

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, JUNE 13, 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
Supervisor Patrick M. Tyksinski

ABSENT:

Councilman Richard B. Woodland, Jr.

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Assessor Paul E. Smith
Codes Enforcement Officer Joseph A. Booth
Deputy Supervisor Matthew Bohn III
Highway Superintendent Richard C. Sherman
Parks & Recreation Director Michael W. Jeffery
Police Chief Michael Inserra
Town Attorney Herbert J. Cully
Town Clerk Gail Wolanin Young

Thereafter, a quorum was declared present for the transaction of business.

MINUTES

Meetings of April 25, May 9 and May 23, 2012

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

(RESOLUTION NO. 145 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 April 25, 2012, May 9, 2012 and May 23, 2012 and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

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

PUBLIC PRESENTATIONS

Insurance Policies - Renewals

Robin Lowitz and Chip Roe from Bailey, Haskell and LaLonde provided a brief summary of their insurance proposal. They had contacted insurance companies that specialize in municipalities and all companies had declined to submit quotes due to the Town's past history loss. Over the last five (5) years, losses were about \$750,000. Bailey, Haskell and LaLonde has recommended increasing deductibles, such as:

- General liability from \$2,000 to \$10,000
- Public officials \$10,000 (remains the same)
- Employment practices \$10,000 (remains the same)
- Law enforcement \$5,000 to \$10,000
- Automobile liability from no deductible to \$5,000.

The premium increase would be 12.7% over the 2011-12 year, for a total of \$154,177.62 compared to \$136,812 last year. Coverage would remain the same as last year except for the deductible. The greatest losses involved the Public Officials policy and the Law Enforcement policy. Robin Lowitz will check into Councilman Backman's question of whether the police vehicles are over-insured.

Supervisor Tyksinski reported that another insurance company has asked to submit a quote and that a special Town Board meeting would need to be scheduled because the Town's policies expire June 30, 2012.

PUBLIC HEARING

7:08 P.M.

Local Law Introductory "G" of 2012
(Creation of Police Commission)

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The Town Supervisor opened the Public Hearing at 7:08 P.M.; the Town Clerk had available the Notice of Public Hearing, Local Law Introductory “G” of 2012, Affidavit of Posting and Proof of Publication (May 31, 2012 edition of The Observer Dispatch). The Town Attorney explained that Local Law Introductory “G” of 2012 had been drafted to reinstate what the Town formerly had, specifically a Police Commission, but this time a Police Commission organized according to by-laws incorporated therein. Local Law Introductory “G” would, if adopted, limit the authority of the Police Commission – basically an advisory and review board, to the Town Board. This would be slightly different than the past Police Commission. There would be five (5) members whose terms would be staggered and each of the four (4) Councilmen and the Town Supervisor would be entitled to select a commissioner, who would be subject to resume submission and a background check with the Police Department.

Supervisor Tyksinski noted that the purpose of the Public Hearing was to offer the residents an opportunity to speak in favor of, in opposition to, or to comment upon Local Law Introductory “G”. Those who came forth were:

- **Ralph Humphreys** – understands that the Commission will be advisory only and no legal powers except to advise the Town Board and he believes the legislation should say “advisory” [The Town Attorney noted that the legislation stated it was not the intent of the commission to usurp the authority of the Town Board and that should be clarity.]
- **Mary Thomas** - had similar response as Mr. Humphreys and believes that the purpose of the legislation is unclear, suggesting that the purpose be made more definitive. The responsibility is very clear but the general purpose is not clearly defined.

There being no further comments in the matter, the Town Supervisor declared the Public Hearing closed at 7:13 P.M.

PUBLIC HEARING

7:14 P.M.

Local Law Introductory “H” of 2012
(Zone Map Amendment – LDR to HDR)
Vicinity of 129 Oxford Road

Supervisor Tyksinski opened the Public Hearing at 7:14 P.M.; the Town Clerk had available the Notice of Public Hearing, Local Law Introductory “H” of 2012, Affidavit of

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Posting and Proof of Publication (May 31, 2012 edition of The Observer Dispatch). The Town Attorney explained that Local Law Introductory “H” of 2012 would, if adopted, amend the Town Code, Chapter 118 thereof entitled ZONING, and map coincidental thereto, as it pertains to approximately 26.39 acres situate in the vicinity of 129 Oxford Road, identified as part of Tax Map Parcel No. 339.007-6-71.1, by changing the designation from Low Density Residential (LDR) to High Density Residential (HDR). The owner, Hogeboom and Canfield (Philip Husted, Jr.) and CRM Rental Management, Inc., parent company of the developer, intend to construct an 80-unit conventional Senior citizen apartment complex.

Supervisor Tyksinski noted that the purpose of the Public Hearing was to offer the residents an opportunity to speak in favor of, in opposition to, or to comment upon Local Law Introductory “H”. Those who came forth were:

- **Mary Breslow** – reiterated her concerns in the 1980’s, the 1990’s and in 2009 about oil drums having been plowed under on the subject project with green matter applied and grass grew. Addressed this with her Councilman this year. One of the oil drums surfaced this year near her backyard and she doesn’t know what was in it. Also, drainage problem...when it rains, get drainage from the Tibbitts Road development and it stays there. Has EPA been contacted about the oil drums?

Councilman Backman acknowledging meeting with Mrs. Breslow “..and she’s absolutely right.” His first major concern about this project was to address the drainage matter, repair it, and place effective stormwater runoff, existing and future. He wrote a letter to the New Hartford Planning Board about his concerns before their Mar 14 meeting?? May meeting? His support for this rezoning would be predicated upon correction of drainage and also the traffic issue and that if a traffic signal is needed, that the developer contribute heavily to this.

Supervisor Tyksinski stated that the Town would look into the oil drums, regardless.

- **Roger Breslow** – attested to Mary Breslow’s statements. When Village East project was proposed, same comments made about contents of barrels and some trailers used... probably for offices, a chassis left there.
- **Steven Carl** – suggested that the Town “..stick to the Master Plan” for that area, being Low Density Residential (LDR) not for an 80-unit apartment complex (High Density Residential – HDR).

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- **SueMarie Simpson** – was the citizen representative on the Master Plan Committee and she attended meetings for three (3) years in the 1990's listening to traffic plans/concerns and the Town not being the same, perk tests and so much water, environmental issues. Presented a master plan in 1995 and was assured that zoning would not change for that area.
- **Mike Brady** - concerned about roads....going out to Oxford Road and the appearance that Bromwich Road would be opened to traffic which he believes would back up traffic and that the area can't handle it. No sidewalks and no traffic signals. Groundwater in area needs to be resolved.
- **Rochelle Fredsell** – has experienced flooding in her cellar, sewer backed up because of poor drainage. Taxes increase 46%. There are deer and rabbits back there; where are they to go? Senior citizen housing already exists in the Town.....Village Point Apartments, Sunset Wood, Preswick Glen, the Sitrin Home project. She was concerned with possible toxic waste at the subject property.

The Town Attorney clarified that the Town is not looking at a specific project; the Public Hearing is for consideration of a rezoning only.

Mrs. Fredsell said she is “dead set against it” and she was concerned about her property value.

- **Kathy Monaghan** – traffic issue, vastly increased (Harrogate Road), road is eroding away; base falling apart. Don't need more streets and traffic onto their road.
- **Ruth Adelman** - When Village East project was considered, voted against it. Environmental impact and stormwater problems.
- **Henry Heinlein** - several years ago when another developer wanted to work on the land...Oxford Road already overloaded with traffic. He can't support high-density development. Tenants would have vehicles and would access Oxford Road. Also, drainage problems.
- **Joseph Fariello** – the Town already has apartment complexes, like Oxford Towne, Hillside Gardens and Oxford Heights. The project would be near the school and buses traverse the road in that small stretch. Don't need another high density residential in that area. Also, water problem.

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- **Peter Angelini** – echoed everyone’s comments from Bromwich road area. Water problems with regular rain let alone 100-year storms. Believes area not designed for additional traffic and not in favor of this.
- **Dan Austin** – looks at it like a “Trojan horse”....can’t sell it, section 8 it. Don’t need it.

The Town Attorney Herb said that the developer, CRM, has submitted a letter signed by John J. Varecka, President, that they “...agree that any residential project proposed for the property will contain a minimum age restriction for occupancy only by persons age 55 and older.” Further, that “...this letter (be made) a part of the record in connection with the Application for the Zone Change. If the zone change is granted, we further agree to make the same restriction part of any Application to the Town of New Hartford Planning Board.”

- **John Soggs**’ letter being read by Town Attorney - in support of apartments but have concerns...doesn’t want subsidized rents, no use of Bromwich Road, expect taxes would be comparable to other complexes.
- **Dan Austin** – what Section of HUD is this going to be?

Attorney Levitt responded that the project is for conventional housing not subsidized housing.

- **James D’Onofrio**, Oneida County Legislator – “..speaking from County perspective”....Oxford and Kellogg Roads are county roads. Every time the Town leaders make decisions with planning and zoning, you end up affecting county roads. County is limited for funding to be maintained; Kellogg Road needs to be done, sidewalks and infrastructure underneath. High density, he believes, would add more traffic and pipes, etc., stormwater needs.
- **Roger Breslow** – traffic was big point when Village East came about but didn’t get approved
- **Randy Bogar** – traffic issues; was at meeting 20 years ago when the Village East project was voted down. Thinks it should be voted down now. The area is a main walkway for children to walk to school without sidewalks; main school bus line. A lot of left hand turns on this road. Mentioned rentals already existing in the town and which aren’t full.
- **Sue Simpson** – talking about library and opening up land in the back of library where families walk.

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Mark Levitt, representing the owner and the developer, reiterated that the project has been presented as conventional housing and would pay taxes. Hogeboom and Canfield made the first part of the land available for construction of the Library and a second portion for the Library addition. It's an ideal focal point of our community. The developer is aiming for people who want to downsize. Preswick Glen can't be compared with this proposal, nor can Sunset Wood or the Cedar Brook Apartments (Sitrin development). Tenants would pay a monthly rent of \$1200 to \$1400 for 1200 square foot units; this project would not provide continuum care like Preswick Glen, etc. The developer is known to take projects others want to tear down, cleans up and restores the property. Mr. Levitt stated that the Oxford Towne apartments are 97% full and the Wedgewood Apartments have a waiting list. He assured the residents that the Planning Board has control over what will be done with the property. NYS DEC will tell them what to do. Planning Board will tell them what to do and we will abide by the rules.

- ***a woman (not identified)*** – someone has made a profit, doesn't concern them
- ***Rochelle Fredsell*** ...you're hearing the voice of the people; as elected officials, you have a duty to listen to the people.
- ***Henry Heinlein*** – all that run-off water they think can be re-directed, the stream can't handle it all. Main objection – Oxford Road cannot handle another 80 cars, or 160, and the complex could be enlarged, resulting in more traffic.
- ***Carolyn Alesia*** – concerned where children will ride their bikes, there are no sidewalks along Harrogate/Bromwich. Concerned that apartment tenants would use their streets as a "cut through". No street lights. Want area to be safe for her children to grow.

Supervisor Tyksinski referred to the CRM letter read earlier by the Town Attorney, that this letter would become part of the Planning Board files and application and would be a condition of any approval.

- ***Lynn Brady*** – water situation. They may take care of standing water but they will still need to take care of on-going drainage. Still going to be flooded.
- ***Tony 6 Harrogate Road*** – if Bromwich Road is opened, they will get traffic not only from the development but also from the library.

Mark Levitt – there is no connection shown to connect the library parking to access Bromwich Road or near Beechwood Road; the Planning Board will dictate ingress/egress.

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- **Patty Sherman** – is there a pipe beneath Oxford Road to Philip’s (Husted) house and all his utilities from his house still there? That’s a concern and whether it would be taken care of. A parking lot would create more runoff. Bill Virkler’s Mallard Brook homes are flooded all the time.

There being no one further to speak in the matter, the Supervisor declared the Public Hearing closed at 8:17 P.M.

Action Deferred – Local Law Introductory “G” – Police Commission

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

(RESOLUTION NO. 146 OF 2012)

RESOLVED that the Town Board table action on Local Law Introductory “G” of 2012, creation of a Police Commission, until the July 11, 2012 Town Board meeting at which time all Board members would be present.

A roll call vote ensued:

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

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

Action deferred – Local Law Introductory “H”; Zone Map Amendment Application by Hogeboom and Canfield (LDR to HDR)

Discussion ensued with Board members having concerns:

- Councilman Reynolds – concerned with the property footprint and drainage problems. Attorney Levitt has not contacted the railroad about resolving drainage by going under the railroad tracks.
- Councilman Backman – years ago, Town considered this property for municipal office complex but would have been very expensive to clean up and did not pursue the land. Believe people are entitled to a return on their property...the land has set vacant since owned by the Pryputniewicz family. The Town is now an MS4 municipality and responsible for stormwater and can make the developer resolve drainage problems and in the future, make them fix it if it doesn’t work.

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Opposes use of Bromwich Road in any way and would ask the Town Planning Board to restrict this road. If a traffic light is warranted at the Beechwood-Oxford Road intersection, that developer should pay most of the light. The Village East proposal was for 240 homes, times 2.5 cars, times 3 children per home. Believes NYS Department of Environmental Conservation (DEC) must address dumping. His support for this Zone Map Amendment Application is the absolute stormwater correction, absolute no use of Bromwich road and DEC to come in.

- Councilman Miscione - concerned that the age restriction of 55 years and older mentioned in the aforesaid letter from CRM could be changed in the future and Attorney Cully confirmed it could be; the Town Attorney will check into if it's incorporated as a formal deed restriction. Not in favor, impact traffic on Oxford road, feels it would affect village and the school traffic. Concern with oil barrels. He has 2 apartment complexes in his Ward that have 20% and 30% vacancy rates. Doesn't see a need for 55 and older now; haven't seen much documentation on this project.

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

(RESOLUTION NO. 147 OF 2012)

RESOLVED that the Town Board table action on Local Law Introductory "H" of 2012, Zone Map Amendment Application of Hogeboom and Canfield to rezone property in the vicinity of 129 Oxford Road, New Hartford, until the July 11, 2012 Town Board meeting at which time all Board members would be present.

The Town Board members voted as follows:

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

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

Special Town Board Meeting Scheduled

The Town Board concurred to hold a Special Town Board meeting on Thursday, June 21, 2012 at 7:00 P.M. in Butler Memorial Hall to consider insurance policy renewals and other business that may arise.

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PUBLIC PRESENTATIONS

Supervisor Tyksinski inquired if anyone present wished to address the Town Board on any matter. No one came forth.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRPERSON

Zoning (Codes) and Planning Committee – Councilman Miscione

Action Deferred – Local Law Introductory “D” of 2012; Zoning Text Amendment (Wind Energy Conversion Systems)

With regard to Local Law Introductory “D” of 2012, the Town Clerk’s Office received:

- On June 12, 2012, correspondence from the Town Planning Board recommending that the Town Board NOT approve the legislation on wind energy at this time in its present form based on the discussion between the Planning Board members;
- On June 13, 2012, correspondence from the Town of Litchfield regarding potential inter-community effects should the Town of New Hartford adopt Local Law Introductory “D” of 2012 in its present form, citing setback and noise issues.

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

(RESOLUTION NO. 148 OF 2012)

RESOLVED that the Town Board table action on Local Law Introductory “D” of 2012, a Zoning Text Amendment to provide for wind energy conversion systems, until the July 11, 2012 Town Board meeting at which time all Town Board members would be present.

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

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

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

Rejection – Local Law Introductory “E” of 2012; Zoning Text Amendment on size of signs

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

(RESOLUTION NO. 149 OF 2012)

RESOLVED that the New Hartford Town Board does hereby reject the adoption of Local Law Introductory “E” of 2012, legislation proposed to amend the Town Code, Chapter 118 entitled ZONING, with regard to the size of temporary signs not requiring a permit, and that the Zoning Law Advisory Committee draft reasonable sign legislation by the end of Summer 2012.

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

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

The Resolution was declared carried and duly **ADOPTED**, with Local Law Introductory “E” of 2012 being **DEFEATED**.

Local Law Introductory “I” of 2012 – Electrical Standards; additional inspection agency

The Town had received a request from Larry Kinne of Central New York Electrical Inspection Services LLC, asking that his company be designated as an agency to perform electrical inspections and re-inspections in the Town. Codes Enforcement Officer Booth stated that Mr. Kinne is IAE certified, one credential he would look for in an electrical inspector. Mr. Kinne was present to answer any questions. Thereafter, Councilman Reynolds introduced the following legislation for the Town Board’s consideration at a future Public Hearing; co-sponsored by Councilman Miscione:

Town of New Hartford, NY
Local Law Introductory “I” of 2012

A Local Law to amend the Code of the Town of New Hartford, Chapter 59 thereof entitled “ELECTRICAL STANDARDS”, by amending the list of Electrical Inspectors who are authorized and deputized as agents of the Town of New Hartford to make inspections and re-inspections of electrical installations.

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

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SECTION 1. Chapter 59 of the Code of the Town of New Hartford, Section 59-4, is hereby amended by adding the following:

Section 59-4. Electrical Inspectors

The Town of New Hartford does hereby add and appoint to the list of Electrical Inspectors the Central New York Electrical Inspection Services LLC.

SECTION 2. Chapter 59 of the Code of the Town of New Hartford, Section 59-6, is hereby amended by adding the following:

Section 59-6. Violations

The Town of New Hartford does hereby add the Central New York Electrical Inspection Services LLC to the previously designated Electrical Inspection agencies.

SECTION 3. All other provisions of Chapter 59 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 in the Office of the Secretary of State.

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

Thereafter, Councilman Reynolds offered the following Resolution for adoption; seconded by Councilman Miscione:

(RESOLUTION NO. 150 OF 2012)

RESOLVED that the Town Board of the Town of New Hartford does hereby schedule a Public Hearing to commence at 7:00 P.M., or as soon thereafter as reached in the regular course of business, on Wednesday, July 11, 2012 in Butler Memorial Hall, New Hartford, NY to consider Local Law Introductory “I” of 2012, which, if adopted, would amend the Town Code, Chapter 59 thereof entitled ELECTRICAL STANDARDS, by adding the Central New York Electrical Inspection Services LLC to the previously designated Electrical Inspection agencies in behalf of the Town; and be it

FURTHER RESOLVED that the Town Clerk be, and she hereby is, authorized and directed to publish the legal requisite Notice of Public Hearing in The Observer Dispatch.

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

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

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

Town Code, Chapter 54 (ELECTRICAL STANDARDS)

Discussion ensued about current electrical inspection services and the possible increase in qualification requirements.

Property Maintenance – 3 Woodbourne Road

Upon recommendation of the Codes Enforcement Officer, Councilman Miscione offered the following Resolution for adoption, which was seconded by Councilman Backman:

(RESOLUTION NO. 151 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 on any real property in said Town (Code, Chapter 94); and

WHEREAS, the Town Codes Enforcement Officer has received complaints about high grass and weeds upon premises located at 3 Woodbourne Road (Tax Map Parcel No. 339.005-1-25), New Hartford, New York owned by David M. Gibson and Sandra M. Steckler-Gibson whose last known address is 3 Woodbourne Road, New Hartford, New York; and

WHEREAS, the property appears to be abandoned, and the Codes Enforcement Officer had communicated with said owners via certified mail with no response having been received from the property owners;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Codes Enforcement Officer, through the Parks and Recreation Department, to proceed with mowing the lawn and clearing the property of debris at 3 Woodbourne Road, and that the costs and expenses incurred by the Town in connection with said proceedings be assessed against the land on which said public nuisance exists; specifically, the Town Board does hereby authorize and direct Oneida County to levy such charges on the 2013 Town and County tax bill.

Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly **ADOPTED**. Mary Thomas, who lives next door to the subject property, stated that the house is for sale and the owners have been away for about two (2) years. She had called a real estate agent and the Codes Department about the property condition, including a tree down in the backyard and grass/weeds so high that a bailer, not a mower, would be needed.

Town Code, Chapter 94 (PROPERTY MAINTENANCE) – Proposed changes

Councilman Miscione is working on legislation to reduce the timeframe for the Codes Department to take action on unkempt lawns. Councilman Backman commented that he could see two groups getting caught – people away on vacation and people who experience a death in their family. The Town Attorney will review the legislation being prepared and the Town Clerk was asked to place this matter on the Agenda for the Special Town Board meeting to be held June 21, 2012.

Signs for property(ies) being considered for rezoning

Councilman Miscione suggested that property(ies) being considered for a rezoning (like the Hogeboom and Canfield property on Oxford Road – Local Law Introductory “H” of 2012) be posted as such so that neighboring property owners are aware of a potential change. The Town Attorney stated that the Town’s Zoning Law would have to be amended to provide for this requirement. Councilman Reynolds believes this matter needs further discussion in the future.

Public Safety and Courts Committee – Supervisor Tyksinski

Appointment to fill Part-time Police Officer Vacancy

Upon request of the Town Police Chief and presented by the Town Supervisor, Councilman Miscione introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 152 OF 2012)

WHEREAS, a vacancy exists in the position of Part-time Police Officer due to the appointment of Part-time Police Officer Peter J. Allen to a full-time Police Officer position;

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NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby appoint Joseph Zwijacz to fill the vacant Part-time Police Officer position, effective July 2, 2012 at the hourly rate set forth in the current union contract.

Councilman Backman inquired whether interviews were held and if there were other applicants that the Town Board should review and interview them and see who's in the queue. The Town Supervisor disagreed, noting that the Town hires summer help for the Highway Department and Parks & Recreation Department with the recommendation of the Department Head. Mr. Zwijacz has provided his education/experience – we are aware of his qualifications and ability and the Chief's worked with him for some time. He's attended Phase I certification and will do Phase II in July. The Town Board then voted upon roll call as follows:

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

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

Public Works & Sewer Committee (Buildings and Grounds) – Councilman Reynolds

BIDS - Renovation of Kellogg Road Community Center Building for Police Locker Rooms

The Town Clerk's Office received three bids at the June 13, 2012 Bid Opening for the Kellogg Road Community Center Building renovations (Police Locker Rooms), copies of which had been distributed. Thereafter, Councilman Reynolds offered the following resolution for adoption and Councilman Miscione seconded same:

(RESOLUTION NO. 153 OF 2012)

WHEREAS, the Town Clerk's Office received the following bids on June 13, 2012 for renovation of the Kellogg Road Community Center Building for use as Police Locker Rooms;

- Poncell Construction Co, Inc. - \$63,000.00
1551 Lincoln Ave
Utica, NY 13501

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- Majic Construction - \$57,400.00
223 Rutger Street
Utica, NY 13501

- Adorino Construction, Inc. - \$67,000.00
617 South Street
Utica, NY 13501

And

WHEREAS, all bids received have now been canvassed by the Highway (Buildings and Grounds) Superintendent;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby accept the low bid submitted by and does hereby award the contract to Majic Construction in the amount of Fifty-seven Thousand Four Hundred Dollars (\$57,400) for the aforementioned renovation project; and be it

FURTHER RESOLVED that the Town Attorney be, and he hereby is, authorized and directed to prepare the necessary contract documents and that the Town Supervisor be, and he hereby is, directed to sign all necessary contract documents for this project.

The Town Board members were polled and voted as follows:

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

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

Sedgewick Park – Stormwater drainage resolution

Highway Superintendent Sherman had obtained two (2) quotes for the Sedgewick Park stormwater drainage project (\$16,342 and \$14,500); easements are needed from three (3) property owners along with the required insurance documents and the Town Attorney can prepare the necessary documents. Councilman Reynolds offered the following Resolution for adoption and Councilman Miscione seconded same:

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(RESOLUTION NO. 154 OF 2012)

RESOLVED that, subject to the execution of the easement documents and pending an agreement with Mr. Cragnolin, the Town Board of the Town of New Hartford does hereby accept the low quote of and does hereby award the contract to Peck Construction, Deansboro, New York in the amount of Fourteen Thousand Five Hundred Dollars (\$14,500) for the Sedgewick Park stormwater drainage project.

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

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

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

Rayhill Memorial Trail Extension – engineering services

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

(RESOLUTION NO. 155 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 of New Hartford and Lochner Engineering for engineering services related to the Extension of the Rayhill Memorial Trail to include, but not be limited to, drafting specifications, inspection services, the competitive bid process and general engineering work, at a cost not to exceed Eighteen Thousand Nine Hundred Dollars (\$18,900), for the Town's in-kind services.

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

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

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

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Grant - Sauquoit Creek Cleanup

Highway Superintendent Sherman reported that Town residents and several other local municipalities situated along the Sauquoit Creek will benefit from a National Emergency Grant being provided to Oneida County through the State Department of Labor for the extensive clean-up of Sauquoit Creek. Monies in the amount of \$405,728 will cover the cost of equipment and project supervision. The allocation of additional funding in the amount of \$400,000 will be used to hire manpower required to eliminate the accumulated debris and garbage along the 26-mile Creek and its tributaries. Of the 29 unemployed workers hired by the State for this project, the Town of New Hartford will be given 23 and the Town must provide two (2) Town employees as Leaders for the group of 23. The State Department of Labor will reimburse the Town for the number of hours dedicated by the Highway Superintendent and Leaders for inspection/oversight services. The project will commence Monday, June 18, 2012 and end on or about October 1, 2012.

Town Clerk Committee – Councilman Woodland

Standard Work Day - Retirement

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

(RESOLUTION NO. 156 OF 2012)

BE IT RESOLVED that the Town of New Hartford hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees’ Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body.

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Tier 1 (Check only if member is in Tier 1)	Not Submitted (Check box if no record of activities completed or timekeeping system)
Elected Officials									
Councilman	Paul Miscione	8072	5057373-2	6	01/01/12-12/31/15	N	10.72	<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>
Appointed Officials									
Finance Director	Daniel Dreimiller	3021	50321306	6	01/01/12-12/31/12	N	14.29	<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>

Whereupon, the Town Supervisor polled the Board:

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

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Councilman Backman - Aye
Supervisor Tyksinski - Aye.

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

Authorization to close former Receiver of Taxes checking account – Bank of America

Upon request of Town Clerk (Receiver) Gail Wolanin Young, Councilman Backman introduced the following Resolution for adoption; seconded by Councilman Miscione:

(RESOLUTION NO. 157 OF 2012)

WHEREAS, by means of a Local Law and mandatory referendum, the Office of Receiver of Taxes and Assessments had been abolished effective December 31, 2011, with all powers and duties of said former office having been transferred to the Office of Town Clerk effective January 1, 2012;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct Town Clerk (Receiver) Gail Wolanin Young to close Checking Account No. 0070 5012 5763 in the name of “Town of New Hartford, Hilarie Elefante Tax Collector” at the Bank of America, effective immediately.

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

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

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

Willowvale Fire Company, Inc. – SAP; Single Signatory on documents

At the request of Affordable Benefit Concepts, Inc., Councilman Reynolds offered the following Resolution for adoption; seconded by Councilman Backman:

(RESOLUTION NO. 158 OF 2012)

RESOLVED that the New Hartford Town Board does hereby clarify that the Town requires only a single signature, that of either the Town Supervisor or the Deputy Town Supervisor, on documents/contracts associated with the Willowvale Fire Company, Inc. Special Awards Program.

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Thereafter, the Supervisor polled the Town Board members who voted as follows:

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

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

Mud Creek engineering

Councilman Miscione is working on this matter.

Cristiano Subdivision – Lindale Ave Extension/Cul-de-sac

The Town Attorney noted that years ago the Town Planning Board had approved a 3-lot subdivision (Cristiano property) based upon the “hammer-head” road to be owned and dedicated as a Town road, however, Mr. Cristiano would be responsible for maintaining and plowing it. Mr. Cristiano subsequently asked the Town Board to accept it as a town road formally and nothing was done. Attorney Cully stated that the Town cannot delegate plowing/maintaining of a Town road for liability reasons. The Planning Board recently approved that the “hammer-head” is to be enlarged and allow the Highway Department to get in with a truck and plow. After some discussion, the Town Board took no action on dedication of the “hammer-head” as per signed plans approved by the Planning Board on June 11, 2012. [NOTE: Refer to minutes of Town Board April 25, 2012 and July 20, 2005.]

Engineering Report from Barton & LoGuidice

Change Order #1 for Elm Street Bridge Over Sauquoit Creek – Bank Repairs

Upon presentation of Charles White from Barton & LoGuidice, Councilman Backman offered the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 159 OF 2012)

WHEREAS, by Resolution No. 50 adopted on March 14, 2012, the Town Board of the Town of New Hartford awarded the contract to Central New York Construction, Inc. for the ***Elm Street Bridge over Sauquoit Creek Bank Repairs*** project in the amount of \$33,700; and

WHEREAS, unexpected conditions under the existing wing wall of the bridge required additional work to be performed;

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NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby accept and approve Change Order No. 1 in the amount of One Thousand Two Hundred Sixty-six Dollars and Fifty Cents (\$1,266.50) for installation of a closure pour for the new block wall and does further hereby authorize and direct the Town Supervisor to execute said Change Order.

A roll call vote ensued:

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

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

Change Order #2 for contract Phase I New Hartford Business Park

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

(RESOLUTION NO. 160 OF 2012)

RESOLVED that the New Hartford Town Board does hereby accept and approve Change Order #2, a deduct item relating to sidewalks in the New Hartford Business Park and does further authorize and direct the Town Supervisor to enter into and to execute said Change Order #2, which reduces the contract with Fred Burrows Excavating by approximately \$75,000.

The Town Supervisor stated that developer Lawrence Adler agreed in a letter that he would complete sidewalks as additional buildings are constructed within the Business Park; this would allow Burrows to close out the contract. The foregoing Resolution was duly put to a vote upon roll call:

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

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

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MATTERS SUBMITTED BY TOWN SUPERVISOR

Finance:

Monthly Finance Report

In the absence of the Finance Director, Supervisor Tyksinski distributed the monthly financial report.

Audit of Vouchers

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

(RESOLUTION NO. 161 OF 2012)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the payment of the bills itemized on the following Abstracts, which had been duly audited by the Town Board:

Applewood Traffic Signal Abstract #3	
Vouchers HI3-HI5	\$ 7,495.70
Clinton Street Extension Abstract #4	
Vouchers HD14	\$ 77.00
Communications Abstract #4	
Vouchers HL12-HL14	\$ 9,546.52
Elm Street Bridge Repair Abstract #2	
Vouchers HB2-HB3	\$ 47,723.42
Elm Street Creek Banks Abstract #3	
Vouchers HN5-HN6	\$ 2,452.74
Elm Street Creek Banks Abstract #4	
Voucher HN7	\$ 34,966.50
General/Part-Town Police Abstract #14	
Vouchers BP100-BP102	\$ 33,982.09
General Part-Town Police Abstract #15	
Vouchers BP103-BP124	\$ 25,313.02
General/Part-Town Abstract #18	
Vouchers BB83-BB85	\$ 5,848.01
General/Part-Town Abstract #19	
Vouchers BB86-BB102	\$ 4,819.37
General/Whole-Town Abstract #20	
Vouchers AA560	\$ 488.18
General/Whole-Town Abstract #21	
Vouchers AA561-AA572	\$ 26,714.88

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General/Whole-Town Abstract #22	
Vouchers AA573-AA576	\$ 4,058.67
General/Whole-Town Abstract #23	
Vouchers AA580-; AA582-AA705	\$ 82,402.82
Highway/Part-Town Abstract #8	
Vouchers DB333-DB400	\$ 117,178.97
Route 840 Access Ramp Abstract #4	
Vouchers HE6-HE8	\$ 1,338.90
Sewer Abstract #16	
Vouchers SS47-SS49	\$ 1,260.91
Sewer Abstract #17	
Vouchers SS50	\$ 432.75
Sewer Abstract #18	
Vouchers SS51-SS52	\$ 3,305.59
Stormwater Series II Abstract #5	
Vouchers HK10-HK14	\$ 8,463.63
Street Lighting Abstract #6	
Voucher SL6	\$ 7,667.96
Street Lighting Abstract #7	
Voucher SL7	\$ 7,373.44
Trust and Agency Abstract #21	
Voucher TT87	\$ 11,054.05
Trust and Agency Abstract #22	
Vouchers TT88-TT96	\$ 14,193.19
Trust and Agency Abstract #23	
Vouchers TT97-TT98	\$ 4,910.32
Trust and Agency Abstract #24	
Voucher TT99	\$ 10,000.00
Trust and Agency Abstract #25	
Vouchers TT100-TT107	\$ 14,778.79
Trust and Agency Abstract #26	
Vouchers TT108-116	\$ 13,971.88
Trust and Agency Abstract #27	
Vouchers TT117-TT118	\$ <u>43.07</u>
TOTAL:	\$ 501,862.37

Upon roll call, the Board members voted as follows:

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

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Supervisor Tyksinski - Aye.

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

Lighting – Donovan Memorial Park, Chadwicks

After explanation of the Town Supervisor who met with other Town officials and National Grid at the Donovan Memorial Park regarding vandalism, Councilman Backman offered the following Resolution for adoption and Councilman Miscione seconded same:

(RESOLUTION NO. 162 OF 2012)

RESOLVED that the New Hartford Town Board does hereby approve the lighting plan submitted by National Grid for the installation of eight (8) lights at six (6) different locations within the Donovan Memorial Park, Elm Street, Chadwicks at a cost of \$4,703.41 and does further authorize and direct the Town Supervisor to enter into and to execute all contract documents related thereto.

Parks and Recreation Director Michael Jeffery inquired if National Grid would replace any bulbs that might be broken and the Town Supervisor replied that the plan/contract is supposed to be all-inclusive.

A roll call vote was held and resulted as follows:

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

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

Proposed Entrance Fees to Parks

The Town Supervisor asked the Board members to consider the idea of implementing entrance fees to the Town's three (3) parks. The Town Attorney had contacted the state about this and while the Town cannot prevent people from coming into the parks, the Town could charge an entrance fee different from residents/non-residents. The matter will be discussed at the July 11, 2012 Town Board meeting.

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Status of Stormwater Management (Advisory) Improvement Committee

The Town Supervisor's Office will post the Stormwater Committee on its web site, noting who the incumbents are and seeking applicants who might be interested in filling any vacancies.

Franchise Agreement – Time Warner Cable

To Councilman Backman's inquiry, the Town Supervisor responded that resident Sidney Perry has been working on this matter, trying to have a joint meeting with the Town Supervisors in Oneida County as a consortium to review the television franchise agreement.

EXECUTIVE SESSION

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

(RESOLUTION NO. 163 OF 2012)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the Town's litigation strategy in the matter of the Town of New Hartford vs Ralph Humphreys.

A roll call vote ensued:

Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	ABSENT
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 10:00 P.M. The Town Attorney and Deputy Supervisor remained for the Executive Session.

[NOTE: The Town Attorney provided the following transcription on Friday, June 15, 2012.]

END OF EXECUTIVE SESSION

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

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(RESOLUTION NO. 164 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	-	ABSENT
Councilman Backman	-	Aye
Supervisor Tyksinski	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 10:21 P.M. The regular 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, the meeting was adjourned at 10:22 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk