

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, OCTOBER 3, 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:

Finance Director Daniel Dreimiller
Town Attorney Herbert J. Cully
Town Clerk Gail Wolanin Young

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

MINUTES

As the Town Board had not read the September 12, 2012 minutes, action was deferred until the meeting on October 24, 2012.

PUBLIC PRESENTATIONS

Supervisor Tyksinski inquired if anyone present wished to address the Town Board on any matter. No one came forth.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRPERSON

Town Clerk Committee – Councilman Woodland

Raffle Consent – Madison FFA

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

(RESOLUTION NO. 232 OF 2011)

RESOLVED that the New Hartford Town Board does hereby grant permission to the Madison Future Farmers Association, 7303 State Rte 20, Madison, NY 13402, an organization duly granted a Games of Chance Identification Number by the New York State Racing and Wagering Board, to sell raffle tickets in the Town of New Hartford,

REGULAR TOWN BOARD MEETING

October 3, 2012

Page 2

New York, in accordance with all rules and regulations of said Racing and Wagering Board; and be it

FURTHER RESOLVED that the Town Clerk be, and she hereby is, authorized and directed to execute Form GC-RCF, Raffle Consent Form.

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

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

(RESOLUTION NO. 233 OF 2011)

RESOLVED that the New Hartford Town Board does hereby grant permission to the American Heart Association, 120 Lomond Court, Utica, NY 13502, an organization duly granted a Games of Chance Identification Number by the New York State Racing and Wagering Board, to sell raffle tickets in the Town of New Hartford, New York, in accordance with all rules and regulations of said Racing and Wagering Board; and be it

FURTHER RESOLVED that the Town Clerk be, and she hereby is, authorized and directed to execute Form GC-RCF, Raffle Consent Form.

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

REGULAR TOWN BOARD MEETING

October 3, 2012

Page 3

2013 Tentative Budget

The Town Clerk acknowledged receipt of the Supervisor's Tentative Budget for fiscal year 2013, on Friday, September 28, 2012. Copies were distributed to the Town Board members.

Proposed Local Law Introductory "M" of 2012

In behalf of the Codes Enforcement Officer, the Town Clerk presented Local Law Introductory "M" which, if adopted, would amend the Town Code by repealing Chapter 105, SWIMMING POOLS, as this legislation is inconsistent with the current code and causes confusion among residents. For existing swimming pool installations the New York State Property Maintenance Code governs; for all new installations, the New York State Residential Code, Appendix G, governs. The Town Attorney inquired what year Chapter 105, SWIMMING POOLS, had been adopted by the Town Board and said he wished to review this before moving forward.

MATTERS SUBMITTED BY TOWN SUPERVISOR

Requests For Proposal – Comprehensive Plan

The Town Supervisor distributed copies of the RFPs for the Town's Comprehensive Plan to the Town Board for review and suggested they contact Codes Enforcement Officer Booth if they had any questions on this matter. In the past, the Town always had a citizens committee for input as the plan progresses and he suggested that the Councilmen submit names of individuals who might be interested in serving on a 5-member committee. The Town Attorney asked the Board to carefully review the RFPs.

Finance Director Report

Finance Director Dreimiller stated there was no formal report for September 2012 because we are only three (3) days into October.

2012 Budget Adjustment

Upon recommendation of the Finance Director, Councilman Backman introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 234 OF 2012)

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

Increase BP-3120.02 Equipment	-	\$11,000
Decrease BP-3120.49 Technology Grant Implementation	-	\$11,000,

REGULAR TOWN BOARD MEETING

October 3, 2012

Page 4

The Town Supervisor explained that a Police Department 2010 Charger had been in an accident about 1½ months ago; the Town will be reimbursed \$14,000 for the vehicle which has been totaled and the Town needed to come up with the balance of \$11,000, which wasn't covered by insurance, in order to replace this vehicle. The Town Board voted as follows:

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

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

Audit of Vouchers

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

(RESOLUTION NO. 235 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:

Community Center/Rec Center Bldg. Abstract #4	
Vouchers H74-H76	\$ 1,196.00
Communications Abstract #8	
Vouchers HL21-HL25	\$ 4,746.32
Trust & Agency Fund Abstract #38	
Vouchers TT178-TT187	\$ 14,492.45
Trust & Agency Fund Abstract #39	
Vouchers TT188-TT189	\$ 4,914.42
Trust & Agency Fund Abstract #40	
Vouchers TT190-TT197	\$ 14,702.28
Highway Fund Part-Town Abstract # 12	
Vouchers DB533-DB614	\$ 482,475.59
General Fund Part-Town Abstract # 26	
Vouchers BB138-BB141	\$ 5,903.28
General Fund Part-Town Abstract # 27	
Vouchers BB142-BB155	\$ 5,053.60
General Fund Part-Town Police Abstract # 22	
Vouchers BP204-BP207	\$ 33,942.36

REGULAR TOWN BOARD MEETING
October 3, 2012
Page 5

General Fund Part-Town Police Abstract # 23	
Vouchers BP208-BP218	\$ 28,599.24
General Fund Whole-Town Abstract # 36	
Vouchers A1073-A1084	\$ 30,085.42
General Fund Whole-Town Abstract #37	
Vouchers A1085-A1128; A1131-A1156	\$ 42,250.82
General Fund Whole-Town Abstract #38	
Vouchers A1157	\$ 125,000.00
General Fund Whole-Town Abstract #38A	
Vouchers A1130	\$ 20,712.54
Sewer Fund Abstract #27	
Voucher SS84-SS86	\$ 1,323.47
Sewer Fund Abstract #28	
Voucher SS87-SS92	\$ <u>22,811.88</u>
TOTAL:	\$ 838,209.67

Councilman Backman questioned the General Whole-Town fund payment to the Oneida County Industrial Development Agency (OCIDA). Supervisor Tyksinski responded that this is for the Business Park and that each of the entities receive their own money and send to Oneida County and the county issues the Town a check that will cover the bond payment.

Councilman Backman also questioned a new line item under Account No. AA1330 and which line item did not appear in the 2012 Budget; the Supervisor stated that this account was set up recently to keep track of payments to the OCIDA and that's why it's not in the budget. Councilman Backman asked if that line item was included in the 2013 Tentative Budget.

Thereafter, upon roll call, the Board members voted as follows:

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

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

Beechwood Road Drainage Project – Zammiello fence

Referring to the e-mail he sent to the Town Attorney, Councilman Backman asked what constitutes more of a liability...having a fence or not. The Town Attorney said he doesn't have enough information. Councilman Backman stated that the fence would

REGULAR TOWN BOARD MEETING

October 3, 2012

Page 6

keep people from going over the berm on the Zammiello property. The Town Attorney said there is a need to take notice to warn people there may be a dangerous condition. Zammiello wants a split rail fence; would that be enough to ensure safety? If that's what the resident wants, then go with it. Thereafter, Councilman Backman offered the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 236 OF 2012)

RESOLVED that the New Hartford Town Board does hereby approve the request of Ms. Cheryl Zammiello and that the Town will provide a split rail fence in three (3) or four (4) sections as dictated by the Highway Superintendent, said fence to be installed upon the Zammiello property at 23 Beechwood Road, Tax Map No. 339.011-1-4, as part of the Beechwood Road Drainage Project; the cost of said fence shall not exceed Five Hundred Dollars (\$500) and shall be paid from the stormwater funds.

The foregoing Resolution was duly put to a vote upon roll call:

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

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

Petition – Grange Hill Road, Water

Councilman Backman will contact Barton and Loguidice, and Guminiak with regard to the feasibility of extending water up Grange Hill Road; the Town Supervisor suggested that a third quote also be obtained and that the Mohawk Valley Water Authority be contacted for their input.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilman Reynolds and seconded by Councilman Backman, the meeting was adjourned at 8:18 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk