

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, MARCH 9, 2011 AT 6:58 P.M.**

Town Supervisor Patrick Tyksinski called the meeting to order at 6:58 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:

Councilwoman Christine G. Krupa
Councilman Richard B. Woodland, Jr.
Supervisor Patrick M. Tyksinski

ABSENT:

Councilman Donald C. Backman
Councilman David M. Reynolds

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Highway/Sewer Superintendent Richard C. Sherman
Parks and Recreation Director Michael W. Jeffery
Police Chief Michael Inserra
Town Attorney Herbert J. Cully
Town Clerk Gail Wolanin Young

Thereafter, a quorum was declared present for the transaction of business. Councilman Backman was out of state and unable to attend the meeting and Councilman Reynolds, a fire-fighter, was absent as he had responded to a house fire.

MINUTES APPROVAL

February 9 and February 23, 2011 Town Board meetings

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

(RESOLUTION NO. 57 OF 2011)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meetings held February 9, 2011 and February 23, 2011 and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

Councilwoman Krupa	-	Aye
Councilman Reynolds	-	ABSENT

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

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

PUBLIC PRESENTATIONS

The Supervisor inquired if anyone present wished to address the Town Board; no one came forth.

REPORTS OF TOWN OFFICIALS SUBMITTED BY STANDING COMMITTEE CHAIRPERSON

There were no reports.

MATTERS SUBMITTED BY COUNCILMEMBERS / TOWN ATTORNEY

Councilwoman Krupa:

Agreement for Dispatch Services – Village of New York Mills

Councilwoman Krupa inquired whether there were outstanding payments due the Town from the Village of New York Mills for Dispatch services. Supervisor Tyksinski believed New York Mills owes the Town money for one and a half (1 ½) years of service, but will check the exact figures.

MATTERS SUBMITTED BY THE TOWN SUPERVISOR

Financial:

Audit of Vouchers:

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

(RESOLUTION NO. 58 OF 2011)

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 Fund Abstract #2	
Vouchers SL3	\$ 9,303.28
Street Lighting Fund Abstract #3	
Vouchers SL4	\$ 9,076.50

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Fire District Fund Abstract #2	
Vouchers SF2-SF4	\$1,109,838.00
Trust & Agency Fund Abstract #7	
Vouchers TT32-TT38	\$ 15,675.28
Trust & Agency Fund Abstract #8	
Vouchers TT39-TT40	\$ 89.00
Trust & Agency Fund Abstract #9	
Vouchers TT41-TT48	\$ 15,591.18
Trust & Agency Fund Abstract #10	
Vouchers TT49-TT50	\$ 2,032.72
Highway Fund Part-Town Abstract #4	
Vouchers DB252-DB342	\$ 124,025.23
General Fund Part-Town Abstract #3	
Vouchers BB40-BB41	\$ 171.50
General Fund Part-Town Abstract #4	
Vouchers BB42-BB54	\$ 10,672.39
General Fund Whole-Town Abstract #5	
Vouchers AA344-AA349	\$ 1,944.99
General Fund Whole-Town Abstract #6	
Vouchers AA350-AA357	\$ 22,254.45
General Fund Whole-Town Abstract #7	
Vouchers AA358-AA444	\$ 86,366.17
General Fund Whole-Town Abstract #8	
Vouchers AA445-AA454	\$ 1,909.18
General Fund Whole-Town Abstract #9	
Vouchers AA455-AA458	\$ 1,474.86
General Fund Part-Town (Police) Abstract #3	
Vouchers BP75	\$ 120.00
General Fund Part-Town (Police) Abstract #4	
Vouchers BP76	\$ 737.75
General Fund Part-Town (Police) Abstract #5	
Vouchers BP77-BP92	\$ 60,822.70
General Fund Part-Town (Police) Abstract #6	
Vouchers BP93-BP94	\$ 569.24
Sewer Fund Abstract #4	
Vouchers SS22	\$ 1,071.98
Sewer Fund Abstract #5	
Vouchers SS23-SS26	<u>\$ 4,438.64</u>
TOTAL:	\$1,478,185.04

The Supervisor polled the Board members who voted as follows:

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

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

Inter-municipal Agreement for Building Code Services – Village of New Hartford

The Inter-Municipal Agreement for 2011 was presented, wherein the Town would continue to provide Building Code services (enforcement) to the Village, in accordance with the terms and conditions set forth in the initial Agreement entered into for 2003, and any amendments thereto. Because the Village of New Hartford has employed a person who might become their full-time Codes Enforcement Officer, Supervisor Tyksinski suggested that the agreement be approved for only a six-month duration; he offered the following Resolution for adoption; seconded by Councilwoman Krupa:

(RESOLUTION NO. 59 OF 2011)

RESOLVED that the Town Board of the Town of New Hartford does hereby approve and does hereby authorize and direct the Town Supervisor to enter into and to execute an Inter-Municipal Agreement between the Town and the Village of New Hartford, wherein said Town will provide Building Code services to said Village for the six-month period commencing January 1, 2011 and ending June 30, 2011, in accordance with the same terms and conditions set forth in the 2003 Inter-municipal Agreement; a copy of the 2011 Agreement will be filed in the respective Clerks' Offices.

Upon roll call, the Board members voted as follows:

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

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

Appointment – Court Attendant (Bailiff)

Court Attendant Robert Bramhall is retiring and Chief Justice VanSlyke has requested that Steven Laymon be appointed to fill that vacancy. Councilwoman Krupa introduced the following Resolution, which was duly seconded by Councilman Woodland:

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(RESOLUTION NO. 60 OF 2011)

RESOLVED that the New Hartford Town Board does hereby appoint Steven Laymon as a Part-time Court Attendant at the hourly rate of Twenty-six Dollars and Seventy-two Cents (\$26.72), payable bi-weekly, to replace retiring Part-time Court Attendant Robert Bramhall.

Mr. Laymon is a retired Town Police Officer and has the qualifications for Court Attendant. The Town Board then voted upon roll call:

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

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

Advisory Committee on Sidewalks

Although little money has been budgeted for sidewalk repair/installation for 2011, Parks and Recreation Director Jeffery suggested re-appointing members to the Advisory Committee on Sidewalks to receive their input on the subject. He has contacted the 2010 members, who have all indicated a desire for re-appointment. Thereafter, Councilman Woodland introduced the following Resolution for adoption; seconded by Councilwoman Krupa:

(RESOLUTION NO. 61 OF 2011)

RESOLVED that the Town Board of the Town of New Hartford does hereby appoint the following persons as Members of the **Advisory Committee on Sidewalks**, all for one-year terms commencing January 1, 2011 and terminating December 31, 2011:

- Residents
 - John D'Amore
 - Michael Dunn
 - Sandra Whitney
 - Elizabeth Peters-Adelman
 - Margaret Rotton
- Police Chief Michael Inserra
- Highway Superintendent Richard Sherman
- Parks and Recreation Director Michael Jeffery.

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Upon roll call, the Town Board voted as follows:

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

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

Employee handbook – Amendment/Health Insurance Coverage Elected Officials

During a prior administration, then-Supervisor Humphreys suggested that the Town Board consider discontinuance of health insurance coverage for part-time Town Board members effective January 1, 2006 and, in lieu of the health insurance, provide for a \$4,000 raise for each Board member in the 2006 Budget. The Board suggested to follow-up on discussion at the October 19, 2005 Board meeting but didn't. At the November 9, 2005 Special Town Board meeting, Councilman Backman questioned the Board's feelings on removing health insurance as a benefit for part-time elected officials including the Receiver of Taxes and two (2) Town Justices. Search of the 2005 Town Board minutes did not reveal any Resolution to effect this change. However, a Memo dated December 13, 2005 from the Teamsters to then-Supervisor Humphreys amended the participation agreements (effective October 1, 2005 and ending September 30, 2008), removing Town Council members and the Town Supervisor from coverage as requested by Supervisor Humphreys. Subsequently when the Employee Handbook non-union benefits and compensation document was created in 2008, an oversight had occurred when updating the section with regard to medical insurance; specifically, the Town Justices had been omitted. Supervisor Tyksinski recommended that a Board resolution formalizing this policy be enacted. Thereafter, Supervisor Tyksinski offered the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 62 OF 2011)

RESOLVED that the Town Board of the Town of New Hartford does hereby clarify and authorize that all elected Town Officials (whether full-time or part-time) shall be eligible for health insurance coverage, with the EXCEPTION of the Town Supervisor and Town Board members, and as has been provided for in the Teamsters Participation Agreement.

Councilwoman Krupa inquired if elected officials would continue health insurance coverage upon retirement and the Town Supervisor responded "...only the Highway Superintendent, Town Clerk and Receiver of Taxes." Thereafter, the Town Board members voted as follows:

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

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

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

(RESOLUTION NO. 63 OF 2011)

RESOLVED that the New Hartford Town Board does hereby amend the Non-Union Employee Handbook, including the Non-Union Benefits and Compensation document, to correspond with Resolution No. 62 that was adopted March 9, 2011, clarifying which elected Town Officials are eligible for health insurance coverage and does further authorize and direct the Personnel Technician II to amend said Employee Handbook accordingly; specifically, that the Town Justice positions be included.

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

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

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

Applewood Community road paving – The Gorman Group

As a follow-up to discussion at the February 23, 2011 Town Board meeting, the Town Attorney reported he had sent a letter to The Gorman Group, acknowledging they had made an error in submitting their quote for road paving and indicating the Town's willingness to pay half the difference. The Town hasn't received a response yet.

Miscellaneous –Town Attorney

- The Town Attorney has redrafted the MS4 (Municipal Separate Storm Sewer) legislation and the Town Board should proceed with it in the near future
- Wind turbine/Wind power – discussion was deferred until Councilman Backman is present

- Hydrofracking (or Hydraulic fracturing) involves mixing chemicals with millions of gallons of water and pumping the mixture into wells to create fractures in rock formations to allow natural gas to be harvested. The Town Attorney has received a number of calls on this matter. (Currently, the state-wide moratorium on high-volume, horizontal hydraulic fracturing is in effect until July 2011 while the NYS Department of Environmental Conservation reviews impacts of the procedure
- New Hartford Business Park / Shumaker Engineering expenses – the Town Attorney had received information from Mr. Wiatr about a public meeting, mentioning Shumaker Engineering bills, referring to expenses relating to the Business Park and use of PILOT monies and responsibility for bills and any excess charges. Mr. Wiatr had alluded to former Highway Superintendent making some remarks along these lines. Attorney Cully said he didn't have any information on the approximate \$188,000 in bills that Councilwoman Krupa mentioned at the February 23, 2011 Town Board meeting.

ADJOURNMENT

They're 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 7:13 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk