

**REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF NEW HARTFORD, NEW YORK  
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN  
ON WEDNESDAY, DECEMBER 14, 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  
Engineering Dept. Coordinator Elisabetta DeGironimo  
Highway Superintendent Richard Sherman  
Parks & 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**

Action on the November 9, 2011 Town Board minutes was withheld.

**PUBLIC HEARING**

7:01 P.M.      Public Hearing in the matter of **ARTICLE 2  
OF THE EMINENT DOMAIN PROCEDURE  
LAW IN CONNECTION WITH THE  
BEECHWOOD ROAD STORMWATER PROJECT**

The Town Supervisor opened the Public Hearing in the above matter at 7:01 P.M.  
[NOTE: The Town Clerk had available the Notice of Public Hearing, Proof of Publication (five consecutive days in The Observer Dispatch beginning November 29, 2011, Affidavit of Posting, and the SEQR form.)]

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[NOTE: Refer to Court Stenographer's official transcript attached hereto as Schedule "A".]

There being no one further to speak in the matter, the Public Hearing was declared closed at 7:12 P.M.

Councilman Backman said he's witnessed the damage there (Beechwood Road) over the years. Referring to Mr. Scardina's letter read during the Public Hearing, Councilman Backman noted that Mr. Scardina's comments refer to a proposed stormwater program years ago – about 2000 – that would have required the eminent domain process for a number of property owners. He said, "...Mr. Scardina's been communicated with and I understand his objections; but I don't know any engineering firm in New York State that would guarantee anything...don't know what storms in the future would bring. As such, I don't like to use eminent domain; it is a taking of an access and ability to construct adequate stormwater facilities." He understood that people would have full use of their home and that the Town of New Hartford would restore their property.

Town Attorney Cully commented that the Town's obtaining use of a strip of land (front and back) is more than just access; it is the right to get on the land, install pipe and maintain the pipe.

Councilman Backman stated that the property owner would not be deprived use of their property, that they still own the property and the Town is just limited to access for a permanent easement and a temporary easement.

Councilman Reynolds noted that the Beechwood Road stormwater problems were an on-going issue and the Town has addressed the need; he was in favor of the eminent domain process for the Scardina property, as were Councilwoman Krupa and Councilman Woodland.

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

**(RESOLUTION NO. 295 OF 2011)**

**DETERMINATION AND FINDINGS OF THE TOWN BOARD  
OF THE TOWN OF NEW HARTFORD PURSUANT TO ARTICLE 2  
OF THE EMINENT DOMAIN PROCEDURE LAW IN CONNECTION  
WITH THE BEECHWOOD ROAD STORMWATER PROJECT**

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**WHEREAS**, the Town Board of the Town of New Hartford (“Town Board”) continuing as lead agency for the Beechwood Road Stormwater Project pursuant to the New York State Environmental Quality Review Act; and

**WHEREAS**, the environmental review included the detailed examination of alternatives, and the Project was determined to be the best alternative to feasibly achieve the goals of, among other things, improving stormwater remediation; and

**WHEREAS**, on November 9, 2011 the Town Board determined to schedule a public hearing in connection with the proposed acquisition of an easement for the construction of the Project; and

**WHEREAS**, representatives of the Town and the affected property owner relative to the said Project have met to discuss the location and layout of the stormwater system; and

**WHEREAS**, on December 14, 2011, after having provided the appropriate notice of public hearing, the Town Board conducted a public hearing pursuant to Article 2 of the New York State Eminent Domain Procedure Law in connection with the Project; and

**WHEREAS**, all persons desiring to be heard were provided an opportunity to be heard at the public hearing; and

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board hereby makes the following determination and findings regarding the Project consistent with the requirements of Article 2 of the State Eminent Domain Procedure Law, as follows:

1. The Public Use, Benefit or Purpose To Be Served By The Proposed Public Project

The proposed acquisition of an easement approximately 20’ x 75’ in size over and across the rear portion of the property located at 19 Beechwood Road in the Town of New Hartford together with a temporary easement 10’ by 75’ for the purpose of alleviating stormwater problem along Beechwood Road.

The stormwater project is intended to alleviate substantial flooding problems experienced by landowners in the Town of New Hartford and all property owners along Beechwood Road have voluntarily given easements except the owners of 19 Beechwood Road. That absent this easement, the Town will be unable to complete the project as designed.

The project has been designed and redesigned over a period of many years and all landowners have been invited to numerous informational meetings.

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2. Such other Factors as the Town Board Considers Relevant

The Town Board has performed an exhaustive review of numerous alternatives for this long considered and necessary Project. The Project is an essential component to alleviate persistent stormwater problems in the area and that there is a public need, benefit and purpose for the Project, and that the identified location is the appropriate location to accommodate the needs of the property owner and the Project.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Town Supervisor is hereby authorized to perform all acts necessary, as may be required by the New York State Eminent Domain Procedure Law, to acquire, on behalf of the Town of New Hartford, the property identified as required for the construction of the Beechwood Road Stormwater Project.

Town Attorney Cully stated he would get an appraisal of the fair value of the easement, the map and bring forth a legal proceeding. Upon roll call, the Town Board voted as follows:

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

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

ENGINEERING

**Sauquoit Creek Sanitary Sewer Crossing Repair**

Ken Knutsen of Barton & Loguidice suggested installation of a pump station to correct the break in a sanitary sewer line crossing the Sauquoit Creek behind the Hillside Garden Apartment complex. He stated that FEMA would give 75% funding for this repair, the damage of which was caused by heavy storms and flooding. Survey work has been completed and now sets the pace for final design and bidding; one (1) easement needs to be obtained. Because of the proposed new alignment and depth, Mr. Knutsen recommended that soil bores be obtained, to avoid unexpected obstacles such as bedrock. Full time inspection for four (4) weeks is recommended. With FEMA's anticipated 75% reimbursement, the Town's share would be about \$82,000, which the Highway Superintendent confirmed. Thereafter, Councilman Backman offered the following Resolution for adoption and Councilman Reynolds seconded same:

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**(RESOLUTION NO. 296 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 for Engineering services with Barton & Loguidice with regard to remediation of the Sauquoit Creek Sanitary Sewer Crossing situate behind Hillside Garden Apartments, said Agreement at a not-to-exceed amount of Twenty-seven Thousand Six Hundred Dollars (\$27,600), said Agreement to include but not be limited to a supplemental survey, preparation of contract documents, specifications, assistance with permits and approvals, the entire bid phase services and construction phase services.

The Supervisor polled the Board members who voted as follows:

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

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

**PUBLIC PRESENTATIONS (Resident Comments)**

The Town Supervisor invited anyone in attendance that wished to address the Town Board, to come forth and to limit their comments to three (3) minutes.

**Hydrofracking (Hydraulic Fracturing)**

The following persons appeared with regard to the hydrofracking moratorium imposed by the Town Board in 2011, the expiration of that moratorium and whether the Town intended to extend the moratorium:

- Carlton Corey
- Peter Bianco
- Nancy Morelle
- Mr. And Mrs. Ted Zinski
- Joanne Bianco.

The Town Attorney noted that the Town of Dryden had amended the definition of mining in their zoning regulations, as well as drafting some road use regulations. He stated that the Towns of Paris, Kirkland and Whitestown expressed an interest in working with the Town of New Hartford for amendments to their respective zoning laws.

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**Franchise – Cable Television (Time Warner Cable)**

Sidney Perry questioned the status of the Town’s cable tv franchise agreement with Time Warner Cable and stated he had heard that the State cable commission now permits a fifteen (15) year franchise. The Town Supervisor responded that the Town will start negotiations as the existing franchise agreement is about to expire. Councilman Reynolds added that the Town is asking for an audit of Time Warner’s records to ensure the town receives all of its franchise fees.

**REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRPERSON**

Town Clerk Committee – Councilwoman Krupa

**Lease/Postage meter mailing equipment**

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

**(RESOLUTION NO. 297 OF 2011)**

**WHEREAS**, the five-year lease for the postage meter mailing equipment in the Town Clerk’s Office will expire December 24, 2011; and

**WHEREAS**, the Town Clerk has received a quote on New York State Contract, PC6504, for the lease of a Hasler IM460 with scale;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute all required documents for the lease of the afore-described equipment, which includes Base, Meter, Scale, Full Maintenance, Free Postal Re-sets at no charge and USPS rate change protection, at a monthly rate of Two Hundred Thirty-six Dollars and Twenty Cents (\$236.20).

The Town Board members were polled and 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**.

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**Audit/Finance Committee – Councilwoman Krupa**

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

**(RESOLUTION NO. 298 OF 2011)**

**WHEREAS**, the Town of New Hartford had solicited Requests for Proposal for audit of the Town’s 2011 finances; and

**WHEREAS**, the Town had received the following proposals:

- D’Arcangelo & Co. - \$20,500
- The Bonadio Group - \$18,000;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby accept the Request for Proposal submitted by D’Arcangelo & Co. and does hereby authorize the Town Supervisor to enter into and to execute an agreement for said firm to perform an audit of the Town’s 2011 financial accounts and records.

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**.

**Public Safety and Courts Committee – Councilwoman Krupa**

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

**(RESOLUTION NO. 299 OF 2011)**

**WHEREAS**, full-time Police Officer Christopher Burns had resigned from his position in November 2011, thereby creating a vacancy;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby promote Part-time Police Officer Peter J. Allen to the full-time position vacated by Officer Burn’s resignation, effective January 1, 2012, and that such appointment is

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predicated upon Officer Allen’s resignation from his position at the Oneida County Sheriff’s Department; his salary shall be commensurate with the current union contract.

Councilwoman recited Officer Allen’s experience and education and that he is a New York State certified police officer, hired off a civil service list. 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***.

Parks & Recreation Committee – Councilman Reynolds

**Appointment – Seasonal Winter Recreation**

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

**(RESOLUTION NO. 300 OF 2011)**

**RESOLVED** that the New Hartford Town Board does hereby appoint Laura Becker as a Saturday Gym Attendant for the 2011-12 Winter Recreation Program (A7140.11), effective January 7, 2012, at the hourly rate of Nine Dollars and Seventy-five Cents (\$9.75), payable bi-weekly.

The Board members then voted upon roll call:

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

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

**2012 and 2013 Pavilion Rental Rates and Splash Pad**

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



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**(RESOLUTION NO. 301 OF 2011)**

**RESOLVED** that the New Hartford Town Board does hereby increase and establish the park pavilion rental rates and splash pad admission rates for fiscal years 2012 and 2013, as follows, said rates having been recommended by a safety sub-committee of the Advisory Committee on Parks and Recreation:

<u>2012</u>	<u>Resident</u>	<u>Non-Resident</u>
Capacity – 50	Small - \$30.00	Small - \$ 80.00
Capacity – 175	Large - \$60.00	Large - \$160.00
Capacity - 50	Gazebo - \$40.00	Gazebo - \$100.00
<u>2013</u>	<u>Resident</u>	<u>Non-Resident</u>
Capacity 50	Small - \$35.00	Small - \$100.00
Capacity – 175	Large - \$70.00	Large - \$200.00
Capacity – 50	Gazebo - \$40.00	Gazebo - \$100.00

Splash Pad – 2012

- Daily Admission - \$ 2.00 per person
- Individual Pass - \$15.00 (New Hartford residents only)
- Group Pass - \$60.00 (Capacity – 40, New Hartford residents only).

These rates have been reflected in the 2012 Annual Budget and are comparable with other towns/cities. Thereafter, the Resolution was put to a vote upon roll call, resulting as follows:

- |                         |                      |   |                      |
|-------------------------|----------------------|---|----------------------|
|                         | Councilwoman Krupa   | - | Aye                  |
|                         | Councilman Reynolds  | - | Aye                  |
|                         | Councilman Woodland  | - | Nay (give residents  |
| a break)                |                      |   |                      |
|                         | Councilman Backman   | - | Nay (not in favor of |
| raising resident rates) |                      |   |                      |
|                         | Supervisor Tyksinski | - | Aye.                 |

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

Senior Citizen Committee – Councilman Reynolds

Oneida County Office for Aging/Continuing Care

Councilman Reynolds reported that Dr. Kathleen Bishop had met with Senior Services Director Eileen Spellman and him with regard to “Age.Net”, a program to help senior citizens gain valuable health related education and information. Dr. Bishop was present

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to explain how the Age.Net program might benefit area senior citizens. Currently, “Age.Net” is offered at five (5) senior citizen centers in Oneida and Lewis Counties. “Age.Net” is a senior health and wellness digital delivery system through the Oneida County Office for Aging and Continuing Care and created by VIZIONefx LLC. Dr. Bishop anticipates having tele-medicine – now in its conceptual phase – available to seniors. In response to Councilman Reynolds’s inquiry, Deputy Supervisor Bohn replied that some underwriters wrote the cost, which is One Hundred Dollars (\$100) per month to maintain the system. Dr. Bishop will provide the Town Attorney with an agreement for his review and then the Town Board will consider this program.

### **Computers for New Hartford Adult Dining and Activity Center**

Director of Senior Services Spellman had obtained quotes from Connecting Point to update computers for the New Hartford Adult Dining and Activity Center. The Town Board had agreed –at least in principal – for funds of the sale of the surplus bus to pay for the new equipment. Deputy Supervisor Bohn said another survey should be done.

## **MATTERS SUBMITTED BY COUNCILMEN / TOWN ATTORNEY**

### **Councilman Backman:**

1. Time Warner Cable franchise – discussed
2. Hydrofracking – talked about
3. Windpower – Advisory Committee on Zoning had met and had recommendations – do we need SEQR process
4. Sign legislation – Town Attorney reviewed the Town’s zoning law with regard to temporary signs.....political campaign...he will talk with the Herkimer Town/Village Attorney
5. Sewer Consent order – will this be collected on water bills
6. Agreement limiting Town’s financial responsibility to \$1.3 million for the Business Park; do we have an accounting; Supervisor said the Finance Director is working on this and he expects to have analysis at the December 21, 2011 Town Board meeting
7. Negotiations – discuss in Executive Session

### **Membership – Stormwater Management (Advisory) Improvement Committee**

Councilman Backman noted that Stormwater Committee member Dr. Stephen Donachie had died and he asked that the Town Supervisor send a letter of condolence to his widow and thank his family for his efforts and time.

### **Willowvale Fire Company, Inc. – 2012 Contractual Amount**

Councilman Backman stated that the Willowvale Fire Company has some question about the contractual amount allocated for them to provide fire protection services in 2012 and

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they questioned a line item in the 2012 Budget. The Town Supervisor directed their attention to the amount on the line “contractual amount”.

**Ribbon Cutting Ceremony – NYS Route 840 right-in/right-out ramp**

The Town Supervisor announced that a ribbon-cutting ceremony for the recently constructed NYS Route 840 right-in/right-out ramps will be held at 11:00 A.M. on Thursday, December 22, 2011 at the Hartford Insurance end of the Business Park; all are invited to attend.

**Beechwood Road Stormwater Improvement Project**

Councilman Backman noted that this project has been shut down for the winter because of the eminent domain procedure and weather.

**MATTERS SUBMITTED BY TOWN SUPERVISOR**

**Financial:**

**Audit of Vouchers**

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

**(RESOLUTION NO. 302 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:

Rte. 840 Access Ramps Abstract #1	
Vouchers HE1	\$ 9,625.47
Rte. 840 Access Ramps Abstract #2	
Vouchers HE2	\$184,297.51
Elm Street Bridge Repair Abstract #11	
Vouchers HB22-HB24	\$ 310,169.66
New Hartford Business Park Abstract #7	
Vouchers H08	\$ 61,023.25
Street Lighting Abstract #11	
Vouchers SL13	\$ 8,400.37
Record Retention Roof Abstract #2	
Vouchers HA1	\$ 23,150.00
Clinton St. Extension Abstract #1	
Vouchers HD1 – HD2	\$ 321,336.87

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Applewood Traffic Signal Improvement Abstract #2	
Vouchers HI3	\$ 7,992.46
Stormwater Series III Abstract #3	
Vouchers HK3 – HK5	\$ 8,667.87
Trust \$ Agency Abstract #40	
Vouchers TT201-TT208	\$ 14,894.51
Trust & Agency Abstract #41	
Vouchers TT209-TT210	\$ 4,843.36
Trust & Agency Abstract #42	
Vouchers TT212-TT218	\$ 14,941.85
Trust & Agency Abstract #43	
Vouchers TT219-TT226	\$ 15,321.56
Trust & Agency Abstract #44	
Vouchers TT227-TT232	\$ 162.42
Highway Fund Part-Town Abstract #14	
Vouchers DB872-DB887; DB889-DB920	\$ 94,964.23
General Fund Part-Town Abstract #16	
Vouchers BB164-BB166	\$ 6,088.78
General Fund Part-Town Abstract #17	
Vouchers BB167-BB180	\$ 1,681.33
General Fund Whole-Town Abstract #33	
Vouchers A1336-A1348	\$ 35,145.20
General Fund Whole-Town Abstract #34	
Vouchers A1349-A1469	\$ 104,659.53
General Fund Part-Town Police Abstract #18	
Vouchers BP310-BP312	\$ 33,771.72
General Fund Part-Town Police Abstract #19	
Vouchers BP313-BP331	\$ 18,231.56
Sewer Fund Abstract #22	
Vouchers SS80-SS82	\$ 1,345.28
Sewer Fund Abstract #23	
Vouchers SS83-SS87	\$ 5,728.85
<b>TOTAL:</b>	<b>\$1,286,443.64</b>

The 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 declared unanimously carried and duly *ADOPTED*.

**Replacement of Computers / Phone System**

Deputy Supervisor Bohn has been working with M. L. Polce for replacement of computers town-wide including the New Hartford Adult Dining and Activity Center .... all parts, pieces are State Contract for hardware – looking to use software in bulk and on a server. About \$90,000 for network; there are fifty-nine (59) Users. He also has a proposal for voice-over phone system.

Town Attorney:

**Sangertown Assessment Certiorari vs Town**

The Town Attorney noted that the trial on the Sangertown assessment grievance ended November 17, 2011 and it is expected that the Judge will render a decision in June 2012.

**Peddling/Soliciting Permits – Citizens Campaign for the Environment**

The Town Attorney reported that he had received several phone calls from the Citizens Campaign for the Environment who were concerned that the Town Board, rather than the Town Clerk, had denied their applications to solicit in New Hartford. Attorney Cully explained that the Town Clerk had raised some questions and the Town Board decided to deny their applications, which did not meet the statute.

**Withdrawal – Zoning Text Amendment for PDP District**

The Town Attorney informed the Board that Mr. Adler and the group of petitioners have withdrawn their zoning text amendment request that had been received November 16, 2011. Mr. Adler had telephoned Attorney Cully to withdraw the application and was advised to submit the withdrawal in writing.

**Intermunicipal Agreement – Oneida County Sewer District (DEC Consent Order)**

As a proposed Resolution was just received tonight from Attorney Peter Rayhill in behalf of the Oneida County Sewer District, action was withheld until the matter could be reviewed and a meeting scheduled with Steven Devan, Commissioner of the Oneida County Sewer District and Attorney Rayhill.

**Agreement for printing/mailing 2012 Town and County tax bills**

Supervisor Tyksinski stated that in the past, the Town has contracted with several companies to mail out tax bills. The Town Supervisor has contacted Cathedral, who will prepare the tax rolls on a disc, print and mail them. The printing cost would be about \$1,900, plus, for the 2012 Town and County taxes, which includes a one-time set-up fee. The Town will save money on mailing costs as Cathedral will mail the bills at Thirty-four Cents (\$.34) vs Forty-four Cents (\$.44). Supervisor Tyksinski then offered the following Resolution for adoption; seconded by Councilwoman Krupa:

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**(RESOLUTION NO. 303 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 with the Cathedral Corporation, Rome, New York for the printing and mailing of the 2012 Town and County tax bills at a cost not to exceed Two Thousand Dollars (\$2,000).

The Resolution was voted upon by roll call, resulting as follows:

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

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

**Agreement – 2012 Animal Control Service/Town of Kirkland**

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

**(RESOLUTION NO. 304 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 the Town of Kirkland, wherein the Town of New Hartford will provide animal control services to the Town of Kirkland during calendar year 2012, in accordance with the terms and conditions set forth therein.

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**.

**Appointments – New Hartford Public Library**

The Supervisor acknowledged a letter from Linda Romano, President of the New Hartford Public Library, with regard to two (2) Trustee vacancies effective January 1,

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2012 and the Library Board's recommendation for appointments. Councilman Reynolds offered the following Resolution for adoption; seconded by Councilwoman Krupa:

**(RESOLUTION NO. 305 OF 2011)**rescinded 12/21/11

**RESOLVED** that, upon recommendation of the New Hartford Public Library Board of Trustees, the New Hartford Town Board does hereby appoint John Klein and Leslie Cortright as Trustees for said Public Library for five-year terms each commencing January 1, 2012 and ending December 31, 2016.

Councilman Backman believed that it was premature to make these appointments since no vacancy existed yet and that, effective January 1, 2012, the Town Board would have a new member who is entitled to vote on this matter. The Town Attorney will contact the State Association of Towns in this regard. Thereafter, the Board members voted as follows:

Councilwoman Krupa	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Nay (no reflection on the individuals, just the timing of the vote
Councilman Backman	-	Nay (no reflection on the individuals, just the timing of the vote
Supervisor Tyksinski	-	Aye.

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

**Planning Board vacancy**

The Town Supervisor announced that Robert Wood would be resigning as a member of the Town Planning Board.

**EXECUTIVE SESSION**

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

**(RESOLUTION NO. 306 OF 2011)**

**RESOLVED** that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss union negotiations, certiorari proceeding of St. George's Church against the Town, and possible acquisition of land/potential litigation (White Tail Meadows).

A roll call vote ensued:

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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 8:58 P.M. The Town Attorney and Deputy Supervisor remained for the Executive Session.

**END OF EXECUTIVE SESSION**

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

**(RESOLUTION NO. 307 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 9:40 P.M. The regular portion of the Town Board meeting was immediately reconvened.

**ADJOURNMENT**

There being no further business to come before the Town Board, upon motion of Councilwoman Krupa and seconded by Councilman Reynolds, the meeting was adjourned at 9:42 P.M.

Respectfully submitted,

Gail Wolanin Young  
Town Clerk