

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, JANUARY 11, 2012 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
Councilman Paul A. Miscione
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 III
Finance Director Daniel Dreimiller
Highway/Sewer Superintendent Richard C. 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.

INTRODUCTION – NEW TOWN BOARD MEMBER

The Town Supervisor introduced Paul Miscione who was elected for the first time in November 2011 to serve as Second Ward Councilman, effective January 1, 2012.

MINUTES APPROVAL

December 14 and December 21, 2011 Town Board meetings

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

(RESOLUTION NO. 1 OF 2012)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held December 14, 2011 and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

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

[NOTE: No action was taken on the December 21, 2011 Town Board minutes.]

PUBLIC PRESENTATIONS

The Supervisor inquired if anyone present wished to address the Town Board; the following came forth:

- Carlton Corey – rumor has it that the job of an elected official is thankless....he would like to thank the Town Board for their hard work/efforts on the hydrofracking issue and work done to date. [The Town Attorney said he would be talking with the Albany law firm of Whiteman, Osterman and Hanna with the possibility of hiring them to redraft the Town’s zoning law.]

ENGINEERING CONSULTANT

Master Services Agreement - 2012

Charles White of Barton & Loguidice reported that the 2012 Master Services Agreement had been reviewed by the Town Supervisor, Town Attorney and Highway Superintendent, with revisions that Attorney Cully had requested. This Agreement would set up a contract with the Town for general engineering services for the year 2012. He gave a brief review of the services for engineering matters as well as organizing the Town Engineer’s office and digitizing maps, MS4 assistance, providing one of their employees to the Town (on-site) one (1) day per week. Councilman Backman introduced the following Resolution for adoption and Councilman Reynolds seconded same:

(RESOLUTION NO. 2 OF 2012)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to enter into and to execute a Master Services Agreement between the Town of New Hartford and Barton & Loguidice, P.C., the latter of which will provide consulting and/or professional engineering services from time to time in 2012 as more fully described in one or more Scope of Service agreements (individual assignments that may include but are not limited to the Planning Board, Town Board and Highway Department, and in accordance with the terms defined in said Master Services

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Agreement, at a maximum fee not-to-exceed Sixty-three Thousand Dollars (\$63,000).

The Town Supervisor polled the Board members who voted as follows:

Councilman Miscione	-	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 Improvement, Phase I – Contract 1: Payment to Contractor, Change Order

Mr. White further informed the Board that currently contractor ALX Hunter is laid off for the season; the contractor has completed all work (approximately 68%) to the point of getting to the back lots through the easements obtained. Until the eminent domain process is completed on the Scardina property, the contractor cannot proceed; to complete this procedure, Town Attorney Cully is in the process of securing an appraisal of the Scardina property on Beechwood Road after which he will get a NYS Supreme Court order to file the related map and then it's done and the contractor can resume work. Change Order No. 1 on this project has been necessitated due to unforeseen conditions that had to be dealt with, including a swale adjustment near Woodberry Road. Thereafter, Councilman Backman introduced the following Resolution, which was seconded by Councilman Woodland:

(RESOLUTION NO. 3 OF 2012)

RESOLVED that, upon recommendation of Barton and Loguidice, the New Hartford Town Board does hereby authorize Payment No. 1 in the amount of Two Hundred Twenty-three Thousand Six Hundred Fifty-six Dollars and Ninety-three Cents (\$223,656.93), to ALX Hunter Excavation, Inc., contractor for the Beechwood Road Drainage Improvement, Phase 1 – Contract 1; and be it

FURTHER RESOLVED that the said Town Board does hereby approve Change Order No. 1 related to the aforementioned Drainage Improvement project and does hereby authorize and direct the Town Supervisor to execute said Change Order in the net amount of Forty-seven Thousand Seven Hundred Thirty-three Dollars and Thirty-five Cents (\$47,733.35).

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

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

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

Elm Street Bridge Stabilization over Sauquoit Creek (Chadwicks)

With regard to this project, Mr. White reported that the plans have been completed and the NYS Department of Environmental Conservation will issue a permit to the Town to stabilize the embankment/new bridge that had been constructed in 2011. Because the Elm Street Bridge Replacement project has been closed out, the stabilization project must be bid. Estimate cost 32 and 35,000 dollars and bid the project because the bridge has been completed. FEMA has committed to funding the stabilization project necessitated by an August/September 2011 Tropical Storm(s); the Highway Superintendent believed the funding could be 75%/25% (FEMA/Town). Councilman Backman then offered the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 4 OF 2012)

RESOLVED that the New Hartford Town Board does hereby authorize and direct Barton & Loguidice to initiate and to proceed with the competitive bid process to receive sealed bids for the Elm Street Bridge Stabilization project, as per Town specifications, at a date to be announced; and be it

FURTHER RESOLVED that the Town Board does hereby authorize and direct the Town Clerk to publish the legal requisite Notice to Bidders/Invitation to Bid in The Observer Dispatch.

A roll call vote ensued:

Councilman Miscione	-	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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Sauquoit Creek Sanitary Sewer Crossing Repair

As a follow-up to this project reported on at the December 14, 2011 Town Board meeting, Mr. White confirmed that FEMA funding was available and that Barton & Loguidice would await the Town's decision as to whether to install a pump station or go with an alternative upstream gravity pipe, the latter of which would be approximately \$35,000 more than the pump station.

REPORTS OF TOWN OFFICIALS SUBMITTED BY STANDING COMMITTEE CHAIRPERSON

Senior Citizen Committee – Councilman Reynolds

“AGE.NET”

The Town Attorney having reviewed the contract for the “Age.Net” program for the New Hartford Adult Dining and Activity Center presented at the December 21, 2011 Town Board meeting, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Miscione:

(RESOLUTION NO. 5 OF 2012)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor/Senior Services Director to enter into and to execute an Agreement between the Mohawk Valley Community & Elderly Wellness Council, Inc. and the Town to provide services for the elderly at the New Hartford Adult Dining and Activity Center via “Age.Net” for calendar year 2012, through the Oneida County Office for the Aging and Vizion, LLC.

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

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

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

Activities Report – New Hartford Adult Dining and Activity Center

Councilman Reynolds asked that the Town Board members review the detailed activities statistical report prepared by Senior Services Director Eileen Spellman in order that Board members be aware of services offered to meet the needs of senior citizens.

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Zoning (Codes) and Planning Committee – Councilman Reynolds

Training

Councilman Reynolds reported that, in an effort to keep costs down, the Codes Enforcement Officer has identified State-sponsored (free) educational seminars. Credits for attending such seminars would be applied toward the 24 hours of education required annually by the State for Codes Enforcement officials. Councilman Reynolds then moved the adoption of the following Resolution, which was seconded by Councilman Miscione:

(RESOLUTION NO. 6 OF 2012)

WHEREAS, Section 77-b of the General Municipal Law allows the governing board of municipalities to authorize any officer or employee to attend a convention, conference or school conducted for the betterment of such municipality;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby grant permission to Codes Enforcement Officer Joseph A. Booth and Assistant Codes Enforcement Officer Thomas Rowlands to attend a day-long seminar on “Inspecting for the Energy Conservation Construction Code of New York State – 2010: Residential” and “Inspecting for the Energy Conservation Construction Code of New York State – 2010: Commercial” sponsored by NYSERDA on Wednesday, January 25, 2012 in Utica, New York, with registration fee (if any), mileage and lunch expenses to be borne by said Town as budgeted.

The Resolution was voted upon by roll call as follows:

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

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

Public Safety & Courts Committee – Councilman Reynolds

Declaration of Surplus Vehicles; Authorization to sell

Upon request of the Police Chief, the following Resolution was offered for adoption by Councilman Reynolds and duly seconded by Councilman Woodland:

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(RESOLUTION NO. 7 OF 2012)

RESOLVED that the Town Board of the Town of New Hartford does hereby declare as surplus the following vehicles:

<u>Year</u>	<u>Make/Model</u>	<u>VIN</u>
2005	Ford Crown Victoria Interceptor	2FAHP71W45X160651
2008	Ford Crown Victoria Interceptor	2FAFP71V38X177847

And be it

FURTHER RESOLVED that the aforesaid vehicles shall be placed for sale on the Oneida County e-Bay site and once sold, the Town Clerk's office shall be notified and shall arrange to terminate insurance coverage on said vehicles.

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

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

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

Town Clerk Committee – Councilman Backman

Training - Oneida County Association of Towns Meeting

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

(RESOLUTION NO. 8 OF 2012)

WHEREAS, Section 77-b of the General Municipal Law allows the governing board of municipalities to authorize any officer or employee to attend a convention, conference or school conducted for the betterment of such municipality;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby grant permission to Councilman Reynolds, Town Attorney Cully and Highway Superintendent Sherman to attend the Oneida County Association of Towns Meeting on Tuesday, January 17, 2012 at the Radisson Hotel, Utica, New York, with expenses to be borne by said Town as budgeted.

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The Resolution was voted upon by roll call as follows:

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

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

Training – Town Clerk-Registrar, Records Management, Tax Collection

At the request of Councilman Backman, the Town Clerk's request to attend the NYS Town Clerks Association annual conference in April in Saratoga Springs, New York and the NYS Tax Collectors Association annual conference in June in Albany, New York was held in abeyance until the conference costs could be attached to the Resolution.

Library Committee – Councilman Reynolds

Appointments of Library Trustees

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

RESOLUTION NO. 9 OF 2012)

RESOLVED that, upon the recommendation of the New Hartford Public Library Board of Trustees, the New Hartford Town Board does hereby re-appoint John A. Klein as a Library Trustee for a five-year term commencing January 1, 2012 and ending December 31, 2016; and does further re-appoint Leslie Cortright as a Library Trustee for a five-year term commencing January 1, 2012 and ending December 31, 2016.

The Resolution was subject to a vote upon roll call:

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

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

MATTERS SUBMITTED BY THE TOWN SUPERVISOR

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Financial:

Audit of Vouchers:

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

(RESOLUTION NO. 10 OF 2012)

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:

Applewood Traffic Signal Improvements Abstract # 1 of 2012	
Vouchers HI1	\$ 472.33
Water Abstract # 1 of 2012	
Vouchers FF1	\$ 16.08
Stormwater Series II Abstract # 1 of 2012	
Vouchers HK1 – HK3	\$ 11,859.70
Clinton Street Extension Abstract # 1 of 2012	
Vouchers HD1	\$ 3,796.21
Route 840 Access Ramp Abstract # 1 of 2012	
Vouchers HE1-HE2	\$ 295,288.90
Trust & Agency Abstract #45 of 2011	
Vouchers TT233-TT239	\$ 15214.20
Trust & Agency Abstract #46 of 2011	
Vouchers TT240	\$ 689.07
Trust & Agency Abstract #1 of 2012	
Vouchers TT1 –TT8	\$ 14,955.25
Elm Street Bridge Repair Fund Abstract #1 of 2012	
Vouchers HB1	\$ 1,117.00
Street Lighting Abstract #1 of 2012	
Vouchers SL1	\$ 26.91
Highway Fund Part-Town Abstract #1 of 2012	
Vouchers DB1-DB43	\$ 92,872.85
General Fund Part-Town Abstract #18 of 2011	
Vouchers BB181	\$ 375.54
General Fund Part-Town Abstract #1 of 2012	
Vouchers BB1-BB10	\$ 1,054.68
General Fund Whole-Town Abstract #35 of 2011	
Vouchers AA1470-AA1475	\$ 17,790.66
General Fund Whole-Town Abstract #36 of 2011	
Vouchers AA1476	\$ 3,420.00

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General Fund Whole-Town Abstract #1 of 2012 Vouchers AA1-AA31; AA34-AA88	\$ 146,877.19
General Fund Whole-Town Abstract #2 of 2012 Vouchers AA32	\$ 200.00
General Fund Part-Town Police Abstract #20 of 2011 Vouchers BP332	\$ 2,368.74
General Fund Part-Town Police Abstract #1 of 2012 Vouchers BP1-BP15	\$ 27,373.85
Sewer Fund Abstract #24 of 2011 Voucher SS88	\$ 1,993.30
Sewer Fund Abstract #1 of 2012 Voucher SS1- SS6	\$ <u>25,877.29</u>
TOTAL:	\$ 663,639.75

Councilman Backman asked that the Personnel Technician audit the health insurance invoice/voucher for accuracy as a person who resigned from the Police Department in November/December 2011 is still listed as covered. The Supervisor polled the Board members who voted as follows:

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

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

Finance Director Report

- The Town Supervisor introduced Finance Director Daniel Dreimiller to the Town Board. Director Dreimiller gave a report on expenses related to the New Hartford Business Park/ Clinton Street Extension/NYS Route 840 access, noting that Forty-eight Thousand Dollars (\$48,000) remains of the \$1.1 million for these projects. To Councilman Backman's inquiry whether the Town had an enforceable contract with Developer Lawrence Adler for expenses beyond the \$1.1 million, the Town Attorney replied yes.
- The Town has informally engaged D'Arcangelo & Co. to audit the Town's 2011 financial records; have scheduled audit dates and will split the work beginning February, with year-end work at the end of February.

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- Councilman Backman noted that statute requires that the Town Board receive a monthly report of expenditures and revenue and he asked that these reports be provided in the future; Director Dreimiller will provide these.

2012 Organizational Resolutions

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

(RESOLUTION NO. 11 OF 2012)

RESOLVED that the Town Board of the Town of New Hartford does hereby establish the normal operating hours for the Town of New Hartford offices to be 8:00 A.M. through 4:00 P.M., Mondays through Fridays during Fiscal Year 2012;

RESOLVED that Patrick M. Tyksinski, Supervisor of the Town of New Hartford, New York, be and he hereby is authorized and directed to sign all checks for the disbursement of funds of the Town of New Hartford for the Fiscal Year 2012;

RESOLVED that the New Hartford Town Board does hereby re-adopt the "**TOWN OF NEW HARTFORD EMPLOYEES HANDBOOK**", prepared by AMTEK, dated September 15, 1999, and thereafter amended from time to time. Found within this manual is the official schedule of fringe benefits of non-union personnel for the year 2012. Also adopted herewith is the Non-union Benefits and Compensation document;

RESOLVED that the New Hartford Town Board does hereby establish the mileage rate at forty-six cents (\$.46) for all Town Officials and employees while performing regular and continuous business transactions in and for the Town of New Hartford during the Fiscal Year 2012;

RESOLVED that the Town Board of the Town of New Hartford does hereby designate as Official Depositories in which all funds of the Town of New Hartford shall be deposited in 2012 the following institutions:

- Bank of America
- M & T Bank
- Chase Bank
- Citizens Bank
- Bank of New York
- NBT Bank, N.A.
- Adirondack Bank
- HSBC
- First Niagara

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and that the Town Supervisor or Deputy Town Supervisor of said Town be and hereby is authorized and directed to secure a Pledge of Security covering the maximum amount of money the Town would have on deposit at any one time during the Fiscal Year 2012 from each of the Official Depositories designated. A written security agreement and custodial agreement (which can be combined into one document) must be obtained. The Town, however, will try to have delivery of the collateral to an unrelated third party. If this cannot be effected, then all pertinent legal and financial risks will be evaluated;

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize the Town Supervisor or Deputy Town Supervisor of the said Town to deposit funds not needed for immediate expenditures in the form of interest-bearing Certificates of Deposit, Repurchase Agreements, Treasury Bills and Money Market Certificates with the Official Depositories listed in the official Investment Policy of the Town, which policy is presented herein as a separate Resolution;

RESOLVED that the Town Board of the Town of New Hartford does hereby appoint the President of the New Hartford Historical Society as the Town's Historian for Fiscal Year 2012 at a contractual sum of \$3,700.00 payable to the Historical Society;

RESOLVED that the Rules of Procedure which were initially adopted April 21, 1965, and amendments thereto, are hereby affirmed and re-adopted by the New Hartford Town Board for Fiscal Year 2012 as set forth in the attached Schedule "A" that is made a part of this resolution;

RESOLVED that Matthew Bohn, Deputy Town Supervisor of the said Town be, and he hereby is authorized and directed to sign all checks for disbursements of funds of said Town for Fiscal Year 2012, in the absence of the Town Supervisor;

RESOLVED that the New Hartford Town Board does hereby authorize the Town Supervisor or Finance Officer Account Clerk to pay bills/expenses to National Grid, to the Mohawk Valley Water Authority, to all telephone carriers, to the Town's designated vendors for all insurance premiums, to Ford Credit, to Verizon On-line, to Time Warner Cable and to the United States Postal Service (electronic replenishing of postage meter) without prior final audit by the Town Board and does further authorize the Town Supervisor or Personnel Technician to pay bills/expenses to the New York State and Local Retirement Systems (Employees' Retirement System and Police and Fire Retirement System) for employer contributions without prior final audit by the Town Board;

RESOLVED that the New Hartford Town Board does hereby re-adopt the Purchasing Policies and Procedural Manual, originally adopted on January 1, 1992 and revised on January 1, 2006.

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RESOLVED that the New Hartford Town Board does hereby re-adopt the Official Investment Policy for the Town of New Hartford originally adopted on March 3, 1993 and in accordance with Chapter 708 of the Laws of 1992;

RESOLVED that the Town Board of the Town of New Hartford does hereby designate The Observer Dispatch as the Town's official newspaper for Fiscal Year 2012.

SCHEDULE "A"
RULES OF PROCEDURE

I. REGULAR MEETINGS:

Regular meetings of the New Hartford Town Board shall be held in Butler Memorial Hall, 48 Genesee Street, New Hartford, New York on the following Wednesdays commencing at 7:00 P.M. for the Fiscal Year 2011, unless otherwise changed and publicized:

January 11
February 8
March 14
April 11
May 9
June 13
July 11
August 8
September 12
October 10
November 14
December 12

II. SPECIAL MEETINGS:

The Supervisor may, and upon written request of two (2) members of the Board, call a special meeting of the Town Board at any time by giving at least two (2) days' notice in writing to the other members of the Board of the time when and the place where the meeting is to be held.

III. QUORUM:

A majority of the Board shall constitute a quorum for the transaction of business, but a lesser number may adjourn.

IV. VOTING UPON QUESTIONS:

Every act, motion or resolution shall require for its adoption the affirmative vote of a majority of all members of the Town Board, except in such instances in which a larger

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number of affirmative votes shall be required by law. The vote upon every question shall be taken by ayes and nays, and the names of the members present and their votes shall be entered in the minutes.

V. STANDING COMMITTEES:

The Supervisor shall appoint the following Standing Committees:

- Assessor
- Elections
- Human Resource
- Motor Pool
- Parks and Recreation
- Public Safety and Courts
- Public Works and Sewer
- Senior Citizens
- Town Clerk
- Village/Town/School Liaison
- Zoning and Planning
- Library

Such Committees shall consist of members of the Board and shall assist the Town Board in the performance of its duties with reference to such matters as may from time to time be referred to such Committees.

VI. SPECIAL COMMITTEES:

The Town Board may, from time to time, appoint such Special Committees as may be deemed desirable to assist the Board in performance of its duties. Such Committees may include Town Officers other than Board members in their membership in an advisory capacity only.

- Each group is to consist of at least one (1) Town Board member and one (1) Department Head, which act in an ADVISORY CAPACITY only, unless prohibited by law
- Each group is to have at least
 - A written list of objectives
 - A Chairperson who is to be recommended by the group's members and submitted to the Town Board for approval. Duties of Chairperson shall include:

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1. Chair open meetings
 2. Act as the official spokesperson for said group
- Vice-Chairperson is to be appointed directly by the group members. Duties of Vice-Chairperson shall include:

Assume the duties of the Chairperson in his/her absence
 - Maximum number of members to be determined by the Department Head. Unexcused absence from four (4) consecutive meetings is cause for removal of member(s) by the Chairperson
 - If possible, each group shall consist of one member from each of the four (4) Wards in the Town. Selection of Members:
 1. Participation shall be based on written request to the Department Head for consideration.
 2. Appointed by the Town Board
 3. If there are more volunteers than openings, membership shall be determined by the Department Head who shall consider:
 - i. Resume or list of qualifications
 - ii. Personal interview
 - Term limits not to exceed two (2) four-year terms, which shall be staggered
 - Remuneration to members shall require Town Board budget approval
- Department Heads shall maintain a list of all appointments and terms which shall be reviewed annually with the Town Board and filed with the Town Clerk's Office
 - This policy EXCLUDES:
 - Zoning Board of Appeals
 - Planning Board
 - Board of Assessment Review
 - Police Commission.

In the event of vacancies on the Zoning Board of Appeals or Planning Board, the respective Board shall receive and review applications, conduct interviews, and make written recommendation to the Town Board as to the person

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best qualified to fill the vacancy.

VII. ORDER OF BUSINESS:

The business of all regular meetings of the Town Board shall be transacted in the following order:

- Reading of minutes of previous meeting, unless waived by a majority of the members of the Board present
- Public Hearings (7:00 P.M.)
- Consideration of Public Presentations
- Reports of Town Officials presented by the Chairperson of the respective Standing Committee
- Reports of Standing Committees
- Reports of Special Committees
- Consideration of matters submitted by Town Board members
- Consideration of matters submitted by Town Supervisor in the following order:
 - Financial and other routine reports
 - Miscellaneous communications
 - Unfinished business
 - New business.

VIII. LEGISLATIVE MATTERS:

All resolutions, ordinances and local laws, other than routine resolutions approving payment of bills, minutes and like matters, shall be in writing and filed with the Town Clerk and made available to Board members not later than the Saturday prior to the meeting at which they are to be introduced unless this provision be waived as to any such resolution, ordinance or local law by a majority of the members of the Board present at such meeting.

Resolutions, ordinances and local laws shall be introduced in the regular order of business and shall be read aloud by the Town Clerk before being acted upon by the Board.

IX. ABSENCE OF SUPERVISOR:

In the absence of the Supervisor, the Deputy Supervisor shall call the Town Board to order and shall be Chairman of the meeting; and, in the absence of the Supervisor and the Deputy Supervisor, then the Town Clerk shall call the Town Board to order and if a quorum be present, the Town Board shall elect one of its members as Chairman of the meeting.

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X. MEMBERS MAY NOT ABSENT THEMSELVES:

No member of the Town Board may absent himself from a meeting of the Town Board for more than ten (10) minutes at a time unless for good cause he is excused by the Supervisor.

XI. REFUSAL TO VOTE:

Each member of the Board shall vote upon each question presented unless for good cause he is excused therefrom by the unanimous consent of all members of the Board present. Any member refusing to vote other than by consent of the Board shall be subject to a motion of censure.

XII. PARLIAMENTARY RULES:

Except as otherwise provided herein, all parliamentary questions shall be decided in accordance with the latest edition of Roberts' Rules of Order, revised, for deliberative assemblies.

XIII. SUSPENSION OF RULES:

Any rule of the Town Board may at any time be temporarily suspended for special reasons by a majority vote of all of the members of the Town Board present at a meeting thereof. No permanent alteration may be made except by resolution in writing duly filed with the Town Clerk prior to the meeting at which such amendment is introduced.

Discussion has held about the frequency of Town Board meetings, changing from two (2) meetings monthly to one (1) monthly meeting for 2012. Supervisor Tyskinski noted that this schedule would be similar to the "summer" schedule of one-meeting-per month in June, July and August. Further, he noted that one Board meeting per month would allow the Town Attorney, Deputy Supervisor and Town Clerk (especially now with her new duties as tax collecting officer) more time to perform duties other than preparing for Board meetings. If matters warrant, special Board meetings can be scheduled. The Town Board voted upon roll call, resulting as follows:

Councilman Miscione	-	Aye, stating two (2)
meetings a month might allow him to better understand matters		
Councilman Woodland	-	Aye, stating he would like
to review the matter of once-a-month Board meetings in March 2012		
Councilman Backman	-	Aye
Councilman Reynolds	-	Aye
Supervisor Tyksinski	-	Aye.

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

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Planning Board vacancies - Appointments

The Town had received letters of interest from John Meagher and Heather Mowat, expressing their interest in filling vacancies on the Town Planning Board. Member Robert Wood had resigned effective December 31, 2011 and the term of office of Margaret Rotton ended on December 31, 2011. Ms. Rotton has asked to be re-appointed. Thereafter, Councilman Reynolds introduced the following Resolution for adoption and Councilman Backman seconded same:

(RESOLUTION NO. 12 OF 2012)

RESOLVED that the Town Board of the Town of New Hartford does hereby re-appoint Margaret Rotton as a Member of the Town Planning Board for a seven-year term commencing January 1, 2012 and ending December 31, 2018; and be it

FURTHER RESOLVED that the said Town Board does hereby appoint Heather Mowat as a Member of the Town Planning Board, effective January 1, 2012 to fill the unexpired term of Robert Wood, ending December 31, 2012.

The Supervisor polled the Board members who voted as follows:

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

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

Rules of Procedure – Suspension of Rules

The Town Attorney noted that the Town Board had just adopted the Rules of Procedure (Schedule “A”) in the Organizational Resolutions in which “...in the event of vacancies on the Zoning Board of Appeals or Planning Board, the respective Board shall receive and review applications, conduct interviews, and make written recommendation to the Town Board as to the person best qualified to fill the vacancy”. Section XIII. Of the Rules of Procedure allow for suspension of rules, which he believed is required since the Planning Board did not submit any recommendations. Thereafter, Councilman Backman offered the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 13 OF 2012)

RESOLVED that, as provided for in “Schedule A”/Rules of Procedure, Section XIII adopted by the Town Board on January 11, 2012, the New Hartford Town Board does

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hereby suspend the requirement that the Planning Board review applicants, conduct interviews and make written recommendations to fill vacancies on the Planning Board because two (2) vacancies now exist on the Planning Board and to further re-affirm the Planning Board appointments designated in Resolution No. 12, adopted January 11, 2012.

A roll call vote ensued:

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

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

Town Clerk's Office – change in employee status

Supervisor Tyksinski explained the need for a temporary change in an existing Part-time Clerk status to allow the employee to work more than 17.5 hours weekly during the 2012 Town and County tax collection period. Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 14 OF 2012)

RESOLVED that, in accordance with rules and regulations of the Oneida County Personnel Department, the New Hartford Town Board does hereby approve the temporary title change for Shelby Bohling, a Part-time Clerk in the Town Clerk's Office, to that of full-time Laborer retroactive to January 3, 2012 and which temporary title change would allow Ms. Bohling to work up to 35 hours per week during the 2012 Town and County tax collection period, after which Ms. Bohling's title will revert to Part-time Clerk. No benefits will be offered during this temporary full-time Laborer designation.

The Town Board then voted upon roll call:

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

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

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School Tax Collection

Supervisor Tyksinski reported that, in the past, the Town's Receiver of Taxes and Assessments collected school taxes for the Sauquoit Valley School District, Clinton (Kirkland) School District, New Hartford Central School District, Frankfort-Schuyler School District, and the New York Mills Union Free School District, the latter of which has had the Oneida County Finance Department collect their school taxes for numerous years. In response to the abolishment of the Office of Receiver of Taxes and Assessments for the Town, the Sauquoit Valley School District wrote to the Town Supervisor expressing their interest in collecting taxes for those properties in the Town that are in their School District; they already have a tax collector and would be able to have their tax money immediately. The Town was required to collect these taxes but the position was abolished as of December 31, 2011. The Town Supervisor recently met with Robert Nole, Superintendent/New Hartford Central School, and they would not have a problem taking that duty over; however, the Town Supervisor wanted to bring this to the Town Board's attention to see if anyone had a problem with this. Councilman Backman said he had no problem whatsoever, that it makes sense for the taxpayers to pay their school taxes to the entity that levies the taxes, rather than to the Town and with the Town incurring expenses related to the school tax collection. The Town Attorney will review the matter for legality.

Appointments – Chairmen of Planning Board, Zoning Board of Appeals

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

(RESOLUTION NO. 15 OF 2012)

RESOLVED that the Town Board of the Town of New Hartford does hereby re-appoint Randy Bogar as Chairman of the Zoning Board of Appeals for a one-year term commencing January 1, 2012 and ending December 31, 2012; and be it

FURTHER RESOLVED that said Town Board does hereby re-appoint Elis J. DeLia as Chairman of the Planning Board for a one-year term commencing January 1, 2012 and ending December 31, 2012.

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

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

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

Union Contract: New Hartford Central Dispatchers Benevolent Association, Inc.

Although the Town had dissolved its Emergency Dispatch Center, three (3) clerical employees at the Police Department are covered by the Dispatchers Union Contract. Negotiations for these employees pretty much follow the Joseph Corr Police Benevolent Association union contract:

- 4-year contract for January 1, 2010 thru December 31, 2013
 - 2.5% raise for 2010
 - 2.5% raise for 2011
 - 3% raise for 2012
 - 2% raise for 2013
 - Teamsters Health insurance program will be terminated as soon as feasible and changed to NYS Health Insurance Plan (NYSHIP – Empire Plan)
 - Employees will begin 15% contribution toward health insurance for the duration of the 4-year contract

Thereafter, Supervisor Tyksinski introduced the following Resolution for adoption and Councilman Reynolds seconded same:

(RESOLUTION NO. 16 OF 2012)

RESOLVED that the New Hartford Town Board does hereby accept the four-year Union Contract between the Town of New Hartford and the New Hartford Central Dispatchers Benevolent Association, Inc. for the four-year period beginning January 1, 2010 and ending December 31, 2013.

The Resolution was subject to a roll call vote:

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

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

Unauthorized Vehicle Sale – Out of Town Promoter

The Town Supervisor apprised the Town Board of a situation that arose on Friday, January 6, 2012 to Saturday, January 7, 2012 at the Kellogg Road Hannaford Plaza; specifically, a promoter was unloading 70 to 80 vehicles they planned to sell. The

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Hannaford Plaza is not zoned for the resale of motor vehicles, nor are car sales a permitted use; further, the promoter did not have a permit for this activity. Supervisor Tyksinski commended Codes Enforcement Officer Booth for being on top of the matter and he acknowledged the assistance of Police Chief Inserra, Highway Superintendent Sherman, Assessor Paul Smith and Town Attorney Cully who became involved. The Town had a letter delivered to whom they believed as the owner, to cease and desist operations. The Promoter told Town officials to go ahead and fine them, that they would pay the \$250 fine. The Town Attorney Herb advised the Promoter that the Town would seek a \$250 fine per car for the ten (10) days they planned to be there. The reputable dealer, based in Rochester, said the Promoter had informed them they had obtained all permits for this activity. On Saturday, January 7th, the vehicles were removed from the site.

Zone Map Amendment Application – New Hartford Office Group (Lawrence Adler), et al

The Town Attorney reviewed with the Town Board the petitions and map submitted on January 9, 2012 and January 11, 2011 by Lawrence Adler in behalf of various property owners requesting that a portion of the Business Park be rezoned from Planned Development Park (PDP) to Planned Highway Business (PHB), which would be consistent with the zoning along Seneca Turnpike, and that the back part of the Business Park be rezoned from Planned Development Park (PDP) to Planned Development Mixed Use (PDMU). Other petitioners include Karen Szymanski, New Hartford Office Group, PAR, Palladino and Wargo and he referred to a list of property owners and tax map numbers. The Town needs to receive the metes and bounds description for each zoning reclassification, the required SEQR form and application fee before referring this matter to the Town and County Planning departments and for SEQR review by various state and local agencies/departments. Further, Town Board was that the boundary lines for the rezoning classifications should follow the back lot lines of the Seneca Turnpike properties. Thereafter, Councilman Reynolds introduced the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. 17 OF 2012)

RESOLVED that the New Hartford Town Board does hereby accept the Petition(s) submitted by Lawrence Adler in behalf of various property owners within the Business Park zone to rezone certain parcels from PDP to PHB and to rezone certain parcels from PDP to PDMU; and be it

FURTHER RESOLVED that the Town Board does hereby declare itself as Lead Agent in the matter of the Zone Map Amendment application(s) submitted by New Hartford Office Group (Lawrence Adler), et al, to change the zoning classification of the Business Park from Planned Development Park (PDP) into two (2) different zone classifications;

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namely, Planned Highway Business (PHB) and Planned Development Mixed Use (PDMU); and

BE IT YET FURTHER RESOLVED that the Town Board does hereby authorize and direct the Town Clerk to refer said Zone Map Amendment application(s) to the New Hartford Town Planning Board and the Oneida County Planning Department for their review and written recommendation in accordance with General Municipal Law and the Town Zoning Law, and to also forward copies of said Zone Map Amendment application(s) to all interested and/or involved agencies for SEQR review, with the stipulation that such referrals do not occur until Mr. Adler provides the required metes and bounds descriptions for each of the proposed PHB and PDMU districts, the required SEQR form and fees, and that the map be amended to reflect that the PHB district would run along the back property lines of the Seneca Turnpike properties.

A roll call vote then was held and resulted as follows:

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

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

EXECUTIVE SESSION

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

(RESOLUTION NO. 18 OF 2012)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss matters that could lead to the demotion, discipline, suspension or dismissal of employees and/or members of a board with regard to three (3) matters.

A roll call vote ensued:

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

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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 8:49 P.M. The Town Attorney, Deputy Supervisor and Highway Superintendent remained for the Executive Session.

[NOTE: The Town Attorney provided the following transcription on Wednesday, January 18, 2012.]

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 19 OF 2012)

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:

Councilman Miscione	-	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 9:50 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public re-invited to the meeting.

Personnel Investigation

Supervisor Tyksinski then introduced the following Resolution, which was duly seconded by Councilman Woodland:

(RESOLUTION NO. 20 OF 2012)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Attorney to conduct an investigation and take all appropriate actions up to and including termination of William Smith and that, pending completion of the investigation, the Highway Superintendent is hereby authorized to immediately suspend William Smith.

A roll call vote was duly held, resulting as follows:

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

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

Complaint – Ethics Committee

Town Supervisor Tyksinski introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 21 OF 2012)

RESOLVED that the New Hartford Town Board does hereby refer the complaint submitted by Linda Romano in her e-mail dated January 9, 2012 regarding Library Trustee Wiatr to the Ethics Committee for an advisory opinion.

The Resolution was subject to a vote upon roll call:

Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Backman	-	Nay
Supervisor Tyksinski	-	Aye.

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

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilman Reynolds and seconded by Councilman Miscione the meeting was adjourned at 9:53 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk