

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, MARCH 14, 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

Action on the February 8, 2012 Town Board minutes was deferred until the April 2012 Town Board meeting.

PUBLIC HEARING

7:02 P.M.	Local Law Introductory "A" / "B" of 2012 Zone Map Amendment PDP to PHB and PDMU (Business Park)
-----------	---

The Town Supervisor opened the Public Hearing at 7:02 P.M. with regard to the Zone Map Amendment application asking for a rezoning of the New Hartford Business Park. The Town Attorney reviewed the Zone Map Amendment application process, beginning with the application and related documents having been filed in the Town Clerk's Office on January 9 and January 11, 2012, seeking a rezoning of the Business Park from Planned Development Park (PDP) to Planned Highway Business (PHB) and Planned Development Mixed Use (PDMU). Subsequent documents were then filed with the

REGULAR TOWN BOARD MEETING

March 14, 2012

Page 2

Town Clerk's Office on January 19, 2012, that included various landowners' petitions who represented substantially over the fifty percent (50%) requirement. Attorney Cully stated that the Public Hearing is intended to afford residents an opportunity to speak in favor of or in opposition to the requested zone map amendments. "The Town Board and Supervisor are here and would like to hear your comments," he said. Attorney Cully acknowledged receipt of the Town Planning Board's recommendation of approval from their March 12, 2012 meeting. The Town Attorney requested that the public keep their comments to less than five (5) minutes in length. He also acknowledged receipt of letters from some of the applicants (for rezoning) who were unable to attend tonight's meeting but who did attend the March 12, 2012 Planning Board meeting and he proceeded to read the letters:

- Michael Palladino – asked for support of the rezoning from PDP to PHB and PDMU
- PAR (Vice President Ron Casciano) – (same letter addressed to Planning Board), reaffirming their support of the requested zone map amendment
- David Iadanza – (from Farmington, NY who owns 48 acres in the Business Park), asked the Town Board to support the Planning Board's recommendation to change the zoning classification of the Business Park
- Ronald Wargo – (an applicant), owns property in the Business Park with limited uses available and requested the Town Board's support to change the zoning.

The Town Attorney then stated that the Public Hearing would now be open for the applicant(s), or their representative(s) to speak, after which the residents would speak.

Applicant/developer Lawrence Adler commented that he had spent three (3) hours at the March 12, 2012 Town Planning Board meeting discussing the Zone Map Amendment application(s) that requested a zone map classification change from Planned Development Park (PDP) to Planned Highway Business (PHB) and Planned Development Mixed Use (PDMU) for the Business Park, with extensive discussion whether this requested change would be consistent with the Town's Comprehensive Plan. He referred to a color-coded map showing the existing zoning and the proposed zoning classification changes to PHB (approximately 30.5 acres) and PDMU (approximately 216 acres). Mr. Adler noted that the Town Board had declared itself Lead agency for SEQR and that no agencies had objected. He referred to the responses from various State, County, regional and local agencies, with no negative comments – only comments about traffic and water. He further noted that the Oneida County Planning Department recommended approval for both zone changes requested, as did the New Hartford Town Planning Board.

Teresa Bakner, Attorney for Lawrence Adler asked that the agency comments be read into the minutes and Mr. Adler read the following:

REGULAR TOWN BOARD MEETING
March 14, 2012
Page 3

Oneida County Health Department – letter dated 2/8/12

- Comment: The MVWA is responsible for providing water.

Petitioner Response: Noted. The Business Park has the necessary infrastructure (potable water distribution system) in place to serve future users of water in the Park.

- Comment: The Town of New Hartford is responsible for wastewater and sewer.

Petitioner Response: Noted. The Business Park has the necessary infrastructure in place to collect any wastewater produced by future users of the Park.

Mohawk Valley Water Authority (MVWA), letter dated 2/9/2012

- Comment: MVWA Provided Fire Flow Test Data

Petitioner Response: Noted.

- Comment: MVWA requires full water main frontage of a tax parcel to qualify for water.

Petitioner Response: Noted.

- Comment: Individual lots will be reviewed for compliance prior to water services being extended.

Petitioner Response: Noted. This is the procedure that projects in the Park have followed to date.

- Comment: Question – is the 60' ROW connecting Woods Road to Road C a Town Road?

Petitioner Response: The connection between Woods Highway and Woods Park Drive (Road C) is a Town dedicated road.

Oneida County Soil & Water Conservation Department, letter 2/13/2012

- Comment: Soil survey indicates approximately 20% of the site is moderately well drained, while 80% is poorly drained. The SEQRA form indicates it is evenly divided between moderately well drained and poorly well drained.

REGULAR TOWN BOARD MEETING

March 14, 2012

Page 4

Petitioner Response: Soils input is noted. The actual soil characteristics will be confirmed with soil borings and testing.

- Comment: The SEQRA Form indicates there aren't any soils in groups 1-4 of the NYS Land Classification System. The soil survey shows that aurora (class 4) and lima (class 3) exist.

Petitioner Response: Noted.

- Comment: The depth of the water table is described as 3-8 feet deep. Soils on site typically have a depth of water table of 0.5-2 feet.

Petitioner Response: Noted. The described amount was based on site specific information and past experience in these land areas.

- Comment: Storm water management/flooding needs to be planned for and reviewed prior to construction. A Storm Water Pollution Prevention Plan (SWPPP) is required for disturbances of greater than 1 acre.

Petitioner Response: Noted. The development of the Park has proceeded with a SWPPP for activity to date. The storm water system meets or will meet all NYSDEC requirements for the on-site management and treatment of storm water. The requirements of NYS General SPDES permit for discharges associated with construction and development will be adhered to. These requirements, as well as those implemented by the Town as MS4, ensure that both during and after construction, storm water is managed and treated on site. All development phases will include a complete a complete storm water management plan and SWPPP for review by the Town as MS4. The storm water system will meet all NYS DEC requirements for on site management and treatment of storm water.

New Hartford Police Department – letter dated 2/13/12

PDP-> PHB

- Comment: Change in zoning will have no impact on police services.

Petitioner Response: Noted.

PDP- PDMU

- Comment: Change in zoning will have no impact on police services.

REGULAR TOWN BOARD MEETING

March 14, 2012

Page 5

Petitioner Response: Noted.

NYS Department of Environmental Conservation, letter dated 2/16/2012

- Comment: The Office of Parks, Recreation, and Historical Preservation of Cultural Resources (OPRHP) maps should be reviewed for any project classified as Major under Uniform Procedures Regulations.

Petitioner Response: Noted.

- Comment: Compliance with SPDES General Permit required for construction activity.

Petitioner Response: Noted. All development phases will include a complete storm water management plan and SWPPP for review by Town as MS4. The storm water system meets or will meet all NYSDEC requirements for the on-site management and treatment of storm water.

New Hartford Fire Department, letter dated 2/22/12

- Comments: Rezoning will have no impact on the Fire Department response.

Petitioner Response: Noted.

Oneida County Department of Public Works, letter dated 2/28/12

PDP-> PHD

- Comment: If traffic generation will increase a revised traffic study should be performed.

Petitioner Response: Noted. See attached updated traffic letter from GTS Consulting, Dated 2/24/12. As specific new development is identified trip generation estimates should be prepared to ensure that the overall development falls within original assumptions. Based on the modeled level of development/trip generation rates we do not anticipate that these numbers will be exceeded.

- Comment: Access or construction within the Right-of-Way of a Country Highway requires a permit.

REGULAR TOWN BOARD MEETING

March 14, 2012

Page 6

Petitioner Response: Noted. All work within the Park is carefully coordinated with the agencies that control the surrounding roadways.

PDP-> PDMU

- Comment: If traffic generation will increase a revised traffic study should be performed.

Petitioner Response: Noted. See attached updated traffic letter from GTS Consulting. Dated 2/24/12. As specific new development is identified trip generation estimates should be prepared to ensure that the overall development falls within original assumptions. Based on the modeled level of development/trip generation rates we do not anticipate that these numbers will be exceeded.

- Comment: Access or construction within the Right-of-Way of a Country Highway requires a permit.

Petitioner Response: Noted. All work within the Park is carefully coordinated with the agencies that control the surrounding roadways.

Oneida County Department of Planning – 239-m, Recommendation dated 3/6/2012

PDP-> PHB

Recommendation- APPROVAL

- Comment: Revised traffic study could be necessary if traffic generation is expected to increase due to the zoning change.

Petitioner Response: See attached updated traffic letter from GTS Consulting, Dated 2/24/12. As specific new development is identified trip generation estimates should be prepared to ensure that the overall development falls within the original assumptions. Based on the modeled level of development/trip generation rates we do not anticipate that these numbers will be exceeded.

NYS Department of Transportation, letter dated 3/9/12

- Comment: If future proposed development is expected to exceed the original trip generation estimates, a new traffic impact study and storm water management plan will be required.

REGULAR TOWN BOARD MEETING

March 14, 2012

Page 7

Petitioner Response: Noted. See attached updated traffic letter from GTS Consulting, Dated 2/24/12. As specific new development is identified trip generation estimates should be prepared to ensure that the overall development falls within original assumptions. Based on the modeled level of development/trip generation rates we do not anticipate that these numbers will be exceeded.

- Comment: If future development requires mitigation of the transportation or highway drainage system, the developer will be responsible for such work.

Petitioner Response: Noted. Currently, all roadway infrastructure is complete and in place and, therefore, mitigation of the transportation or highway drainage system is not anticipated.

- Comment: Future projects should be consistent with the SWPPP prepared for the New Hartford Business Park.

Petitioner Response: Noted. Future projects will be consistent with the SWPPP prepared. The SWPPP will be modified and adjusted in accordance with all future development and will meet NYSDEC requirements for the on-site management and treatment of storm water.

Town Attorney Cully acknowledged receipt of and read aloud the SEQR comment letter from the Town of Whitestown wherein concerns were expressed about impacts on traffic as well as increased demand for regional services (police/sheriff patrols, repair/maintenance of state/county roads due to increased traffic volume).

Gordon Stansbury, P.E., of T. Consulting said he had worked on the traffic study since about 2006 and which study encompassed about sixteen (16) intersections. The original Business Park approval in 2006 "...assumed to include 175,000 SF of retail, a 100-room hotel, 350,000 SF of office, 200,000 SF of manufacturing and 50 single family homes. The Middle Settlement-Woods Highway Connector Link Study (completed by Clark Patterson and GTS Consulting for the Town of New Hartford) included a comprehensive review of the area as well as a full traffic analysis and 2007 traffic volume build out projection for the development. Based on the original study completed, trip generation estimates were developed for full build out of the site." However, "to date, the only development that has occurred within the Business Park is a 120,000 SF office building with an additional 87 room hotel expected to be completed this Spring. These existing uses comprise an overall 0% of the 175,000 SF approved retail, 34% of the 350,000 SF approved office, 0% of the 200,000 SF approved manufacturing, 87% of the approved 100 room hotel and 0% of the residential units. Based on the projected trip generation summary for the approved full build of the site, the current occupancy at the park

REGULAR TOWN BOARD MEETING

March 14, 2012

Page 8

represents only 26% of the total approved trips during the morning peak hour, 18% of the total approved trips during the evening peak hour and 6% of the total approved trips during the Saturday peak hour.” “As with any development of this size, the land uses identified in the initial project planning are only estimates of potential development and should be expected to change to some degree as the site is built out over a long time period. Therefore, the guiding factor that should be used to determine if the development is still within original approvals should be the overall traffic generation estimate rather than the specific type of land uses. Two significant improvements have been completed in the area as a result of the original study including the connection of Woods Highway to Route 840 as well as the connection of Woods Highway to Middle Settlement Road via Woods Park Drive. With these improvements and limited existing development in the business park, many intersections in the study area have benefited with reduced traffic volumes and delays. Specifically, the Jay-K intersection on Route 5 at Middle Settlement Road and Commercial Drive should be operating at much better levels of service with the traffic volumes that have been diverted away from this area. Rezoning the development from Planned Development Park to Planned Development Mixed Use would have no bearing on the original approved level of development. As specific new development is identified within the site, they would prepare trip generation estimates and look at that number compared to original projections; should a new development push the overall site estimate over the original estimates, an updated traffic assessment may be necessary but not at this stage in development.

James Emmerick of Naperiala Consulting stated that for any project over one (1) acre, a stormwater pollution prevention plan (SWPPP) is done. An SWPPP was done for the Hampton Inn hotel and the Hartford, the latter of which has been closed out. Matters addressed included on-site mitigation of stormwater, water quality production, treatment of water for pollutants, what takes runoff away and peak flow mitigation, ensuring that post mitigation peaks are lower. He stated that SWPPP must be in place for the development.

Developer Lawrence Adler, reading his letter to the Town Board, “At the recent Town Planning Board meeting the consistency of the requested zone change with the Town’s Comprehensive Plan was extensively discussed. There was a strong consensus that the requested zone map change from PDP to PHB was consistent. With respect to the zone change from PDP to PDMU there was greater debate, although the Planning Board voted to recommend approval for both zone change requests”. He continued, “After the Planning Board meeting we again reviewed the Town Comprehensive Plan and remain convinced that the zone map change from PDP to PDMU is consistent with the Plan. To assist the Town Board in its review and in an attempt to avoid being accused of taking portions of the Plan out of context”, he referred to relevant sections of the Plan which he believed demonstrate that the zone change from PDP to PDMU is consistent with the Comprehensive Plan.

REGULAR TOWN BOARD MEETING

March 14, 2012

Page 9

Addressing those present, the Town Supervisor then invited anyone present to come forward with their comments and identify themselves by name. He noted that the Public Hearing is not a debate but rather a time for the Town Board to hear their comments, whether for or against the project, after which the Board will make a decision. Factual questions will be allowed and developer Lawrence Adler must respond.

Vincent Nesci – owns property on Lexington Boulevard, off Seneca Turnpike – how will the rezoning to Planned Highway Business (PHB) affect his property. Mr. Adler replied that the zoning change to PHB goes just past the Woods Highway intersection with Seneca Turnpike.

Louise White – concerned about traffic, traffic control getting out certain times of day, more business/traffic; never had floods before Woods Highway was reconstructed.

Frank Montecalvo – asked the Town Board to deny the zone map amendment application, citing traffic and stormwater concerns and noting that the original purpose of the Business Park was to serve a regional need and which had received regional support from New Hartford and other regional communities.

Edward Chapin – New Hartford doesn't need another retail development and the Town Board needs to deny the rezoning....this would put an additional burden on the taxpayers for infrastructure and utilities. The original purpose of the Business Park was to bring in high-paying jobs, not retail-type wages.

Kathryn Dougherty - her family has lived here since the Revolutionary War. She felt that the supporting letters from former New Hartford residents want to tear down the environment. She urged the Town Board not to support the developer and also mentioned the endangered animals in the area.

Peter Obernesser – questioned if any wetlands existed in the Business Park. Developer Lawrence Adler responded there were none, that “swampy” doesn't mean “wetlands”.

Teresa Bakner, attorney for Mr. Adler – small wetlands show on the Business Park but this was taken over by the New York State Department of Transportation and another other piece was donated to BOCES and the school district.

Norman Ruzinsky – received a letter about tonight's meeting but had not received a letter about the March 12, 2012 Planning Board meeting on this subject. The Town Attorney explained the zone map amendment process, after which Mr. Ruzinsky inquired what was planned for Seneca Turnpike around Woods Highway. Developer Lawrence Adler replied there were no specific plans yet.

REGULAR TOWN BOARD MEETING

March 14, 2012

Page 10

Cathy Lawrence – a few months ago, when you were trying to get the right-in and right-out, you said you just needed those two pieces, and now you're saying you can't market the property – you just need rezoning; if it doesn't work, what are you going to say?

Unidentified man from Cone Circle – does it make any difference if the overwhelming opinion of people matter? Yes, it matters said the Town Supervisor.

Elizabeth Soggs – every letter read tonight are from people who stand to profit and people in this room do not want it. You're not trying to market retail?

Russell Cerminaro – you said something about raising taxes....PILOT (Payment in Lieu of Taxes)....we don't get any tax money. Patrick explained the Town does receive money through a PILOT Agreement from the two (2) entities there now (The Hartford for a couple years, and now the hotel).

Edmund Wiatr, Jr. – asked the Town Board to delay any action tonight....just giving out information tonight, people are just hearing this for the first time. Mr. Wiatr referred to a young lady who was refused documents from Mr. Adler at the March 12, 2012 Town Planning Board meeting. Attorney Bakner responded that Mr. Adler was just following her advice that the individual go through the FOIL process. The Town Attorney said he was also approached by same lady, who said she was with the newspaper...he also advised her to follow the FOIL process. Mr. Wiatr said he talked to the Whitestown Supervisor on several occasions about a traffic study and in less than 5 years, projections had exceeded what was in the study.

Sharon - some neighbors think retail is for employees to eat; Home Depot, and traffic study based on employees in and out.

Lisa Britt – said the Town's comprehensive plan requires green space. She suggested that the 48 acres and 28 acres owned by Palladino and Iadanza, respectively, be purchased and donated to the Town for a park....supposed to have green space but not, pave and move on. She's opposed to retail for the Business Park and, addressing Mr. Adler, said “..you purchased the property aware of the zoning”.

Richard Noga – is unclear how this will impact property owners on Seneca Turnpike. He would like to see a map and what overspill would like to be. He is concerned about traffic and lighting, how it would impact him and his neighbors. Developer Adler said the rezoning to PHB for 30.5 acres would be the same as along Seneca Turnpike where La Galerie Rouge is.

There being no one further to speak, the Public Hearing was closed at 8:20 P.M.

REGULAR TOWN BOARD MEETING
March 14, 2012
Page 11

PUBLIC PRESENTATIONS

Solar panels – Municipal Buildings

Joanne Bianco, owner of La Galerie Rouge, together with Justin Williams provided the Town Board with information on solar panels installed on their building, which has been a great investment. They brought forth this information for the Town Board to consider for their municipally owned buildings. Some schools and local towns are using the solar panels. Councilmen Woodland and Miscione were designated as a committee to work on this matter.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRPERSON

Zoning (Codes) & Planning Committee – Councilman Miscione

Property Maintenance – 1414 Ney Avenue

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

(RESOLUTION NO. 48 OF 2012)

WHEREAS, on February 8, 2012 the Town Board adopted a Resolution authorizing and directing the Codes Enforcement Officer to issue a notice of abatement to the law firm of Knuckles, Komosinski & Elliot, LLP, Elmsford, New York, with regard to property owned by Jody R. Iredell at 1414 Ney Avenue in the Town of New Hartford; and

WHEREAS, said notice of abatement had been sent to the aforementioned law firm, which has not responded to the Codes Enforcement Officer;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Codes Enforcement Officer to obtain three (3) quotes for the removal of nuisances from 1414 Ney Avenue, as described in Resolution No. 30 of 2012. Said property is in foreclosure and all expenses borne by the Town in removal of the nuisances shall be levied upon the 2013 Town and County tax bill for said property identified as Tax Map No. 317.012-3-69.

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

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

REGULAR TOWN BOARD MEETING

March 14, 2012

Page 12

Thereafter, the Resolution was declared unanimously carried and duly *ADOPTED*.

Training – Planning Board

Upon request of several Planning Board members, the following Resolution was introduced for adoption by Councilman Miscione and duly seconded by Councilman Woodland:

(RESOLUTION NO. 49 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 Planning Board members Margaret Rotton and Heather Mowat to attend the Tug Hill Commission Local Government Conference at Jefferson Community College, Watertown, NY on March 29, 2012, with expenses to be borne by said Town as budgeted and not to exceed Fifty Dollars (\$50) each.

This training session will satisfy the mandatory 4-hour training for the calendar year 2012. The Resolution was voted upon by roll call as follows:

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*.

ENGINEERING MATTERS

Award of Competitive Bid – Elm Street Bridge over Sauquoit Creek Bank Repairs

Charles White of Barton & Loguidice had forwarded an e-mail last week to the Town Supervisor for his review of the following bids received February 17, 2012 for this project:

• Central New York Construction, Inc.	-	\$ 33,700.00
• ALX Hunter Excavation, Inc.	-	\$ 49,400.00
• Slate Hill Constructors, Inc.	-	\$ 67,000.00
• Central Paving, Inc.	-	\$ 84,210.00
• Murphy Excavating Corporation	-	\$129,200.00.

REGULAR TOWN BOARD MEETING

March 14, 2012

Page 13

All bids were compliant with no informalities and had been accompanied by 5% bid bonds. The low bid is within the allotted funding from FEMA for this project. Thereafter, Councilman Backman introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 50 OF 2012)

RESOLVED that, upon recommendation of Barton & Loguidice, the New Hartford Town Board does hereby accept the low bid of and does further award the contract to Central New York Construction, Inc. for the *Elm Street Bridge over Sauquoit Creek Bank Repairs* in the amount of Thirty-three Thousand Seven Hundred Dollars (\$33,700) as per their bid submitted on February 17, 2012; and be it

FURTHER RESOLVED that the Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute all contract documents related to this project.

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**.

Councilman Backman then offered for adoption the following Resolution, which was duly seconded by Councilman Reynolds:

(RESOLUTION NO. 51 OF 2012)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement between the Town and Barton & Loguidice wherein the latter will perform engineering/inspections services for the construction phase of the *Elm Street Bridge over Sauquoit Creek Bank Repairs* at a cost not to exceed Three Thousand Dollars (\$3,000).

The Supervisor polled the Board members who voted as follows:

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

REGULAR TOWN BOARD MEETING
March 14, 2012
Page 14

Supervisor Tyksinski - Aye.

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**.

Town Clerk Committee – Councilman Woodland

Tax Collection – Mandatory mailing of unpaid tax notices

Upon recommendation of the Town Clerk/Collector, Councilman Woodland introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 52 OF 2012)

WHEREAS, Real Property Tax Law, Section 987 (1) [Notice of Unpaid Taxes], requires the tax collecting officer, on or after the thirty-first day following the expiration of the period during which taxes may be paid without interest, but no later than the sooner of the eighty-fifth day after such expiration or the fifteenth day prior to the expiration of the warrant for the collection of taxes, to mail a notice to each owner of real property upon which taxes remain unpaid on the tax roll; and

WHEREAS, said Real Property Tax Law, Section 987 (1) allows a municipality to adopt a Resolution providing for the expense of mailing such notices, which shall be an additional penalty of not more than two dollars chargeable against each parcel;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby establish a Two Dollar (\$2) penalty against each parcel that remains unpaid as defined in the preambles of this Resolution and that such Two Dollar (\$2) penalty shall commence with the 2012 Town and County taxes and remain in effect for future Town and County tax collections, unless otherwise provided for.

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

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**.

Employee status change – Deputy Clerk II to Part-time Clerk

Upon recommendation of the Town Clerk, the following Resolution was introduced for adoption by Councilman Woodland and seconded by Councilman Backman:

REGULAR TOWN BOARD MEETING
March 14, 2012
Page 15

(RESOLUTION NO. 53 OF 2012)

WHEREAS, Deputy Town Clerk II Andrea K. Toomey has indicated to the Town Clerk her desire to work on a part-time basis instead of full-time and has submitted her resignation as Deputy Town Clerk II effective Friday, March 16, 2012;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby appoint Andrea K. Toomey as a Part-time Clerk in the Town Clerk's Office effective Monday, March 19, 2012, filling a vacancy in the Part-time Clerk position formerly held by Louise Skinner. As Part-time Clerk, Mrs. Toomey will be able to work up to 17.5 hours per week; her current rate of pay is \$13.96 per hour.

The Town Clerk confirmed funds are available for this change. Thereafter, the Board members voted as follows:

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***.

Appointment of Deputy Town Clerk II – Hourly wage set

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

(RESOLUTION NO. 54 OF 2012)

WHEREAS, the Town Clerk has appointed Ruth A. Irwin as Deputy Town Clerk II effective Monday, March 19, 2012, filling the vacancy created by the resignation of former Deputy Clerk Andrea K. Toomey who desires to work part-time;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby establish the rate of pay for Ms. Irwin at Ten Dollars and Forty-four Cents (\$10.44) per hour, payable bi-weekly, effective March 19, 2012.

Upon questioning by the Town Board, the Town Clerk confirmed there is sufficient money budgeted. The Resolution was voted upon by roll call, as follows:

Councilman Miscione	-	Aye
---------------------	---	-----

REGULAR TOWN BOARD MEETING
March 14, 2012
Page 16

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

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**.

Employee status change – Laborer to Part-time Clerk

[NOTE: The classification of Shelby Bohling as a Laborer in the Town Clerk’s office during the 2012 Town and County tax collection period has ended and her title has reverted to Part-time Clerk.]

Assessor Committee – Councilman Miscione

Appointment to fill vacancy – Board of Assessment Review

Councilman Woodland introduced the following Resolution for adoption; seconded by Councilman Miscione:

(RESOLUTION NO. 55 OF 2012)

WHEREAS, Nina Caporale had resigned as a member of the Board of Assessment Review;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby appoint James P. Varieur to fill the vacancy as member of the Board of Assessment Review due to the resignation of Ms. Caporale; said appointment is effective March 15, 2012 and ends on September 30, 2013.

Thereafter, the Board voted upon roll call:

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**.

Public Works & Sewer Committee – Councilman Reynolds

REGULAR TOWN BOARD MEETING

March 14, 2012

Page 17

Award of Competitive Bid – Highway Laundry/Dry Cleaning Service

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

(RESOLUTION NO. 56 OF 2012)

WHEREAS, on February 24, 2012 the Town of New Hartford received bids from Tri State Industrial Laundries of Utica, NY and Robinson & Smith, Inc. RTS Textile of Gloversville, NY for the ***Highway Laundry/Dry Cleaning Service*** contract;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of said Town does hereby award the three-year laundry/dry cleaning contract to the low bidder, Tri State Industrial Laundries as per their bid submitted on February 24, 2012.

The Supervisor polled the Board members who voted as follows:

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***.

Barrett Paving material invoice

Barrett Paving & Materials had previously submitted an invoice in an amount that exceeded their low bid that had been accepted by the Town Board in 2011 for road paving, the additional amount being for equipment that Barrett Paving had inadvertently omitted from their original bid. The Town Board had decided to pay the original bid amount; however, Barrett Paving came back with a counter-proposal of about \$2,300 above their original amount. It was, again, Town Board consensus not to pay any amount over the original bid price.

Highway Department summer work hours

Councilman Reynolds apprised the Town Board that effective Monday, March 19, 2012 the Highway Department work force would begin their “summer” hours, starting work at 6:30 A.M. and ending at 3:00 P.M. weekdays, due to the unusually warm weather..

Senior Services Committee – Councilman Reynolds

Appointment to fill Part-time Clerk vacancy

REGULAR TOWN BOARD MEETING

March 14, 2012

Page 18

Upon request of the Director of Senior Services, Councilman Reynolds introduced the following Resolution, which was duly seconded by Councilman Backman:

(RESOLUTION NO. 57 OF 2012)

WHEREAS, a vacancy exists for a Part-time Clerk at the New Hartford Adult Dining and Activity Center due to the resignation of Ruth A. Irwin, who has accepted the appointment as Deputy Town Clerk II by Town Clerk Gail Wolanin Young;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby appoint Camille Fuks to fill the vacancy of Part-time Clerk at the Adult Dining and Activity Center, effective Friday, March 15, 2012 at the hourly rate of Seven Dollars and Seventy-five Cents (\$7.75), payable bi-weekly. As Part-time Clerk, Ms. Fuks is limited to working 17.5 hours per week.

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**.

Donation; Budget Adjustment

Upon request of the Director of Senior Services, Councilman Reynolds introduced the following Resolution for adoption and Councilman Miscione seconded same:

(RESOLUTION NO. 58 OF 2012)

RESOLVED that, in behalf of the New Hartford Adult Dining and Activity Center, the Town Board of the Town of New Hartford does hereby accept the donation from the New Hartford Community Enrichment Foundation in the amount of Four Thousand Nine Hundred Forty Dollars (\$4,940) to purchase a commercial dishwasher for said 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 Senior Services Contractual, A6772.4 - \$4,940
- Increase Senior Services Revenue, A2705.1 - \$4,940.

REGULAR TOWN BOARD MEETING
March 14, 2012
Page 19

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*.

Donation; Budget Adjustment

Upon recommendation of the Director of Senior Services, the following Resolution was introduced by Councilman Reynolds and seconded by Councilman Miscione:

(RESOLUTION NO. 59 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 donation of One Hundred Dollars (\$100) from Earle Reed, said donation having been made in honor of Director of Senior Services M. Eileen Spellman and to be used 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 Senior Services Contractual, A6772.4 - \$100
- Increase Senior Services Revenue, A2705.1 - \$100.

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.

Thereafter, the Resolution was declared unanimously carried and duly *ADOPTED*.

Parks and Recreation Committee – Councilman Reynolds

REGULAR TOWN BOARD MEETING
March 14, 2012
Page 20

Declaration of Surplus Vehicles – Authorization to Sell

Upon request of the Parks and Recreation Director, the following Resolution was offered for adoption by Councilman Reynolds and duly seconded by Councilman Backman:

(RESOLUTION NO. 60 OF 2012)

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

<u>YEAR MAKE/MODEL</u>	<u>VIN / TOWN TAG</u>
<u>No.</u>	
1981 Simplicity Mower 6-speed, Model 7112	1890644/001705 – Town Tag No. 138
1996 Ferris Walk Behind #1 Model DD48KA	907 – Town Tag No. 134
1996 Ferris Walk Behind #2 Model DD48KA	650 – Town Tag No. 144
1977 Ford 903 point hitch auger 12”	Town Tag No. 247
1997 Alamo Flail Mower Offset Rough Cut, Model #SHD88	Serial #17244
1999 New Holland GT22 48” deck #1	Serial #T8AD0116 Comp #716499006
2001 New Holland GT22 48” deck #2	Serial #T1AE0118 Comp #716500016
1987 Chevy Dump Truck #61 Plate #L68291	1GBHR34J9HS174604
Ford Tractor 1910 Model #AP3136 W/loader	XUP034735 770B – Town Tag No. 242
Kelley Backhoe, Model #B30FE	Serial #B52713004858

And be it

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

REGULAR TOWN BOARD MEETING
March 14, 2012
Page 21

Thereafter, the Resolution was declared unanimously carried and duly *ADOPTED*.

Legislation – No Parking/Fire Lanes in Donovan and Sherrillbrook Parks

Upon recommendation of the Parks and Recreation Director, Councilman Reynolds introduced the following Local Law for the Town Board’s consideration at a future public hearing; co-sponsored by Councilman Backman:

Town of New Hartford, New York
Local Law Introductory “C” of 2012

A Local Law to amend the Code of the Town of New Hartford, Chapter 113 thereof entitled **Vehicles & Traffic**, by amending Section 113-27, semi-public parking areas and driveways and specifically relating to the Donovan Memorial Park and Sherrillbrook Park.

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

Section 1. Chapter 113 of the code of the Town of New Hartford, Section 113-27, Semi-Public Parking Areas and Driveways, is hereby amended as follows:

Section 113-27. Semipublic parking areas and driveways,

Add the following Subparagraphs:

H. Donovan Memorial Park, 9400 Elm Street, Chadwicks, New York.

(1) Parking Prohibited:

a) Fire lane located at the entrance of park beginning at the intersection of the Park Entrance and Elm Street and proceeding Southwest 225’ to the Southwestern corner of same entrance. Fire lane shall then continue 25’ in a southern direction ending at the main parking lot. Parking will not be allowed in either direction of the above described entrance, in order to maintain a fire lane. The entire area described will be on the map of Donovan Park dated February 2, 2012 which map is on file with the office of the Town Clerk.

I. Sherrillbrook Park, 4191 State Route 12, New Hartford, New York.

(1) Parking Prohibited:

REGULAR TOWN BOARD MEETING

March 14, 2012

Page 22

a) Fire lane located in the Sherrillbrook Park. Beginning at the east entrance of the park coming from State Route 12 known as Park Entrance Drive. Fire lane shall be on both the right and left side of Park Entrance Drive, extending the entire length (160') of Entrance Drive to its intersection with Sherrillbrook Crescent.

b) Fire lane beginning on the west side of the intersection of Entrance Drive and Sherrillbrook Crescent and will continue in a northwestern direction on Sherrillbrook Crescent for 540'. The fire lane shall be on the left side of the roadway when heading in a northwestern direction towards Cedar Landing. The entire area described will be on the map of Sherrillbrook Park dated February 2, 2012 which is on file with the office of the Town Clerk.

c) Fire lane located in the Sherrillbrook Park. Beginning at the intersection of Park Entrance Drive and Sherrillbrook Crescent heading in a southwestern direction for 240' on Sherrillbrook Crescent. The fire lane shall be on both the right and left side of roadway when heading in a southwestern direction towards Aspen Landing. The entire area described will be on the map of Sherrillbrook Park dated February 2, 2012 which is on file with the office of the Town Clerk.

d) Fire lane located in the Sherrillbrook Park. Beginning at the Southeastern corner of the main parking lot where it adjoins Sherrillbrook Crescent and heading in a southwestern direction for 355' on Sherrillbrook Crescent. The fire lane shall be on the right side of the roadway only when heading in a southwestern direction towards Aspen Landing. The entire area described will be on the map of Sherrillbrook Park dated February 2, 2012 which is on file with the office of the Town Clerk.

Section 2. All other provisions 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 3. This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Public Hearing Scheduled – Local Law Introductory “C” of 2012

Councilman Reynolds introduced the following Resolution for adoption, which was

REGULAR TOWN BOARD MEETING
March 14, 2012
Page 23

seconded by Councilman Backman:

(RESOLUTION NO. 61 OF 2012)

RESOLVED that the Town Board of the Town of New Hartford shall conduct a Public Hearing on Wednesday, April 11, 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 “C” of 2012** which, if adopted, would amend the Code, Chapter 118 thereof entitled **Vehicles & Traffic, Section 113-27** as it pertains to establishment of fire lanes and the prohibition of parking in said fire lanes in the Donovan Memorial Park and the Sherrillbrook Park

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.

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**.

MATTERS SUBMITTED BY TOWN BOARD

Zone Map Amendment Application submitted by New Hartford Office Group (Lawrence Adler) and other property owners – New Hartford Business Park – PDP to PHB and PDMU

The Public Hearing on this matter having been closed at 8:20 P.M., the Town Board resumed discussion on this Zone Map Amendment application at 8:53 P.M. Councilman Reynolds introduced a motion to approve the zone map amendment application from PDP to PDMU for 216 acres in the Business Park (Local Law Introductory “A”/”B”, Part B, and Supervisor Tyksinski seconded same.

With regard to rezoning 216 acres of the Business Park from Planned Development Park (PDP) to Planned Development Mixed Use (PDMU), discussion ensued about the green-shaded area on a map that had been provided by Mr. Adler. Councilman Woodland stated that he has received six to seven phone calls from residents who have concerns:

REGULAR TOWN BOARD MEETING

March 14, 2012

Page 24

- traffic still congested and difficult for them to get out from side roads along Seneca Turnpike
- out of character for retail in the business park
- no more commercial is needed
- legality of PILOT agreement
- added costs to highway/police in the past years
- one person wanted facts discussed including whether it complies with the Comprehensive Plan.

Supervisor Tyksinski reviewed the history of the Business Park, beginning with then-Supervisor John Kazanjian and the “big push” thereafter from Supervisor William Keiser, when it was supposed to be a Town business park, to present. .

Concerning manufacturing and research and development uses, Councilman Reynolds believes much has changed for the area; he believes that manufacturing is not coming into the area and that research and development would locate near SUNY, not here in New Hartford. Also, there are obvious traffic and stormwater issues that are very real, he said. Councilman Reynolds hears frequently the retail aspect of this – how much retail can go in there and what flavor? Could a big box store go in – he would not be in favor of that but would be okay with a restaurant. People don’t want another Consumer Square or The Orchard. He asked how does the Town prevent that and still allow a retail store/restaurant. The Town Attorney responded that if it’s a permitted use, you can’t prohibit it. Councilman Reynolds had questions about whether there were restrictions such as building size, etc.

Councilman Miscione said his personal opinion was that he likes economic growth. Are we going to see manufacturing or research/development? He doesn’t see it coming and pointed to the vacant stores in his district. The only problem he has is the Comprehensive Plan that needs to be updated. He doesn’t believe the Town Board has enough data here tonight; need more information to make an educated decision. H would like to meet with the developer and review what the other owners’ plans are. Councilman Miscione feels he can’t make an educated vote tonight. Need more research and facts. And also restrictions?

Councilman Backman wants verification that the Town has complete applications, publication notices and that all referral responses are in. Yes, said the Town Attorney. Councilman Backman thought that the Town at one time had owned the business park land; however, Supervisor Tyksinski said that was not true. He also had concern that, despite staff review, The Hartford had been built outside the boundary of the business park. Councilman Backman said:

REGULAR TOWN BOARD MEETING

March 14, 2012

Page 25

- 1) he watched the Planning Board wrestle with the Comprehensive Plan overwhelmingly 6 – 1. If we have changes in the Town happening so fast, probably in best interest to do update of comprehensive plan
- 2) the Town should ask every other retailer or developer to install their own infrastructure, traffic signals, curbs, etc., the difference with the Business Park being the developer has put in some infrastructure, but the Town has put in most of it. Supervisor Tyksinski pointed out that the Town owns the roads.

Councilman Backman still has a problem with the proposed mixed use (PDMU) designation. The Town Attorney will check on limitations with regard to the Generic Environmental Impact Study (GEIS).

Thereafter, Councilman Reynolds withdrew his motion to approve the rezoning of 216 acres of the Business Park to PDMU and Supervisor Tyksinski withdrew his second to the motion. Councilman Backman moved to table the matter of rezoning 216 acres of the Business Park from PDP to PDMU until the first meeting in April 2012; seconded by Councilman Miscione and carried.

With regard to the zone map amendment application to rezone 30.5 acres of the Business Park from PDP to PHB (Planned Highway Business), Supervisor Tyksinski moved that Local Law Introductory “A”/”B” of 2012, Part A, be adopted as Local Law No. One of 2012, thereby rezoning 30.5 acres of the Business Park from Planned Development Park (PDP) to Planned Highway Business (PHB), as follows; seconded by Councilman Miscione:

TOWN OF NEW HARTFORD, NY LOCAL LAW NO. ONE 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 Highway Business (PHB).

Be it enacted by the Town Board of the Town of New Hartford as follows:

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:

REGULAR TOWN BOARD MEETING

March 14, 2012

Page 26

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
#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.

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:

“PLANNED HIGHWAY BUSINESS DISTRICT”
“PARCEL #1 -5.2+/- ACRES”

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

REGULAR TOWN BOARD MEETING

March 14, 2012

Page 27

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”

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

REGULAR TOWN BOARD MEETING

March 14, 2012

Page 28

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

REGULAR TOWN BOARD MEETING

March 14, 2012

Page 29

Councilman Backman viewed this requested zone change in a different light, there being two (2) existing Planned Highway Business classifications on either side. Although he still has reservations, he noticed that the Planning Board didn't wrestle so much with this requested zone map change. However, he still wants the Comprehensive Plan updated as expeditiously as possible.

In response to Councilman Reynolds' inquiry, Codes Enforcement Officer Joseph Booth stated that a PHB district does exist but that near the Jay-K intersection, across from Greenlawn Cemetery, it is zoned RB-1 and the Cross Roads Plaza (fka Pharmhouse) Plaza is also RB1. Codes Officer Booth confirmed that PHB uses are governed by the size of the lot...if a small lot, there will be small retail; if there is a large lot, the retail could be larger.

Councilmen Woodland and Miscione had no comment. Thereafter, the Town Supervisor polled the Board members who voted as follows:

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

Thereafter, Local Law Introductory "A"/"B", Part A, of 2012 was declared carried and duly **ADOPTED**.

MATTERS SUBMITTED BY COUNCILMEN / TOWN ATTORNEY

Councilman Backman

- **hydrofracking** – what is status. The Town Attorney distributed information on a lawsuit against the Town of Dryden and the fact that the Court's upheld the Town's zoning law. Attorney Cully requested that the Town Board review the list of modifications that were made and discuss at the next Town Board meeting.
- **Cable TV franchise** – what is status; he said there was a 2006 opinion that cable tv franchise fees belong in General Fund Part-Town rather than Whole-Town. The Supervisor will check into this.
- **Appointment process for Zoning Board of Appeals, Planning Board and Library Board vacancies** – Wants to change process by resolution...any appointment to a board, commission or otherwise, that the position be posted on the Town's website at least six (6) months before the term expires and at which

REGULAR TOWN BOARD MEETING
March 14, 2012
Page 30

time any interested citizen should submit their resume. Abolish consulting the chairman of the Board.

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

(RESOLUTION NO. 62 OF 2012)

RESOLVED that the New Hartford Town Board does hereby amend the organizational Resolution No. 11 adopted January 9, 2012, as it pertains to Schedule "A", Rules of Procedure, VI. Special Committees, by eliminating the *****following sentence***, which appears under

- This policy EXCLUDES:
Zoning Board of Appeals
Planning Board
Board of Assessment Review
Police Commission.

Omit *****"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.***

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

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***.

Councilman Backman then introduced the following Resolution that was duly seconded by Supervisor Tyksinski:

(RESOLUTION NO. 63 OF 2012)

RESOLVED that the New Hartford Town Board does hereby amend the organizational Resolution No. 11 adopted January 9, 2012, as it pertains to Schedule "A", Rules of Procedure, VI. Special Committees, by adding the *****following sentence***, to appear under

REGULAR TOWN BOARD MEETING

March 14, 2012

Page 31

- This policy EXCLUDES:
 - Zoning Board of Appeals
 - Planning Board
 - Board of Assessment Review
 - Police Commission.
 - Library Board of Trustees

Add ****All member terms of the above boards/committees/commissions shall be posted on the Town’s website so that the public is aware of when terms end and that any individual desiring to serve on a board, committee, commission must submit their letter of interest/resume to the Town Supervisor’s Office at least six (6) months in advance of the term expiration.*

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

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**.

- **Election Committee** – Councilman Backman believes the Town election districts are unbalanced both by size and total voters in district; a total of 14,716 registered voters: Ward 1 – 4,271; Ward 2 – 3,706; Ward 3 – 3,327 and Ward 4 – 3,411

RECESS: The Town Supervisor granted a 5-minute recess at 10:20 P.M.

- **Wind turbines** – what is status. Codes Enforcement Officer said a Zoning Committee member wanted additional time to review. Councilman Miscione requested a copy of the draft legislation.
- **Political Signs – Zoning Law** – what is status. Town Attorney Cully had provided Board members with State Justice Court opinion and he believed that, based upon freedom of speech, that the Town’s zoning law should be amended. He will begin preparing the necessary legislation.
- **“New Hartford Monday Night”** – Councilman Backman sought the Board’s level of interest in having a once-a-week or once-a-month “New Hartford Monday Night” in conjunction with the Village of New Hartford, the

REGULAR TOWN BOARD MEETING

March 14, 2012

Page 32

Historical Society and perhaps a church for the residents. There was no interest.

- **Frequency of Board meetings** – Councilmen Backman and Miscione recommended amending the monthly Town Board meeting schedule to two (2) meetings per month, while Councilman Reynolds and the Town Supervisor favored one (1) Town Board per month until September when the Board could resume two (2) meetings per month.

Thereafter, Councilman Backman offered the following Resolution for adoption and Councilman Miscione seconded same:

(RESOLUTION NO. 64 OF 2012)

RESOLVED that the New Hartford Town Board does hereby amend Resolution No. 11 adopted January 11, 2012, Schedule “A”, Rules of Procedure, I. Regular meetings, so that the Town Board will meet on April 4 and April 25, 2012; will meet on the second Wednesday of June, July and August 2012; and will meet on the second and fourth Wednesdays of May and September through December, 2012, unless otherwise provided for.

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

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

Thereafter, the Resolution was declared carried and duly **ADOPTED**.

Reschedule Public Hearing – Local Law Introductory “C” of 2012

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

(RESOLUTION NO. 65 OF 2012)

WHEREAS, by Resolution No. 63 adopted heretofore, the Town Board has amended its meeting schedule so that the previously scheduled Board meeting of April 11, 2012 has been changed to April 4, 2012;

REGULAR TOWN BOARD MEETING

March 14, 2012

Page 33

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby amend its Resolution No. 61, adopted March 14, 2012, so that the Public Hearing upon Local Law Introductory “C” of 2012 shall be held on Wednesday, April 4, 2012 at 7:00 P.M., or as soon thereafter as reached in the regular course of business, in Butler Memorial Hall, New Hartford, NY.

The Board members then voted upon roll call, resulting as follows:

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***.

- ***Town and County tax collection*** – the collection process is not what Councilman Backman thought it was going to be. Need on-line for payments of taxes.
- ***Town-wide garage sale*** – Councilman Backman sought the Board’s interest in a one weekend town-wide garage sale where no permits would be required. This matter had been discussed about a year or so ago with the Town Attorney having concern about liability for the Town, with young children in neighbors running around and extra motor vehicle traffic in neighborhoods. Councilman Woodland said he was not in favor and after further discussion, nor were the other Board members.

Councilman Miscione:

- ***Annual Curbside Trash Pick-up*** - Councilmen Miscione and Woodland relayed wishes of their constituents who wanted the Town to reinstate the annual curbside trash collection. Councilman Backman cited the financial expense for the curbside program as well as individuals who come into the town at all hours of the day and night, picking through piles of trash and making a mess, and the fact that the Highway employees become garbage pickers for a month instead of being able to work on highway-related projects. Supervisor Tyksinski thought the trash permit system through the Town Clerk’s Office worked well last year together with keeping dumpsters for specific Saturdays. Councilman Reynolds agreed with Councilman Backman that because of the Highway Superintendent’s ingenuity, the Town has a better system and it makes sense to leave it as now. Councilman Miscione feels it is inefficient, and feels the Town is losing money

REGULAR TOWN BOARD MEETING
March 14, 2012
Page 34

over time. Thereafter, Councilman Woodland introduced the following Resolution for adoption; seconded by Councilman Miscione:

(RESOLUTION NO. 66 OF 2012)*Defeated

RESOLVED that the Town Board of the Town of New Hartford does hereby reinstate the annual curbside trash collection for calendar year 2012.

The Supervisor polled the Board members who voted as follows:

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

Thereafter, the Resolution was declared **DEFEATED**.

- **Software programs** – he is working with the Codes Enforcement Officer regarding software programs for the Codes and Engineering Departments, to include mapping. He has received one (1) proposal and is researching two (2) more companies
- **Mud Creek** – the Highway Department is cutting more trees; a temporary road is being made to facilitate installing riprap

Councilman Reynolds:

Possible Creation of Police Commission

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

(PROPOSED RESOLUTION OF 2012)*withdrawn

RESOLVED that the New Hartford Town Board does hereby create a Police Commission in accordance with Section 150 of Town Law; and be it

FURTHER RESOLVED that the said Town Board does hereby establish that the Police Commission will be a five-member Board to which the following individuals are hereby appointed:

- Kevin Copeland, term to expire December 31, 2012

REGULAR TOWN BOARD MEETING

March 14, 2012

Page 35

- James F. Spellman, term to expire December 31, 2013
- David W. Butler, term to expire December 31, 2014
- (appointment to be made by Town Board)
- (appointment to be made by Town Board)

The Town Supervisor noted that there are no unexpired terms because the terms ended when the commission was abolished in February 2010. Further, Supervisor Tyksinski stated that if the Town Board establishes a police commission, there must be by-laws and a charter; then advertise for resumes and fill positions based upon that. The Town Supervisor believes that under Town Law, Section 150 allows for a maximum three (3) member commission. Town Attorney Cully confirmed that under Town Law, Section 150, Sub-section 2, a police commission could be created consisting of one (1) to three (3) commissioners and if only one (1) commissioner is appointed, two (2) Town Board members would serve on the commission. If a police commission is created by deviating from the provisions in Town Law, the commission must be created by a local law and subject to a public hearing.

Councilman Miscione recommended the appointment of Dr. Peter Acquaviva and Rocco Benzo as commissioners to make up a five-member police commission. Councilman Backman objected to this recommendation, stating that Councilman Miscione was selecting possible appointees from a Ward that he doesn't represent. A debate ensued about advertising on the Town's website for persons interested in serving on a police commission, with Councilman Backman adamant that the process needs to be "open".

The Town Attorney will contact the Attorney General's Office to determine if the court decision to which Councilman Reynolds alluded, still holds today. Councilman Reynolds said he would be willing to create a 3-member commission only and with the three (3) individuals he asked to be appointed. With regard to a 5-member commission and appointing three (3) members and two (2) seats to be filled by the Town Board, the Town Attorney stated that a local law would be necessary. Councilman Backman recommended that every Town Board member gets to make an appointment, that each Town Board member "gets a pick".

Councilman Reynolds withdrew his proposed Resolution for a 5-member police commission and Councilman Woodland withdrew his second to the proposal. Councilman Reynolds then offered the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 67 OF 2012)

RESOLVED that the New Hartford Town Board does hereby create a three-member Police Commission in accordance with Town Law, Section 150; and be it

REGULAR TOWN BOARD MEETING

March 14, 2012

Page 36

FURTHER RESOLVED that the said Town Board does hereby appoint the following individuals to serve as police commissioners:

- Kevin Copeland, term to expire December 31, 2012
- James F. Spellman, term to expire December 31, 2013
- David W. Butler, term to expire December 31, 2014.

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

Thereafter, the Resolution was declared ***DEFEATED***.

MATTERS SUBMITTED BY TOWN SUPERVISOR

Financial

Audit of Vouchers

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

(RESOLUTION NO. 68 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:

Elm Street Creek Banks Fund Abstract #1	
Vouchers HN1-HN3	\$ 8,091.67
Communications Fund Abstract #1	
Vouchers HL1	\$ 85,991.50
Sauquoit Creek Sewer Line Fund Abstract #1	
Vouchers HT1-HT3	\$ 11,595.00
Street Lighting Abstract #4	
Vouchers SL4	\$ 8,327.05
Highway Fund Part-Town Abstract #4	
Vouchers DB108-DB110; DB112-DB125; DB127-DB204	\$138,744.98
General Fund Part-Town Abstract # 9	
Vouchers BB32-BB50	\$ 8,880.32

REGULAR TOWN BOARD MEETING
March 14, 2012
Page 37

General Fund Whole-Town Abstract #11	
Vouchers AA216-AA359	\$ 139,555.86
General Fund Part-Town Police Abstract #8	
Vouchers BP42-BP61	\$ 10,410.22
Sewer Fund Abstract #9	
Voucher SS24-SS25	\$ 323,173.02
Sewer Fund Abstract #10	
Voucher SS26-SS31	\$ <u>9,419.96</u>
	\$ 744,189.58 TOTAL

Upon roll call, the Board members voted as follows:

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

REGULAR TOWN BOARD MEETING
March 14, 2012
Page 37

Thereafter, the Resolution was declared unanimously carried and duly ***ADOPTED***.

Finance Director Report

The audit field work is finished and the Town should have the audit report in by the end of March 2012 and hopefully present it to the Town Board in April 2012.

Willowvale Fire Co., Inc. Service Award Program

Affordable Benefit Concepts, Inc. submitted a new contract for the Fire Company's Service Award Program for the 2012 plan year, due to a change in rates. The matter was deferred.

Inter-municipal Agreement/Village of New Hartford Codes Enforcement

Action on this agreement, which expired December 31, 2011, was withheld at this time.

Agreement - IT services

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

(RESOLUTION NO. 69 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 an Agreement between the Town and M. L. Polce, Rome, New York for IT services for calendar year 2012 at a cost not to exceed Three Thousand Three Hundred Fifty Dollars (\$3,350).

The Town Supervisor stated that the contract basically offers the same services as the prior Agreement with this company; however, this new contract does not include the City of Rome and is cheaper. The Town Board members then voted upon roll:

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**.

Zoning Law update

The Town Supervisor noted that \$60,000 to \$70,000 had been borrowed in the past for the zoning law update but no action has been taken yet to apply the changes recommended in the 2007 Comprehensive Plan. Codes Enforcement Officer Joseph Booth has received two (2) proposals today and inquired if he should obtain a third quote. The Town Supervisor said it wasn't necessary because under the Town's procurement policy, this would fall into the category of professional services. Therefore, Councilman Backman requested that the low bidder be invited to the April 4, 2012 Town Board meeting to discuss their proposal.

Police Commission meeting:

Chief Inserra provided a brief report on police department activities:

- Kellogg Road Community Center Building – new carpeting installed. Radio equipment will be installed. Some funds held up for computers (5). Police Officer Jason Livingston started work last week and is doing well.
- NYS Department of Transportation is studying the pedestrian crossing on Route 5 near Wilbur Road, as a safety issue. DOT is willing to meet with the Town Board to discuss if necessary.
- The Substation at Sangertown Square Mall will be closed for two (2) weeks starting March 19, 2012 due to renovations at the Mall.

REGULAR TOWN BOARD MEETING

March 14, 2012

Page 39

- Four (4) bids were received for the renovations at the Kellogg Road Community Center – as specifications are required, these bids cannot be accepted.

Town Attorney:

Assessment Grievance (Certiorari) Settlement

Upon recommendation of the Town Attorney and Assessor, the following Resolution was introduced for adoption by Councilman Miscione and duly seconded by Councilman Woodland:

(RESOLUTION NO. 70 OF 2012)

RESOLVED that the New Hartford Town Board does hereby agree to settle the Certiorari proceeding brought against the Town of New Hartford by McCraith Beverage, 20 Burrstone Road, New York Mills, NY, identified as Tax Map No. 317.014-5-5, reducing their assessment from \$2.7 million to \$2.1 million and no refunds for the years 2010 and 2011; and be it

FURTHER RESOLVED that the Town Board does hereby authorize and direct the Town Attorney to sign the stipulation agreement for settlement of the aforementioned Certiorari.

The Town Attorney said the Town had obtained an appraisal from Hatsinger and that the substantial change was due to the 81% equalization rate for the Town; he stated that the Village of New York Mills had also approved this settlement. Upon roll call, the Board members voted as follows:

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**.

2012 Salary Schedule

The Personnel Technician had provided the list of salaries that coincide with the 2012 approved budget; therefore, Councilman Reynolds offered the following Resolution for adoption, seconded by Councilman Woodland:

REGULAR TOWN BOARD MEETING
March 14, 2012
Page 40

(RESOLUTION NO. 71 OF 2012)

WHEREAS, Town Law, Section 27, provides that the Town Board of each town shall fix, from time to time, the salaries of all officers, officials and employees of said town, whether elected or appointed, and determine when the same shall be payable;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby approve and establish the following Schedule of 2012 Salaries for the employees and officials of the Town of New Hartford, payable in the manner designated:

<u><i>Title and Name</i></u>	<u><i>2012 Base</i></u>	<u><i>2012 Salary</i></u>	<u><i>Manner of Payment</i></u>
Councilman Donald C. Backman		\$ 6,165	bi-weekly
Councilman Paul Miscione		\$ 6,165	bi-weekly
Councilman David M. Reynolds		\$ 6,165	bi-weekly
Councilman Richard B. Woodland, Jr.		\$ 6,165	bi-weekly
Town Justice James VanSlyke		\$17,965	bi-weekly
Senior Justice James VanSlyke		\$ 2,500	bi-weekly
Town Justice William M. Virkler		\$17,965	bi-weekly
Clerk to Court Justice Ann Rose	\$18.97/hr		bi-weekly
Court Attendant Steve Laymon	\$27.52/hr		bi-weekly
Sub Court Attendant Joel Campbell	\$		bi-weekly
Court Bailiff Raymond Hamo	\$		bi-weekly
Court Bailiff Daniel Buley	\$		bi-weekly
Clerk to Court Justice Donna Fanelli	\$15.33/hr		bi-weekly
Part-time Clerk Mary Kennedy	\$12.16/hr		bi-weekly
Supervisor Patrick M. Tyksinski		\$14,795	bi-weekly
Deputy Town Supervisor Matthew Bohn		\$ 1,000	bi-weekly
Account Clerk Carol Ryan	\$22.12/hr		bi-weekly
Finance Director Daniel Dreimiller		\$36,000	bi-weekly
Account Clerk Janice O'Sullivan	\$16.97/hr		bi-weekly
Assessor Paul E. Smith	\$28.68/hr		bi-weekly
Real Property TSA Teresa Brown	\$15.01/hr		bi-weekly
BAR Member Krista Pembroke		\$ 400	annually
BAR Chairman Duane C. Farr		\$ 500	annually
BAR Member James P. Varieur		\$ 400	annually
BAR Member Edward Goggin		\$ 400	annually
BAR Member Jonathan Purdy		\$ 400	annually
Town Clerk/Collector Gail Wolanin Young		\$43,704	bi-weekly
Deputy Town Clerk I Melody K. Fancett	\$12.74/hr		bi-weekly
Deputy Town Clerk II Ruth A. Irwin	\$10.44/hr		bi-weekly
Clerk Part-time Andrea K. Toomey	\$14.38/hr		bi-weekly
Clerk Part-time Shelby L. Bohling	\$ 8.22/hr		bi-weekly
Personnel Technician II Barbara Schwenzfeier	\$25.26/hr		bi-weekly
Town Attorney Herbert J. Cully		\$51,500	bi-weekly
Cleaner Part-time Roger Jones	\$ 9.80/hr		bi-weekly
Cleaner, Part-time Sub Lewis Smith	\$10.40/hr		bi-weekly

REGULAR TOWN BOARD MEETING

March 14, 2012

Page 41

<u>Title and Name</u>	<u>2012 Base</u>	<u>2012 Salary</u>	<u>Manner of Payment</u>
*Police Chief Michael Inserra	\$46.66/hr		All Police bi-weekly
*Police Lieutenant Timothy O'Neill	\$39.94/hr)		
*Police Officer Andrew Allen	\$28.74/hr)		
*Police Officer Peter Allen	\$23.31/hr)		
*Police Officer Peter Colburn	\$31.25/hr)		
*Police Officer W. Jason Freiburger	\$28.56/hr)		
*Police Officer Justin Gehringer	\$28.74/hr)		
*Police Officer Daniel G. Herman	\$29.13/hr)		
*Police Officer James Hyatt II	\$28.74/hr)		
*Police Officer Thomas Hulser	\$22.69/hr)		
*Police Officer Jarod T. Petrie	\$28.74/hr)		
*Police Officer Brad Pietryka	\$30.72/hr)		
*Police Officer Patrick Sacco	\$28.12/hr)		
*Police Officer Matthew J. Sica III	\$29.52/hr)		
*Police Officer Jordan Spinella	\$29.37/hr)		
*Police Officer Shane Yoxall	\$28.12/hr)		
*Police Officer Part-time Scott Adsit	\$27.93/hr)		
*Police Officer Part-time Daniel Buley	\$27.93/hr)		
*Police Officer Part-time Raymond Hamo	\$27.93/hr)		
*Police Officer Part-time Andrew Miller	\$27.93/hr)		
*Police Officer Part-time Michael Reilly	\$27.93/hr)		
*Police Officer Part-time Jason Livingston	\$27.93/hr)		
*Police Sergeant Ronald Fontaine, Jr.	\$34.78/hr)		
*Police Sergeant Michael Kowalski	\$34.25/hr)		
*Police Sergeant Robert Philo	\$34.10/hr).....		
School Crossing Guard Rosemari Bennett	\$9.21/hr		bi-weekly
School Crossing Guard MaryAnn Jordan	\$9.21/hr		bi-weekly
School Crossing Guard Jacqueline Mosakowski	\$9.21/hr		bi-weekly
School Crossing Guard Part-time Lewis Smith	\$9.21/hr		bi-weekly
School Crossing Guard Part-time (Subs):			
Bernard Green	\$9.21/hr		bi-weekly
Susan Jordan	\$9.21/hr		bi-weekly
Patricia Randall	\$9.21/hr		bi-weekly
Thomas V. Randall	\$9.21/hr		bi-weekly
Tina Ryan	\$9.21/hr		bi-weekly
James Wilcox	\$9.21/hr		bi-weekly
Mary C. Wilcox	\$9.21/hr		bi-weekly
**Senior Account Clerk Typist Michele Moran	\$17.27/hr	**Under Negotiations	bi-weekly
**Senior Clerk Amy Topor	\$17.14/hr	Union Contract	bi-weekly
**Senior Typist Susan M. Donnenwirth	\$13.67hr	Expired 12/31/2009.....	bi-weekly
Clerk Part-time Joseph E. Crandall, Jr.	\$9.25/hr		bi-weekly
Animal Control Officer Nicholas J. Morosco	\$20.06/hr		bi-weekly
ACO Part-time Joseph Zwijacz	\$12.68/hr		bi-weekly
ACO Part-time James Zwijacz	\$12.68/hr		bi-weekly
Clerk Candy J. Currier	\$14.97/hr		bi-weekly
Highway Superintendent Richard Sherman		\$42,720	bi-weekly
Clerk Part-time Camille Fuks	\$8.22/hr		bi-weekly
Clerk Sub Mary Bolton	\$8.98/hr		bi-weekly
Meal Site Manager Sub Marjorie Anweiler	\$11.65/hr		bi-weekly
Clerk Sub Marjorie Anweiler	\$8.22/hr		bi-weekly

REGULAR TOWN BOARD MEETING

March 14, 2012

Page 42

<u><i>Title and Name</i></u>	<u><i>2012 Base</i></u>	<u><i>2012 Salary</i></u>	<u><i>Manner of Payment</i></u>
Food Service Helper Part-time John "Jack" Jecko	\$9.80/hr		bi-weekly
Food Service Helper Sub Carol Burney	\$8.98/hr		bi-weekly
Food Service Helper Sub Philip Talento	\$8.47/hr		bi-weekly
Meal Site Manager Part-time Theresa Hock	\$11.65/hr		bi-weekly
Senior Citizen Center Coordinator M. Eileen Spellman	\$19.19/hr		bi-weekly
Clerk Typist Maureen Owens	\$19.64/hr		bi-weekly
Youth Employment Director Maureen Owens		\$5,840	bi-weekly
Director of Recreation Center John C. Cunningham	\$25.09/hr		bi-weekly
Director of Recreation Programs Michael Jeffery	\$29.49/hr		bi-weekly
Laborer Sheldon Gordon	\$11.54/hr		bi-weekly
Recreation Maintenance Worker James Miller	\$14.21/hr		bi-weekly
Recreation Maintenance Worker Michael K. Natale	\$15.84/hr		bi-weekly
Recreation Maintenance Worker John Randall	\$15.84/hr		bi-weekly
Recreation Maintenance Worker Robert Ahrendsten	\$13.81/hr		bi-weekly
Working Supervisor Brian Jenny	\$20.49/hr		bi-weekly
Working Supervisor James R. Campbell	\$17.31/hr		bi-weekly
Registrar of Vital Statistics Gail Wolanin Young		\$11,431	bi-weekly
Deputy Registrar of Vital Statistics Robin L. Brindisi	\$18.64/hr		bi-weekly
Assistant Codes Enforcement Officer Thomas Rowlands	\$20.30/hr		bi-weekly
Codes Enforcement Officer Joseph A. Booth	\$43.22/hr		bi-weekly
Zoning Enforcement Officer Part-time Carmen Anthony Luppino	\$21.22/hr		bi-weekly
Codes Enforcement Officer Part-time Anthony Klimek		\$30,000	bi-weekly
Office Specialist I Part-time Dolores B. Shaw	\$10.99/hr		bi-weekly
Zoning Board of Appeals Chairman Randy Bogar		\$ 2,500	semi-annual
ZBA Member Frederick Kiehm		\$ 1,250	semi-annual
ZBA Member John Montrose		\$ 1,250	semi-annual
ZBA Member Lenora Murad		\$ 1,250	semi-annual
ZBA Member Taras Tesak		\$ 1,250	semi-annual
ZBA Member Timothy Tallman		\$ 1,250	semi-annual
ZBA Member Karen Stanislaus		\$ 1,250	semi-annual
Planning Board Chairman Elias J. DeLia		\$ 2,500	semi-annual
Planning Board Member Jerome F. Donovan		\$ 1,250	semi-annual
Planning Board Member G. Brymer Humphreys		\$ 1,250	semi-annual
Planning Board Member Ellen Rayhill		\$ 1,250	semi-annual
Planning Board Member Julius V. Fuks, Jr.		\$ 1,250	semi-annual
Planning Board Member Margaret Rotton		\$ 1,250	semi-annual
Planning Board Member Heather Mowat		\$ 1,250	semi-annual

REGULAR TOWN BOARD MEETING

March 14, 2012

Page 43

<u><i>Title and Name</i></u>	<u><i>2012 Base</i></u>	<u><i>2012 Salary</i></u>	<u><i>Manner of Payment</i></u>
Automotive Mechanic Kim Griffith	\$29.79/hr)		bi-weekly
Automotive Mechanic Gerald Webb	\$29.31/hr)	Currently	bi-weekly
Automotive Mechanic Thomas Smith	\$22.95/hr)		bi-weekly
Heavy Equipment Operators:			
Michael L. Coonradt	\$24.14/hr)		bi-weekly
Robert J. Dziejcz	\$24.38/hr)		bi-weekly
Corey Halpin	\$24.02/hr)	Under	bi-weekly
William Marshall	\$25.48/hr)		bi-weekly
Kevin W. Martin	\$24.49/hr)		bi-weekly
Christopher R. Moran	\$24.08/hr)		bi-weekly
Norman Naber	\$24.97/hr)		bi-weekly
Michael Roberts	\$24.38/hr)		bi-weekly
William Smith	\$25.45/hr)	Union	bi-weekly
Michael Smoulcey	\$24.02/hr)		bi-weekly
Laborer Christopher Budlong	\$14.91/hr)		bi-weekly
Laborer James Hinman	\$14.48/hr)		bi-weekly
Laborer Kevin Mathews	\$14.85/hr)		bi-weekly
Laborer Jeramy Waterman	\$14.20/hr)	Negotiations	bi-weekly
Motor Equipment Operator Jesse Conhaim	\$20.52/hr)		bi-weekly
Motor Equipment Operator Douglas W. Gehringer	\$25.59/hr)		bi-weekly
Bryon Rich	\$20.58/hr)	Expired	bi-weekly
David J. DeBlois	\$21.61/hr)		bi-weekly
Joseph G. Fletcher	\$22.88/hr)		bi-weekly
Keith Gehringer	\$20.58/hr)		bi-weekly
John Kelly	\$20.70/hr)	12/31/10	bi-weekly
Jeffery M. Mundrick	\$20.88/hr)		bi-weekly
Thomas S. Panzone, Jr.	\$20.76/hr)		bi-weekly
Brian Smith	\$20.64/hr)		bi-weekly
Timothy Solan	\$20.88/hr)		bi-weekly
Sewer Superintendent Richard Sherman		\$17,280	bi-weekly

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

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**.

Re-appointment of Finance Director

Town Supervisor Tyksinski informed the Town Board that he had re-appointed Daniel Dreimiller as Finance Director, effective January 1, 2012 and to serve at his pleasure.

REGULAR TOWN BOARD MEETING

March 14, 2012

Page 44

EXECUTIVE SESSION

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

(RESOLUTION NO. 72 OF 2012)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss current litigation (Adelman vs Town), acquisition of real property and union negotiations.

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 12:05 A.M. on Thursday, March 15, 2012. The Town Attorney remained for the Executive Session.

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 73 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 12:25 A.M. on Thursday, March 15, 2012. The regular

REGULAR TOWN BOARD MEETING

March 14, 2012

Page 45

portion of the Town Board meeting was immediately reconvened and the public re-invited to the meeting.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilman Reynolds and seconded by Councilman Woodland, the meeting was adjourned at 12:27 A.M. on Thursday, March 15, 2012.

Respectfully submitted,

Gail Wolanin Young
Town Clerk