

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, JANUARY 9, 2013 AT 7:00 P.M.**

Town Supervisor Patrick Tyksinski called the meeting to order at 7:00 P.M. and led those in attendance in the Pledge of Allegiance to the American Flag. The roll was then taken with the following Town Officials and Department Heads being present during the progress of the meeting.

TOWN BOARD MEMBERS PRESENT:

Councilman Donald C. Backman
Councilman Paul A. Miscione
Councilman David M. Reynolds
Councilman Richard B. Woodland, Jr.
Supervisor Patrick M. Tyksinski

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Assessor Paul E. Smith
Codes Enforcement Officer Joseph A. Booth
Deputy Supervisor Matthew Bohn III
Director of Senior Services M. Eileen Spellman
Finance Director Daniel Dreimiller
Highway/Sewer Superintendent Richard C. Sherman
Police Chief Michael Inserra
Town Attorney Herbert J. Cully
Town Clerk Gail Wolanin Young

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

MINUTES

Town Board Meeting – December 12, 2012

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

(RESOLUTION NO. 1 OF 2013)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held December 12, 2012 and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye

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

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

PUBLIC PRESENTATIONS (Resident Comments)

The Town Supervisor invited anyone present who wished to address the Town Board to come forward; no one came forth to speak.

REPORTS SUBMITTED BY STANDING COMMITTEE CHAIRPERSON

Parks and Recreation Committee – Councilman Reynolds

Appointments – Parks & Recreation Advisory Committee

Upon recommendation of Parks and Recreation Director Michael Jeffery, Councilman Reynolds introduced the following Resolution for adoption and Councilman Backman seconded same:

(RESOLUTION NO. 2 OF 2013)

RESOLVED that the New Hartford Town Board does hereby re-appoint Lorraine Garfinkel, Margaret (Peggy) Brady and Sean Virkler as members of the Parks and Recreation Advisory Committee to three (3) year terms, commencing January 1, 2013 and ending December 31, 2015.

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**.

Zoning (Codes) and Planning Committee – Councilman Miscione

Training – Codes Enforcement Office staff

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

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(RESOLUTION NO. 3 OF 2013)

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 Officer Carmen Luppino to attend the free State-sponsored seminar on ***Inspection Procedures for Existing Structures 9C*** from January 29 through January 31, 2013 in the Town of Clay, New York.

Codes Enforcement Officer Booth confirmed that Mr. Luppino will drive his personal vehicle each day and will not submit a voucher for mileage reimbursement. The Resolution was voted up by roll call as follows:

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

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

Town Clerk Committee – Councilman Woodland

Raffle Consent

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

(RESOLUTION NO. 4 OF 2013)

RESOLVED that the New Hartford Town Board does hereby grant permission to The Neighborhood Center, Inc., 293 Genesee Street, Utica, NY 13501, an organization duly granted a Games of Chance Identification Number by the New York State Racing and Wagering Board, to sell raffle tickets at Sangertown Square Mall, New Hartford, New York, in accordance with all rules and regulations of said Racing and Wagering Board; and be it

FURTHER RESOLVED that the Town Clerk be, and she hereby is, authorized and directed to execute Form GC-RCF, Raffle Consent Form.

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Upon roll call, the Town Board voted as follows:

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

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

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

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

(RESOLUTION NO. 5 OF 2013)

WHEREAS, Section 77-b of the General Municipal Law allows the governing board of municipalities to authorize any officer or employee to attend a convention, conference or school conducted for the betterment of such municipality;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby grant permission to Town Clerk Gail Wolanin Young to attend the 31st Annual NYS Town Clerks Association Conference from April 28 through May 1, 2013 in Buffalo, New York, and the NYS Tax Receiver and Tax Collectors Conference from June 9 through June 12, 2013 in the Town of Colonie, New York, with expenses to be borne by said Town as budgeted; and be it

FURTHER RESOLVED that the Town Clerk be, and she hereby is, authorized to attend the business/educational meetings of the Oneida County Association of Town Clerks and State-sponsored Workshops on Records Management and Vital Statistics during fiscal year 2013, with incidental expenses to be borne by said Town as budgeted.

The Resolution was voted upon by roll call as follows:

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

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

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MATTERS SUBMITTED BY COUNCILMEN / TOWN ATTORNEY

Councilman Reynolds:

Beechwood Road Stormwater Project, Phase 2 - Update

Addressing Charles White of Barton & Loguidice, Councilman Reynolds was under the impression – from past reports – that the contractor for this project would work during the winter. But then a letter was received last year stating that the endangered “ [Indiana] bat” work could only be done at a certain time and Councilman Reynolds doesn’t want this deadline to be missed again. Mr. White responded that he is still working with the U.S. Army Corps of Engineers on this; another issue is the need to obtain a right of way from a property owner whose parcel abuts one of three existing ponds. In response to the Town Supervisor’s inquiry, Mr. White stated that the trees could be marked for cutting anytime and that he would coordinate with the Highway Superintendent the marking/cutting of the trees that may be used by the Indiana bats after hibernation. Mr. White stated that the Town still needs approval from the U.S. Army Corps of Engineers for stream channel work and that he hasn’t been in contact with the Corps since the holidays; he will move this matter “.to the front burner”. With regard to the right of way, Mr. White apprised the Board that the property owner wants a bunch of fill and other things but the Town can’t go on private property without an easement/right of way. The Town Attorney stated he would need to receive all the particulars on this matter in order to proceed with right of way acquisition. It was questionable whether the Town had access from a public road to the pond, which the Highway Superintendent thought the Town had installed years ago. After further discussion, Councilman Backman offered the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 6 OF 2013)

RESOLVED that, if the Town of New Hartford cannot obtain an easement from Ann and Terrance Dorrity, 28 Wills Drive (Tax Map Parcel No. 339.011-1-92 with regard to the Beechwood Road Stormwater Project, Phase 2, by the end of January 2013, the New Hartford Town Board does hereby authorize and direct the Town Attorney to acquire title, ownership and access to the existing ponds pursuant to the eminent domain process.

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*.

Drainage Study of Mud Creek Basin (December 14, 2012)

Since the Town Board received the completed Drainage Study, the next step is the competitive bid process, which Councilman Miscione requested be authorized. Charles White of Barton & Loguidice stated his company would define the scope of work for the competitive bid process but the Highway Superintendent noted that the Town needs to work with the NYS Department of Environmental Conservation and U.S. Army Corps of Engineers to obtain necessary permits prior to the competitive bid process. Councilman Reynolds requested an addendum to the drainage study because it did not include flooding at the Presbyterian Home area; Mr. White will review this because he believes it's now been incorporated in the report. Councilman Miscione will contact Dunn & Sgromo Engineers who did the study and obtain an estimate/quote on the cost for bid specifications and competitive bid for action at the February 13, 2013 Town Board meeting.

Town Attorney:

Town Code, Telecommunications Chapter

The Town Attorney is working on proposed modifications to the Town's cellular tower legislation for possible action at the February 13, 2013 Town Board meeting. The section that would allow an automatic building permit if collocating a tower has been omitted. Specific criteria has been added including exploring collocation outside a residential area. He said this is consistent with a lot of other municipalities who are doing the same thing.

Fee – Verification for tax payment inquiries

After the Town Board had passed the \$2 for verification of taxes in December 2012, the Town Attorney stated Councilman Backman had put forth his concerns with compliance with the Freedom of Information Law. The Town Attorney noted that if someone FOILs a document under the Public Officers Law, then only \$.25 per page could be charged. Upon Councilman Backman's request, the Town Attorney had researched the matter and found a 1988 State Comptroller opinion, dealing with the specific issue. The State Comptroller opined that a member of the general public can examine receipts, under the Real Property Tax Law this is someone who hasn't paid (non-owner) and wants a copy of a receipt, pay \$.25 cents. The governing body may authorize duplicate receipts/verification form fees because the Real Property Tax Law doesn't require duplicate receipts. The governing body may adopt a local law and charge a reasonable fee; therefore, the Town Board's December 2012 action is of no consequence. The Town Clerk has asked to draft legislation to establish the fee, similar to what Oneida County has been doing for years.

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MATTERS SUBMITTED BY TOWN SUPERVISOR

Financial and other routine reports:

Audit of bills

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

(RESOLUTION NO. 7 OF 2013)

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:

Water Abstract #1	
Vouchers FF1	\$ 15.33
Route 840 Access Ramp Abstract #1	
Vouchers HE1-HE2	\$ 3,029.55
Communications Abstract #1	
Vouchers HL1-HL2	\$ 2,034.65
Street Lighting Fund Abstract #1	
Vouchers SL1-SL2	\$ 9,033.61
Trust & Agency Fund Abstract #50	
Vouchers TT249-TT256	\$ 14,164.76
Trust & Agency Fund Abstract #51	
Vouchers TT257-TT258	\$ 5,187.25
Trust & Agency Fund Abstract #52	
Vouchers TT259	\$ 10.40
Trust & Agency Fund Abstract #1	
Vouchers TT1-TT9	\$ 14,348.40
Highway Fund Part-Town Abstract # 1	
Vouchers DB1-DB25; DB27-DB43	\$ 82,743.76
General Fund Part-Town Abstract #33	
Vouchers BB191-BB194	\$ 6,179.54
General Fund Part-Town Abstract #1	
Vouchers BB1-BB5	\$ 730.50
General Fund Whole-Town Abstract #46	
Vouchers A1439-A1448	\$ 40,686.35
General Fund Whole-Town Abstract #46A	
Vouchers A1449	\$ 239.78
General Fund Whole-Town Abstract #1	
Vouchers AA1-AA95	\$135,556.92

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General Fund Part-Town Police Abstract #30 Vouchers BP286-BP289	\$ 34,396.83
General Fund Part-Town Police Abstract #31 Vouchers BP290	\$ 58.96
General Fund Part-Town Police Abstract #1 Vouchers BP1-BP95	\$ 10,296.48
Sewer Fund Abstract #35 Voucher SS117-SS119	\$ 1,283.13
Sewer Fund Abstract #1 Voucher SS1-SS5	<u>\$ 25,428.66</u>
TOTAL:	\$385,424.86

Councilman Backman noticed a couple bills for the Business Park; the Town Supervisor responded these were above and beyond the Town’s commitment and the Finance Director would be pulling these vouchers. Councilman Backman questioned the \$250 Time Warner bill for the Justice Courts; Supervisor Tyksinski requested that the Finance Director pull this voucher and review same. 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.

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

Declaration of Surplus Vehicles – Authorization to Sell

Upon request of the Police Chief, the following Resolution was offered for adoption by Councilman Reynolds and duly seconded by Councilman Backman:

(RESOLUTION NO. 8 OF 2013)

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

<u>Year</u>	<u>Make/Model</u>	<u>VIN</u>
2006	Ford Crown Victoria Police Interceptor	2FAFP71W86X165456

And be it

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FURTHER RESOLVED that the aforesaid vehicle shall be placed for sale through Auctions International and once sold, the Town Clerk's office shall be notified and shall arrange to terminate insurance coverage on said vehicle.

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

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

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

Agreement – 2013 Animal Control Service; Town of Kirkland

Upon recommendation of the Police Chief, Councilman Miscione offered the following Resolution for adoption; seconded by Councilwoman Backman:

(RESOLUTION NO. 9 OF 2013)

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 the Town of Kirkland, wherein the Town of New Hartford will provide animal control services to the Town of Kirkland during calendar year 2013, in accordance with the terms and conditions set forth therein.

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**.

Agreement – 2013 Emergency Care; Dogs and Cats

Upon recommendation of the Police Chief, Councilman Miscione offered the following Resolution for adoption; seconded by Councilwoman Reynolds:

(RESOLUTION NO. 10 OF 2013)

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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 the Waterville Veterinary Clinic, wherein said Waterville Veterinary Clinic will provide emergency care for dogs and cats in the Town of New Hartford during calendar year 2013, in accordance with the terms and conditions set forth in said Agreement.

Town Attorney Cully confirmed he had reviewed this Agreement after which the Town Supervisor polled the Board members who voted as follows:

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

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

Engineering Services Agreement - Traffic Signal Consumer Square Entrance and Commercial Drive (NYS Route 5A)

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

(RESOLUTION NO. 11 OF 2013)

WHEREAS, on December 19, 2012 the Town Board had adopted Resolution No. 297 to authorize and direct the Town Supervisor to enter into and to execute an engineering services agreement between the Town of New Hartford and Barton & Loguidice wherein Barton & Loguidice would provide design, bidding and construction phase oversight for the proposed traffic signal at the intersection of Consumer Square (Panera's) and Commercial Drive at a not-to-exceed cost of Eleven Thousand Dollars (\$11,000); and

WHEREAS, it was subsequently realized that the Town had overlooked fees quoted when totaling the cost of the aforesaid services so that the engineering costs would have been \$68,200;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby rescind Resolution No. 297 adopted December 19, 2012.

The Town Board then voted upon roll call:

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

The Resolution was declared unanimously carried and duly **ADOPTED**. Meanwhile, the Town Supervisor had asked Lochner Engineering to submit a quote for the same services and Highway Superintendent Sherman also reviewed the Lochner quote.

The Town Supervisor introduced the following Resolution; seconded by Councilman Reynolds:

(RESOLUTION NO. 12 OF 2013)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an engineering services agreement between the Town of New Hartford and Lochner Engineering wherein said Lochner Engineering will provide design, bidding and construction phase oversight for the proposed traffic signal at the intersection of Consumer Square (Panera's) and Commercial Drive at a not-to-exceed cost of Forty-seven Thousand Four Hundred Dollars (\$47,400).

The Resolution was duly put to a vote 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**.

Budget Transfer – Traffic Signal Consumer Square entrance and Commercial Drive (NYS Route 5A)

Upon recommendation of the Town Supervisor, Councilman Miscione moved the adoption of the following Resolution; seconded by Councilman Woodland:

(RESOLUTION NO. 13 OF 2013)

WHEREAS, the cost of engineering services that Lochner Engineering would provide with regard to the design, bidding and construction phase oversight for the proposed traffic signal at the intersection of Consumer Square (Panera's) and Commercial Drive is higher than calculated, i.e, \$47,400 versus \$11,000;

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NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct that an additional sum of Thirty-six Thousand Dollars (\$36,000) be allocated out of mitigation fees to cover said engineering services on the aforementioned project.

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***.

Appointments - Ethics Committee

Town Councilmen recommended the following persons to be considered for appointment to the Town's Ethics Committee: Ralph Humphreys, David Corr and Anthony Trevisani. The 3-member Board must consist of two (2) Town residents and one elected/appointed Town official. Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Miscione:

(RESOLUTION NO. 14 OF 2013)

RESOLVED that the New Hartford Town Board does hereby appoint Councilman Richard B. Woodland, Jr. as a member of the Town's Ethics Committee, effective January 10, 2013 and who shall, in accordance with Local Law No. 3 of 1970, serve at the pleasure of the Town Board.

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***.

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

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(RESOLUTION NO. 15 OF 2013)

RESOLVED that the New Hartford Town Board does hereby appoint Ralph B. Humphreys, Town resident, as a member of the Town's Ethics Committee, effective January 10, 2013 and who shall, in accordance with Local Law No. 3 of 1970, serve at the pleasure of the Town Board.

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***.

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

(RESOLUTION NO. 16 OF 2013)

RESOLVED that the New Hartford Town Board does hereby appoint David Corr as a member of the Town's Ethics Committee, effective January 10, 2013 and who shall, in accordance with Local Law No. 3 of 1970, serve at the pleasure of the Town Board.

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***.

2013 Organizational Resolutions

The following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Miscione:

(RESOLUTION NO. 17 OF 2013)

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RESOLVED that the Town Board of the Town of New Hartford does hereby establish the normal operating hours for the Town of New Hartford offices to be 8:00 A.M. through 4:00 P.M., Mondays through Fridays during Fiscal Year 2013;

RESOLVED that Patrick M. Tyksinski, Supervisor of the Town of New Hartford, New York, be and he hereby is authorized and directed to sign all checks for the disbursement of funds of the Town of New Hartford for the Fiscal Year 2013;

RESOLVED that the New Hartford Town Board does hereby re-adopt the "**TOWN OF NEW HARTFORD EMPLOYEES HANDBOOK**", prepared by AMTEK, dated September 15, 1999, and thereafter amended from time to time. Found within this manual is the official schedule of fringe benefits of non-union personnel for the year 2013. Also adopted herewith is the Non-union Benefits and Compensation document;

RESOLVED that the New Hartford Town Board does hereby establish the mileage rate at forty-six cents (\$.46) for all Town Officials and employees while performing regular and continuous business transactions in and for the Town of New Hartford during the Fiscal Year 2013;

RESOLVED that the Town Board of the Town of New Hartford does hereby designate as Official Depositories in which all funds of the Town of New Hartford shall be deposited in 2013 the following institutions:

- Bank of America
- M & T Bank
- Chase Bank
- Citizens Bank
- NBT Bank, N.A.
- Adirondack Bank
- HSBC
- First Niagara

and that the Town Supervisor or Deputy Town Supervisor of said Town be and hereby is authorized and directed to secure a Pledge of Security covering the maximum amount of money the Town would have on deposit at any one time during the Fiscal Year 2013 from each of the Official Depositories designated. A written security agreement and custodial agreement (which can be combined into one document) must be obtained. The Town, however, will try to have delivery of the collateral to an unrelated third party. If this cannot be effected, then all pertinent legal and financial risks will be evaluated;

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize the Town Supervisor or Deputy Town Supervisor of the said Town to deposit funds not

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needed for immediate expenditures in the form of interest-bearing Certificates of Deposit, Repurchase Agreements, Treasury Bills and Money Market Certificates with the Official Depositories listed in the official Investment Policy of the Town, which policy is presented herein as a separate Resolution;

RESOLVED that the New Hartford Town Board does hereby appoint Patrick M. Tyksinski as Marriage Officer in and for the Town of New Hartford for a one-year term commencing January 1, 2013 and ending December 31, 2013, with no remuneration;

RESOLVED that the Town Board of the Town of New Hartford does hereby appoint the President of the New Hartford Historical Society as the Town's Historian for Fiscal Year 2013 at a contractual sum of \$3,700.00 payable to the Historical Society;

RESOLVED that the Rules of Procedure which were initially adopted April 21, 1965, and amendments thereto, are hereby affirmed and re-adopted by the New Hartford Town Board for Fiscal Year 2013 as set forth in the attached Schedule "A" that is made a part of this resolution;

RESOLVED that Matthew Bohn, Deputy Town Supervisor of the said Town be, and he hereby is authorized and directed to sign all checks for disbursements of funds of said Town for Fiscal Year 2013, in the absence of the Town Supervisor;

RESOLVED that the New Hartford Town Board does hereby authorize the Town Supervisor or Deputy Town Supervisor to pay bills/expenses to National Grid, to the Mohawk Valley Water Authority, to all telephone carriers, to the Town's designated vendors for all insurance premiums, to Ford Credit, to Verizon On-line, to Time Warner Cable and to the United States Postal Service (electronic replenishing of postage meter) without prior final audit by the Town Board and does further authorize the Town Supervisor or Personnel Technician to pay bills/expenses to the New York State and Local Retirement Systems (Employees' Retirement System and Police and Fire Retirement System) for employer contributions without prior final audit by the Town Board;

RESOLVED that the New Hartford Town Board does hereby re-adopt the Purchasing Policies and Procedural Manual, originally adopted on January 1, 1992 and revised on December 12, 2012.

RESOLVED that the New Hartford Town Board does hereby re-adopt the Official Investment Policy for the Town of New Hartford originally adopted on March 3, 1993 and in accordance with Chapter 708 of the Laws of 1992;

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RESOLVED that the Town Board of the Town of New Hartford does hereby designate The Observer Dispatch as the Town's official newspaper for Fiscal Year 2013.

SCHEDULE "A" **RULES OF PROCEDURE**

I. REGULAR MEETINGS:

Regular meetings of the New Hartford Town Board shall be held in Butler Memorial Hall, 48 Genesee Street, New Hartford, New York commencing at 7:00 P.M. for the Fiscal Year 2013, as set forth in Resolution No. 303 adopted December 19, 2012, unless otherwise changed and publicized:

II. SPECIAL MEETINGS:

The Supervisor may, and upon written request of two (2) members of the Board, call a special meeting of the Town Board at any time by giving at least two (2) days' notice in writing to the other members of the Board of the time when and the place where the meeting is to be held.

III. QUORUM:

A majority of the Board shall constitute a quorum for the transaction of business, but a lesser number may adjourn.

IV. VOTING UPON QUESTIONS:

Every act, motion or resolution shall require for its adoption the affirmative vote of a majority of all members of the Town Board, except in such instances in which a large number of affirmative votes shall be required by law. The vote upon every question shall be taken by ayes and nays, and the names of the members present and their votes shall be entered in the minutes.

V. STANDING COMMITTEES:

The Supervisor shall appoint the following Standing Committees:

- Assessor
- Elections
- Human Resource
- Motor Pool
- Parks and Recreation
- Public Safety and Courts
- Public Works and Sewer
- Senior Citizens
- Town Clerk
- Village/Town/School Liaison

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- Zoning and Planning
- Library

Such Committees shall consist of members of the Board and shall assist the Town Board in the performance of its duties with reference to such matters as may from time to time be referred to such Committees.

VI. SPECIAL COMMITTEES:

The Town Board may, from time to time, appoint such Special Committees as may be deemed desirable to assist the Board in performance of its duties. Such Committees may include Town Officers other than Board members in their membership in an advisory capacity only.

- Each group is to consist of at least one (1) Town Board member and one (1) Department Head, which act in an ADVISORY CAPACITY only, unless prohibited by law
- Each group is to have at least
 - A written list of objectives
 - A Chairperson who is to be recommended by the group's members and submitted to the Town Board for approval. Duties of Chairperson shall include:
 1. Chair open meetings
 2. Act as the official spokesperson for said group
 - Vice-Chairperson is to be appointed directly by the group members. Duties of Vice-Chairperson shall include:

Assume the duties of the Chairperson in his/her absence
 - Maximum number of members to be determined by the Department Head. Unexcused absence from four (4) consecutive meetings is cause for removal of member(s) by the Chairperson
 - If possible, each group shall consist of one member from each of the four (4) Wards in the Town. Selection of Members:
 1. Participation shall be based on written request to the Department Head for consideration.
 2. Appointed by the Town Board

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3. If there are more volunteers than openings, membership shall be determined by the Department Head who shall consider:
 - i. Resume or list of qualifications
 - ii. Personal interview
- Term limits not to exceed two (2) four-year terms, which shall be staggered
 - Remuneration to members shall require Town Board budget approval
- Department Heads shall maintain a list of all appointments and terms which shall be reviewed annually with the Town Board and filed with the Town Clerk's Office
 - This policy EXCLUDES:
 - Zoning Board of Appeals
 - Planning Board
 - Board of Assessment Review
 - Police Commission.

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

VII. ORDER OF BUSINESS:

The business of all regular meetings of the Town Board shall be transacted in the following order:

- Reading of minutes of previous meeting, unless waived by a majority of the members of the Board present
- Public Hearings (7:00 P.M.)
- Consideration of Public Presentations
- Reports of Town Officials presented by the Chairperson of the respective Standing Committee
- Reports of Standing Committees
- Reports of Special Committees
- Consideration of matters submitted by Town Board members

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- Consideration of matters submitted by Town Supervisor in the following order:
 - Financial and other routine reports
 - Miscellaneous communications
 - Unfinished business
 - New business.

VIII. LEGISLATIVE MATTERS:

All resolutions, ordinances and local laws, other than routine resolutions approving payment of bills, minutes and like matters, shall be in writing and filed with the Town Clerk and made available to Board members not later than the Saturday prior to the meeting at which they are to be introduced unless this provision be waived as to any such resolution, ordinance or local law by a majority of the members of the Board present at such meeting.

Resolutions, ordinances and local laws shall be introduced in the regular order of business and shall be read aloud by the Town Clerk before being acted upon by the Board.

IX. ABSENCE OF SUPERVISOR:

In the absence of the Supervisor, the Deputy Supervisor shall call the Town Board to order and shall be Chairman of the meeting; and, in the absence of the Supervisor and the Deputy Supervisor, then the Town Clerk shall call the Town Board to order and if a quorum be present, the Town Board shall elect one of its members as Chairman of the meeting.

X. MEMBERS MAY NOT ABSENT THEMSELVES:

No member of the Town Board may absent himself from a meeting of the Town Board for more than ten (10) minutes at a time unless for good cause he is excused by the Supervisor.

XI. REFUSAL TO VOTE:

Each member of the Board shall vote upon each question presented unless for good cause he is excused therefrom by the unanimous consent of all members of the Board present. Any member refusing to vote other than by consent of the Board shall be subject to a motion of censure.

XII. PARLIAMENTARY RULES:

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Except as otherwise provided herein, all parliamentary questions shall be decided in accordance with the latest edition of Roberts' Rules of Order, revised, for deliberative assemblies.

XIII. SUSPENSION OF RULES:

Any rule of the Town Board may at any time be temporarily suspended for special reasons by a majority vote of all of the members of the Town Board present at a meeting thereof. No permanent alteration may be made except by resolution in writing duly filed with the Town Clerk prior to the meeting at which such amendment is introduced.

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

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

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

Appointment – Planning Board Chairman

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

(RESOLUTION NO. 18 OF 2013)

RESOLVED that the New Hartford Town Board does here re-appoint Elis J. DeLia as Chairman of the Planning Board for a one (1) year term commencing January 1, 2013 and ending December 31, 2013.

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

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

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

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Appointment – Zoning Board of Appeals Chairman

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

(RESOLUTION NO. 19 OF 2013)

RESOLVED that the New Hartford Town Board does here re-appoint Randy Bogar as Chairman of the Zoning Board of Appeals for a one (1) year term commencing January 1, 2013 and ending December 31, 2013.

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

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

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

Appointment – Member of Board of Assessment Review

Action on filling the vacancy on the Board of Assessment Review due to the expiration of Edward Goggin's term was held in abeyance until the Town Clerk contacts Mr. Goggin to determine his interest in being re-appointed.

Appointments – 2013 Town Board Standing Committees

Supervisor Tyksinski stated he will present the Standing Committee members at the February 13, 2013 Town Board meeting.

Deactivate – Advisory Committee on Safety

After some discussion, it was Town Board consensus to deactivate the Advisory Committee on Safety, formerly consisting of five (5) department heads and two (2) Town residents; it was the belief that department heads are more cognitive about safety and the Advisory Committee had not been active in several years.

Appointments – Advisory Committee on Public Works and Sewer

The Town Clerk had not received the list of prospective appointments/re-appointments from the Highway Superintendent.

Appointments – Stormwater Management Improvement (Advisory) Committee

Appointments expire on May 9th annually; no action is necessary at this time.

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Deactivate – Advisory Committee on Sidewalks

Councilman Backman noted that this Advisory Committee came about with the Library and patrons walking to that facility on Oxford Road. Town Board consensus was to deactivate the Advisory Committee as there is no funding available in the budget.

Appointments – Advisory Committee on Senior Citizen Services

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

(RESOLUTION NO. 20 OF 2013)

RESOLVED that the New Hartford Town Board does hereby appoint the following individuals to serve as Members of the *Advisory Committee on Senior Citizen Services* for a one-year term beginning January 1, 2013 and ending December 31, 2013:

- Jean McBride - AARP
- Bridget Kopel, - Outreach
- Rev. Carol Jubenville - Director/Sunset Wood Apartments & Courts
- Father Joseph Zareski - St. John the Evangelist Church
- Mary Welch - Manager/Oxford Towne Apartments
- Clair Murad - Service Coordinator, Presbyterian Home & Meadows
- Rev. Janet Hoover - New Hartford Fire Department Chaplan
- Cindy Dardano - Preswick Glen
- Dave Russell - Young at Heart Senior Group
- Diana Williams - Clinton Road Senior Group
- Robert Hook - New Hartford Adult Dining/Activity Center
- Constance Moran - President, The Meadows Senior Club
- Loretta Mandry - President, New York Mills Seniors
- Gloria McRorie - Co-President, Chadwicks Village Elders
- Denise Reuter - Co-President, Chadwicks Village Elders
- New Hartford Town Board representative

The Board members 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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Appointments – Advisory Committee on the Zoning Law

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

(RESOLUTION NO. 21 OF 2013)

RESOLVED that the New Hartford Town Board does hereby re-appoint the following individuals to serve as Members of the *Advisory Committee on the Zoning Law* for a one-year term beginning January 1, 2013 and ending December 31, 2013:

- Timothy Tallman – Zoning Board of Appeals’ member
- G. Brymer Humphreys – Planning Board member
- William Delaney – At-large Member
- William Smith – At-large Member
- (vacancy)

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

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

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

Training – Association of Towns Meeting

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

(RESOLUTION NO. 22 OF 2013)

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;

THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize the following Town Officials to attend the New York State Association of Towns educational seminar in New York City, New York from February 17 through February 20, 2013:

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- Supervisor Patrick M. Tyksinski
- Councilman Donald C. Backman
- Councilman Paul Miscione
- Councilman Richard B. Woodland, Jr.
- Highway Superintendent Richard C. Sherman
- Deputy Supervisor Matthew Bohn III
- Town Attorney Herbert J. Cully

and be it

FURTHER RESOLVED that the Town of New Hartford shall pre-pay the conference registration and hotel accommodations for each of the above-referenced Town Officials who then shall be advanced the sum of Five Hundred Dollars (\$500) for meals and round-trip transportation; upon return from said educational seminar, each Town Official shall substantiate their expenditure of Five Hundred Dollars (\$500) upon a Town voucher with supporting documents/receipts and/or deliver any unexpended funds to the Town Supervisor’s secretary, Carol Ryan. Expenditures less than Twenty-five Dollars (\$25) from a street vendor for food will not require a receipt.

The Town Board then voted upon roll call:

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

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

Transportation Allowance – NYS Association of Towns Seminar

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

(RESOLUTION NO. 23 OF 2013)

WHEREAS, the Town Board has authorized certain Town officials and employees to attend the February 2013 Association of Towns annual seminar in New York City; and

WHEREAS, various modes of transportation will be utilized to and from the seminar;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby establish the **maximum transportation allowance** not to exceed the cost of a

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round trip train fare from Utica, New York to New York, New York, whether officials/employees:

- pay round-trip bus fare
- pay round-trip train fare from Utica to New York, NY
- pay round-trip train fare from Albany to New York, NY, including any round-trip mileage from Utica to Albany.

Any Town Official/employee who drives his/her automobile will be reimbursed the actual mileage at the rate of Forty-six Cents (\$.46) per mile.

The Town Board members then voted upon roll call that resulted as follows:

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

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

Designation of Delegate/Alternate – NYS Association of Towns Seminar

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

(RESOLUTION NO. 24 OF 2013)

RESOLVED that the Town Board of the Town of New Hartford does hereby designate Councilman Richard B. Woodland, Jr. to attend the Annual Business Session of the Association of Towns of the State of New York, to be held in New York City, on February 20, 2013, and to cast the vote of the Town of New Hartford, pursuant to Section 6 of Article III of the Constitution and By-Laws of said Association; and be it

FURTHER RESOLVED that, in the absence of Delegate Richard B. Woodland Jr., said Town Board does hereby designate Councilman Paul Miscione as the Alternate to cast the vote of said Town.

The Town 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**.

Appointments - Planning Board vacancies

Two (2) vacancies exist on the Planning Board; one for a 7-year term and one to fill an unexpired term ending December 31, 2014. The Town Supervisor had received letters of interest/resumes from Heather Mowat, William C. Morris, Edmund Wiatr, Carleton Corey and Greg Grates.

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

(RESOLUTION NO. 25 OF 2013)

RESOLVED that the New Hartford Town Board does hereby re-appoint Heather Mowat to a seven (7) year term as a Member of the Town Planning Board, effective January 10, 2013 and ending December 31, 2019.

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**.

The Town Supervisor requested nominations for the unexpired term of Planning Board member. Councilman Backman suggested Carleton Corey and Supervisor Tyksinski nominated William Morris. Discussion ensued with Councilman Backman noting that Mr. Corey is active in the Town, quality of life issues with considerable time spent on matters, has good credentials and is a good businessman. Supervisor Tyksinski noted that Mr. Morris had contacted him some time ago and that his resume speaks for itself...development experience, community activities; the Town Supervisor believes he has actual experience that is beneficial.

Thereafter, Supervisor Tyksinski introduced the following Resolution for adoption; seconded by Councilman Miscione:

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(RESOLUTION NO. 26 OF 2013)

RESOLVED that the Town Board of the Town of New Hartford does hereby appoint William C. Morris II to fill the unexpired term of Planning Board member Jerome F. Donovan, who resigned in December 2012; said appointment to become effective January 10, 2013 and to terminate on December 31, 2014.

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

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

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

EXECUTIVE SESSION

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

(RESOLUTION NO. 27 OF 2013)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the Ralph Humphreys litigation, the Selchick litigation, and an ethics complaint (under rules of Ethics the party's name has to be kept confidential).

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 8:23 P.M. The Town Attorney and Deputy Supervisor remained for the Executive Session.

[NOTE: The Town Attorney provided the following transcript on Thursday, January 10, 2013.]

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END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 28 OF 2013)

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 9:10P.M. The regular portion of the Town Board meeting was immediately reconvened and the public re-invited to the Board meeting.

ADJOURNMENT

There being no further business to come before the Town Board, the meeting was adjourned at 9:11 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk