

**REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF NEW HARTFORD, NEW YORK  
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN  
ON THURSDAY, OCTOBER 5, 2017, 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 Paul A. Miscione  
Councilman David M. Reynolds  
Councilman Richard B. Woodland, Jr.  
Supervisor Patrick M. Tyksinski

**OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:**

Codes Enforcement Officer Joseph Booth  
Deputy Town Supervisor Matthew Bohn  
Director of Finance Daniel T. Dreimiller  
Highway/Sewer Superintendent Richard C. Sherman  
Town Clerk Gail Wolanin Young

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

MINUTES

**August & September 2017, Town Board meetings:**

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

**(RESOLUTION NO. 191 OF 2017)**

**RESOLVED** that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Special Town Board meeting held August 24, 2017, and the Regular Town Board meeting held September 13, 2017, 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 foregoing Resolution was voted upon by roll call, resulting as follows:

PRESENTATIONS/COMMENTS

**Notice of Claim – stormwater damage**

James Seeman of 71 Merritt Place stated that the Town does have insurance for stormwater damage; however, he doesn't believe that Town residents are aware they would have to file a claim with the Town's insurance agent. He thanked the Town Supervisor for explaining the Notice of Claim process. While the Town does have such insurance coverage, the Town Supervisor explained it would have to be the Town's fault in order for the insurance to cover the claim. With regard to Mr. Seeman's comment that the Town Attorney has placed a gag-order with the Town's insurance agent, Supervisor Tyksinski will discuss this allegation with Attorney Cully and communicate with Mr. Seeman in a week from today.

**FEMA new buy-out program**

Amie Wood and her husband, and Kim Mitchell, all of Oneida Street, Chadwicks, were present to discuss the procedure under FEMA for a new round of applications for stormwater damages and a new buy-out program. The Town Supervisor stated this matter would be discussed later during the meeting.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE

Parks & Recreation Committee – Councilman Reynolds

**Appointments - Seasonal Employees**

Upon request of the Director of Recreation Center, Councilman Reynolds offered the following Resolution for adoption; seconded by Councilman Messa:

**(RESOLUTION NO. 192 OF 2017)**

**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 October 1, 2017, and ending March 31, 2018,; all wages to be paid bi-weekly:

<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
Kara Nadeau	Ice Rink Attendant	\$9.00 per hour
Ethan Ross	Ice Rink Attendant	\$9.00 per hour
Brendon Whitman	Ice Rink Attendant	\$9.00 per hour

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 then declared unanimously carried and duly **ADOPTED**.

**Agreements - Ice Rental**

The following Resolution was introduced for adoption by Councilman Reynolds and duly seconded by Councilman Woodland:

**(RESOLUTION NO. 193 OF 2017)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute Ice Rental Agreements for the 2017-2018 Ice Season between the Town of New Hartford and the following organizations:

- New Hartford Youth Hockey Association, Inc.
- Figure Skating Club of New Hartford
- New Hartford High School Hockey
- SUNY Oneonta Club Hockey Program
- Mohawk Valley Old Timers Hockey League

all of which groups have provided the Town with the appropriate Certificate of Insurance, and contingent upon receiving approval by the Town Attorney.

The Town Board members voted as follows:

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

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

**Declaration of Surplus Equipment – Authorization to Sell**

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

**(RESOLUTION NO. 194 OF 2017)**

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

<u>Year</u>	<u>Description</u>
2010	Ferris Hydro Drive Rider Mower w/61” mowing deck Engine type: Kohler Command 25 Model #H3225K/Serial #1461
2009	Ferris zero turn mower / IS1500Z Series w/52” mowing deck Engine type: Kawasaki FH721 V Model #5900607 / Serial #2013195475
1990	Jacobsen riding rotary mower w/72” mowing deck Engine type: Model #422D / Serial #
1981	John Deere Tractor JD 301A w/Alamo Fine Cut 8’ Flail Engine serial #583080T Model #JD301A / Serial #301 AD 376884T Flail Serial #13391
1980	Kubota 4WD Tractor Model #B6100
2006	Bri-Mar HD Equipment Trailer ID#43YDC24226C051035
2006	Peque 18’Landscape Trailer ID#4JAUS182X6G112799
2002	Smithco Linestar spray painting machine Model #44-508 / Serial #L9569

And be it

**FURTHER RESOLVED** that the aforesaid equipment 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 equipment.

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

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

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

Senior Citizen Committee – Councilman Reynolds

**Appointment – Meal Site Manager vacancy**

Upon recommendation of the Director of Senior Services M. Eileen Spellman, the following Resolution was introduced for adoption and duly seconded by Councilman Miscione:

**(RESOLUTION NO. 195 OF 2017)**

**WHEREAS**, a vacancy exists in the position of Meal Site Manager at the Senior Center due to the resignation of Theresa Hock;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby appoint Marjorie Anweiler to fill said vacancy of Meal Site Manager, effective Friday, October 6, 2017, at the hourly wage of Thirteen Dollars and Fifty Cents (\$13.50), payable bi-weekly.

Upon roll call, the Board voted as follows:

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

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

**Appointment – Food Service Helper vacancy**

Upon further recommendation of the Director of Senior Services, Councilman Reynolds offered the following Resolution for adoption, seconded by Councilman Miscione:

**(RESOLUTION NO. 196 OF 2017)**

**WHEREAS**, a vacancy exists in the position of Food Service Helper (part-time) at the Senior Center due to the promotion of Marjorie Anweiler as Meal Site Manager, effective October 6, 2017;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby appoint Ruth Babowicz to fill the vacancy of Food Service Helper (part-time) , effective October 6, 2017, at an hourly wage of Eight Dollars and Seventy-two Cents (\$8.72), payable bi-weekly.

A roll call vote ensued:

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

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

**Zoning (Codes) & Planning Committee – Councilman Messa**

Upon request of some Zoning and Planning Board members, the following Resolution was introduced for adoption by Councilman Messa and duly seconded by Councilman Reynolds:

**(RESOLUTION NO. 197 OF 2017)**

**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 the following Town Officials to attend the Continuing Educational Program on November 29, 2017, in the Town of Schuyler, with expenses to be borne by said Town as budgeted:

- Zoning Board of Appeals - Randy Bogar
- Zoning Board of Appeals - Byron W. Elias

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- Zoning Board of Appeals - Frederick Kiehm
- Zoning Board of Appeals - John Montrose
- Zoning Board of Appeals - Karen Stanislaus
- Planning Board - Heather Mowat.

Attendance at this class will satisfy four (4) hours of mandatory training as required by New York State. The Resolution was voted upon by roll call as follows:

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

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

Public Works & Sewer Committee – Councilman Miscione

**Clerical Position – Canvass Oneida County list**

Because the current Highway Department Clerk is transferring to a Laborer position in the Highway Department, a vacancy will occur and the Town has decided to canvass a town-wide civil service list of eligible applicants from the Oneida County Personnel Department. Results will be reported at the next Town Board meeting.

Public Safety & Courts Committee – Supervisor Tyksinski

Upon presentation by the Town Supervisor, the following Resolution was introduced for adoption by Councilman Woodland and duly seconded by Councilman Miscione:

**(RESOLUTION NO. 198 OF 2017)**

**WHEREAS**, Oneida County operates and conducts a program entitled “**STOP-DWI;**” and

**WHEREAS**, the mission of the **STOP-DWI PROGRAM** is the County-wide reduction of alcohol related traffic injuries and fatalities; and

**WHEREAS**, the New Hartford Police Department desires to participate in and promote the **STOP-DWI PROGRAM** for its residents along with the County;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute the Oneida County STOP-DWI Program Agreement, dated the 1<sup>st</sup> day of January 2017, for the sum

of Ten Thousand, Five Hundred Fifty-six Dollars (\$10,556.00) for services provided pursuant to said Agreement.

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

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

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

Town Clerk Committee – Councilman Woodland

**2018 Tentative Budget**

The Town Clerk then presented the 2018 Tentative Budget to the Town Board members. Supervisor Tyksinski noted there was a slight decrease – ½ a cent – in the Whole-Town tax rate. There was little to slim down. Large items such as equipment were taken out for bonding. Supervisor Tyksinski asked that Board members review the Tentative Budget and contact him and/or the Finance Director should they have any questions. The Town Board will meet October 18, 2017, to adopt a 2018 Preliminary Budget, and at which time the Public Hearing will be schedule on the Preliminary Budget.

**Budget Transfer – EDRS**

Upon request of the Town Clerk-Registrar, the following Resolution was introduced for adoption by Councilman Woodland and duly seconded by Councilman Miscione:

**(RESOLUTION NO. 199 OF 2017)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Bookkeeper/Finance Department to make the following 2017 budget adjustments:

- *Decrease* Account BB4020.12 (Registrar Part-time Clerk) by \$1,000.00
- *Increase* Account BB4020.02 (Registrar Equipment) by \$1,000.00
  - *Purpose:* Purchase laptop computer for Electronic Death Registration System (EDRS) for Registrar and Deputy use on weekends, holidays, evenings .

The Resolution was subject to a vote upon roll call:



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

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

MATTERS SUBMITTED BY COUNCILMEN / SUPERVISOR

Councilman Woodland

**Requests for Proposal – Audit of 2017 Finances**

In regard to request for proposals mailed to local firms in July 2017, with only one (1) response having been received, Councilman Woodland introduced the following Resolution for adoption; seconded by Councilman Miscione:

**(RESOLUTION NO. 200 OF 2017)**

**RESOLVED**, that the New Hartford Town Board will receive Requests for Proposal for **Professional Audit Services** for the fiscal year ending December 31, 2017, with the option of auditing the financial statements for each of the two subsequent fiscal years December 31, 2018 and 2019. Proposals shall be submitted in sealed envelopes not later than 12:00 Noon on Friday, November 3, 2017, at the Finance Director’s Office; and be it

**FURTHER RESOLVED** that the Town Clerk be, and she hereby is, authorized and directed to publish the legal requisite notice in the Observer Dispatch.

The Supervisor polled the Board members who voted as follows:

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

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

Town Supervisor Tyksinski:

**Emergency Stormwater Expenses**

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Regarding the 50/50 reimbursement from Oneida County for the July 1, 2017, stormwater damage, the Highway Superintendent reported he has submitted expenses totaling about \$250,000 to the County. Additional expenses totaling about \$160,000 are on the Town Supervisor's desk for review.

**FEMA Buy-out Program – asbestos work**

The Town Board discussed whether the Town or the demolition company would be responsible for asbestos-related removal on homes approved for the current buy-out program. There was no motion to approve an agreement between the Town and Barton & Loguidice for survey and/or asbestos work, which is estimated at \$1,400 per home.

**Health Insurance Coverage – Domestic Partner**

Current health insurance for employees covers a domestic partner for medical expenses but not vision or dental. A brief discussion followed about whether to provide vision/dental in these cases; the Town Supervisor will check into the costs.

Councilman Messa:

**Rescind two Resolutions from July 12, 2017 Town Board meeting**

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

**(RESOLUTION NO. 201 OF 2017)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby rescind Resolution No. 136, adopted at the July 12, 2017, Town Board meeting relative to hiring contractor Spinella Excavating off the Oneida County bid list for Contract 1 in the Grange Hill Road Project.

The resolution was put to a roll call vote, resulting as follows:

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

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

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

**(RESOLUTION NO. 202 OF 2017)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby rescind Resolution No. 137, adopted at the July 12, 2017, Town Board meeting declaring the Grange Hill Road Project as an emergency situation, and pursuant to General Municipal Law, Statute 103, approving the hiring of Spinella Excavating off the County Bid List.

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

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

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

**Competitive Bid Authorization: Grange Hill Road Drainage System Improvement Project; Contract 1 – Detention Ponds and Upper Channel Improvements**

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

**(RESOLUTION NO. 203 OF 2017)**

**RESOLVED** that the New Hartford Town Board shall receive sealed bids for the ***Grange Hill Road Drainage System Improvement Project; Contract 1 – Detention Ponds and Upper Channel Improvements***, in accordance with Town specifications; all bids are to be received by the Town Clerk’s Office no later than 10:45 A.M. on Wednesday, October 18, 2017, and then shall be publicly opened and read aloud at 11:00 A.M. on said date in the Community Meeting Room in Butler Memorial Hall; and be it

**FURTHER RESOLVED**, that the said Town Board hereby authorize and direct the Town Clerk to publish the legal requisite Advertisement-Invitation to Bid in The Observer Dispatch.

It is anticipated that the Town Board would canvass bids received on October 18, 2017, and possibly award a contract for the work which is expected to begin soon afterward. The work must be done by December 31, 2017. The Town Board then voted upon roll call as follows:

Councilman Miscione	-	Aye
Councilman Woodland	-	Aye

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

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

Town Supervisor:

**Competitive Bid Authorization: Contract 2 - Grange Hill Road Downstream Closed Drainage Improvements**

Upon recommendation of the Town Supervisor, Councilman Messa then introduced the following Resolution for adoption; seconded by Councilman Miscione:

**(RESOLUTION NO. 204 OF 2017)**

**RESOLVED** that the New Hartford Town Board shall receive sealed bids for **Contract 2 - Grange Hill Road Downstream Closed Drainage Improvements**, in accordance with Town specifications; all bids are to be received by the Town Clerk's Office no later than 10:45 A.M. on Wednesday, November 8, 2017, and then shall be publicly opened and read aloud at 11:00 A.M. on said date in the Community Meeting Room in Butler Memorial Hall; and be it

**FURTHER RESOLVED**, that the said Town Board hereby authorize and direct the Town Clerk to publish the legal requisite Advertisement-Invitation to Bid in The Observer Dispatch.

It is anticipated that the Town Board would canvass bids received at the November 8, 2017, Town Board meeting and possibly award a contract for the work which is expected to begin soon afterward. Obtaining the required New York State DEC permits is about a 45-day process. The Town Board then voted upon roll call as follows:

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

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

Councilman Messa:

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- ***FEMA buyout (2<sup>nd</sup> program)*** – some Oneida Street residents here regarding new buy-out program. Councilman Messa worked a little with Councilman Miscione on this federal program. FEMA must approve funding before the Town can do anything.
- ***Snowden Hill Road*** – discussed resident complaints about speed with the Police Chief; radar trap will be set up to monitor vehicular speed
- ***Curbside trash pick-up program*** – urged the Town Board to reinstate the curbside trash pick-up program because his constituents have requested it, as have the constituents of Councilmen Miscione and Woodland. Councilman Reynolds and Supervisor Tyksinski believe this is premature at this point.

### Highway Superintendent:

#### **Chenango Road Bridge – pier damage**

Highway Superintendent Sherman has contacted the New York State Department of Transportation about storm-related damage to the New Hartford side of the Chenango Road bridge. After damage had been incurred by a 2013 storm, the Highway Superintendent – in 2016 - had been successful in securing a grant from State Senator Griffo for a new steel bridge, beams and headwall. The July 1, 2017, storm event wiped out supporting materials around the piers that are 25 feet in the ground. Highway Superintendent Sherman had Barton & Loguidice send a bridge engineer to survey the damage, which was brought to the attention of NYS DOT. The Highway Superintendent intends to contact State Senator Griffo again for a grant .

The Highway Superintendent closes the Chenango Road bridge every time there is a big rain event forecast. Damage includes scouring underneath on the south side of the bridge.

### Councilman Miscione:

#### **Walking trails**

In response to Councilman Miscione's inquiry of who maintains the walking trails in New York Mills, Supervisor Tyksinski stated that the Parks Department is charge of the maintenance.

### **ADJOURNMENT**

There being no further business to come before the Town Board, upon motion of Councilman Reynolds and duly seconded by Councilman Miscione, the meeting was adjourned at 6:41 P.M.

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Respectfully submitted,

Gail Wolanin Young  
Town Clerk