then be the same as adopted by the Village of New Hartford, a proposal suggested earlier this year by New Hartford Fire Chief Thomas Bolanowski. After some discussion, the matter was tabled by Councilman Backman until the September 22, 2010 Town Board meeting.

Audit for 2009

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

(RESOLUTION NO. 233 OF 2010)

WHEREAS, at the January 27, 2010 Town Board meeting, the Town Supervisor stated that he was awaiting the engagement letter from the accounting firm of Barone and Howard, CPA which would be performing the audit of the Town's 2009 finances; and

WHEREAS, to date, Barone and Howard has not commenced the 2009 audit of Town finances;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to contact Barone and Howard to cancel the 2009 audit and to rescind any written agreement that may have been entered into.

Discussion ensued with the Town Board reaching consensus that the 2009 audit would be conducted at the same time that the 2010 audit would be authorized and that the Request for Proposal would include a timeframe during which the audit must be performed. The Town Board members 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*.

EXECUTIVE SESSION

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

(RESOLUTION NO. 234 OF 2010)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the status of the Preswick Glen assessment litigation against the Town.

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly *ADOPTED*. All persons present, including the news media and Department Heads, were then excused from the meeting at 9:23 P.M. The Town Attorney and Deputy Supervisor remained for the Executive Session.

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 235 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.

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The Supervisor declared the Resolution unanimously carried and duly *ADOPTED*; the Executive Session ended at 9:35 P.M. The regular portion of the Town Board meeting was immediately reconvened.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilwoman Krupa and seconded by Councilman Reynolds, the meeting was adjourned at 9:36 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk