

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, FEBRUARY 13, 2013 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
Director of Senior Services M. Eileen Spellman
Highway/Sewer Superintendent Richard C. Sherman
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

Town Board Meeting – December 19, 2012

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

(RESOLUTION NO. 29 OF 2013)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held December 19, 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 Backman	-	Aye

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Councilman Woodland - Aye
Supervisor Tyksinski - Aye.

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

PUBLIC PRESENTATIONS (Resident Comments)

Appointment – New Hartford Public Library Trustee

Joseph Bolton – when he submitted his resume in December 2012 for consideration to be appointed as a Trustee of the New Hartford Public Library, Edward Flemma, Jr. hadn't submitted his resume and Mr. Bolton stated he would support Mr. Flemma's appointment as a Library Trustee, citing the votes that Mr. Flemma had received as a candidate for a Trustee position during the Library's re-chartering vote in August 2012. Mr. Bolton confirmed his desire to become a Trustee in the future and he is not withdrawing his application – he would rather see Mr. Flemma appointed to the vacant position.

Edward Flemma, Jr. – asked the Town Board for their appointment of him as a Library Trustee citing his desire to serve the community that has been good to him and his family, that the Library needs to be managed efficiently and ethically, consideration of viability of the Library in the future, get negative comments out, consider his experience and qualifications, and the desire of the citizens of New Hartford to appoint him.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRPERSON

Senior Citizen Committee – Councilman Reynolds:

2013 Donations/Budget adjustment

Upon request of the Director of Senior Services, Councilman Reynolds offered the following Resolution for adoption and Supervisor Tyksinski seconded it:

(RESOLUTION NO. 30 OF 2013)

WHEREAS, on November 4, 1998 the New Hartford Town Board had established a “gift”/“donation” policy pursuant to Section 64(8) of the Town Law;

NOW, THEREFORE, BE IT RESOLVED that said Town Board does hereby accept the following donations to be used for senior citizen activities at the New Hartford Adult Dining and Activity Center:

- \$10.00 from Chester Bednarczyk
- \$20.00 from William Schwenzfeier
- \$50.00 from Rita Kaido for a memorial in memory of Illa Gorton

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- \$20.00 from Barbara LaDoc
- \$20.00 from John Leech
- \$45.00 from Rosemary Facchini (Two Red Kitties, Inc.);

and

BE IT FURTHER RESOLVED that the said Town Board does hereby authorize and direct the Finance Department to make the following 2013 budget adjustments for the New Hartford Adult Dining and Activity Center:

- Increase General Fund Whole-Town Contractual Account A6772.4 - \$165.00
- Increase General Fund Whole-Town Revenue A2705.1 - \$165.00.

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**.

Public Works & Sewer Committee – Councilman Reynolds

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 Woodland:

(RESOLUTION NO. 31 OF 2013)

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>
1994	International Dump/snowplow	1HTSKAYR9RH549828
2000	International Dump/snowplow	1HTGEAHR2YH276673
1981	custom Skid Steere Trailer	T20406SE

And be it

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FURTHER RESOLVED that the aforesaid vehicles shall be placed for sale with Auctions International 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, Survey & Stakeout – PIN 2650.20

In behalf of the Highway Superintendent who was unable to attend the Board meeting, Working Foreman Christopher Moran presented copies of proposals obtained from DELTA Engineers, Architects & Land Surveyors (\$9,500), and D. L. Mowers Land Surveyors & Associates (\$11,975). Thereafter, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Miscione:

(RESOLUTION NO. 32 OF 2013)

RESOLVED that the Town Board of the Town of New Hartford does hereby accept the low proposal submitted by DELTA Engineers, Architects & Land Surveyors for the lump sum amount of Nine Thousand Five Hundred Dollars (\$9,500) wherein said DELTA shall provide professional land surveying construction survey and stakeout services as defined in their proposal for the “Philip A. Rayhill Trail Extension Project”; and

BE IT FURTHER RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute all necessary documents for this project.

A roll call vote ensued:

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

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The Resolution was declared unanimously carried and duly **ADOPTED**. Working Foreman Moran then presented the original document for the Town Supervisor's signature.

Saturday Dumpster Days – Shredding service to the public

Working Foreman Moran apprised the Town Board that Highway Superintendent Sherman is proposing a shredding service on Saturday dumpster days with Confidata being available three (3) to four (4) hours to shred documents free of charge to Town residents. There would be a charge to the Town of \$250 each Saturday unless the 3,000 pound quota is met; in that case, the service would be free each time the quota is met. The issue was raised about confidentiality of residents' information; Councilman Reynolds will confirm how it works to avoid any liability on the Town's part.

Agreement for Expenditure of Highway Funds, Highway Law Sec 284

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

(RESOLUTION NO. 33 OF 2013)*Amount confirmed w/Hwy Supt.

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:

1. GENERAL REPAIRS (5110 and 5120): The sum of *\$0. may be expended for general repairs upon eighty-two (82) 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 sum of \$400,000 shall be set aside to be expended for the improvement (paving) of Town highways.

The Resolution was then voted upon as follows:

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

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Thereafter, the Supervisor declared the Resolution unanimously carried and duly **ADOPTED**. The Agreement to be signed is in possession of the Highway Superintendent.

Zoning (Codes) and Planning Committee – Councilman Miscione

Training – Codes Enforcement Staff

Upon request of Codes Enforcement Officer Joseph Booth, the following Resolution was introduced for adoption by Councilman Miscione and duly seconded by Councilman Backman:

(RESOLUTION NO. 34 OF 2013)

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 Codes Enforcement Officer Joseph Booth, Assistant Codes Enforcement Officer Thomas Rowlands and Zoning Officer Anthony Klimek to attend the Mohawk Valley NYSBOC (New York State Building Officials) seminar on February 22, 2013 at SUNYIT, Town of Marcy, with expenses to be borne by said Town as budgeted, estimated at Thirty Dollars (\$30) each including lunch; this educational program will satisfy six (6) hours of the State mandatory twenty-four (24) hour annual training per employee.

The 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**.

Inter-municipal Agreement for Building Code Services/2013 – Village of New Hartford

The Inter-Municipal Agreement for 2013 was presented, wherein the Town would continue to provide Building Code services (enforcement) to the Village, in accordance with the terms and conditions set forth in the initial Agreement entered into for 2003 and any amendments thereto. Thereafter, Councilman Miscione presented the following Resolution for adoption; seconded by Councilman Woodland:

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(RESOLUTION NO. 35 OF 2013)

RESOLVED that the Town Board of the Town of New Hartford does hereby approve and does hereby authorize and direct the Town Supervisor to enter into and to execute an Inter-Municipal Agreement between the Town and the Village of New Hartford, wherein said Town will provide Building Code services to said Village during Calendar Year 2013 in accordance with the same terms and conditions set forth in the 2003 Inter-municipal Agreement with any amendments thereto; a copy of the 2013 Agreement will be filed in the respective Clerks' Offices; Town approval is contingent upon approval of the New Hartford Village Board of Trustees.

Upon roll call, the 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**.

Training – Planning and Zoning Board members

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

(RESOLUTION NO. 36 OF 2013)

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 any interested Planning Board member and/or Zoning Board of Appeals' member to attend the 24th Annual Local Government Conference on March 28, 2013 at Jefferson Community College, Watertown, New York, sponsored by the NYS Tug Hill Commission, with expenses to be borne by said Town as budgeted; this educational program will be credit toward the State mandatory annual training per Planning/Zoning Board member.

The Resolution was voted upon by roll call as follows:

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

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

Training – Planning Board members

Upon request of Planning Board members, the following Resolution was introduced for adoption by Councilman Miscione and duly seconded by Councilman Woodland:

(RESOLUTION NO. 37 OF 2013)

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 Planning Board members G. Brymer Humphreys and William C. Morris II to attend the ***Continuing Education Workshop for Municipal Planning Board & Zoning Boards of Appeal*** sponsored by the Town of Schuyler on May 1, 2013 at the Schuyler municipal offices, with expenses to be borne by said Town as budgeted; the four-hour course costs \$20 per person and would satisfy the attendees' educational requirements for calendar year 2013.

The 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**.

Parks and Recreation Committee – Councilman Reynolds

2013 Summer Swim Program Proposal

Councilman Reynolds noted that the summer swim program had not been included in the 2013 Budget and Parks and Recreation Director Michael Jeffery would like to reinstate the program, which pays for itself. He referred to the Director's February 4, 2013 e-mail detailing expenses and revenue, the latter of which is expected to exceed costs. The

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minimum enrollment must be met; otherwise, the swim program will not proceed. Thereafter, Councilman Reynolds introduced the following Resolution and Councilman Backman seconded same:

(RESOLUTION NO. 38 OF 2013)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Accounting Department to make the following adjustments in the 2013 Budget to fund the 2013 Summer Swim Program:

- A2025.0 Swim Program Revenue - \$13,700
- A7145.01 Swim Personnel services - \$10,680
- A7145.04 Swim Contractual - \$ 1,700.

The foregoing Resolution was duly put to a vote upon 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**.

Town Clerk Committee – Councilman Woodland

Close-out 2012 Tax Collection Municipal Now (Checking) Account

Upon request of the Town Clerk, Councilman Woodland introduced the following Resolution for adoption, seconded by Councilman Miscione:

(RESOLUTION NO. 39 OF 2013)

WHEREAS, the New Hartford Town Board has discontinued the Chase Bank lockbox tax collection program and on December 12, 2012 had authorized the Town Supervisor to close the Chase Bank Lockbox, Tax Collection Account No. 937774982, effective December 31, 2012;

NOW, THEREFORE, BE IT RESOLVED that the said Town Board does further authorize and direct the Town Clerk/Receiver to close out the tax collection Municipal Now (Checking) Account #1400368987 at Adirondack Bank inasmuch as, effective January 1, 2013, the tax collection process is being handled through M & T Bank.

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The Town Supervisor called for a vote upon roll call that 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***.

MATTERS SUBMITTED BY COUNCILMEN / TOWN ATTORNEY

Councilman Reynolds:

Wind Turbine (Wind Mill) legislation update

In response to Councilman Reynolds' inquiry, the Town Attorney confirmed that he had reviewed the Town of Litchfield legislation on windmills (turbines) and he stated that the Town Board needs to determine if they want to get that detailed or take the recommendation of the Zoning Law Advisory Committee. The document he reviewed is very detailed, very technical and he believes that some items in the document wouldn't apply to the Town of New Hartford. Councilman Reynolds wants to make sure the law would stand up to a challenge in court. Charles Newell from the Town of Litchfield said he had sent a letter to the Town a year or so ago and he wants to make sure the setbacks are measured from the property line not from the residence. Mr. Newell said that the Town of Litchfield had hired a Syracuse attorney to review the document/legislation. The Town Attorney will contact that attorney and a Syracuse-area law firm to determine if they specialize in this matter and then report at the March 2013 Town Board meeting.

Local Law Introductory "A" of 2013 – Telecommunications Facilities amendment

The Town Attorney presented proposed legislation to amend the Town Code, Chapter 107B. Councilman Reynolds then introduced the legislation for the Town Board's consideration at a future Public Hearing; co-sponsored by Councilman Backman:

Town of New Hartford, New York
Local Law Introductory "A" of 2013

A Local Law to Amend the Code of the Town of New Hartford, Chapter 107B thereof entitled TELECOMMUNICATIONS FACILITIES in the Town of New Hartford.

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

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Section 1. Chapter 107B of the Code of the Town of New Hartford, Section 107B-5 is hereby deleted and in its place the following section is inserted Section 107B-5. Residential Districts.

Residential Districts 107 B-5

- a. Telecommunications towers and antennas shall be permitted in all districts except for residential or within 750 feet of a residential district, except as set forth in Subsection B below, subject to the requirements of this Chapter.
- b. Towers and antennas shall not be permitted in residential districts or within 750 feet of a residential district unless a special use permit is granted pursuant to Section 107 B-6 and 107 B-7 and site plan review as set forth in Article V of the Town Zoning Law unless the applicant can show an undue hardship in that:
 - (1) The applicant would not be able to provide service to the area without locating in the described area.
 - (2) The applicant has demonstrated that it is unable to collocate on an existing tower or structure, nor can it locate a new or second tower on a nonresidential property where there is an existing tower or structure.
- c. Where the applicant seeks to locate in a residential district or within 750 feet of a residential district, an applicant must prove that it cannot utilize a current tower, structure, utility pole, building or land area for an additional structure because of technical reasons which would make the provision of service not possible. Proof of the extraordinary additional cost may be presented by the applicant on the issue of proof of inability to collocate or otherwise utilize a current tower, structure, utility pole, and building or land area. However, the fact that additional cost is involved and additional antenna may be required is not conclusive as to the finding of an inability to so collocate. Additional costs may be reasonable and rational costs of doing business, particularly where locations, in particular residential areas, are considered "prime".
- d. In the event the applicant meets the criteria of Subsections **B** and **C** above, subject to all other requirements of this Chapter, the facility located in a residential district must meet the following additional criteria:

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- (1) If the tower is less than 50 feet in height or the antennas are to be located on a structure of less than 50 feet, the Planning Board in its discretion may require that the tower and/or antennas be completely camouflaged to blend with the surroundings, including but not limited to:
 - a) The tower being made to look like a tree.
 - b) Camouflage by artificial leaves, painting or other suitable method.
 - c) Enclosed with some modification to the structure or similar screening.
- (2) If applicant has proved that a tower greater than 50 feet is needed to provide the required coverage, the Planning Board may require that more than one tower being 50 feet or less be built in lieu of a single taller tower in order to provide the required coverage. In such a case, all of the criteria of this Chapter must be fulfilled for each such tower.
- (3) In all events of facilities located in residential districts, the applicant must provide substantial foliage and landscaping within the vicinity of the tower as well as landscaped buffer areas in keeping with the goal of providing an aesthetically pleasing residential area.

Section 2. Chapter 107B-7 A (1) (d) shall be revised as follows:

- (d) Planned development and important preservation/conservation areas.

Section 3. All other provisions of Chapter 107B 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 4. This Local Law shall become effective immediately upon its filing with the Office of the Secretary of State.

SEOR – Lead Agency; Local Law Introductory “A” of 2013

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

(RESOLUTION NO. 40 OF 2013)

RESOLVED that the Town Board of the Town of New Hartford does hereby declare itself as Lead Agency in the matter of an amendment to the Town Code, Chapter 107B entitled Telecommunications Facilities, with regard to the location and collocation of

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telecommunication towers and antennas and a special use permit in certain circumstances; and be it

FURTHER RESOLVED that the Town Board does hereby authorize and direct the Town Clerk to forward copies of said proposed Code amendment to all interested and/or involved agencies for SEQR review.

Upon roll call, 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**.

Public Hearing Scheduled – Local Law Introductory “A” of 2013

In anticipation of SEQR review and comments to be received from various interested and/or involved agencies, Councilman Reynolds offered the following Resolution for adoption, moving its adoption; seconded by Councilman Backman:

(RESOLUTION NO. 41 OF 2013)

RESOLVED that the Town Board of the Town of New Hartford shall conduct a Public Hearing on Wednesday, March 27, 2013 at **7:00 P.M.**, or as soon thereafter as reached in the regular course of business, in Butler Memorial Hall, 48 Genesee Street, New Hartford to consider **Local Law Introductory “A” of 2013** which, if adopted, would amend the Code, Chapter 107B thereof entitled **TELECOMMUNICATIONS FACILITIES** as it pertains to the location and collocation of telecommunication towers and antennas in certain areas of the Town and with a special use permit in certain circumstances; and be it

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

A roll call vote ensued:

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

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

Beechwood Road Stormwater Project, Phase 2 - status

In response to Councilman Reynolds' inquiry, Highway Department Working Foreman Christopher Moran stated that about twenty (20) trees have been marked for cutting down but the U.S. Army Corps of Engineers has not given their approval yet. March 31st is the deadline for removal of the trees, which the endangered "Indiana bats" may use after their hibernation.

Further, with regard to the easement for this project, the Town Attorney is sending a letter to Ann and Terrance Dorrity of 28 Wills Drive (Tax Map No. 339.011-1-92) explaining that the Town needs to acquire access through their property and for them to contract him about how to do this.

Councilman Backman:

Grange Hill Road – August 2012 Petition for water service

Councilman Backman is seeking help in providing domestic water service to a small group of Grange Hill Road residents who petitioned the Town in August 2012 and he has consulted the Town Assessor about assessment figures for a proposed service area. Councilman Backman would like engineering services implemented to look at a needs assessment and determine the projected cost of the debt service per property. He has contacted the engineering firm, which had worked on the Higby Road Water District. Councilman Backman estimated that the needs assessment would cost about \$6,000 to \$8,000 and a discussion ensued on where the money would come from the 2013 Budget. The Town Supervisor said he'd review the budget to see if there is money anywhere. The matter will be placed on the Agenda for March 13, 2013 Town Board meeting.

MATTERS SUBMITTED BY TOWN SUPERVISOR

Audit of Vouchers

On recommendation of the Town Supervisor, Councilman Miscione presented the following Resolution, moving its adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 42 OF 2013)

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 Abstract #1

Vouchers HI1

\$ 231.00

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Route 840 Access Ramp Abstract #2 Vouchers HE3	\$ 539.00
Communications Abstract #2 Vouchers HL3-HL4	\$ 331.99
Street Lighting Fund Abstract #2 Vouchers SL3	\$ 9,574.27
Fire District Abstract #1 Vouchers SF1	\$ 8,700.50
Stormwater Series III Abstract #1 Vouchers HK1	\$ 110.91
Trust & Agency Fund Abstract #2 Vouchers TT10	\$ 6,760.66
Trust & Agency Fund Abstract #3 Vouchers TT11-TT19	\$ 14,515.65
Trust & Agency Fund Abstract #4 Vouchers TT20	\$ 555.64
Trust & Agency Fund Abstract #5 Vouchers TT21-TT25	\$ 12,193.45
Highway Fund Part-Town Abstract # 2 Vouchers DB44	\$104,601.77
Highway Fund Part-Town Abstract # 3 Vouchers DB45	\$ 729.50
Highway Fund Part-Town Abstract # 4 Vouchers DB46-DB123	\$168,103.39
General Fund Part-Town Abstract #2 Vouchers BB7-BB8	\$ 5,414.11
General Fund Part-Town Abstract #3 Vouchers BB9	\$ 390.04
General Fund Part-Town Abstract #4 Vouchers BB910-BB31	\$ 5,176.23
General Fund Whole-Town Abstract #2 Vouchers AA96-AA103	\$ 44,780.69
General Fund Whole-Town Abstract #3 Vouchers AA113-AA124	\$ 26,780.04
General Fund Whole-Town Abstract #3A Vouchers AA104-AA112	\$ 6,032.00
General Fund Whole-Town Abstract #4 Vouchers AA126	\$ 614.63
General Fund Whole-Town Abstract #5 Vouchers AA128-AA269	\$167,839.69
General Fund Part-Town Police Abstract #2 Vouchers BP10-BP12	\$ 7,988.38

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General Fund Part-Town Police Abstract #3 Vouchers BP13	\$ 2,683.38
General Fund Part-Town Police Abstract #4 Vouchers BP14-BP45	\$ 47,259.82
General Fund Part-Town Police Abstract #5 Vouchers BP46-BP49	\$ 538.61
Sewer Fund Abstract #2 Voucher SS6-SS8	\$ 2,125.59
Sewer Fund Abstract #3 Voucher SS9	\$ 2,113.92
Sewer Fund Abstract #4 Voucher SS10-SS14	<u>\$ 10,734.00</u>
TOTAL:	\$737,418.86

Councilman Backman questioned a voucher reimbursing a person for a lost or stolen piece of property. The Police Chief stated that when a number of small evidence items were being destroyed after case investigation files had been closed, several items had been destroyed by mistake; subsequently the owner of one item had contacted the Police Department to determine the item's whereabouts. Chief Inserra said the evidence disposition policy had not been followed but assured the Board it wouldn't happen again. Thereafter, the Supervisor polled the Town Board 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***.

Employee Group Savings Plan

The Town Supervisor briefed the Town Board on a group savings plan offered by Liberty Mutual Insurance that had been given to Personnel Technician Barbara Schwenzfeier. There is no commitment on the employee or Town's part, but employees who do join get a Ten Percent (10%) discount on what the insurance company sells. "The marketing is up to the Town", said Sales Representative Carol Hennessy, who was present. The Town Attorney had reviewed the agreement and had no problem....the Town doesn't sell anything; the contract is an indemnification, hold harmless contract.....just allowing Liberty Mutual to come in....and if any other agency comes in, they could do the same.....the playing field is leveled. Thereafter, Councilman Woodland introduced the following Resolution for adoption; seconded by Councilman Backman:

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(RESOLUTION NO. 43 OF 2013)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement between the Town of New Hartford and Liberty Mutual Insurance the latter of which is offering the Town employees a group savings on various insurances that can be purchased.

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

Councilman Miscione	-	Abstained, as he is employed
by Liberty Mutual Insurance		
Councilman Woodland	-	Aye
Councilman Reynolds	-	Aye
Councilman Backman	-	Aye
Supervisor Tyksinski	-	Aye.

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

Comprehensive Plan Update - Status

In response to Councilman Backman's inquiry, the Town Supervisor stated that the advisory committee is working on update of the 2007 Comprehensive Plan and they are expected to report to Codes Enforcement Officer Joseph Booth the week of February 18, 2013. It is anticipated that River Street will give a presentation at the March 27, 2013 Town Board meeting.

Finance Director report

The Town Supervisor noted that Finance Director Daniel Dreimiller has been unavoidably detained from attending this meeting; he is, however, working on numbers for the 2012 audit.

Organizational meeting – Supervisor's Standing Committee appointments

Town Supervisor Tyksinski will have his Standing Committee appointments ready for the March 13, 2013 Town Board meeting.

Agreement - 2013 Animal Shelter Service/Stevens-Swan Humane Society

Councilman Reynolds moved the adoption of the following Resolution; seconded by Councilman Miscione:

(RESOLUTION NO. 44 OF 2013)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement between the Town of New

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Hartford and Stevens-Swan Humane Society, wherein said Humane Society will provide animal shelter services to the Town of New Hartford during calendar year 2013, in accordance with the terms and conditions set forth therein.

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

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

Appointment to fill Vacancy – New Hartford Public Library Trustee

Joseph Bolton, who had submitted his resume for consideration of being appointed a Library Trustee, declined to be appointed at this time. The Town Supervisor then asked for nominations for the one (1) five-year Library Board Trustee. Councilman Backman offered the following Resolution, moving its adoption; seconded by Councilman Miscione:

(RESOLUTION NO. 45 OF 2013)

RESOLVED that the Town Board of the Town of New Hartford does hereby appoint Edward R. Flemma, Jr. for a five-year term as a Trustee for the New Hartford Public Library Board, commencing Thursday, February 14, 2013 and ending December 31, 2017.

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

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

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

Appointment – Part-time, Competitive Police Officer

The Town Supervisor presented the Police Chief's request for a half-time, competitive Police Officer, which would have no impact on the 2013 Budget. Thereafter, Councilman Miscione introduced the following Resolution for adoption and Councilman Reynolds seconded same:

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(RESOLUTION NO. 46 OF 2013)

RESOLVED that the New Hartford Town Board does hereby create one (1) Part-time, Competitive Police Officer position effective February 13, 2013 and does further appoint Annemarie Brelinsky to fill said newly-created Part-time, Competitive Police Officer position effective February 13, 2013, at the hourly rate set forth in the Police Benevolent Association union contract, payable bi-weekly.

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**.

Employee Classification Change – Police Department

Upon further request of the Police Chief, Councilman Reynolds presented the following Resolution, moving its adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 47 OF 2013)

RESOLVED that the Town Board of the Town of New Hartford does hereby create two (2) Part-time, Competitive Police Officer positions effective February 17, 2013 and does further appoint Part-time Police Officers Andrew Miller and Joseph Zwijacz to said newly-created Part-time, Competitive Police Officer positions effective February 17, 2013 at the hourly rate set forth in the current police union contract, payable bi-weekly.

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

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

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

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Appointment – School Crossing Guard, Sub

Upon further request of the Police Chief, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Backman:

(RESOLUTION NO. 48 OF 2013)

WHEREAS, substitute School Crossing Guard Lewis Smith has retired effective December 31, 2012, creating a vacancy in that position;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby appoint Paul Lewis to fill the vacancy created by the retirement of Lewis Smith and that the appointment as substitute School Crossing Guard be made effective February 14, 2013, at the hourly rate of \$9.49, payable bi-weekly.

The Town Supervisor requested a roll call vote:

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

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

Board of Assessment Review – Vacancy/Appointment

A vacancy exists on the Board of Assessment Review (BAR) since Edward Goggin is unable to accept re-appointment at this time. Duane Farr, BAR Chairman, has recommended Byron Elias to fill the vacancy. Thereafter, Councilman Backman offered the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 49 OF 2013)

WHEREAS, the term of office of Edward F. Goggin as a Member of the Board of Assessment Review had ended on September 30, 2012 and he is unable to accept re-appointment to said position;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby appoint Byron W. Elias to fill the vacancy created by the expiration of term of office of Edward F. Goggin and that said appointment to the Board of Assessment Review be effective Thursday, February 14, 2013 and terminate on September 30, 2017.

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The Town Board then voted upon roll call:

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

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

Master Services Agreement – Engineering services

The Town received three (3) not-to-exceed quotes for engineering services: Lochner Engineering – \$61,500; Barton & Loguidice - \$65,000, and O’Brien & Gere - \$78,400. The Town Board will review the proposals and the matter will be placed on the Agenda for the March 13, 2013 Town Board meeting.

Proposal to upgrade phone calls/radio traffic coming into Police Department

Police Chief Inserra stated that the current phone system is about three (3) upgrades behind and the company associated with the phone system does not want to work on it. The Police Chief believes this may be a liability issue to the Town. The following bids were received:

- \$11,100.00 from BEI (Business Electronics, Inc.)
- \$14,058.82 from Mac Source Communications
- \$13,987.50 from Select Communications
- \$13,780.00 from MAYDAY Communications, Inc.

Discussion ensued on the financing of the upgrade, which was not included in the 2013 Budget. Town Supervisor Tyksinski said there is a projected fund balance of \$275,000 in the Police Fund as of December 31, 2012. The cost could be taken from that fund balance and credited to the Police Equipment Account, or the cost could be debited to Police Contractual. Thereafter, Councilman Backman offered the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 50 OF 2013)

RESOLVED that the New Hartford Town Board does hereby accept the low bid submitted in the amount of Eleven Thousand One Hundred Dollars (\$11, 100) from Business Electronics, Inc. (BEI) for the upgrade of a Verint Audiolog 12 Channel Communications Recording Solution at the Police Department, and does further authorize and direct the Town Supervisor to enter into and to executive all required documents related thereto; and be it

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FURTHER RESOLVED that the Town Board does hereby authorize and direct that the payment for this upgrade in the amount of \$11,100 be debited to the Part-Town Police Fund, Contractual account; and if the Contractual account is exhausted, that monies then be transferred from any Police Department fund balance.

A roll call vote was duly held 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**.

EXECUTIVE SESSION

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

(RESOLUTION NO. 51 OF 2013)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss pending litigation involving Edmund Wiatr, Jr. vs the Town, Salatino vs the Town and the Inkawich assessment/tax certiorari.

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**. All persons present, including the news media and Department Heads, were then excused from the meeting at 8:14 P.M. The Town Attorney and Deputy Supervisor remained for the Executive Session.

[NOTE: The Town Attorney provided the following transcription on Thursday, February 14, 2013]

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END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 52 OF 2013)

RESOLVED that the New Hartford Town Board does hereby move to end its Executive Session and to reconvene the regular portion of the Town Board meeting.

The Board members voted upon roll call that resulted as follows:

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

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 8:35 P.M. The regular portion of the Town Board meeting was immediately reconvened, with the public being re-invited to attend the meeting..

Assessment Grievance Certiorari - Inkawich 2009-2012

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

(RESOLUTION NO. 53 OF 2013)

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

Louis & Frances Inkawich
Location of property: 64 Collins Lane

<u>Tax Map No.</u>	<u>Initial Assessment</u>	<u>New Assessment</u>	<u>Tax Year</u>
317.013-3-6.1	\$564,800	\$442,800	2009
		\$442,800	2010
		\$442,800	2011
		\$442,800	2012;

And be it

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FURTHER RESOLVED that the Town of New Hartford will refund taxes paid for the aforesaid Tax Years at no interest.

The Resolution was voted upon by roll call:

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

The Supervisor declared the Resolution 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 8:37 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk