

**REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF NEW HARTFORD, NEW YORK  
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN  
ON WEDNESDAY, APRIL 9, 2014 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 James J. Messa  
Councilman Paul A. Miscione  
Councilman David M. Reynolds  
Councilman Richard B. Woodland, Jr.  
Supervisor Patrick M. Tyksinski

**OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:**

Assessor Darlene Abbatecola  
Codes Enforcement Officer Joseph A. Booth  
Deputy Supervisor Matthew Bohn III  
Director of Finance Daniel Dreimiller  
Highway/Sewer Superintendent Richard C. Sherman  
Parks & Recreation Director Michael W. Jeffery  
Police Chief Michael Inserra  
Town Attorney Herbert J. Cully  
Town Clerk Gail Wolanin Young

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

MINUTES

[NOTE: The regularly scheduled Town Board meeting of March 12, 2014 had been cancelled due to extreme weather conditions and had been rescheduled to March 18, 2014.]

**March 18, 2014 Town Board meeting**

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

**(RESOLUTION NO. 80 OF 2014)**

**RESOLVED** that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held on March 18, 2014 and does further waive the reading of the same.

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Upon roll call, the Board members voted as follows:

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

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

PUBLIC COMMENT

***New York Mills Fire Department***

Richard Ulinski was present to introduce himself as the Fire Chief of the New York Mills Fire Department, effective January 1, 2014, and Edward Chamelain, 1<sup>st</sup> Assistant Chief.

PUBLIC HEARING

7:01 P.M.                      Local Law Introductory “A” of 2014  
Town Code, Chapter 88, PARKS

At 7:01 P.M. the Town Supervisor opened the Public Hearing for the Town Board’s consideration of Local Law Introductory “A” of 2014. [NOTE: The Town Clerk had available the legislation, the Notice of Public Hearing, Affidavit of Posting and Proof of Publication (March 18, 2014 edition of The Observer Dispatch)]. The Town Attorney explained that Local Law Introductory “A” is intended to restrict fishing around the dates that the annual fishing derby is held in the Washington Mills Athletic Park. Supervisor Tyksinski then inquired if anyone present wished to speak in the matter; those who spoke were:

- David Corr, Regional Vice President of Trout Unlimited and past president of the Mohawk Valley chapter of trout Unlimited – in favor of the legislation. The state annually stocks Sauquoit Creek with fish the Friday before the spring fishing derby but “..it’s often raided, leaving little fish for the children in the derby”.
- William Wheatley, Jr., President of the Sauquoit Valley Fish and Game Club, spoke in favor of the legislation saying “...it’s about getting the children out in the fresh air and having some mentors”.

There being no one further to come forward with comments, the Public Hearing was closed at 7:04 P.M.

**Adoption of Local Law Introductory "A" of 2014 as Local Law No. Two of 2014**

Thereafter, Councilman Reynolds moved that Local Law Introductory "A" of 2014 be adopted as Local Law No. Two of 2014, in the following format; seconded by Councilman Woodland:

TOWN OF NEW HARTFORD, NEW YORK  
LOCAL LAW NO. TWO OF 2014

A LOCAL LAW TO AMEND CHAPTER 88 OF THE CODE OF THE TOWN OF NEW HARTFORD BY ADDING A NEW SECTION 88-10.2 ENTITLED FISHING.

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

**AUTHORITY**

This Local Law is enacted pursuant to the Laws of the State of New York.

**PURPOSE**

The purpose of this Local Law is to protect the health, safety and well being of the persons and property of the Town of New Hartford. This Law is being enacted to control and regulate fishing in the Washington Mills Athletic Park.

**SECTION 88-10.2 FISHING.**

All persons are prohibited from fishing at the Washington Mills Athletic Park from the Friday immediately proceeding the first Saturday in June, beginning at noon on that Friday until 2:00 P.M. on the first Saturday in June. The only fishing allowed would be during the fishing derby by those participating with children under the age of 16 from 9:00 A.M. until 2:00 P.M. on the first Saturday in June.

- (a) Parks Director shall post "no fishing" signs in said Park specifying said dates no later than 30 days prior to the first day upon which this shall take effect.
- (b) EFFECTIVE DATE:  
This Section shall take effect as provided by law.
- (c) A violation of this Section shall be punishable as enumerated in Section 88-12.
- (d) Except as modified herein, CHAPTER 88 OF THE TOWN CODE SHALL REMAIN IN FULL FORCE AND EFFECT.

The Town Supervisor polled the Board members who voted as follows:

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

Local Law Introductory “A” of 2014 was declared unanimously carried and duly **ADOPTED** as Local Law No. Two of 2014 .

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRPERSON

Town Clerk Committee – Councilman Woodland

**Appointment to fill Part-time Clerk vacancy**

Upon recommendation of the Town Clerk, Councilman Woodland introduced the following Resolution that was duly seconded by Councilman Messa:

**(RESOLUTION NO. 81 OF 2014)**

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

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby appoint Rebecca A. Empey to fill said vacancy retroactive to Monday, April 7, 2014 at an hourly rate of Ten Dollars and Seventy-five Cents (\$10.75), payable bi-weekly.

A roll call vote ensued:

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

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

**Zone Map Amendment Application – George Koury**

The Town Clerk acknowledged receipt of SEQR comments from various agencies with regard to George Koury’s application to rezone approximately 6.5 acres located at 31 Clinton Road, New Hartford from Medium Density Residential (MDR) to High Density Residential (HDR) for the purpose of constructing a (four) 4 building apartment complex

with six (6) units per building. The Town Planning Board has not submitted their review and comment at this time and Attorney Cully thought that response might be forthcoming by the April 23, 2014 Town Board meeting. No action was taken at this time.

**Application to amend Town Code, Chapter 59, ELECTRICAL STANDARDS**

The Town Clerk had received a letter from David P. Smith, owner of The Inspector, LLC, asking for an amendment to the Town's Electrical Standards code that would allow his company to be an approved electrical inspection agency within the Town of New Hartford. The letter stated that all inspectors working for The Inspector, LLC are certified and insured to properly inspect electrical systems according to the 2010 RCNY and the 2008 National Electrical Code, NFPA 70. Brian Sweet of The Inspector, LLC was present and stated that two (2) inspectors would cover this area, that being himself and another inspector who is also covering the Syracuse area. The Town Attorney stated he would prepare the required legislation for introduction at the April 23, 2014 Town Board meeting.

**Training - Oneida County Association of Towns Meeting**

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

**(RESOLUTION NO. 82 OF 2014)**

**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 the Assessor and the Highway Superintendent to attend the Oneida County Association of Towns Meeting on Thursday, May 1, 2014 in Oneida, New York, 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 Messa	-	Aye
Councilman Reynolds	-	Aye
Supervisor Tyksinski	-	Aye.

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

Public Safety and Court Committee – Supervisor Tyksinski

**Training – Town Police Chief**

The Town Supervisor announced that a Police Chiefs’ conference is being held in July 2014 and he asked for Town Board consensus to authorize Police Chief Inserra to attend that event, which had been budgeted. The Town Board concurred.

**Appointment to fill Part-time Animal Control Officer (ACO) vacancy**

Upon recommendation of the Town Police Chief, Supervisor Tyksinski moved the adoption of the following Resolution, seconded by Councilman Miscione:

**(RESOLUTION NO. 83 OF 2014)**

**WHEREAS**, a vacancy exists in the position of Part-time Animal Control Officer due to the resignation of Austin Szkotak;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby appoint Jeffrey Madden to fill the vacancy of Part-time Animal Control Officer effective Thursday, April 10, 2014, at an hourly rate of Thirteen Dollars and Forty-five Cents (\$13.45), payable bi-weekly. The Town Board members voted as follows:

- |                     |   |                  |
|---------------------|---|------------------|
| Councilman Miscione | - | Aye              |
| Councilman Woodland | - | Aye              |
| Councilman Messa    | - | Aye              |
| Councilman Reynolds | - | ABSTAINED, since |
- Mr. Madden is related by marriage
- |                      |   |      |
|----------------------|---|------|
| Supervisor Tyksinski | - | Aye. |
|----------------------|---|------|

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

**Public Works and Sewer Committee – Councilman Messa**

**Municipal Separate Storm Sewer System (MS4) – Annual Report**

The Highway Superintendent presented the annual Municipal Separate Storm Sewer System report for 2013 and provided a summary of actions the Town had undertaken with regard to stormwater issues and management. The annual report requires the Town Supervisor’s signature, after which the Annual Report will be posted on the Town’s web site. The public can read the report and offer comments. This public (Town Board) meeting and the Town’s web site will suffice for a public hearing. The Annual Report must be filed with the New York State Department of Environmental Conservation by June 1, 2014. Thereafter, Councilman Miscione introduced the following Resolution for adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. 84 OF 2014)**

**WHEREAS**, the Town of New Hartford has been identified as a Municipal Separate Storm Sewer System (MS4) under the EPA's Phase II Stormwater Regulations under the Clean Water Act of 1999; and

**WHEREAS**, the Phase II Program requires each MS4 to prepare a Draft Annual Report on the Town's efforts to protect and improve the water quality of our streams and water bodies; and

**WHEREAS**, the public is invited to review the Draft Annual Report and provide input; and

**WHEREAS**, a Draft Annual Report has been prepared in conformance with the Phase II Regulations by the Highway Department; and

**WHEREAS**, the Annual Report must be submitted to the New York State Department of Environmental Conservation offices in Albany, NY, by June 1, 2014;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board accepts said Draft Annual Report and does hereby authorize and direct the Town Supervisor to execute same and that said Draft Annual Report is available for public review at the Town of New Hartford Town Clerk's Office, Town Web Site, and at the Highway Department.

Upon roll call, the Board members voted as follows:

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

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

**QUOTES - Security cameras at Sanger Public Works Garage**

Councilman Messa and the Highway Superintendent discussed monitoring the Sanger Public Works Garage because of the equipment housed at that site. Quotes were received for security cameras to be installed. Thereafter, Councilman Messa introduced the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 85 OF 2014)**

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**WHEREAS**, the Town of New Hartford has solicited quotes for the purchase and installation of security cameras at the Sanger Public Works Garage, 111 New Hartford Street, New Hartford, NY and has received the following quotes:

- General Security, 2252 Genesee Street, Utica, NY 13502
  - \$14,900 for a 16 channel digital recorder; 1 year parts and labor warranty
- TAS Electronics, 167 Whitesboro St., Yorkville, NY 13495
  - \$ 9,999 for a 16 channel DVD Burner; 1-year warranty on parts & labor; 3 year warranty on DVR
- Capraro Technologies, 401 Herkimer Rd., Utica, NY 1352
  - \$ 9,639 CTI camera, cabling, monitor, DVR, etc.

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby accept the quote from and does hereby award the contract to TAS Electronics for the purchase and installation of sixteen (16) cameras at/in the Sanger Public Works Garage, 111 New Hartford Street, New Hartford, NY 13413 at the total purchase price of \$9,999, including a one year warranty, and as more fully described in the quote on file with the Town Highway Superintendent.

The Supervisor polled the Board members who voted as follows:

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

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

**QUOTES - Security monitoring of sanitary sewer pump stations**

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

**(RESOLUTION NO. 86 OF 2014)**

**RESOLVED** that the New Hartford Town Board does hereby accept the quote from and does hereby award a contract to General Security, 2252 Genesee Street, Utica, NY 13502, for a new monitoring system for the Town's seven (7) sewer pump stations at the total purchase price of \$6,125 and as more fully defined in said quote on file with the Town Highway Superintendent.

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



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

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

**Equipment Upgrade**

Upon request of the Highway Superintendent, Councilman Messa introduced the following Resolution for adoption; seconded by Councilman Miscione:

**(RESOLUTION NO. 87 OF 2014)**

**RESOLVED** that the New Hartford Town Board does hereby authorize the Highway Superintendent to place for auction with Auctions International, the following equipment/vehicle:

- 2012 Ford F350 Pick-up Truck, VIN 1FTRF3B66CEA94823
- 2009 Bobcat Loader Model No. S220, Serial No. A5GK35091

and if the sale of both items brings in sufficient monies to cover the cost of purchasing a new pick-up truck and new loader on State Contract, then the Highway Superintendent would be authorize to upgrade the equipment/vehicle; if sufficient monies are not realized by the auction to cover the cost of new equipment/vehicle, then the Town would keep the 2012 Ford and 2009 Bobcat.

A roll call vote ensued:

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

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

**Trash/Brush Schedule**

The Highway Superintendent and Councilman Messa had collaborated on a new design for the annual Trash/Brush Schedule and negotiated with the Town Crier, resulting in a substantial cost savings. Councilman Messa commended the Highway Superintendent for getting the printed schedule together in such a short time.

**State Funds to fill potholes**

The Highway Superintendent announced that of the approximate \$40,000,000 the State has approved for road improvements, the Town of New Hartford would receive \$18,537.73 to fill potholes.

**Senior Citizen Committee – Councilman Reynolds**

Upon request of the Director of Senior Services, Councilman Reynolds introduced the following Resolution that was duly seconded by Councilman Messa:

**(RESOLUTION NO. 88 OF 2014)**

**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; and

**WHEREAS**, the Capital District Physicians Health Plan (CDPHP) has donated funds to sponsor the 2014 May Volunteer Recognition Program, the New Hartford Senior Center Anniversary in October and the Veterans Day dinner;

**NOW, THEREFORE, BE IT RESOLVED** that said Town Board does hereby accept the donation of One Thousand Six Hundred Fifty Dollars (\$1,650) from said CDPHP to fund the aforementioned senior citizen events and that if there is money remaining, said overage would be used for a free Christmas dinner at the New Hartford Adult Dining and Activity Center; and

**BE IT FURTHER RESOLVED** that the said Town Board does hereby authorize and direct the Accounting Department to increase the Nutrition Center Contractual Account No. A6772.4 and the Nutrition Center Revenue Account No. 2705.1 by the amount of One Thousand Six Hundred Fifty Dollars (\$1,650).

The Town Supervisor polled the Board members who voted as follows:

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

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

**Parks and Recreation Committee – Councilman Reynolds**

**Appointment – Seasonal Park Employees**

Upon recommendation of Parks and Recreation Director Michael Jeffery, the following Resolution was introduced for adoption by Councilman Reynolds and duly seconded by Councilman Woodland:

**(RESOLUTION NO. 89 OF 2014)**

**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 June 30, 2014 for all employees and ending August 29, 2014 with the exception of the Park Laborers who will work until August 30, 2014; all wages to be paid bi-weekly:

<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
Michael Kelly	Park Laborer II	\$ 9.60/hour
Dustin Benton	Park Laborer II	\$ 9.60/hour
Bryan Hoffman	Park Laborer II	\$ 9.60/hour
Vincent Servadio	Park Laborer II	\$ 9.60/hour
Meredith Doyle	Director	\$12.50/hour
Katelynn Duffy	Director	\$12.50/hour
Kyle Hutchinson	Director	\$12.50/hour
Kristi Denison	Director	\$12.50/hour
Daniel Duffy	Assistant Director	\$ 9.75/hour
Samantha North	Assistant Director	\$ 9.75/hour
Ronald German	Recreation Attendant II	\$ 8.70/hour
Kathryn Kasky	Recreation Attendant II	\$ 8.70/hour
Chris Faro	Recreation Attendant II	\$ 8.70/hour
Marisa Mauro	Recreation Attendant I	\$ 8.05/hour
Amanda Tucciarone	Recreation Attendant I	\$ 8.05/hour
Elizabeth Baldwin	Recreation Attendant I	\$ 8.05/hour
Rebecca Hughes	Recreation Attendant I	\$ 8.05/hour
Samantha Long	Recreation Attendant I	\$ 8.05/hour
Samantha Hollister	Recreation Attendant I	\$ 8.05/hour
Erica Pendrak	Recreation Attendant I	\$ 8.05/hour
Robin Wheatley	Head Bus Driver	\$14.30/hour
Kirstin Abbe	Bus Driver	\$13.30/hour
Sandra DeSarro	Bus Driver	\$13.30/hour

<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
Renee Kowalski	Bus Driver Sub	\$13.30/hour
Harold Kaffka	Adult Basketball Director	\$14.75/hour
Andrew Goodelle	Youth Basketball Director	\$15.50/hour
Jesse Orton	Summer Theater Director	\$17.90/hour
Katie Klimacek	Assistant Theater Director	\$ 9.90/hour
Anna Wanner	Pool Director	\$13.15/hour
Scott Wanner	Assistant Pool Director	\$11.80/hour
Jeremy Rose	Certified WSI & Lifeguard	\$10.95/hour
Michael Peterson	Certified WSI & Lifeguard	\$10.95/hour
Sara Dreimiller	WSI & Lifeguard	\$ 9.30/hour
Ashley Chiffy	Splash Pad Attendant	\$ 8.35/hour.

Whereupon, the Town Board voted upon roll call:

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

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

**Tobacco-Free Policy/Parks and Recreation**

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

**(RESOLUTION NO. 90 OF 2014)**

**WHEREAS**, the Town of New Hartford and its Parks and Recreation Department wishes to protect the health, welfare, and safety of its playground patrons;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby adopt the following Tobacco-Free Policy, effective immediately:

**POLICY STATEMENT**

The Town of New Hartford is committed to providing a high quality of living for all residents.

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1. Tobacco product use in proximity of children engaging in recreational activities is unhealthy and detrimental to their health.
2. Tobacco products once consumed in public spaces are often discarded on the ground, thus posing a risk of ingestion to toddlers and causing a litter problem.
3. As parents, leaders, coaches, and officials, we are thought of as role models, and the use of tobacco products around youth has a negative effect on their lifestyle choices.

The Town of New Hartford does not allow the use of tobacco products on any town-owned or operated playground. "No Tobacco Use" signage will be posted at playgrounds. Enforcement of the Tobacco-Free Park policy is through voluntary compliance.

Parks and Recreation Director Michael Jeffery stated that the signs are being supplied free of charge and that the Town Attorney has reviewed the Policy Statement. Thereafter, the Town Board was polled and voted as follows:

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

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

**Park Security Proposals**

Councilman Reynolds noted that the Parks & Recreation Director had solicited Requests for Proposal (RFPs) for outside agencies to patrol and enforce regulations in its three (3) Parks; of the four (4) companies solicited, only two (2) submitted their proposals:

- L. B. Security, 2507 Genesee Street, Utica, NY 13502
  - Total - \$11,432/season (\$24.96 all hours worked)
  - \$1 million/\$5 million occurrence/General Liability
  - \$4,000 season/vehicle cost
- US Security Assoc., 1723 Burnet Ave., Syracuse, NY 13206
  - Total - \$11,191/season (\$23.81 regular hrs worked/\$33.87 Holiday/OT worked)
  - \$1 million/\$1 million Occurrence/General Liability

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- o \$3,600 season/vehicle cost

In addition to the proposals having been reviewed by the Parks & Recreation Director, the Town Police Chief and Police Lt. O’Neil, the proposals had been reviewed by the Parks & Recreation Committee. Funds in the 2014 Budget were appropriated to increase security in the parks from Memorial Day to Labor Day and certain times during the week. Councilman Reynolds then offered the following Resolution for adoption; seconded by Councilman Messa:

**(RESOLUTION NO. 91 OF 2014)**

**RESOLVED** that the New Hartford Town Board does hereby accept the Request for Proposal for parks security submitted by L.B. Security 2507 Genesee Street, Utica, NY 13501 in the amount of Eleven Thousand Four Hundred Thirty-two Dollars (\$11,432) and does hereby award a contract to said firm for the man power only for securing the Sherrillbrook Park, Washington Mills Athletic Park and the Donovan Memorial Park for the period beginning the 2014 Memorial Day weekend through the 2014 Labor Day weekend, and as more fully defined in said contract. The Town of New Hartford will provide the vehicle, a recently retired 2006 Police Dodge Charger that will be serviced and lettered as New Hartford Park Security.

A roll call vote ensued:

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

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

MATTERS SUBMITTED BY COUNCILMEN / TOWN ATTORNEY

Councilman Reynolds:

**Woodberry Road drainage** – \*(Amended at the April 23, 2014 Town Board meeting)

the Town had made a statement to do some work during the winter but because the ground froze, nothing could be done. He expressed concern that if the Town experiences a hard rainstorm that much of the Town’s work would be lost. He noted that the “...homeowners put a lot of sweat, blood and tears into protecting their properties”. If we get another storm this season, the Town could loose a lot of work already done. The Town needs to finish securing easements. The Town Attorney stated he was “...on top of

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getting easements” and that the Highway Superintendent had provided him with a list. Thereafter, Councilman Reynolds offered the following Resolution for adoption and Councilman Miscione seconded same:

**(RESOLUTION NO. 92 OF 2014)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby retain the services of the following excavators for storm drainage work in fiscal year 2014 at the hourly rate of One Hundred Thirty-five Dollars (\$135) per hour:

- John Spinella Excavating Co., 3274 Martin Road, Clinton, NY 13323
- L.P. Trucking & Excavation, Inc., 8290 Gore Road, Rome, NY 13440
- Roberts Construction of Upstate New York, Inc., 115 Genesee Street, New Hartford, NY 13413

The Town Supervisor polled the Board members who voted as follows:

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

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

MATTERS SUBMITTED BY TOWN SUPERVISOR

Finance

**Amendment to Procurement Policy – Petty Cash**

Upon presentation by Finance Director Daniel Dreimiller, Councilman Reynolds moved the adoption of the following Resolution; seconded by Councilman Messa:

**(RESOLUTION NO. 93 OF 2014)**

**WHEREAS**, in past years the New Hartford Town Board had provided one (1) Petty Cash account shared by the Town Police Department, the Emergency Dispatch Department, Town Court and the Animal Control Office; and

**WHEREAS**, it is no longer feasible for the Town Court to share a Petty Cash fund with other departments due to the number of people paying fines with currency and Town Court employees having an adequate amount of cash to make change;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby approve and establish a separate Petty Cash fund for the Town Court in the amount of One Hundred Fifty Dollars (\$150) and that the Town's procurement policy be amended accordingly.

Upon roll call, the Town Board members voted as follows:

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

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

**Proposed Amendment – Town Code, Chapter 107B/Telecommunications Facilities**

The Town Attorney asked the Town Board if it would consider a proposed amendment to Chapter 107B of the Town Code with relation to the collocation of commercial towers in commercial districts. Town Board consensus was for the Town Attorney to prepare the required local law for introduction at the April 23, 2014 Town Board meeting.

Consensus was to have a Public Hearing on May 14, 2014 and it was noted that SEQR review would be required. Thereafter, Councilman Miscione moved the adoption of the following Resolution, which was seconded by Councilman Woodland:

**(RESOLUTION NO. 94 OF 2014)**

**RESOLVED** that the New Hartford Town Board will hold a Public Hearing on May 14, 2014 on a proposed amendment to the Town Code, Chapter 107B entitled Telecommunications Facilities, and which amendment will be prepared by the Town Attorney for present at the April 23, 2014 Town Board meeting.

The Town Board was polled and voted as follows:

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

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



**SEQR – Lead Agency Status for Comprehensive Plan and Zoning Law/Map Update**

Codes Enforcement Officer initiated discussion on the Comprehensive Plan and Zoning Law/Map update including a public hearing, timeframe and SEQR review. The Town Clerk stated she has not received any documents in this regard; Supervisor Tyksinski requested that the Codes Enforcement Officer provide the Town Clerk with the necessary documents. Thereafter, Councilman Messa offered the following Resolution for adoption; seconded by Councilman Miscione:

**(RESOLUTION NO. 95 OF 2014)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby declare itself as Lead Agency in the matter of the Town Comprehensive Plan update and the Zoning Law/Map update; and be it

**FURTHER RESOLVED** that the Town Board does hereby authorize and direct the Town Clerk to forward copies of said Comprehensive Plan update and Zoning Law/Map update to all interested and/or involved agencies for SEQR review.

It was the Board's consensus to schedule a public hearing upon this matter for the May 14, 2014 Town Board meeting. Upon roll call, the Town Board voted as follows:

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

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

**Audit of Vouchers**

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

**(RESOLUTION NO. 96 OF 2014)**

**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:

Street Lighting Fund Abstract #4	
Vouchers SL5	\$ 9,500.21
Brine Equipment Fund Abstract #4	

Vouchers HS31	\$ 90.72
Trust & Agency Fund Abstract #10	
Vouchers TT48-TT56	\$ 13,413.76
Trust & Agency Fund Abstract #12	
Vouchers TT58-TT61	\$ 5,474.62
Trust & Agency Fund Abstract #13	
Vouchers TT62-TT68	\$ 13,621.93
Highway Fund Part-Town Abstract #7	
Vouchers DB2246-DB264; DB266-DB315	\$ 147,614.37
Highway Fund Whole-Town Abstract #2	
Vouchers DA2	\$ 200.00
General Fund Part-Town Abstract #8	
Vouchers BB46	\$ 6,187.78
General Fund Part-Town Abstract #9	
Vouchers BB47-BB53	\$ 957.03
General Fund Whole-Town Abstract #10	
Vouchers AA380-AA389; AA391	\$ 36,463.45
General Fund Whole-Town Abstract #10A	
Vouchers AA390	\$ 200.00
General Fund Whole-Town Abstract #11	
Vouchers AA392-AA453; AA455-AA499	\$ 95,432.26
Sewer Fund Abstract #7	
Voucher SS71	\$ 1,556.44
Sewer Fund Abstract #8	
Voucher SS572-SS79	\$ 8,712.96
<b>TOTAL</b>	<b>\$353,958.59</b>

Upon roll call, the Board members voted as follows:

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

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

**EXECUTIVE SESSION**

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

**(RESOLUTION NO. 97 OF 2014)**

**RESOLVED** that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the acquisition of real estate (Rayhill Trail Extension), current litigation Kessler vs. the Town and pending claim of Shenko vs. Town.

A roll call vote ensued:

Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	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 7:50 P.M. The Town Attorney and Deputy Supervisor remained for the Executive Session.

**END OF EXECUTIVE SESSION**

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

**(RESOLUTION NO. 98 OF 2014)**

**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 Messa	-	Aye
Supervisor Tyksinski	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 8:18 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public re-invited to the meeting.

**Special Counsel – Kessler vs Town of New Hartford**

Councilman Woodland introduced the following Resolution for adoption; seconded by Councilman Messa:

**(RESOLUTION NO. 99 OF 2014)**

**RESOLVED** that the New Hartford Town Board does hereby approve retaining special counsel to defend the Kessler action at a cost of no more than Two Hundred Dollars (\$200) per hour.

A roll call vote ensued:

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

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

**Acquisition of real estate – Rayhill Memorial Trail Extension**

Councilman Miscione then introduced the following Resolution that was duly seconded by Councilman Reynolds:

**(RESOLUTION NO. 100 OF 2014)**

**RESOLVED** that the New Hartford Town Board does hereby approve the sale of a one-acre of land adjacent to the McCraith property for the same price the Town of New Hartford is purchasing one (1) acre of his land based upon survey map by Delta.

The Town Board members voted upon roll call:

Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	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 8:20 P.M.

REGULAR TOWN BOARD MEETING  
April 9, 2014  
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Respectfully submitted,

Gail Wolanin Young, Town Clerk