

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, SEPTEMBER 24, 2014, 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 Paul A. Miscione
Councilman David M. Reynolds
Councilman Richard B. Woodland, Jr.
Supervisor Patrick M. Tyksinski

ABSENT:

Councilman James Messa

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Assessor Darlene Abbatecola
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

September 10, 2014, Town Board meeting:

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

(RESOLUTION NO. 203 OF 2014)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held September 10, 2014, and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

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

PUBLIC PRESENTATIONS/COMMENTS

Tibbitts Road Air Field (airstrip)

Michael Baldwin requested that the Town Board adopt a resolution authorizing him to establish a privately owned airstrip on his Tibbitts Road property, in accordance with NYS General Business Law, Section 249. Mr. Baldwin stated that his property is zoned agriculture pursuant to the Zoning Law adopted in June 2014 and that he has a small plane and airstrip on his property consistent with the new Zoning Law. However, this matter requires site plan review by the Town Planning Board. The Town Board Resolution would be forwarded to the NYS Department of Transportation (DOT) for their determination as to whether the airstrip meets the standards provided in Section 249 of the New York State General Business Law. The Town Attorney requested that the matter be deferred because it refers to the General Business Law and he hadn't reviewed Mr. Baldwin's written request. Further, Mr. Baldwin is currently flying in violation of site plan requirements, and the Town has received complaints from neighbors. Councilman Reynolds offered the following Resolution for adoption; seconded by Councilman Miscione:

(RESOLUTION NO. 204 OF 2014)

RESOLVED that the New Hartford Town Board does hereby defer action on the request of Michael Tibbitts to establish an airstrip on his Tibbitts Road property until such time that the Town Attorney has sufficient time to review the matter.

Upon roll call, the Town Board voted as follows:

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

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

Joseph Corr Foundation – Softball Tournaments

David and Kathy Corr, and Sherri Philipkoski, parents and sister of the late Police Officer Joseph Corr, were present on behalf of the Joseph Corr Foundation. Since Officer Corr’s death eight (8) years ago, the Foundation has sponsored annual softball tournaments in his memory in the Washington Mills Athletic Park, thanks to the Town, Parks & Recreation Director Michael Jeffery, Recreation Center Manager John Carson Cunningham, John Randall, and Michael Kelly. The Corr family presented a plaque for all they have done. The Parks and Recreation Director asked the Corr family where they would like to have the plaque posted – the Park or the Recreation Center – and they chose the Recreation Center.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRPERSON

Parks and Recreation Committee – Councilman Reynolds:

Appointments – Seasonal Parks/Recreation

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

(RESOLUTION NO. 205 OF 2014)

RESOLVED that the New Hartford Town Board does hereby appoint the following individuals to the various part-time seasonal positions and for the hourly wages set opposite their several names, for the Parks and Recreation Department; all wages to be paid bi-weekly:

Recreation Center A7020.14

September 28, 2014 – March 31, 2015

<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
Madison Babicz	Ice Attendant	\$8.00/hour
Paul Nassif	Ice Attendant	\$8.00/hour
Sophia Butler	Ice Attendant	\$8.00/hour
Maysara Elazzazi	Ice Attendant	\$8.00/hour
Steven Goddard	Ice Attendant	\$8.00/hour
Josiah Abadessa	Ice Attendant	\$8.00/hour
Andrew Nerber	Ice Attendant	\$8.00/hour
Jordyn Gardinier	Ice Attendant	\$8.00/hour
Gianna Paniccia	Ice Attendant	\$8.00/hour

Playgrounds A7140.14

December 1, 2014 – March 31, 2015

<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
Dennis Philipkoski	Recreation Leader	\$11.00/hour
Harold Kaffka	Adult Basketball Director	\$15.00/hour.

The Town Supervisor questioned what duties the Ice Attendants had and inquired whether any of the full-time existing Town department employees could fulfill those duties in addition to their regular work. The Parks & Recreation Director responded, no, it would not be possible as the Ice Attendants oversee ice skater safety, ticket sales, and end of session custodial duties while recreation staff perform ice maintenance and security work. Whereupon, the Town Board voted upon roll call:

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

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

Agreements – Ice Rental

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

(RESOLUTION NO. 206 OF 2014)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute Ice Rental Agreements for the period beginning September 28, 2014, and ending March 31, 2015, between the Town of New Hartford and the following organizations:

- New Hartford Youth Hockey Association, Inc.
- Skating Club of New Hartford
- Mohawk Valley Old Timers League,

all of which groups have provided the Town with the appropriate Certificate of Insurance.

The Agreements contain a Two Percent (2%) increase over the past year; the Town Attorney has reviewed the documents. Thereafter, Town Board members voted as follows:

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

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

Senior Citizens Committee – Councilman Reynolds:

Declaration of Surplus Equipment – Authorization to Dispose

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

(RESOLUTION NO. 207 OF 2014)

RESOLVED that the Town Board of the Town of New Hartford does hereby declare as surplus one (1) Gestetner Model 2713Z photocopier, Serial No. 7A58070046;

And be it

FURTHER RESOLVED that the aforesaid equipment shall be disposed of through the Highway Department.

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

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

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

Public Safety and Courts Committee – Supervisor Tyksinski:

Declaration of Surplus Vehicles – Authorization to Sell

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

(RESOLUTION NO. 208 OF 2014)

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

<i>Year</i>	<i>Make</i>	<i>VIN</i>
2005	Ford Crown Victoria Police Interceptor	2FAHP71W65X160650
2010	DODGE CHARGER	2B3AA4CVXAH175936

And be it

FURTHER RESOLVED that the aforesaid vehicles 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 vehicles.

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

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

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

MATTERS SUBMITTED BY COUNCILMEN

Councilman Miscione:

Fence Project – Commercial Drive/Royal Brook Lane area

Councilman Miscione reported that the land survey has been completed to install a fence along the backyards of Royal Brook Lane. Councilman Miscione introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 209 OF 2014)

WHEREAS, the proposed fence project in the area of Royal Book Lane and Commercial Drive is within the Village of New York Mills, whose zoning laws require a building permit to be obtained; and

WHEREAS, the aforesaid property is located within a designated flood plain, requiring the applicant for the fence project to appear before the New York Mills' Zoning Board of Appeals; and

WHEREAS, New York Mills' legislation requires that the applicant for the fence project obtain affidavits/easements from all affected property owners, giving their permission to have the fence installed along the back of their property;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize Councilman Paul Miscione to represent the Town of New Hartford for this project, to obtain the necessary permits and documents, and to appear before any Village of New York Mills Board that may have the authority to act on any of the aforesaid procedures.

The Town Attorney reminded Councilman Miscione that he needs to receive a copy of the legal description that resulted from the survey. The Town Board then voted upon roll call:

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

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

Councilman Reynolds:

Kellogg Road (Railroad tracks)

In response to Councilman Reynolds' inquiry, Highway Superintendent Sherman stated that Kellogg Road is a county road and that he is aware of the "bumpy" transition over the railroad tracks. The County's contractor is finishing a couple other paving sites and then will return to Kellogg Road.

MATTERS SUBMITTED BY TOWN SUPERVISOR

Financial:

Budget Adjustment - 2014

Upon request of Finance Director Dreimiller, Councilman Reynolds introduced the following resolution for adoption; seconded by Councilman Miscione:

(RESOLUTION NO. 210 OF 2014)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Finance Office to make the following 2014 budget adjustment:

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- *Decrease* Account AA1620.4 (Building contractual) by \$1,200
- *Increase* Account AA1620.2 (Buildings Equipment) by \$1,200
 - *Purpose:* Purchase new conference chairs for the Sanger Public Works Garage.

The Resolution was subject to a vote upon roll call:

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

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

Payroll – Direct Deposit

The Finance Director stated that the Town is instituting direct deposit paychecks; this procedure is elective, not mandatory. The paychecks being dated September 25, 2014 will be paper; after that, paychecks will be electronic. Any employee wanting to sign up can still do so by contacting Personnel Technician Schwenzfeier.

Inter-municipal Agreement for Building Code Services – Village of New Hartford

Supervisor Tyksinski stated that early in 2014 there was discussion involving an Inter-Municipal Agreement for 2014 Village codes enforcement but the Town didn't have a definitive answer to how the Village wished to proceed. The Village of New Hartford has now signed the 2014 Agreement. Thereafter, Councilman Reynolds presented the following Resolution for adoption; seconded by Councilman Miscione:

(RESOLUTION NO. 211 OF 2014)

RESOLVED that the Town Board of the Town of New Hartford does hereby approve and does hereby authorize and direct the Town Supervisor to enter into and to execute an Inter-Municipal Agreement between the Town and the Village of New Hartford, wherein said Town will provide Building Code services to said Village during Calendar Year 2014 in accordance with the same terms and conditions set forth in the 2003 Inter-municipal Agreement; a copy of the 2014 Agreement will be filed in the respective Clerks' Offices.

Upon roll call, the Board members voted as follows:

Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye

Councilman Woodland	-	Aye
Councilman Messa	-	ABSENT
Supervisor Tyksinski	-	Aye.

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

2015 Tentative Budget

The Town Supervisor stated that the 2015 Tentative Budget is coming along very well. In order to comply with statute, the next Town Board meeting will be Wednesday, October 1, 2014, in order for the Town Clerk to present the completed budget to the Town Board.

EXECUTIVE SESSION

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

(RESOLUTION NO. 212 OF 2014)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the update/Town's strategy on the Adelman-Peters lawsuit versus the Town, and the Town's strategy and status of the Parks and Recreation union negotiations.

A roll call vote ensued:

Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	ABSENT
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 7:16 P.M. The Town Attorney and Deputy Supervisor remained for the Executive Session.

[NOTE: The Town Attorney provided the following transcription on Friday, September 26, 2014.]

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 213 OF 2014)

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 Messa	-	ABSENT
Supervisor Tyksinski	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 7:52 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public re-invited to the meeting.

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 7:53 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk