

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, NOVEMBER 6, 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 Finance 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

October 23, 2013 Town Board meeting

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

(RESOLUTION NO. 203 OF 2011)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held October 23, 2013 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 HEARING

7:01 P.M. 2014 Preliminary Budget, including
Special Districts

At 7:01 P.M. the Town Supervisor opened the Public Hearing on the 2014 Preliminary Budget. The Town Clerk had available the Notice of Public Hearing, Proof of Publication (October 31, 2013 edition of The Observer Dispatch), and Affidavit of Posting. The purpose of the Hearing was to offer the citizens an opportunity to speak for or against, or to comment upon the 2014 Preliminary Budget as a whole, or any part thereof. The proposed tax rates on the Summary page were:

- General Fund Whole-Town: \$1.0501
- General Fund Part-Town: No tax rate
- General Fund Part-Town Police: \$1.7696
- Highway Fund Whole-Town: No tax rate
- Highway Fund Part-Town: No tax rate

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

- Fire Protection Districts 1 & 2: \$0.7228/per M
- Fire Protection District 3: \$0.7450/per M
- Fire Protection District 4: \$2.6117/per M,
- Fire Protection District 5: \$0.8504/per M
- Lighting Districts (about 25):
- Consolidated Sewer District (1): \$0.4015/per M
- Consolidated Sewer District (2): Unit charge of \$20
- Woodberry Hills Sewer District: \$0.1311/per M, (capital)
- Woodberry Hills Sewer District: \$0.4295 (operation & maintenance)
- Clinton Street Sewer District: \$0.3235/per M (capital)
- Clinton Street Sewer District: \$0.0218 (operation & maintenance)

Total appropriations in the 2014 Preliminary Budget were \$13,881,036.

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For those wishing to speak on the 2014 Preliminary Budget, the Town Supervisor requested that persons keep their comments to three (3) minutes. The following individuals came forth:

- Cathy Lawrence – said the sewer districts still are wrong, claiming the Town is double billing the people in the Clinton Street Ext. Sewer District, mainly properties in The Orchard and Ellinwood Drive, Clinton Street. With regard to the operation and maintenance charges in that sewer district, she inquired what the budgeted amount of \$327 was for. Highway/Sewer Superintendent Sherman stated that is the amount the Town pays to the Village of New York Mills.
- Edmund Wiatr, Jr. – believed there was over-statement of revenue and understatement in other areas. He objected to the proposed 3% raises across the board for employees when the Consumer Price Index is at 1.5%. He noticed that the Highway/Sewer Superintendent didn't have a raise in 2 or 3 years and that he should receive at least 1.5%.

No one further appeared in the matter and the Public Hearing was closed at 7:04 P.M.

PUBLIC PRESENTATIONS (Resident Comments)

No one was present to comment.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRPERSON

Town Clerk Committee – Councilman Woodland

Pay Rate – Deputy Town Clerk II

Upon request of the Town Clerk, Councilman Woodland introduced the following Resolution and Councilman Backman seconded same:

(RESOLUTION NO. 204 OF 2013)

WHEREAS, the Town Clerk has appointed Part-time Clerk Shelby L. Bohling to fill the vacancy in the Deputy Town Clerk II position, effective October 28, 2013;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby establish the hourly rate of pay for Ms. Bohling at Ten Dollars and Seventy-five Cents (\$10.75), retroactive to October 28, 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**.

Public Safety & Courts Committee – Supervisor Tyksinski

Grant Acceptance – Budget Adjustment

Supervisor Tyksinski briefed the Town Board on a Grant from Target, after which Councilman Reynolds offered the following Resolution for adoption; seconded by Councilman Miscione:

(RESOLUTION NO. 205 OF 2013)

WHEREAS, Target has awarded a Twelve Hundred Dollar (\$1200) Grant to the Town of New Hartford for use in the Joseph D. Corr Command Building;

NOW, THEREFORE, BE IT RESOLVED that the said Town Board does hereby accept the Twelve Hundred Dollar (\$1200) Grant and does further authorize and direct the following adjustments to the 2013 Budget:

- Increase Town Police Contractual Account BP3120.4 - \$1200.00
- Increase Town Police Revenue Account BP2705.2 - \$1200.100.

Upon roll call, the Town 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**.

Assessor Committee – Councilman Woodland

Appointment – Board of Assessment Review

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

(RESOLUTION NO. 206 OF 2013)

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WHEREAS, the term of office of James Varieur as a member of the Board of Assessment Review had expired on September 30, 2013; and

WHEREAS, Mr. Varieur has expressed his interest in being reappointed to the Board of Assessment Review;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby reappoint James Varieur to a five-year term as member of the Board of Assessment Review, retroactive to October 1, 2013 and ending September 30, 2018

Councilman Backman requested that the Town post on its website specific information about the Board of Assessment Review; such as number of positions, duration of term appointments and so forth. Thereafter, the Supervisor polled the Town Board members who 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**.

Public Works & Sewer Committee – Councilman Reynolds

Agreement for sewer monitoring – Total Control System Services, Inc.

With regard to the sewer mains along Sherrill Lane and Beechwood Road, Highway/Sewer Superintendent Sherman reported that National Water Main had inspected the infrastructure and had determined the sewer mains to be in good shape. Since then, he contacted Total Control System Services, Inc., which would watch water levels and give a warning sound over a computer if the County interceptor gets full and back flows. The Board discussed various time frames for the work to be performed. Thereafter, Councilman Reynolds offered the following Resolution for adoption; seconded by Councilman Miscione:

(RESOLUTION NO. 207 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 Total Control System Services, Inc., the latter of which shall provide sewer flow data delivery services to the Town over a seven (7) month period at a cost of

\$965.15 per month, not to exceed Eight Thousand Dollars (\$8,000); subject to the Town Attorney's review and approval of the agreement.

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***.

Executive Session Request

The Highway/Sewer Superintendent requested to enter into Executive Session to discuss the employment history of a particular person.

MATTERS SUBMITTED BY COUNCILMEN / TOWN ATTORNEY

Councilman Reynolds:

- Minutes of the Parks and Recreation Advisory Committee were available for review
- The possibility of contractor Spinella doing some ponding and removal of trees behind Woodberry during the coming winter; no decision. Easements would need to be obtained

Town Attorney:

Request Executive Session to discuss union negotiations.

MATTERS SUBMITTED BY TOWN SUPERVISOR

Severance Account at NBT Bank

Finance Director Dreimiller stated that the Town has budgeted funds over the years in the event employees retire, rather than "being hit all at once." He recommended segregating the funds so that the Town Board knows what they have at any given time. Thereafter, Councilman Miscione offered the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 208 OF 2013)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to open a Primary Checking Account from which charges incurred would be debited, to be known as the “*Special Severance Account*”, and that the Town Supervisor and Deputy Town Supervisor be, and they hereby are, authorized to endorse checks and orders, for the payment of money or otherwise withdraw or transfer funds on deposit with NBT Bank, N.A.

The Town Board members voted upon roll call:

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**.

2014 Preliminary Budget

The Finance Director confirmed that all changes agreed to at the October 23, 2013 Town Board meeting had been made and he reviewed the various changes and updated tax rates:

- General Fund Whole-Town/added \$2,500 for Town Justice salary
 - Added \$200 for social security
- Removed *\$75,939 for hotel agreement/General Fund Whole-Town revenue

Councilman Backman inquired whether the Town Supervisor expected this *amount (Hampton Inn hotel agreement) to be collected in 2014; Supervisor Tyksinski said yes, after which Councilman Backman said to add it back into the budget.

- General Fund Whole-Town revenue – decreased by \$60,000 in sales tax
 - moved \$40,000 to General Fund Part-Town Police account
 - moved \$20,000 to Highway Fund Part-Town
- Decreased General Fund Whole Town by \$25,000 and moved it to Highway Fund Part-Town to cover a mechanic salary
- Took out \$1,000 in sales tax for sidewalks (Highway Fund)
- Added money for mortgage tax

The Highway Superintendent had informed the Supervisor that the State of New York owes money to the town, which is expected to be received in the next six (6) to nine (9) months. Supervisor Tyksinski was reluctant to include this revenue in the 2014 budget as the Town has been waiting for this reimbursement for some time. The money could be

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put in the paving line item. He noted there was an increase in the property tax line by about \$40,000 that affected the tax rate.

Discussion ensued on the expected PILOT payment for the Hampton Inn hotel after which all Board members agreed to place this revenue back into the 2014 budget, thereby reducing the tax levy.

Councilman Backman Don questioned the figures for employee contributions to their health care – 15% - it doesn't look right. The Finance Director said the figures are based on actual coverage, family vs individual, etc. and he believes this is based upon employee contributions of 15%. The Supervisor stated that the dollar amount(s) is based upon the Personnel Technician's figures; some amounts for health care contributions are in other accounts. Leave as is. Parks and Recreation Director Michael Jeffery stated that some of his employees opted out of the Town's health insurance.

Councilman Backman noted that no decision has been made yet on the Assessor appointment; if this were resolved, the accurate appropriation could be plugged in the budget. He still believes \$30,000 (salary) with no benefits would cover the position.

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

(RESOLUTION NO. 209 OF 2013)

RESOLVED that the New Hartford Town Board does hereby agree to allocate \$76,000 in revenue in the 2014 Budget for the PILOT Agreement for the Hampton Inn.

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**.

Councilman Backman questioned the figures for Police medical insurance – Supervisor Tyksinski stated there are certain police officers who retired and do not make any contributions (4, 5 or 6 of them – from the Village); “Don, you know that,” he said.

Councilman Reynolds questioned whether any amounts had been paid to the Sauquoit Creek Basin Commission. The Town Supervisor said no, that he's been waiting for two (2) years for a bill from the County. Discussion included accountability and whether the Town was being fairly assessed vs other municipalities who belong to this Commission. Councilman Backman said not to put money in the budget for this while Councilman Woodland wanted the money allocated. Supervisor Tyksinski commented, "... you don't throw money at an organization that doesn't account for what they do." Councilman Miscione said to leave the money out. It stays out.

Audit of Vouchers

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

(RESOLUTION NO. 210 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:

Panera Traffic Signal Abstract #10 Vouchers HP10-HP11	\$ 73,198.76
Street Lighting Fund Abstract #11 Vouchers SL12	\$ 7,821.45
Street Lighting Fund Abstract # 12 Vouchers SL13	\$ 8,402.28
Stormwater Series II Abstract #8 Vouchers HK32-HK42	14,295.56
Clinton Street Road Abstract #1 Vouchers HD1	\$ 264.30
Fire District Abstract #6 Vouchers SF10	\$ 27,058.36
Rte. 840 Access Ramp Abstract #50 Vouchers HE6-HE9	\$ 6,296.16
Trust & Agency Fund Abstract #39 Vouchers TT187-TT188	\$ 7,728.40
Trust & Agency Fund Abstract #40 Vouchers TT189-TT195	\$ 14,164.63
Highway Fund Part-Town Abstract #14 Vouchers DB592-DB635; Db637-DB670	\$ 225,208.95
General Fund Part-Town Abstract #23 Vouchers BB138-141	\$ 5,870.54

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General Fund Part-Town Abstract #24 Vouchers BB142-BB155	\$ 7,448.02
General Fund Part-Town Abstract #25 Vouchers BB156	\$ 354.30
General Fund Whole-Town Abstract #32 Vouchers AA116-128	\$ 7,355.70
General Fund Whole-Town Abstract #33 Vouchers AA1130-AA1142	\$ 33,757.15
General Fund Whole-Town Abstract #34 Vouchers AA1143-AA1257	\$ 102,936.19
General Fund Whole-Town Abstract #35 Vouchers AA1258	\$ 354.30
General Fund Part-Town Police Abstract #24 Vouchers BP223-BP226	\$ 44,025.19
General Fund Part-Town Police Abstract #25 Vouchers BP227-BP242	\$ 13,579.81
Sewer Fund Abstract #26 Voucher SS82-SS84	\$ 1,437.04
Sewer Fund Abstract #27 Voucher SS85-SS92	<u>\$ 10,270.90</u>
	\$611,827.99 SUB TOTAL
General Fund Whole-Town Abstract #36 Voucher AA1259 (Library contribution Minus retirement)	<u>\$ 91,690.25</u>
	\$703,518.24 TOTAL

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**.

EXECUTIVE SESSION

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

(RESOLUTION NO. 211 OF 2012)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss matters relating to a specific employee and the Town's strategy in union negotiations.

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

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 were then excused from the meeting at 7:54 P.M. The Town Attorney, Deputy Supervisor, Highway Superintendent and Highway Working Foreman remained for the Executive Session.

[NOTE: The Town Attorney provided the following transcription on Thursday, November 14, 2013.]

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 212 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 8:20 P.M. The regular portion of the Town Board meeting was immediately reconvened.

Creation of Deputy Highway Superintendent Position

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

(RESOLUTION NO. 213 OF 2013)

RESOLVED that the New Hartford Town Board does hereby direct the Town Attorney to draft a local law to create a position of Deputy Highway Superintendent.

The Supervisor polled the Board members who voted as follows:

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

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

2014 Budget Adjustment – Highway Superintendent Salary

Councilman Miscione then introduced the following Resolution, which was duly seconded by Councilman Woodland:

(RESOLUTION NO. 214 OF 2013)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize an adjustment to the 2014 Budget to increase the salary of the Highway Superintendent by Five Thousand Dollars (\$5,000).

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

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

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

ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made by Councilman Woodland and seconded by Councilman Miscione, the meeting was adjourned at 8:25 P.M.

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Respectfully submitted,

Gail Wolanin Young, Town Clerk