

**REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF NEW HARTFORD, NEW YORK  
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN  
ON WEDNESDAY, OCTOBER 2, 2013 AT 6:55 P.M.**

Town Supervisor Patrick Tyksinski called the meeting to order at 6:55 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:**

Deputy Supervisor Matthew Bohn III  
Deputy Clerk Melody Fancett  
Director of Finance Daniel Dreimiller  
Highway/Sewer Superintendent Richard C. Sherman  
Police Chief Michael Inserra  
Town Attorney Herbert J. Cully

**ABSENT:**

Town Clerk Gail Wolanin Young

Thereafter, a quorum was declared present for the transaction of business. In the absence of the Town Clerk who was recuperating from surgery, Deputy Clerk Fancett was present to record the minutes. Transcription was taken from audio/video equipment.

**MINUTES - Town Board Meeting – August 14, 2013**

Councilman Woodland introduced the following Resolution for adoption, seconded by Councilman Backman.

**(RESOLUTION NO. 182 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 August 14, 2013 and does further waive the reading of the same.

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**.

No Public Comments and/or presentations.

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

**Town Clerk Committee – Councilman Woodland:**

**2014 Tentative Budget**

Councilman Woodland acknowledged receipt on behalf of the Town Clerk of the Supervisor's Tentative Budget for fiscal year 2014, on Monday, September 30, 2013. Copies were distributed to the Town Board Members.

**Public Works & Sewers – Councilman Miscione**

**Competitive Bid – Fully Automated Salt Brine Production System**

Upon request of the Highway Superintendent, Councilman Miscione introduced the following Resolution, which was duly seconded by Councilman Reynolds.

**(RESOLUTION NO. 183 OF 2013)**

**WHEREAS**, on September 30, 2013 the Town of New Hartford received bids from Joe Johnson Equipment, Inc. of Rochester for the Salt Brine Production System.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of said Town does hereby accept the bid from Johnson Equipment, Inc., 62 Lagrange Ave., Rochester, NY 14613 as the low bidder and does agree to the bid price of \$91,571.00 for (1) One Fully Automated Salt Brine Production System, delivered and Installed within 45-60 days after receipt of order.

Discussion: This quote is for the brine maker only it does not include the equipment to install onto the trucks. Supervisor Tyksinski would like to bond for the equipment for the (9) nine Town trucks at a cost of \$100,000.00 plus the brine unit. Supervisor Tyksinski would like to be fully ready and prepared to use this equipment should we have a bad winter. Councilman Backman was surprised to hear bonding, he thought there was enough money to purchase the equipment as discussed at the September 25, 2013 Town Board Meeting. Supervisor Tyksinski explained that at the September 25, 2013

discussion the only thing that was discussed was the brine maker and that nothing about the equipment for the trucks was discussed. Supervisor Tyksinski feels if this is going to be done, the Town should do it right and do the whole thing. The surplus that Superintendent Sherman said his 2013 budget has was for the maker itself and did not include any equipment for the trucks. Councilman Woodland questioned the useful life of this equipment, Superintendent Sherman explained that they put 15 years but because it's all stainless steel it will probably last longer than 15 years. Councilman Reynolds did say they could opt to not equip all the Town trucks at this time but by doing it all at once, it gives the Town the flexibility to cover every plow route and Superintendent Sherman added that it will also give the Town the flexibility to go out and pretreat the roads before a storm. Councilman Backman would like to know if the Town is planning to borrow for any other purchases in 2014. Supervisor Tyksinski said yes, the Town has some capital budget items that are going to be proposed during the budget discussions but does not have the exact figures with him. Councilman Miscione pointed out that the brine maker is will provide cost savings to the Town every year and the savings will make the payments on the bond. Councilman Backman said he was not against the brine machine but he is against the level of borrowing/bonding that this board does and also feels that the revenue will not make future payments.

(Resolution No. 183 continued)

**NOW, THEREFORE, BE IT FURTHER RESOLVED** the Board does further agree to Bond for the purchase of said equipment to equip (9) nine Town Highway Trucks at a cost not to exceed \$100,000.00 and also for the purchase of the Salt Brine Unit at \$91,571.00.

A roll call vote ensued:

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

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

**MATTERS SUBMITTED BY COUNCILMEN / TOWN ATTORNEY**

**FOIL Appeal – Hampton Inn Tax Records**

The Town Attorney Cully explained that the Town is in receipt of a document described as a "FOIL Appeal" from a denial of access of Town records, specifically relates to Tax Bills and all letters asking for PILOT payments and verification the tax bills were paid.

He said the request was made on September 12, 2013 and a response was given on September 13, 2013 from Deputy Fancett indicating requested documentation would be received by September 27, 2013. In looking at the Public Officers Law the requirement is a response within (5) five business days of the receipt of the request for the records, we need to issue a denial or a statement of the quote/ unquote date in which the documents will be granted or denied. Attorney Cully does not feel this is an appeal because he does not see where there was a denial and he said it looks as though there is documentation that the Town would comply and it is his understanding some documentation was provided but that it may not have been what was requested. The other important part of FOIL is that it only relates to documents that are in existence. Attorney Cully would like to review what documents were provided and what documents may or may not be in existence and he would like to respond in writing to the applicant with a copy to Mr. Freeman.

**MATTERS SUBMITTED BY TOWN SUPERVISOR**

**Audit of Vouchers**

On recommendation of the Town Supervisor, Councilman Reynolds presented the following Resolution, moving its adoption; seconded by Councilman: Miscione

**(RESOLUTION NO. 184 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:

Stormwater Series II Abstract #7		
Vouchers HK23-HK28; HK30-HK31	\$	10,046.87
Panera Traffic Light Abstract #3		
Vouchers HP7-HP9	\$	68,965.19
Zoning Study Abstract #4		
Vouchers H114	\$	4,389.00
Mud Creek Project Abstract #5		
Vouchers HR9	\$	3,229.80
Trust & Agency Fund Abstract #34		
Vouchers TT161-TT168	\$	13,171.07
Trust & Agency Fund Abstract #35		
Vouchers TT169-TT170	\$	7,483.28
Trust & Agency Fund Abstract #36		
Vouchers TT171	\$	3,250.00
Trust & Agency Fund Abstract #37		
Vouchers TT172-TT178	\$	14,238.96

Highway Fund Part-Town Abstract #13		
Vouchers DB535-DB565; DB579-DB591	\$	113,367.34
General Fund Part-Town Abstract #21		
Vouchers BB125-BB128	\$	5,862.76
General Fund Part-Town Abstract #22		
Vouchers BB129-BB137	\$	3,716.12
General Fund Whole-Town Abstract #30		
Vouchers AA1039-AA1049	\$	25,876.96
General Fund Whole-Town Abstract #31		
Vouchers AA1050-AA1083;		
AA1086-AA1096; AA1098-AA1115	\$	71,159.52
General Fund Part-Town Police Abstract #22		
Vouchers BP200-BP202; BP204	\$	37,884.93
General Fund Part-Town Police Abstract #23		
Vouchers BP203; BP205-BP222	\$	12,462.64
Sewer Fund Abstract # 24		
Voucher SS73-SS75	\$	534.31
Sewer Fund Abstract #25		
Voucher SS76-SS81	\$	<u>10,196.23</u>
	\$	<b>405,834.98</b>

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**.

**2014 Tentative Budget**

Supervisor Tyksinski said he has gone over the 2014 Tentative Budget with all the department heads and if anyone has any questions they should feel free to contact either the department head or the supervisor. This budget represents a 4.7% tax decrease in the General Wholetown Fund and a 1.3% Decrease in the General Police Fund, there are no layoffs and an additional \$50,000.00 was added back to the New Hartford Library, there was also an increase in spending from the Parks and Recreation Department. Supervisor Tyksinski said that the Budget Director Dreimiller has worked with County to break out from the O & M fund capital, but that this is not an easy thing to do, and Director Dreimiller is still awaiting approval from the County. This is a work in progress; there may be some changes because they are working under the new formula. Councilman

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Miscione questioned the percentage of the raise increases for Town Employees. Supervisor Tyksinski stated it is 3% across the board except for the Unions that are not complete in their negotiations. Councilman Woodland would like to know if the Board can get copies of the budget worksheets submitted by the Department Heads. Budget Director Dreimiller said he can get those copies.

**Expenditure Reports:** Budget Director Dreimiller handed out to the board the expenditure reports for September 2013. Supervisor Tyksinski stated that the Town is on track with the 2013 budget and that some departments are under budget.

### **Assessor Appointment**

Councilman Woodland requested the Board discuss the Assessor Appointment. Councilman Backman wanted to know if Paul Smith has worked since October 1, 2013. Supervisor Tyksinski stated that under Town Law if no appointment is made then the previous person stays on until either an appointment or re-appointment is made. Supervisor Tyksinski is concerned that when the letter from the state arrives (which was received in the Clerk's Office, that they do not have an Appointment.) Councilman Backman presented a bunch of unsolicited resumes that he had received to the Board and Supervisor Tyksinski said he had received two resumes and also distributed those to the Town Board. Councilman Backman stated that he gave the Board the phone number of Dean Burth from Oriskany and the Board did acknowledge speaking with him. Councilman Backman would like the Board to consider hiring Mr. Burth for the Assessor Position. Councilman Woodland said Mr. Burth is well qualified and that there would be a reduction in the Budget. Councilman Miscione also said he is well qualified and said he can work every day with the exception of Tuesdays and is willing to work more than 20 hours per week. Councilman Reynolds said that Mr. Burth told him unsolicited that Paul Smith is the best qualified person. Councilman Reynolds is concerned that if that is true, That Paul Smith is the best man for the job, then this is all for nothing. Councilman Reynolds does agree that there are issues with Paul Smith and the Data Base which needs to be addressed by both the Town Supervisor and the Town Board but he is not convinced that the Assessor position is a part-time position. Supervisor Tyksinski said that Mr. Burth speaks volumes when he says the guy the Town is looking to hire stated that the Town already has the best qualified person and it does not make sense to the Town Supervisor as to why the Town Board does not reappoint him. Councilman Reynolds said that Mr. Burth offered this information and that he did not ask that question; however, he did ask Mr. Burth if he knew of anyone else out there that possessed strong qualifications and Mr. Burth quickly said no. Supervisor Tyksinski said he does not believe this is a 20 hour a week position. Councilman Miscione said he got Mr. Burth up to about 20 – 30 hours a week and that he already works for the Town of Trenton on Tuesdays and is retired from the State but feels he can get the job done in that amount of time. Supervisor Tyksinski said with Paul Smith the Board knows what they have and he is concerned that Mr. Burth is retired from the State and also with his length

of service with the Town of New Hartford. Supervisor Tyksinski said with Paul Smith as Assessor that he may be around for a number of years if the Board does so reappoint him. He also said that Paul Smith is familiar with the Town of New Hartford and that he also called other Towns who questioned why they were considering getting rid of Paul Smith because they felt in their opinion he was probably one of the best Assessors in the area. Supervisor Tyksinski is questioning why the Board is not reappointing Paul Smith especially after they had discussed the issues, dispelled all the criticism from outside parties and he does not feel that Paul Smith has done anything not worth reappointing him for.

**EXECUTIVE SESSION**

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

**(RESOLUTION NO. 185 OF 2013)**

**RESOLVED**, that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss a particular employee and to discuss the appointment/reappointment of the Assessor position.

A roll call vote ensued:

Councilman Miscione	-	Aye
Councilman Woodland	-	Aye
Councilman Reynolds	-	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 7:24 P.M. The Town Attorney and Deputy Supervisor remained for the remaining Executive Session.

[NOTE: The Town Attorney provided the following transcription on Friday, October 4, 2013.]

**END OF EXECUTIVE SESSION**

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

**(RESOLUTION NO. 186 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.

A roll call vote ensued:

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

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 7:57 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public re-invited to join the meeting.

**Assessor Appointment:**

Councilman Miscione introduced the following Resolution for adoption, and it was seconded by Councilman Woodland.

**(RESOLUTION NO. 187 OF 2013)**

**RESOLVED**, that the Town Board does authorize a motion to advertise for applications on the New York State Assessor Website (Albany/Syracuse) for the Town Assessor Position and the Board will decide on an applicant at the October 23, 2013 Town Board Meeting.

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**.

**APPOINTMENTS:**

Upon motion made by Councilman Miscione, which was duly seconded by Councilman Reynolds:



**(RESOLUTION NO. 188 OF 2013)**

**RESOLVED**, that the Town Board does hereby appoint Michaela Traglia as a Part-Time Court Clerk at \$12.52 per hour effective October 7, 2013. This appointment will replace the position of Mary Kennedy who retired effective September 21, 2013.

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***.

**ADJOURNMENT**

There being no further business to come before the Town Board, upon motion duly made by Councilman Reynolds and seconded by Councilman Miscione, the meeting was adjourned at 8:00 P.M.

Respectfully submitted,

Melody Fancett, Deputy Clerk