

**REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF NEW HARTFORD, NEW YORK  
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN  
ON WEDNESDAY, MAY 22, 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 David M. Reynolds  
Councilman Richard B. Woodland, Jr.  
Supervisor Patrick M. Tyksinski

**ABSENT:**

Councilman Paul A. Miscione

**OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:**

Assessor Paul E. Smith  
Codes Enforcement Officer Joseph A. Booth  
Deputy Supervisor Matthew Bohn III  
Finance Director Daniel Dreimiller  
Highway/Sewer Superintendent Richard C. Sherman  
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

**Town Board Meeting – May 8, 2013**

No action. Awaiting court reporter's transcript of the Public Hearing on eminent domain pertaining to the Beechwood Road stormwater project, Phase 2

PUBLIC PRESENTATIONS (Resident Comments)

**Ownership – New Hartford Public Library**

Joseph Bolton addressed the matter of ownership of the New Hartford Public Library, stating he thought it unusual that the Town contributes to the library but doesn't own it. He believed that in the 1990's the original plan was to turn the Library over to the Town. He talked to some trustees and some weren't aware that the Town doesn't own the

Library. He's aware the Town did research on this matter and he thinks steps should be taken to bring the Library under Town ownership.

**Assessment Database/Consolidated Sewer District - Exemptions**

Cathy Lawrence stated that a couple months ago she brought attention to the Town Board that some taxpayers are not getting exemptions they had been granted and she has had no answer to this matter. Assessor Smith said Oneida County does the changes and he doesn't have any control.....consolidated sewer district. The Town Supervisor asked how this could be changed and the Assessor responded that the Town Board needs to pass a Resolution and then the County can make the changes. The Assessor and Town Attorney will meet with Oneida County officials perhaps next week.

**REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRPERSON**

Town Clerk Committee – Councilman Woodland:

**Door-to-Door Solicitation – New Hartford Marching Band**

The Town Clerk apprised the Board that members of the New Hartford Marching Band may be selling candy/cookie dough door-to-door. This group is considered not-for-profit and falls under the solicitation section of the Town's Peddling and Soliciting Code and does not require a permit, only notification to the Town Clerk's Office.

**Inter-Municipal Agreements - Fuel**

The Town Clerk had noticed an error in the fuel agreements presented by the Superintendent of Highways at the May 8, 2013 Town Board meeting; specifically, the term of the agreements. Superintendent Sherman confirmed that the duration of the agreements should be three (3) years. Thereafter, Councilman Reynolds offered the following Resolution for adoption; seconded by Councilman Backman:

**(RESOLUTION NO. ... OF 2013)**

**RESOLVED** that the New Hartford Town Board does hereby amend Resolution No. 98, adopted on May 8, 2013 pertaining to a fuel agreement entered into with the Village of New York Mills, so that the ending date of said agreement shall be December 31, 2015 (not 2016); and be it

**FURTHER RESOLVED** that Resolution No. 99, adopted on May 8, 2013 pertaining to a fuel agreement entered into with the Willowvale Fire Company, Inc., be amended so that the ending date of said agreement shall be December 31, 2015 (not December 1, 2016), and that the Town Clerk be, and she hereby is, directed to notate the corrections on the specific agreements.

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

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

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

**Town of Paris Public Hearing – Zoning Map**

The Town Clerk acknowledged receipt of notification from Paris Town Clerk Michael Williamson that the Paris Town Board has scheduled a Public Hearing for minor changes made to the Town of Paris draft zoning map, at the Paris Town Hall on June 13, 2013 at 6:30 P.M.

**Public Safety and Courts Committee – Councilman Reynolds**

**Appointment (Vacancy) – School Traffic Officer**

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

**(RESOLUTION NO. ... OF 2013)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby appoint David Burnham as School Crossing Guard to fill the vacancy created by the resignation of Thomas Randall, the former incumbent thereof; said appointment to be effective Monday, May 27, 2013, at an hourly rate of \$9.49, payable bi-weekly.

A roll call vote was held as follows:

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

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

**Parks and Recreation Committee – Councilman Reynolds**

**Award of Competitive Bid – Recreation Center Pro Shop, Skate Rental & Sharpening**

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

**(RESOLUTION NO. ... OF 2013)**

**RESOLVED** that the New Hartford Town Board does hereby accept the high bid (request for proposal) submitted by Mark Kotary's Hockey Supply, 2 Campion Road, New Hartford, NY, for operation of the Recreation Center Pro Shop, Skate Rental and Sharpening, as per Town specifications, pending receipt of proof of insurance; and be it

**FURTHER RESOLVED** that the Town Supervisor be, and he hereby is, authorized and directed to enter into and to execute the licensing agreement with regard to this operation.

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

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

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

**Training**

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

**(RESOLUTION NO. ... 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 Parks and Recreation Director Michael W. Jeffery and Recreation Maintenance Worker John Randall to attend a training seminar in Syracuse, New York on June 11, 2013, with the Ten Dollar (\$10) registration fee per person to be borne by said Town as budgeted.

The Resolution was voted upon by roll call as follows:

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

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

MATTERS SUBMITTED BY COUNCILMEN / TOWN ATTORNEY

**2012 Audit by D’Arcangelo**

Councilman Backman expressed concern over auditor remarks in the 2012 audit report performed by D’Arcangelo & Associates that were the same comments for fiscal year 2011:

- lack of up-to-date fixed assets. The Town Supervisor said fixed assets include not only equipment but also buildings, sewer lines, roads, etc. For the past 10 – 15 years, the Town has been keeping track of current assets and when purchasing items, keep the list up-to-date, including costs. But he noted that the Town does not have the staff to get the historical data for costs relating to older infrastructure. Councilman Backman noted that a firm had been retained under Earle Reed’s term as Supervisor but Supervisor Tyksinski clarified that was an inventory for insurance purposes, not the historical information that the Town would need. Councilman Reynolds expressed concerned about how to go about it. It’s labor intensive said the Supervisor, who assured the Board that this would not be ignored.
- access to signature stamp – goes back to the Keiser administration said Councilman Backman. Supervisor Tyksinski clarified that today it is not a signature stamp but a facsimile in the software and the signature prints out when checks are issued. The Town Supervisor and Director of Finance had talked to the auditors about that comment and the Director of Finance has talked to the Personnel Technician, trying to come up with dual process and have someone put in a password.
- computer controls – none. Supervisor Tyksinski discussed this matter last year with Polce, the Town’s IT firm.
- Investment policy not updated since 1993. The Town Supervisor believed the State’s investment policy came about in the mid 1990’s. This will need to come before the Town Board for updating and he expects to have an update within a couple months

## REGULAR TOWN BOARD MEETING

May 22, 2013

Page 6 of 11

Councilman Woodland and the Supervisor discussed transfer of money (sewer) and Supervisor Tyksinski said the Accounting Department did get it done; during the transition period when Bookkeeper Fairbrother left, the “due to/due from” was done twice and it was an accounting thing and was transferred from mitigation.

Discussion ensued about how much the General Fund owes the Sewer Fund; a payment was made at the end of 2012 and the interest has yet to be broken out.

### Town Attorney:

#### **Ethics Committee**

Councilman Woodland and Ralph Humphreys, members of the Town’s Ethics Committee, had contacted Town Attorney Cully; if the Town dissolved its committee, then the Oneida County Ethics Committee would have jurisdiction. However, the Town Attorney noted that Section 806 of General Municipal Law requires that each municipality have a code of ethics/committee. Councilman Woodland the Town Attorney talked about updating the Town’s 1970 Code of Ethics. Councilman Backman believed that by having an “outside” board, it would eliminate political influence. Town Board consensus was to keep the Town’s Code of Ethics and “tweak” it where need be.

#### **Abandoned Cemetery - Eagle Scout project**

The Superintendent of Highways had been contacted by an Eagle Scout who was interested in cleaning up an old, abandoned cemetery off Higby Road across from the Jewel Ridge subdivision. The Town Attorney had been unable to locate statute that the Town would own this cemetery but he will continue to follow up.

#### **Proposed Wind Tower/Turbine legislation**

The Town Attorney stated that all Board members have a copy of what was proposed and that he had made some changes. Discussion included Councilman Reynolds’ concern of whether the legislation would be sustainable under Article 10 and the Town Attorney explained his research. He had a long discussion today with Johnathan Knauth who did all the findings in the Town of Litchfield legislation. Attorney Cully will make further changes and hopefully have the final draft ready for the June 12, 2013 Town Board meeting.

#### **Proposed Legislation - National flood insurance**

Town Board consensus was to authorized the Town Attorney to send to the NYS Department of Environmental Conservation (DEC) the proposed flood prevention legislation, with the expectation that DEC’s comments or approval will be received by the June 12, 2013 Town Board meeting.

**FOIL Appeal – 2012 New Hartford Public Library Audit & Management Letter and Management’s response**

Cathy Lawrence filed an Appeal because she had not received the documents requested with regard to the audit of the Library, including management letters/responses. She stated that these documents should be filed with the Town Clerk and that by not doing so puts the Town Clerk in an awkward situation. The Supervisor initially cited privacy laws for not releasing the 2012 library audit. Attorney Cully cited FOIL law about records kept, held, filed, produce or reproduced for an agency. The Town Attorney understood that the audit was for the library but paid for by the Town. When the Town Attorney asked Town Clerk Gail Wolanin Young if she received a copy of the 2012 Library audit, she said “No”.

Edmund Wiatr, Jr. made reference to the Arts and Cultural Law, (Section 51), and stated that the Library has yet to comply with sending certain documents to the Town Clerk for filing.

Thereafter, Councilman Backman offered the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. ... OF 2013)**

**RESOLVED** that the New Hartford Town Board does hereby authorize the release to Catherine Lawrence of a copy of the 2012 Audit of the New Hartford Public Library, together with management letters/responses, as per her FOIL Appeal received May 20, 2013.

The Board members voted as follows:

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

Thereafter, the Resolution was declared carried and duly **ADOPTED**. The Town Supervisor asked the Town Clerk to call the New Hartford Public Library and obtain a copy of the documents.

**MATTERS SUBMITTED BY TOWN SUPERVISOR**

**Town Offices – 1<sup>st</sup> Floor/Butler Memorial Hall**

## REGULAR TOWN BOARD MEETING

May 22, 2013

Page 8 of 11

The Town Supervisor reported that the Butler Memorial Hall Association, overseen by the New Hartford Village Board, has installed air-conditioning on the first floor of Butler Memorial Hall and also the town's computer room at the ground level.

### **Insurance policies**

The Town Supervisor announced that the Town's various insurance policies expire on June 30, 2013 and that he is expecting a couple of quotes. Consensus of Board was to have the Supervisor proceed in the matter.

### **Supervisor's Annual Report - 2012**

It was noted that the Town's fund balances are increasing, totaling close to \$1.3 million in General Fund, General Fund Part-Town and the Police Fund. Highway Fund is also up. Special districts are basically whatever we pay out. Other than that, concerns were covered earlier in the session.

### **AUD**

Director of Finance Dreimiller reported that he had filed the Town's 2012 AUD today with the State Comptroller and the Library is part of that.

### **Municipal Separate Storm Sewer System (MS4) – Annual Report**

Superintendent of Highways Richard Sherman reported that the MS4 Annual Report was recently completed and he explained the purpose of the MS4 program, which has been in place since 2003, starting with the Environmental Protection Agency (EPA) – Clean Water Act adopted in the late 1990's. Municipalities must control the quality of stormwater by eliminating all kinds of debris (salt, sand, litter, etc.) from being dumped into the storm sewer facility within their territorial boundary, so that unfiltered storm water does not flow into streams and wetlands. Regulated MS4s involve many towns and villages; the systems can be closed or open ditches and swales. Minimum control measures include:

- Public outreach and education
- Public outreach and participation (solicit public comment)
- Illicit discharge detection and elimination of stormwater (must adopt a local law)
- Construction site run-off control (local law also needed)
- Post construction stormwater management
- Good housekeeping

The annual report requires the Town Supervisor's signature, after which the Annual Report will be posted on the Town's web site. The public can read the report and offer comments. This public (Town Board) meeting and the Town's web site will suffice for a public hearing. The Annual Report must be filed with the New York State Department of



Environmental Conservation by June 1, 2013. Thereafter, Councilman Backman introduced the following Resolution for adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. ... OF 2013)**

**WHEREAS**, the Town of New Hartford has been identified as a Municipal Separate Storm Sewer System (MS4) under the EPA's Phase II Stormwater Regulations under the Clean Water Act of 1999; and

**WHEREAS**, the Phase II Program requires each MS4 to prepare a Draft Annual Report on the Town's efforts to protect and improve the water quality of our streams and water bodies; and

**WHEREAS**, the public is invited to review the Draft Annual Report and provide input; and

**WHEREAS**, a Draft Annual Report has been prepared in conformance with the Phase II Regulations by the Highway Department; and

**WHEREAS**, the Annual Report must be submitted to the New York State Department of Environmental Conservation offices in Albany, NY, by June 1, 2013;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board accepts said Draft Annual Report and does hereby authorize and direct the Town Supervisor to execute same and that said Draft Annual Report is available for public review at the Town of New Hartford Town Clerk's Office, Town Web Site, and at the Highway Department.

Upon roll call, the Board members voted as follows:

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

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

**Agreement for Expenditure of Highway Funds, Highway Law Sec 284**

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

**(RESOLUTION NO. ... OF 2013)**

**RESOLVED** that, pursuant to the provisions of Section 284 of the Highway Law, the Town Board and Highway Superintendent do hereby agree that moneys levied and collected for the repair and improvements of highways, and received from the State or other sources for the repair and improvement of highways, shall be expended as follows:

1. GENERAL REPAIRS (5110 and 5120): The sum of \$..... may be expended for general repairs upon eighty-two (82) miles of Town highways, including sluices, culverts and bridges having a span of less than five (5) feet and boardwalks or the renewals thereof.
2. IMPROVEMENTS (5112): The sum of \$400,000 shall be set aside to be expended for the improvement (paving) of Town highways.

**NOTE: Awaiting list from Candy**

The Resolution was then voted upon as follows:

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

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

**Funding – Railroad Crossing, Oneida Street, Washington Mills**

Superintendent of Highways Sherman will meet on June 4, 2013 with the NYS Department of Transportation (DOT), Oneida County and Railroad officials about federal monies identified by DOT for changes to the Oneida Street railroad crossing between the hamlets of Washington Mills/Chadwicks.

**Zoning Board Vacancies**

The terms of office of Taras Tesak and Frederick Kiehm on the Zoning Board of Appeals will expire on June 9, 2012; both individuals have submitted letter of interest to continue in this capacity. Additionally, Byron Elias has submitted a letter of interest. Town Board consensus was to withhold action until Councilman Miscione is at the June 12, 2013 Town Board meeting. The Town Clerk confirmed that the next Zoning Board of Appeals meeting is Monday, June 17, 2013.

**Quotes – Interview Room Recorder**

The Police Chief had received three (3) quotes for a new interview room audio/video recorder, ranging from \$3,472.00 (NYS Contract) to \$10,459.50. Councilman Backman introduced the following Resolution for adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. ... OF 2013)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct Police Chief Michael Inserra to purchase from AUDIO-VIDEO CORPORATION, 213 BROADWAY, ALBANY, NY a new interview room audio/video recorder pursuant to their Quote No. 85550 –04 NYS Contract #PT63298 in the amount of Three Thousand Four Hundred Seventy-two Dollars (\$3,472.00)

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

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

Thereafter, the Resolution was declared 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 Reynolds, the meeting was adjourned at 8:29 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk