

**REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF NEW HARTFORD, NEW YORK  
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN  
ON WEDNESDAY, FEBRUARY 8, 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.

MINUTES APPROVAL

**December 21, 2011 and January 11, 2012 Town Board meetings**

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

**(RESOLUTION NO. 22 OF 2012)**

**RESOLVED** that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meetings held December 21, 2011 and January 11, 2012 and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye

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Councilman Backman - Aye  
Supervisor Tyksinski - Aye.

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

PRESENTATIONS (Resident Comments)

**Trash Collection Brochure – Cable TV Franchise renewal**

- Sidney Perry offered to draft a new brochure/publication to be sent to Town residents through PJ Green / The Pennysaver regarding trash collection
- He acknowledged receipt of a copy of the current Cable TV Franchise and has a couple people who are willing to help the Town Board make decisions on the franchise renewal.

**Sauquoit Creek Basin Intermunicipal Commission**

Dave Glen, Chairman of the Sauquoit Creek Basin Intermunicipal Commission, distributed handouts to the Town Board members and asked that the Town of New Hartford remain a member of the Commission, staying on board with the grant that is expected soon from the State. The Commission has been busy maintaining Sauquoit Creek and performing projects in the villages and along the creek. Due to recent storms/floods, there have been major issues. The Commission has met with various State representatives including the Governor’s Office and NYS Department of Environmental Conservation and is working hard for prevention of floods in the future. Chairman Glen noted that everyone’s affected from the Town of Paris through to the Village of Whitesboro. The County has given some money and in exchange the County does paperwork for the Commission. The Town Supervisor noted that the Town of New Hartford has contributed \$250,000 toward Commission projects since 2005 or 2006 and he expressed concern about where these monies have gone and he didn’t believe the Town benefited from their contributions. Chairman Glen said the Commission is being reorganized and that the Town of Paris has expressed interest in joining the Commission and that the Commission is trying to get the City of Utica and Village of Clayville to join the Commission. If the \$600,000 plus grant is approved, there will be forty (40) people for the project, twenty (20) of which will be assigned to the Town of New Hartford; Highway Superintendent Sherman will oversee the project and decide where to start. Roger Cleveland provided information on projects done by the Commission. The Town Supervisor requested that Chairman Glen provide the Town with an accounting of revenues and expenses for projects completed by the Commission.

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

**Senior Citizen Committee – Councilman Reynolds**

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**Donations; 2012 Budget Adjustment**

Upon recommendation of Director of Senior Services M. Eileen Spellman, the following Resolution was introduced for adoption by Councilman Reynolds and seconded by Councilman Miscione:

**(RESOLUTION NO. 23 OF 2012)**

**WHEREAS**, on November 4, 1998 the New Hartford Town Board had established a “gift”/“donation” policy pursuant to Section 64(8) of the Town Law;

**NOW, THEREFORE, BE IT RESOLVED** that said Town Board does hereby accept the proceeds/donations of Two Hundred Dollars (\$200) from the “Make-a-difference Breakfast” and Twenty Dollars (\$20) from Robert Dondero and that said proceeds/donations be used to defray the cost of a router and scanner for the New Hartford Adult Dining and Activity Center; and be it

**FURTHER RESOLVED** that the New Hartford Town Board does hereby authorize and direct that the following 2012 Budget adjustments be made:

- Increase Appropriate Account #AA6772.4 - \$220
- Increase Revenue Account #AA2705.1 - \$220.

The Town 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**.

Town Clerk Committee – Councilman Reynolds

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

Upon request of Town Clerk Gail Wolanin Young, the following Resolution was introduced for adoption by Councilman Woodland and duly seconded by Councilman Reynolds:

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**(RESOLUTION NO. 24 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 Town Clerk Gail Wolanin Young to attend the 30<sup>th</sup> Annual NYS Town Clerks Association Conference from April 22 through April 25, 2012 in Saratoga, New York, and the NYS Tax Receiver and Tax Collectors Conference from June 17 through June 20, 2012 in Albany, New York, with expenses to be borne by said Town as budgeted and estimated at Six Hundred Eighty-five Dollars (\$685) for each conference; and be it

**FURTHER RESOLVED** that the Town Clerk be, and she hereby is, authorized to attend the business/educational meetings of the Oneida County Association of Town Clerks and State-sponsored Workshops on Records Management and Vital Statistics during fiscal year 2012, with incidental 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 Reynolds	-	Aye
Councilman Backman	-	Aye
Supervisor Tyksinski	-	Aye.

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

**Tax Collection – Additional equipment**

Acknowledging a verbal report from the Town Clerk on the Tax Collection process with Chase Bank, Councilman Reynolds relayed the Town Clerk's request for a second computer for future tax collection purposes to help alleviate backlog on requests for duplicate bills and receipts. Deputy Supervisor Bohn stated there should be an extra computer in the order being placed to update town-wide office computers.

**Dog Control – Deer Depredation**

Councilman Woodland introduced the following resolution for adoption and Councilman Miscione seconded same:

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**(RESOLUTION NO. 25 OF 2012)**

**RESOLVED** that, in accordance with Local Law No. Seven of 2010 (Chapter 56, DOGS AND PETS) of the Town Code, the New Hartford Town Board does hereby institute a quarantine on dogs for the protection of deer in the Town of New Hartford. All dogs shall be securely confined during a period of time beginning twenty-four (24) hours after publication of a legal notice in the Town's official newspaper and continuing until April 15, 2012. The Town Clerk is hereby authorized and directed to publish such legal notice in The Observer Dispatch on February 13, 2012. Any dog found chasing or worrying deer during said quarantine could be seized. A dog that attacks a deer at any time, shall be in violation of this Law and shall be subject to fines.

Upon roll call, the Town Board voted as follows:

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

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

**ENGINEERING MATTERS**

Charles White of Barton & Loguidice provided a summary of engineering projects being handled for the Town:

- **Barton & Loguidice Engineering service, weekly on-site** – have implemented the once-a-week on-site engineering services for the Town through engineer Al Yager who has met with Highway Superintendent Sherman – seems to be working well – looking at challenges and issues
- **Route 5 Signal Project** – National Grid has completed their work, which will now allow the contractor to resume their work; depending on weather, completion date is expected to be in April 2012
- **NYS Route 840 Ramp Project** – contractor is laid off for winter season and has submitted payment request for work performed. Contractor has also submitted “out-of-scope” Change Order #1 that has been reviewed by Barton & Loguidice; this is for work that was necessary and within the \$50,000 allowance per the bid/resolution awarding the contract

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- **Elm Street bridge over Sauquoit Creek streambank restoration** – bids will be opened Friday, February 17, 2012 at 11:00 A.M.
- **Beechwood Road Drainage Project, Phase II** – plans are expected to be brought before the Town Board in March 2012
- **Sanitary Sewer Crossing/Sauquoit Creek** – because Oneida County didn't declare an emergency for Tropical Storm Irene (like they did with Tropical Storm Lee), FEMA will not fund this project behind the Hillside Garden Apartments; the Town must decide whether to authorize gravity-feed repair or a pump station.

After some discussion, Councilman Backman introduced the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 26 OF 2012)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and approve an agreement to remedy the sanitary sewer crossing/Sauquoit Creek, behind the Hillside Garden Apartments, by a gravity-feed infrastructure at a cost not to exceed Three Hundred Twenty-eight Thousand Dollars (\$328,000), as presented by Barton and Loguidice.

A roll call vote was duly held as follows:

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

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

**Engineering Report prior to Town Board meeting**

The Town Supervisor requested that Barton & Loguidice submit a short report of activities one (1) week prior to Town Board meetings.

**Public Works and Sewer Committee – Councilman Reynolds**

**Competitive Bid – Highway Department Uniform/Laundry Service**

Upon request of the Highway Superintendent, Councilman Reynolds introduced the following Resolution, which was duly seconded by Councilman Backman:

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**(RESOLUTION NO. 27 OF 2012)**

**RESOLVED** that the New Hartford Town Board shall receive sealed bids for the *Town of New Hartford Highway Laundry/Dry Cleaning Service*, in accordance with Town specifications; all bids are to be received by the Town Clerk's Office no later than 10:45 A.M. on Friday, February 24, 2012, and then shall be publicly opened and read aloud at 11:00 A.M. on said date in the Community Meeting Room of Butler Memorial Hall; and be it

**FURTHER RESOLVED** that the said Town Board does hereby authorize and direct the Town Clerk to publish the legal requisite Advertisement – Invitation to Bid in The Observer Dispatch.

A roll call vote ensued:

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

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

**Renaming of Clinton Street Extension to Woods Park Drive**

Upon request of the Highway Superintendent, Councilmen Reynolds and Woodland proposed that Clinton Street Extension, from Middlesettlement Road (County Highway) to NYS Route 840, officially be renamed, thereby eliminating the name "Clinton Street Extension". Thereafter, Councilman Reynolds introduced the following Resolution for adoption and Councilman Miscione seconded same:

**(RESOLUTION NO. 28 OF 2012)**

**WHEREAS**, the Town Board of the Town of New Hartford has received a request to rename Clinton Road Extension, a roadway accepted as a public street by Resolution No. 277, adopted November 9, 2011; and

**WHEREAS**, Section 64(9) of the Town Law provides that a town may designate the name of streets and install and maintain street signs showing the names of streets and that a town may also change and alter such names as the town board may determine;

**NOW, THEREFORE, BE IT RESOLVED** that the said Town Board does hereby re-name Clinton Street Extension so that said 1,800 feet of roadway, described in the

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aforementioned Resolution No. 277 of 2011, shall now be known and referred to as Woods Park Drive effective February 13, 2012; and be it

**FURTHER RESOLVED** that the Town Clerk shall notify the appropriate departments and agencies as prescribed in Section 64(9) of the said Town Law.

Upon roll call, the Town Board members voted as follows:

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

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

**Declaration of Surplus Vehicle – Authorization to Sell**

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

**(RESOLUTION NO. 29 OF 2012)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby declare as surplus one (1) 1996 International Dump Truck and Wing (#70), Vehicle Identification No. 1HTGKAER4TH342078; and be it

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

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

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

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

**Zoning (Codes) and Planning Committee – Councilman Miscione**



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**Property Maintenance – 1414 Ney Avenue**

Councilman Miscione briefed the Town Board on the status of an abandoned residence at 1414 Ney Avenue that is in foreclosure; the house contains dead animals, animal/human feces, etc. Codes Enforcement Officer Booth has inspected the property and has contacted the lawyer involved with the foreclosure but the lawyer has not responded to the Codes Officer's letter. He suggested hiring a company to remove the nuisances in the house rather than having Town staff perform this task, due to the nature of the contents. The Town Attorney will contact the lawyer to see if they want to contract out the clean-up; and if the lawyer doesn't respond within ten (10) days, the Town can contract the clean-up. Thereafter, Councilman Miscione offered the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 30 OF 2012)**

**WHEREAS**, the Town of New Hartford had adopted on September 24, 1994, a Local Law regulating property maintenance and which Law prohibits the accumulation of brush, grass, rubbish or weeds, other debris on any real property in said Town (Code, Chapter 94); and

**WHEREAS**, the Town Codes Enforcement Officer has received complaints about unhealthy conditions at a vacant residence located at 1414 Ney Avenue, Tax Map Parcel No. 317.012-3-69, owned by Jody R. Iredell whose last known address is 1414 Ney Avenue, P O Utica, NY 13502; and

**WHEREAS**, the property appears to be abandoned, and the Codes Enforcement Officer had communicated by phone on January 30, 2012 with, and by written communication to, Knuckles, Komosinski & Elliot, LLP, Elmsford, NY, the attorney for Citi Mortgage, on January 31, 2012 via certified mail, with no response having been received to date:

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Codes Enforcement Officer to issue a notice of abatement to the aforementioned law firm and that if abatement is not performed within ten (10) days of issuing said notice, the Codes Enforcement Officer is hereby authorized and directed to proceed with accessing the abandoned structure to remove alleged human and animal feces, bottled urine and dead domestic animals, along with unknown garbage at 1414 Ney Avenue with the costs and expenses incurred by the Town in connection with said proceedings to be assessed against the land on which said public nuisance exists; specifically, the Town Board does hereby approve the removal of the aforesaid nuisances from said premises, with the associated costs to be levied against said property on the 2013 Town and County taxes.

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

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

The Resolution was declared unanimously carried and duly **ADOPTED**. Councilman Miscione thanked the Town Police Chief and Codes Enforcement Officer for their work and cooperation in this matter.

**Zone Map Amendment application – Husted (Hogeboom & Canfield)**

The Town Clerk had received an Application and Petition for a Zone Map Amendment from Low Density Residential (LDR) to High Density Residential (HDR) for property at 129 Oxford Road, adjacent to and behind the New Hartford Public Library, for purposes of constructing an 80-unit senior housing apartment complex. The Town Attorney confirmed this is the Husted property (Hogeboom and Canfield). After review and recommendation of the Town Attorney, Councilman Backman introduced the following Resolution for adoption; seconded by Councilman Miscione:

**(RESOLUTION NO. 31 OF 2012)**

**RESOLVED** that the New Hartford Town Board does hereby accept the Application and Petition submitted by Philip B. Husted, Jr. to rezone 26.39 acres at 129 Oxford Road (Tax Map No. 339.007-6-71.1) from Low Density Residential (LDR) to High Density Residential (HDR); 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 and petition submitted by Mr. Husted (Hogeboom and Canfield), to change the zoning classification of the aforementioned property from LDR to HDR; 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 and petition 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 and petition to all interested and/or involved agencies for SEQR review.

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

Councilman Miscione	-	Aye
Councilman Woodland	-	Aye

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Councilman Reynolds	-	Aye
Councilman Backman	-	Aye
Supervisor Tyksinski	-	Aye

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

MATTERS SUBMITTED BY COUNCILMEN / TOWN ATTORNEY

Councilman Miscione:

- **Mud Creek Project** – Highway Superintendent Sherman said this would be an on-going Spring 2012 project; workload will dictate when crews will work on this project.
- **Computers for Adult Dining - Activity Center** – Proceeds of sale of Turtle-Top bus to be used for computers? Deputy Supervisor Bohn stated computers can't be ordered now as these are included in the town-wide computer update program; equipment may arrive in the next three (3) weeks.
- **Retention pond in Calvary Cemetery** – a grant is available through FEMA for construction of a retention pond in Calvary Cemetery, near Mason Road. Said construction would help the cemetery as well as the City of Utica. Discussed proposal of Calvary Cemetery deeding land to the Town at no cost. Barton & Loguidice believe this will not correct a stormwater situation involving the ravine near or in the cemetery. The Town Supervisor could not foresee where this project would benefit anyone – under the grant, someone would have to build this retention pond, the Town would be responsible for in-kind services and the City of Utica would assist with their trucks/drivers. The question was raised as to how materials removed from the site would be disposed. The Town Attorney noted that whoever performs the work could be held for liability reasons; the Town would need to be indemnified. Oneida County Soil and Water Conservation agency has designed the project. The Town Attorney will review the proposed resolution or agreement that Councilman Miscione had received from the City of Utica and it was Town Board consensus that the Town Attorney communicates with the Utica Common Counsel to determine if they would be amenable to annexing that portion of land.
- **Hydraulic Fracturing (Hydrofracking)** – The Town Attorney recapped Town Board action on hydrofracking, from the June 2011 Public Hearing to adoption of a Local Law establishing a 180-day moratorium in July 2011; the 180-day period expired in January 2012. Attorney Cully stated that the Local Law provided the

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Town Board with the authority to extend the moratorium beyond that initial 180-day period and that this action could be accomplished by a Resolution.

Thereafter, Councilman Backman introduced the following Resolution for adoption; Seconded by Councilman Reynolds:

**(RESOLUTION NO. 32 OF 2012)**

**RESOLVED** that, in accordance with the provisions of **Local Law No. Five of 2011, Section 6, Term**, the New Hartford Town Board does hereby extend the moratorium on hydraulic fracturing (aka hydrofracking) for an additional period of 180 days, effective immediately.

The Supervisor polled the Board members who voted as follows:

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

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

The Town Attorney has been in communication with the law firm of Whiteman, Osterman and Hanna in Albany, NY and he provided a copy of their Memorandum of Law submitted in connection with the Town of Dryden case that is still pending in Court. The Town of Dryden had changed the definition of mining in their zoning regulations to include gas extraction. The Town Supervisor read aloud a Resolution presented by the Town Attorney, for the Town Board's consideration, after which Supervisor Tyksinski introduced the Resolution for adoption and Councilman Miscione seconded same:

**(RESOLUTION NO. 33 OF 2012)**

**RESOLUTION OF THE *TOWN* BOARD  
OF THE *TOWN* OF NEW HARTFORD  
TO APPROVE BECOMING AN AMICUS CURIAE  
IN ACTIONS INVOLVING MUNICIPAL HOME RULE  
PENDING BEFORE NEW YORK STATE APPELLATE COURTS**

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**WHEREAS**, the Towns of Middlefield and Dryden have recently revised their zoning laws to prohibit heavy industrial uses (including natural gas drilling) in their communities and such laws have been challenged in court by opponents claiming that the Towns do not have the power to regulate natural gas drilling as a land use; and

**WHEREAS**, the Town of Ulysses has filed an amicus curiae or “friend of the court” brief in both lawsuits in support of its sister Towns in order to reassert the right of municipalities throughout New York State to determine what land uses are appropriate through the municipal home rule powers granted by the New York State Constitution and the New York Municipal Home Rule Law; and

**WHEREAS**, the Town of Ulysses will file another amicus brief when these lawsuits are appealed to New York appellate courts and has requested that other municipalities in New York State consider joining the Town of Ulysses’ brief as a powerful statement to the appellate courts, the New York State Department of Environmental Conservation, and the New York State Legislature about the importance of protecting municipal home rule in New York State and a municipality’s right to decide, for itself, whether natural gas drilling—or any other land use for that matter—is appropriate for its citizens.

**NOW, THEREFORE, BE IT RESOLVED** that:

1. The *New Hartford Town* Board hereby determines that it is in the public interest of the citizens of the *Town* to support municipal home rule by joining in the Town of Ulysses’ amicus brief to the appellate courts.

2. The *New Hartford Town* Board does hereby authorize and direct the *Supervisor* to complete or cause to be completed any and all such further documents and papers in the name and on behalf of the *Town* as the *Supervisor* deems necessary or appropriate to carry into effect the foregoing resolution.

3. The *Town* Clerk will send a certified copy of this adopted resolution to the Town of Ulysses, 10 Elm St., Trumansburg, NY 14886.

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

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

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

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**Proposal to create Police Commission, Town Law Section 150**

Councilman Reynolds introduced the following Resolution, Councilman Woodland seconded same:

**(PROPOSED RESOLUTION - 2012)\*defeated**

**RESOLVED** that the New Hartford Town Board does hereby create a Police Commission in accordance with the terms and conditions set forth in Section 150 of Town Law (statutory) and does hereby appoint the following to fill positions on the five (5) member Commission:

- Kevin Copeland - term to expire December 31, 2012
- James Spellman - term to expire December 31, 2013
- David Butler - term to expire December 31, 2014
- Two (2) seats to be appointed by the Town Board.

Discussion ensued with the Town Supervisor noting that the Town Board gives up all powers and duties if a Police Commission is created under Town Law, Section 150 and he referenced that, at the time the former Police Commission had been abolished in 2010, the Town Board was searching for a police chief and didn't want to give up the right to select a chief; "...we have a great police chief who has worked well with me and the Town Board and has saved the Town \$300,000 a year since....don't understand why you want to take this away". Councilman Reynolds stated that two (2) years ago he wasn't in favor of abolishing the Commission and doesn't believe \$300,000 would be saved every year; further, the existing members' terms hadn't expired when the Commission had been abolished. Councilman Reynolds stated that his motion still stands. The Town Supervisor noted that the Commission would be comprised of non-elected people who don't have to answer to anyone and would have strict control over employees, hiring and firing, equipment, etc. To Councilman Miscione's comment, the Town Attorney said he would make his file on this matter available to him for review prior. Thereafter, the Town Board members voted as follows:

Councilman Miscione - ABSTAINED because he did not have background/history of this matter; Town Attorney to provide him with his files

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

The Resolution was **DEFEATED**.

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**Frequency of Town Board meetings**

Councilman Miscione suggested going back to two (2) Town Board meetings a month; Councilmen Backman and Woodland were also “leaning” that way. The Town Supervisor cautioned the Town Board to consider the workload of the Town Clerk and her new tax collection duties, as well as the Town Attorney’s workload. The matter was deferred until the March 14, 2012 Town Board meeting.

**2012 Standing Committee Appointments**

Councilman Reynolds acknowledged receipt of the Town Supervisor’s Standing Committee appointments for 2012 and questioned that the Public Safety and Courts Committee was being represented only by the Town Supervisor. Supervisor Tyksinski confirmed that is correct. The Committee appointments are as follows:.

<b><u>Committee</u></b>	<b><u>Chairperson</u></b>	<b><u>Co-Chairperson</u></b>
Assessor	Miscione	Woodland
Elections	Woodland	Miscione
Human Resource	Backman	Woodland
Library	Backman	Woodland
Motor Pool	Reynolds	Miscione
Parks & Recreation	Reynolds	Backman
Public Safety & Courts	Tyksinski	-----
Public Works & Sewer	Reynolds	Miscione
School/Village/Town Liaison	Backman	Reynolds
Senior Citizens	Reynolds	Miscione
Town Clerk	Woodland	Reynolds
Zoning & Planning	Miscione	Woodland.

Councilman Backman:

**New Hartford Public Library**

Councilman Backman had met with the Library Board President and discussed a variety of topics, including their concern with the amount allocated to the Library in the Town’s 2012 Budget and the Library Board of Directors’ thought to become a school library.

**MATTERS SUBMITTED BY TOWN SUPERVISOR**

Financial:

**Audit of Vouchers**

On recommendation of the Town Supervisor, Councilman Woodland presented the following Resolution for adoption; seconded by Councilman Reynolds:

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**(RESOLUTION NO. 34 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:

Rte. 840 Access Ramps Abstract #2	
Vouchers HE3	\$ 5,609.80
Clinton St. Extension Abstract #2	
Vouchers HD2	\$ 512.01
Stormwater Series III Abstract #2	
Vouchers HK4	\$223,656.93
Stormwater Series III Abstract #3	
Vouchers HK5- HK7	\$ 23,174.21
Fire District Abstract #1	
Vouchers SF1	\$ 15,839.56
Street Lighting Abstract #2	
Vouchers SL2	\$ 8,623.01
Street Lighting Abstract #3	
Vouchers SL3	\$ 8,990.64
Trust & Agency Abstract #2	
Vouchers TT9	\$ 4,647.20
Trust & Agency Abstract #3	
Vouchers TT10	\$ 4,519.69
Trust & Agency Abstract #4	
Vouchers TT11-TT18	\$ 14,738.85
Trust & Agency Abstract #5	
Vouchers TT19	\$ 377.63
Trust & Agency Abstract #6	
Vouchers TT20-TT28	\$ 14,407.48
Highway Fund Part-Town Abstract #2	
Vouchers DB44	\$ 41,034.67
Highway Fund Part-Town Abstract #3	
Vouchers DB45-DB107	\$ 180,669.84
General Fund Part-Town Abstract #2	
Vouchers BB11-BB12	\$ 5,765.97
General Fund Part-Town Abstract #3	
Vouchers BB13-BB14	\$ 5,765.97
General Fund Part-Town Abstract #4	
Vouchers BB15	\$ 375.54
General Fund Part-Town Abstract #5	
Vouchers BB16-BB24; BB26-BB27	\$ 1,876.08



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General Fund Part-Town Abstract #6	
Vouchers BB25	\$ 50.00
General Fund Part-Town Police Abstract #2	
Vouchers BP16-BP17	\$ 32,472.59
General Fund Part-Town Police Abstract #3	
Vouchers BP18-BP19	\$ 30,187.25
General Fund Part-Town Police Abstract # 4	
Vouchers BP20-BP21	\$ 106,496.85
General Fund Part-Town Police Abstract #5	
Vouchers BP22-BP38	\$ 14,820.45
General Fund Whole-Town Abstract #3	
Vouchers AA89-AA92	\$ 20,675.38
General Fund Whole-Town Abstract #4	
Vouchers AA93	\$ 60.00
General Fund Whole-Town Abstract #5	
Vouchers AA94-AA97	\$ 20,585.05
General Fund Whole-Town Abstract #6	
Vouchers AA98-AA104	\$ 50,465.64
General Fund Whole-Town Abstract #7	
Vouchers AA105-AA164; AA170-AA175;	
AA177-AA198	\$ 118,464.33
General Fund Whole-Town Abstract #8	
Vouchers AA165-AA169; AA176	\$ 6,635.63
Sewer Fund Abstract #2	
Vouchers SS7-SS8	\$ 419.51
Sewer Fund Abstract #3	
Vouchers SS9-SS11	\$ 481.01
Sewer Fund Abstract #4	
Vouchers SS12-SS13	\$ 3,182.55
Sewer Fund Abstract #5	
Vouchers SS14-SS15; SS17-SS19	\$ 47,960.61
Sewer Fund Abstract #6	
Vouchers SS16	\$ 330.98
	<hr/>
TOTAL:	<b>\$ 1,013,872.91</b>

Upon roll call, the Board members voted as follows:

Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Backman	-	Aye

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Supervisor Tyksinski - Aye.

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

**Finance Director Report**

Daniel Dreimiller had provided a set of reports to the Town Board, including cash balances, showing a “snapshot” of various accounts at the end of the month; also provided was a summary of mitigation funds, balances, what’s been received and what’s been expended in both accounts. A spreadsheet on capital project funds was completed, including information on the NYS Route 840 ramps and Clinton Street Extension.

**Retainer Fee – Aldi’s Food Market Project/Seneca Turnpike**

Supervisor Tyksinski stated that the Aldi’s project has been completed and the engineers say everything is satisfactory; besides being assessed mitigation fees, the developer was required to provide a 10% site development retainer – and if there were any problems with drainage, the Town would have the retainer to use to correct any deficiencies. Supervisor Tyksinski recommended that the retainer now be returned to the developer; Councilman Woodland then offered the following Resolution for adoption; seconded by Councilman Backman:

**(RESOLUTION NO. 35 OF 2012)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Finance Department to release the Thirty-three Thousand Dollar (\$33,000) retainer to National Contractors, LLC, of East Syracuse, New York, developer for the Seneca Turnpike Aldi’s project, inasmuch as the project has been satisfactorily completed.

The Resolution was subject to a vote upon roll call:

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

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

**Service Agreement: MS4 -Municipal Separate Storm Sewer System**

The Town Supervisor had received the Service Agreement from the Oneida County Soil and Water Conservation District for assistance in stormwater matters. Councilman Reynolds then introduced the following Resolution for adoption; seconded by Councilman Miscione:

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**(RESOLUTION NO. 36 OF 2012)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute the Service Agreement between the Town of New Hartford and the Oneida County Soil and Water Conservation District for the agreed upon fee of Twenty-five Hundred Dollars (\$2500) for technical services for MS4 compliance to the Town as defined in said Service Agreement

A roll call vote ensued:

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

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

**Highway Department Union Negotiations**

The Town Attorney stated that the Town and Highway employees are at an impasse and the union negotiation process is going to fact-finding. He is waiting for the declaration of impasse.

**Agreement for Fire Protection - Village of New Hartford Fire Department**

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

**(RESOLUTION NO. 37 OF 2012)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the execution of the one-year Fire Protection Contracts commencing January 1, 2012 and ending December 31, 2012 between the Town of New Hartford and **District 1 and 2 and District 3**, Village of New Hartford and its Fire Department, as follows:

- Districts 1 and 2 - **\$627,237.00**
- District 3 - **\$ 54,542.00**

Upon roll call, the Board members voted as follows:

Councilman Miscione	-	Aye
Councilman Woodland	-	Aye

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

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

**Agreement for Fire Protection - Willowvale Fire Company, Inc.**

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

**(RESOLUTION NO. 38 OF 2012)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the execution of the one-year Fire Protection Contracts commencing January 1, 2012 and ending December 31, 2012 between the Town of New Hartford and **District 4, Willowvale Fire Company, Inc.**, in the amount of Three Hundred Nine Thousand Dollars **(\$309,000)**.

Upon roll call, the Board members voted as follows:

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

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

**Agreement for Fire Protection – Village of New York Mills Fire Department**

Councilman Miscione moved the following Resolution for adoption and Councilman Backman seconded same:

**(RESOLUTION NO. 39 OF 2012)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the execution of the one-year Fire Protection Contracts commencing January 1, 2012 and ending December 31, 2012 between the Town of New Hartford and **District 5, Village of New Hartford and its Fire Department.**, in the amount of One Hundred Thirty-three Thousand Eight Hundred Thirty-four Dollars **(\$133,834)**.

Upon roll call, the Board members voted as follows:

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

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

**Kellogg Road Community Center Building renovations**

The Town Supervisor stated that the Town has bonded to convert the Kellogg Road Community Center building into quarters for the Police Department. The work product would include a new partition, work on bathrooms and removal of some mold. He asked the Town Board's consent to bid this separately, obtain the names of companies, perform an on-site inspection and get costs; there's no need for a \$15,000 engineering report for a \$60,000 project. Thereafter, Councilman Backman introduced the following Resolution for adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. 40 OF 2012)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to solicit quotes for the renovation of the Kellogg Road Community Center Building for use by the Police Department.

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

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

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

**Cable Television Franchise (renewal)**

The Town Supervisor has received a proposal from Time Warner Cable for the franchise agreement; he and the Town Attorney had a telephone conference call with Time Warner, discussing the duration of a new agreement (down to 8 years versus the 15 years proposed by Time Warner) and ensuring that all Town residences that are paying the franchise fee is actually being credited to the Town, which has nine (9) different zip codes. Time Warner will start an audit to ensure this. This matter will be placed on the Town's website and in the Town Crier, asking residents to look at their bills and confirm

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it says Town of New Hartford is the franchise authority. The Town Attorney requested that Time Warner reduce from 60 to 30 days the time to reconcile after each month.

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

The Town Attorney recapped the receipt of a Zone Map Amendment application on January 9, 2012 from the New Hartford Office Group (Lawrence Adler), et al, together with amendments, the metes and bounds description, SEQR form and application fee on January 19, 2012 as same relates to rezoning the New Hartford Business Park from Planned Development Park (PDP) to Planned Highway Business (PHB) and Planned Development Mixed Use (PDMU). He also noted that a zone map had been received as well as the proposed legislation and that the applicants had amended the filing so that the PHB designation would conform to the rear property lines of the existing PHB-zoned properties along Seneca Turnpike. The matter has been referred to the Town Planning Board for review and their recommendation and he recommended that the Town Board schedule the Public Hearing for March 14, 2012. In response to a Board member's inquiry, the Town Attorney stated that the Town Board could adopt or reject either or both of the requested zoning classifications. Thereafter, Councilman Reynolds introduced the following legislation for consideration by the Town Board at a future Public Hearing; co-sponsored by Councilman Woodland:

**TOWN OF NEW HARTFORD, NY**  
**LOCAL LAW INTRODUCTORY "A"/ "B" OF 2012**

***A Local Law to Amend the Code of the Town of New Hartford, Chapter 118 thereof entitled ZONING, and map coincidental thereto, as it pertains to property designated Planned Development Park District (PDP) located along Woods Highway in the Town of New Hartford, a description of which is set forth in Section 2, and changing the designation of property from PDP to Planned Development Mixed Use (PDMU) and from PDP to Planned Highway Business (PHB).***

**Section 1.** Chapter 118 of the Code of the Town of New Hartford, Section 118-8 and particularly the map coincidental thereto and made a part thereof, is hereby amended as follows:

(Part "A")

Change the designation of approximately 30.5 acres, more or less, fronting on Seneca Turnpike identified as the following Tax Map Parcels or portions thereof and owners from PDP to PHB:

#328.000-3-1	-	Karen Szymanski/David Iadanza
#328.000-3-4	-	James & Linda Radlo
#328.000-3-5	-	Kim & James Marscher

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- #328.000-3-6 - New Hartford Office Group, LLC
- #328.000-3-7 - New Hartford Office Group, LLC
- #328.000-3-10.1 - Par Tech Corp.
- #328.000-3-10.2 - Par Tech Corp.
- #328.000-3-10.3 - Par Tech Corp.
- #328.000-3-11 - Norman & Rosemary Ruzinsky
- #328.000-3-12 - Par Tech Corp.
- #328.000-3-13 - Seneca Turnpike, LLC
- #328.010-2-1 - Mary & Terrance Tupaj
- #328.010-2-2 - Mary & Terrance Tupaj
- #328.010-2-3 - Girolamo & Michele Tavolante
- #328.010-2-5 - Tim & Kathryn Maine
- #328.010-2-6 - Norma Deep
- #328.010-2-7 - Fred Grimaldi

and

(Part “B”)

Change the designation of approximately 216 acres, more or less, identified as the follow Tax Map Parcels for portions thereof and owners from PDP to PDMU:

- #328.000-3-1 - Karen Szymanski/David Iadanza
- #328.000-3-2 - Ann & Daniel Rieben
- #328.000-3-3 - Samuel & Margaret Silverman
- #328.000-3-7 - New Hartford Office Group, LLC
- #328.000-3-8 - Niagara Mohawk Power Corp.
- #328.000-3-10.1 - Par Tech Corp.
- #328.000-3-10.2 - Par Tech Corp.
- #328.000-3-10.3 - Par Tech Corp.
- #316.000-2-21 - Michael Paladino
- #316.000-2-32.1 - Woods 840 LLC
- #316.000-2-32.2 - James & Michelle Henderson
- #316.000-2-32.3 - David Wargo
- #316.000-2-32.4 - Crown Atlantic Company, LLC
- #316.000-2-41.1 - AXNY Office, LP;

**Section 2.** The boundaries and description of the PHB District, as revised, are shown on the drawing attached as Exhibit B, and described as follows:

PROPOSED DESCRIPTION OF THE PROPOSED  
“PLANNED HIGHWAY BUSINESS DISTRICT”  
“PARCEL #1 –5.2+/- ACRES”

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ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN OF NEW HARTFORD, COUNTY OF ONEIDA AND STATE OF NEW YORK BOUNDED AND DESCRIBED AS FOLLOWS:

**Beginning** at a point on the northerly highway boundary of New York State Route 5 (State Highway Number 9205) (Seneca Turnpike), said point standing at the intersection of the northerly highway boundary of New York State Route 5 with the division line between the westerly boundary of Herbert and Ida Robinson (Now or Formerly) on the west (Tax Parcel 328.006-3-17) (Liber 2706 of Deeds at Page 682) and the property of Karen Szymanski, Etal. (Now or Formerly) on the east (Tax Parcel 328.000-3-1) Liber 2359 of Deeds at Page 148); said point of beginning being approximately **120 feet** easterly of the southeasterly corner of Lexington Boulevard; thence northeasterly a distance of approximately **195 feet** along said aforementioned division line to a point; thence easterly a distance of approximately **147 feet** and through the property of Karen Szymanski, Etal. to the northwesterly corner of lands of Terrence Tupaj (Reputed Owner) (Tax Parcel 328.010-2-1); thence easterly a distance of approximately **219 feet** along the northerly boundary of Terrence Tupaj and then along the northerly boundary of lands of Terrence Tupaj and Mary Tupaj (Reputed Owner) (Tax Parcel 328.010-2-2) to the northeasterly corner of Terrence Tupaj and Mary Tupaj; thence northeasterly a distance of approximately **85 feet** through the property of Karen Szymanski, Etal. to the northwesterly corner of lands of Girolamo Tavolante and Michele Tavolante and Michele Tavolante (Reputed Owner) (Tax Parcel 328.010-2-3); thence easterly a distance of approximately **605 feet** along the northerly boundary of Girolamo Tavolante and Michele Tavolante, the northerly boundary of Timothy Maine and Kathryn Maine (Reputed Owner) (Tax Parcel 328.010-2-5), the northerly boundary of Norman Deep (Reputed Owner) (Tax Parcel 328.010-2-6) and then along the northerly boundary of Fred B. Grimaldi (Reputed Owner) (Tax Parcel 328.010-2-7) to a point; thence continuing along the northerly boundary of Fred B. Grimaldi in an easterly direction a distance of approximately **70 feet** to the westerly highway boundary of Woods Road; thence southerly a distance of approximately **230 feet** along the westerly highway boundary of Woods Road to the northerly highway boundary of New York State Route 5; thence westerly along the northerly highway boundary of New York State Route 5 a distance of approximately **1189 feet** to the **point and place of beginning**.

The above described parcel containing **5.2 acres** of land, more or less.

**Subject to** any easements, covenants or restrictions of record.

**“PARCEL #2 – 25.3+/- ACRES”**



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ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN OF NEW HARTFORD, COUNTY OF ONEIDA AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

**Beginning** at a point on the northerly highway boundary of New York State Route 5 (State Highway Number 9205) (Seneca Turnpike), said point standing at the intersection of the northerly highway boundary of New York State Route 5 with the division line between the easterly highway boundary of Woods Road on the west and the property of the New Hartford Office Group, LLC (Now or Formerly) on the east (Tax Parcel 328.000-3-7) (Instrument Number 2005-025875); thence northerly a distance of approximately **309 feet** along the easterly highway boundary of Woods Road to appoint; thence continuing northerly a distance of approximately **875 feet** along the easterly highway boundary of Woods Road to a point standing on the southerly highway boundary of a 60 ft. wide Town Highway (Road "A") (Instrument Number 2010-016652); thence easterly a distance of approximately **758 feet** along the southerly highway boundary of a 60 ft. wide Town Highway (Road "A") to a point standing on the northerly extension of the division line of the lands of the New Hartford Office Group, LLC on the west and Par Technology Corporation (Now or Formerly) (Liber 2166 of Deeds at Page 61) (Tax Parcel 328.00-3-10.1) on the east; thence southerly a distance of approximately **878 feet** along the northerly extension of the division line of the lands of the New Hartford Office Group, LLC on the west and Par Technology Corporation on the east and then along the division line of the lands of the New Hartford Office Group, LLC on the west and Par Technology Corporation on the east to a point; thence southwesterly a distance of approximately **149 feet** continuing along the division line of the lands of the New Hartford Office Group, LLC on the west and Par Technology Corporation on the east to the division line of the lands of the New Hartford Office Group, LLC on the south and Par Technology Corporation on the north; thence easterly a distance of approximately **131 feet** along the division line of the lands of the New Hartford Office Group, LLC on the south and Par Technology Corporation on the north and then along the northerly boundary of Norman Ruzinsky and Rosemary Ruzinsky (Now or Formerly) and continuing along the easterly extension of the northerly boundary of Norman Ruzinsky and Rosemary Ruzinsky through the lands of Par Technology Corporation to a point thence easterly at an exterior angle of approximately **166 degrees** a distance of approximately **175 feet** through the lands of Par Technology Corporation to a point; thence northerly at an exterior angle of approximately **104 degrees** a distance of approximately **35 feet** through the lands of Par Technology Corporation to point; thence easterly at an interior angle of approximately 90 degrees a distance of approximately **564 feet** through the lands of Par Technology Corporation (Tax Parcel 328.00-3-10.1) (Tax Parcel 328.00-3-10.2) (Tax Parcel 328.00-3-10.3) to the division line between the property of Par Technology Corporation (Tax Parcel 328.00-23-10.3) on the west and the property of Southside Land Associates, LLC (Now or Formerly) (Tax Parcel 328.000-3-14) on the east; thence southerly along said aforementioned division line a distance of

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approximately **300 feet** to a point standing on the northerly highway boundary of New York State Route 5; thence northwesterly along the northerly highway boundary of New York State Route 5 a distance of approximately **1403 feet** to the **point and place of beginning**.

The above described parcel containing **25.3 acres** of land, more or less.

**Subject to** any easements, covenants or restrictions of record.

**Section 3.** The boundaries and description of the PDMU District as revised are shown on the drawing attached as Exhibit A, and described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of New Hartford, County of Oneida, State of New York and more particularly described as follows:

Beginning at a Point on the northerly boundary of N.Y. State Route 5, State Highway number 9205 at its intersection with the division line between the property of Herbert and Ida Robinson on the west, (Tax Parcel) 328.006-3-17, Deed Book 2706 Page 682) and the property of Karen Szymanski EtAL on the east, (Tax Parcel 328.000-3-1, Deed Book 2359, Page 148), said point also being approximately 120 feet easterly of the southeasterly corner of Lexington Boulevard; thence northeasterly approximately 1100 feet along said division line to an angle point; thence through the property of Karen Szymanski EtAL along a northerly bearing having an exterior clockwise deflection angle of approximately 174 degrees from the back tangent or previously mentioned division line and a distance of approximately 480 feet to an angle point on the division line between the property of Frank and James Paladino, (Tax Parcel 316.000-2-21, Deed Book 2681 Page 675), on the northeast and the property of Karen Szymanski, EtAL on the southwest; thence along said division line on a southeasterly bearing having an exterior clockwise deflection angle of approximately 274 degrees from the back tangent and a distance of approximately 876 feet to an angle point in the center of existing Woods Road, a Town highway; thence along a northwesterly bearing having an exterior clockwise deflection angle of approximately 76 degrees from the back tangent and a distance of approximately 520 feet to a point, (the last mentioned course and distance fronting approximately 420 feet of the Niagara Mohawk Power Corporation parcel of land, Tax Parcel 328.000-3-8), said point being a point on the division line between the property of John and Rose Wargo on southwest, (Tax Parcel 316.000-2-32.1, Deed Book 2085 Page 460) and the property of Frank Beckerman EtAL on the northeast, (Tax Parcel 328.000-3-7, Deed Book 1763 Page 392); thence continuing northwesterly along the last mentioned bearing and along said division line approximately 1200 feet to an angle point on the division line between the property of John and Rose Wargo on the northwest and the property of Frank Beckerman, EtAL on the southeast; thence northeasterly along said division line on a bearing having an exterior clockwise deflection angle from the

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back tangent of approximately 270 degrees and a distance of approximately 300 feet to an angle point on the division line between the property of John and Rose Wargo on the southwest and the property of Frank Beckerman EtAL on the northeast; thence northwesterly along said division line on a bearing having an exterior clockwise deflection angle from the back tangent of approximately 97 degrees, a distance of approximately 1350 feet to a point on the corporation line between the TOWN OF WHITESTOWN on the northwest and the TOWN OF NEW HARTFORD on the southeast, said point also being on the northerly property line of Frank Beckerman EtAL (Deed Book 1763 Page 392); thence northeasterly along said property line on a bearing having an exterior clockwise deflection angle from the back tangent of approximately 263 degrees and a distance of approximately 200 feet to an angle point on the division line between the property of Jon E. Yager EtAL on the northeast, (Tax Parcel 316.000-2-33, Deed Book 2753 Page 276) and the property of Frank Beckerman, EtAL on the southwest, (Tax Parcel 328.000-3-7, Deed Book 1763 Page 392); thence southeasterly along said division line on a bearing having an exterior clockwise deflection angle of approximately 272 degrees from the back tangent and a distance of approximately 800 feet, (approximately 265 feet along Jon E. Yager, EtAL westerly property line, (Tax Parcel 316.000-2-36), to an angle point on the division line between the property of B.O.C.E.S. on the northwest and the property of Frank Beckerman, EtAL on the southeast; thence northeasterly along said division line on a bearing having an exterior clockwise deflection angle from the back tangent of approximately 87 degrees and a distance of approximately 1230 feet to an angle point on the division line between the property of B.O.C.E.S. on the northeast and the property of Frank Beckerman EtAL on the southwest; thence southeasterly along said division line on a bearing having an exterior clockwise deflection angle from the back tangent of approximately 271 degrees and a distance of approximately 950 feet, (i.e. approximately 870 feet along B.O.C.E.S. westerly property line and approximately 80 feet along Elmer McCubbin and Wife westerly property line (Tax Parcel 316.000-2-41.1, Deed Book 1410 Page 567), to an angle point on the division line between the property of Jon E. Yager EtAL, on the southeast, (Tax Parcel 316.000-2-42, Deed Book 2753 Page 276) and the property of Frank Beckerman, EtAL (Tax Parcel 328.000-3-7) on the northwest, thence southwesterly along said division line on a bearing having an exterior clockwise deflection angle from the back tangent of approximately 270 degrees and a distance of approximately 610 feet to an angle point on the division line between the property of Jon E. Yager EtAL on the northeast and the property of Frank Beckerman EtAL on the southwest; thence southeasterly along said division line on a bearing having an exterior clockwise deflection angle from the back tangent of approximately 90 degrees and a distance of approximately 920 feet to an angle point on the division line between the property of Jon E. Yager EtAL on the northeast and the property of Par Technology Corporation (Tax Parcel 328.000-3-9) on the southwest; thence southeasterly along said division line on a bearing having an exterior clockwise deflection angle from the back tangent of approximately 102 degrees and a distance of approximately 640 feet to an

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angle point, on the division line between the property of Par Technology Corporation on the southwest (Tax Parcel 328.000-3-9), and the following four properties on the northeast:

- 1) Jon E. Yager, EtAL – Tax Parcel 316.000-2-42, Deed Book 2753 Page 276
- 2) Fifth Garden Park – Tax Parcel 328.000-3-20.2, Deed Book 2327 Page 17
- 3) John M. Coyne – Tax Parcel 328.000-3-18, Deed Book 2371 Page 57
- 4) Sacred Heart Cemetery – Tax Parcel 328.000-3-17;

thence southeasterly along said division line on a bearing having an exterior clockwise deflection angle from the back tangent of approximately 257 degrees and a distance of approximately 1610 feet to an angle point on the division line between the property of Loomis and Richard Grossman on the southwest (Tax Parcel 328.000-3-16.1, Deed Book 2713 Page 498) and Par Technology Corporation on the northeast, (Tax Parcel 328.000-3-9); thence northwesterly along said division line on a bearing having an exterior clockwise deflection angle from the back tangent of approximately 283 degrees and a distance of approximately 200 feet to an angle point on the division line between the property of Loomis and Richard Grossman on the northeast and the property of Par Technology Corporation (Tax Parcel 328.000-3-9) on the southwest; thence southeasterly along said division line on a bearing having an exterior clockwise deflection angle from the back tangent of approximately 78 degrees and a distance of approximately 430 feet to an angle point, on the division line between the property of Par Technology Corporation (Tax Parcel 328.000-3-9) on the northeast and the following two (2) properties on the southwest:

- 1) Lawrence R. Adler and Craig G. Delasin, Tax Parcel 328.000-3-15, Deed Book 2808 Page 1
- 2) Frank and Beatrice Marn, Tax Parcel 328.000-3-14, Deed Book 1888 Page 661;  
thence northwesterly along said division line on a bearing having an exterior clockwise deflection angle from the back tangent of approximately 283 degrees and a distance of approximately 198 feet to an angle point on the division line between the property of Frank and Beatrice Marn on the northeast and the property of Par Technology Corporation on the southwest (Tax Parcel 328.000-3-10, Deed Book 2166 Page 61);  
thence southeasterly along said division line on a bearing having an exterior clockwise deflection angle from the back tangent of approximately 78 degrees and a distance of approximately 300 feet to a point on the northerly highway boundary of the aforesaid New York State Highway, State Highway Number 9205 also know as SENECA TURNPIKE; thence northwesterly along said northerly highway boundary on a bearing

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having an exterior clockwise deflection angle of approximately 283 degrees and a distance of 2720 feet to the point of beginning, containing approximately 197 acres of land, more or less.

**Section 4.** This local law eliminates the PDP previously established as the “New Hartford Business Park” on Woods Road as referenced in Sections 118-7R and 118-39 and changes the boundaries of the Town of New Hartford Zoning Map to replace the PDP with PDMU or PHB as stated above.

**Section 5.** All other provisions of Chapter 118 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

**Section 6.** This Local Law shall become effective immediately upon its filing with the Office of the Secretary of State.

**Schedule Public Hearing – Local Law Introductory “A” / “B” of 2012 (New Hartford Business Park rezoning)**

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

**(RESOLUTION NO. 41 OF 2012)**

**WHEREAS**, the Town Board anticipates receiving the written recommendations from the Oneida County Planning Department and the Town Planning Board prior to the March 14, 2012 Town Board meeting with regard to Local Law Introductory “A” / “B” of 2012, a zone map amendment request for the New Hartford Business Park;

**BE IT RESOLVED** that the Town Board of the Town of New Hartford shall conduct a Public Hearing on Wednesday, **March 14, 2012 at 7:00 P.M.**, or as soon thereafter as reached in the regular course of business, in Butler Memorial Hall, 48 Genesee Street, New Hartford to consider **Local Law Introductory “A” / “B” of 2012** which, if adopted, would amend the Code, Chapter 118 thereof entitled **ZONING**, as it pertains to property designated Planned Development Park District (PDP) located along Woods Highway in the Town of New Hartford, a description of which is set forth in Section 2, and changing the designation of property from PDP to Planned Development Mixed Use (PDMU) and from PDP to Planned Highway Business (PHB).

and be it

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

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A roll call vote ensued:

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

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

\* \* \* \* \*

Town Board as Police Commission – 9:31 P.M.

**Appointment to fill vacancy**

Upon recommendation of Police Chief Inserra, Councilman Miscione offered the following Resolution for adoption and Councilman Backman seconded same:

**(RESOLUTION NO. 42 OF 2012)**

**WHEREAS**, Francis Manfredo has retired as a Part-time Police Officer thereby creating a vacancy for that Part-time position;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby appoint Jason J. Livingston, a fully-certified Police Officer, to fill the vacancy of Part-time Police Officer created by Officer Manfredo’s retirement, said appointment to become effective Sunday, February 12, 2012. Officer Livingston is a civil service transfer and could work more than twenty (20) hours per week but would receive no benefits.

The Supervisor polled the Board members who voted as follows:

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

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

**Constituent Complaints – Vehicular Speed**

Councilman Woodland has received constituent complaints of excessive speed along

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Seneca Turnpike. A traffic light has now been installed at the Seneca Turnpike-Woods Highway intersection and another traffic signal is being completed at the Seneca Turnpike-Applewood Boulevard intersection. Councilman Woodland offered the following Resolution for adoption; seconded by Councilman Miscione:

**(RESOLUTION NO. 43 OF 2012)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby request the New York State Department of Transportation to conduct a traffic study along Seneca Turnpike from the Jay-K intersection westerly to the Kirkland town boundary, considering the various neighborhoods along Seneca Turnpike that have varying speed limits, and to submit their recommendations for traffic safety.

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

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

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

**Departmental Reports**

Chief Inserra submitted the following:

- monthly reports from the Animal Control Officer and the Police Department
- work status on renovations in former Dispatch room
  - JPJ began work for telecommunications – about \$10,000
  - Replacement of carpet – about \$1,000
- Officer Sica working on grant for computers for police vehicles
- State bids are not out yet for police vehicles
- Police Officers now have ability to access police records management system from their patrol vehicles – instrumental through M. A. Polce contract
- Oneida County District Attorney is looking for way to fund new records management system – possibly joint with Utica, Rome and New Hartford

The Police Commission meeting closed at 9:35 P.M.

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**EXECUTIVE SESSION**

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

**(RESOLUTION NO. 44 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 hiring, firing, suspension or termination of a particular employee.

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**. All persons present, including the news media and Department Heads, were then excused from the meeting at 9:37 P.M. The Town Attorney, Deputy Supervisor and Highway Superintendent remained for the Executive Session.

[NOTE: The Town Attorney provided the following transcription on Thursday, February 9, 2012.]

**END OF EXECUTIVE SESSION**

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

**(RESOLUTION NO. 45 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.



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The Supervisor declared the Resolution unanimously carried and duly *ADOPTED*; the Executive Session ended at 10:04 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public re-invited to the meeting.

**Highway Department lay-off**

The Town Supervisor introduced the following Resolution for adoption; seconded by Councilman Backman:

**(RESOLUTION NO. 46 OF 2012)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the lay-off of one (1) Highway Department employee, namely, Thomas Smith, due to budgetary concerns involving a \$140,000 to \$150,000 deficit.

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

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

The Supervisor declared the Resolution carried and duly *ADOPTED*.

**Change Orders – Clinton Street Extension project**

Councilman Reynolds then introduced the following Resolution for adoption; Councilman Miscione seconded same:

**(RESOLUTION NO. 47 OF 2012)**

**RESOLVED** that the New Hartford Town Board does hereby approve three (3) Change Orders relating to the Clinton Street Extension project, as follows:

- Change Order - \$12,643.64
- Change Order - \$19,408.32
- Change Order - \$16,599.15

and does further authorize and direct the Town Supervisor to execute the related documents.

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ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilman Woodland and seconded by Councilman Miscione, the meeting was adjourned at 10:12 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk