

**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 22, 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 James J. Messa
Councilman Paul A. Miscione
Supervisor Patrick M. Tyksinski

ABSENT:

Councilman David M. Reynolds
Councilman Richard B. Woodland, Jr.

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Codes Enforcement Officer Joseph A. Booth
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. Councilman Reynolds and Councilman Woodland were absent due to illness and family health issues, respectively.

MINUTES

October 1, 2014, Town Board meeting:

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

(RESOLUTION NO. 219 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 October 1, 2014, and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

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

PUBLIC PRESENTATIONS/COMMENTS

No one was present to address the Town Board.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRPERSON

Town Clerk Committee – Councilman Woodland:

Training - Oneida County Association of Towns Meeting

In the absence of Councilman Woodland, the Town Clerk reported that on October 7, 2014, the Town had received notice of the October 21, 2014, Oneida County Association of Towns meeting, which did not allow department heads time to obtain Town Board approval to attend this meeting. The following Resolution was then introduced for adoption by Councilman Miscione and duly seconded by Councilman Messa:

(RESOLUTION NO. 220 OF 2014)

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 retroactively grant permission to the Highway Superintendent to attend the Oneida County Association of Towns meeting on Tuesday, October 21, 2014, in the Town of Paris and that he be reimbursed Twenty Dollars (\$20) for associated expenses, as budgeted.

The Resolution was voted upon by roll call as follows:

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

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

Public Safety & Courts Committee – Councilman Reynolds (Tyksinski)

Appointment – Part-Time Police Officer (School Safety Officer - Initiative program)

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

(RESOLUTION NO. 221 OF 2014)

RESOLVED that the Town Board of the Town of New Hartford does hereby appoint Richard Wehrle, Jr., as a School Safety Officer (Part-time Police Officer), to fill a vacancy, in the New Hartford Central School District's Safe School Program, effective immediately, at an hourly rate of \$29.34, payable bi-weekly, the current CBA wage.

Supervisor Tyksinski stated that the Town is totally reimbursed by New Hartford Central School for this position. A roll call vote ensued:

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

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

Public Works & Sewer Committee - Councilman Messa:

October 21, 2014, Bid opening results – 2014 E250 Cargo Van

The following bids, together with completed non-collusive bidding statements and bid security, were opened by the Town Clerk on October 21, 2014:

- | | |
|------------------------------------|-------------------------|
| 1. Steet-Ponte Ford | \$28,247 |
| P O Box 250, 5074 Commercial Drive | 2014 Ford Econoline Van |
| Yorkville, NY 13495 | |
| 2. Orange Motors | \$21,992 |
| 799 Central Ave | 2014 E250 Cargo Van |
| Albany, NY 12206 | |

Competitive Bid Award – 2014 E250 Cargo Van

Thereafter, Councilman Messa moved the adoption of the following Resolution and Councilman Miscione seconded same:

(RESOLUTION NO. 222 OF 2014)

RESOLVED that the New Hartford Town Board does hereby accept the low bid submitted by Orange Motors, in the amount of Twenty-one Thousand Nine Hundred Ninety-two Dollars (\$21,992) for one (1) 2014 Ford E250 Cargo Van and does further award the contract for the purchase of said vehicle to Orange Motors of Albany, New York; and be it

FURTHER RESOLVED that said Town Board does hereby authorize and direct the Accounting Department to release the unsuccessful bidder's security deposit (Steet-Ponte Ford) in the amount of One Thousand, Four Hundred Twelve Dollars and Thirty-five Cents (\$1,412.35) from the Trust and Agency Account.

The bid security of the successful bidder will be held until the Town Clerk receives written confirmation that the 2014 E250 Cargo Van has been delivered and meets Town specifications. Thereafter, a roll call vote was duly held and resulted as follows:

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

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

2012 John Deere Loader Auction Result

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

(RESOLUTION NO. 223 OF 2014)

WHEREAS, at the September 10, 2014, Town Board meeting (page 15) authorization was given to the Highway Superintendent that, if the auction for the 2012 John Deere Loader meets or exceeds \$132,000, he could proceed with the purchase of a new pay loader; and

WHEREAS, Councilman Messa confirmed that the 2012 John Deere Loader (VIN 1DW624K2CCE646275), Model 624K, did sell for (One Hundred Thirty-two Thousand Dollars (\$132,000) through Auctions International;

NOW, THEREFORE, BE IT RESOLVED that the proceeds of said sale be applied to the balance of the lease for the 2012 John Deere Loader and that the remaining sale proceeds be applied to a new 2014 loader.

A roll call vote ensued:

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

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

Declaration of Surplus Vehicles – Authorization to Sell

Upon request of the Highway Superintendent, the following Resolution was offered for adoption by Councilman Messa and duly seconded by Councilman Miscione:

(RESOLUTION NO. 224 OF 2014)

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

<u>Year</u>	<u>Make/Model</u>	<u>VIN</u>
2006	Ford Van, Model EC1	1FTRE14W16DA40974
2005	Ford Taurus	1FAFP53215A228872

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

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

Zoning (Codes) and Planning Committee – Councilman Messa

Training – Zoning Board of Appeals

Upon request of the Zoning Board Chairman, the following Resolution was introduced for adoption by Councilman Messa and duly seconded by Councilman Miscione:

(RESOLUTION NO. 225 OF 2014)

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 Zoning Board of Appeals' members Randy Bogar, Byron W. Elias, Frederick Kiehm, Lenora Murad and John Montrose, to attend a seminar on November 10, 2014, sponsored by the Herkimer-Oneida Counties Comprehensive Planning Committee at M.V.C.C., Utica, New York, with the Ten Dollar (\$10) registration fee per participant to be borne by said Town as budgeted. Attendance at this seminar will qualify for state-mandated annual training.

The Resolution was voted upon by roll call as follows:

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

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

Library Committee – Councilman Reynolds (Woodland)

Resignation; Appointment to fill Vacancy; Resignation

The Town Supervisor acknowledged receipt of a letter from the New Hartford Public Library, notifying the Town that Library Trustee Richard Evans had resigned and that the Library Board of Trustees had appointed Edward Klesse to fill the vacancy. His term will expire on December 31, 2017.

Elina Shneyder, Director of the New Hartford Public Library, was present to report that Mr. Klesse had resigned from his recent appointment as a Library Trustee. A vacancy now exists.

MATTERS SUBMITTED BY COUNCILMEN

Councilman Messa:

Update on Golf Avenue/Wilbur Road repairs (FEMA)

Councilman Messa reported on the nice job performed by D. H. Smith regarding repairs made to Golf Avenue with FEMA funds. (See Resolution No. 216, adopted October 1, 2014.) Councilman Messa then offered the following Resolution for adoption; seconded by Councilman Miscione:

(RESOLUTION NO. 226 OF 2014)

WHEREAS, the Highway Superintendent had obtained a quote(s) in the Spring of 2014 for repairs to be made to Wilbur Road; and

WHEREAS, since receiving the quote from D. H. Smith, Clayville, New York, it has been proposed that Highway Department employees perform in-kind services for the Wilbur Road project, which would reduce the original quote amount from D. H. Smith;

NOW, THEREFORE, BE IT RESOLVED that, if D. H. Smith's revised quote showing in-kind services from the Town Highway Department, is under the \$30,000 threshold, the Highway Superintendent is hereby authorized and directed to have D. H. Smith perform the necessary repairs to Wilbur Road under the FEMA-reimbursement project.

The Town Supervisor requested a vote upon roll call, which resulted as follows:

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

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

Proposed Reduction of members on the Planning Board and Zoning Board of Appeals

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

(RESOLUTION NO. 227 OF 2014)

REGULAR TOWN BOARD MEETING

October 22, 2014

Page 8 of 13

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Attorney to draft a Local Law amending the Town Code, Chapter 23 (PLANNING BOARD) to reduce the number of members on the Planning Board from seven (7) to five (5) and to draft another Local Law amending the Town Code, Chapter 118 (ZONING) by reducing the number of members on the Zoning Board of Appeals from seven (7) to three (3), for presentation at the November 5, 2014, Town Board meeting.

At the November meeting, the Town Board could then schedule a public hearing and could also consider any changes to the proposed local laws prior to their adoption. Upon roll call, the Town Board voted as follows:

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

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

Proposed Local Law (ZONING) – private airfields/airstrips in agriculturally zoned districts

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

(RESOLUTION NO. 228 OF 2014)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Attorney to prepare a Local Law to amend the Town Code, Chapter 118 (ZONING) to prohibit private airstrips/airfields in agriculturally zoned districts.

Directing his comment to the Codes Enforcement Officer, the Town Supervisor thought this matter had been taken care of before the Zoning Law was adopted in June 2014. A roll call vote ensued:

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

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

Councilman Miscione:

Fencing – Royal Brook Lane/Commercial Drive

Councilman Miscione reported that he had attended the New York Mills Zoning Board meeting with regard to installation of fencing along Royal Brook Lane. Work continues on obtaining the necessary easements from owners – some who are elderly and need children to review documents before signing, and some are out of state.

MATTERS SUBMITTED BY TOWN SUPERVISOR

Property Maintenance - Demolition

A recent fire destroyed a vacant house at 55 Root Street; and because of a hazard it left, the Town Supervisor authorized Codes Enforcement Officer Joseph Booth to arrange for the demolition of the structure, which is now in progress.

Property Maintenance – Codes Violations

The Town Attorney had provided a report to the Councilmen on some other properties against which the Town is bringing action.

2015 Tentative Budget Discussion:

Town Board members had reviewed the 2015 Tentative Budget that they received October 1, 2014. Councilman Miscione initiated discussion on decreasing the figure of \$50,000 for engineering services to \$20,000 or \$25,000 and possibly using the savings for upgrade of software, IT and/or website.

2015 Tentative Budget adopted as 2015 Preliminary Budget

Thereafter, Councilman Miscione introduced the following Resolution for adoption and Councilman Messa seconded same:

(RESOLUTION NO. 229 OF 2014)

RESOLVED that, in accordance with Town Law, Section 106, the New Hartford Town Board does hereby approve/adopt the Tentative Budget for 2015 as the Preliminary Budget for 2015.

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

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

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

2015 Preliminary Budget Hearing Scheduled

Councilman Messa moved the adoption of the following Resolution, which was seconded by Councilman Miscione:

(RESOLUTION NO. 230 OF 2014)

RESOLVED that the Town Board of the Town of New Hartford will conduct Public Hearings to commence at 7:00 P.M., or as soon thereafter as reached in the regular course of business, on Wednesday, November 5, 2014, in Butler Memorial Hall, 48 Genesee Street in said Town, to consider the following matters:

- the adoption of the 2015 Preliminary Budget as the 2015 Annual Budget; and
- the establishment of the ad valorem charges for the fiscal year beginning January 1, 2015, for the following special districts/improvement areas

Water Fund
Fire Protection Districts No. 1 through No. 5,
Inclusive
Various Street Lighting Districts; and be it

FURTHER RESOLVED that the said Town Board does hereby authorize and direct the Town Clerk to publish the legal requisite Notices of Public Hearing in The Observer Dispatch.

The Resolution was then voted upon as follows:

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

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

2015 Preliminary Budget Copies

Thereafter, Councilman Messa moved the adoption of the following Resolution;
seconded by Councilman Miscione:

(RESOLUTION NO. 231 OF 2014)

RESOLVED that, in accordance with Town Law, Section 106. (4)
[Preparation, filing and review of tentative and preliminary budgets], sub-paragraph 4,
the New Hartford Town Board does hereby direct the Town Clerk to make twenty-five
(25) copies of the 2015 Preliminary Budget for public distribution.

Upon roll call, the Town Board voted as follows:

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

Thereafter, the Supervisor declared the Resolution unanimously carried and duly
ADOPTED.

Budget Transfer 2014

Finance Director Dreimiller presented the Highway Superintendent's request for a budget
transfer; thereafter Councilman Miscione introduced the following Resolution for
adoption and Councilman Messa seconded same:

(RESOLUTION NO. 232 OF 2014)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the
Accounting Department to make the following 2014 budget adjustments:

- *Decrease* Account DB5110.14 (Highway Seasonal Employees) by \$5,438.44
- *Increase* Account DB5140.04 (Highway Brush & Weeds) by \$5,438.44
 - *Purpose:* to cover semi-annual costs for Clifton Recycling for brush chipping.

The Resolution was subject to a vote upon roll call:

Councilman Miscione	-	Aye
Councilman Messa	-	Aye

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

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

EXECUTIVE SESSION

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

(RESOLUTION NO. 233 OF 2014)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the Town's strategy with union negotiations for the Highway Department.

A roll call vote ensued:

Councilman Miscione	-	Aye
Councilman Reynolds	-	ABSENT
Councilman Woodland	-	ABSENT
Councilman Messa	-	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 7:36 P.M. The Town Attorney remained for the Executive Session.

[NOTE: The Town Attorney provided the following transcription on Thursday, October 23, 2014.]

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 234 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	-	ABSENT
Councilman Woodland	-	ABSENT
Councilman Messa	-	Aye
Supervisor Tyksinski	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 7:50 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public re-invited to the meeting.

Budget Adjustment – 2014* (amended Nov 19, 2014)

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

(RESOLUTION NO. 235 OF 2014)* (amended Nov 19, 2014)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Accounting Department to make the following 2014 budget adjustments:

- *Decrease* Account BP3120.1 (Personal Services) by \$3,985
- *Increase* Account BP3120.11 (Police Chief) by \$3,985
 - *Purpose:* Cover wages

The Resolution was subject to a vote upon roll call:

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

Whereupon, 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 Messa and seconded by Councilman Miscione the meeting was adjourned at 7:52 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk