

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT PERRY JUNIOR HIGH SCHOOL,
9499 WESTON ROAD IN SAID TOWN ON
WEDNESDAY, NOVEMBER 3, 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 Town Supervisor Matthew Bohn III
Director of Senior Services M. Eileen Spellman
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

October 13, 2010 Town Board Meeting

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

(RESOLUTION NO. 277 OF 2010)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted and clarified the minutes of the Regular Town Board meeting held October 13, 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 HEARING(S)

2011 Preliminary Budget

The Town Supervisor briefed the public on changes that had been made from the Tentative Budget to the Preliminary Budget for 2011; basically changes encompassing four areas:

- no pay raises for elected and non-elected employees, savings of \$45,052
- elimination of funds for curbside trash collection, savings of \$25,000
- elimination of proposed new revenue from the Codes Department, delete \$10,000
- reinstate five (5) Highway Department employees, add \$316,635,

Further, the Sewer Fund was increased by approximately \$17,000 for the reinstatement of a Sewer Foreman. The tax rate on the Tentative Budget for the General Whole-Town Fund was \$.86/per \$1,000 of assessed valuation, a 20% reduction from 2010; the General Part-Town Fund tax rate was \$1.83/per \$1,000 of assessed valuation, a decrease of 13%. The Tentative Budget combined tax rate was \$2.69/per \$1,000 assessed valuation, for a 16% tax deduction. The Preliminary Budget now has a General Whole-Town Fund tax rate of \$1.04, a 4% tax reduction from 2010, while the tax rate for the General Part-Town Fund remained the same; for a combined tax rate of \$2.87/per \$1,000 of assessed valuation, or a 10% reduction in tax rate from current tax rate. Supervisor Tyksinski asked that, during the Public Hearings, people state their name and keep their comments to three (3) minutes.

7:05 P.M. Public Hearing upon the 2011 Preliminary Budget

At 7:05 P.M. the Supervisor opened the Public Hearing. The Town Clerk had available the Notice of Public Hearing, Proof of Publication (October 29, 2010 edition of The Observer Dispatch), and Affidavit of Posting. The purpose of the Hearing was to offer the citizens an opportunity to speak for or against, or to comment upon the 2011 Preliminary Budget as a whole, or any part thereof.

Supervisor Tyksinski inquired whether anyone present wished to speak. The following persons came forth:

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- Kevin Kelly – he recognized that the Town is in a financial bind, as is the New Hartford Public Library; at the same time, he feels that “..the proposed \$135,000 decrease in library funding would seriously affect library services...closed one day a week...employees lose their jobs....decrease in material purchases. He compared the high usage of New Hartford’s Library with area libraries, including the usage of public computers
- Edmund Wiatr, Jr. – he has concern with the average cost for police as well as the salary for the Police Chief who oversees 19 full-time and 7 part-time employees compared to the City of Utica, whose Police Chief earns under \$110,000 while overseeing about a 182 contingent. He sees a problem with a \$3.3 million budget for the Police Department – they do a good job – good men – Chief Inserra – but sees a need to pare down the budget and bring in sheriff deputies/state police. He also cited an increase in their health insurance and urged the Town Board to tighten their belts during union negotiations. Mr. Wiatr also commented on the Corr health insurance line item for \$20,000 that he didn’t believe was health insurance but, rather a payout over 10 years for the death settlement of Officer Joseph Corr. He clarified his comment that this was not a reflection on Officer Corr who gave up his life (February 2006).

Mr. Wiatr suggested the Town Board consider paring off four (4) police officers – the Town doesn’t need school traffic officers or mall security.

[Supervisor’s response: With regard to Mr. Wiatr’s comments about the Police Chief’s salary, the Town Supervisor clarified that statute requires that a newly hired Police Chief must be paid no less than the outgoing Chief earned and that a permanent full-time Police Chief must be paid at least the same dollar amount of any base salary increase received by the next subordinate police officer who is a member of a negotiating unit.]

- Linda Frisillo – objected to the discontinuance of the annual curbside trash collection, which saved the Town \$25,000. She stated that some residents might not have access to a truck to haul their white goods/larger household items to the Town’s Sanger Public Works site where dumpsters are located.

[Supervisor’s comment: The Town Supervisor explained that he had budgeted \$25,000 for the curbside trash program in the 2011 Tentative Budget but that the Town Board removed it from the 2011 Preliminary Budget.]

[Councilwoman Krupa explained this year’s new program – that residents bring their household items (not daily garbage) to the Sanger Public Works Garage and that the residents have responded positively and were appreciative that the program was spread out over the summer and they could take their time in disposing of large items; the program worked out where the Town would receive revenue from metals.]

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[Councilman Backman: The junkers don't save the town a dime when they would pick up metal during the curbside collection program...the Town still must pay the laborers. He stated that the program has been expanded into July and August for the transfer station and people must prove residency in the Town. In prior years, the Town saw the importation of trash from other towns, which isn't happening now. It takes a Highway crew a month to go through the Town; we were taking Highway workers and making them garbage workers for a month while other Highway tasks didn't get worked on. The men were coming off plowing, would begin street sweeping and have to be pulled off for the trash collection.]

[Councilman Reynolds: commented that the Highway Superintendent had done a study of curbside trash collections and no other town is offering this type of service. Highway Superintendent Sherman acknowledged that the Town is making some money on the new program, which also frees up the workforce to address infrastructure problems.]

- Ralph Humphreys – stated that Town residents need to be educated – most vendors will pick up your old couch, refrigerator, stove, etc. if you're buying from them a new item, so that saves on large item pickups at the curb.

[Councilwoman Krupa: Mr. Kelly's comments that the Town was cutting \$135,000 from the Library in the 2011 Budget is not true; for 2010, the Town's contribution to the library was brought down to \$475,000 and for 2011, \$400,000 is being allocated, so it's only \$75,000 that the Library won't receive. Further, Councilwoman Krupa said the Library Board Trustees, including Mr. Kelly, were told that because of the economic situation, the Library wouldn't be receiving what they wanted; in the Spring of 2010 Councilwoman Krupa offered to help the Library find other avenues for funding and they declined her offer. She said the offer still stands today.]

The Preliminary Budget also includes special districts such as street lighting, fire protection and sewers for which the projected 2011 ad valorem rates have been set forth and for special improvement areas for sewers and water for which the 2011 unit charges have been set forth.

There being no one further to speak in the matter of the 2011 Preliminary Budget, the Supervisor declared the Public Hearing closed at 7:27 P.M.

7:28 PM

Public Hearing on Special Assessment Rolls

The Town Supervisor opened the Public Hearing at 7:28 P.M. The Town Clerk had available the Notice of Public Hearing, Proof of Publication (October 23, 2010 edition of The Observer Dispatch), Affidavit of Posting, and special assessment rolls. The purpose of the Hearing was for the Town Board to hear and consider any objections that might be made to the special assessment rolls for the following districts:

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- New Hartford Consolidated Sewer District
- Clinton Street Sewer District
- Woodberry Hills Sewer District
- Higby Road Water District
- Water Fund.

Supervisor Tyksinski explained that New Hartford Consolidated Sewer Districts (1) and (2) might have additional expenses due to rehabilitation within the Part County Sewer District. Also, a couple of sewer districts weren't being charged operation and maintenance (O & M) in the past and this has been amended and the districts are now being charged O & M.

- Ralph Humphreys asked if the sewer rates for the Cherrywood mobile home park had been straightened out. Supervisor Tyksinski questioned why Mr. Humphreys had not rectified the matter when he was Town Supervisor. Mr. Humphreys said he didn't know about it.
- Edmund Wiatr, Jr. - said that a couple years ago they brought to then-Town Supervisor Earle Reed's attention the inadequacy of sewer rates between the Cherrywood and Applewood home communities but nothing was every done to correct it.

Supervisor Tyksinski: the Town is aware of it but this Town Board cannot act until they know the legal status of Applewood - then we can go forward. At every Town Board meeting, we keep referring matters to the Town Attorney and unfortunately priorities have to be set and lawsuits are up at the top because of time constraints. It's not forgotten - just another item on the Town Attorney's list - will try to put a timeframe on it but can't tell someone to lay off other legal items and do this. The Supervisor said it probably wouldn't be corrected until the 2012 budget.

Councilman Backman: said this is the last budget he will vote on if this matter is not corrected. Further, if the only way to fix this matter is to consolidate, then he'd be in favor of consolidation.

Thereafter, the Supervisor declared the Public Hearing closed at 7:44 PM.

REPORTS OF STANDING COMMITTEES

Public Works and Sewer Committee:

Highway Superintendent Sherman reported that the Village of New Hartford has agreed to pick up trash from the Jerome K. Madden Justice Building, the Recreation Center and the Sanger Public Works Garage at the rate of Sixty Dollars (\$60) per site, per month; the Parks Department is not included at this time because of the approaching winter season.

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Compared to what the Town currently pays a private garbage hauler, the Town would save about \$600 per month by entering into a contract with the Village of New Hartford. The Town Board concurred to table this matter until the written inter-municipal agreement has been finalized.

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL:

Audit of Vouchers

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

(RESOLUTION NO. 278 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:

Elm Street Bridge Repair Fund Abstract #5	
Voucher HB5	\$ 1,770.00
Highway Fund Part-Town Abstract # 15	
Vouchers DB742	\$ 363.37
Highway Fund Part-Town Abstract # 16	
Vouchers DB743-DB748; DB750-DB778	\$ 68,920.34
General Fund Part-Town Abstract # 15	
Vouchers BB111	\$ 2,025.00
General Fund Part-Town Abstract # 16	
Vouchers BB112-BB120	\$ 14,221.46
General Fund Whole-Town Abstract #40	
Vouchers AA1028-AA1037	\$ 13,538.45
General Fund Whole-Town Abstract #41	
Vouchers AA1041-AA1094; AA1098-AA1123	\$ 74,146.36
General Fund Whole-Town Abstract #42	
Vouchers AA1095-AA1097	\$ 298.73
General Fund Whole-Town Police Abstract #18	
Vouchers BP248-BP262	\$ 65,550.63
Sewer Fund Abstract #26	
Voucher SS73	\$ 1,715.63
Sewer Fund Abstract #26	
Voucher SS74-SS76; SS78-SS80	\$ 6,564.36

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Sewer Fund Abstract #27

Voucher SS77

\$120,000.00

\$369,114.33

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***.

Training – Oneida County Association of Towns Quarterly Business Meeting

The Oneida County Association of Towns has scheduled the 4th quarter Business Meeting for November 16, 2010 at the Radisson in Utica, NY. No Town Official expressed an interest in attending this session.

Appointments – New Hartford Public Library Trustees

Since the October 27, 2010 Town Board meeting when it was discussed that two (2) appointees had failed to take their Oath of Office, thereby leaving the Trustee positions vacant, the Town Attorney confirmed that the positions are, in fact, vacant and that he found nothing in law that would disqualify the Messrs. Cunningham and Rayhill from being re-appointed because they didn't file their oath on time, nor did he find a declination letter from either appointee. Councilman Reynolds reiterated his comments from the October 27, 2010 Town Board meeting, that the Messrs. Cunningham and Rayhill are interested and active members and would like to be re-appointed.

Councilman Reynolds moved to reappoint Earl R. Cunningham and Peter Rayhill as Trustees for the New Hartford Public Library effective immediately and for the term expiration set forth in the September 8, 2010 Town Board minutes. There was no second and the motion failed.

Councilman Backman noted that the Town has been contacted by three (3) individuals who are interested in serving as Library Trustees; namely, John Kalil Jr., Russell Cerminaro and John A. Klein. Thereafter, Councilman Backman introduced the following for adoption; seconded by Supervisor Tyksinski:

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(RESOLUTION NO. 279 OF 2010)

RESOLVED that the New Hartford Town Board does hereby appoint John N. Kalil, Jr. as a Trustee on the New Hartford Public Library Board for a term to commence on November 4, 2010 and ending December 31, 2013.

A roll call vote was duly held and resulted as follows:

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

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

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

(RESOLUTION NO. 280 OF 2010)

RESOLVED that the Town Board of the Town of New Hartford does hereby appoint John A. Klein as a Trustee on the New Hartford Public Library Board for a term commencing November 4, 2010 and ending December 31, 2011.

The Supervisor polled the Board members who voted as follows:

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

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

Adoption – 2011 Annual Budget; Approval of Special Assessment Rolls

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

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(RESOLUTION NO. 281 OF 2010)

WHEREAS, the Town Board of the Town of New Hartford held Public Hearings on November 3, 2010 to consider the special assessment rolls of said Town for fiscal year 2011 and to consider the adoption of the 2011 Preliminary Budget as the 2011 Annual Budget, including special district rates:

NOW, THEREFORE, BE IT RESOLVED that said Town Board does hereby approve the special assessment rolls of said Town for fiscal year 2011 and does further adopt the 2011 Preliminary Budget as the 2011 Annual Budget as set forth in Schedule "A" annexed hereto and made a part of this Resolution and does hereby set the rates for all funds and the special districts/improvement areas as set forth in said budget.

Discussion followed. Councilman Backman confirmed that the Town Board did restore funding for the five (5) Highway laborers with the understanding that the Town Board will ask for a wage freeze in 2011. He mentioned a recent newspaper article announcing that recipients of social security benefits would not see an increase this year. He would still want to shrink the Highway Department labor force but through attrition, not layoffs. The Town Board has budget expectations and if no concessions are forthcoming from the unions, the work layoff will not disappear from discussion.

With regard to salaries of the four (4) big departments, it doesn't mean he is favoring giving the Police Chief \$91,000 but a lower salary if union negotiations aren't favorable to the Town. The Highway Superintendent earns \$60,000 and oversees 29 full-time employees. The Parks and Recreation Director has a salary of about \$50,500 and has 9 full-time staff and about 110 seasonal staff members. The Codes Enforcement Officer earns an estimated \$74,000 and has a secretary, full-time Assistant and 2 part-time staff; he couldn't understand how in 2 years the Codes Enforcement Officer salary could increase by about \$30,000 and questioned if the Town Board couldn't see the inequity here. He referred to a suggested salary list that he had when on the Town Board a number of years ago. Turning to the Town Clerk, Councilman Backman asked how long she had worked for the Town and how much was budgeted for her salary for 2011. The Town Clerk responded she's worked 45 years for the Town and about \$48,000 has been budgeted for her 2011 wages. Councilman Backman remarked, I rest my case. Councilman Backman stated that the Village of New Hartford has begun looking at performing their own codes work and the \$6,000 in revenue from village permits would not be received by the Town and he wants this salary reduction taken care of tonight. Board members Reynolds and Krupa pointed to the unfunded State mandates such as fire inspections. While Councilman Backman doesn't have a problem budgeting \$74,000 for the Codes Officer salary, he would have a problem voting on that amount at the organizational meeting in January 2011. At a budget workshop the Town Supervisor had noticed that some salaries were very low. Councilman Reynolds suggested considering a

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2% pay increase for the non-elected, non-union and full time staff (cost of living or longevity). The Town Supervisor believed that any raise should go across the board, not be selective as to an employee. Councilman Backman recommended a 3% increase for non-elected, non-union or whatever raise the unions give, (based upon the arbitration hearing that's going on said the Town Supervisor).

(Resolution No. 281 of 2010 continued)

And

BE IT FURTHER RESOLVED that the Town Board's approval of the 2011 Annual Budget shall include adjustments for pay increases for non-elected, non-union clerical employees and that the Town Supervisor be authorized to make such adjustments.

The resolution was voted upon by roll call, as follows:

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

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

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilwoman Krupa and seconded by Councilman Woodland, the meeting was adjourned at 8:20 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk