

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, JULY 13, 2016, AT 6:00 P.M.**

Town Supervisor Patrick Tyksinski called the meeting to order at 6:00 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 David M. Reynolds
Councilman Paul A. Miscione
Councilman Richard B. Woodland, Jr.
Supervisor Patrick M. Tyksinski

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Assessor Darlene Abbatecola
Code Enforcement Officer Joseph Booth
Deputy Supervisor Matthew Bohn
Director of Recreation Center John C. Cunningham
Finance Director Daniel Dreimiller
Highway Superintendent Richard C. Sherman
Town Attorney Herbert J. Cully
Town Clerk Gail Wolanin Young

Thereafter, a quorum was declared present for the transaction of business.

MINUTES

June 8, 2016, Town Board meeting

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

(RESOLUTION NO. 105 OF 2016)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held June 8, 2016, 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 - Aye
Supervisor Tyksinski - Aye.

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

PUBLIC PRESENTATIONS/COMMENTS

The Town Supervisor inquired if anyone present wished to address the Town Board; people have three (3) minutes to present their matter(s).

Governor's Storm Water project FEMA Buy-out / Flood damaged properties (Refer to Town Board minutes of February, March and April 2015)

Thomas Diefenbacher of Oneida Street, Chadwicks, inquired about the status of the FEMA buy-out program. The Town Supervisor acknowledged receipt of a letter from FEMA identifying seven (7) parcels approved for the buy-out from the nineteen (19) properties submitted for consideration. However, the Diefenbacher residence was not included despite that his residence is one (1) foot from falling into the Creek. The Town has sixty (60) days to review FEMA's decision and assured Mr. Diefenbacher that the Town would appeal.

Solar Energy

Dr. Justin Reaves – inquired if the Board had further discussion since his last attendance about changing the Zoning Law to allow for a 44-kilowatt solar system (Refer to Town Board minutes of August and December 2015). The Town Supervisor stated there had been no further discussion by the Town Board. The Town Attorney stated that Dr. Reaves could file a petition to amend the zoning text, which a Board member would need to introduce for consideration and schedule a public hearing. It was suggested that “footprint” vs “output” be reviewed; technology is ever-changing and could make solar panels smaller.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRMAN

Senior Citizen Committee – Councilman Reynolds

2016 Summer Mentoring Program

Director of Senior Services M. Eileen Spellman sent an email announcing a great response of Volunteers and Students for the summer mentoring program. The volunteers and students will be recognized at 11:00 A.M. on Wednesday, July 27th at the Senior Center. She concluded “..this is what makes this area a great place to be as people of all ages make a difference helping others.”

Town Clerk Committee – Councilman Woodland

Liquor License Renewal – Hotel Willowvale

Councilman Woodland introduced the following Resolution for adopted; seconded by Councilman Messa:

(RESOLUTION NO. 106 OF 2016)

RESOLVED, that the Town Board of the Town of New Hartford does hereby acknowledge receipt of the Liquor License Renewal Application/Notice to municipality from Jill and Stephen Lenard, d/b/a Hotel Willowvale, 3397 Oneida Street, Chadwicks, New York, 13319; and whereas, the Town Police Department has not received any complaints about said establishment, the Town Board does not object to the State renewing said Application.

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

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

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

Liquor License Renewal – 99 Restaurant

Councilman Woodland introduced the following Resolution for adopted; seconded by Councilman Miscione:

(RESOLUTION NO. 107 OF 2016)

RESOLVED, that the Town Board of the Town of New Hartford does hereby acknowledge receipt of the Liquor License Renewal Application/Notice to municipality from 99 West, LLC, d/b/a 99 Restaurant, 8675 Clinton Street, New Hartford, New York, 13413; and whereas, the Town Police Department has not received any complaints about said establishment, the Town Board does not object to the State renewing said Application.

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

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

Supervisor Tyksinski - Aye.

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

Public Works & Sewer Committee – Councilman Miscione

Master Inter-Municipal Agreement - Shared Services and Equipment with Oneida County

Upon recommendation of the Highway Superintendent, the following Resolution was introduced by Councilman Miscione and duly seconded by Councilman Messa:

(RESOLUTION NO. 108 OF 2016)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor and Highway Superintendent to enter into and to execute an Inter-Municipal Shared Services and Equipment Master Agreement between the Town of New Hartford and the County of Oneida, for certain County-wide services/equipment, the duration of said Agreement to expire five (5) years from the date of its signing by the respective chief executive officer of said Town; the governing board of said participating municipality may elect or renew this Agreement at the termination thereof for another five (5) year period.

A roll call vote was duly held as follows:

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

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

Appointment to fill Laborer vacancy – set wage

Upon recommendation of the Highway Superintendent, Councilman Miscione introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 109 OF 2016)

WHEREAS, effective June 30, 2016, Kevin Mathews had resigned from his Laborer position with the Town Highway Department; and

WHEREAS, the Highway Superintendent has appointed Brian McCormick to fill the Laborer position created by Mr. Mathews' resignation, effective July 25, 2016;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby established Mr. McCormick's wage at Eleven Dollars and Fifteen Cents (\$11.15) per hour, payable bi-weekly.

The Town Board members then voted upon roll call:

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

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

State Contract (Bid) - Oil for paving

Upon request of the Highway Superintendent, Councilman Miscione offered the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 110 OF 2016)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Highway Superintendent to purchase oil for road paving in 2016, on State Contract #PC67374, from Suit-Kote Corp., 1911 Lorings Crossing Road, Cortland, New York.

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

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

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

Piggy-back on County Bid #1832

Upon further request of the Highway Superintendent, the following Resolution was offered for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 111 OF 2016)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Highway Superintendent to “piggy-back” on Oneida County’s Bid #1832 for stone, gravel, and equipment such as a paver, milling machine and operators, in 2016.

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

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

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

Refund – Stormwater Drainage / Massoud

Upon request of the Highway Superintendent, Councilman Miscione introduced the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 112 OF 2016)

WHEREAS, on March 28, 2016, J. Andrew Massoud submitted a request for the Highway Department to install 140 lineal feet of PVC culvert pipe, a catch basin 3x3x3 and grate in his front lawn at 21 Deerpath Drive at a cost of \$1,209.20 that was paid; and

WHEREAS, on June 2, 2016, after receiving utility markings from UFPO (Underground Facilities Protection Organization), the Highway Department commenced work at this location but found the area to be very shallow with no room to install the catch basin [three (3) feet deep] and the grate; and

WHEREAS, the cost of the unused catch basin and grate were \$340 and \$200, respectively;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Accounting/Finance Department to issue to J. Andrew Massoud a refund of \$540 for the catch basin and grate that were not used.

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

Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye

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

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

Refund – Stormwater Drainage Refund / Hubbard

Upon further request of Highway Superintendent Sherman, Councilman Miscione introduced the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 112-A OF 2016)

WHEREAS, on April 20, 2016, James Hubbard submitted a request for the Highway Department to install 60 lineal feet of PVC culvert pipe, a catch basin 3x3x3 and grate in his front lawn at 12 Lloyds Lane at a cost of \$826.80 that was paid; and

WHEREAS, on June 2, 2016, after receiving utility markings from UFPO (Underground Facilities Protection Organization), the Highway Department commenced work at this location but found there to be a National Grid gas line located where the catch basin was to be installed; and

WHEREAS, National Grid refused to move the gas line for this type of installation, which resulted in materials that could not be used, namely, the catch basin and grate that cost \$340 and \$200, respectively;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Accounting/Finance Department to issue to James Hubbard a refund of \$540 for the catch basis and grate that were not used.

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

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

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

Parks and Recreation Committee – Councilman Reynolds

Appointments – Seasonal Employees

Upon recommendation of Director of Recreation Center John Cunningham, the following Resolution was introduced for adoption by Councilman Reynolds and duly seconded by Councilman Messa:

(RESOLUTION NO. 113 OF 2016)

RESOLVED that the New Hartford Town Board does hereby appoint the following individuals to fill vacancies due to declinations of prior appointees 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 hereunder; all wages to be paid bi-weekly:

Playgrounds A7140.14

Start Date 6/27/16 – 8/12/16

<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
Erica Pendrak	Director	\$12.85/hour
Shaun Hadity	Director	\$12.85/hour
Heather Badger	Assistant Director	\$10.05/hour
Kristen Kasky	Assistant Director	\$10.05/hour
Matt Crumrine	Recreation Attendant I	\$ 9.00/hour
Aiden Halpin	Recreation Attendant I	\$ 9.00/hour

Swim A7230.01

Start Date 7/5/16 – 8/12/16

<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
Elisa Abbadessa	Splash Pad Attendant	\$ 9.00/hour
Cassandra Keady	Splash Pad Attendant	\$ 9.00/hour.

All positions are budgeted. Whereupon, the Town Board voted upon roll call:

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

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

Refund – 2016 Summer Playground Programs

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

(RESOLUTION NO. 114 of 2016)

WHEREAS, on April 25, 2016, Jennifer Ward registered her child to attend the six-week Summer Playground Program at the Myles Elementary School on Clinton Road, and paid the \$180 fee; and

WHEREAS, Mrs. Ward subsequently switched her child's registration from the Playground Program to the Basketball Camp for Grades 1 and 2, the cost of the latter program being \$55;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Accounting/Finance Department to issue to Jennifer Ward a refund of \$125, the difference between the registration fees for the two (2) programs.

The Supervisor polled the Board members who voted as follows:

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

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

MATTERS SUBMITTED BY TOWN SUPERVISOR

Finance Director

June 2016 Financial Reports

Finance Director Daniel Dreimiller inquired if the Town Board members had any questions about the e-mailed monthly reports for June 2016; there were none.

2016 Budget Adjustments - \$150,000 Deficit

The Finance Director and Town Supervisor had met to discuss the \$150,000 deficit in the 2016 Budget as a result of the Parks Department parking fee proposal not having been approved. Their proposal was to decrease funding in the General Fund Whole-Town, the General Fund Part-Town Police, and Highway Fund Part-Town accounts but did not review this with Department Heads. Councilman Reynolds wanted this matter discussed with the Department Heads and allow them an opportunity to offer input. Consensus of the Councilmen was to take no action for thirty (30) days during which time a meeting can be held with the Department Heads.

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Purchasing Policies and Procedural Manual - Working Draft of revisions

The Finance Director reviewed the working draft of revisions to the purchasing manual that the Town Board requested at the June 8, 2016, meeting, a summary of which includes:

- Lowering the competitive bid threshold to \$20,000 versus using the State's threshold of \$35,000
- Adding verbiage that the contractors or vendors must submit bills within 30 days of job completion, including detailed invoices, vouchers, etc.
- Bids to be awarded to lowest responsible bidder rather than lowest bidder.

The Finance Director was asked to finalize the revisions for Town Board action at their August 10, 2016, meeting.

MATTERS SUBMITTED BY TOWN ATTORNEY AND COUNCILMEN

Town Attorney:

Special Counsel – Certiorari Proceedings

At the June 8, 2016, Town Board meeting, the Town Attorney discussed the proposal submitted by Daniel Tuczinski of the Tuczinski, Cavalier & Gilchrist, P.C. law firm to represent the Town on various assessment/tax certioraris. Consensus of the Town Board at that time was to obtain additional information about this Attorney prior to signing a written retainer agreement. Attorney Cully confirmed receipt of a detailed breakdown of their qualifications and experience in municipal law as well as a list of all towns they currently represent. They have handled tax certiorari cases involving retail plazas, golf courses, hotels and motels, apartment complexes, government-leased buildings, large-scale distribution warehouses, nursing homes, etc. Attorney Cully inquired if the Town Board wishes to go forward with this proposal. Discussion ensued around Councilman Miscione's idea of having a volunteer committee of professionals (real estate agents, attorneys, appraisers, commercial real estate agents) to analyze tax certiorari cases prior to the Town spending money to retain an attorney only "to find out where we don't want to be." Attorney Cully noted that the Town had met with a couple property owners with regard to assessments and had successful results. The Town Board agreed to a follow-up at the August 2016 meeting.

Settlement – Tax Certiorari / JAC Real Estate, LLC

The Town Attorney reviewed a settlement proposal submitted by Murray Kirshtein in behalf of his client, JAC Real Estate, LLC. The Town Attorney had emailed the proposal to the Town Board in late June 2016. The small medical building behind or near the

Utica Mutual property has limited access and not really in good shape; it had been assessed at \$277,200 and sold for \$180,000 after being on the market for one year. Discussion ensued after which Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Messa:

(RESOLUTION NO. 115 OF 2016)

RESOLVED that the New Hartford Town Board does hereby agree to settle the following Certiorari proceeding brought against the Town of New Hartford for amount(s) specified:

JAC Real Estate, LLC
210 Campion Road, New Hartford, NY 13413

<u>Parcel I.D.</u>	<u>Initial Assessment</u>	<u>New Assessment</u>	<u>Tax Years</u>
329.010-2-5	\$277,200	\$180,000	2014-2016

and JAC Real Estate, LLC does hereby waive one year's worth of tax refunds.

The Town Board members then voted upon roll call:

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

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

Tax Certiorari – Utica Mutual Insurance

The Town Attorney had attended a pre-trial conference(s) with representatives of Utica Mutual and the School District. The Judge recommended settlement half way between the Town's appraisal and that submitted by Utica Mutual. The Town Attorney reported that after several negotiations, Utica Mutual reluctantly agreed on the morning of the trial to the split for years 2011-2016 in addition to waiving the interest on these tax year refunds and locking in the assessment for the next three (3) years unless the equalization rate increases by five percent (5%). Councilman Miscione then offered the following Resolution for adoption; seconded by Councilman Messa:

(RESOLUTION NO. 116 OF 2016)

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RESOLVED that the New Hartford Town Board does hereby agree to settle the following Certiorari proceeding brought against the Town of New Hartford for amount(s) specified, as presented by the Town Attorney:

Utica Mutual Insurance
180 Genesee Street, New Hartford, NY 13413

<u>Parcel I.D.</u>	<u>Initial Assessment</u>	<u>New Assessment</u>	<u>Tax Years</u>
329.013-2-1	\$14,740,000	\$13,400,000	2011-2016

and Utica Mutual Insurance does hereby waive any interest on tax refunds for the aforementioned tax years. Further, Utica Mutual Insurance does hereby agree to keep the assessment value locked in for the next three (3) years unless the equalization rate increases by five percent (5%).

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

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

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

Peters-Adelman Lawsuit - Update

The Town Attorney requested to discuss this pending lawsuit in Executive Session.

Councilman Messa:

Grange Hill Road Stormwater Project - Status

Councilman Messa inquired about the status of this project. In an email from Christian Lawton (Barton & Loguidice) to Supervisor Tyksinski in late June 2016, Mr. Lawton acknowledged talking to the Highway Superintendent about “..the potential to build ONLY the upper stormwater detention basin on Grange Hill with the county funds available. Mr. Lawton wrote, “..the upper basin is the first step in reducing flows at the bottom of the hill where historical flooding occurs. Flows coming from the upper area (sub-catchment A), if designed appropriately, can be reduced during the 100 year storm (a.k.a. the 1% storm) from ^60+ cubic feet per second to a 5 cubic feet per second discharge. Additional flow reduction can happen with a second lower-basin, however the largest impact will come from the construction of the upper-basin on Paul’s property.

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The construction of the lower-basin can always be combined with the later replacement of the stormwater collection system along the bottom of Grange Hill Road out to the creek.”

In order to proceed with the one pond approach, Supervisor Tyksinski said he would need assurances from Barton & Loguidice that this will stop the type of flooding the Town has had a few years ago with the properties along Oneida Street, and that there “..is no sense in pursuing this if it won’t stop that.” Mr. Lawton responded, “It will provide ‘relief’ from the flooding as it will reduce previous flooding events by as much as 50%.....but to stop all phase including the replacement of the closed drainage system will have to be done.”

After discussion, the Town Board agreed to bid the entire Grange Hill Road stormwater project, utilize any County Soil & Water grant funds available and, if need be, to bond for the project.

Councilman Miscione (Interjected discussion)

Tilden Ave paving

Being on the subject of stormwater drainage, Councilman Miscione cited Tilden Ave as in need of paving and questioned whether grant money might be available through Oneida County and then bond for the remainder of the cost for repaving. Highway Superintendent Sherman had received a quote of \$250,000 to repave the entire road; currently, the Highway Department is repairing storm drains along Tilden Ave. Councilman Messa noted a couple of roads in the First Ward that also need repaving, one of which is Sessions Road.

Councilman Messa (Cont’d)

Grange Hill Road Stormwater Drainage Project – Authorization for Bid Specifications and Competitive Bid

Thereafter, Councilman Reynolds introduced the following Resolution for adoption and Councilman Woodland seconded same:

(RESOLUTION NO. 117 OF 2016)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Highway Superintendent and Councilman Messa to work with Christian Lawton of Barton & Loguidice for preparation of the bid specification packages for the Grange Hill Road Stormwater Project and that the New Hartford Town Board does further hereby authorize the Grange Hill Road Stormwater Drainage Project for competitive bid for a date to be determined upon completion of the specifications; and

once the bid date is determined, the Town Clerk is hereby authorized and directed to publish the legal requisite Advertisement/Invitation to bid in the Observer Dispatch.

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

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

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

MATTERS SUBMITTED BY TOWN SUPERVISOR

Governor's Storm Water project FEMA Buy-out/Flood damaged properties (continued)

Supervisor Tyksinski reminded the Board that the Town has sixty (60) days to appeal the decision of FEMA for the Buy-out program. Discussion ensued after which he directed the Councilmen to review the nineteen (19) properties that had been submitted for consideration, decide which properties they will appeal and which properties they would like removed and to provide him with a list.

It was noted that if the Diefenbacher residence were to be approved for the FEMA Buy-out that the Town would then own the site and nothing could be built upon the property. Councilman Miscione noted several properties on Henderson Street that could be removed from the list. The Highway Superintendent will meet with Councilmen Reynolds and Messa to make decisions on the Oneida Street properties.

Relative to the FEMA Buy-out flood program, Dean Kelly of Jay-K Lumber was concerned with the former Sloan Cabinet property and whether the five (5) to six (6) acre parcel could be changed to parkland. He conveyed the suggestion of a FEMA representative that the Town take ownership of part of the driveway between Jay-K and Aldi's, starting from Seneca Turnpike to the first Sloan building, and indicated the Sloan's had an easement in that area. This would allow for the acreage to become green space. Highway Superintendent Sherman noted that if the Town took ownership of the driveway, the "road" would have to meet Town specifications. The matter of snow plowing and a turn-around were mentioned.

Agreement – 2016 STOP DWI

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

(RESOLUTION NO. 118 OF 2016)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute the 2016 STOP DWI agreement between the Town of New Hartford and the Oneida County Office of Traffic Safety for calendar year 2016.

The Town Board vote upon roll call, as follows:

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

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

Insurance Coverage – Seasonal Employees background check

Supervisor Tyksinski had been contacted by the Town's insurance agent about a possible insurance coverage change. Currently, the Town's policy has \$1 million coverage for any potential lawsuit that the Town might incur, including sexual and/or child abuse. It was suggested that this type of coverage also be added to the Town's Umbrella policy, thereby increasing coverage to \$5 million, with no additional premium; however, the Town would need to institute a program for background checks on seasonal employees. This matter was discussed with Police Chief Inserra who stated that his Department could institute a background-check program for seasonal employees to include those who work with children during the Town's summer playground and recreational programs. Councilman Miscione then offered the following Resolution for adoption; seconded by Councilman Messa:

(RESOLUTION NO. 119 OF 2016)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to arrange for seasonal employees to be covered under the Town's umbrella policy for \$4 million for any lawsuit involving sexual and/or child abuse, at no additional premium for the Town and to notify the Town's insurance agent that the New Hartford Police Department will institute a background check program for all seasonal employees.

A roll call vote was then held, resulting as follows:

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

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

Proposal to incorporate as a City

The Town Supervisor initiated discussion on incorporating as a city; he noted that this subject had been discussed years ago, even decades ago. Sales tax revenue is flat in the Town and county-wide and he believes it's actually decreasing despite the fact that the Town continues to bring retail here. Also, he cited the State's 2% tax cap. While the Town might be okay for budget years 2017, 2018 and 2019, he believes there may be issues by 2020. The Town Attorney has been researching the incorporation process. Supervisor Tyksinski requested that, between now and the August 10, 2016, Town Board meeting, the Councilmen phone or email any questions/concerns they might have to either him or the Town Attorney and then have discussion at the August meeting. The Town Supervisor will be meeting with the Town Attorney, Deputy Town Supervisor and the Mayors of the Villages of New Hartford and New York Mills to get their point of view. Supervisor Tyksinski noted that the proposal to incorporate as a city would be subject to a mandatory referendum. He stated that if the Town does not incorporate as a city, he believes the Town would have to initiate a revaluation program of properties in the Town, which he said would be costly.

Audit of Vouchers

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

(RESOLUTION NO. 120 OF 2016)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the payment of the bills itemized on the following Abstracts, which had been duly audited by the Town Board:

Street Lighting Abstract #6	
Vouchers SL6	\$ 7,445.75
Fire District Abstract #6	
Vouchers SF12-SF15	\$ 34,431.90
Highway Fund Part-Town Abstract #9	
Vouchers DB347-DB407	\$ 130,101.04
General Fund Part-Town Abstract #14	
Vouchers BB87-BB88	\$ 5,728.37

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General Fund Part-Town Abstract #15	
Vouchers BB89-BB92	\$ 497.72
General Fund Part-Town Abstract #16	
Vouchers BB93-BB103	\$ 2,826.88
General Fund Part-Town Police Abstract #12	
Vouchers BP128-BP130	\$ 44,412.08
General Fund Part-Town Police Abstract #13	
Vouchers BP131-BP132	\$ 3,481.22
General Fund Part-Town Police Abstract #14	
Vouchers BP133-BP154	\$ 22,765.50
Trust & Agency Fund Abstract #19	
Vouchers TT107-TT109	\$ 9,697.62
Trust & Agency Fund Abstract #20	
Vouchers TT110-TT115	\$ 8,957.54
Trust & Agency Fund Abstract #21	
Vouchers TT116	\$ 761.71
Trust & Agency Fund Abstract #22	
Vouchers TT117-TT120	\$ 6,206.33
Highway Whole-Town Abstract #1	
Vouchers DA1	\$ 200.00
General Fund Whole-Town Abstract #14	
Vouchers AA655-AA664	\$ 18,584.96
General Fund Whole -Town Abstract #15	
Vouchers AA665-AA671	\$ 5,334.06
General Fund Whole -Town Abstract #16	
Vouchers AA672-AA778	\$ 146,644.10
Sewer Fund Abstract #13	
Vouchers SS59	\$ 330.08
Sewer Fund Abstract #14	
Vouchers SS60	\$ <u>1,533.14</u>

TOTAL: \$ 449,940.00

As he passed bills around the Board, Councilman Miscione said he didn't have a good understanding of two (2) bills, one in the amount of \$2,168 and the second for \$3,963, both of which referenced the Sangertown appraisal and \$21,900 in legal fees. The Town Attorney and Supervisor noted that the bills referred to the Sangertown Square lawsuit (tax certiorari). Councilman Woodland said it appears that one bill replenishes a fund from General Fund Whole-Town. Supervisor Tyksinski added that expenses for this lawsuit were broken up based upon taxes; the original bill for \$21,900 was actually signed off by the Supervisor and paid in February 2016. Councilman Miscione questioned where the other \$14,000 was. Supervisor Tyksinski was unsure of why the

Bookkeeper submitted the \$3,900 bill as he had not signed off on it; it was dated in June. Addressing the Town Clerk, Supervisor Tyksinski said he was taking these two bills and will give them to the Finance Director and ask him about this. Thereafter, the Board members voted upon roll call, resulting as follows, **excluding the two (2) appraisal bills for the Sangertown certiorari:**

Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	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 Messa seconded same:

(RESOLUTION NO. 121 OF 2016)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the Town's strategy in the pending Peters-Adelman lawsuit against the Town of New Hartford.

A roll call vote ensued:

Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
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 7:45 P.M. The Town Attorney and Deputy Supervisor remained for the Executive Session.

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 122 OF 2016)

REGULAR TOWN BOARD MEETING

July 13, 2016

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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	-	Aye
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 invited to attend the meeting.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilman Reynolds, seconded by Councilman Miscione, the meeting was adjourned at 7:53 P.M.

Respectfully submitted,

Gail Wolanin Young
Town Clerk