

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, JUNE 10, 2015 AT 6:58 P.M.**

Town Supervisor Patrick Tyksinski called the meeting to order at 6:58 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 David M. Reynolds
Councilman Paul A. Miscione
Supervisor Patrick M. Tyksinski

ABSENT:

Councilman Richard B. Woodland, Jr.

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Codes Enforcement Officer Joseph A. Booth
Director of Finance Daniel Dreimiller
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

May 13 and May 20, 2015, Town Board meetings

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

(RESOLUTION NO. 96 OF 2015)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held May 13, 2015, and the Special Town Board meeting held May 20, 2015, 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	-	ABSENT

Councilman Messa - Aye
Supervisor Tyksinski - Aye.

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

PUBLIC PRESENTATIONS/COMMENTS

There was no one present who wished to address the Town Board.

PUBLIC HEARING

7:00 P.M. Local Law Introductory “D” of 2015
Unsafe Buildings

At 7:00 P.M. the Town Supervisor opened the Public Hearing for the Town Board’s consideration of Local Law Introductory “D” of 2015. [NOTE: The Town Clerk had available the legislation, the Notice of Public Hearing, Affidavit of Posting, and Proof of Publication (May 29, 2015, edition of The Observer Dispatch).]

The Town Attorney summarized the legislation, explaining that the Town has had a great deal of difficulty with unsafe buildings and enforcing the Town’s codes with regard to making repairs. The Town had a situation with one house that burned down while the Town was in the process of legal proceedings. There are a number of houses that the Town has tried to obtain enforcement of the codes but have encountered roadblocks – who owns the property, it’s in foreclosure. This legislation gives the Town “greater teeth” by giving a notice provision so that the Town Board or other designated official could conduct a public hearing and determine whether the building shall be declared unsafe; the Town Board can then direct compliance and if compliance does not occur, the Town can go forward with demolition or repairs and charge the costs back to the property owner on their tax bill.

The Town Supervisor inquired whether anyone was present who wished to speak in favor of or in opposition to Local Law Introductory “D” of 2015. There being no one who came forth, the Town Supervisor closed the Public Hearing at 7:01 P.M.

Adoption of Local Law Introductory “D” of 2015 as Local Law No. Five of 2015

Thereafter, Councilman Messa moved that Local Law Introductory “D” of 2015 be adopted as Local Law No. Five of 2015 in the following format; seconded by Councilman Reynolds:

**TOWN OF NEW HARTFORD
LOCAL LAW NO. FIVE OF 2015**

A Local Law to AMEND the Code of the Town of New Hartford, CHAPTER 52 thereof entitled BUILDINGS, UNSAFE by REPLACING the existing chapter as hereinafter set forth.

BE IT ENACTED by the Town Board of the Town of New Hartford as follows:

SECTION 1. Chapter 52 (Buildings, Unsafe) of the Code of the Town of New Hartford is AMENDED in its entirety to read as follows:

CHAPTER 52 BUILDINGS, UNSAFE

History

52-1 Purpose.

Unsafe buildings pose a threat to life and property in the Town of New Hartford. Buildings and structures may become unsafe by reason of damage by fire, the elements, age or general deterioration. Vacant buildings not properly secured at doorways and windows also serve as an attractive nuisance for young children who may be injured therein, as well as a point of congregation by vagrants and transients. A dilapidated building may also serve as a place of rodent infestation, thereby creating a health menace to the community. It is the purpose of this chapter to provide for the safety, health protection and general welfare of persons and property in the Town of New Hartford by requiring such unsafe buildings be repaired or demolished and removed.

52-2 Title.

This chapter shall be known as the "Unsafe Buildings Law in the Town of New Hartford."

52-3 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BUILDING

Any building, structure or portion thereof used for residential, business or industrial purpose.

CODE ENFORCEMENT OFFICER

The Code Enforcement Officer of the Town of New Hartford or other such person appointed by the Town Board to enforce the provisions of this chapter.

52-4 Defects deemed unsafe or dangerous.

A building is, or may become dangerous or unsafe to the general public if:

- A.** It is open at the doorways making it accessible or an object of attraction to minors, vagrants and/or other trespassers.
- B.** Its interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
- C.** Exclusive of its foundation, it shows 33% or more of damage to or deterioration of the supporting member or members, or 50% of damage to or deterioration of the non-supporting, enclosing or outside walls or covering.
- D.** It has improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.

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E. It has been damaged by fire, wind or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants or the people of this Town.

F. It has become or is so dilapidated, decayed, unsafe or unsanitary, or utterly fails to provide the amenities essential to decent living that it is unfit for human habitation or is likely to cause sickness or disease so as to work injury to the health, safety or general welfare of those living therein or adjacent thereto.

G. It has light, air and sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings who live or may live therein, with particular reference to the requirements of the New York State Uniform Fire Prevention and Building Code as a determinant.

H. It has inadequate facilities for egress in cases of fire or panic, or has insufficient stairways, elevators, fire escapes or other means of access or egress, again referencing the New York State Uniform Fire Prevention and Building Code as a determinant.

I. It has parts which have become so detached they may fail and injure members of the public or others' property.

J. Is or may become a place of rodent infestation.

K. Presents any other danger to the health, safety, morals or general welfare of the public.

L. Is unfit for the purposes for which it may be lawfully used.

52-5 Inspections; report to Town Board.

Upon complaint about a building or on his own volition the Code Enforcement Officer will cause to be made or make himself an inspection thereof and report, in writing, to the Town Board his findings and recommend actions as to repair or demolition or removal.

52-6 Consideration of report; order to repair or remove.

A. The Town Board shall thereafter consider such report and by resolution call for a hearing on the report. That resolution, if it seems proper, will direct notice to the owner of the property as listed in the current tax rolls and any other persons that the Board may deem appropriate. The Board shall conduct the hearing, or may by order appoint a disinterested person to do so. After hearing all testimony, the Board or its appointed hearing office shall determine, in writing, if the building is unsafe and if so, whether it is to be repaired or demolished and removed.

B. In the event that the building or other structure shall be unsafe or dangerous under such report, the Town Board may also request the Town Attorney to make an application to the Supreme Court for an order determining the building or other structure to be a public nuisance and directing that it shall be repaired and secured or taken down and removed. The decision of the Town Board to bring such application does not waive its right to call for a hearing on the report.

52-7 Contents of notice and hearing.

The notice shall contain the following:

A. A description of the premises.

B. A statement of the particulars in which the building is unsafe or dangerous.

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C. An order outlining the manner in which the building is to be made safe and secure or demolished and removed.

D. A statement that the securing or removal of such building shall commence within 30 days of the service of the notice and shall be completed within 60 days thereafter, unless for good cause shown such time shall be extended.

E. A date, time, and place for the hearing, which shall be scheduled not less than five business days from the date of service of the notice.

F. A statement that, in the event of neglect or refusal to comply with the order to secure or demolish and remove the building, the Town Board is authorized to provide for its demolition and removal, to assess all expenses thereof against the land on which it is located and to institute a special proceeding to collect the costs of demolition, including legal expenses.

52-8 Service of notice.

Said notice shall be served;

A. By personal service of a copy thereof upon the owner, executor, administrator, agent, lessee or any person having a vested or contingent interest in such unsafe building as shown by the records of the Receiver of Taxes or of the County Clerk; or, if no such person can be reasonably found, by mailing such owner, by certified mail, return receipt requested, a copy of such notice directed to his last known address as shown by the above records; and

B. By personal service of a copy of such notice upon any adult person residing in or occupying said premises if such person can be reasonably found; and

C. By securely affixing a copy of such notice upon the unsafe building.

52-9 Filing with County Clerk.

A copy of the notice served as provided herein shall be filed in the office of the County Clerk of the County of Oneida.

52-10 Refusal to comply; removal by Town.

If the owner fails or neglects to comply with the order of the Town Board within 20 working days (Monday through Friday, excluding holiday), after service as provided in 52-8, the Town Board shall order the repair or the demolition and removal of the building.

52-11 Assessment of expenses.

All expenses incurred by the Town in connection with the proceedings to repair and secure or demolish and remove the unsafe building, including the cost of actually removing such building, shall be assessed against the land on which such building is located and shall be levied and collected in the same manner as provided in Town Law for the levy and collection of a special ad valorem levy.

52-12 Emergencies.

Where it reasonably appears that there is present a clear and imminent danger to the life, safety or health of any person or property, unless an unsafe building is immediately repaired and secured or demolished, the Town Board may, by resolution, authorize the Code Enforcement Officer to immediately cause the repair or demolition of such unsafe building. The expenses of such repair or

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demolition shall be a charge against the land on which it is located and shall be assessed, levied and collected as provided in 52-11 hereof.

52-13 Compensation of surveyor.

The surveyor appointed as provided herein shall be paid reasonable compensation as shall be fixed by the Town Board.

52-14 Transfer of title.

The transfer of title by the owner of premises upon which an unsafe building or structure is located shall be no defense to any proceedings under this chapter.

52-15 Penalties for offenses.

Any person upon whom an order as provided in this chapter has been served who fails, neglects or refuses to place such unsafe building or structure in a safe condition as designated in such order or who shall resist or obstruct the Code Enforcement Officer or any other Town employee is carrying out the provisions of this chapter shall, upon conviction, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or by both such fine and imprisonment. Each day in which such offense continues shall constitute a separate violation.

SECTION 2. All other provisions of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

SECTION 3. This Local Law shall take effect upon filing with the Secretary of State.

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

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

The Resolution was declared unanimously carried and duly **ADOPTED**. Councilman Reynolds inquired if this legislation would apply to a parcel of land on Beechwood Road against which the Town has litigation; the Town Attorney responded that it would not, but any violations going forward on the same parcel would fall under the jurisdiction of this new legislation.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRMAN

Zoning (Codes) and Planning Committee – Councilman Messa

Appointments to fill Vacancies (“Holdovers”)

The terms of office of Randy Bogar and Timothy Tallman as members of the Zoning Board of Appeals have expired as of June 9, 2015; however, these vacancies had not been

posted on the Town’s website in accordance with Town policy. Town Board consensus was to post the vacancies and acknowledged that the Messrs. Bogar and Tallman would serve as “holdovers” in accordance with the State’s Public Officer Law, until the Town Board meets again on July 8, 2015.

Parks and Recreation Committee – Councilman Reynolds

Appointment – Seasonal Parks and Recreation Employees

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

(RESOLUTION NO. 97 OF 2015)

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, commencing on the dates specified; all wages to be paid bi-weekly:

Swim – 6/30/15 thru 9/7/15

<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
Braylin Sheppard	Substitute Lifeguard	\$ 9.35/hour
Andrew Nerber	Splash Pad Attendant	\$ 8.75/hour

Playground – 6/29/15 thru 8/14/15 (all filling vacancies due to declination of appointments)

<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
Elizabeth Cavic	Recreation Attendant I	\$ 8.75/hour
Francesca D’Ambro	Recreation Attendant I	\$ 8.75/hour
Heather Badger	Recreation Attendant I	\$ 8.75/hour
Nicholas Suits	Recreation Attendant I	\$ 8.75/hour
Kristen Kasky	½ day Recreation Attendant	\$ 8.75/hour
Sydney Herring	½ day Recreation Attendant	\$ 8.75/hour
Ryan Farro	Basketball Attendant	\$ 8.75/hour
Ryan Murray	Basketball Attendant	\$ 8.75/hour
James Luley	Bus Driver Substitute	\$13.30/hour

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

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

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

Declaration of Surplus Vehicle – Authorization to Sell

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

(RESOLUTION NO. 98 OF 2015)

RESOLVED that the Town Board of the Town of New Hartford does hereby declare as surplus one (1) 2002 Chevrolet SLV Pick-up truck, VIN 1GCEC14W92Z263782; and be it

FURTHER RESOLVED that the aforesaid vehicle shall be placed for sale with Auctions International and once sold, the Town Clerk's office shall be notified and shall arrange to terminate insurance coverage on said vehicle.

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

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

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

Town Clerk Committee – Councilman Miscione for Councilman Woodland

Fireworks Display Permit

The Town Clerk's Office received a partial Fireworks Display application from the Yahnundasis Golf Club on Monday, June 8, 2015, and the full application on June 9, 2015. The complete application was then forwarded to the New Hartford Fire Department, New Hartford Police Department and Town Codes Enforcement Officer for their review and approval for the July 4th fireworks display. The Town Clerk's Office has received an e-mail from the Fire Chief who had reviewed the application and stated that at this time he had no concerns. The Town Clerk is awaiting responses from the Town Police Chief and Codes Enforcement Officer. Thereafter, the following Resolution was introduced for adoption by Councilman Miscione and seconded by Councilman Messa:

(RESOLUTION NO. 99 OF 2015)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Clerk, who has received an Application for a Fireworks Permit and

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the appropriate Certificate of Insurance naming the Town of New Hartford as an additional insured, to issue to the Yahnundasis Golf Club a Fireworks Display Permit for the display of fireworks upon their premises at 8639 Seneca Turnpike, New Hartford, NY, on Saturday, July 4, 2015, at approximately 9:30 P.M., in accordance with the State Penal Law and regulations set forth in said Permit and that the issuance of said Permit be contingent upon the Town Clerk receiving the approvals from the Town Police Department and Town Codes Enforcement Office.

The Supervisor polled the Board members who voted as follows:

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

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

MATTERS SUBMITTED BY COUNCILMEN / TOWN ATTORNEY

Councilman Reynolds:

Commendations – Police Officers

Councilman Reynolds acknowledged that fifteen (15) commendations had been awarded to eleven (11) Town Police Officers at the May 15, 2015, Peace Officers Memorial Day ceremony. The Police Officers receiving the awards have exhibited exceptional investigative skills and performed effective, efficient and valuable service to the New Hartford Police Department and community. The commendations involved burglaries, robberies, assaults, sex offenses, child pornography and narcotics. Those receiving commendations were:

- Sergeant Philo (retired)
- Sergeant Fontaine
- Sergeant Kowaksi
- Sergeant Colburn
- Sergeant Sica
- Investigator Pietryka
- Officer Yoxall
- Officer Spinella
- Officer Hulser
- Officer Allen
- Officer Livingston.

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Councilman Reynolds further acknowledged that the New Hartford Police Department recently had a felony stop in front of the Yahnundasis Golf Club involving an armed individual, had confiscated drugs at the New Hartford Post Office, and participated in a nuisance abatement situation on Pearl Street after which the “trouble” spot was cleaned up. He congratulated and thanked the Police Department for their actions.

Town Attorney:

Sherrill Lane

The Town Attorney acknowledged receipt of a letter from Brad and Kelly Bauer of 27 Sherrill Lane, who expressed interest in “..taking over ownership of the adjacent lot. Approximately 25 to 30 feet added on from (their) property line..” and asking if the Town would review and consider their request.

The Town Attorney provided the Board members with a copy of the tax map (Tax Map No. 339.007-6-46.2). Some of the Sherrill Lane property owners’ land abut in the rear to property that’s owned by the Town, and through that piece of property, there’s a small stream that runs through it. It’s extremely narrow – at the widest point seventy-eight (78) feet and it goes down to twenty-one (21) feet. The Town Attorney understands some of the residents may be interested in extending their rear yards and have actually been extending their rear yards. The Town property runs along the back of the Sherrill Lane houses and a number of the property owners have been mowing it and maintaining it. The Town Attorney stated the property owners would not want to take ownership of the creek, which obviously provides stormwater, but possibly own up to the back of the creek – in some cases twenty (20) or thirty (30) feet in distance and some would exceed that.

The Town Attorney discussed this matter with Highway Superintendent Richard Sherman who said the property serves no public purpose and he doesn’t know how the Town ended up owning this little, narrow strip; the Town Attorney said it’s not buildable; it’s not useable other than the stream runs through it. The Highway Department’s access to the stream runs off Mallard Brook Lane, through existing easements.

The Town Attorney suggested that if the Town Board is interested in abandoning portions of Tax Map No. 339.007-6-46.2, he could send a letter to the adjacent property owners offering them the opportunity to purchase that portion of the Town land behind their individual properties. Also, he would contact an assessor or appraiser as to whether the land has any substantial value. Councilman Miscione had visited the site with the Highway Superintendent and agreed the land was “..pretty much worthless.” He expressed some concern about the cost of an appraiser; the Town Attorney stated he could obtain an informal letter or opinion. Supervisor Tyksinski would like to see all the adjoining property owners buy the portion behind their properties so that the Town doesn’t end up with one (1) piece here and one (1) piece over there.

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Councilman Reynolds commented that this is integral to the stormwater upstream and, directing his comments to Councilman Messa, “..you know better than anybody what it’s like back there. It’s perfect today but when it’s roaring, it’s ripping.” Councilman Reynolds wondered what that bump out means in terms of impeding the flow.

Councilman Messa has been contacted in the past by his neighbor (the Bauers) who would like to buy twenty-five (25) to thirty (30) feet from their existing rear property line to the edge of the creek, which does run as a funnel but does not cross over. Councilman Messa believes that the work performed by the Highway Department in 2008 and 2009 has definitely improved the area. He stated it does roar and there’s still a depth of four (4) or five (5) feet. Town Board consensus was to authorize the Town Attorney to send letters to all adjacent property owners to determine if they would be interested in purchasing some of the land should the Town Board take action to abandon the property in question.

Zone Map Amendment – Lot 42 Fair Haven Avenue/Thomas Acres Development

The Town Attorney stated that Lot 42 in the Thomas Acres Development had mistakenly been zoned as Institutional (I) due to its proximity with the Preswick Glen project when the Town adopted its Zoning Law and Map in June 2014. The Lot had originally been zoned Medium Density Residential (MDR) when the developer sold a number of adjacent lots to Preswick Glen. Codes Enforcement Officer Joseph Booth stated that this lot was broken off during the reconfiguration of the Thomas Acres Development when the developer decided to eliminate the cul-de-sac that had originally been planned and decided to give the Town of New Hartford some access to the land that blossoms out on Middlesettlement Road (aka NYS Route 5B) and to keep Lot 42 for themselves; and none of that (reconfiguration) was on the digital maps when the rezoning of that area was done. The Codes Enforcement Officer said it would have been impossible to pick up. The Town Attorney would like to initiate a zone map amendment to rezone Lot 42 from Institutional (I) to Medium Density Residential (MDR) versus the developer applying inasmuch as it would cost the developer Five Thousand Dollars (\$5,000) for the process. After questioning by the Town Supervisor, the Codes Enforcement Officer said it was a Town mistake. The Town Supervisor inquired about a public hearing date; the Town Clerk stated she would need the legal description to prepare the legislation, the Town Board needs to initiate the SEQR process and referrals, and the Town needs to notify all property owners within a five hundred (500) foot radius of the subject parcel to be rezoned.

Local Law Introductory “E” of 2015 (Town Board on its own motion)

Thereafter, in accordance with the Town Code, Chapter 118 thereof entitled ZONING, Section 118-132. Initiation. Councilman Reynolds introduced the following legislation for consideration by the Town Board at a future Public Hearing; co-sponsored by Councilman Miscione:

Town of New Hartford, New York
Local Law Introductory "E" of 2015

A Local Law to amend the Code of the Town of New Hartford, Chapter 118 thereof entitled ZONING, and map coincidental thereto, as it pertains to property located in the Thomas Acres Re-Subdivision, a description of which is set forth in Section 2, and changing the designation of property from Institutional (I) to Medium Density Residential (MDR).

BE IT ENACTED by the Town Board of the Town of New Hartford as follows:

Section 1. Chapter 118 of the Code of the Town of New Hartford, Section 118-17, and particularly the map coincidental thereto and made a part thereof, is hereby amended as follows:

Section 118-17. Zoning Map.

(Change the designation of Lot 42, Fair Haven Avenue, in the Thomas Acres Re-Subdivision and identified as Tax Map Parcel No. 328.014-1-16, owned by Thomas Acres Development, from Institutional (I) to MDR [Medium Density Residential].

Section 2. The boundaries and description of said district are as follows:

All that piece or parcel of land situate in the Town of New Hartford, County of Oneida, State of New York, and more particularly described as follows:

Lot 42 as shown on a Map entitled Re-Subdivision Portion of Thomas Acres made by Myers & Associates, P.C. dated October 14, 2010, which map was recorded in the Oneida County Clerk's office on July 30, 2012 as Instrument Number – M2012-000105.

Section 3. All other provisions of Chapter 118 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

Section 4. This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State.

Local Law Introductory "E" of 2015: GML-239 review; SEOR – Lead Agency; Public Hearing Scheduled

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

(RESOLUTION NO. 100 OF 2015)

WHEREAS, the Town Board of the Town of New Hartford, on its own motion, has initiated a Zone Map Amendment in accordance with the Town Code, Chapter 118 thereof entitled ZONING, Section 118-132. Initiation.; namely Local Law Introductory “E” of 2015 with regard to rezoning Lot 42 Fair Haven Avenue, Thomas Acres Development from Industrial (I) to Medium Density Residential (MDR);

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby refer Local Law Introductory “E” of 2015 to the Oneida County Planning Department and to the Town Planning Board for their review and written recommendation pursuant to General Municipal Law and the Town’s 2014 Zoning Law; and be it

FURTHER RESOLVED that said Town Board does hereby declare itself as Lead Agency in the matter of the Zone Map Amendment (Local Law Introductory “E” of 2015) to change the zoning classification of said Lot 42 from Industrial (I) to Medium Density Residential (MDR) and does further authorize and direct the Town Clerk to forward copies of said Local Law Introductory to all interested and/or involved agencies for SEQR review; and be it

YET FURTHER RESOLVED that the New Hartford Town Board does hereby schedule a Public Hearing upon said proposed Zone Map Amendment to be held on Wednesday, August 12, 2015, at 7:00 P.M. or as soon thereafter as reached in the regular course of business, in the Community Meeting Room of Butler Memorial Hall, 48 Genesee Street, New Hartford, NY 13413, and does further authorize and direct the Town Clerk to publish the legal requisite Notice of Public Hearing in The Observer Dispatch.

The Town Board members then voted upon roll call as follows:

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

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

MATTERS SUBMITTED BY TOWN SUPERVISOR

Financial:

Budget Adjustment - 2015

Upon recommendation of Finance Director Daniel Dreimiller, Councilman Miscione offered the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 101 OF 2015)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Accounting Department to make the following 2015 budget adjustment:

- *Increase* Account DB-3089.3 (ARGO Grant from Oneida County – Action to Realign Gov’t Operations) by \$22,721
- *Increase* Account DB5130.02 (ARGO Grant from Oneida County – Action to Realign Gov’t Operations) by \$22,721
 - *Purpose:* Fuel Pump replacement project at Sanger Building

The Resolution was subject to a vote upon roll call:

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

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

Audit of Vouchers

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

(RESOLUTION NO. 102 OF 2015)

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:

2015 Equip/Capital Project Abstract #2		
Voucher H22-H25	\$	146,204.00
Communications Abstract #4		
Voucher HL4	\$	27,511.82
Rayhill Trail Fund Abstract #3		

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Vouchers H10 – H518	\$	8,234.31
Panera Traffic Signal Abstract #1		
Vouchers HP1	\$	8,500.82
Grange Hill Drainage Study		
Vouchers HQ1	\$	11,885.00
Street Lighting Abstract #6		
Vouchers SL6	\$	7,949.25
Trust & Agency Fund Abstract #17		
Vouchers TT112– TT115	\$	9,848.29
Trust & Agency Fund Abstract #18		
Vouchers TT116 – TT122	\$	9,301.49
Trust & Agency Fund Abstract #19		
Vouchers TT123 – TT130	\$	8,625.78
Highway Fund Part-Town Abstract #8		
Voucher DB369	\$	97.90
Highway Fund Part-Town Abstract #8A (Reissue Voided Check)		
Voucher DB370	\$	255.00
Highway Fund Part-Town Abstract #9		
Voucher DB371 – DB373	\$	50,722.12
Highway Fund Part-Town Abstract #10		
Voucher DB374 – DB420	\$	39,417.51
General Fund Part-Town Abstract #12		
Vouchers BB80 – BB82	\$	3,809.49
General Fund Part-Town Abstract #13		
Voucher BB83	\$	27.24
General Fund Part-Town Abstract #14		
Vouchers BB84 – BB96	\$	3,087.41
General Fund Part-Town Police Abstract #12		
Vouchers BP115- – BP118	\$	44,033.37
General Fund Part-Town Police Abstract #13		
Vouchers BP119 – BP134	\$	115,449.97
General Fund Whole-Town Abstract #14A (reissue Voided Check)		
Vouchers AA544	\$	2,256.00
General Fund Whole-Town Abstract #15		
Vouchers AA545 – AA553	\$	24,398.73
General Fund Whole-Town Abstract #16		
Vouchers AA554 – AA562; AA613-AA614	\$	27,224.16
General Fund Whole-Town Abstract #17		
Vouchers AA563 – AA612; AA615-AA654	\$	53,969.11
Sewer Fund Abstract #15		
Voucher SS33	\$	261.48
Sewer Fund Abstract #16		
Voucher SS34-SS35	\$	4,477.51
Sewer Fund Abstract #17		
Vouchers SS36 – SS38	\$	<u>4,057.70</u>
TOTAL:	\$	611,605.46

Councilman Reynolds requested verification that the Time Warner Cable vouchers #15/AA635 & #15/AA639 were not duplicate payments; the Finance Director stated that

this voucher was a split payment between two (2) Town accounts but would verify this with the Account Clerk. Upon roll call, the Board members voted as follows:

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

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

Request for Proposal – Insurance Policy renewals

The Town’s insurance policies expire June 30, 2015 and the Town Supervisor acknowledged receipt from *Haylor, Freyer & Coon* of their RFP for renewal at a Three Percent (3%) increase over the 2014-2015 rates; all coverage stays the same. Councilman Miscione then moved the adoption of the following Resolution; seconded by Councilman Messa:

(RESOLUTION NO. 103 OF 2015)

RESOLVED that the New Hartford Town Board does hereby accept the Request for Proposal submitted by *Haylor, Freyer & Coon* and does hereby award the contract to said agency for the following Town insurance policies for the period June 30, 2015 – June 30, 2016:

<u>Coverage</u>	<u>Renewal Rate</u>
• Property	\$ 13,689
• New York Fire Fee	\$ 103
• Inland Marine	\$ 6,900
• General Liability	\$ 42,152
• Employee Benefit Plans Liability	\$ 381
• Law Enforcement	\$ 29,603
• Public Entity Management Liability	\$ 9,354
• Public Entity Employment Practices Liability	\$ 19,414
• Automobile	\$ 38,596
• NY Motor Vehicle Fee	\$ 580
• Umbrella	\$ 21,808
• OCP – People of the State of New York	\$ 750
• Crime (3 year @ \$3,275 per year)	\$ 3,275
• Law Enforcement Accidental Death Coverage	
○ (3 year @ \$2,256 each year)	\$ 2,256
• Russell Bond Excess Employers’ Liability	\$ <u>2,141</u>

TOTAL: \$191,002

The Town Board was polled and voted as follows:

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

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

Workers Compensation

The Town Supervisor, Town Attorney and Councilman Reynolds will meet at 8:30 A.M. on Monday, June 15, 2015, with Michael Lally, Director of Workers' Compensation (Oneida County), to find out how much it would cost the Town to withdraw from the County plan. A couple of years ago Town Supervisor Tyksinski had discovered that the County's administrative costs are proportioned based upon assessment. Supervisor Tyksinski will contact Julie Sower of *Haylor, Freyer & Coon, Inc.* to determine the cost of having private workers' compensation insurance coverage.

Appointment – Part-time Police Officer

Upon recommendation of the Town Police Chief, the following Resolution was introduced for adoption by Councilman Miscione and seconded by Councilman Reynolds:

(RESOLUTION NO. 104 OF 2015)

WHEREAS, a vacancy exists in the New Hartford Police Department due to the retirement of Police Officer Raymond Hamo;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford, New York, does hereby appoint Jeffrey M. Emerson as a Part-time Police Officer for said Town, commencing Thursday, June 11, 2015, at an hourly wage of Fourteen Dollars and Thirty-two Cents (\$14.32), payable bi-weekly.

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

Councilman Miscione	-	Aye
Councilman Messa	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	ABSENT

Supervisor Tyksinski - Aye.

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

Declaration of Emergency Situation – Wilbur Road

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

(RESOLUTION NO. 105 OF 2015)

WHEREAS, a storm in 2013 created hazardous conditions to Wilbur Road and the surrounding residential area and homes including:

- Flooding of Wilbur Road
- Flooding of backyards where water was above the threshold of cellar doors
- Deterioration of wing-walls that fell off existing box culverts,

all of which were deemed emergency in nature, which necessitated the closing of Wilbur Road to all traffic; and

WHEREAS, D. H. Smith, Inc., 2190 Oneida Street, Clayville , New York, and Murphy Excavating, New Hartford, New York, had submitted quotes in response to a design prepared by Barton & Loguidice in behalf of the Town of New Hartford to resolve the aforementioned emergency situation; and

WHEREAS, the Town Highway Department had offered to perform in-kind services for the Wilbur Road project, which reduced the original quote(s) by nearly half the amount;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to write a letter to FEMA explaining the emergency situation that led to the Town contracting with D. H. Smith for the Wilbur Road project repair.

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

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

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

Study – Electric Use/Town buildings

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

(RESOLUTION NO. 106 OF 2015)

RESOLVED that the New Hartford Town Board **does** hereby authorize National Grid to conduct a study of the Town’s electrical use/bills at no cost to the Town of New Hartford.

A roll call vote ensued:

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

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

Sales Tax revenue decrease

Town Supervisor Tyksinski and Oneida County Legislator James D’Onofio had talked with Oneida County Finance Commissioner Anthony Carvelli who confirmed that sales tax revenue is down throughout Oneida County. He also said that because the Town’s equalization rate had increased, it affected the Town’s sales tax revenue.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made by Councilman Miscione and seconded by Councilman Messa, the meeting was adjourned at 7:32 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk