

**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 28, 2011 AT 7:03 P.M.**

Town Supervisor Patrick Tyksinski called the meeting to order at 7:03 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 [arrived at 7:25 P.M.]
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
Engineering Dept. Coordinator Elisabetta DeGironimo
Highway/Sewer Superintendent Richard Sherman
Parks and Recreation Director Michael W. Jeffery
Police Chief Michael A. Inserra
Town Attorney Herbert J. Cully
Town Clerk Gail Wolanin Young

Thereafter, a quorum was declared present for the transaction of business.

MINUTES APPROVAL

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

(RESOLUTION NO. 238 OF 2011)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Eminent Domain Public Hearing held on August 11, 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
Councilman Woodland	-	Aye
Councilman Backman	-	ABSENT

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Supervisor Tyksinski - Aye.

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

Action was deferred on the minutes of the September 14, 2011 Town Board meeting as the Town Clerk needed to clarify some text with the Town Attorney.

ENGINEERING MATTERS

Kenneth Knutsen and Charles White of Barton & Loguidice were present to discuss various projects:

Beechwood Road/Woodberry Road Drainage Improvements

Phase I (closed pipe) of the Beechwood/Woodberry Road Drainage Improvements has been bid and Barton & Loguidice are working with the Town Attorney to secure easements from property owners. Phase II (retention ponds) is nearly ready for the competitive bid process. After an explanation of the scope of engineering services proposed for the "Construction Phase Services, Phase I Improvements, the Town Supervisor introduced the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 239 OF 2011)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute the Agreement between Barton & Loguidice, P.C. and the Town of New Hartford, wherein said Barton & Loguidice shall provide engineering services for the *Beechwood Road/Woodberry Road Drainage – Construction Phase Services, Phase I Improvements* project (open channel and closed drainage system facilities), to include *Construction Administration, Construction Observation and As-Built Survey*, all of which are more fully defined in said Agreement. Services not included in the Scope of Service are construction administration and on-site observation time in excess of the anticipated 10-week construction period referenced under Construction Observation. Said engineering Agreement shall be for a not-to-exceed amount of Twenty-nine Thousand Eight Hundred Dollars (\$29,800); and be it

FURTHER RESOLVED that the Town Board does hereby accept the subcontracted services of D. L. Mowers for As-Built Services (Task C) at an estimated lump sum fee of One Thousand Five Hundred Dollars (\$1,500).

The Town Board was polled and voted as follows:

Councilwoman Krupa - Aye

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

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

Sauquoit Creek Sanitary Sewer Crossing Repair

Mr. Knutsen explained that a sanitary sewer pipe serves a small gravity service area comprised of the Hillside Gardens Apartments fronting Oxford Road and several residences south thereof on Oxford Road. The gravity creek crossing had been visible prior to recent flooding in August 2011, indicating that the creek bottom profile had either been scoured or the pipe was originally installed too shallow with insufficient cover. Further, significant channel erosion and shifting has been observed after the last flooding event at the end of August 2011. It is unknown at this time whether or not the sewer can be re-installed on its current alignment with sufficient cover and be compliant with State design standards. The Town currently has a gas-powered bypass pump in place with temporary force main discharging to the next downstream manhole, and has declared this an emergency. It's questionable whether the Town would be eligible for FEMA money and/or whether the Sauquoit Creek Basin Commission could offer some funding. Because the Town has declared this situation an emergency, the Town can obtain three (3) quotes and not have to proceed with the competitive bid process. Highway Superintendent Sherman noted this is the second time the pipe has ripped out due to flooding, the last time being about fifteen (15) years ago. He has obtained three (3) DEC work permits, one for this area and the others for the Elm Street (Chadwicks) area and behind the Brookside Mobile home park; the permits expire in mid-October 2011. Thereafter, Councilman Reynolds offered the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 240 OF 2011)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute the Agreement between Barton & Loguidice, P.C. and the Town of New Hartford, wherein said Barton & Loguidice shall provide evaluating alternatives for replacing a section of 8-inch gravity sanitary sewer pipe that washed out beneath the Sauquoit Creek east of Oxford Road and jus east of NYS Route 8 pursuant to the Scope of Services defined in said Agreement. The cost of evaluating alternatives is for a not-to-exceed amount of Five Thousand Seven Hundred Dollars (\$5,700) as well as a lump sum fee of Four Thousand Eight Hundred Dollars (\$4,800) for sub-consultant survey services to be completed by D. L. Mowers.

A roll call vote ensued:

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

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

NYS Route 840 Ramp Reconstruction and Signal Improvements at the Intersection of NYS Route 5 and Applewood/Cherrywood Boulevard

Charles White of Barton & Loguidice reported that a pre-construction meeting for the traffic signal project was held September 27, 2011 with contractor Syracuse Signal Systems and the New York State Department of Transportation, the latter of which will require full time inspection for this project and the NYS Route 840 eastbound ramps project. The Traffic Signal project calls for full-time inspection, on and off during the project, which is estimated to take six (6) weeks.

The NYS Route 840 ramp project will involve about ten (10) weeks, with greater full-time inspections by Lochner Engineering; it is expected that the base coat will be completed before Winter 2011-12 and that the final coat will be applied in Spring 2012. A pre-construction meeting is planned for the week of October 3, 2011.

[NOTE: Councilman Backman joined the meeting at 7:25 P.M.]

As requested, Councilman Backman was brought up-to-date as he just arrived. Mr. White noted that the Town of New Hartford is administering both contracts but that Lochner Engineering is handling the inspection services for both projects. Thereafter, Councilman Woodland offered the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 241 OF 2011)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement between the Town of New Hartford and Barton & Loguidice for Engineering Review Bid Preparation Services for the NYS Route 840 Ramp Reconstruction project and the Signal Improvements at the Intersection of NYS Route 5 and Applewood/Cherrywood Boulevard project, as defined in said Agreement, at an initial fee not-to-exceed Four Thousand Nine Hundred Twenty Dollars (\$4,920) for the Bid Phase services (Task #1) and Four Thousand Eight Hundred Eighty Dollars (\$4,880) for the Bid Phase services (Task #1).

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Councilman Reynolds suggested that the Town receive in writing as to who is responsible for inspections, etc.; the Town Supervisor suggested that a Memorandum be solicited from the NYS Department of Transportation or Lochner Engineering at an upcoming meeting. Thereafter, the Town 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***.

Beechwood Road Drainage Improvements – Phase 2

Phase 2 of the Beechwood Road Drainage Improvement project involves three (3) ponds; permit coverage required; Barton & Loguidice has prepared a stormwater prevention plan – a maintenance project for erosion and sediment plan. Councilman Backman offered the following Resolution for adoption; seconded by Councilwoman Krupa:

(RESOLUTION NO. 242 OF 2011)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to execute the “Notice of Intent” to the New York State Department of Environmental Conservation with regard to Stormwater Discharges associated with Construction Activity under State Pollutant Discharge Elimination System (SPDES) General Permit #GP-0-10-001, and to execute Form NYS DEC – MS4 Stormwater Pollution Prevention Plan (SWPPP) Acceptance Form, all in connection with the Beechwood Road Drainage Improvement project.

The Supervisor polled the Town Board members who voted 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***.

David Munsell was reluctant to sign an easement for the Beechwood Road drainage improvements and questioned why an easement was necessary; the Town Attorney explained that the Town could not install and maintain improvements without the

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easement. Mr. White of Barton & Loguidice confirmed that no infrastructure would be installed on the Munsell property; however, would be installed close to his neighbors. Discussion ensued with the Munsell, Appler and Luker property owners not satisfied with the proposed project and indicating they would not sign an easement. Christine Johnson who lives downhill from the Munsell property explained how her home/garage has been flooded by water coming from uphill properties. Ken Knutsen stated a catch basin would be installed near her property. A representative from Barton & Loguidice will meet with the uphill property owners and report to the Town Board.

Councilman Backman said he worries about the people downhill. Councilman Reynolds noted that Mr. Appler had received a letter about the easement but it had been addressed to Mr. & Mrs. DeSanctis on Woodberry Road. Supervisor Tyksinski emphasized that if the Town cannot secure the necessary easements, that the residents don't cooperate, this project may not get done.

PUBLIC PRESENTATIONS (Resident concerns)

Upon inquiry of the Town Supervisor, no one came forth to speak.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRPERSON

Zoning (Codes) and Planning Committee – Councilman Woodland:

Windpower (Windmill) legislation

Councilman Backman reported that the Advisory Committee on Zoning did not have the proposed windpower legislation in final format yet. Town Attorney Cully informed the Town Board that there is an individual who is willing to draft the local law necessary to amend the Town's Zoning Law to include the subjects of hydrofracking and windpower, as opposed to the Town drafting two (2) separate local laws that would stand alone.

Property Maintenance – 3665 Knight Road

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

(RESOLUTION NO. 243 OF 2011)

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 3665 Knight Road (Tax Map Parcel No.

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350.005-1-16) in the Town of New Hartford, New York owned by Anthony Mancuso, Jr. whose last known address is P. O. Box 36, 3665 Knight Road, Washington Mills, New York 13479; and

WHEREAS, the property appears to be abandoned, and the Codes Enforcement Officer had communicated with said owner via certified mail with all mail having been returned to the Codes Enforcement Office by the U. S. Postal Service;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Codes Enforcement Officer to forward a written communication to Anthony Mancuso, Jr., giving him ten (10) days to remove the existing nuisance(s) from 3665 Knight Road; and that if Mr. Mancuso fails to comply with the law, that the Codes Enforcement Officer, through the Parks and Recreation Department, proceed with mowing the lawn and clearing the property of debris at 3665 Knight Road as well as boarding the doors and windows, 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 2012 Town and County tax bill and/or subsequent tax year billings.

The foregoing Resolution was duly put to a vote upon 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**.

Town Clerk Committee – Councilwoman Krupa:

Competitive Bid – Refund of Bid Security; Refund of Deposits for Bid Specification/Plans

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

(RESOLUTION NO. 244 OF 2011)

WHEREAS, the Town Clerk has received written confirmation from the Highway Superintendent that two (2) Trailer-Mounted Vacuum Debris Collectors had been delivered to the Town in accordance with Town specifications;

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NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor/Finance Department to release the Bid Security Deposit of Seventeen Hundred Fifty Dollars (\$1750) from the Trust and Agency Account to successful bidder Joe Johnson Equipment, Inc., Rochester, NY 14613 and does hereby authorize and direct the Town Clerk to release the Bid Bond submitted by unsuccessful bidder The ODB Co., Richmond, VA 23231; and

WHEREAS, the Town has entered into contracts with successful bidders for the following projects, the Town Board does further authorize and direct the Town Clerk to release the Bid Bonds submitted as Bid Security deposits to the following unsuccessful bidders:

Beechwood Road Drainage – Phase I

- Murphy Excavating Corp., New Hartford, NY 13413
- Central Paving, Inc., Herkimer, NY 13350
- Fred Burrows Trucking & Excavating LLC, Whitesboro, NY 13492
- L. P. Trucking & Excavating, Inc., Rome, NY 13440
- D. H. Smith Co., Clayville, NY 13322

Traffic Signal Improvements – NYS Route 5-Applewood Boulevard

- Power Line Constructors, Inc., Clinton, NY 13323

Elm Street Culvert

- Vector Construction Corp., Cicero, NY 13039
- Tioga Construction Company, Inc., Herkimer, NY 13350
- Central NY Construction Inc., Barneveld, NY 13304
- Economy Paving Co., Inc., Cortland, NY 13045
- Central Paving, Inc., Herkimer, NY 13350

And be it

FURTHER RESOLVED that the Town Supervisor/Finance Department be authorized and directed to refund bid specification/plans deposits to the following businesses that bid on various projects and returned the specifications and plans as specified in the legal notice to bidders:

- \$20.00 - Central Paving, Inc.
- \$20.00 – D. H. Smith Co.
- \$20.00 – Joe Johnson Equipment, Inc.

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- \$20.00 – Murphy Excavating Corp.
- \$20.00 – Vector Construction Corp.
- \$75.00 – Pulver Roofing.

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**.

Parks and Recreation Committee – Councilman Reynolds

Appointment – Seasonal Employees

Upon recommendation of Parks and Recreation Director Michael Jeffery, the following Resolution was introduced for adoption by Councilman Reynolds and duly seconded by Councilwoman Krupa:

(RESOLUTION NO. 245 OF 2011)

RESOLVED that the New Hartford Town Board does hereby appoint the following individuals to the various part-time seasonal positions and for the hourly wages set opposite their several names, for the Parks and Recreation Department, commencing October 1, 2011 and ending on the date(s) specified hereunder; all wages to be paid bi-weekly:

Recreation Center – A7020.4

End Date: March 31, 2012

<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
Ashley Chiffy	Ice Attendant	\$7.85/hour
Avrie Canarelli	Ice Attendant	\$7.85/hour
Kelsey North	Ice Attendant	\$7.85/hour
Thomas Bateson	Ice Attendant	\$7.85/hour
Giovanni Vitagliano	Ice Attendant	\$7.85/hour
Greyden Nimey	Ice Attendant	\$7.85/hour
Joseph Homes	Ice Attendant	\$7.85/hour
Michael Rich	Ice Attendant	\$7.85/hour

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Swim – A7230.1
End Date: June 20, 2012

<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
Diane Muller	Pool Director	\$12.63/hour
Anna Wanner	Assistant Director	\$11.20/hour
Scott Wanner	Certified WSI & Lifeguard	\$ 8.91/hour
Sara Dreimiller	Evening Lifeguard	\$ 8.91/hour
Meghan Rose	Evening Lifeguard	\$ 8.91/hour
Marianna Maliani	Substitute Evening Lifeguard	\$ 8.91/hour
Craig Sherman	Pool Attendant	\$ 7.25/hour.

Whereupon, the Town Board voted upon roll call:

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

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

Agreement – 2011-2012 Ice Rental

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

(RESOLUTION NO. 246 OF 2011)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute the Ice Rental Agreement for the 2011-2012 Ice Season between the Town of New Hartford and the New Hartford Figure Skating organization, said agreement having been approved in 2011 by the Advisory Committee on Parks and Recreation as part of a two-year program. The Figure Skating organization has provided the Town with the appropriate Certificate of Insurance.

The Town Board members voted as follows:

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

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

MATTERS SUBMITTED BY COUNCILMEN

Local Law Introductory “G” of 2011 – MS4 legislation - Amended

Councilman Reynolds initiated discussion on the Local Law Introductory presented at the September 14, 2011 Town Board meeting with regard to stormwater control. The Town Board and Attorney discussed, among other items, exempting tree or nursery farms, providing additional definitions, changing the word “may” in some instances to “shall”. Town Attorney Cully will incorporate the changes discussed and re-title the legislation as Local Law Introductory “G”, As Amended, 2011. A Public Hearing has been scheduled for the October 5, 2011 Town Board meeting.

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

(RESOLUTION NO. 247 OF 2011)

RESOLVED that the Town Board of the Town of New Hartford does hereby declare itself as Lead Agent in the matter of Local Law Introductory “G” of the year 2011 and does hereby authorize and direct the Town Clerk to refer said Local Law Introductory, together with the (State Environmental Quality Review) Short Environmental Assessment Form, to the Oneida County Planning Department for their review and recommendation.

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 then declared unanimously carried and duly **ADOPTED**.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRPERSON
(Continued)

Public Works and Sewer Committee – Councilman Backman:

Elm Street (Chadwicks) Bridge Replacement

This project has not yet been completed.

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Lease – 2011 Mack Truck

Councilman Backman noted that the Town could not enter into a lease beyond a five (5) year period. Supervisor Tyksinski clarified that the Resolution adopted September 14, 2011 was to sign a Letter of Intent only and he offered to obtain a recalculation the finance company. The Town could possibly bond for this expenditure in 2012 if rates are favorable.

Bids - Clinton Street Extension

Barton & Loguidice are reviewing bids received for the Clinton Street Extension project; their report will be presented at the October 5, 2011 Town Board meeting.

(Heavy) Trash Permits

Highway Superintendent Sherman reported that during the two (2) month trial basis trash collection program, 207 permits were issued, bringing in \$1,005. He declared the program a success.

MATTERS SUBMITTED BY COUCILMEN AND TOWN ATTORNEY

Councilman Backman:

Sewers – ad valorem vs benefit

In response to Councilman Backman's inquiry about taxing for sewer services, the Town Attorney acknowledged information from the State Comptroller's Office and from resident Catherine Lawrence. The Comptroller's Office opined that the Town acted properly by levying a benefit basis tax for sewer service to mobile home parks, except Applewood Community, and that it is the Town's discretion to determine the benefit received. There is no set formula and the Town is not in violation of any statutory authority (its action was not arbitrary and capricious).

Town Attorney

Parking Permits – Town Parks

The Town Attorney discussed with the State the idea of instituting a parking permit fee for non-residents for the Town's various parks; the Town would need to be sure that no Federal funds or federal documents would restrict this proposal.

Councilwoman Krupa

Sedgewick Park – Stormwater remediation

The Town Attorney acknowledged receipt of the last easement required to proceed with stormwater remediation in this area. The Town Attorney will file all easements with the

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Oneida County Clerk's Office and he won't charge the Town for his time in handling this matter.

New Hartford Public Library – status change

New Hartford Library Trustee Kevin Kelly had contacted Councilwoman Krupa informing her that the Library Board is thinking of changing the Library to a school-based library; Councilwoman Krupa attempted to contact Library Trustee/Treasurer Earl Cunningham but he hasn't responded her. Deputy Town Supervisor Bohn commented that the Library was told to provide an annual audit.

Independent Audit – Town Finances

Councilwoman Krupa acknowledged that, in response to the Town's Request For Proposal, the Town received a letter from D'Arcangelo & Co., LLP CPAS offering professional services for the Town's 2011 audit; professional services are not subject to competitive bid. Thereafter, Councilwoman Krupa offered the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 248 OF 2011)*Defeated

RESOLVED that the New Hartford Town Board does hereby accept the engagement letter from D'Arcangelo & Co., LLP CPAS who would perform an audit of the Town's 2011 finances at an estimated cost of \$19,500.

Councilman Backman wanted three (3) quotes and wanted to review them; further, he disagreed with D'Arcangelo's comments that the Town owns the New Hartford Public Library, etc. While the Town funds the Library, the Town Attorney also doesn't believe the Town owns the Library. A roll call vote was duly held and resulted as follows:

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

The Resolution was then declared **DEFEATED** and Board members asked that three (3) quotes be obtained.

Whitetail Meadows subdivision

The Town Attorney had received a phone call from the Attorney who is representing the Whitetail Meadows subdivision in Chadwicks, with regard to stormwater management. Engineering Department Coordinator Elisabetta DeGironimo said the Stormwater

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Management (Advisory) Improvement Committee does recommend that the Town purchase the retention pond. Further discussion will be held for Executive Session as it relates to possible acquisition of land and potential litigation.

MATTERS SUBMITTED BY TOWN SUPERVISOR

Financial:

Audit of Vouchers

On recommendation of the Town Supervisor who had previously withheld payment to the contractor working on the Elm Street (Chadwicks) bridge replacement project [refer to Town Board minutes of September 14, 2011], Councilman Backman presented the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 249 OF 2011)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the payment of the Voucher submitted by Economy Paving Co., Inc. in the amount of \$154,656.32 on Abstract No. 9 – Elm Street Bridge Replacement, which had been duly audited by the Town Board.

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**.

Stormwater Management (Advisory) Improvement Committee

Brian Sanders of the Stormwater Committee stated that the Committee has convened five (5) times since June 2011 and have reviewed Small Projects (cost less than \$10,000; solution for 20 years, etc.). The following report was discussed:

- **Cascade Drive** - #12 and others; design completed; easements may be needed
- **Mallory Road** – Design completed; easement needed but owner is reluctant. Requires building a swale that will cross driveway. Alternate design is possible but less effective.

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- **Sedgewick Park** - #101, 105, 107, etc. Preliminary design needs to be updated and revised. Easements needed, landowners are agreeable.
- **Beckwith Circle** – Flooding from behind #1, 3, 5, and 7, affecting #2 and 4 across the street. Maintenance or re-design of ditch and pipe behind #1 – 7 is needed. Outlet of ditch has suffered encroachment from construction of neighboring driveway on Tilden Ave.; easements may be needed.
- **Oneida Street, Washington Mills** – the Long property and others: Design completed; easements needed, landowner needs to be contacted.
- **Whitetail Subdivision, Chadwicks** – Purchase of retention basin has been recommended to Town Board.
- **Chapman Road, Washington Mills** – More coordination with Oneida County is needed. The Stormwater Committee voted in the August 22 meeting to not recommend acceptance by the Town Board of a County proposal. Committee members would like to see more information on the proposed design and an explanation of how it would function. They also expressed concern about the Town assuming responsibility for what may be runoff from a County road.
- **Hingham Road** - #7, 5 and 3 ½ : Flooding from Pleasant Street and driveway at #1222 Pleasant Street. Coordination meeting with Oneida County is needed.
- **Taber Road** – flooding at #80 and 77, and erosion of pavement on Taber Road: Repairs underway or completed; ditch maintenance at Westwood Circle is completed, ditch and pipe between #82 and 80 redesigned and built, milling and paving of Taber Road underway or completed; Town is building a catch basin at #77.
- **Taber Road/Taber Lane** – flooding and repeated property damage at #12 Taber Road caused by runoff from the street. The functioning of catch basins, ditches and swales in the area needs to be evaluated.
- **Jordan Road** – flooding of residences on Glen Street: correctable with maintenance, which is now under way.
- **Purchase of retention basin on Tilden Ave., Cragolin Property** - has been recommended and Town Board is acting on this; design is needed downstream of the retention basin at Peterson property.

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- **Grange Hill Road** – replace or relocate Town pipe on private property: Assessment and design needed; repair may cause increased flooding to residence on Oneida Street; outlet to Sauquoit Creek is undetermined, needs dye test. This project appears to be unsuitable for the Small Projects List.

EXECUTIVE SESSION

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

(RESOLUTION NO. 250 OF 2011)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss union negotiations and possible land acquisition.

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 9:18 P.M. The Town Attorney and Deputy Supervisor remained for the Executive Session.

[NOTE: The Town Attorney provided the following transcription on Thursday, September 29, 2011.]

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 251 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
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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 9:58 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public re-invited to the meeting.

ADJOURNMENT

There 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 9:59 P.M.

Respectfully submitted,

Gail Wolanin Young
Town Clerk