

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, JULY 10, 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 Finance Daniel Dreimiller
Director of Senior Services M. Eileen Spellman
Highway/Sewer Superintendent Richard C. Sherman
Parks and 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

Town Board Meeting – June 12, 2013

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

(RESOLUTION NO. 134 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 June 12, 2013 and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

Councilman Miscione - Aye

REGULAR TOWN BOARD MEETING

July 10, 2013

Page 2 of 19

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

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

PUBLIC PRESENTATIONS (Resident Comments)

The Town Supervisor invited anyone present who wished to make a comment to the Town Board on any matter to come forth at this time and limit their comment(s) to three (3) minutes. He inquired if Fr. Abraham Esper, who was on the Agenda, was present; he was not.

Stormwater/flooding issues

- ***David Munsell***– speaking for many on Beechwood Road – bewildered with number of storms in past two weeks, unusual. Believes Phase #1 of the Beechwood Road infrastructure project had failed and wants a meeting with Barton & Loguidice, engineers for the Town, for solutions they can offer. The Town Supervisor acknowledged that a meeting would be scheduled for all interested residents. He expects the meeting date to be known by Friday, July 12, 2013 and Mr. Munsell agreed to contact the residents.

Mr. Munsell inquired about Phase #2/Beechwood Road project and the Town Attorney outlined procedures the town has taken including a public hearing, documentation that a public need exists and he expects to receive the required metes & bounds description and associated map by Friday, July 12, 2013, after which he would be able to obtain an appraisal for an easement through Mr. Doherty’s property on Wills Drive. Mr. Doherty did allow town crews in today to remove some debris...probably a month needed to finalize the easement/eminant domain process.

- ***Steve Appler*** – who cut the trees down on Beechwood Road? Superintendent of Highways Richard Sherman responded that the Town cut the “bat” trees. Mr. Appler believed that the treetops cut were part of the problem.

In response to the Town Supervisor’s inquiry, Superintendent Sherman stated the treetops were left there on the ground and were washed down by the stormwater.

- ***Ken Bart*** – experienced similar problems and haven’t been able to contact Councilman Miscione...not getting information that is needed ...phone calls, emails, nothing. Debris being carried and overflow on his property. There’s been no contact. Need a plan.

REGULAR TOWN BOARD MEETING

July 10, 2013

Page 3 of 19

Councilman Miscione responded that he was on site and that he and the Superintendent of Highways had walked the site to obtain easements necessary. Once all easements are obtained, a surveyor will go out and start the project; waiting for two (2) easements. Said he contacted about 65% of people really affected by flooding in the Royal Brook Lane area.

- **(Inaudible)** - someone contended that the retention ponds weren't working.

Superintendent of Highways Sherman stated that about two (2) weeks ago the retention ponds near the J-Kay Lumber property were full – 4 ½ feet of water during the storm.

- **Joseph Luker** – eminent domain procedure with Scardina (Beechwood Road project, Phase 1) and now Doherty (Phase 2). Assurances had been given that work would continue through the winter with the Scardina eminent domain; would work be able to be done if we have a mild winter with the Doherty eminent domain? Won't happen this winter. Mr. Luker thanked the Highway Superintendent for work he'd done last week, quick response with sandbags...do appreciate what he's done so far.
- **Tom Diefenbacher** – two (2) of the last three (3) floods in Chadwicks had nothing to do with Sauquoit Creek but rather the water coming down from the glen on the west side of Oneida Street, opposite Bleachery Ave. His basement is full of water, snails, etc.

Supervisor Tyksinski noted that the glen is private property and the Town has had trouble getting into private land. Mr. Diefenbacher believes the culvert under Oneida Street isn't being cleared/cleaned. The Town Supervisor acknowledged that it is the Town's responsibility to clean the culvert.

- **Judy Cusworth** – stated she owns most of the glen property. The water originates from upper Snowden Hill Road. Various property owners on Snowden Hill had loggers come in and cleared their land, left debris on the land. She has cleared her land of debris but can't stop rocks and silt.
- **Joseph Gadway** – lives across from Tom Diefenbacher. Bought his property ten (10) years ago and could stand in the box culvert but now only his dog can stand in it....full of rocks....his basement is full of water but not ten (10) years ago; it was dry then.
- **Kenneth (and Jean) Driskell** – flooding issues at Kay Circle in White Tail Meadows and Oneida Street. Concerns: culvert at top of Kay Circle plugging due to debris and run off. Retention basin filled with sediment. Erosion of road

REGULAR TOWN BOARD MEETING

July 10, 2013

Page 4 of 19

edge along Kay Circle. Cattle gate across creek as flood control, installed by town after flooding in 2011, seems to create more problems than not. Filling of creek bed by accumulation of stones and debris above Oneida Street. Damaged culvert at Oneida Street. Mr. Driskell noted that the retention basin was created in 2006 by developer John Barkett and Mr. Driskell is concerned with culvert capacity – can't handle the amount of water. Repeated problem over three (3) to four (4) years. Need regular maintenance of retention pond, which is owned by the Town, as well as creek bed. Submitted photos.

Town Supervisor Tyksinski said some work has been done and crews will be cleaning out the retention pond.

- **Rebecca (& Kenneth) Empey** – strategic area for water problem. Her water problems have a long history and she noted that Councilman Backman “..is aware of this”. She stated she is the brunt of water coming down Grange Hill Road onto Oneida Street and her property. Three (3) feet of water in her basement a number of times over the past three (3) to four (4) years; several claims to her insurance company. Heard the town had built some retention ponds to alleviate the situation ... not working. Sump pump working day and night all the time. There are parking lots all around her property and was told she couldn't pump her basement water onto someone else's land so water goes onto her property. Talk of various sized culverts that can't handle the storm water.

The Town Supervisor said the Town would be out to look at the situation and noted that the Highway Superintendent and he had made an on-site inspection during the storm. Highway Superintendent Sherman stated that the Oneida County Soil & Water Conservation agency is working with Barton and Loguidice, the Town's engineers, for a plan for this area.

- **David Maier** – regarding Palmer Creek that flows through Chapman, Sessions and Mallory Roads; same problem, large culvert pipe but his property is being eroded because of amount of water. At one point the creek has doubled its size. He said no GEIS for the southern part of town.

The Town Attorney noted that the Town's comprehensive plan is currently being updated. Highway Superintendent Sherman said he has some work permits for a lot of small creeks issued by the NYS Department of Environmental Conservation...”DEC must give its blessing to allow” highway crews to clean out these small creeks.

- **Nellie Moore** – “..fed up with 39 years of toilets being flushed” into the stormwater system and sewage backing up into her basement.

REGULAR TOWN BOARD MEETING

July 10, 2013

Page 5 of 19

Superintendent of Highways Sherman noted that because of fourteen (14) inches of rain – ground saturated – rainwater seeps in to sewers and backs up because of soil saturation. His department will start tv'ing and identifying any breaks/infiltration of sanitary sewer lines. This is an old sewer system and the Moore property is at a low point.

- **George (& Jean) Hubbard** – lived at Royal Brook Lane for thirty (30) years; the first twenty (20) years the creek would go up but not over the banks. Several years ago he had ducks swimming among his tomato plants.

The Town Supervisor responded that he and Councilman Miscione had met last year with Mayor Bialek and discussed problems; the Town hired an engineering firm and got a study and an estimate and those monies have been set aside specifically for that project.

- **Kelly Britton and Ruth Baldwin Staggs** – hear you talking about ponds. Ms. Britton said she stood in her mother's Brookside Mobile Manor property and was told everything was going to be fixed. Was supposed to be taken care of. Her mother, Ruth Staggs, is alone because her husband is in another state with his sick daughter. Her mother has a broken back and wouldn't be able to get out herself. She's been flooded five (5) times in the past three (3) years. Almost lost her car down Sauquoit Creek. She's the lowest lot in the mobile home park and gets all the flooding. Whatever was done last time is not working.

Superintendent of Highways Sherman said the stones/rocks that had been installed along the Creek bank aren't there anymore, carried away by the force of water. The Town Supervisor and Highway Superintendent will go back and try to come up with a solution.

- **Eric Cusworth** – owns Brookside Mobile Manor and offered to do a walk through with Town officials
- **Joan Milewski** – regarding the solution to the Royal Brook Lane flooding and the two (2) remaining easements to be obtained, how long would it take for eminent domain?

Supervisor Tyksinski referred to the Town Attorney's success in 60 days for one procedure. He invited Mrs. Milewski to review the plans.

- **Steve Lenard** – owner of Hotel Willowvale in Chadwicks; experienced sixteen (16) measurable floods in twenty-three (23) years. You've answered most of my questions on Grange Hill Road.
- **Julie McCarthy** – has owned property for four (4) years, two (2) years ago after a flash flood, she had two (2) to three (3) feet of mud and a damaged door jam. The

REGULAR TOWN BOARD MEETING

July 10, 2013

Page 6 of 19

water came down the hill from the Oxford Heights townhouse development on Oxford Road and the drainage comes down into Willowvale Ave. Fear of rain ... has eroded her property. Culvert filled in – not cleaned out. Since owning the property, she's lost six (6) to ten (10) feet of her property....not safe for her daughter to be out there. Could fall into the creek. The storm water has hollowed out her property and become dangerous. Needs some type of retention.

The Town Supervisor and Highway Superintendent will make an on-site inspection.

- **Michael Dunn** – lives across from Julie McCarthy; water comes from culvert under Oxford Road, tributary ground level...force of water so strong it comes down Irvin Ave into Willowvale Ave. Affecting his neighbor also, **Jim Miller**, who was present, as well as **Patty Pfluke**.

Superintendent of Highways Sherman said an easement has been obtained from a property owner as part of the solution.

- **Mark Hubbard** – lives behind Raspberry's on Commercial Drive. Last Friday within two (2) hours, the creek overflowed. He inquired about work to be done.

Councilman Miscione said that any tree that appears to be healthy would be left in tact.

- **Bill McCarthy** – (in behalf of daughter, Julie) you did a great job cleaning out the creek and did a good job for that part. The erosion though is tremendous, almost like Sauquoit Creek. Believes she's going to need riprap and that most of water is coming from the townhouse development on Oxford Road. Slow down the water flow. There are seventeen (17) storm sewers going into that creek said Bill. They submitted photos.
- **Michael (& Robin) Kennedy** – to representatives from Barton & Loguidice he inquired whether they would consider the Beechwood Road stormwater project Phase 1 a success or failure. Mr. Kennedy said that in his eyes, it is a total failure. Ken Knutsen of Barton & Loguidice said he would sit down with people as discussed earlier in the meeting. Mr. Kennedy thanked the Highway Superintendent and his gang and the New Hartford Fire Department for a great job during and after the storms.
- **Mary Thomas** – when water comes down the left side of Woodbourne, it doesn't drain properly and Thornwood Road is under water when it rains and people have had flooded cellars. Please add this to your list.

REGULAR TOWN BOARD MEETING

July 10, 2013

Page 7 of 19

- **Tom Roberts** – lives across from Kay Circle. Have had water problems and didn't know until today that the Town owned the retention pond since 2012. Pat said the Town would maintain it. Mr. Roberts thanked town employees for their help.
- **Nellie Moore** – listening to all people with flood waters but I have sanitary sewer backing up in my home.

The Highway Superintendent said several areas are experiencing the same, such as on Middlesettlement Road, and that a dye test could be done. The Town Supervisor said he would discuss this with the County and see if they can get a temporary fix.

- **Margaret Munsell** – sounds like a ton of money to fix all these problems. Is Town Board going to give pre-consideration as to where money is coming from.? The Highway Superintendent's crews are overwhelmed already and since 2010 there's been a reduction in staff because of some financial distress from a prior administration. Can Town Board use some of it's "rainy" day fund to help with these problems?

Supervisor Tyksinski said that the Highway Superintendent has been authorized to get contractors and engineers experienced in these matters. FEMA will probably come through for reimbursements to the Town – not 100% but perhaps 90%.

- **Tom Diefenbacher** – stated that the Willowvale Fire Company also should be acknowledged for their work and assistance during these past storms.

The Public Comment period ended at 8:43 P.M.

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 Councilman Miscione seconded it:

(RESOLUTION NO. 135 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;

REGULAR TOWN BOARD MEETING

July 10, 2013

Page 8 of 19

NOW, THEREFORE, BE IT RESOLVED that said Town Board does hereby accept the following donations to be used for the Summer Mentoring Program sponsored by the New Hartford Adult Dining and Activity Center:

- \$390.00 Parent donations of children participating in Summer Mentoring Program

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’s Summer Mentoring Program:

- Increase General Fund Whole-Town Contractual Account A6772.4 - \$390.00
- Increase General Fund Whole-Town Revenue A2705.1 - \$390.00

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

Salt Brine System

Discussed at the June 12, 2013 Town Board meeting. The Town Supervisor said he would try to find money for this project, which he thought was a great idea, but with the flooding issues experienced in the Town recently, the salt brine system would be put on the back burner.

Purchase of Excavator

Councilman Miscione initiated discussion on the purchase of an excavator rather than hiring work done. The Town Supervisor said “.. you need to have someone to run it”, meaning that the Town might not have an employee experienced in this field.

Town Clerk Committee – Councilman Woodland

Training - Oneida County Association of Towns Meeting

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

(RESOLUTION NO. 136 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 Town Attorney Cully, Superintendent of Highways Sherman, and Councilmen Backman and Woodland to attend the Oneida County Association of Towns Meeting on July 16, 2013 in the Town of Paris, with expenses to be borne by said Town as budgeted; guest speaker is Lori Mithin from the New York State Comptroller's Office.

The 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**.

Library Committee – Councilman Reynolds

Councilman Reynolds reported that Earl Cunningham has resigned his position as New Hartford Public Library Trustee effective June 30, 2013; the Town Board is awaiting confirmation of the person who the Library Board will appoint to fill Mr. Cunningham's unexpired term.

Public Safety & Courts Committee – Supervisor Tyksinski

Audio/Video Equipment

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

(RESOLUTION NO. 137 OF 2013)

WHEREAS, on May 22, 2013 the Town Board had authorized and directed Police Chief Michael Inserra to purchase from AUDIO-VIDEO CORPORATION, 213 BROADWAY, ALBANY, NY a new interview room audio/video recorder pursuant to their Quote No. 85550 –04 NYS Contract #PT63298 in the amount of Three Thousand Four Hundred Seventy-two Dollars (\$3,472.00); and

WHEREAS, after the equipment had been installed and training for employees was being conducted, it was determined that the system could not accomplish some of the functions that were promised and the system was subsequently removed at no cost to the Town of New Hartford because it could not meet the needs of the Police Department;

NOW, THEREFORE, BE IT RESOLVED that the said Town Board does hereby authorize and direct the Police Chief to purchase a Video/Audio recording system in the amount of Four Thousand Three Hundred Seventy-five Dollars and Eighty-five Cents (\$4,375.85) from Linstar, Inc., 430 Lawrence Bell Drive, Suite 1, Buffalo, NY 14221-7085, the second lowest bidder.

A roll call vote was held and resulted 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**.

Training – Police Chief

Upon request of the Police Chief, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Miscione:

(RESOLUTION NO. 138 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 Police Chief Michael Inserra to attend the New York State Association of Chiefs of Police Annual Training Conference in Lake Placid, New York, from July 21 thru July 24, 2013, with expenses to be borne by said Town as budgeted.

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**.

Agreement for School Resource Officer – Sauquoit Valley Central School District

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

(RESOLUTION NO. 139 OF 2013)

WHEREAS, the **Sauquoit Valley Central School District** (hereinafter called “**SVCS**”) **Safe Schools/Healthy Students Initiative** has need for a more intensive and coordinated approach to creating a safe and secure setting for the educational process to take place; and

WHEREAS, the **SVCS** **Safe Schools/Healthy Students Initiative** desires to engage the services of a School Resource Officer to deal with the problems that occur within the school environment; and

WHEREAS, the **Town of New Hartford Police Department (Contractor)** is desirous to provide personnel to the **SVCS** **Safe Schools/Healthy Students Initiative** to be utilized as School Resource Officer at the times and places indicated in an Agreement for Services;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby agree to enter into an Agreement for Services to provide to **SVCS** **Safe Schools/Healthy Students Initiative** the services of one (1) police officer who will serve as School Resource Officer on a part-time basis [nine (9) hours per week] for the school year September 5, 2013 to June 25, 2014, at the rate of Nineteen Thousand Three Hundred Dollars (\$19,300); and be it

FURTHER RESOLVED that the Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute the aforementioned Agreement for Services.

The Police Chief confirmed the amount of the contract covers the Town’s expenses. Thereafter, the Town Board members were polled and 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**.

Parks and Recreation Committee – Councilman Reynolds

Appointments – Seasonal Employees

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

(RESOLUTION NO. 140 OF 2013)

RESOLVED that the New Hartford Town Board does hereby appoint the following individuals to the various part-time seasonal positions and for the hourly wages set opposite their several names, for the Parks and Recreation Department, commencing on the dates specified hereunder and ending August 9, 2013; all wages to be paid bi-weekly:

Swim Program A7230.1
Beginning July 5, 2013

<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
Joseph Visingardi	Life Guard	\$ 9.15/hour
Marissa Visingardi	Life Guard	\$ 9.15/hour
Michael Peterson	Life Guard	\$ 9.15/hour

Playground Program A7140.11
Beginning July 5, 2013

<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
Renee Kowalski	Substitute Bus Driver	\$13.15/hour

Summer Theater A7145.1
Beginning June 24, 2013

<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
Katie Klimacek	Assistant Director	\$ 9.65/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***.

MATTERS SUBMITTED BY COUNCILMEN / TOWN ATTORNEY

Town Attorney:

I.D. Badges/Police Commission

With regard to Councilman Backman's request at the June 12, 2013 Town Board meeting, the Town Attorney consulted with the State Association of Towns about issuing badges to police commission members – nothing statutory that would allow the issuance of badges. The State Association said if badges were to be issued, the Town Board should state the purpose of issuance for liability reasons...especially with police badges, you would want to have a legitimate reason for issuing a badge. Councilman Backman remarked, "I haven't changed my mind"...he still wants ID badges issued to police commission members. Councilman Woodland agreed with Councilman Backman while Councilman Reynolds said "no" to the badges but he would support an identification card. Councilman Miscione had "...no problem with an i.d. card" but would want it professionally done with a photo. The Town Supervisor will look into the issuance of photo identification cards for town-wide employees and will report at the August 2013 meeting.

PILOT Allocation Agreement – Exhibits "C" and "F"/Hampton Inn

The revision of Exhibits "C" and "F" have not been finalized but will be done by the August 2013 meeting.

Abandoned Cemeteries – Town responsibility

The Town Attorney did locate Town Law, Section 290 with regard to abandoned cemeteries, which then becomes the Town's responsibility. The Town has been approached by an Eagle Scout who is interested in cleaning an abandoned cemetery on Higby Road, across from the Jewel Ridge Subdivision. A town is obligated to clean up an abandoned cemetery twice a year. In response to the Town Board's inquiry, Highway Superintendent Sherman said he would supervise the work to be done by the Eagle Scout. It was Town Board consensus that the Town Attorney write a letter allowing the Eagle Scout to clean up the abandoned cemetery and that the Eagle Scout will be supervised by the Town.

Councilman Miscione:

Stormwater Drainage pipe – Ironwood Road/Juniper Lane

Councilman Miscione reported that eight (8) homes along Ironwood/Juniper Lane are flooded annually and he asked that the Highway Superintendent be authorized to install a catch basin and approximately eighty (80) to one hundred (100) feet of twelve (12) inch pipe in the backyards of the affected properties. He stated that access agreements had been obtained from Kenneth McDonald and David Scharf of Juniper Lane and Ironwood Road, respectively. Originally, there was a swale between two (2) properties and the owners decided on their own to level the ground, thereby eliminating the swale that diverted the stormwater run off. The Highway Superintendent confirmed he had money in his Highway budget for this project. Discussion ensued whether the swale should be put back in, or install the culvert pipe in its place. The Town Attorney will review the Town Planning Board minutes and map that were approved before any decision can be made. He will report at the August 2013 Town Board meeting.

Highway Law – Stormwater Issues

Upon request of the Highway Superintendent, Councilman Backman offered the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 141 OF 2013)

RESOLVED that, in accordance with the Highway Law, the New Hartford Town Board does hereby authorize and direct the Highway Superintendent to clean ditches off the highway right-of-way with temporary easements from property owners for health and safety issues that are impacting town highways.

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

MATTERS SUBMITTED BY TOWN SUPERVISOR

Financial Matters:

Finance Director

In response to the 2012 audit report by D’Arcangelo & Associates, the Finance Director has been updating the Town Investment and Procurement policies. An e-mail had been

sent to Board members on June 26, 2013 asking for their review and approval. Sample investment and procurement policies had been obtained and Director Dreimiller also checked the State Comptroller's website. Councilman Reynolds suggested that, in the procurement policy, rather than referencing "Finance Director" that it be changed to read "Comptroller and/or Finance Director" in the event the Comptroller position is reinstated in the future. Councilman Backman said he had not yet read the revised policies. Thereafter, Councilman Miscione introduced the following Resolution that was duly seconded by Councilman Reynolds:

(RESOLUTION NO. 142 OF 2013)

RESOLVED that the New Hartford Town Board does hereby re-adopt the Purchasing Policies and Procedure Manual, originally adopted on January 1, 1992 and revised on July 10, 2013, a copy of which is on file in the Accounting Department; and be it

FURTHER RESOLVED that the said Town Board does hereby re-adopt the Official Investment Policy for the Town of New Hartford, originally adopted on March 3, 1993 in accordance with Chapter 708 of the laws of 1992, and revised on July 10, 2013, a copy of which is on file in the Accounting Department.

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**.

The Town has also responded to the auditors' comments about possible access to the Town Supervisor's signature stamp by installing another layer of control wherein a second person (the Finance Director) must enter a password before the Account Clerk or Personnel Technician can issue a check.

Grant - FEMA

It was Town Board consensus that Councilman Miscione work with Highway Superintendent Sherman to obtain a grant from FEMA that could get the Town free equipment for flood victims, such as generators and pumps.

Audit of Vouchers

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

(RESOLUTION NO. 143 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:

Panera Traffic Light Abstract #1 Vouchers HP1-HP3	\$ 14,362.14
Mud Creek Project Abstract #1 Vouchers HR1	\$ 3,942.80
Street Lighting Fund Abstract #7 Vouchers SL8	\$ 7,596.41
Heavy Equipment Abstract #1 Vouchers HO1	\$ 107.73
Stormwater Series II Abstract #5 Vouchers HK5	\$ 135.00
Trust & Agency Fund Abstract #19 Vouchers TT80-TT87	\$ 13,614.30
Trust & Agency Fund Abstract #20 Vouchers TT89 & TT97	\$ 7,241.95
Trust & Agency Fund Abstract #21 Vouchers TT90-TT96	\$ 14,326.72
Trust & Agency Fund Abstract #22 Vouchers TT99-TT107	\$ 13,669.18
Highway Fund Part-Town Abstract #9 Vouchers DB318-DB369	\$ 108,242.51
General Fund Part-Town Abstract #12 Vouchers BB67-BB69	\$ 5,804.15
General Fund Part-Town Abstract #13 Vouchers BB72-BB81	\$ 3,457.62
General Fund Whole-Town Abstract #17 Vouchers AA582-AA587; AA590-596	\$ 26,418.83
General Fund Whole-Town Abstract #18 Vouchers AA600-AA606	\$ 7,004.87
General Fund Whole-Town Abstract #19 Vouchers AA608-AA671; AA673-AA697 AA699-AA710	\$ 84,329.12

REGULAR TOWN BOARD MEETING
July 10, 2013
Page 17 of 19

General Fund Part-Town Police Abstract #13 Vouchers BP115-BP117	\$ 37,585.65
General Fund Part-Town Police Abstract #14 Vouchers BP120-BP138	\$ 25,754.52
Sewer Fund Abstract #13 Voucher SS40-SS42	\$ 806.52
Sewer Fund Abstract #14 Voucher SS45	\$ 1,293.34
Sewer Fund Abstract #15 Voucher SS46-SS50	\$ <u>26,751.79</u>
TOTAL:	\$402,445.15

Whereupon, the 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***.

EXECUTIVE SESSION

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

(RESOLUTION NO. 144 OF 2013)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the Town's strategy involving the Adelman litigation against the Town and the Beretta appeal, as well as the acquisition of an additional easement for the Rayhill Memorial Trail Extension.

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 9:23 P.M. The Town Attorney and Deputy Supervisor remained for the Executive Session.

[NOTE: The Town Attorney provided the following transcription on Friday, July 12, 2013.]

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 145 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 10:35 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public re-invited to the meeting.

Acquisition of additional easement – Rayhill Memorial Trail Extension

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

(RESOLUTION NO. 146 OF 2013)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the acquisition of an additional easement from the Massoud family at a cost not to exceed Three Thousand Five Hundred Dollars (\$3,500) for the Rayhill Memorial Trail Extension.

A roll call vote ensued:

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***.

Stormwater Excavation

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

(RESOLUTION NO. 147 OF 2013)

RESOLVED that the New Hartford Town Board does hereby hire John Barkett at One Hundred Ten Dollars (\$110) per hour to do stormwater-excavating work in the White Tail Meadows Subdivision.

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

ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made by Councilman Miscione and seconded by Councilman Reynolds, the meeting was adjourned at 10:43 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk