

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, NOVEMBER 16, 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

No action was taken as the November 9, 2011 minutes had not been completed.

PUBLIC PRESENTATIONS (Resident Comments)

The Town Supervisor invited anyone in attendance that wished to address the Town Board, to come forth. The following came forth:

Edmund Wiatr, Jr. - would like to see the 2012 Budget reduced by Three Million Dollars (\$3,000,000).

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

Parks & Recreation Committee – Councilman Reynolds:

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Agreement – Recreation Center Ice Rental

The Town Attorney having reviewed the Ice Rental Agreement, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 284 OF 2011)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute Ice Rental Agreement for the 2011-2012 Ice Season between the Town of New Hartford and the New Hartford High School, the latter of which had provided the appropriate Certificate of Insurance.

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**.

Appointments – Seasonal Recreation

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

(RESOLUTION NO. 285 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 on the dates specified and ending April 7, 2012; all wages to be paid bi-weekly:

Winter Recreation – AA7140.11

Name	Position	Rate of Pay	Start Date
Dennis Philipkoski	Recreation Leader	\$10.30/hour	12/05/11
Jerome Pitarresi	Recreation Director	\$17.25/hour	01/07/12
Margaret Brady	Recreation Leader	\$13.75/hour	01/07/12
Luke Bogar	Recreation Attendant	\$ 9.75/hour	01/07/12.

Whereupon, the Town Board 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 then declared unanimously carried and duly ***ADOPTED***.

Assessor Committee – Councilman Reynolds:

Appointment – Board of Assessment Review

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

(RESOLUTION NO. 286 OF 2011)

WHEREAS, the term of office of Duane Farr as a Member of the Board of Assessment Review had expired September 30, 2011; and

WHEREAS, Mr. Farr has expressed his interest to continue serving on the Board of Assessment Review;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby re-appoint Duane Farr as a Member of the Board of Assessment Review for a five-year term commencing November 17, 2011 and ending September 30, 2016.

The Resolution was subject to a vote upon roll call, resulting as follows:

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

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

Seasonal Appointment – Temporary Clerk in Assessor’s Office

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

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(RESOLUTION NO. 287 OF 2011)

RESOLVED that the Town Board of the Town of New Hartford does hereby appoint Margaret Jones as a Temporary Clerk in the Assessor's Office effective Monday, December 12, 2011, at an hourly wage of Eleven Dollars (\$11), payable bi-weekly.

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

MATTERS SUBMITTED BY COUNCILMEN / TOWN ATTORNEY

Town Attorney:

Solicitation – Citizens Campaign for the Environment

The Town Attorney had received a copy of the April 2005 IRS letter with regard to the Citizens Campaign for the Environment, which group had applied for numerous solicitor permits to solicit door-to-door outside the hours permitted by local law. The IRS form shows the organization's domicile as Long Island, New York. Councilwoman Krupa said she had done some research and found the group has a satellite office in Syracuse; after reviewing their forms, she found that 82% of their funding goes toward salaries...not much coming back to the community. As a 504 c 4 organization, contributions by people are not tax deductible. Councilwoman Krupa offered the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 288 OF 2011)

RESOLVED that the New Hartford Town Board does hereby deny the ten (10) applications submitted by members of the Citizens Campaign for the Environment for solicitation permits to go door-to-door in the Town of New Hartford based upon said applications which show the individuals would be soliciting outside the hours permitted in the Town's Peddling and Soliciting local law.

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

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**.

Proposed Zoning Text Amendment – Local Law Introductory “H” of 2011

Town Attorney Cully acknowledged the Town Clerk’s e-mail to Board members and himself with regard to the Cameron group’s submission for a zone text amendment that would change language as it relates to a Planned Development Park (PDP) zone where the current business park is. They are asking the Town Board to consider a text amendment and submitted a proposed local law and SEQR form. If approved, the zoning text amendment would allow no more than 20% occupancy of floor space with retail services; there could be services for employees in the Park and if there were a large office building, the amendment would allow for a cafeteria for employees. They seek that limitation be amended to no more than 20% of acreage owned. The Town Attorney said they have a right to petition the Town Board, which would have to declare itself as lead agency and refer the matter to the Town Planning Board and the Oneida County Planning Department for their review and written recommendation. Further, a public hearing would be necessary. The proposed text amendment for the entire PDP zone would encompass property from Seneca Turnpike at Woods Road, north to NYS Route 840 and close to Lowe’s, said Codes Enforcement Officer Joseph Booth. The Town Attorney advised the Town Board that they would need to accept the application, declare themselves as lead agency (SEQR), and send the proposal to the Town and County Planning departments. Town Attorney Cully will confirm that the applicant has permission of Fifty Percent (50%) of the owners within the PDP zone.

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

(RESOLUTION NO. 289 OF 2011)

RESOLVED that the New Hartford Town Board does hereby accept the application of the Cameron Group for a zoning text amendment as it relates to a Planned Development Park (PDP) zone and specifically relative to limited uses; and be it

FURTHER RESOLVED that the said Town Board does hereby declare itself as Lead Agent in accordance with the State Environmental Quality Review Act (SEQRA) for this matter; and be it

YET FURTHER RESOLVED that the said Town Board does hereby refer to the Town Planning Board and the Oneida County Planning Department for their review and written

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recommendation, the request of the Cameron Group to amend the Town's Code, Chapter 118 thereof entitled ZONING, and specifically the section on limited uses in a Planned Development Park (PDP) zone.

The Town Board 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**.

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

(RESOLUTION NO. 290 OF 2011)

RESOLVED that the New Hartford Town Board does hereby schedule a Public Hearing to commence at 7:00 P.M., or as soon thereafter as reached in the regular course of business, on Wednesday, December 21, 2011 in Butler Memorial Hall, New Hartford, NY to consider the following legislation that had been prepared for and submitted by the Cameron Group who has requested a zone text amendment:

TOWN OF NEW HARTFORD, NEW YORK
LOCAL LAW INTRODUCTORY "H" OF 2011

A Local Law amending Section 118-39 of the Town Code Pertaining to the Limited Uses Allowed in the Planned Development Park District.

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

Repeal Section 118-39 (D) (7) (b) and replace it with the following new language:

Retail and services when such limited use occupies no more than 20% of the PDPD acreage owned, controlled or developed by the Applicant.

And be it

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

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**.

FOIL Appeal - Catherine Lawrence

The Town Attorney noted that people have the right to submit an Appeal on a FOIL request, to the Town Board. Cathy Lawrence filed her Appeal on November 9, 2011 with regard to her October 21, 2011 request for

“...the computer generated report entitled ‘Statement of Actual and Estimated Revenues’ for all funds [General Wholetown, General Part-town, etc.] as of September 30, 2011. I would also like to FOIL the report ‘Statement of Expenditures, Encumbrances & Appropriations’ for all funds as of September 30, 2011.”

Ms. Lawrence had been provided with the report on expenditures but was not provided the report on revenues and it is the report on revenues that she is appealing. The Town Supervisor responded that there was no denial of the revenues, that he doesn’t have it. He explained that the majority of revenue is property taxes and sales tax and that the former Bookkeeper would wait until the end of the year and allocate the money where needed. The revenue has not been posted; he doesn’t have a report. Ms. Lawrence wants her appeal sent to Robert Freeman, Executive Director of the Committee on Open Government. Councilman Backman commented that if the Town Supervisor generated the report now and it says nothing, then send it to her; Councilwoman Krupa agreed. Councilman Woodland introduced the following Resolution, which was seconded by Councilman Reynolds.

(RESOLUTION NO. 291 OF 2011)

RESOLVED that the New Hartford Town Board does hereby direct the Town Supervisor/Accounting Office to run a report of revenues received for fiscal year 2011 through and to furnish same to FOIL applicant, Catherine Lawrence.

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A roll call vote ensued:

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***.

MATTERS SUBMITTED BY TOWN SUPERVISOR

Financial:

Financial Report

Town Board members had received the financial report distributed by the Town Supervisor.

Union Negotiations – Parks and Highway Departments

The Town Supervisor reported that he, the Town Attorney and Councilman Backman had met with Teamster representatives with regard to concessions on the pending bargaining agreements. Because the union contracts haven't been voted on by the respective parties, the Supervisor refrained from discussing the matter further.

Discussion - 2012 Annual Budget

The Town Supervisor put together the proposed 2012 Annual Budget by using the preliminary budget and adding back the proposed layoffs along with any conditions raised in union negotiations (including health insurance, retirement pension). If the one proposed layoff in the Parks Department is put back in the budget, obviously figures will change....looking at a total of \$261,404.14; could cut unemployment by \$80,000. He proposed a 6% property tax decrease for General Fund Whole-Town. The total tax levy would be \$1,492,522.14 compared to the tax levy of 2011 - \$98,481.14. The Town could be looking at a 7% increase that would be 5% higher than allowed by statute.

Councilman Backman – had asked for an increase in Cable Franchise AA1170 from \$300,000 to \$315,000. He wants an audit of Time Warner and all seven (7) zip codes to ensure the Town of New Hartford is receiving its fair share of the franchise fee. He said it's up to the Town Board to reduce the Highway Department unemployment line item and wants to remove the \$84,240 budgeted. Councilman Backman said the Town has experienced some decrease in taxable assessment but he questioned whether the Town would see an increase in 2012 because of the Business Park; the Supervisor said no. In the past he, Councilman Backman always believed in keeping taxes as low as possible

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but feels with the statutory 2% tax cap, the Town is setting itself up to fall.....would need to raise taxes and have to adopt a local law explaining why you need to increase above 2%.

Highway Superintendent Sherman suggested that the Town Board reduce the road paving line item by \$75,000 so that he can keep his four (4) employees.

Paul Miscione, Second Ward Councilman-elect – said that about 2% of people were upset with taxes; most people come to New Hartford because of the schools; some were upset about the curbside trash collection being taken away – want it back and didn't understand why it was taken away. They want good roads, not to be flooded out. People would be more happy giving back services than cutting the tax rate, in his opinion.

Don questioned reduction in fines and forfeitures, which the Supervisor said was based on the Chief Justice's recommendation. He feels there's more money in this category.

Pat reviewed Don's proposals heretofore mentioned.

Councilman Reynolds – doesn't support the layoff; he agrees with keeping the tax rate the same – do not lower it by 6%. He inquired whether the Town could pay back the deficit for the police fund at a slower rate; for example, instead of a \$200,000 payment, either \$150,00 or \$100,000. The Town Supervisor responded that Moody's and the State Comptroller are looking for it to be repaid and we still would owe money toward that deficit.

Councilmen Backman, Woodland and Reynolds want to keep the tax rate steady. Councilwoman Krupa accepts the 2012 Preliminary Budget "as is".

EXECUTIVE SESSION

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

(RESOLUTION NO. 292 OF 2011)

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

A roll call vote ensued:

Councilwoman Krupa	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye

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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 8:29 P.M. The Town Attorney, Deputy Supervisor and Highway Superintendent remained for the Executive Session.

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 293 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 8:44 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public re-invited to the meeting.

Adoption – 2012 Annual Budget; Approval of Special Assessment Rolls

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

(RESOLUTION NO. 294 OF 2011)

WHEREAS, the Town Board of the Town of New Hartford held a Public Hearing on November 9, 2011 to consider the special assessment rolls of said Town for fiscal year 2012 and to consider the adoption of the 2012 Preliminary Budget as the 2012 Annual Budget, including special district rates:

NOW, THEREFORE, BE IT RESOLVED that said Town Board does hereby approve the special assessment rolls of said Town for fiscal year 2012 and does further adopt the

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2012 Preliminary Budget, as amended, as the 2012 Annual Budget as set forth in Schedule "A" annexed hereto and made a part of this Resolution and does hereby set the rates for all funds and the special districts/improvement areas as set forth in said budget.

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

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

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

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 8:48 P.M.

Respectfully submitted,

Gail Wolanin Young
Town Clerk