

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, SEPTEMBER 12, 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

Meeting of August 8, 2012

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

(RESOLUTION NO. 207 OF 2012)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held August 8, 2012 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

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Councilman Backman	-	Aye
Supervisor Tyksinski	-	Aye.

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

PUBLIC PRESENTATIONS

Supervisor Tyksinski inquired if anyone present wished to address the Town Board on any matter. Those speaking were:

- *Carlton Corey – hydrofracking issue.* Talked about company hired fifty (50) years ago by tobacco company is same company retained for hydrofracking....secrecy...false claims....harmful effects of product (tobacco) or devastation that can be caused by hydrofracking (radiation and toxic matter). Allegedly in Pennsylvania, physicians must sign a non-disclosure statement regarding people they treat. He stated that contrary to statements made, hydrofracking would not lessen our dependency on other countries. Claims that we will all become wealthy are untrue; people will be harmed in the name of profit. Mr. Corey thanked the Town Board for their work done to date.
- *Sidney Perry – Franchise Agreement/Time Warner Cable.* Mr. Perry and his team are preparing a memo to present to the Town Board. Town Supervisor Tyksinski requested that Mr. Perry consult with Time Warner Cable about the status of the audit that the Town had requested, an audit to ensure that the Town receives all franchise money due it (because of varied zip codes).
- *Joseph Bolton – Library issue.* Town Attorney Cully then read a letter from Joseph Bolton who was unable to attend this meeting due to another commitment. Mr. Bolton's comments pertained to the voters' recent rejection of "...re-chartering the New Hartford Public Library by a significant large margin" and the Town's "opportunity to reassert a positive influence on the makeup of the board of trustees and the direction of the Library". He alleged that President Linda Romano had "...violated the spirit of the Open Meetings Law" and that certain "library trustees have conducted library business outside of regular scheduled library trustee meetings" and he asked for Ms. Romano's resignation. He further asked the Town Board to review all Library board trustees for conflicts of interest and lack of creative thinking to solve its budget issues. He questioned who owns the Library and believes "...the ownership issue needs to be publicly and openly sorted out before any more taxpayer dollars are budgeted".

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRPERSON

Public Works and Sewer Committee – Councilman Reynolds:

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Agreement for Snow & Ice Control with Oneida County

Upon recommendation of Highway Superintendent Sherman who is also the Vice Chairman of the Oneida County Highway Superintendents Association, Councilman Backman introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 208 OF 2012)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Superintendent of Highways and the Town Supervisor to enter into and to execute an Agreement with the County of Oneida, by and through Brian N. Scala, Deputy Commissioner, County Department of Public Works, 6000 Airport Road, Oriskany, New York, for the control of snow and ice on County Roads for the Snow Season dating from November 1, 2002 through April 30, 2003, and as more fully set forth in the Agreement that the Town Attorney will modify to reflect that the Town approves a one-year contract versus a two-year contract.

The Board discussed the County's two-year proposal with zero increases and the Highway Superintendent recommended a one-year contract at zero increase and review the contract next year. The foregoing Resolution was duly put to vote upon roll call, which resulted as follows:

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

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

Emergency Declaration - Sewers

Upon recommendation of Highway/Sewer Superintendent Sherman, Councilman Miscione offered the following Resolution for adoption and Councilman Woodland seconded same:

(RESOLUTION NO. 209 OF 2012)

WHEREAS, the Town Highway/Sewer Superintendent has determined that the Town's sewer main in the vicinity of the new Dippin Donuts, formerly Dunkin Donuts, on Seneca Turnpike requires replacement for the health, welfare and safety of the residents of the Town; and

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WHEREAS, the former Dunkin Donuts business did not have a grease trap to protect the sewer pipes from accumulation of grease; and

WHEREAS, National Water Main, who is under contract with Oneida County, has televised the sewer main and found that it is in disrepair, having been filled in during construction by a contractor;

THEREFORE, BE IT RESOLVED that, due to the imminent health, safety and welfare situation created at the aforementioned location, the Town Board does hereby declare this matter an emergency situation and does authorize the Highway/Sewer Superintendent to retain the services of National Water Main to make the necessary sewer repairs at a cost not to exceed Seven Thousand Two Hundred Ninety Dollars (\$7,290.00) under the Oneida County contract and that the cost be paid from the Seneca Turnpike-Commercial Drive GEIS mitigation fees, which are hereby authorized to be transferred to the Sewer Fund contractual account.

The Resolution was voted upon by roll call as follows:

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

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

Declaration of Surplus Vehicles – Authorization to Sell

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

(RESOLUTION NO. 210 OF 2012)

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

<u>Year</u>	<u>Make/Model</u>	<u>VIN</u>
2001	Ford Ranger Pick-up Truck 4X4	1FTZR11E51TA75970
2006	Ford Pick-up truck	1FTNF21536EA21558
1993	Elgin Pelican Street Sweeper	P10510

And be it

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FURTHER RESOLVED that the aforesaid vehicles shall be placed for sale with Auctions International, Auburn, New York, at no cost to the Town and once sold, the Town Clerk's office shall be notified and shall arrange to terminate insurance coverage on said vehicles.

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

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

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

Rayhill Memorial Trail Extension (status)

Five (5) RFQ's were received based upon company's experience, staffing, inspection service, knowledge and location to job, and whether they worked for the Town previously. The Highway Superintendent stated that Lochner Engineering, Utica, NY was selected to perform construction inspection for the extension of the Rayhill Memorial Trail. If the Town and Lochner cannot agree to a contract, the Highway Superintendent recommended going with RFQ #2.

Beechwood Road Stormwater Project

Councilman Backman initiated discussion on Cheryl Zammiello's claim that several years ago the Town had removed a fence from her property and that she now wants the Town to install a split rail fence along a wing-wall and remove a walking bridge; he believes this is the final item to satisfy the resident in connection with this stormwater project. There is no conclusive evidence that the Town removed the fence and no one has come forth showing at any point that the Town took this action. The Highway Superintendent questioned whether a fence is required; Ms. Zammiello contends there is a safety issue and he's not sure a split rail fence is a safety fence. The question was raised as to whether this would be considered a safety matter particularly when children could be involved. Attorney Cully will look at this before making a determination by the September 26, 2012 Town Board meeting. Councilman Reynolds believed that the Town had installed a larger culvert some time ago on the Zammiello property and that the fence would act as a barricade. Estimated cost for a split rail fence is Five Hundred Dollars (\$500).

Brantwood Road Stormwater Project

In 2007 or 2008, the Town completed a stormwater project involving Brantwood Road. The owner of 3 Brantwood Road said that rocks from his project have caved in at his

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backyard. The Town Attorney confirmed that an easement would be required for the Town to resolve the matter, for which the Highway Superintendent received an estimate of Four Thousand Five Hundred Twenty-five Dollars (\$4,525). Town Board consensus was to have the Highway Superintendent move forward on this project.

Small Stormwater Projects

The Town Attorney acknowledged receipt from Attorney Daniel Cohen of fully-completed easements for stormwater improvements at the LaBella property and the DuRoss property; both easements are being given to the Town at no cost. In the future, the Town will maintain whatever infrastructure they install. Councilman Miscione then offered the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 211 OF 2012)

RESOLVED that the New Hartford Town Board does hereby accept an easement for stormwater improvement involving the LaBella property, 1208 Pleasant Street, and an easement for stormwater improvement involving the DuRoss property at 22 Stonebridge Road and does hereby authorize and direct the Town Supervisor to enter into and to execute all necessary documents relating thereto, after which the Town Attorney is hereby authorized and directed to record both easements in the Office of the Oneida County Clerk.

A roll call vote ensued:

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

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

Stormwater Project – Sedgewick Park

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

(RESOLUTION NO. 212 OF 2012)

WHEREAS, the Town Attorney and Highway Superintendent have received the final draft of the easement between the Town of New Hartford and Peter Cragnolin as same relates to the Sedgewick Park stormwater project; and

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WHEREAS, the easement contains the mutual agreement to replace existing trees that need to be removed with ten (10) Norway spruce trees;

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby accept and approve the final draft easement and does further authorize and direct the Town Supervisor to enter into and to execute said document as it relates to the Sedgewick Park stormwater project and does further authorize and direct the Town Attorney to record said document in the Office of Oneida County Clerk.

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

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

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

PRESENTATIONS

Engineering Matters:

Change Order No. 1 - Sauquoit Creek Sanitary Sewer Crossing

Upon recommendation of Charles White from Barton & Loguidice, Councilman Backman introduced the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 213 OF 2012)

RESOLVED that the New Hartford Town Board does hereby accept and approve Change Order No. 1 for the Sauquoit Creek Sanitary Sewer Crossing, between the Town of New Hartford and Chargo Earthworks, Inc., in the amount of Eight Thousand One Hundred Ninety-eight Dollars and Ninety-six Cents (\$8,198.96) for additional labor, equipment, and materials required for the contractor to perform Asbestos Abatement while making the connections to the existing Transite (Asbestos Cement) gravity sewer pipe encountered during construction and to remove the remaining section of abandoned sewer pipe across Sauquoit Creek as required by USACOE permit; and be it

FURTHER RESOLVED that the said Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute said Change Order No. 1 for this project.

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Mr. White stated there are no “as-built” drawings as there was no way of knowing the presence of asbestos. The Resolution was subject to a vote upon roll call, as follows:

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

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

Change Order No. 3 - Beechwood Road Drainage Project

Mr. White stated that the contractor needs to incorporate work to two (2) existing drainage structures on Beechwood Road per the request of the Highway Superintendent. An old section of 15” pipe drains has been left and is too risky to remove. Have maintained that in operation. Two (2) catch basins need to be repaired as they are now failing, and were failing before the project; now they have to stay and need to be rehabilitated. Councilman Backman introduced the following Resolution for adoption and Councilman Reynolds seconded same:

(RESOLUTION NO. 214 OF 2012)

RESOLVED that the Town Board of the Town of New Hartford does hereby accept and approve Change Order No. 3 for the Beechwood Road Drainage project, between the said Town and AXL Hunter Excavation in the amount of (\$4,761.00) in order to incorporate work to two existing drainage structures on Beechwood Road; and be it

FURTHER RESOLVED that the said Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute said Change Order No. 3 for this project.

Whereupon, the Town Board members voted as follows:

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

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

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REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRPERSON
(Continued)

Election Committee– Councilman Woodland:

Councilman Backman said he brought to the attention of the Town Board in February 2012 the fact that the Election Wards were imbalanced with regard to registered voters:

- First Ward - 4,386
- Second Ward - 3,786
- Third Ward - 3,237
- Fourth Ward - 3,447

with a noticeable imbalance of approximately 1,000 voters between the First and Third Wards. He noted that State Election Law dictates that imbalances be corrected. Councilman Backman believes that the First Ward needs to have less voters, while the Third Ward needs to grow. After some discussion, it was agreed that the Town Attorney and Councilman Backman will contact the Oneida County Board of Elections for their input and assistance.

Parks and Recreation Committee – Councilman Reynolds:

Seasonal appointments – Winter Recreation/Recreation Center

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

(RESOLUTION NO. 215 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, for the timeframe so designated hereunder; all wages to be paid bi-weekly:

Winter Swim Program

Start date: Sept 12, 2012 through June 19, 2013

<u>NAME</u>	<u>POSITION</u>	<u>RATE OF PAY</u>
Diane Muller	Pool Director	\$13.00/hour
Anna Wanner	Assistant Director	\$11.64/hour
Scott Wanner	Lifeguard	\$ 9.15/hour
Meghan Rose	Lifeguard	\$ 9.15/hour
Marissa Visingardi	Lifeguard	\$ 9.15/hour

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NAME	POSITION	RATE OF PAY
Mikaela Butler	Lifeguard	\$ 9.15/hour
Craig Sherman	Pool Attendant	\$ 7.35/hour

Recreation Center
Start date: Sept 28, 2012 through March 31, 2013

NAME	POSITION	RATE OF PAY
Michael Rich	Ice Attendant	\$7.95/hour
Ashley Chiffy	Ice Attendant	\$7.95/hour
Avrie Canarelli	Ice Attendant	\$7.95/hour
Kelsey North	Ice Attendant	\$7.95/hour
Thomas Bateson	Ice Attendant	\$7.95/hour
Shannon Mahoney	Ice Attendant	\$7.95/hour
Greyden Nimey	Ice Attendant	\$7.95/hour
Clayton Whittemore	Ice Attendant	\$7.95/hour.

Whereupon, the Town Board voted upon roll call:

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

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

Senior Citizens Committee – Councilman Reynolds:

Appointment – Sub, Part-time Clerks

Upon request of the Director of Senior Services, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Miscione:

(RESOLUTION NO. 216 OF 2012)

WHEREAS, a vacancy exists in the Part-time Clerk position at the New Hartford Adult Dining and Activity Center due to the resignation of Camille Fuks, the former incumbent thereof; and

WHEREAS, Sub Part-time Clerk Angela Elias who was appointed in July 2012 has left the Town’s employment for a full-time job;

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NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby appoint Thomas Muller and Janet Bennett as Sub Part-time Clerks at the New Hartford Adult Dining and Activity Center, effective September 13, 2012, at an hourly rate of Seven Dollars and Seventy-five Cents (\$7.75), payable bi-weekly.

The Oneida County Personnel Department has approved the applications of Mr. Muller and Ms. Bennett. Thereafter, the Town Board members voted as follows:

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

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

MATTERS SUBMITTED BY TOWN COUNCILMEN

Councilman Backman:

- Petition received in August 2012 to expand water district on Grange Hill Road. While there is a water tank on this road, a steep incline from Oneida Street, these residents do not benefit from that infrastructure. Councilman Backman took the liberty of contacting an engineer from a 2000-water project, the Barton & LoGuidice firm and the Robert Guminiak firm who perform this type of work and know how to get loans or grants from revolving water funds. The Town would need to determine the feasibility/affordability of expanding the water district up to these properties to the Town of Paris line. Discussion briefly touched upon availability of sanitary sewers. Councilman Backman is to continue work on the Petition.
- Street Light District (Oneida Street, Chadwicks). Matt Funeral Home requested one streetlight to be relocated along Oneida Street closer to his business as people experience difficulty with egress/ingress at night during Autumn to Spring. Supervisor Tyksinski suggested that Councilman Backman contact National Grid about this matter.
- Street Light District (Chadwicks) - May be getting petition for extra light at intersection of Church and Pear Streets.
- Stormwater Committee - what is status. Give them new objective.

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Hydraulic Fracturing (aka Hydrofracking) – Natural Gas Exploration; Local Law Introductory “K” of 2012

Although it was Town Board consensus at the July 11, 2012 Town Board meeting to go forth with the hydrofracking legislation and authorize the Town Clerk to initiate the SEQR process with a public hearing anticipated to be held at the first Town Board meeting in September 2012 by which time it had been expected to have responses from all interested agencies, the Town Clerk was unable to proceed as there were several issues/questions about the legislation that had not been clarified. The proposed Local Law (Introductory) has now been finalized for the Town Board’s action. Councilman Backman 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, New York
Local Law Introductory “K” of 2012**

A Local Law to amend the Code of the Town of New Hartford by creating a new Chapter 83 entitled “Natural Gas Exploration and Extraction”.

Be It Enacted by the Town Board of the Town of New Hartford as follows:

SECTION 1. Title.

This chapter shall be known and cited as the “Natural Gas Exploration and Extraction” law.

SECTION 2. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“**Natural Gas**” shall mean any gaseous substance, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarified state at standard temperature and pressure conditions, and/or gaseous components or vapors occurring in or derived from petroleum or other hydrocarbons.

“**Natural Gas and/or Petroleum Exploration**” shall mean geologic or geophysical activities related to the search for natural gas, petroleum or other

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subsurface hydrocarbons including prospecting, geophysical and geologic seismic surveying and sampling techniques, which include but are not limited to core or rotary drilling or making an excavation in the search and evaluation of natural gas, petroleum, or other subsurface hydrocarbon deposits.

“Natural Gas and/or Petroleum Exploration and Production Materials” shall mean any solid, semi-solid, liquid, semi-liquid or gaseous material used in the exploration or extraction of natural gas.

“Natural Gas Exploration and/or Petroleum Wastes” shall mean any garbage, refuse, cuttings, sludge, flow-back fluids, produced waters or other discarded materials, including solid, liquid, semi-solid or contained gaseous material that results from or is associated with the exploration, drilling or extraction of natural gas and/or petroleum.

“Natural Gas and/or Petroleum Extraction” shall mean the digging or drilling of a well for the purposes of exploring for, developing or producing natural gas, petroleum or other subsurface hydrocarbons.

“Natural Gas and/or Petroleum Support Activities” shall mean the construction, use, or maintenance of a storage or staging yard, a water or fluid injection station, a water or fluid gathering station, a natural gas or petroleum storage facility, or a natural gas or petroleum gathering line, venting station, or compressor associated with the exploration or extraction of natural gas or petroleum.

Section 3. Prohibited Uses.

- (1) Prohibition against the Exploration for an Extraction of Natural Gas and/or Petroleum.

No land in the Town shall be used: to conduct any exploration for natural gas and/or petroleum, to drill any well for natural gas and/or petroleum; to transfer, store, process or treat natural gas and/or petroleum; or to dispose of natural gas and/or petroleum exploration or

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production wastes; or to erect any derrick, building, or other structure; or to place any machinery or equipment for any such purposes.

- (2) Prohibition against the Storage, Treatment and Disposal of Natural Gas and/or Petroleum Exploration and Production Materials.

No land in the Town shall be used for: the storage, transfer, treatment and/or disposal of natural gas and/or petroleum exploration and production materials.

- (3) Prohibition against the Storage, Treatment and Disposal of Natural Gas and/or Petroleum Exploration and Production Wastes.

No land in the Town shall be used for: the storage, transfer, treatment and/or disposal of natural gas and/or petroleum exploration and production wastes.

- (4) Prohibition against Natural Gas and/or Petroleum Support Activities.

No land in the Town shall be used for natural gas and/or petroleum support activities.

- (5) Invalidity of Permits

No permit issued by any local, state or federal agency, commission or board for a use that would violate the prohibitions of this section or of this Law shall be deemed valid within the Town.

Section 4. Severability.

If any clause, sentence, paragraph, word, section or part of this Code shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof, directly involved in the controversy in which said judgment shall have been rendered.

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Section 5. Effective date:

This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Local Law Introductory “K” of 2012 – Natural Gas Exploration and Extraction - SEQR

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

(RESOLUTION NO. 217 OF 2012)

WHEREAS, the New Hartford Town Board has introduced legislation, i.e., Local Law Introductory “K” of 2012, to regulate natural gas exploration and extraction in the Town of New Hartford;

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby declare itself as Lead Agent for SEQR in the matter of Local Law Introductory “K” of 2012; and be it

FURTHER RESOLVED that the Town Board does hereby authorize and direct the Town Clerk to refer said Local Law Introductory “K” of 2012 to the New Hartford Town Planning Board and the Oneida County Planning Department for their review and written recommendation in accordance with General Municipal Law, and to also forward copies of said legislation to all interested and/or involved agencies for SEQR review; and be it

YET FURTHER RESOLVED that the 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, October 24, 2012 in Butler Memorial Hall, New Hartford, NY to consider Local Law Introductory “K” of 2012, which if adopted, would amend the Town Code by creating a new Chapter 83 entitled “Natural Gas Exploration and Extraction”, and does further authorize and direct the Town Clerk to publish the legal requisite Notice of Public Hearing in The Observer Dispatch.

A roll call vote was duly held as follows:

Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Backman	-	Aye

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Supervisor Tyksinski - Aye.

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

MATTERS SUBMITTED BY TOWN SUPERVISOR

Finance:

Audit of Vouchers

Upon presentation of the Town Supervisor, Councilman Backman presented the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 218 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 #5	
Vouchers HI8-HI9	\$ 26,531.93
Fire District Abstract #5	
Vouchers SF8	\$ 202.50
Stormwater Series II Abstract #7	
Vouchers HK18-HK19	\$ 22,470.50
Route 840 Access Ramp Abstract #6	
Vouchers HE12	\$ 1,387.68
Communications Abstract #7	
Vouchers HL19-HL20	\$ 4,275.78
Sauquoit Creek Sewerline Abstract #6	
Vouchers HT12-HT13	\$ 52,819.04
Street Lighting Fund Abstract #10	
Vouchers SL9	\$ 7,214.76
Street Lighting Fund Abstract #11	
Vouchers SL10	\$ 7,665.01
Rec. Center/Community Ctr. Bldg. Abstract #3	
Vouchers H73	\$ 57,400.00
Trust & Agency Fund Abstract #35	
Vouchers TT158-TT169	\$ 14,824.87
Trust & Agency Fund Abstract #36	
Vouchers TT170-TT171	\$ 4,866.29
Trust & Agency Fund Abstract #37	
Vouchers TT172-TT177	\$ 12,393.26

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Highway Fund Part-Town Abstract # 11	
Vouchers DB486-DB532	\$ 107,189.16
General Fund Part-Town Abstract # 24	
Vouchers BB131-BB133	\$ 5,848.01
General Fund Part-Town Abstract # 25	
Vouchers BB134-BB137	\$ 3,110.91
General Fund Part-Town Police Abstract # 20	
Vouchers BP163-BP167	\$ 34,336.60
General Fund Part-Town Police Abstract # 21	
Vouchers BP168-BP203	\$ 97,398.09
General Fund Whole-Town Abstract # 33	
Vouchers AA854	\$ 433.73
General Fund Whole-Town Abstract #34	
Vouchers AA949-962	\$ 33,259.67
General Fund Whole-Town Abstract #35	
Vouchers AA963-AA1071	\$ 89,538.55
Sewer Fund Abstract #25	
Voucher SS74-SS76	\$ 1,324.28
Sewer Fund Abstract #26	
Voucher SS79-SS83	\$ <u>4,996.29</u>
	\$589,486.91 TOTAL

The Supervisor polled the Board members who voted as follows:

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

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

Financial report

Finance Director Dreimiller had distributed the August 2012 financial reports to Board members and then reviewed appropriations/revenues and year-to-date figures:

- Bank account cash balances
- Cash roll-forward
- Actual to budget analysis
- Mitigation account summaries
- Capital project fund summaries
- Revenue summaries.

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The Finance Director noted that the Town had exceeded its \$1.1 million obligation toward the Business Park by approximately \$64,000 but that developer Lawrence Adler had delivered a check to the Town for that amount.

2012 Budget Revision (Highway Department)

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

(RESOLUTION NO. 219 OF 2012)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Accounting Department to make the following revisions in the 2012 Budget:

- Decrease DB5130.44 (Equipment Rental) - \$798.58
- Increase DB5130.02 (New Machinery Purchase) - \$798.58.

A roll call vote ensued:

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

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

2012 Budget Revision (Parks & Recreation Department)

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

(RESOLUTION NO. 220 OF 2012)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Accounting Department to make the following revisions in the 2012 Budget:

- Increase AA2705.5 (Equipment sales – Parks) - \$1,286.84
- Increase AA7110.4 (Parks Contractual) - \$1,286.84.

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

Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye

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

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

Requests for Proposal – Annual Audit

Upon presentation by the Town Supervisor, Councilman Reynolds offered the following Resolution for adoption and Councilman Miscione seconded same:

(RESOLUTION NO. 221 OF 2012)

RESOLVED that the New Hartford Town Board does hereby accept the Request for Proposal submitted by D’Arcangelo & Associates in the amount of Twenty Thousand Five Hundred Dollars (\$20,500) to perform the 2012 Town audit and does further accept their quote in the amount of Fifty-seven Hundred Dollars (\$5700) to perform a one-year audit of the financial records of the New Hartford Public Library; and be it

FURTHER RESOLVED that the said Town Board does hereby authorize and direct the Town Supervisor to execute all necessary documents with regard to both audits.

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

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

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

Sewer Fund Reimbursement

Councilman Woodland inquired about the status of paying back the Sewer Fund for monies borrowed over the years. Councilman Backman proposed a 10-year pay back plan. The Town Supervisor suggested waiting until the end of December 2012 and then start the payback.

Training – Personnel Technician

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

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(RESOLUTION NO. 222 OF 2012)

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 Barbara Schwenzfeier, Personnel Technician II, to attend the NYSHIP Regional Meeting on health insurance benefits on Thursday, October 18, 2012 in Saratoga Springs, with mileage expenses to be borne by said Town as budgeted.

The Resolution was voted upon by roll call as follows:

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

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

2012 Tentative Budget

The Finance Director is preparing the 2012 Tentative Budget and he invited Town Board members to come in and review it.

Renovation of Kellogg Road Community Center Building – Police Barracks

The Town Supervisor reported that interior renovations have been completed at the former Kellogg Road Community Center for use as police barracks and the trailer rented from William Scotsman for years has been removed. Supervisor Tyksinski felt that in the past the Town has started projects and never finished them; he would like to install a brick façade on part of the building to match the Jerome Madden Justice Building and pave the parking lot, for which three (3) quotes have been received. The three (3) quotes are for labor for brick façade on one side and vinyl siding on three (3) sides with the lowest quote being \$29,840. The Town will buy the materials at an estimated cost of \$11,400 and save on sales tax. The parking lot can be paved under Oneida County's bid prices from SuitKote at \$41,997.00 and the Village of New Hartford will apply the striping. The Town Attorney had reviewed the GEIS agreement and found that increased development in the Town had increased the demand for police and court services and the Town Attorney felt this would be a proper expenditure. He called Mark Schachtler who said that without any doubt that expenditure of mitigation fees was proper based upon

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commercial development, etc. because there was an impact on the area even though not in the GEIS area. Thereafter, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 223 OF 2012)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Accounting Department to transfer Eighty-three Thousand Two Hundred Thirty-seven Dollars (\$83,237) from the Seneca Turnpike-Commercial Drive GEIS Mitigation Fund to the following Accounts:

- General Fund Whole-Town (Buildings and Grounds) - \$41,240
 - Labor and Materials/façade of new police barracks
- Highway Fund Part-Town (paving) - \$41,997
 - Jerome Madden Justice Building parking lot paving.

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

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

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

Betterment Project Agreement (Lighting Improvements) – NYS Route 5 (aka Seneca Turnpike) at Sangertown Square Mall entrance

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

(RESOLUTION NO. 224 OF 2012)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement between the Town and the NYS Department of Transportation for the Betterment Project Agreement, Project ID Number 2134.49, BIN - n/a, Comptrollers Contract No. D033873, for streetlight improvements outside Sangertown Square Mall at the Alexandria Drive/Sangertown Mall Driveway, contingent upon the Town's receipt of a check in the amount of Sixty-nine Thousand Three Hundred Eighty-five Dollars (\$69,385) from the Pyramid Companies for said improvements.

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The Town Attorney stated that the NYS Department of Transportation (DOT) had confirmed that the money for the streetlight improvements to be paid by Pyramid Companies must be deposited into a Town account and then the Town would issue payment to the DOT. Thereafter, the Town Board members voted upon roll call, resulting as follows:

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

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

The Town Supervisor tabled the following matters until the September 26, 2012 Town Board meeting:

- Penalties on dog licenses
- Legislation on “bath salts”, aka synthetic drugs or designer drugs
- Windmill legislation.

Police Commission

Police Chief Inserra reported that all applicants being selected for appointment to the newly-created Police Commission had passed their background checks, with the exception of one *person whose application had not reached the Police Department office. The following Town Board members made their selections as follows:

- Councilman Reynolds - Patrick Cardinale
- Councilman Woodland - Kevin Copeland
- Councilman Miscione - Peter Acquaviva
- Councilman Backman - *Patrick Kress
- Supervisor Tyksinski - S. Charles Sadallah.

It was noted that the Police Commission is an advisory commission rather than an authoritative Commission and would work at the discretion of the Town Board and that any authority over the police department would come from the Town Board. Councilman Backman would like the Police Commission to conduct monthly meetings and keep minutes. The Town Board had the Town Clerk draw names for the initial term appointments. Thereafter, Councilman Reynolds then offered the following Resolution for adoption; seconded by Councilman Miscione:

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(RESOLUTION NO. 225 OF 2012)

RESOLVED that the Town Board of the Town of New Hartford does hereby appoint the following persons to serve on the Police Commission in accordance with the rules, regulations and duties set forth in Local Law No. Seven of 2012, and for the designated initial term appointments set forth hereunder:

- S. Charles Sadallah - one (1) year term
- Kevin Copeland - two (2) year term
- Patrick Cardinale - three (3) year term
- Peter Acquaviva - four (4) year term
- *Patrick Kress - five (5) year term,

*contingent upon the successful background check on Mr. Kress. The Supervisor then polled the Town Board members who voted as follows:

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

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

ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made and seconded, the meeting was adjourned at 9:13 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk