

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, NOVEMBER 7, 2012 AT 6:57 P.M.**

Town Supervisor Patrick Tyksinski called the meeting to order at 6:57 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 Booth
Deputy Supervisor Matthew Bohn
Highway Superintendent Richard Sherman
Parks & Recreation Director Michael W. Jeffery
Police Chief Michael Inserra
Town Attorney Herbert J. Cully
Town Clerk Gail Wolanin Young

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

MINUTES APPROVAL

October 24, 2012 Town Board meeting

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

(RESOLUTION NO. 250 OF 2012)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the *Regular* Town Board meeting held *October 24, 2012* and does further waive the reading of the same.

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

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

REGULAR TOWN BOARD MEETING

November 7, 2012

Page 2

Councilman Backman - Aye
Supervisor Tyksinski - Aye.

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

PUBLIC HEARING

6:59 P.M. 2013 Preliminary Budget, including
Special Districts

At 6:59 P.M. the Town Supervisor opened the Public Hearing on the 2013 Preliminary Budget. The Town Clerk had available the Notice of Public Hearing, Proof of Publication (October 31, 2012 edition of The Observer Dispatch), and Affidavit of Posting. The purpose of the Hearing was to offer the citizens an opportunity to speak for or against, or to comment upon the 2013 Preliminary Budget as a whole, or any part thereof. The Town Supervisor reviewed the proposed tax rates on the Summary page:

- General Fund Whole-Town: \$1.0709, the same as the current year
- General Fund Part-Town: No tax rate
- General Fund Part-Town Police: \$1.8246, essentially the same as the current year
- Highway Fund Whole-Town: No tax rate
- Highway Fund Part-Town: No tax rate

including the following special districts, the assessment rolls of which were available for review by the public:

- Fire Protection Districts 1 & 2: \$0.7164/per M, down from \$0.72/per M
- Fire Protection District 3: \$0.7404/per M
- Fire Protection District 4: \$2.6124/per M, down from \$2.651/per M
- Fire Protection District 5: \$0.8395/per M, down from \$0.8808/per M
- Lighting Districts (about 25):
- Consolidated Sewer District (1): \$0.4056/per M, down from \$0.4106/per M
- Consolidated Sewer District (2): Unit charge of \$20
- Woodberry Hills Sewer District: \$0.5440/per M, up from \$0.5384/per M
- Clinton Street Sewer District: \$0.3178/per M, down from \$0.8179/per M; and a \$20 unit charge
- Various Water Funds

Supervisor Tyksinski noted that the total appropriations in the 2013 Preliminary Budget were \$13,817,510 compared to \$14,048,950 in the 2012 Budget.

REGULAR TOWN BOARD MEETING

November 7, 2012

Page 3

For those wishing to speak on the 2013 Preliminary Budget, the Town Supervisor requested that persons keep their comments to three (3) minutes. No one came forth to speak. The Town Board agreed to keep the Public Hearing open for persons who might appear later in the meeting.

PUBLIC PRESENTATIONS (Resident Comments)

The Town Supervisor invited anyone in attendance that wished to address the Town Board, to come forth. No one came forth.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRPERSON

Senior Citizens Committee – Councilman Reynolds:

2012 Donation/Budget adjustment

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

(RESOLUTION NO. 251 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 Seventy-five Dollar (\$75.00) donation from the Health Fair to be used for senior citizen activities at the New Hartford Adult Dining and Activity Center; and be it

FURTHER RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Finance Department to make the following 2012 budget adjustments for the New Hartford Adult Dining and Activity Center:

- Increase General Fund Whole-Town Contractual Account A6772.4 - \$75.00
- Increase General Fund Whole-Town Revenue A2705.1 - \$75.00.

A roll call vote ensued:

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

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

REGULAR TOWN BOARD MEETING
November 7, 2012
Page 4

Parks and Recreation Committee – Councilman Reynolds:

Agreement – Ice Rental

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

(RESOLUTION NO. 252 OF 2012)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Ice Rental Agreement for the 2012-2013 Ice Season between the Town of New Hartford and the New Hartford High School Hockey team and which group has provided the Town with the appropriate Certificate of Insurance, contingent upon review and approval of the Town Attorney.

The Town Board members were polled and voted as follows:

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

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

MATTERS SUBMITTED BY COUNCILMEN / TOWN ATTORNEY

Town Attorney:

Eminent Domain (Scardina) – Beechwood Road Drainage Improvement Project

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

(RESOLUTION NO. 253 OF 2012)

RESOLVED that the New Hartford Town Board does hereby amend Resolution No. 189 adopted on July 11, 2012 in the matter of the Beechwood Road Drainage Improvement Project; specifically, that the appraisal value of the permanent easement on the Scardina's Beechwood Road property and cost of obtaining the appraisal is accepted by the Town Board in the sum of One Thousand Five Hundred Seventy-five Dollars (\$1,575) and does further authorize and direct that a check be tendered to the Scardinas for that amount.

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

REGULAR TOWN BOARD MEETING

November 7, 2012

Page 5

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

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

Douglas Case Lawsuit vs Town of New Hartford

The Town Attorney reported that the Town was successful in the Case lawsuit against the Town and that the Town could seek reimbursement of attorney fees for this litigation. Mr. Case has alleged that his attorney missed some deadlines. If the Town waives being reimbursed attorney fees, the Plaintiff (Mr. Case) will give up his right to appeal. Before any action is taken, Councilman Backman would like the exact figures that the Town's insurance company has expended. Attorney Cully will have this information for the November 14, 2012 Town Board meeting.

Rayhill Memorial Trail Extension

The Town Attorney reported that he has prepared the temporary and permanent easements on the Massoud property at no cost to the Town. Two (2) additional easements are necessary for the Trail extension to go forward – one on the O'Grady property and one on the McCraith property – and Attorney Cully suggested that the Misiaszek law firm be retained to secure these easements at their standard hourly rate. Councilman Backman requested the hourly rate amount and stated that he would like a "cap" on the expenses. The Town Attorney will have this information for the November 14, 2012 Town Board meeting.

MATTERS SUBMITTED BY TOWN SUPERVISOR

Financial:

Audit of Bills

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

(RESOLUTION NO. 254 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:

REGULAR TOWN BOARD MEETING
November 7, 2012
Page 6

Applewood Traffic Signal Imp. Abstract #6 Vouchers HI10	\$ 1,794.38
Stormwater Series II Abstract #8 Vouchers HK20-HK21	\$ 2,939.20
Communications Abstract #9 Vouchers HL26	\$ 203.00
Street Lighting Fund Abstract #11 Vouchers SL12	\$ 7,655.90
Street Lighting Fund Abstract #12 Vouchers SL13	\$ 8,113.56
Trust & Agency Fund Abstract #41 Vouchers TT198-TT206	\$ 14,134.63
Trust & Agency Fund Abstract #42 Vouchers TT207-TT214	\$ 14,638.59
Trust & Agency Fund Abstract #43 Vouchers TT215-TT216	\$ 4,948.06
Trust & Agency Fund Abstract #44 Vouchers TT217-TT219	\$ 5,602.35
Trust & Agency Fund Abstract #45 Vouchers TT220	\$ 76,089.52
Highway Fund Part-Town Abstract # 13 Vouchers DB615	\$ 100.00
Highway Fund Part-Town Abstract #41 Vouchers DB616-DB689	\$ 455,609.63
General Fund Whole-Town Abstract #39 Vouchers BB158-BB168; BB170-BBB172	\$ 4,300.75
General Fund Whole-Town Abstract #39A Vouchers A1169	\$ 2,500.00
General Fund Whole-Town Abstract #40 Vouchers AA1173-AA1179	\$ 25,305.94
General Fund Whole-Town Abstract # 41 Vouchers AA1180-AA1267; AA1269-AA1305	\$ 176,052.54
General Fund Whole-Town Abstract # 41A Vouchers A1306	\$ 1,575.00
General Fund Part-Town Abstract #28 Vouchers BB156-BB157	\$ 319.70
General Fund Part-Town Abstract #29 Vouchers BB158-BB160	\$ 5,894.14
General Fund Part-Town Abstract #30 Vouchers BB161-BB175	\$ 3,694.00

REGULAR TOWN BOARD MEETING

November 7, 2012

Page 7

General Fund Part-Town Police Abstract #24 Vouchers BP219-BP222	\$ 2,700.30
General Fund Part-Town Police Abstract #25 Vouchers BP223-BP225	\$ 34,195.38
General Fund Part-Town Police Abstract #26 Vouchers BP226-BP257	\$ 55,378.67
Sewer Fund Abstract #29 Voucher SS93	\$ 98.90
Sewer Fund Abstract #30 Voucher SS94-SS96	\$ 466.60
Sewer Fund Abstract #31 Voucher SS97-SS108	\$ <u>12,162.20</u>
TOTAL:	\$ 916,472.94

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

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

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

Proposed Windmill legislation

The Town Supervisor had been out of town since the October 24, 2012 Town Board meeting; he expects to have the legislation ready for the November 14, 2012 Town Board meeting.

New Position Duties Statement – Secretary to Town Planning Board

The Town Supervisor explained that, according to Civil Service rules and regulations, a part-time employee is not permitted to work more than half of the workweek for a full-time employee (e.g., limited to 17.5 hours for a 35-hour workweek, limited to 20 hours for a 40-hour workweek). To resolve the matter of part-time employee Dolores Shaw who is performing secretarial duties for the Codes Department, Planning Board and Zoning Board of Appeals, under one title, the Supervisor apprised the Board that two (2) new positions should be created; this matter has been discussed with the Oneida County Department of Personnel. Thereafter, Councilman Miscione introduced the following Resolution for adoption and Councilman Woodland seconded same:

REGULAR TOWN BOARD MEETING
November 7, 2012
Page 8

(RESOLUTION NO. 255 OF 2012)

RESOLVED that the Town Board of the Town of New Hartford does hereby create the exempt position of Secretary to the Town Planning Board effective Monday, November 12, 2012 and does further authorize and direct the Town Personnel Technician to submit Form MSD-222, New Position Duties Statement, to the Oneida County Department of Personnel; and be it

FURTHER RESOLVED that the Town Board does hereby appoint Dolores B. Shaw to fill the exempt position of Secretary to the Town Planning Board effective November 12, 2012 at her current hourly rate, payable bi-weekly, with no benefits.

Upon roll call, the Board members voted as follows:

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

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

New Position Duties Statement – Secretary to Zoning Board of Appeals

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

(RESOLUTION NO. 256 OF 2012)

RESOLVED that the Town Board of the Town of New Hartford does hereby create the exempt position of Secretary to the Zoning Board of Appeals effective Monday, November 12, 2012 and does further authorize and direct the Town Personnel Technician to submit Form MSD-222, New Position Duties Statement, to the Oneida County Department of Personnel; and be it

FURTHER RESOLVED that the Town Board does hereby appoint Dolores B. Shaw to fill the exempt position of Secretary to the Zoning Board of Appeals effective November 12, 2012 at her current hourly rate, payable bi-weekly, with no benefits.

The foregoing Resolution was subject to a vote upon roll call:

Councilman Miscione	-	Aye
Councilman Woodland	-	Aye

REGULAR TOWN BOARD MEETING

November 7, 2012

Page 9

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

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

New Position Duties Statement – Court Attendants

The Town Supervisor noted that a similar situation exists in the Police Department where three (3) part-time police officers also work as Court Attendants and have been paid under the police wages instead of courts. Three (3) new positions need to be created. Councilman Reynolds offered the following Resolution for adoption; seconded by Councilman Backman:

(RESOLUTION NO. 257 OF 2012)

RESOLVED that the Town Board of the Town of New Hartford does hereby create three (3) part-time positions of Court Attendant, effective Monday, November 12, 2012 and does further authorize and direct the Town Personnel Technician to submit Form MSD-222, New Position Duties Statement, to the Oneida County Department of Personnel.

Upon roll call, the Board members voted as follows:

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

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

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

Supervisor Tyksinski noted that Mr. Cristiano came to the Town a couple months ago with regard to a cul-de-sac off Lindale Ave [NOTE: Refer to minutes of April 25, June 13 and July 11, 2012]. The Town came to an agreement that Mr. Cristiano would give the Town land if the Town wanted to build a cul-de-sac. A survey is now needed and Anthony DeNigro, Surveyor, estimates the survey work at about \$1600, which includes surveying all four (4) lots affected. Thereafter, Councilman Backman introduced the following Resolution for adoption; seconded by Councilman Woodland:

REGULAR TOWN BOARD MEETING
November 7, 2012
Page 10

(RESOLUTION NO. 258 OF 2012)

RESOLVED that the New Hartford Town Board does hereby authorize and direct Anthony DeNigro to perform the requisite survey work with regard to the Cristiano Subdivision at the end of Lindale Ave, of which Mr. Cristiano is deeding land to the Town of New Hartford in accordance with Resolution No. 171, adopted at a regular Town Board meeting on July 11, 2012, and does further authorize and direct the expenditure of Sixteen Hundred Dollars (\$1600) for said survey work.

A roll call vote ensued:

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

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

Procurement Policy Amendment – Petty Cash/Parks Department

Upon request of the Finance Director, Councilman Reynolds offered the following Resolution for adoption and Councilman Backman seconded same:

(RESOLUTION NO. 259 OF 2012)

RESOLVED that the New Hartford Town Board does hereby increase the current Petty Cash Fund of One Hundred Dollars (\$100) for the Parks Department to Two Hundred Fifty Dollars (\$250) and that the Town’s Procurement Policy be amended accordingly.

The Town Board members then voted upon roll call:

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

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

PUBLIC HEARING (Cont’d)

REGULAR TOWN BOARD MEETING

November 7, 2012

Page 11

There having been no one who appeared to speak for, against, or to comment upon the 2013 Preliminary Budget, the Public Hearing was declared closed at 7:16 P.M.

The Town Supervisor inquired if the Board wanted any discussion on the budget; if not, he asked for a motion to approve. Councilman Reynolds asked for verification that certain figures had been added to the Parks and Recreation Department appropriations and expenses.

Citizens Committee – Comprehensive Plan Update

Board members recommended the following persons to serve on a citizens advisory committee for update of the Town's 2007 Comprehensive Plan:

- Councilman Woodland - John Kivela, 6 Cone Circle
- Councilman Reynolds - Richard Pratt,
- Councilman Backman - Ralph Humphreys, Tibbitts Road
- Councilman Miscione – Jane Blaszcak of New York Mills
- Supervisor Tyksinski – John Maya, 1 Jordan Road

Grange Hill Road – Petition for water

Councilman Backman reported that he's still working on the Grange Hill water petition and talking with Assessor and trying to find a couple solutions.

2013 Preliminary Budget (Cont'd)

Board members had noticed changes between the yellow copies of the 2013 Preliminary Budget provided by the Town Clerk and the copies that the Finance Director had just distributed. The Town Board then reviewed those changes with the Finance Director. It was noted that the Records Management Account had been decreased and that the Swim Program had been placed back in the Preliminary Budget with the associated expenses such as the employer's share of social security. To Councilman Reynolds' inquiry whether these numbers actually tie into the budget summary sheet, the Finance Director said yes, he was positive. The Supervisor requested the Finance Director to provide the up-to-date budget sheets in General Fund Whole-Town; although the Finance Director had e-mailed the changes to the Councilmen, he had not forwarded a corrected Preliminary Budget to the Town Clerk and the Supervisor requested that he give the Town Clerk an entirely new budget. The correct appropriations total for General Fund Whole-Town should be \$4,263,764 with revenues totaling \$2,864,162, so that the total 2013 Preliminary Budget is \$13,838,224 rather than \$13,817,510 as previously reported during the Public Hearing.

As he did at the October 24, 2012 Town Board meeting, Councilman Backman asked about the new line item in the 2012 Annual Budget for OCIDA payments. He noticed this line item was not in the 2013 Preliminary Budget. The Supervisor reiterated that this

REGULAR TOWN BOARD MEETING

November 7, 2012

Page 12

line item “is a wash”...it had never been included before...it was just a tracking mechanism. Councilman Backman said he prefers it be included in the budget. The Supervisor said if the Board wants it in, the Finance Director will put it in.

Councilman Backman also had concerns about:

- moving Police debt to whole-town General Fund
- about the \$1.4 million owed the Sewer Fund

The Supervisor stated that the Sewer Fund has already been paid down \$100,000 since he took office. The Finance Director and he have discussed this and will look at it at end of the year. Lengthy discussion ensued after which Councilman Reynolds acknowledged that the Sewer Fund debt has decreased and that the Town Supervisor says he'll look at this at the end of 2012, and he will check up on this to make sure it happens.

A lengthy discussion also ensued about the New Hartford Public Library, which appears to be experiencing monetary troubles. The Supervisor and Deputy Supervisor have discussed this alone and with Library representatives, and made suggestions, on several occasions, but nothing seems to be done...can't make them change.

The Town Board deferred action on the 2013 Preliminary Budget until the November 14, 2012 Town Board meeting.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilman Backman and seconded by Councilman Miscione, the meeting was adjourned at 8:20 P.M.

Respectfully submitted,

Gail Wolanin Young
Town Clerk