

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, DECEMBER 11, 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:

Codes Enforcement Officer Joseph A. Booth
Deputy Supervisor Matthew Bohn III
Director of Finance Daniel Dreimiller
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

November 20, 2013 Town Board Meeting

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

(RESOLUTION NO. 225 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 November 20, 2013 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
Councilman Backman	-	Aye

Supervisor Tyksinski - Aye.

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

PUBLIC HEARING

7:01 P.M. Local Law Introductory "D" of 2013
Increase Highway Superintendent Salary for 2014

At 7:01 P.M. the Town Supervisor opened the Public Hearing for the Town Board's consideration of Local Law Introductory "D" of 2013; Supervisor Tyksinski stated that any persons wishing to speak in the matter would be afforded the time to do so. The Town Clerk had available the legislation, the Notice of Public Hearing, Affidavit of Posting and Proof of Publication (November 27, 2013 edition of The Observer Dispatch). The Town Attorney explained that Local Law Introductory "D" proposes to increase the Highway Superintendent portion of the Highway Superintendent's salary, which did not include all the compensation because he is paid under two (2) separate categories. It is proposed to adjust the Highway Superintendent component of his salary from \$42,720 to \$47,750, which is subject to a public hearing. He then invited anyone present to speak in the matter and limit their comments to three (3) minutes.

Those who spoke were:

- Dave Munsell – the Town and taxpayers are fortunate to have Richard Sherman on staff; he cited the Highway Superintendent's responsibilities and believed it was a "no brainer" that he be given a raise, stating if Mr. Sherman worked in the private sector, he would be earning more than he does. He mentioned the numerous meetings at various times that Mr. Sherman gave to the Woodberry and Beechwood Road storm drainage projects.
- Carol Pendleton – when people are elected, they know what the salary is. Believed that someone in the Town could use the \$17,000+ salary for Sewer Superintendent that is a separate responsibility for the Highway Superintendent. She objected to his bus driving job, but noting that she's not saying he's doing a bad job as Highway Superintendent, only that he doesn't need extra money when he's got what he has through his pension, etc.
- Carleton Corey – from what he sees around town, the Highway Superintendent does a wonderful job. The Town gets a big value for its dollar. He believed a raise should be based strictly on job performance and Mr. Sherman deserves to be compensated.

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- Pat Taurisano – said she cannot reach the Highway Superintendent – has left phone messages and she doesn't get the respect of a return call. She doesn't know his job performance but he doesn't have any public relations with the please. .
- Tony Pelle – has been promised things will be taken care of and Mr. Sherman agrees with the problem, but no resolution.
- Mary DuRoss – Mr. Sherman does a great job and he should be compensated for what he does and deserves a raise. His retirement pension is irrelevant.
- Margaret Munsell – Mr. Sherman is entitled to a raise and any private income he receives shouldn't enter into this. He's deserving of a raise.
- Bill Marshall – in favor of the Highway Superintendent getting a raise...put things in perspective. Highway Department is understaffed and employees working without a contract

There being no one further to speak in the matter, the Town Supervisor closed the Public Hearing at 7:08 P.M.

Action on Local Law Introductory "D" of 2013 subject to permissive referendum

Thereafter, Councilman Woodland introduced the following Resolution and Councilman Miscione seconded same:

(RESOLUTION NO. 226 OF 2013)

WHEREAS, a Public Hearing having been held on December 11, 2013 in the Community Meeting Room, Butler Memorial Hall, New Hartford at 7:01 P.M. to consider Local Law Introductory "D" of 2013 which, if adopted, would adjust the salary of the Highway Superintendent by Five Thousand Dollars (\$5,000) for fiscal year 2014; and

WHEREAS, the Town Board of the Town of New Hartford desires to increase the Highway Superintendent portion of his 2014 salary by the sum of Five Thousand Dollars (\$5,000);

NOW, THEREFORE, BE IT RESOLVED that the said Town Board does hereby submit and adopt the following Local Law entitled *A Local Law adjusting the salary of the Highway Superintendent for the year 2014*, which shall be subject to permissive referendum and final adoption if no valid petition is filed requesting referendum:

(LOCAL LAW NO. UNASSIGNED AT THIS TIME)

A Local Law adjusting the salary of the Highway Superintendent of New Hartford for the year 2014.

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

Section 1. Authority

Section 27 of the Town Law of the State of New York provides that the Town Board may increase the annual salary of an elected official for not more than one (1) fiscal year in excess of the amount specified in the notice of hearing on the preliminary budget by Local Law adopted pursuant to the Municipal Home Rule Law.

Section 2. History

The notice of hearing on the preliminary budget of the Town of New Hartford for the Fiscal Year 2014 fixed the salary for the Highway Superintendent without including all compensation as follows:

Town Highway Superintendent - \$42,720.00

Section 3. Salary Increase

For fiscal year 2014 the annual salary is hereby increased as follows:

Town Highway Superintendent - \$47,720.00

Section 4. Permissive Referendum

This Local Law is subject to a permissive referendum pursuant to Municipal Home Rule Law Section 24.

Section 5. Effective Date

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

Discussion ensued: Councilman Backman said he is not against the Highway Superintendent getting a raise – that position has not had a salary change since 2009; however, he did object to using the local law method to increase the elected Highway Superintendent’s salary, particularly when the Highway Superintendent had requested a raise in his 2014 budget estimate but it had not been included in the preliminary budget. It wasn’t discovered until the public hearing on November 6th at which time the

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maximum salaries to be paid elected officials had already been published. If the Highway Superintendent’s salary had been addressed annually at budget time, he would have received more than the \$5,000. He’s still not up to par. He reiterated that he opposed the process by which the proposed raise would be given.

Councilman Miscione: in favor; he cited the many grants the Highway Superintendent is working on, like grants relating to the flooding, a grant from the State for Mud Creek, major guy on police locker rooms and inspected construction on daily basis saving the town about \$15,000 last year; working on Mud Creek grant for a retention pond near Middlesettlement Road, attending meetings on Saturdays and Sundays for the people on Royal Brook Lane and going to the businesses along Commercial Drive trying to get information and destruction to include in the grant, another grant for Tilden Avenue through FEMA, all above and beyond the duties of a highway superintendent. His proposed raise is a small amount of money compared to the grant money he’s bringing into the Town.

A roll call vote ensued:

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

The Resolution was declared unanimously carried and duly ***ADOPTED, subject to permissive referendum, which time frame ends forty-five (45) days after adoption of this legislation.***

PUBLIC PRESENTATIONS (Resident Comments)

Supervisor Tyksinski invited anyone present who wished to address the Town Board to come forth and limit their comments to three (3) minutes. No one came forth. The Town Supervisor acknowledged that Oneida County Legislator James D’Onofrio was present.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRPERSON

Town Clerk Committee – Councilman Woodlnd:

Appointment/Temporary Clerk

Councilman Woodland introduced the following Resolution, duly seconded by Councilman Miscione:

(RESOLUTION NO. 227 OF 2013)

WHEREAS, a vacancy exists in the part-time clerk position in the Town Clerk’s Office due to the promotion of Shelby Bohling as Deputy Registrar;

NOW, THEREFORE, BE IT RESOLVED that, upon recommendation of the Town Clerk, the New Hartford Town Board does hereby appoint Caroline D. Arancio as a Temporary Clerk in the Town Clerk’s Office commencing Monday, December 16, 2013 and ending January 31, 2014, at an hourly wage of Eight Dollars and Forty-seven Cents (\$8.47), payable bi-weekly; as a Temporary Clerk, Ms. Arancio will not receive any benefits.

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**.

Assessor Committee – Councilman Woodland:

Assessor Appointment - Interviews

Councilman Woodland suggested this matter be discussed in Executive Session.

Public Works and Sewer Committee – Councilman Miscione:

Intermunicipal Agreement – Salt/Brine

The Highway Superintendent has the Villages of Ilion and Yorkville and the school who are interested in an Intermunicipal Agreement with the Town for brine during the winter season; the City of Rome might be interested. Board concerns included whether increased truck traffic would affect the New Hartford Street residents at various times of the day and night, whether the Town would have sufficient brine for its own use and any incidental charges to the participants to be included in the agreements, and the term of the agreement. No action was taken at this time on the agreements that had been presented.

Library Committee – Councilman Reynolds:

Appointments to fill vacancies

There are three (3) open Trustee positions on the New Hartford Public Library Board. Councilman Reynolds recommended that Janet Hoover, Heather Mowat and Richard Evans be appointed to fill these positions, which expire December 31, 2013; seconded by

Supervisor Tyksinski. Discussion ensued whether to hold off making the appointments until the vacancies actually exist, so that the Town Board – with a new Councilman taking office on January 1, 2014 – can vote at that time. Councilmen Backman, Woodland and Miscione believed Town Board action should not be taken at this time; Councilman Miscione tabled the matter until the other candidates have been discussed in Executive Session.

Edmund Wiatr Jr., said it's the duty of the "new" Board, not the "old" Board to make these appointments. He stated that Judy Jerome and Joseph Bolton had also submitted resumes for the Trustee position(s) and he recommended that the Town Board consider these applicants for appointment

Town Clerk Committee (Cont'd) – Councilman Woodland

Salary – Deputy Registrar

Upon recommendation of the Town Clerk, Councilman Woodland offered the following Resolution for adoption, seconded by Councilman Backman:

(RESOLUTION NO. 228 OF 2013)

WHEREAS, Deputy Registrar of Vital Statistics Robin L. Brindisi has retired effective November 29, 2013 after twenty-eight (28) years of service with the Town of New Hartford; and

WHEREAS, in accordance with the New York State Public Health Law, Registrar Gail Wolanin Young has appointed Shelby L. Bohling, effective December 2, 2013, to fill the vacancy created by the retirement of Ms. Brindisi;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby establish the rate of pay for Deputy Registrar Bohling at Eleven Dollars and Forty-seven Cents (\$11.47) per hour effective December 2, 2013, 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**.

MATTERS SUBMITTED BY TOWN ATTORNEY

Assessment Certiorari - Markwood

Markwood vs. Town – hold for Executive Session.

MATTERS SUBMITTED BY TOWN SUPERVISOR

Finance:

Finance Director report on Justice Court Audit

Director Daniel Dreimiller presented the following summary report of audited Justice Court records/funds, a copy of which report had been placed in the Town Board mailboxes. He completed the review for the years 2010, 2011 and 2012; in conducting his review, Director Dreimiller followed the State Comptroller handbook, Appendix 10 and checklist and followed that program. In actuality, he went into more detail, in testing cash receipts and disbursements, tracing cash to deposit slips and bank statements. He went above and beyond what the program called for. He reviewed all the monthly bank reconciliations and reviewed on a sample basis various docket and cash files and reviewed the reporting to the Division of Criminal Justice Services and the Justice Court Fund to the State. Director Dreimiller found no major issues or exceptions and that, in his opinion, the Courts appear to be operating efficiently. He also compiled monthly reports of money brought in, the Town's share, the State's share and the Judge's share of cases/funds. Councilman Backman offered the following Resolution for adoption; seconded by Councilman Miscione:

(RESOLUTION NO. 229 OF 2013)

RESOLVED that the New Hartford Town Board does hereby authorize the Finance Director's audit report of Justice Court funds/records for the calendar years 2010, 2011 and 2012 be entered into the Town Board minutes, attached as Schedule "A", for State Comptroller purposes.

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**.

Health Insurance Plan/Non-union employees and Retires – Checking Account

Finance Director Dreimiller explained with the new health insurance plan to become effective January 1, 2014 for non-union employees and retirees, that a separate checking account is required for the deductibles and not co-mingle monies. Councilman Backman then offered the following Resolution for adoption; seconded by Councilman Miscione:

(RESOLUTION NO. 230 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 for a checking account to be known as the “Town of New Hartford HRA Health Account” for the new health insurance plan to take effect January 1, 2014 and does further authorize him to sign any and all documents relating to the establishment of this checking account.

The Supervisor polled the Board members who voted as follows:

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

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

Old Business

Sauquoit Creek Basin - status

Supervisor Tyksinski had met with New York Mills Mayor Bialek, Whitestown Supervisor Gibbs and Dave Glen of the Sauquoit Creek Basin Commission and it was enlightening to know that the same concerns expressed by Supervisor Tyksinski a couple meetings ago were expressed by these other municipal representatives. It was discussed that instead of spending money for someone to take minutes of meetings, that the \$20,000 be used to hire an engineer that would be specific to the Sauquoit Creek Basin and having that person whose main job would be to prioritize the problems with Sauquoit Creek. Another meeting has been scheduled for the mayors and supervisors of communities along Sauquoit Creek to determine their commitment and which meeting will take place on Monday, December 16, 2013.

Finance (Cont'd)

Audit of Vouchers

On recommendation of the Town Supervisor, Councilman Miscione presented the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 231 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:

Sauquoit Creek Sewerline Abstract #1	
Vouchers HT1-HT3	\$ 22,098.00
Street Lighting Fund Abstract #13	
Vouchers SL14	\$ 8,504.07
Stormwater Series II Abstract #9	
Vouchers HK43	\$ 242.20
Mud Creek Project Abstract #6	
Vouchers HR10-HR14	\$ 5,622.61
Panera Traffic Light Abstract #12	
Vouchers HP12-HP13	\$ 19,566.61
Trust & Agency Fund Abstract #41	
Vouchers TT196-TT203	\$ 13,555.65
Trust & Agency Fund Abstract #42	
Vouchers TT204-TT205	\$ 7,667.54
Trust & Agency Fund Abstract #43	
Vouchers TT206-TT212	\$ 14,106.41
Trust & Agency Fund Abstract #44	
Vouchers TT213-TT220	\$ 13,527.01
Highway Fund Part-Town Abstract #15	
Vouchers DB671-DB677; DB679-DB738; DB740-DB757	\$ 240,926.52
General Fund Part-Town Abstract #26	
Vouchers BB157-BB159	\$ 5,830.54
General Fund Part-Town Abstract #27	
Vouchers BB160-BB174	\$ 2,207.26
General Fund Whole-Town Abstract #36	
Vouchers AA1259-AA1273	\$ 123,635.23
General Fund Whole-Town Abstract #37	
Vouchers AA1274-AA1278	\$ 4,963.03
General Fund Whole-Town Abstract #38	
Vouchers AA1285-AA1317; AA1319-1409	\$ 183,235.59
General Fund Part-Town Police Abstract #26	
Vouchers BP243-BP245	\$ 39,093.07
General Fund Part-Town Police Abstract #27	

Vouchers BP246-BP265	\$ 45,589.01
Sewer Fund Abstract #28	
Voucher SS93-SS95	\$ 661.83
Sewer Fund Abstract #29	
Voucher SS96	\$ 207.63
Sewer Fund Abstract #30	
Voucher SS99-SS101	<u>\$ 12,035.42</u>
TOTAL:	\$ 763,248.23

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*.

Training – Town Justice-elect Copeland

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

(RESOLUTION NO. 232 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 agree to reimburse Town Justice-elect Kevin Copeland for his hotel, meals, and mileage for attending the Justice training program in Albany, New York for newly-elected Town Justices, including any costs associated with the training program.

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 – Renewal of IT Services

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

(RESOLUTION NO. 233 OF 2013)

RESOLVED that the New Hartford Town Board does hereby accept the renewal agreement for IT services for the calendar year 2014 between the Town of New Hartford and M. A. Polce at a cost of Thirty-three Hundred Fifty Dollars (\$3350) and that the Town Supervisor be, and he hereby is, authorized and directed to enter into and to execute said agreement.

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**.

Library Director – New Hartford Public Library

Mary DuRoss of the New Hartford Public Library stepped forward to introduce Elina Shneyder who had been appointed as Library Director effective December 2, 2013, replacing Hans Plambeck who had retired.

EXECUTIVE SESSION

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

(RESOLUTION NO. 234 OF 2013)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss matters leading to the appointment or dismissal of a particular employee, matters leading to the appointment or reappointment of three (3) persons to the Library Board and the Town's strategy involving the Markwood assessment certiorari vs. the Town of New Hartford.

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 7.48 P.M. The Town Attorney and Deputy Supervisor remained for the Executive Session. The Town Board invited First Ward Councilman-elect James J. Messa to join the Executive Session.

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

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 235 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 8:55 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public re-invited to the Town Board meeting.

Appointment of Assessor

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

(RESOLUTION NO. 236 OF 2013)

RESOLVED that the Town Board of the Town of New Hartford does hereby appoint Darlene Abbatecola as Town Assessor for the open term for Forty-eight Thousand Five Hundred Dollars (\$48,500) per year through September 30, 2019.

The Supervisor polled the Board members who voted as follows:

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

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

Library Committee (Cont'd from Page 6 of these minutes) – Councilman Reynolds

Appointments to fill vacancies

Councilman Reynolds withdrew his motion to fill the Library appointments until after the 1st of the year (2014).

Cancellation of 2nd meeting in December 2013

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

(RESOLUTION NO. 237 OF 2013)

RESOLVED that the New Hartford Town Board does hereby cancel the Town Board meeting scheduled for December 18, 2013.

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

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

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

ADJOURNMENT

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There being no further business to come before the Town Board, upon motion of Councilman Backman and seconded by Councilman Miscione, the meeting adjourned at 8:59 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk