

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, DECEMBER 12, 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 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

November 14, 2012 Town Board meeting

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

(RESOLUTION NO. 268 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 *November 14, 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

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Councilman Backman - Aye
Supervisor Tyksinski - Aye.

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

PRESENTATIONS (Resident Comments)

The Town Supervisor announced that any resident wishing to address the Town Board may do so at this time, limiting their comments to three (3) minutes.

- Windmill legislation: Mark Krawnsinski inquired about the status of the windmill legislation

Supervisor Tyksinski responded that this matter is being worked on and that the Town Attorney is reviewing the Town of Litchfield's legislation on windmills that Councilman Reynolds had brought forth.

- Collocation of Cellular tower on water tank: The following persons spoke with regard to the recent activity of surveyors on Gilbert Road who were allegedly performing a survey for Verizon Wireless, a public utility intending to attach wires/antennae on an existing water tank:
 - James Zalewski, 111 Gilbert Road
 - Joseph Silberlicht, 1 Crawford Lane
 - Hugh MacIsaac, 101 Sanger Ave
 - Thomas Krol, 113 Gilbert Road
 - Frederick Deck, 115 Gilbert Road.

Concerns of the residents included:

- that Town Code allows such activity and only requires that a building permit is obtained without any review or other particular parameters. Does the existing water tower conform to existing standards and with a simple building permit? Does it require a variance or further review?
- construction of this type is dangerous to the neighboring residential properties and residents:
 - ice falling from antennae
 - fall zone of antennae
 - radiation levels affecting health of residents; higher risk for those already diagnosed with cancer

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- that the water tank might be sub-standard and not providing the service it had meant to when constructed
- decrease in property values and increased business traffic
- change in the purpose of the site, additional electronic gear and absence of a road to the site.

The residents asked that the cellular tower be moved to another location where it wouldn't impact children growing up, to a site a little more remote from where people live.

The Town Supervisor noted that Codes Enforcement Officer Joseph Booth is looking into this matter and has discussed it with the Town Attorney and anticipates an opinion at the December 19, 2012 Town Board meeting.

After further discussion with the residents including whether a temporary moratorium could be imposed on this matter, Councilman Reynolds introduced the following Resolution for adoption, seconded by Councilman Backman:

(RESOLUTION NO. 269 OF 2012)

RESOLVED that, if Verizon Wireless, or its designated representative(s), submit a Building Permit Application to the Town Codes Department for the co-location of a cellular tower on the existing Gilbert Road water tank, Codes Enforcement Officer Joseph Booth shall refer said application to the engineer(s) for the Town of New Hartford for their review as to the structure ability to handle the cellular antennae and to the Town Board for their review, prior to approving the Building Permit Application.

Thereafter, a roll call vote was held and resulted as follows:

Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye, noting that

“..we’re seeing more and more antennae and this is in the midst of a residential neighborhood.” He acknowledged that there has been inadequate water pressure for a number of years.

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

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

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REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRPERSON

Zoning (Codes) & Planning Committee – Councilman Miscione:

Training

Upon request of the Codes Enforcement Officer, the following Resolution was introduced for adoption by Councilman Reynolds and duly seconded by Councilman Miscione:

(RESOLUTION NO. 270 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 Assistant Codes Enforcement Officer Carmen Luppino to attend the seminar “9B-0754 Introduction to Code Enforcement Practices, Part II” from December 11 – December 13, 2012 in Syracuse, New York, with mileage expenses to be borne by said Town provided that Mr. Luppino does not drive a Town vehicle; the seminar is free.

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.

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

Town Clerk Committee – Councilman Woodland

Deer Depredation – Confinement of Dogs

Upon presentation by the Town Clerk, Councilman Woodland offered the following Resolution for adoption, seconded by Councilman Reynolds:

(RESOLUTION NO. 271 OF 2012)

RESOLVED that, in accordance with Local Law No. Seven of 2010 (Chapter 56, DOGS AND PETS) of the Town Code, the New Hartford Town Board does hereby institute a quarantine on dogs for the protection of deer in the Town of New Hartford. All dogs

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shall be securely confined during a period of time beginning twenty-four (24) hours after publication of a legal notice in the Town’s official newspaper and continuing until April 15, 2013. The Town Clerk is hereby authorized and directed to publish such legal notice in The Observer Dispatch on December 15, 2012. Any dog found chasing or worrying deer during said quarantine could be seized. A dog that attacks a deer at any time shall be in violation of this Law and shall be subject to fines.

Upon roll call, the Town Board members 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***.

Standard Work Day - Retirement

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

(RESOLUTION NO. 272 OF 2012)

BE IT RESOLVED that the Town of New Hartford hereby establishes the following as the standard work day 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.

(C O P Y I N C H A R T EXCEL...) 10.29 days per bi-weekly pay period, or 20.58 days per month

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Whereupon, the Town Supervisor polled the Board:

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

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

Fee – Verification for tax payment inquiries

Since taking over the tax collection process in January 2012, the Town Clerk/Collector's office has processed approximately 2,000 tax payment and bill inquiries for current and past tax collections for town and county taxes and school taxes; requests are received from escrow companies, attorneys and property owners and many times, numerous requests for the same property, same years. As this continues to be a year-round task, the Town Clerk recommended that the Town Board establish a Two Dollar (\$2) fee for these verifications, similar to what the Oneida County Finance Department charges. After Board discussion, the following Resolution was offered for adoption by Councilman Backman and duly seconded by Councilman Miscione:

(RESOLUTION NO. 273 OF 2012)

RESOLVED that the New Hartford Town Board does hereby establish the following fee schedule for verification of taxes paid and/or duplicate bills, effective January 1, 2013:

- No fee for phone verification of Town and County tax payments for any years
- No fee for phone verification of School tax payments for any years
- Two Dollars (\$2) for paper verification of Town and County tax payments, per year requested; duplicate bills
- Two Dollars (\$2) for paper verification of School tax payments, per year requested; duplicate bills.

The Town Board voted upon roll call:

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

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

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Purchasing (Procurement) Policy – Update

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

(RESOLUTION NO. 274 OF 2012)

WHEREAS, the State of New York has amended the thresholds under General Municipal Law, 103, governing contracts of Political Subdivisions requiring the competitive bidding process;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby amend its Purchasing Policy to reflect the State’s current competitive bidding process, and specifically, the current amounts allowed for purchases before the competitive bidding process is required:

- Purchase Contracts - \$20,000
- Contracts for Public Works - \$35,000.

A roll call vote ensued:

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

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

Parks and Recreation Committee – Councilman Reynolds:

Parks & Recreation Advisory Committee

At the November 28, 2012 Parks & Recreation Advisory Committee meeting, the Parks and Recreation Director had distributed a list of completed projects and submitted a report for review. Parks and Recreation Director Jeffery also submitted a capital project list to be considered for years 2013 – 2016.

Seasonal appointments

Upon recommendation of the Parks and Recreation Director, Councilman Reynolds offered the following Resolution for adoption; seconded by Councilman Woodland:

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(RESOLUTION NO. 275 OF 2012)

RESOLVED that the New Hartford Town Board does hereby appoint the following individuals to the various part-time seasonal positions and for the hourly wages set opposite their several names, for the Parks and Recreation Department, commencing December 10, 2012 and ending *March 31 and **March 26, 2013; all wages to be paid bi-weekly:

<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
*Harold Kaffka	Recreation Leader II	\$14.75/hour
**Dennis Philipkoski	Recreation Leader	\$10.75/hour.

Whereupon, the Town Board voted upon roll call:

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

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

Senior Citizen Committee – Councilman Reynolds:

2012 Donations/Budget adjustment

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

(RESOLUTION NO. 276 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 Three Hundred Twenty Dollar (\$320.00) donation from CDPHP and Fifty Dollar (\$50.00) donation from Margaret Fariello 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 - \$370.00

- Increase General Fund Whole-Town Revenue A2705.1 - \$370.00.

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A roll call vote ensued:

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

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

Public Works and Sewer Committee – Councilman Reynolds:

Budget Adjustment – Purchase of Equipment

Upon request of the Highway Superintendent and presentation by the Finance Director, Councilman Reynolds offered the following Resolution for adoption, seconded by Councilman Miscione:

(RESOLUTION NO. 277 OF 2012)

WHEREAS, Highway Superintendent Sherman would like to purchase a trailer to replace an existing obsolete trailer (25 years old, plus); and

WHEREAS, the Highway Superintendent has sufficient unexpended funds in Highway Part-Town Account DB5130.40 that could be used toward said purchase;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Finance Department to make the following 2012 budgetary adjustments to cover the cost of a new trailer:

- Decrease Highway Part-Town Account DB5130.43 – Items for stock - \$7,000
- Increase Highway Part-Town Account DB5130.02, Equipment - \$7,000.

Upon roll call, the Town Board 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**.

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Declaration of Surplus Highway Vehicle/Equipment – Authorization to Sell

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

(RESOLUTION NO. 278 OF 2012)

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

<u>Year</u>	<u>Make/Model</u>	<u>VIN</u>
1996	International Dump Truck	IHTGKAER0TH342076
(None)	Trailer home-made by employees	None

And be it

FURTHER RESOLVED that the aforesaid vehicle/equipment shall be placed for sale through Auctions International at no cost to the Town and once sold, the Town Clerk's office shall be notified and shall arrange to terminate insurance coverage on said vehicles.

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

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

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

Resolution Authorizing the Execution and Delivery of a Master Lease Agreement, Equipment Schedule No. 01 and Related Instruments, and Determining Other Matters in Connection Therewith - Two (2) New 2013 Mack Trucks

The following Resolution, required by Municipal Leasing Company in addition to the November 14, 2012 Resolution No. 267 adopted by the Town Board, was offered for adoption by Councilman Reynolds and seconded by Councilman Backman:

(RESOLUTION NO. 279 OF 2012)

WHEREAS, the governing body of **TOWN OF NEW HARTFORD, NY** ("Lessee") desires to obtain certain equipment (the "Equipment") described in Equipment Schedule No. 01 to the Master Lease Agreement (collectively, the "Lease") with **MUNICIPAL**

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LEASING CONSULTANTS, LLC, the form of which has been available for review by the governing body of Lessee prior to this meeting; and

WHEREAS, the Equipment (two [2] new 2013 Mack trucks, VIN 1M2AX08C9DM001785 with attachments and VIN 1M2AX08C7DM001784 with attachments) is essential for the Lessee to perform its governmental functions; and

WHEREAS, the funds made available under the Lease will be applied to the acquisition of the Equipment in accordance with such Lease; and

WHEREAS, Lessee has taken the necessary steps, including those relating to any applicable legal bidding requirements, to arrange for the acquisition of the Equipment; and

WHEREAS, Lessee proposes to enter into the Lease with **SUNTRUST EQUIPMENT FINANCE & LEASING CORP.** substantially in the form presented to this meeting;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF LESSEE AS FOLLOWS:

Section 1. It is hereby found and determined that the terms of the Lease in the form presented to this meeting and incorporated in this Resolution are in the best interests of Lessee for the acquisition of the Equipment.

Section 2. The Financing Documents and the acquisition and financing of the Equipment under the terms and conditions as described in the Financing Documents are hereby approved. The Town Supervisor of Lessee and any other officer of Lessee who shall have power to execute contracts on behalf of Lessee be, and each of them hereby is, authorized to execute, acknowledge and deliver the Financing Documents with any changes, insertions and omissions therein as may be approved by the officers who execute the Financing Documents, such approval to be conclusively evidenced by such execution and delivery of the Financing Documents. The Town Clerk of the Lessee and any other officer of the Lessee who shall have power to do so be, and each of them hereby is, authorized to affix the official seal of Lessee to the Financing Documents and attest the same.

Section 3. The proper officers of the Lessee be, and each of them hereby is, authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this Resolution and the Financing Documents.

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Section 4. Pursuant to Section 265(b) of the Internal Revenue Code of 1986, as amended (the “Code”), Lessee hereby specifically designates the Lessee as a “qualified tax-exempt obligation” for purposes of Section 265(b) (3) of the Code.

The Town Board members 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**.

Rayhill Memorial Trail Extension – Construction Inspection

Requests for Proposal (RFPs) for construction inspection have been received for the trail extension including a walking bridge. Upon recommendation of the Highway Superintendent, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Miscione:

(RESOLUTION NO. 280 OF 2012)

RESOLVED that the New Hartford Town Board does hereby accept the Request for Proposal submitted by Lochner Engineering, P.C., 181 Genesee Street, Suite 300, Utica, NY 13501 for the following project:

Phillip A. Rayhill Trail Extension, PIN 2650.20
Construction Inspection Contract
Lochner No. 5689

at a not-to-exceed amount of One Hundred Twenty-six Thousand Dollars (\$126,000) for this inspection phase; and be it

FURTHER RESOLVED that the Town Supervisor be, and he hereby is, authorized and directed to enter into and to execute an Agreement between the Town of New Hartford and Lochner Engineering, P.C. for the construction to be performed by the Town as well as a Contractor.

A roll call vote ensued:

Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye

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

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

MATTERS SUBMITTED BY COUNCILMEN / TOWN ATTORNEY

Councilman Backman:

Status of New Hartford Business Park

Councilman Backman inquired about the status of the New Hartford Business Park. Town Attorney Cully said he had met with various agency representatives and that the process of submitting final details is under way, then await approval and have the finalized agreement in a couple weeks. He clarified that “...all the Town and school did was sign a letter of intent to enter into an Allocation Agreement.”

New Hartford Public Library - Budget

Councilman Backman questioned if their budget was reasonable to operate. The Town Supervisor believes the Library could operate on a \$400,000 budget but noted there are inefficiencies. He took issue with the library proposing to close at 6:00 P.M. two nights a week instead of 9:00 P.M. and still be closed on Wednesdays. Councilman Backman thinks the Library will run out of money. Councilman Reynolds commented that the Library has given the Town Board their budget and if the Library has problems during the year, address it; he believed it's important for the Town to have the library; let's move on the budget and work with them and that's all there is. However, Councilman Reynolds did question the amount of money projected from fundraisers, like Councilman Backman, he felt it's unrealistic; too aggressive. Councilman Woodland favored monitoring the library on a monthly or quarterly basis before the Town's check is issued to them; he also was concerned with the number of hours being cut. Town Finance Director Daniel Dreimiller confirmed that the Library does not have a reserve fund for general use. Councilman Miscione agreed with Councilman Reynolds – the library is a pillar of the community; by cutting hours, it affects students and the working people; there's a decrease in use of the library. Supervisor Tyksinski will be meeting with Library Board President Linda Romano on December 21, 2012 and will relay the Town Board's concerns.

Cable Television Franchise & Fees

Addressing resident Sidney Perry, Councilman Backman asked where the Time Warner Cable franchise is standing. Mr. Perry said he's made a few calls, has traveled to Syracuse and Massena – they're having the same problems as we are – can't reach

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anyone on the (cable company) phone; contracts are not signed. The Town Supervisor has sent a letter to Albany asking for an audit but hasn't heard anything yet.

Councilman Reynolds:

Public Utility - Fees

Councilman Reynolds stated that Northland telephone company is running fiber optics throughout the town and he asked how the Town ensures it gets the money due us; the Assessor confirmed that new wires are being installed on poles for cable and telephone service. The Town Supervisor will check into this.

MATTERS SUBMITTED BY TOWN SUPERVISOR

Financial:

Monthly Financial Report

Finance Director Daniel Dreimiller will have copies of the November 2012 finances for the Town Board next week.

Audit of Vouchers

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

(RESOLUTION NO. 281 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 Imp. Abstract #7	
Vouchers HI11-HI12	\$ 848.70
Route 840 Access Ramp Abstract #7	
Vouchers HE13	\$ 2,727.61
Clinton Street Extension Abstract #6	
Vouchers HD17-HD18	\$ 82,449.63
N.H. Business Park Abstract #1	
Vouchers H01	\$ 79,683.39
Stormwater Series II Abstract #9	
Vouchers HK22-HK23	\$ 686.70
Communications Abstract #10	
Vouchers HL27-HL28	\$ 3,083.00

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Street Lighting Fund Abstract #13 Vouchers SL14	\$ 8,924.48
Trust & Agency Fund Abstract #46 Vouchers TT1221-TT229	\$ 14,296.83
Trust & Agency Fund Abstract #47 Vouchers TT230-TT231	\$ 4,914.42
Trust & Agency Fund Abstract #48 Vouchers TT232-TT239	\$ 14,106.49
Trust & Agency Fund Abstract #49 Vouchers TT240-TT248	\$ 14,178.49
Highway Fund Part-Town Abstract # 15 Vouchers DB690	\$ 27,965.92
Highway Fund Part-Town Abstract #16 Vouchers DB691-DB756	\$ 87,535.39
General Fund Whole-Town Abstract #42 Vouchers A1307-A1319	\$ 35,781.33
General Fund Whole-Town Abstract #43 Vouchers A1323-A1327; A1379-A1381	\$ 16,551.49
General Fund Whole-Town Abstract #44 Vouchers A1328-A1378; A1382-A1434	\$ 25,867.89
General Fund Whole-Town Abstract #45 Vouchers A1435	\$ 3,420.00
General Fund Part-Town Abstract #31 Vouchers BB176-BB178	\$ 5,894.14
General Fund Part-Town Abstract #32 Vouchers BB179-BB190	\$ 1,869.78
General Fund Part-Town Police Abstract #27 Vouchers BP258-BP260	\$ 34,004.75
General Fund Part-Town Police Abstract #28 Vouchers BP261	\$ 2,228.40
General Fund Part-Town Police Abstract #29 Vouchers BP262-BP285	\$ 13,888.25
Sewer Fund Abstract #32 Voucher SS109-SS111	\$ 1,360.28
Sewer Fund Abstract #33 Voucher SS112	\$ 3,215.28
Sewer Fund Abstract #34 Voucher SS113-SS116	\$ 9,356.45
TOTAL:	\$594,839.09

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Councilman Backman questioned a voucher(s) relating to a 2008 contract for the New Hartford Business Park. The Town Supervisor said he has scheduled a meeting with developer Lawrence Adler on December 14, 2012 and that he “is on top of this”; while the voucher(s) may be approved tonight, no checks will be released until the developer delivers money due the Town. Thereafter, upon roll call, the Board members 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***.

2012 Tax Collection – Close out Chase Bank lockbox

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

(RESOLUTION NO. 282 OF 2012)

WHEREAS, the New Hartford Town Board has authorized the establishment of a Lockbox account with M & T Bank for the 2013 Town and County tax collection period;

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby authorize and direct the Town Supervisor to close the Chase Bank Lockbox, Tax Collection Account No. 937774982, effective December 31, 2012.

A roll call vote ensued:

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

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

Contributions to health insurance premiums

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

(RESOLUTION NO. 283 OF 2012)

WHEREAS, during budget discussions at the October 24, 2012 Town Board meeting, the Board reached a consensus that non-union employees begin paying a portion of their monthly health insurance premiums;

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby establish policy that, effective January 1, 2013, all non-union employees and retirees shall begin contributing Fifteen Percent (15%) toward their monthly health insurance premiums to be initiated over a two-year period starting with 7.5% in 2013 and an additional 7.5% in 2014, so that subsequent years will be 15%; and be it

FURTHER RESOLVED that the Personnel Technician shall update the employee handbook to reflect this policy.

Whereupon, the Town Board 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**.

Subcontract for Fire Protection – Village of New Hartford and Clark Mills Fire Department

In 2008 the Village of New Hartford entered into a five (5) year Agreement to subcontract a portion of Fire District 1 and 2 with the Clark Mills Fire Department and specifically, twelve (12) parcels within the Town of New Hartford; that agreement ends December 31, 2012. A new Agreement has been presented for the Town Board's approval. The following Resolution was introduced for adoption by Councilman Reynolds and duly seconded by Councilman Miscione:

(RESOLUTION NO. 284 OF 2012)

WHEREAS, the current 5-year Agreement entered into between the Village of New Hartford and the Clark Mills Fire Department for the subcontract of a portion of Fire District 1 and 2 will expire on December 31, 2012;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby approve, subject to review and approval of Town Attorney Herbert Cully, the

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Subcontract Agreement for Fire Protection with the Village of New Hartford and the Village of New Hartford Fire Department, wherein said Village is hereby authorized to enter into a sub-lease agreement with the Clark Mills Fire Department who shall provide fire protection services for a portion of Fire District 1 and 2, as described in the original sub-lease agreement, for a five-year period commencing January 1, 2013 and ending December 31, 2017; and be it

FURTHER RESOLVED that the Village of New Hartford shall pay the Clark Mills Fire Department the amount set forth in said Agreement for the years 2013 through 2017, inclusive, and that the Town Board does hereby authorize and direct the Town Board to co-sign this Agreement.

Whereupon, the Town Board 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**.

Agreement for Fire Protection - Village of New Hartford Fire Department

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

(RESOLUTION NO. 285 OF 2012)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the execution of the one-year Fire Protection Contracts commencing January 1, 2013 and ending December 31, 2013 between the Town of New Hartford and **District 1 and 2**, Village of New Hartford and its Fire Department, as follows:

- Districts 1 and 2 - **\$628,100.00.**

Upon roll call, the Board members voted as follows:

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

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

Agreement for Fire Protection - Village of New Hartford Fire Department

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

(RESOLUTION NO. 286 OF 2012)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the execution of the one-year Fire Protection Contract commencing January 1, 2013 and ending December 31, 2013 between the Town of New Hartford and **District 3**, Village of New Hartford and its Fire Department, in the amount of Fifty-four Thousand Six Hundred Seventeen Dollars (\$54,617.00)

The Town Board voted upon roll call as follows:

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

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

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

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

(RESOLUTION NO. 287 OF 2012)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the execution of the one-year Fire Protection Contracts commencing January 1, 2013 and ending December 31, 2013 between the Town of New Hartford and **District 5**, **Village of New Hartford and its Fire Department.**, in the amount of One Hundred Thirty-four Thousand Dollars (**\$134,000.00**).

Upon roll call, the Board members voted as follows:

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

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

Agreement for Fire Protection - Willowvale Fire Company, Inc.

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

(RESOLUTION NO. 288 OF 2012)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the execution of the one-year Fire Protection Contract commencing January 1, 2013 and ending December 31, 2013 between the Town of New Hartford and **District 4, Willowvale Fire Company, Inc.**, in the amount of Three Hundred Fifteen Thousand Four Hundred Dollars **(\$315,400.00.)**.

Upon roll call, the Board members voted as follows:

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

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

Agreement for Snowplowing Services – New Hartford Public Library

Upon presentation of a proposed Agreement by the Town Supervisor, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Miscione:

(RESOLUTION NO. 289 OF 2012)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute a one-year Agreement between the Town of New Hartford and the New Hartford Public Library wherein said Town shall offer plowing, salting and sanding service for the Library site for One Dollar (\$1) for calendar year 2013, said Agreement to be renewable on an annual basis.

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

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

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Councilman Backman - Aye
Supervisor Tyksinski - Aye.

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

Budget Transfer – Consumer Square area traffic light

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

(RESOLUTION NO. 290 OF 2012)

WHEREAS, the owners of Consumer Square Shopping Center on Commercial Drive will be installing an internal traffic light that will be synchronized with the traffic light on Commercial Drive to make traffic flow better; and

WHEREAS, the Town of New Hartford would like to address a safety issue by installing a traffic light near the Panera’s intersection with Commercial Drive to allow left and right turns and has obtained an estimate with regard thereto; and

WHEREAS, the new traffic lights once installed will be able to be monitored from the NYS Department of Transportation regional office in Utica, New York through the use of cameras and allow for adjustment of synchronization;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Finance Department to transfer Two Hundred Fifteen Thousand Dollars (\$215,000) from the Mitigation Fund to the Capital Projects account to cover the Town’s costs in this project.

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.

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

Training – NYS Association of Towns Meeting

The Town Attorney expressed his interest in attending the NYS Association of Towns Meeting in New York City from February 17 – February 20, 2013. Councilmen

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Miscione and Woodland would also like to attend if they can get time off from their full-time employment.

Ethics Committee

Supervisor Tyksinski stated that several months ago the Town Board had referred an issue to the Oneida County Ethics Committee, which replied that because the Town has an Ethics Committee – even though not filled, it’s a Town matter to be resolved. This matter will be addressed at the December 19, 2012 Town Board meeting.

Declaration of Surplus Police Vehicles – Authorization to Sell

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

(RESOLUTION NO. 291 OF 2012)

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

<u>Year</u>	<u>Make/Model</u>	<u>VIN</u>
2006	Ford Crown Victoria Police Interceptor	2FAFP71W66X165455
2009	Ford Crown Victoria Police Interceptor	2FAHP71V59X136372

And be it

FURTHER RESOLVED that the aforesaid vehicles shall be placed for sale with Auctions International at no cost to the Town and once sold, the Town Clerk’s office shall be notified and shall arrange to terminate insurance coverage on said vehicles.

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

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

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

EXECUTIVE SESSION

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

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(RESOLUTION NO. 292 OF 2012)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the Town's strategy with union negotiations and to discuss the existing assessment certiorari involving the Sangertown Mall.

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 8:39 P.M. The Town Attorney, Deputy Supervisor and Assessor remained for the Executive Session.

[NOTE: The Town Attorney provided the following transcription on Thursday, December 13, 2012.]

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 293 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 8:58 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public invited to re-join the meeting.

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Highway Department Stipend – One-man plowing

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

(RESOLUTION NO. 294 OF 2012)

RESOLVED that the New Hartford Town Board does hereby approve a Three Dollar (\$3) per hour stipend for one-man plowing, reflective of contract language.

The Town Board voted upon roll call, 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**.

Health Insurance Contract

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

(RESOLUTION NO. 295 OF 2012)

RESOLVED that the New Hartford Town Board does hereby authorize the health insurance contract increase effective January 1, 2013 with pay raises effective January 1, 2013.

A roll call vote ensued:

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**.

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 9:02 P.M.

Respectfully submitted,

Gail Wolanin Young
Town Clerk