

**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 21, 2011 AT 7:00 P.M.**

In the absence of Town Supervisor Patrick Tyksinski, Deputy Supervisor Matthew Bohn 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 – joined the meeting at 7:22 P.M.)

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Assessor Paul E. Smith
Codes Enforcement Officer Joseph Booth
Deputy Supervisor Matthew Bohn
Highway Superintendent Richard Sherman
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. Deputy Supervisor Bohn explained that the Supervisor would be late due to his attendance at another meeting. [NOTE: Because the Deputy Supervisor is a non-elected officer, he is unable to vote upon matters brought before the Town Board.]

PRESENTATIONS (Resident Comments)

Deputy Supervisor Bohn invited those present who wished to address the Town Board to come forward at this time.

Temporary Easement – Thomas Acres Development

Thomas VanWaes, representing the Thomas Acres Development, asked the Town Board to grant a temporary easement over land the Town owns so that said Development could build a cul-de-sac. When Preswick Glen was built, VanWaes gave the land to the Presbyterian Home who, in turn, gave the land to the Town; the Town Attorney confirmed the Town did not pay for the land. Further, the temporary easement would end when the project has been completed and given back to the Town. This matter has also been discussed with the Planning Board. Thereafter, Councilwoman Krupa introduced the following Resolution for adoption; seconded by Councilman Woodland:

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(RESOLUTION NO. 308 OF 2011)

WHEREAS, Thomas Acres Development Corp. (“Thomas Acres”) has requested the Town of New Hartford (the “Town”) to grant to Thomas Acres a temporary easement over a parcel of the Town’s land to enable Thomas Acres to complete construction of Merrimac Street;

NOW, THEREFORE, BE IT RESOLVED THAT;

1. The Town shall grant, and hereby grants, to Thomas Acres a temporary easement to that portion of the Town’s land noted on the attached map [Schedule “A”] and shaded in gray, permitting Thomas Acres, at its sole cost and expense, to complete the construction of Merrimac Street from the existing Fawncrest Boulevard to its terminus in the cul-de-sac shown on the attached map, such construction to be in accordance with specifications shown on development plans for Thomas Acres by Snyder, Myers Associates dated January 16, 1977, filed in Oneida County Clerk’s Office June 13, 1978 in map roll 951, including installation of sanitary sewers, water and surface water drainage system as shown on said filed map.
2. Upon completion of construction of Merrimac Street as aforesaid, to the satisfaction of the Town, Merrimac Street, exclusive of the Town land portion thereof, shall be deeded by Thomas Acres to the Town for no consideration.
3. As a condition to the grant of the aforesaid temporary easement, Thomas Acres shall provide the Town with a Certificate of Liability insurance in an amount of not less than one million (\$1,000,000) dollars naming the Town as an insured, said insurance to remain in full force and effect until the highway extension has been completed and deeded to the Town.

The Town Board voted upon roll call, resulting as follows:

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

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

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRPERSON

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Public Works and Sewer Committee – Councilman Backman:

Sedgwick Park Stormwater Project; Cascade Drive Stormwater Project

Councilman Backman had met with the Highway Superintendent on two (2) small stormwater projects that had been recommended by the Stormwater Management Improvement (Advisory) Committee; namely, Sedgwick Park and Cascade Drive. Barton & Loguidice will review the project proposals prior to receipt of quotes.

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

(RESOLUTION NO. 309 OF 2011)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Highway Superintendent to obtain three (3) quotes for construction of the Sedgwick Park Stormwater Project, with said quotes to be presented to and approved by the Town Board; subject to approval of the plans by Barton and Loguidice as well as the required easements being secured by the Town Attorney.

A roll call vote was duly held as follows:

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

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

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

(RESOLUTION NO. 310 OF 2011)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Highway Superintendent to obtain three (3) quotes for construction of the Cascade Drive Stormwater Project, with said quotes to be presented to and approved by the Town Board; subject to approval of the plans by Barton and Loguidice as well as the required easements being secured by the Town Attorney.

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

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

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

Road Paving Quote vs Actual Cost - Barrett Paving Materials

After some discussion between the Highway Superintendent and Town Board, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilwoman Krupa:

(RESOLUTION NO. 311 OF 2011)

WHEREAS, near the end of the 2011 road-paving season with unexpended funds still available for paving work, the Highway Superintendent received a quote from Barrett Paving Materials, under the Oneida County bid list, to pave Chestnut Hills, Augusta Drive, Wayside Lane and Pebble Creek Lane; and

WHEREAS, Barrett had quoted Twenty-two Thousand Four Hundred Dollars (\$22,400) to pave the aforementioned roads but submitted an invoice/voucher to the Town in the approximate amount of Thirty-eight Thousand Dollars (plus or minus), which latter amount included the cost of a milling machine, roller and paver that had been erroneously omitted from their original quote;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to pay to Barrett Paving Materials the original amount of their quote (\$22,400) and does further direct the Town Attorney to correspond with Barrett Paving Materials in this regard.

A roll call vote ensued:

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

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

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Grant Application - NYS Department of Labor / Sauquoit Creek Basin

The Highway Superintendent is completing a grant application to the New York State Department of Labor, which would fund a work crew of 20 people who are laid off, pay for their workmen's compensation, etc., equipment and safety gear. Under the grant, funds would pay to rent vans to get people on-site; pay \$10/hour for 6 months. It is the Highway Superintendent's intent to clear out the Sauquoit Creek tributaries of limbs, debris, tree trunks, etc. The grant would also provide a bookkeeper reviewing finances, an attorney for legal aspects.

FEMA reimbursement – April 2011 storm

Highway Superintendent Sherman announced that the Town has received their first reimbursement check for the April 2011 storm. He is still working on the paperwork related to Tropical Storm Lee and the sewer pipe damage behind Hillside Gardens.

Complaint – Damage to Tire Rim/14 Pinecrest Road

The Town Attorney apprised the Town Board that the Town Clerk's Office had received a letter from Ronald Mineo with regard to some damage to his car as a result of hitting a depression in Pinecrest Road. Mr. Mineo acknowledged in his letter that this matter related to water infrastructure owned by the Mohawk Valley Water Authority. Highway Superintendent Sherman confirmed that it was a Water Board shut off in the pavement. The Town Board took no action except to refer Mr. Mineo's letter to the Town's insurance carrier.

NOTE: Supervisor Tyksinski joined the meeting at 7:22 P.M.

Town Clerk Committee – Councilwoman Krupa

Town Clerk (Tax Collecting Officer) – Checking Account Change Authorization Form

Councilwoman Krupa reported that with the voter approval in November 2011 to abolish the office of Receiver of Taxes and Assessments effective December 31, 2011 and to transfer all powers/duties of that office to the Office of Town Clerk effective January 1, 2012, it is necessary to have a Resolution adopted authorizing the change of signatories on the tax collection checking account. Councilwoman Krupa then moved the adoption of the following Resolution; seconded by Councilman Reynolds:

(RESOLUTION NO. 312 OF 2011)

The Town Board of the Town of New Hartford **RESOLVES** that:

1. Adirondack Bank is designated as a depository for the funds of the Town of New Hartford, Checking Account No. 1400368987, and to provide other financial accommodations indicated in this Resolution.

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2. This resolution shall continue to have effect until express written notice of its rescission or modification has been received and recorded by Adirondack Bank. Any and all prior Resolutions adopted by the Town Board of the Town of New Hartford and certified to Adirondack Bank as governing the operation of the Town's account(s), are in full force and effect, until the Financial Institution receives and acknowledges an express written notice of its revocation, modification or replacement. Any revocation, modification or replacement of a resolution must be accompanied by documentation, satisfactory to Adirondack Bank, establishing the authority for the changes.
3. The signature of an Agent on this Resolution is conclusive evidence of their authority to act on behalf of the Town of New Hartford. Any Agent, so long as they act in a representative capacity as an Agent of the Town, is authorized to make any and all other contracts, agreements, stipulations and orders which they may deem advisable for the effective exercise of the powers indicated on page one, from time to time with Adirondack Bank, subject to any restrictions on this Resolution or otherwise agreed to in writing.
4. All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of the Town with Adirondack Bank prior to the adoption of this Resolution are hereby ratified, approved and confirmed.
5. The Town agrees to the terms and conditions of any account agreement, properly opened by any Agent of the Town. The Town authorizes Adirondack Bank, so long as they contain the required number of signatures for this purpose.
6. The Town acknowledges and agrees that Adirondack Bank may furnish at its discretion automated access devices to Agent of the Town to facilitate those powers authorized by this Resolution or other resolutions in effect at the time of issuance. The term "automated access device" includes, but is not limited to, credit cards, automated teller machines (ATM), and debit cards.
7. The Town acknowledges and agrees that Adirondack Bank may rely on alternative signature and verification codes issued to or obtained from the Agent named on this Resolution. The term "Alternative signature and verification codes" includes, but is not limited to, facsimile signatures on file with Adirondack Bank, personal identification numbers (PIN), and digital signatures. If a facsimile signature specimen has been provided on this Resolution, (or that are filed separately by the Town with Adirondack Bank from time to time) Adirondack Bank is authorized to treat the facsimile signature as the signature of the Agent(s) regardless of by whom or by what means the facsimile signature may have been affixed so long as it resembles the facsimile signature specimen on file. The Town

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authorizes each Agent to have custody of the Town's private key used to create a digital signature and to request issuance of a certificate listing the corresponding public key. Adirondack Bank shall have no responsibility or liability for unauthorized use of alternative signature and verification codes unless otherwise agreed in writing.

Effective December 31, 2011 Delete: Hilarie C. Elefante, Receiver of Taxes

Effective January 1, 2012 Add: Gail Wolanin Young, Town Clerk
Melody K. Fancett, Deputy Town Clerk

Powers granted:

- (2) open any deposit or share account in the Town's name
- (3) endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with Adirondack Bank

One (1) signature required

The Town Board voted upon roll call, which 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***.

Town Clerk (Tax Collecting Officer) – Mandatory 3rd Party Notification

The Town Clerk had provided information about mandatory 3rd party notification to all property owners about the designation of a third party to receive duplicate copies of tax bills and notices of unpaid taxes, as required by Real Property Tax Law, Section 922(1-a) and the need for the Town Board to establish the date by which applications must be filed with the tax collecting officer. Thereafter, Councilwoman Krupa introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 313 OF 2011)

WHEREAS, Real Property Tax Law requires all tax collecting officers to include with each tax bill a notice that certain taxpayers may designate an adult third party to receive duplicate copies of tax bills and notices of unpaid taxes, specifically, taxpayers who are

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65 or older, or disabled, who own and occupy a one-two-or three-family residential property; and

WHEREAS, Real Property Tax Law, Section 922(1-a), requires that such notice must be mailed annually to all taxpayers; and

WHEREAS, the application form, RP-923 – REQUEST FOR MAILING OF DUPLICATE TAX BILLS OR STATEMENTS OF UNPAID TAXES TO A THIRD PARTY, must be filed with the tax collecting officer no earlier than sixty (60) days prior to the levy;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby set the period of November 15 through December 1 for those eligible taxpayers to file Form RP-923 with the Town Clerk’s Office for the tax levy period to begin the following January, annually.

The foregoing Resolution was duly put to a vote upon roll call, resulting 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**.

Petty Cash (Tax Collecting Officer)

Upon request of the Town Clerk whose office will assume tax-collecting duties on January 1, 2012, Councilwoman Krupa offered the following Resolution for adoption, duly seconded by Councilman Reynolds:

RESOLUTION NO. 314 OF 2011)

WHEREAS, the duties of receiver of taxes and assessments will be transferred to the Town Clerk’s Office effective January 1, 2012, as approved by the majority of voters at the 2011 General Election; and

WHEREAS, Town Law, Section 64, provides that a Town Board may by resolution establish a petty cash fund for the purpose of making change as required in the performance of official duties;

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NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby establish a Two Hundred Dollar (\$200) Petty Cash Fund for the Town Clerk's Office for the purpose of making change during future Town and County tax collection periods effective January 1 through April 1 annually; and be it

FURTHER RESOLVED that the said Town Board does hereby authorize and direct the Town Supervisor to draw a check payable to the Town Clerk, as tax collecting officer, for Two Hundred Dollars (\$200) for the purpose of making change during the tax collection period; and be it

YET FURTHER RESOLVED that the Town Clerk's Office shall return the Two Hundred Dollar (\$200) Petty Cash Fund to the Town Supervisor on April 1 annually, the end of the Town and County tax collection period.

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**.

Dishonored check charge

The Town Clerk had also requested that the Town Board institute a fee for insufficient and/or returned checks for tax payments, similar to that which had been established for the Town Clerk's Office years ago; the maximum charge allowed by statute is Twenty Dollars (\$20.00) per occurrence. The Town Supervisor suggested that this fee be established for all Town departments. Thereafter, Councilwoman Krupa introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 315 OF 2011)

WHEREAS, statute provides that a municipality may impose a charge not exceeding Twenty Dollars (\$20) for a dishonored check (insufficient funds, etc.);

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby establish a Twenty Dollar (\$20) charge for all dishonored checks received by any Town Department and that such charge becomes revenue of the Town of New Hartford.

The foregoing Resolution was subject to a vote upon roll call:

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

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

MINUTES APPROVAL

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

(RESOLUTION NO. 316 OF 2011)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meetings held November 9, 2011 and November 16, 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	-	Aye
Supervisor Tyksinski	-	Aye.

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

MATTERS SUBMITTED BY COUNCILMEN / TOWN ATTORNEY

Councilman Backman:

Willowvale Fire Company, Inc. – Special Award Program – 2012 Budget

Councilman Backman reported on a meeting he had with representatives of the Willowvale Fire Company and specifically, the Ten Thousand Dollar (\$10,000) repayment of debt that appears in the 2012 Budget. Fire Company representatives said they don't know who is on the Special Awards Program, a statement with which the Town Supervisor and Town Clerk disagreed; the annual statement received by the Town is copied to a member of the Fire Company and that member verifies continued active service as well as those who may have been discharged, died or retired. Second, the Fire Company questioned that after the Town pays the annual bill and if there is any overage what would the Town do with an extra money? The Town Supervisor responded that, if

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the bill comes in lower, leave the money there and reduce the tax rate the following year, noting that Fire Protection District 4 serviced by Willowvale Fire Company has the highest tax rate of all five (5) Fire Protection Districts. Supervisor Tyksinski and Council members Reynolds and Krupa agreed that the Town couldn't give the money to the Fire Company. Councilman Backman confirmed that that was the consensus of the Town Board.

Zoning Law (Political Signs) – Freedom of Speech

The Town Attorney thanked Cathy Lawrence for information on signs. He talked with the Herkimer village attorney as to why they settled and paid the fees. The village attorney felt there was some legitimate liability with regard to violation of speech. The village's sign legislation allowed for larger signs on commercial property vs residential parcels. Attorney Cully has received a copy of Herkimer's revised law, which omitted political signs; refer to Booth to review and see if we should amend the Town's legislation.

MATTERS SUBMITTED BY TOWN SUPERVISOR

Financial:

Monthly Financial Report:

Supervisor Tyksinski announced that the financial reports had been distributed to Town Board members.

Authorization Resolution – Signatories on Banking Accounts/Adirondack Bank

Councilman Krupa introduced the following Resolution, which was duly seconded by Councilman Reynolds:

(RESOLUTION NO. 317 OF 2011)

The Town Board of the Town of New Hartford **RESOLVES** that:

1. Adirondack Bank is designated as a depository for the funds of the Town of New Hartford, Accounts No. 1400322863, 1500046647, 150004655, 1500063754, 1500212458 and 1500311235, and to provide other financial accommodations indicated in this Resolution.
2. This resolution shall continue to have effect until express written notice of its rescission or modification has been received and recorded by Adirondack Bank. Any and all prior Resolutions adopted by the Town Board of the Town of New Hartford and certified to Adirondack Bank as governing the operation of the Town's account(s), are in full force and effect, until the Financial Institution

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- receives and acknowledges an express written notice of its revocation, modification or replacement. Any revocation, modification or replacement of a resolution must be accompanied by documentation, satisfactory to Adirondack Bank, establishing the authority for the changes.
3. The signature of an Agent on this Resolution is conclusive evidence of their authority to act on behalf of the Town of New Hartford. Any Agent, so long as they act in a representative capacity as an Agent of the Town, is authorized to make any and all other contracts, agreements, stipulations and orders which they may deem advisable for the effective exercise of the powers indicated on page one, from time to time with Adirondack Bank, subject to any restrictions on this Resolution or otherwise agreed to in writing.
 4. All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of the Town with Adirondack Bank prior to the adoption of this Resolution are hereby ratified, approved and confirmed.
 5. The Town agrees to the terms and conditions of any account agreement, properly opened by any Agent of the Town. The Town authorizes Adirondack Bank, so long as they contain the required number of signatures for this purpose.
 6. The Town acknowledges and agrees that Adirondack Bank may furnish at its discretion automated access devices to Agent of the Town to facilitate those powers authorized by this Resolution or other resolutions in effect at the time of issuance. The term "automated access device" includes, but is not limited to, credit cards, automated teller machines (ATM), and debit cards.
 7. The Town acknowledges and agrees that Adirondack Bank may rely on alternative signature and verification codes issued to or obtained from the Agent named on this Resolution. The term "Alternative signature and verification codes" includes, but is not limited to, facsimile signatures on file with Adirondack Bank, personal identification numbers (PIN), and digital signatures. If a facsimile signature specimen has been provided on this Resolution, (or that are filed separately by the Town with Adirondack Bank from time to time) Adirondack Bank is authorized to treat the facsimile signature as the signature of the Agent(s) regardless of by whom or by what means the facsimile signature may have been affixed so long as it resembles the facsimile signature specimen on file. The Town authorizes each Agent to have custody of the Town's private key used to create a digital signature and to request issuance of a certificate listing the corresponding public key. Adirondack Bank shall have no responsibility or liability for unauthorized use of alternative signature and verification codes unless otherwise agreed in writing.

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Effective December 15, 2011, Add:

Patrick M. Tyksinski, Town Supervisor
Matthew Bohn III, Deputy Town Supervisor

Powers granted:

Exercise all of the powers listed in this Resolution
One (1) signature required.

The Town Board voted upon roll call, which 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**.

Clinton Street Extension and NYS Route 840 Break-in-Access

The Town Supervisor has instructed Finance Director Dreimiller to keep track of expenses on these projects and he's done an up-to-date report. There remains approximately \$350,000 between what was expended and the \$1.1million cap. Vouchers will come in from Central Paving and the Town has a punch list that must be done next Spring. If expenses reach the \$1.1 million cap, the Town will not pay any more vouchers.

Proposed Change Order No. 1 – Contract #1/Beechwood Road Drainage Improvement, Phase I

After presentation by the Highway Superintendent, Councilman Backman introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 318 OF 2011)

RESOLVED that the New Hartford Town Board does hereby authorize and direct Barton and Loguidice to proceed with preparations for Change Order No. 1 for the Beechwood Road Drainage Project – Phase 1/Contract No. 1, pertaining to a culvert/swale in the area of Woodberry Road/Woodberry Lane, with the official Change Order to be presented for final approval at a future Town Board meeting.

The Board members then voted upon roll call:

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

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

Intermunicipal Agreement – Part-County Sewer District (DEC Consent Order)

The Town Supervisor and Town Attorney had met with Steven P. Devan, Commissioner of the Oneida County Sewer District and the Commission’s attorney, Peter Rayhill with regard to a proposed Resolution presented at the December 14, 2011 Town Board meeting. Attorney Cully explained that some time had been spent on the redraft and some things that previously were in the draft have now been taken out...went line by line through the Resolution. The Town wants an annual accounting of money spent and language will be included in the Resolution to assure annual accounting. It appears the contribution from the Town of New Hartford was substantially higher than thought,looks like over 40% and the Town wants some mechanism for keeping New Hartford from over paying. Also, the Town had stopped making their payments authorized by a January 2010 Resolution and have not paid the last two (2) quarters of 2011 from mitigation funds. Councilman Reynolds offered the following Resolution for adoption; seconded by Councilwoman Krupa:

(RESOLUTION NO. 319 OF 2011)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to make the Town’s last two (2) quarterly payments of fiscal year 2011 from mitigation funds for remediation work to the Oneida County Sewer District, in accordance with terms set forth in Resolution No. 50, adopted January 27, 2010, after which Town residents will be responsible for a surcharge fee on their quarterly water bills commencing in 2012.

The Town Board members voted upon roll call, 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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Purchase of computer system – Purchasing Policy

In response to Councilman Backman’s question at the December 14, 2011 Town Board meeting, Deputy Supervisor Bohn explained that the Town is buying hardware under State Contract, which negates the need for the competitive bid process and that software is being purchased under proprietary services.

Surplus Computers - Disposal

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

(RESOLUTION NO. 320 OF 2011)

WHEREAS, the Town will be replacing fifty-nine (59) computers and associated hardware;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby declare as surplus fifty-nine (59) computers and associated hardware, a list of which is on file in the Town Supervisor/Accounting Office and that said Town Board does hereby authorize the sale of said equipment, minus the hard drives, to Town employees and/or the public.

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 declared unanimously carried and duly **ADOPTED**.

Town Board 2012 Organizational Meeting

The Town Supervisor announced that the next Town Board meeting would be held at 7:00 P.M. on Wednesday, January 11, 2012 in Butler Memorial Hall, at which time the 2012 Organizational meeting will be conducted. He believes the Board might continue meeting the second and fourth Wednesdays monthly.

2012 Town & County Tax bills – Printing/Mailing

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

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(RESOLUTION NO. 321 OF 2011)

WHEREAS, by Resolution adopted by the Town Board on December 14, 2011, the Town had entered into an Agreement with Cathedral Corporation to print and mail the 2012 Town and County tax bills for the amount of approximately \$1,900; and

WHEREAS, the Town Supervisor has learned that Cathedral Corporation must provide additional work in order to reformat the bills to be acceptable and scannable by Chase Bank;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby revise and amend the December 14, 2011 Resolution specifically relating to the cost of services, the total of which is now authorized at Three Thousand One Hundred Fifty-nine Dollars (\$3,159).

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**.

Union Negotiations – Highway Department

The Town Attorney has been contacted by the mediator and he is now waiting to hear from Union.

Library Board Appointments – Rescind due to timing

The Town Attorney stated that he was incorrect as to the appointments to the Library Board at the December 14, 2011 Town Board meeting, having contacted the State with regard to Councilman Backman’s belief that the appointments to commence in 2012 could not be made until 2012 and especially because the Town Board will have a new member in 2012. Thereafter, Councilman Backman introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 322 OF 2011)

RESOLVED that the New Hartford Town Board does hereby rescind Resolution No. ..., adopted December 14, 2011 because the New Hartford Public Library Trustees’ terms

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would not expire until December 31, 2011 and it was premature to make appointments and/or reappointments prior to term expiration.

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***.

Recognition – Out-going Second Ward Town Board member

The Town Supervisor recognized Councilwoman Krupa for her time and efforts and thanked her for her four (4) years of public service on the Town Board. Councilman Backman then moved the following Resolution that was seconded by Councilman Reynolds:

(RESOLUTION NO. 323 OF 2011)

RESOLVED that the New Hartford Town Board does hereby authorize and give to Councilwoman Krupa her nameplate as a Town Board member.

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***.

Three Percent (3%) Penalty – Late payment of taxes

Ralph Humphreys objected to the 3% penalty for late payment of taxes, citing a hardship for some people. The Town Supervisor responded that the late payment penalty for Town and County taxes not paid in January is set by statute and is One Percent (1%) during February and One and one-half Percent (1½%) in March; the County then charges Five Percent (5%) after March.

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New Hartford Public Library – Trustee appointments

Edmund Wiatr, Jr., present as a Library Trustee and an individual, asked the Town Board to solicit other town residents who would like to be a library board trustee, citing an issue he had with a Trustee who recently refused to recite the Pledge of Allegiance at the beginning of a Library Board meeting.

ADJOURNMENT

The Town Supervisor extended his wishes to everyone for a Merry Christmas and Happy New Year.

There being no further business to come before the Town Board, upon motion of Councilman Reynolds and seconded by Councilman Backman the meeting was adjourned at 8:05 P.M.

Respectfully submitted,

Gail Wolanin Young
Town Clerk