

**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 23, 2011 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 Booth  
Deputy Supervisor Matthew Bohn III  
Engineering Department Coordinator Elisabetta DeGironimo  
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.

MINUTES APPROVAL

**March 9, 2011 Town Board meeting**

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

**(RESOLUTION NO. 64 OF 2011)**

**RESOLVED** that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held **March 9, 2011** 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	-	ABSTAINED, because he
had not attended the March 9, 2011 meeting		
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, noting that each person would have three (3) minutes to speak.

**Wiatr FOIL Request – Teamsters health benefits summary**

Edmund Wiatr Jr. stated that he has asked repeatedly for several weeks that the Personnel Office provide a summary of the health benefits for Town employees provided by the Teamsters agreement; he claimed that several employees were receiving benefits improperly. Further, he said the Town was in non-compliance with FOIL and took issue that Personnel Technician Schwenzfeier doesn't have a copy of this in her office, adding that the Town Board is not properly supervising employees. Mr. Wiatr is seeking the Town Board's assistance to help get the documents and to investigate why people are getting benefits improperly and get refunds, including 911 dispatchers. He questioned what the Town is doing to collect those benefits, saying "...that's my tax dollars paying that."

REPORTS OF TOWN OFFICIALS SUBMITTED BY STANDING COMMITTEE CHAIRPERSON

Zoning (Codes) & Planning Committee – Councilman Woodland:

**Training**

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

**(RESOLUTION NO. 65 OF 2011)**

**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; and

**WHEREAS**, the State of New York requires Codes Enforcement Officers to participate in annual training/certification courses;

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**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby grant retroactive permission to Codes Enforcement Officer Joseph A. Booth to attend the Northern Adirondack Code Enforcement Officials Association conference from March 7 – March 10, 2011 in Lake Placid, New York, with expenses to be borne by said Town as budgeted; and be it

**YET FURTHER RESOLVED** that the New Hartford Town Board does hereby grant retroactive permission to Assistant Codes Enforcement Officer Thomas P. Rowlands to attend the Finger Lakes Building Officials Association conference from March 14 – March 17, 2011 in the Town of Henrietta, 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 Reynolds	-	Aye
Councilman Backman	-	Aye
Supervisor Tyksinski	-	Aye.

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

Parks and Recreation Committee – Councilman Reynolds:

**Bids: Recreation Center – Metal Roof Repair**

Councilman Reynolds reported that the following bids were received in the Town Clerk’s Office and opened on Friday, March 18, 2011 for the repair of the Recreation Center roof:

- Shoreline Roofing & Construction Co. LLC - \$177,700.00
- Collingwood Construction Corp. - \$126,887.00
- Insulating Coatings Corp. (Specified Systems Inc.) - \$ 78,500.00
- Pulver Roofing Company, Inc. - \$168,000.00
- Capital Roof Coatings - \$131,400.00.

Parks and Recreation Director Michael Jeffery stated price differences depended on where the bids were coming from (Boston, MA) as well as the type of material bid upon. He expects that the canvassing of bids should be completed in a couple days and this matter will be added to the April 13, 2011 Town Board agenda.

Town Clerk Committee – Councilwoman Krupa:

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**Raffle Consent**

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

**(RESOLUTION NO. 66 OF 2011)**

**RESOLVED** that the New Hartford Town Board does hereby grant permission to Kids Oneida, Inc. 310 Main Street, Utica, New York 13501, an organization duly granted a Games of Chance Identification Number by the New York State Racing and Wagering Board, to sell raffle tickets at Sangertown Square Mall, New Hartford, New York, in accordance with all rules and regulations of said Racing and Wagering Board; and be it

**FURTHER RESOLVED** that the Town Clerk be, and she hereby is, authorized and directed to execute Form GC-RCF, Raffle Consent Form.

Upon roll call, the Town Board 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**.

**Public Works & Sewer Committee – Councilman Backman:**

**Quotes/Award - Elm Street bridge “Clerk of the Works”**

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

**(RESOLUTION NO. 67 OF 2011)**

**WHEREAS**, the Highway Superintendent has received the following quotes for a “Clerk of the Works” position for the Elm Street, Chadwicks bridge replacement project:

- Barton & Loguidice Engineering - \$ 79,500.00
- Delta Engineering - \$129,380.00
- Lochner Engineering - \$ 52,000.00; and

**WHEREAS**, the Highway Superintendent has recommended that the Town Board accept the quotation submitted by Lochner Engineering;

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**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby accept the quotation from Lochner Engineering to provide services of a “Clerk of the Works” on the Elm Street, Chadwicks bridge replacement project as fully set forth in the Agreement to be entered into, at a cost not to exceed Fifty-two Thousand Dollars (\$52,000.00); and be it

**FURTHER RESOLVED** that the Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute all necessary documents pertaining to Lochner Engineering providing the aforementioned services.

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**.

**Quotes/Award – Elm Street box culvert replacement**

The Highway Superintendent reported there is a 3’ x 3’ hole in the box culvert under Elm Street and three-quarters of the culvert bottom is gone. He recommended that preliminary survey work be started, sizing the box culvert and immediately starting the competitive bid process. Councilman Backman then offered the following Resolution for adoption and Councilman Reynolds seconded same:

**(RESOLUTION NO. 68 OF 2011)**

**WHEREAS**, the Highway Superintendent has received the following quotes for engineering services with regard to the replacement of a box culvert on Elm Street, Chadwicks, in the vicinity of the Collins Knoll Farm where Elm Street crosses a creek:

- Barton & Loguidice Engineering - \$16,400.00
- Delta Engineering - \$13,945.00
- Lochner Engineering - \$12,900.00; and

**WHEREAS**, the Highway Superintendent has recommended that the Town Board accept the quotation submitted by Lochner Engineering;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby accept the quotation from Lochner Engineering to provide engineering services

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for the replacement of the Elm Street box culvert as fully set forth in an Agreement to be entered into, at a cost not to exceed Twelve Thousand Nine Hundred Dollars (\$12,900.00); and be it

**FURTHER RESOLVED** that the Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute all necessary documents pertaining to engineering services to be provided by Lochner Engineering on the aforesaid project.

The foregoing Resolution was duly put to a vote upon roll call that 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**. Highway Superintendent stated that, to protect the area and traveling public, a temporary gravel shoulder has been installed at the Elm Street site, with one-lane traffic to cross the culvert; warning signs are posted in both directions as motorists approach the box culvert site. The area will be inspected a couple times weekly and the owners of the Collins Knoll farm have been notified so that their trucks hauling manure and the trucks hauling milk will take an alternative route as the Highway Superintendent wants to avoid heavy traffic.

**Town Code (Sewers, Chapter 98)**

Councilman Backman reported that beginning the week of April 4, 2011 the Highway Superintendent would commence inspection of restaurants to determine whether these businesses are in compliance with the Town Code, Chapter 98 (Sewers), Article IV, Grease Trap Operation and Maintenance.

**Highway Department work shift (winter to summer hours)**

Councilman Backman reported that the Highway (Sewer/Buildings & Grounds) Department HEOs, MEOs and Laborers will end their winter work shift on Sunday, March 27, 2011 and will begin their summer work shift (6:30 AM to 3:00 PM) on Monday, March 28, 2011.

**Snowstorm of March 6 – March 7, 2011**

The Highway Superintendent had informed Councilman Backman of the snowstorm that had occurred March 6 – March 7, 2011 and Councilman Backman acknowledged that the Highway crews did a pretty good job and commended the Highway Department for their work performed.

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**2011 Trash and Brush Collection flyer**

With regard to the 2011 Trash and Brush flyer, the Highway Superintendent stressed the importance to have the trash and brush flyer printed and distributed to Town residents, the cost of which is \$4,200.20. The Town will not be picking up trash items for the second year in a row but will have a dumpster available at the Sanger Public Works Garage site for resident drop-off. Highway crews will be picking up brush and tree limbs set out at the curbside. Discussion ensued on what account(s) to pay for the flyer. Thereafter, Councilman Backman offered the following Resolution for adoption and Councilwoman Krupa seconded same:

**(RESOLUTION NO. 69 OF 2011)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the expenditure of \$4,200.20 to be paid to P. J. Green Advertising for the printing and mailing of the 2011 Trash and Brush Collection flyers to Town residents, the cost of which shall be paid from the Town Board contractual account after Highway appropriations and sales tax revenue are decreased and General Fund Whole-Town appropriations and sales tax revenue are increased.

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**.

**MATTERS SUBMITTED BY COUNCILMEN**

**Councilman Backman:**

**Hydrofracking**

Councilman Backman initiated discussion on an e-mail he'd received in February/March 2011 with regard to Hydrofracking [refer to Page 8 of the March 9, 2011 Town Board minutes] and a moratorium that may be in effect until sometime in July 2011. With regard to Councilman Backman's concern about the Town's limit of liability on a moratorium, the Town Attorney reported that he has discussed this matter with a Syracuse law firm who's familiar with this type of work. The Town Board concurred that the Town Attorney should arrange to have a representative address the Town Board and determine the cost of his/her service. Meanwhile, Councilman Backman will ask

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NYS Senator Griffo and NYS Assemblywoman Tenney how they stand on this matter. Councilman Backman said this is not just a hole in ground; hydrofracking entails trucking in water and (sand), a pond; a non-busy road can see a huge increase in truck traffic and wear and tear. What happens after drilling and the lagoon is built?

### **Acquisition of Yager property (Middlesettlement Road at Clinton Street) - Status**

Councilman Backman questioned the status of eminent domain with regard to the Yager property. The Town Attorney cautioned that acquisition of real property / eminent domain is a matter for Executive Session and, if discussed publicly, could affect the Town's efforts in acquiring the property.

### **SEOR – Expenditure of FILM**

In response to Councilman Backman's inquiry, the Town Attorney stated he had researched the concerns of Frank Montecalvo (February 2011 email) with regard to whether the Town must perform a SEQR study each time the Town expends mitigation fees. Attorney Cully stated that the Town had adopted a 1992 GEIS (Generic Environmental Impact Study) and that with regard to the Business Park right-in, right-out, a supplemental EIS had been done with detailed Statements of Findings. NYS Route 840 was long anticipated and the supplemental EIS referenced Woods Highway traffic and an extension to carry traffic. The Town Attorney believes the Town has done enough for the EIS. Although he couldn't say the Town had categorized all mitigation money and where it was spent, the Town Attorney didn't believe that when the Town collected fees that the Town could say so much money is designated for a specific project. The rationale behind mitigation fees is you can't make a developer pay them; you make it voluntary for the applicant to pay the fees in a pre-development agreement. The Developer always has the opportunity to remediate off-site impacts in lieu of paying some of the expenses (highway, sewers, police, water, etc.).

Councilman Backman inquired if the Town would spend GEIS money to building new roads, such as the Clinton Street Extension; the Town Attorney said yes, that is a perfectly reasonable use of mitigation moneys.

### **New Hartford Business Park – Shumaker Engineering Invoice (Woods Highway Reconstruction)**

Councilman Backman referred to the-still-pending Shumaker engineering bills related to the New Hartford Business Park and he inquired if the Town should have had a contract with developer Larry Adler before proceeding with the improvements on Woods Highway several years ago. The Town Supervisor noted that matters will be done differently in the future for all developers, and particularly who's responsible for what costs. [NOTE: Refer to Page 12 of the February 9, 2011 Town Board minutes; Page 7 of the February 23, 2011 Town Board minutes.] After some discussion, Councilman



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Backman offered the following Resolution for adoption; seconded by Councilwoman Krupa:

**(RESOLUTION NO. 70 OF 2011)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Attorney to contact Developer Lawrence Adler and to give him until April 7, 2011 to pay the Shumaker Engineering bill in the amount of \$56,565.00 for the Woods Highway Reconstruction transportation services and construction inspection.

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

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

The Resolution was declared carried and duly **ADOPTED**. Councilman Backman reaffirmed his belief that the Shumaker engineering invoice is an incidental expense relating to the Business Park for which the Developer is responsible under the PILOT Agreement signed by the Town, Oneida County and New Hartford Central School District. Also, Councilman Backman believed former Director of the Budget Heather Mowat had determined that the traffic signal installation at Seneca Turnpike-Woods Highway broke the \$2.3 million bond figure and now Shumaker Engineering's invoice kicks in. The Town Board directed the Town Attorney to confirm that the traffic signal in deed broke the \$2.3 million bond figure, after which Attorney Cully is to send a letter to Mr. Adler. Supervisor Tyksinski stated that if Attorney Cully can confirm that the \$2.3 million threshold has been exceeded, he would like his vote changed to Aye.

**Municipal Storm Sewer Separate System (MS4) – proposed legislation**

The Town Attorney confirmed he has revised the proposed stormwater regulations, has re-sent a copy to Councilman Backman and stated that Sidney Perry had picked up a copy from Attorney Cully's office. Elisabetta DeGironimo, Engineering Department Coordinator and Chairwoman of the Stormwater Management Improvement Advisory Committee, stated that she would offer comments on the proposed regulations at the April 13, 2011 Town Board meeting.

Councilman Reynolds said he had met with Ms. DeGironimo immediately prior to commencement of this Town Board meeting and that she has some changes to offer. The Town Board concurred that Ms. DeGironimo shall coordinate a public informational

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meeting to be held by the Stormwater Committee and that Mr. Perry and Dr. Rao should be invited to attend, as well as the general public.

### **Planning Board member residency; Local Law No. Seven of 1996**

Councilman Backman questioned the status of requiring two (2) Town Planning Board member positions to be filled by residents of the Village of New Hartford and Village of New York Mills. The Town Clerk stated she had drafted legislation to amend Local Law No. Seven of 1996 and had e-mailed it to Town Board members sometime in February 2011. Because Councilman Backman didn't remember receiving the proposed legislation, the matter was tabled until the Town Board meeting of April 13, 2011.

### **Oneida County Sales Tax Distribution – Proposal of County Executive**

Referring to a recent Observer Dispatch newspaper article quoting the Oneida County Executive who might consider changing the methodology of sales tax distribution, Councilman Backman believed that, if the Town were to lose any sales tax money because of this proposed change, that it would affect the quality of life for residents. Councilman Backman believes the Town Board should communicate with fellow towns to fight this. If this were to occur, the Town Supervisor said the Town could apply to become a city and collect its own sales tax.

## **MATTERS SUBMITTED BY TOWN ATTORNEY**

### **Stormwater Issues**

The Town Attorney reported that he has been working on stormwater issues in the Second Ward, represented by Councilwoman Krupa; there appears to be a serious problem behind Royal Brook Lane.

### **Preswick Glen – Municipal Services Agreement (MSA) payments**

Town Attorney Cully had received a letter from Daniel Vincelette, attorney representing the Town in the referenced matter. Thereafter, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Woodland:

### **(RESOLUTION NO. 71 OF 2011)**

**WHEREAS**, in accordance with a Municipal Services Agreement entered into between the Town of New Hartford and Preswick Glen, Inc. in 2004 and subsequently amended, said Preswick Glen, Inc. has made annual payments to the Town in lieu of paying property taxes; and

**WHEREAS**, it has since been determined that Preswick Glen, Inc. is not exempt from paying real property taxes and has been added to the Town tax roll in 2007 (partial) and 2008 (full value); and

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**WHEREAS**, it has been determined that the Municipal Services Agreement is void as a result of Preswick Glen, Inc. being declared non-exempt from paying real property taxes;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to refund to Preswick Glen, Inc. the sum of Two Hundred Twenty Thousand Dollars (\$220,000) held in escrow in the Trust and Agency Account.

A roll call vote followed:

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

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

**Local Law Introductory “C” of 2011/Julian Zone Map Amendment Application**

The Town Attorney stated that the Julian Zone Map Amendment Application had been referred to various state and local agencies, with the Oneida County Planning Department submitting a “recommended modification” with regard to including the rights-of-way of the New York State Route 840; therefore, the applicant has revised the legal description of the area proposed for rezoning. Councilwoman Krupa introduced the following legislation for the Town Board’s consideration at a future Town Board meeting; co-sponsored by Councilman Woodland:

Town of New Hartford, New York  
Local Law Introductory “C” of 2011

A Local Law to amend the Code of the Town of New Hartford, **Chapter 118** thereof entitled **ZONING**, and map coincidental thereto, as it pertains to property located at 4752-4756 Middlesettlement Road (aka County Road 30), a description of which is set forth in Section 2, and changing the designation of property from Office Business District [RB3] to Planned Development Mixed Use District [PDMU].

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

**Section 1.** Chapter 118 of the Code of the Town of New Hartford, Section 118-8, and particularly the map coincidental thereto and made a part thereof, is hereby amended as follows:

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Section 118-8. Zoning Map.

(Change the designation of approximately thirteen point twenty-five [13.25] acres, more or less, situate at 4752-4756 Middlesettlement Road (aka County Road 30), and identified as Tax Map Parcel Nos. 316.016-6-64.1; 316.016-6-65 and 316.020-1-3, owned by Harold A. and James E. Julian, and acreage including the NYS Route 840 right-of-way, from Office Business District [RB3] to Planned Development Mixed Use District [PDMU]).

**Section 2.** The boundaries and description of said district are as follows:

**ALL THAT TRACT, PIECE OR PARCEL OF LAND** situate within the Town of New Hartford, County of Oneida and State of New York, as shown on the map entitled “Zoning Map showing lands designated as PDMU – Planned Development Mixed Use”, dated March 8, 2011, prepared by D. L. Mowers Land Surveyors & Associates; said parcel more particularly described as follows:

**BEGINNING** at a point located at the intersection of the northerly curved boundary of lands of the People of the State of New York-N.Y.S.D.O.T. (owner), Map No. 10, Parcel No. 8, formerly New York Central Railroad – West Shore and Buffalo Railroad with the existing centerline of Middle Settlement Road (County Route #30);

Thence southeasterly, along said former northerly railroad boundary, on a curve having a radius of 2,914.93 feet, curving to the right, a distance of 1,785.77 feet to a point of tangency;

Thence South 50 degrees 39’ 45” East continuing along said former railroad boundary, a distance of 614 ± feet to a point; said point located at the intersection of said former railroad boundary with the southerly highway boundary of NYS Route 840 – People of the State of New York-N.Y.S.D.O.T. (owner) Stanwix – Utica, Part 1, Map no. 27 Parcel 35, extended northeasterly;

Thence South 82 degrees 10’ 10” West, along the last mentioned division line a distance of 1,940 ± feet to the centerline of aforesaid Middle Settlement Road;

Thence North 08 degrees 05’ 40” West, along said centerline of Middle Settlement Road, a distance of 1,319 ± feet, to the point of beginning, containing 1,602,289 ± square feet or 36.783 acres, more or less.

**Section 3.** All other provisions of Chapter 118 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.

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

**Local Law Introductory “C” of 2011; Public Hearing Scheduled**

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

**(RESOLUTION NO. 72 OF 2011)**

**RESOLVED** that the Town Board of the Town of New Hartford shall conduct a Public Hearing on Wednesday, **April 13, 2011 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 “C” of 2011** which, if adopted, would amend the Code, Chapter 118 thereof entitled **ZONING**, and map coincidental thereto, as it pertains to approximately thirteen point twenty-five [13.25] acres, more or less, situate at 4752-4756 Middlesettlement Road (aka County Road 30), and identified as Tax Map Parcel Nos. 316.016-6-64.1; 316.016-6-65 and 316.020-1-3, owned by Harold A. and James E. Julian, and acreage including the NYS Route 840 right-of-way, a description of which is set forth in Section 2 thereof, and changing the designation from Office Business District [RB3] to Planned Development Mixed Use District [PDMU]; and be it

**FURTHER RESOLVED** that the Town Board does authorize and direct the Town Clerk to publish the legal requisite Notice of Public Hearing in The Observer Dispatch.

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**.

**MATTERS SUBMITTED BY THE TOWN SUPERVISOR**

**Financial:**

**Monthly Report of Appropriations/Expenditures**

The Town Supervisor had distributed copies of the February 2011 appropriations/expenditure report to the Councilmembers, noting that there were some errors; the Town is “pretty much on line” with the budget.

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**PBA Union negotiations**

The Town Supervisor noted that police contract negotiations are underway for 2010 and that the Town has not received a decision yet from the arbitrator for the past contract.

**Court Attendant (Bailiff) – Appointment effective date**

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

**(RESOLUTION NO. 73 OF 2011)**

**WHEREAS**, by Resolution No. 60 adopted on March 9, 2011, the New Hartford Town Board appointed Steven Laymon as a Part-time Court Attendant at the hourly rate of \$26.72, payable bi-weekly, to replace retiring Part-time Court Attendant Robert Bramhall;

**NOW, THEREFORE, BE IT RESOLVED** that the said Town Board does hereby establish Mr. Laymon’s appointment date as being effective March 9, 2011.

The 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.

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

**Codes Department – Clerical position reclassification**

Having discussed the matter with the Town Attorney and the Codes Enforcement Officer, Supervisor Tyksinski proposed reclassifying the Office Specialist I position (formerly held by Dolores B. Shaw) as a Paralegal Assistant for the Codes Department. Town Attorney Cully noted that this position requires the employee to prepare legal notices, arrange publication and postings, meet statutory time frames, and so forth. Councilman Backman then offered the following Resolution for adoption and Councilman Reynolds seconded same:

**(RESOLUTION NO. 74 OF 2011)**

**WHEREAS**, on December 22, 2010, the New Hartford Town Board adopted Resolution No. 329, reclassifying the position of full-time Senior Office Specialist II/Codes

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Department to full-time Office Specialist I in the Codes Department, effective immediately; and

**WHEREAS**, after reviewing duties that a person would perform as Office Specialist I in the Codes Department, the Town Board is desirous of reclassifying this position;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby reclassify the position of Office Specialist I/Codes Department to full-time Paralegal Assistant in the Codes Department.

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.

Thereafter, 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. 75 OF 2011)**

**RESOLVED** that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss land acquisition, the Sangertown Square Mall certiorari against the Town and the Wiatr 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 8:16 P.M. The Town Attorney and Deputy Supervisor remained for the Executive Session.

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[NOTE: The Town Attorney provided the following transcription on March 24, 2011.]

END OF EXECUTIVE SESSION

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

**(RESOLUTION NO. 76 OF 2011)**

**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 9:05 P.M. The regular portion of the Town Board meeting was immediately reconvened.

ADJOURNMENT

They're being no further business to come before the Town Board, upon motion of Councilman Reynolds and seconded by Councilman Woodland, the meeting was adjourned at 9:06 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk