

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, MAY 9, 2012 AT 7:00 P.M.**

Town Supervisor Patrick Tyksinski called the meeting to order at 7:00 P.M. and led those in attendance in the Pledge of Allegiance to the American Flag. The roll was then taken with the following Town Officials and Department Heads being present during the progress of the meeting.

TOWN BOARD MEMBERS PRESENT:

Councilman Donald C. Backman
Councilman Paul A. Miscione
Councilman David M. Reynolds
Councilman Richard B. Woodland, Jr.
Supervisor Patrick M. Tyksinski

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Assessor Paul E. Smith
Codes Enforcement Officer Joseph A. Booth
Deputy Supervisor Matthew Bohn III
Highway Superintendent Richard C. Sherman
Parks & Recreation Director Michael W. Jeffery
Police Chief Michael Inserra
Town Attorney Herbert J. Cully
Town Clerk Gail Wolanin Young

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

MINUTES

No action.

PUBLIC PRESENTATIONS (Resident Comments)

No one present to speak.

ENGINEERING CONSULTANT REPORT – BARTON & LOGUIDICE

Competitive Bid Award – Sauquoit Creek Sanitary Sewer Crossing

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

REGULAR TOWN BOARD MEETING
May 9, 2012
Page 2

(RESOLUTION NO. 115 OF 2012)

WHEREAS, the Town of New Hartford, Town Clerk's Office received bids on May 7, 2012 for the *Sauquoit Creek Sanitary Sewer Crossing* project from the following companies:

- Chargo Earthworks, Inc. \$163,275.00
- Murphy Excavating Corporation \$174,434.00
- D. H. Smith Company, Inc. \$197,205.56
- Central NY Construction, Inc. \$242,400.00
- D. E. Tarolli, Inc. \$292,920.00
- Marcellus Construction Co., Inc. \$469,225.00

And

WHEREAS, all bids received have been duly canvassed, with Barton & Loguidice recommending that the Town Board award the contract for this project to Chargo Earthworks, Inc.;

NOW, THEREFORE, BE IT RESOLVED that the said Town Board does hereby accept the low bid of and does hereby award the contract for the Town of New Hartford *Sanitary Sewer Crossing, Contract No. 1 – General Construction* to Chargo Earthworks, Inc., 7107 Stearns Road, Rome, NY 13440, pursuant to their bid submitted in the amount of One Hundred Sixty-three Thousand Two Hundred Seventy-five Dollars (\$163,275) for Base Bid with Alternate 4A (Diversion Channel) and Additive Bid No. 1-1 (Cross Vane Weir) and does further authorize and direct the Town Supervisor to enter into and to execute all necessary agreements for the Sauquoit Creek Sanitary Sewer Crossing.

Four of the bids received were at or below the engineer's estimate for the project, as noted in the tabulation presented. Mr. White confirmed there would be no pump station with this project. The Town Board voted as follows:

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

The Resolution was declared unanimously carried and duly **ADOPTED**. Barton & Loguidice will prepare the notice letter to the successful bidder.

REGULAR TOWN BOARD MEETING

May 9, 2012

Page 3

Clinton Street Extension – Change Orders/Fred Burrows Trucking & Excavating, LLC

Supervisor Tyksinski had distributed handouts to the Councilman in their inter-office mailboxes as to where the Town stands with the \$1.1 million for the Business Park. Mr. White of Barton & Loguidice then reviewed four (4) Change Orders with regard to the Clinton Street Extension, which places the Town at the \$1.1 million mark. Thereafter, Councilman Reynolds introduced the following Resolution for adoption and Councilman Woodland seconded same:

(RESOLUTION NO. 116 OF 2012)

RESOLVED that the Town Board of the Town of New Hartford does hereby accept and approve the following Change Orders between the Town and Fred Burrows Trucking & Excavating, LLC and does further authorize and direct the Town Supervisor to enter into and to execute said Change Orders relating to the Clinton Street Extension:

- PCO#1 – \$19,408.32
additional work to undercut unstable areas under proposed new pavement as directed by Barton & LoGuidice Field Inspector
- PCO#2 - \$12,643.64
Additional work to modify storm piping per revised Drawing C-3 dated 11/9/11 (Across Yager property)
- PCO#3 - \$16,599.15
Additional work to modify storm piping per revised Drawing C-3 dated 2/03/12 (ponding of water on north side of roadways)
- PCO#4 - \$2,171.66
Additional work to modify storm piping per revised Drawing C-3 dated 2/03/12. (additional cost of asphalt to reflect current asphalt index)

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

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

The Resolution was declared unanimously carried and duly **ADOPTED**. The Town Supervisor has met with developer Lawrence Adler, who is in agreement with the financial schedule that the Town had and realizes that shortly, he will begin the

REGULAR TOWN BOARD MEETING

May 9, 2012

Page 4

responsibility for paying expenses in excess of the \$1.1 on the Business Park. Supervisor Tyksinski explained that the Town would bill developer Lawrence Adler who, in turn, will pay the Town who pays the bill.

With regard to activating the street lights, the Town Supervisor said that an additional meeting is needed with the NYS Department of Transportation; the Town anticipates the activation between 60 to 90 days.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRPERSON

Zoning (Codes) & Planning Committee – Councilman Miscione

Local Law Introductory “D” of 2012 – SEQR Lead Agent; GML-239 Review

With regard to Local Law Introductory “D” of 2012 that had been introduced at the Town Board meeting held April 25, 2012, Councilman Miscione offered the following Resolution for adoption and Councilman Reynolds seconded same:

(RESOLUTION NO. 117 OF 2012)

RESOLVED that the Town Board of the Town of New Hartford does hereby declare itself as Lead Agency in the matter of Local Law Introductory “D” of 2012, legislation to amend the Town’s Code, Chapter 118 thereof entitled ZONING by creating a new Article XIA entitled as Wind Energy Conversion Systems; and be it

FURTHER RESOLVED that the Town Board does hereby authorize and direct the Town Clerk to refer said legislation to the Oneida County Planning Department and to the Town Planning Board for their review and written recommendation(s) pursuant to General Municipal Law and the Town’s Zoning Law, as well as to forward copies of said Zoning Law text amendment to all interested and/or involved agencies for SEQR review.

It was noted that at the April 25, 2012 Town Board meeting, a Resolution had been adopted to schedule a Public Hearing upon this matter for Wednesday, May 23, 2012 at 7:00 P.M. in Butler Memorial Hall. Upon roll call, the Town Board voted as follows:

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

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

REGULAR TOWN BOARD MEETING

May 9, 2012

Page 5

Local Law Introductory "E", As amended, 2012

With regard to Local Law Introductory "E" of 2012 that had been introduced at the Town Board meeting of April 25, 2012 to amend the Town's Zoning Law, Chapter 118 (Temporary signs: maximum size), Town Attorney Cully confirmed that the legislation needs to be changed as the Town Clerk pointed out that garage and lawn sale signs are regulated by the Town Code, Chapter 72. Thereafter, Councilman Miscione introduced the following legislation for the Town Board's consideration at a future Town Board meeting; co-sponsored by Councilman Reynolds:

**Town of New Hartford, NY
Local Law Introductory "E", As Amended, of 2012**

A Local Law to amend the Code of the Town of New Hartford, Chapter 118 thereof entitled ZONING, by amending Section 118-54. Signs., F. Signs not requiring a permit, (6) Temporary signs.

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

Section 1. Chapter 118 of the Town Code of the Town of New Hartford, Section 118-54. Signs, is hereby amended as follows:

Section 118-54.

Omit the existing Paragraph F. Signs not requiring a permit, sub-Paragraph(6). Temporary signs

Replace Paragraph F. (6) with the following language:

Temporary signs, including but not limited to inflatables, banners or pennants relating to individual non-recurring sales, for the sale of produce grown or harvested by the property owner where the subject sign is located, or for a church bazaar, political campaign, fund drive, parade, fair, firemen's field day or other event or undertaking conducted by a political, civic, religious, charitable or educational organization. Such temporary signs are limited to eight (8) square feet in size when placed on any property used for commercial or residential purposes. Additionally, these signs can be displayed for no more than two months and shall be removed within seven (7) days after the termination of the activity being advertised.

Section 2. 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 3. This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State.

REGULAR TOWN BOARD MEETING

May 9, 2012

Page 6

It was noted that on April 25, 2012 the Town Board scheduled a Public Hearing upon this matter for May 23, 2012 and had referred this matter to the Town Planning Board and Oneida County Planning Department for their review and written recommendation.

Local Law Introductory “E”, as amended, of 2012; SEQR Lead Agent/referral

With regard to Local Law Introductory “E”, as amended, of 2012, Councilman Miscione offered the following Resolution for adoption and Councilman Reynolds seconded same:

(RESOLUTION NO. 118 OF 2012)

RESOLVED that the Town Board of the Town of New Hartford does hereby declare itself as Lead Agency in the matter of Local Law Introductory “E”, as amended, of 2012, legislation to amend the Town’s Code, Chapter 118 thereof entitled ZONING by amending Section 118-54, F., (6) Temporary Signs; and be it

FURTHER RESOLVED that the Town Board does hereby authorize and direct the Town Clerk to refer said legislation to all interested and/or involved agencies for SEQR review.

A roll call vote was held and resulted as follows:

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

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

Parks and Recreation Committee – Councilman Reynolds

Appointments – Seasonal Workers

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

(RESOLUTION NO. 119 OF 2012)

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:

REGULAR TOWN BOARD MEETING

May 9, 2012

Page 7

Swim

Start Date 6/29/12 – A7230.1

<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
Diane Muller	Pool Director	\$13.00 & \$9.50 per hour
Anna Wanner	Assistant Director	\$11.64 & \$9.50 per hour
Scott Wanner	Certified WSI & Lifeguard	\$10.75 & \$9.15 per hour
Dominick Masi	Certified WSI & Lifeguard	\$10.75 & \$9.15 per hour
Jonathan Graniero	Certified WSI & Lifeguard	\$10.75 & \$9.15 per hour
Andrew Crumrine	Certified WSI & Lifeguard	\$10.75 & \$9.15 per hour
Jeremy Rose	Instructional Lifeguard	\$ 9.15 per hour
Sara Dreimiller	Instructional Lifeguard	\$ 9.15 per hour
Marisa Matt	Lifeguard	\$ 9.15 per hour
Meghan Rose	Lifeguard	\$ 9.15 per hour
Paige Whitney	Lifeguard	\$ 9.15 per hour
Marianna Maliani	Lifeguard	\$ 9.15 per hour
Marissa Visingardi	Lifeguard	\$ 9.15 per hour
Aaron Canarelli	Lifeguard	\$ 9.15 per hour
Jaclyn Perra	Substitute Lifeguard	\$ 9.15 per hour
Craig Sherman	Pool Attendant	\$ 7.35 per hour
Mikaela Butler	Splash Pad Attendant	\$ 8.25 per hour
Aaron Canarelli	Splash Pad Attendant	\$ 8.25 per hour
Avrie Canarelli	Splash Pad Attendant	\$ 8.25 per hour
Marissa Visingardi	Splash Pad Attendant	\$ 8.25 per hour
Ashley Chiffy	Splash Pad Attendant	\$ 8.25 per hour
Rachel Bolton	Splash Pas Attendant & Substitute Lifeguard	\$ 8.25 per hour \$ 9.15 per hour

Playground

Start Date 6/27/12 – A7140.11

<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
Michael Jankiewicz	Director	\$12.32 per hour
Jordan Groah	Director	\$12.32 per hour
Kimberly Gomez	Director	\$12.32 per hour
Marc Montesano	Director	\$12.32 per hour
Mikaela Butler	Director	\$12.32 per hour
Joseph Desens	Director	\$12.32 per hour
Kristi Denison	Director	\$12.32 per hour
Katelynn Duffy	Director	\$12.32 per hour
Michael Matt	Assistant Director	\$ 9.65 per hour
Kaitlyn Hudson	Assistant Director	\$ 9.65 per hour
Megan Alsheimer	Assistant Director	\$ 9.65 per hour
Kim Sheets	Assistant Director	\$ 9.65 per hour
Elizabeth Johnson	Assistant Director	\$ 9.65 per hour
Renee Pardee	Assistant Director	\$ 9.65 per hour
Matthew Romanow	Rec Attendant II	\$ 8.65 per hour
Kyle Hutchinson	Rec Attendant II	\$ 8.65 per hour
David Hamlin	Rec Attendant II	\$ 8.65 per hour
Jaclyn Perra	Rec Attendant I	\$ 7.95 per hour
Daniel Duffy	Rec Attendant I	\$ 7.95 per hour

REGULAR TOWN BOARD MEETING

May 9, 2012

Page 8

<i>Emily Miller</i>	<i>Rec Attendant I</i>	<i>\$ 7.95 per hour</i>
<i>Valerie Kane</i>	<i>Rec Attendant I</i>	<i>\$ 7.95 per hour</i>
<i>Marisa Matt</i>	<i>Rec Attendant I</i>	<i>\$ 7.95 per hour</i>
<i>Samantha North</i>	<i>Rec Attendant I</i>	<i>\$ 7.95 per hour</i>
<i>Kelsey Evans</i>	<i>Rec Attendant I</i>	<i>\$ 7.95 per hour</i>
<i>Kathryn Kasky</i>	<i>Rec Attendant I</i>	<i>\$ 7.95 per hour</i>
<i>Luke Boger</i>	<i>Rec Attendant I</i>	<i>\$ 7.95 per hour</i>
<i>Laura Becker</i>	<i>Half Day Rec. Attendant</i>	<i>\$ 7.95 per hour</i>
<i>Linda Mundrick</i>	<i>Half Day Rec. Attendant</i>	<i>\$ 7.95 per hour</i>
<i>Linda Mundrick</i>	<i>Head Bus Driver</i>	<i>\$13.95 per hour</i>
<i>Robin Wheatley</i>	<i>Senior Bus Driver</i>	<i>\$13.50 per hour</i>
<i>Kim Ules</i>	<i>Bus Driver</i>	<i>\$13.15 per hour</i>
<i>Kirstin Abbe</i>	<i>Bus Driver</i>	<i>\$13.15 per hour</i>
<i>Sandra DeSarro</i>	<i>Bus Driver</i>	<i>\$13.15 per hour</i>
<i>Tim Madden</i>	<i>Girls Basketball Instructor</i>	<i>\$14.75 per hour</i>
<i>Harold Kaffka</i>	<i>Adult Pick-up Basketball Director</i>	<i>\$14.75 per hour</i>
<i>Michael Kelly</i>	<i>Boys Basketball Instructor</i>	<i>\$14.50 per hour</i>
<i>Andrew Goodelle</i>	<i>Basketball Director</i>	<i>\$14.85 per hour</i>
<i>Thomas Clifford</i>	<i>Basketball Attendant</i>	<i>\$ 8.45 per hour</i>
<i>Jesse Orton</i>	<i>Summer Theater Director</i>	<i>\$17.80 per hour</i>

Park A7110.14

<i>Chris Faro</i>	<i>Park Laborer I</i>	<i>\$ 8.75 per hour.</i>
-------------------	-----------------------	--------------------------

Councilman Reynolds noted that the positions are a budgeted item. The Supervisor polled the Town Board members who voted as follows:

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

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

Parks and Recreation Director Jeffery met with the Parks and Recreation Advisory Committee, informing them that his Department is working with one less full-time employee and less seasonal help. Discussion included:

- 2012 Summer programs flyer has been mailed
 - fee increases for the swim program and pavilion rental by non-residents
 - playground registration is about the same as last year
 - summer theater program is already full, with a waiting list
- update on Rayhill Trail extension, railroad crossing hearing scheduled for Tuesday, May 15, 2012 and easement from Massoud

REGULAR TOWN BOARD MEETING

May 9, 2012

Page 9

- implementation of radio communications with Parks and Police Departments for security purposes; fire lanes approved for two Parks
- Veterans Memorial parking lot has been staked out; Parks Department will construct the Veterans Memorial sign as a retaining wall-style structure
- Registration for the dog run at Sherrillbrook Park is over 100 and the Department has exceeded its revenue projection for the current year.

Public Works and Sewer Committee – Councilman Reynolds

Highway Law, Section 284 - Road Paving Agreements 2010-2011

The Town Supervisor stated that annually the Highway Superintendent proposes specific roads for paving, which the Town Board reviews and either approves or cuts back. When Highway Superintendent Sherman was appointed in late 2008 to fill the vacancy created by former Highway Superintendent Cleveland's retirement, he was unaware of this process required by Highway Law, Section 284. Councilman Reynolds then introduced the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 120 OF 2012)

RESOLVED that, pursuant to the provisions of Section 284 of the Highway Law, the Town Board and Highway Superintendent do hereby agree that moneys levied and collected for the repair and improvements of highways, and received from the State or other sources for the repair and improvement of highways, shall be expended as follows for calendar year 2010:

1. GENERAL REPAIRS (5110 and 5120): The sum of \$307,123.90 may be expended for general repairs upon 2.90 miles of Town highways, including sluices, culverts and bridges having a span of less than five (5) feet and boardwalks or the renewals thereof.
2. IMPROVEMENTS (5112): The following sums shall be set aside to be expended for the improvement of the following town highways:
 - a) \$99,301.72 for Anthony Lane, Brett Brae, Mathew Drive, Applewood Boulevard, a distance of 1.15 miles
 - b) \$12,206.31 for Read Street, a distance of .1 mile
 - c) \$6,942.00 for Burrstone Road – Fairway Drive, a distance of .05 miles
 - d) \$36,608.18 for Read Street – Washington Drive, a distance of .3 miles
 - e) \$24,412.62 for Davis Place – Winchester Drive, a distance of .2 miles
 - f) \$24,412.62 for Fairway Drive – Davis Place, a distance of .2 miles

REGULAR TOWN BOARD MEETING

May 9, 2012

Page 10

- g) \$35,089.11 for Viburnum Place – Juniper Lane, a distance of .3 miles
- h) \$23,399.18 for Ironwood Road – Viburnum Place, a distance of .2 miles
- i) \$44,752.16 for Sessions Road / Knight Road, a distance of .4 miles.

The Resolution was then voted upon as follows:

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

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

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

(RESOLUTION NO. 121 OF 2012)

RESOLVED that, pursuant to the provisions of Section 284 of the Highway Law, the Town Board and Highway Superintendent do hereby agree that moneys levied and collected for the repair and improvements of highways, and received from the State or other sources for the repair and improvement of highways, shall be expended as follows for calendar year 2011:

1. GENERAL REPAIRS (5110 and 5120): The sum of \$500,000.00 may be expended for general repairs upon 6.66 miles of Town highways, including sluices, culverts and bridges having a span of less than five (5) feet and boardwalks or the renewals thereof.
2. IMPROVEMENTS (5112): The following sums shall be set aside to be expended for the improvement of the following town highways:
 - a. \$25,000.00 for Rte. 5 / Concord Blvd/Concord Ext, a distance of .47 miles
 - b. \$73,000.00 for Rte. 5 / Homestead Rd. East/West, a distance of 1.12 miles
 - c. \$6,500.00 for Rte. 5 / Partyka Rd., a distance of .11 miles
 - d. \$9,500.00 for Rte. 5 / Midland Place, a distance of .17 miles
 - e. \$9,200.00 for Rte. 5 / Salem Road, a distance of .09 miles
 - f. \$4,000.00 for Rte. 5 / Norwood Road, a distance of .08 miles

REGULAR TOWN BOARD MEETING

May 9, 2012

Page 11

- g. \$3,400.00 for Rte. 5 / Lexington Blvd., a distance of .05 miles
- h. \$3,000.00 for North Oakdale Ave, a distance of .05 miles
- i. \$6,800.00 for South Oakdale Ave – Elmhurst Drive, a distance of .12 miles
- j. \$12,000.00 for Elmhurst Drive – Balsam Crescent, a distance of .21 miles
- k. \$14,000.00 for Oakdale Ave. South – Larchmont Drive, a distance of .25 miles
- l. \$14,000.00 for Birchdale Crescent – Cone Circle, a distance of .26 miles
- m. \$6,100.00 for Pinecrest Road, Birchdale Crescent, a distance of .11 miles
- n. \$45,500.00 for Genesee Street – Wilbur Road, a distance of .26 miles
- o. \$5,500.00 for Estates Drive, a distance of .12 miles
- p. \$16,500.00 for Sanger Avenue – Gilbert Road, a distance of .29 miles
- q. \$31,000.00 for Valley View Road – Ironwood Road, a distance of .80 miles
- r. \$52,500.00 for Paris Road – Pippinwood Road – Oakwood, a distance of 1.38 miles, and
- s. \$43,500.00 for Tilden Ave. – Taber Road, a distance of .72 miles

Whereupon the Town Board members voted as follows:

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

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

MATTERS SUBMITTED BY COUNCILMEN AND TOWN ATTORNEY

Councilman Reynolds:

Police Department Commendations

Councilman Reynolds acknowledged that Police Chief Inserra had made 17 commendations recently to 12 Officers for criminal investigations during 2011 involving Burglary (1st/2nd), Robbery (1st), Assault (1st), Rape (1st), Child Pornography and Narcotics. Recipients of the commendations were:

REGULAR TOWN BOARD MEETING

May 9, 2012

Page 12

- Sgt. Philo (1)
- Sgt. Kowalski (1)
- Investigator Pietryka (1)
- Investigator Colburn (2)
- Investigator Sica (3)
- Patrolman Yoxall (1)
- Patrolman Allen (1)
- Patrolman Gehringer (1)
- Patrolman Hyatt (1)
- Patrolman Freiberger (2)
- Patrolman Hulser (2)
- Patrolman Hamo (1)

Councilman Reynolds wished to acknowledge the Officers for their hard work and to thank them for their service.

Police Commission, Creation – Local Law Introductory “G” of 2012

The proposal of creating a Police Commission was then discussed with various Town Board members desiring that specific language be included in the by-laws for such Commission, including but not limited to:

- That the Town Board does not relinquish its authority on police matters to the Police Commission
- That the police commissioners would serve at the pleasure of the Town Board
- Change “unanimous” vote to “majority” vote for police commissioners who miss a certain number of regular meetings and/or are in violation of the Town’s Code of Ethics law.

Councilman Reynolds introduced the following legislation for the Town Board’s consideration at a future public hearing; co-sponsored by Councilman Woodland:

Town of New Hartford, NY Local Law Introductory “G” of 2012

A Local Law to amend the Code of the Town of New Hartford by creating a new Chapter 24 entitled POLICE COMMISSION.

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

Section 1. The Code of the Town of New Hartford is hereby amended by creating a new Chapter 24 entitled POLICE COMMISSION pursuant to the by-laws, which are incorporated and made a part of this Local Law.

REGULAR TOWN BOARD MEETING
May 9, 2012
Page 13

Section 2. By-Laws

NEW HARTFORD POLICE COMMISSION

BY-LAWS

ARTICLE I: Name

- A. This organization shall be known as the New Hartford Police Commission created under Section 150 of Town Law.
- B. The principal office of this Police Commission is at the Town of New Hartford Police Department.

ARTICLE II: Responsibilities

- A. The Commission shall review and make recommendations upon all matters, which may be referred to it by the New Hartford Town Board. It may conduct hearings when deemed necessary or directed by the Town Board. It is not the intent that this Commission usurp the powers of the Town Board with regard to issues, which have customarily been handled by the Town Board.

ARTICLE III: Management

- A. The business and affairs of the New Hartford Police Commission shall be managed and conducted by a Board of Commissioners consisting of five members who shall serve at the pleasure of the Town Board. Each Commissioner shall be appointed by the New Hartford Town Board as follows:

The initial membership of the Commission shall be made up of five members, to be selected by a lottery for terms as follows:

- a. Member one to be appointed through December 31, 2013
- b. Member two to be appointed through December 31, 2014
- c. Member three to be appointed through December 31, 2015
- d. Member four to be appointed through December 31, 2016
- e. Member five to be appointed through December 31, 2017

REGULAR TOWN BOARD MEETING

May 9, 2012

Page 14

Each Town Board Member and the Supervisor shall be entitled to select one Commissioner subject to meeting all qualifications including a background check. Should any person entitled to make a nomination fail to do so for a period of sixty days from the date a vacancy occurs, the Town Board shall have the right to make the appointment and the Board Member who was entitled to appoint shall fill the vacancy on the Commission until the appointment is made and approved.

All Members will be selected after review of their résumés. After the initial terms, all appointments shall be for a five-year term and end on December 31st. No Commissioner shall be allowed to serve more than two full terms except that Members appointed for an initial term of less than five-years shall be entitled to serve two full five-year terms after said initial appointment.

- B. If a vacancy occurs, the New Hartford Town Board shall choose a replacement to serve the unexpired term.
- C. Only residents of the Town of New Hartford are eligible to be a member of the Board of Commissioners.
- D. If a Commissioner (1) fails to attend three consecutive Regular Meetings of the Board, or (2) is in violation of the Town of New Hartford Code of Ethics, there shall be a hearing before the full Board of Commissioners. If it is determined, by the majority vote of the other Commissioners, that good cause for dismissal exists, a recommendation for dismissal shall be forwarded to the New Hartford Town Board.
- E. The Town Board shall select the Chairperson for said Commission and thereafter shall select a Chairperson at the first meeting in January of each year.

Section 3. Statutory Authority

The adoption of this Local Law is made pursuant to Section 10 of the Municipal Home Rule Law and Section 150 of the Town Law of the State of New York.

Section 4. Severability

All other provisions of Chapter 24 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 5. Effective Date

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

REGULAR TOWN BOARD MEETING
May 9, 2012
Page 15

Public Hearing Scheduled – Local Law Introductory “G” of 2012

Councilman Reynolds then offered the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 122 OF 2012)

RESOLVED that the New Hartford Town Board does hereby schedule a Public Hearing to commence at 7:00 P.M., or as soon thereafter as reached in the regular course of business, on Wednesday, June 13, 2012 in the Community Meeting Room of Butler Memorial Hall, 48 Genesee Street, New Hartford, NY to consider Local Law Introductory “G” of 2012 which, if adopted, would create a new Chapter 24 in the Town Code entitled POLICE COMMISSION and setting forth the applicable by-laws; and be it

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

Councilman Backman inquired whether the Town Board would make the police commissioner appointments the night of the public hearing, June 13, 2012 or open the process to the public. The Town Attorney stated that the Local Law must be filed with the Secretary of State, upon which filing the Local Law then becomes effective. Background checks of applicants must be completed. The Town Supervisor reiterated that the Town Board must wait until the legislation is in effect. The foregoing Resolution was voted upon by roll call, as follows:

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

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

Councilman Backman:

PILOT Allocation Agreement – The Hampton Inn

Councilman Backman inquired if the Town has a PILOT allocation agreement for The Hampton Inn being constructed in the Business Park. Town Attorney Cully responded that the Syracuse law firm of Bond, Schoeneck and King are working on this with the involved parties, as well as EDGE. Town Supervisor Tyksinski said the Town has a BAN that will come due in July 2012 at which time a principle payment and interest would be due; it is anticipated that the BAN would be converted to serial bonds in 2012.

REGULAR TOWN BOARD MEETING
May 9, 2012
Page 16

Town Attorney Cully:

Appraisal/Massoud Property Acquisition – Rayhill Trail Extension

With regard to the Rayhill Trail Extension/railroad crossing discussed at the April 25, 2012 Town Board meeting, the Town Attorney and Parks & Recreation Director had met with George Massoud regarding the Town’s acquisition of a little piece of land needed for this project. Mr. Massoud has proposed a 25-year lease with a renewable clause for another 25-year lease for “life use” for a Massoud family member. The Town now needs to obtain a professional appraisal of the property. Councilman Backman offered the following Resolution for adoption and Councilman Miscione seconded same:

(RESOLUTION NO. 123 OF 2012)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Attorney to obtain a professional appraisal of land owned by George Massoud, 2434 Chenango Road, Utica, New York, a portion of which the Town of New Hartford needs to acquire through purchase or lease with regard to the extension of the Rayhill Trail; the cost for said appraisal shall not exceed One Thousand Dollars (\$1,000)

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

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

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

Appraisal/Property Acquisition – Rayhill Trail Extension/railroad crossing

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

(RESOLUTION NO. 124 OF 2012)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Attorney to obtain a professional appraisal of land owned by STD Realty Corp., 20 Burrstone Road, New York Mills, New York 13417 (Tax Map No. 317.000-1-16) with regard to an adjustment to the existing railroad right-of-way for the Rayhill Trail extension; the cost for said appraisal shall not exceed One Thousand Dollars (\$1,000).

The Town Board members then voted as follows:

REGULAR TOWN BOARD MEETING
May 9, 2012
Page 17

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

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

MATTERS SUBMITTED BY TOWN SUPERVISOR

Financial:

Audit of Vouchers

On presentation of the Town Supervisor, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 125 OF 2012)

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:

Applewood Traffic Signal Imp. Abstract #2	
Vouchers HI2	\$ 224.50
Clinton Street Extension Abstract #3	
Vouchers HD13	\$ 212.00
Stormwater Series II Abstract #4	
Vouchers HK8	\$ 1,269.00
Route 840 Access Ramp Abstract #3	
Vouchers HE4-HE5	\$ 11,492.08
Elm Street Bridge Repair Abstract #2	
Vouchers HB2-HB3	\$ 47,723.42
Communications Abstract #3	
Vouchers HL4-HL11	\$ 45,764.75
Sauquoit Creek Sewer line Abstract #2	
Vouchers HT4-HT6	\$ 11,088.71
Street Lighting Fund Abstract #5	
Vouchers SL5	\$ 8,443.94
Trust & Agency Fund Abstract #17	
Vouchers TT166-TT74	\$ 13,903.69
Trust & Agency Fund Abstract #18	
Vouchers TT75-TT76	\$ 2,364.98

REGULAR TOWN BOARD MEETING
May 9, 2012
Page 18

Trust & Agency Fund Abstract #19	
Vouchers TT77-TT78	\$ 4,910.32
Trust & Agency Fund Abstract #20	
Vouchers TT79-TT86	\$ 14,733.15
Highway Fund Part-Town Abstract # 6	
Vouchers DB252	\$ 395.00
Highway Fund Part-Town Abstract # 7	
Vouchers DB253-DB332	\$ 69,760.46
General Fund Part-Town Abstract # 13	
Vouchers BB61	\$ 15.00
General Fund Part-Town Abstract # 14	
Vouchers BB62	\$ 120.00
General Fund Part-Town Abstract # 15	
Vouchers BB66-BB68	\$ 5,848.01
General Fund Part-Town Abstract # 16	
Vouchers BB65	\$ 100.00
General Fund Part-Town Abstract # 17	
Vouchers BB69-BB82	\$ 1,696.95
General Fund Part-Town Police Abstract # 12	
Vouchers BP77-BP79	\$ 33,756.75
General Fund Part-Town Police Abstract # 13	
Vouchers BP80-BP99	\$ 21,107.69
General Fund Whole-Town Abstract # 16	
Vouchers AA436-AA441	\$ 923.09
General Fund Whole-Town Abstract #17	
Vouchers AA442	\$ 80.00
General Fund Whole-Town Abstract #18	
Vouchers AA443-AA458	\$ 34,166.40
General Fund Whole-Town Abstract #19	
Vouchers AA459-AA559	\$ 187,002.94
Sewer Fund Abstract #14	
Voucher SS39-SS41	\$ 1,355.90
Sewer Fund Abstract #15	
Voucher SS43-SS46	\$ <u>6,404.49</u>
TOTAL:	\$ 524,863.22

Councilman Backman inquired why the Town was buying boots for retired Highway workers (Gehringer and Griffith); Highway Superintendent Sherman answered that their names were entered before they retired in 2012. The Town Supervisor noted that the Highway Department union contract provides for an annual allowance for boots. Councilman Miscione believed that printers are expensively repaired, beyond the cost of

REGULAR TOWN BOARD MEETING
May 9, 2012
Page 19

purchasing a new printer and he had an issue with toner as well. Thereafter, the Resolution was voted upon by roll call, resulting as follows:

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

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

Budget Adjustment – Elm Street (Chadwicks) Culvert Repair

After some discussion about overages in the 2011 Elm Street Bridge Replacement project that pushed costs above the Bridge Replacement/Culvert bond, Councilman Backman introduced the following Resolution for adoption and Councilman Woodland seconded same:

(RESOLUTION NO. 126 OF 2012)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Finance Department to make the following budget adjustments to cover the Elm Street Bridge Replacement/Elm Street Culvert project costs:

<u>Account</u>	<u>Amount</u>	<u>Amount</u>
DA-911 Fund Balance		\$30,396.45
DA5999 Transfers-Out	\$30,396.45	
HB5110.4 Contractual	\$30,396.45	
HB-5031 Transfers-In		\$30,396.45.

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

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

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

REGULAR TOWN BOARD MEETING
May 9, 2012
Page 20

Amend Resolution No. 47 of 2012 – Change Orders/Clinton Street Extension

The Town Supervisor reported that a Change Order amount approved at the February 8, 2012 Town Board meeting for the Clinton Street Extension project needs to be corrected; therefore, Councilman Backman offered the following Resolution for adoption; seconded by Councilman Miscione:

(RESOLUTION NO. 127 OF 2012)

RESOLVED that the New Hartford Town Board does hereby amend Resolution No. 47, adopted February 8, 2012 so that the Change Order in the amount of \$12,643.64 shall read \$12,428.59.

A roll call vote ensued:

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

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

Willowvale Fire Company, Inc. – Special Awards Program

The Town Clerk reminded the Board members about the pending contract with Affordable Benefit Concepts, Inc. for a revised contract for the Willowvale Fire Company's special awards program (retirement). Copies were distributed to the Town Board. The Town Supervisor asked Councilman Backman to review this matter before Board action is taken.

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 8:00 P.M.

Respectfully submitted,

Gail Wolanin Young
Town Clerk