

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 9, 2014 AT 6:58 P.M.

Town Supervisor Patrick Tyksinski called the meeting to order at 6:58 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 Joseph A. Booth  
Deputy Clerk Melody K. Fancett  
Deputy Supervisor Matthew Bohn III  
Highway/Sewer Superintendent Richard C. Sherman  
Parks & Recreation Director Michael W. Jeffery  
Police Chief Michael Inserra  
Town Attorney Herbert J. Cully

Thereafter, a quorum was declared present for the transaction of business. In the absence of the Town Clerk who was on vacation, Deputy Clerk Fancett was present to record the minutes.

MINUTES APPROVAL

June 11, 2014 Town Board Meeting:

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

(RESOLUTION NO. 148 OF 2014)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Town Board meeting held June 11, 2014, and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly ADOPTED.

PUBLIC HEARING:

7:00 P.M.

Highway Department Union Contract  
Teamsters Local 182

The Supervisor opened the Public Hearing at 7:00 P.M stating that the Town's proposal to deal with the 2011 year – since we're at an impasse – was to take the current contract that we're under and vote by this Board to keep this contract in place for the 2011 year, which means that all things in the contract currently would remain in for the 2011 contract. The Town Board could then proceed on to 2012, 2013, and 2014.

[NOTE: The Deputy Clerk had available the Notice of Public Hearing, Affidavit of Posting, and the Proof of Publication in the June 29, 2014, edition of the Observer Dispatch.]

Attorney Cully explained this is legislative imposition that we're now at as a result of the impasse and the inability to resolve this matter. At the June 2014 Town Board meeting, the Supervisor provided the Town Board with a copy of the findings and recommendations of the mediator, as well as his position as it relates to what he feels is fair to resolve this. This is a Public Hearing for the employee organization to submit to the Town Board its recommendations as to what they feel is fair and reasonable and to explain their position as it relates to the fact-finder report.

Supervisor Tyksinski asked if anyone wished to speak in the matter; no one came forth.

Supervisor Tyksinski recommended leaving the Public Hearing open until at least after the public presentation/comment portion of the meeting in case someone came in to speak.

PUBLIC PRESENTATIONS (Resident Comments)

James Varieur – Addressed the Board regarding the reevaluation of Town Assessments. Mr. Varieur is a member of the New Hartford Board of Assessment Review, and, after speaking with Assessor Abbatocola, he feels the equalization rate, which is 81% in the Town, is affecting the Town and should be at 100%. He explained that when the equalization rate is below 100% it means the Town's Assessed value is greater than what the actual value is. He would like to save the Town money and offered some facts: He said in 2004 it cost the Town \$500,000.00 to reevaluate the Town. If the Assessor has three part-time people for six months at the cost of \$75,000.00, the data collection and the reevaluation could be done without the help of an outside agency. The whole program could be done with a savings of \$375,00.00 in Town funds. Mr. Varieur feels that hiring an outside agency to do the reevaluation could be bad because they don't necessarily know the Town and you will have people lined up on grievance day.

Supervisor Tyksinski explained that the reevaluation has been discussed numerous times in the past and that cost is a factor. Other factors being considered is that 81% is what the rate was when he first took

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office but that percentage has increased and now is at 85%. When Paul Smith was Assessor they worked hard to increase this rate.

Attorney Cully stated that the Town of Webb just went through a similar process which resulted in substantial litigation and a lot of expenses defending the litigation; such cost should be a factor.

Mr. Varieur feels the Town of Webb let things go too long, and when they did the reevaluation it got so residents could no longer afford to reside in the Town anymore. He would like to see the Town of New Hartford deal with this now before the Town gets forced.

Supervisor Tyksinski said the Board will review the matter again along with Mr. Varieur's comments. Mr. Varieur left the Town Board some figures to consider.

PUBLIC HEARING: Continued:

7:08 P.M.

Highway Department Union Contract  
Teamsters Local 182

After being about 8 minutes in with still no residents wishing to speak, Councilman Reynolds requested to keep the hearing open until after the Reports of Town Officials.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRPERSON

Town Clerk Committee – Councilman Woodland

ZONE MAP AMENDMENT – TOWN OF KIRKLAND

The Kirkland Town Board has a Zone Map Amendment and has notified the Town in accordance with SEQR.

Attorney Cully has a conflict on this issue because he is the attorney for the applicant. He explained that the letter from the Kirkland Town Board states they intend to act as lead agency and that the purpose of the letter is, by law, their notification to the Town of New Hartford, that they intend to act as lead agency and that the New Hartford Town Board could contest this if they want to be lead agency due to the close proximity of the Zoning issue to the Town of New Hartford. If the New Hartford Town Board does nothing, then the Town of Kirkland is lead agency. No action was taken.

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. 149 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;

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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 Tuesday, July 15, 2014 in the Trenton Town Park Pavilion.

Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly ADOPTED.

Parks & Recreation Committee – Councilman Reynolds

Appointment – Seasonal Park Employee

Upon recommendation of Parks and Recreation Director Michael Jeffery, the following Resolution was introduced for adoption by Councilman Messa and seconded by Councilman Miscione.

(RESOLUTION NO. 150 OF 2014)

WHEREAS, a vacancy was created due to a conflict with Jeremy Rose accepting full session employment but did accept partial session employment;

NOW, THEREFORE BE IT RESOLVED that the Town Board does hereby appoint Walker Brown to the Swim Program as a Certified WSI & Lifeguard at the rate of pay of \$10.95, payable bi-weekly, effective immediately.

The position is budgeted. Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly ADOPTED.

Public Works & Sewer Committee – Councilman Messa

Wilbur Road and Golf Ave – FEMA Money:

Councilman Messa explained that Highway Superintendent Sherman had secured some FEMA monies in the amount of \$73,000.00 for Wilbur Road and Golf Ave. to repair concrete broken by last year's storm. Highway Superintendent Sherman has secured two quotes and will use the grant money to repair back to original structure. Also through Barton & LoGuidice Councilman Messa would like to improve this to

last through a 50-year or a 100-year storm at the cost of \$200,000.00 to \$250,000.00 per street. Councilman Messa is asking that the Board go over and review this project and bring back their thoughts at the next Town Board meeting.

SEQR RESOLUTION – Emergency Watershed Protection – Elm Street, Sauquoit Creek:

Attorney Cully explained that the Town Board needs to do two different things: First, Supervisor Tyksinski needs authorization to sign the completed short Environmental Assessment Form, and also a Resolution declaring the Town as lead agency in regards to this project.

Attorney Cully stated that the project location is the west bank of Sauquoit Creek, immediately north of Elm Street and east of Oneida Street and the Proposed Action consists of installing a 400 foot long stacked stone wall along the eroded west bank of Sauquoit Creek, beginning at the Elm Street crossing of Sauquoit Creek and continuing north (downstream). Flood events have caused significant erosion and escarpments on Sauquoit Creek's west bank, and the stacked stone wall will be constructed to repair and restore the stream bank as well as armor it against erosive forces of future flood flows. This project has all been completed in accordance with the State and Environmental Laws.

[The project description also includes a 12 foot (maximum) high wall that will have a 1H;6V slope of its front face, and it will consist of 3'x3'x4' dimensional stones. One course of stone will be embedded in the stream bottom, and where there is shallow bedrock (within 3' of the stream bottom), the bottom course will be pinned to the bedrock. At the south end, the wall will tie into the existing Elm Street bridge abutment. It will terminate with a stone stream barb at the north end.]

Highway Superintendent Sherman noted there is an additional 400 feet along Sauquoit Creek near the church on Oneida Street; this would cost an additional \$16,000. Because the Finance Director was unable to attend tonight's meeting, the matter of what account this expense would be paid from will be determined in the near future by the Finance Director and Highway Superintendent.

It is proposed that the Town be Lead Agency even though The Natural Resource Conservation Service (NRCS) has designed the project and will be managing the bidding/construction phases, in addition to paying for improvements.

Councilman Messa moved the adoption of the following Resolution, which was seconded by Councilman Miscione:

(RESOLUTION NO. 151 OF 2014)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to sign and file the Short Environmental Assessment Form (617.20 Appendix B) relating to the project entitled "Emergency Watershed Protection – Elm Street (Sauquoit Creek)"; and be it

FURTHER RESOLVED that the said Town Board does hereby authorize and direct The National Resource Conservation Service (NRCS) to advertise the bidding of this project.

Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly ADOPTED.

Councilman Messa moved the adoption of the following Resolution, which was seconded by Councilman Miscione:

(RESOLUTION NO. 152 OF 2014)

Project Action: Elm Street Emergency Watershed Protection

RESOLUTION ESTABLISHING THE TOWN OF NEW HARTFORD AS LEAD AGENCY AND DETERMINING THAT THE PROPOSED EMERGENCY WATERSHED PROTECTION PROJECT INVOLVING BANK STABILIZATION OF SAUQUOIT CREEK AT ELM STREET IS AN UNLISTED ACTION AND WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT.

WHEREAS, the Town of New Hartford ("Town") is proposing to construct a 400 foot-long wall along the west bank of Sauquoit Creek on approximately one acre of land currently owned by the Town of New Hartford and located immediately north of the Elm Street crossing of Sauquoit Creek in the Town of New Hartford, Oneida County, New York (the "Project"); and

WHEREAS, the Town will serve as "lead agency" (as this quoted term is defined in the SEQRA Regulations); and

WHEREAS, the Town determined that a SEQRA coordinated review of the Project was not necessary due to the minor impacts to the stream and since NRCS is the designer, funding agency and construction manager; and

WHEREAS, the SEQRA requires that certain procedures be followed and that certain determinations be made regarding such an activity; and

WHEREAS, pursuant to the SEQRA Regulations, the Town of New Hartford has considered the significance of the potential environmental impacts of the Project by (a) using the criteria specified in Section 617.7 of the SEQRA Regulations, and (b) examining the EAF for the Project, including the facts and conclusions in Parts 1, 2, and 3 of the EAF, together with other available supporting information, to identify the relevant areas of environmental concern:

NOW, THEREFORE, BE IT

RESOLVED, pursuant to and in accordance with the requirements of SEQRA, the Town of New Hartford hereby establishes itself as lead agency for the Project; and

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RESOLVED, that based upon an examination of the EAF and other available supporting information, and considering both the magnitude and importance of each relevant area of environmental concern, and based further upon the Town's knowledge of the area surrounding the Project, the Town makes the determination that the Project will not have a significant adverse environmental impact and that the Project will not require the preparation of a Draft Environmental Impact Statement; and

BE IT FURTHER RESOLVED, that as a consequence of such findings and declaration and in compliance with the requirements of SEQRA, the Town of New Hartford, as lead agency, hereby directs the Town Supervisor to sign a Negative Declaration in accordance with 6 NYCRR Section 617.12; this Resolution shall take effect immediately.

Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly ADOPTED.

Parks & Recreation Committee – Councilman Reynolds

Seasonal Appointments:

Councilman Reynolds offered the following resolution for adoption and seconded by Councilman Messa:

(RESOLUTION NO. 153 OF 2014)

WHEREAS, due to more on-site registrations with the playground/swim program, the Parks Director Michael Jeffery recommended the hiring of additional seasonal help;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby appoint Brianna Fuccillo as a Lifeguard at the hourly rate of \$9.30, payable bi-weekly, effective immediately. The position is budgeted.

Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly ADOPTED.

MATTERS SUBMITTED BY COUNCILMEN / TOWN ATTORNEY / DEPUTY SUPERVISOR

Councilman Messa:

Liquor License – Hotel Willowvale

Councilman Messa has received a copy of the Willowvale Hotel's Renewal Application for Alcoholic Beverages and offered the following Resolution for adoption; Councilman Woodland seconded:

(RESOLUTION NO. 154 OF 2014)

RESOLVED that the Town Board of the Town of New Hartford does hereby acknowledge receipt of the Liquor License Renewal Application of the Hotel Willowvale and does not object to the State renewing said application.

Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly ADOPTED.

Edwards Ambulance – Primary Provider of Town of New Hartford

Councilman Messa offered the following resolution for adoption and was seconded by Councilman Miscione:

(RESOLUTION NO. 155 OF 2014)

WHEREAS, it is desirous to acknowledge Edwards Ambulance as a long-standing company in the Town of New Hartford who has offered its service 24/7, twenty-four (24) hours a day, seven (7) days a week;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby designate Edwards Ambulance as a primary provider for the Town of New Hartford, NY, based upon the contingency of their presence in the Seneca Turnpike area, 24 hours a day, 7 day a week, and that they be made the preferred provider of the Town of New Hartford.

Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly ADOPTED.

Councilman Miscione:

Digital Towpath – Town Website

Councilman Miscione has reviewed the Town of New Hartford website features and has a couple of suggestions. At this point, the Town has an “information-only” website that is not interactive with the residents.

DISCUSSION:

Councilman Miscione explained that if department heads give information to be put on the Town’s website, they can just compile it; there is nothing that interacts with the residents (Ex: road closures, flooding, tree down, power line down, updates, notifications, mobile alerts, meeting notices, calendars). Updating Digital Towpath will change this. Supervisor Tyksinski asked where this can be used that is different than what we have now. Councilman Miscione said this is a huge resource even for the Town Clerk’s Office (residents can pay dog licenses online etc.); Parks Director Mike Jeffery said his concern with processing permits online would be the signature and how the database goes. He said what they do now does suffice; could it be better, sure. Codes Enforcement Officer Booth said he actually has had quite a bit of requests for this but also said his concern would be the sketch portion of the application which is required to be submitted. This could be scanned and forwarded or mailed and he is interested in being able to use credit cards. Councilman Miscione stated a lot of large cities are using this and he can meet with various department heads to find out interest and needs; he also will review various sites and get proposals and will bring his finding back to the Town Board.

Sylvan Way Street Light Proposal

Councilman Miscione has a proposal from National Grid for 6 street lights but because a lot of Sylvan Way residents want to get involved, he also got a quote for 12 street lights. The 12 street lights will cost \$640.00 each for a total of \$7,680.00 a year. Councilman Miscione would like the Town Board’s permission to get the petition signed by the residents so the lighting can be installed by National Grid. None of the Town Board objected to the petition getting signed.

Middlesettlement Road (County Road 30) Storm drainage

The Storm drainage waterway on Middlesettlement Road between the Affordable Housing project and Liberty Ave is overgrown, and National Grid and the Cable TV Company are dumping debris/trees in the waterway which is totally blocked. Councilman Miscione is concerned that if we get another big storm, there is nowhere for the water to go. Councilman Miscione requested a “no dumping” sign at this location. Supervisor Tyksinski would like both companies contacted and also would like to know who the current owner of this location is. Highway Superintendent Sherman thinks WalMart Distribution Center owns this land; he will find out and take a look at the situation.

Drainage Issues – Higby Road to Pleasant Street

Councilman Miscione would like to create a drainage study to help residents with drainage issues in his district. The residents’ properties are being destroyed from yards, pools, to homes. He has people constantly calling him with every rainstorm. Supervisor Tyksinski said it’s a problem all the way up the hill but is not sure what a study will do to help people. Supervisor Tyksinski said it’s going to be expensive for the residents. The last drainage district was two million dollars and the Town blew through it in no time. Drainage is a problem all over the Town. Attorney Cully asked if this was a Town issue or a

private issue. Supervisor Tyksinski stated most of this is a private issue, and that the Town cannot fix everybody's water problem. Councilman Messa asked if there was anything the Town could do at the roadside? Councilman Reynolds said every case should be looked at case –by – case; and that if it's a Town issue. The Highway Department will do what they can to correct it. Also, he mentioned that when a contractor comes in, he needs to be held to a higher standard and also will need to submit a substantial performance bond for whatever the length of the project to approve the system (although meeting specs) works long after a project is completed. Supervisor Tyksinski suggested changing some legislation which might help some residents in the future, but currently there is not much the Town can do at this point.

Annual Curbside Trash Pick-up:

Councilman Miscione introduced the following resolution for adoption and was seconded by Councilman Woodland:

(RESOLUTION NO. 156 OF 2014) \*Defeated

WHEREAS, Councilman Miscione would like the annual curbside trash pick-up reinstated for September 2014, since monies are in the Town Budget; and

WHEREAS, Councilman Miscione has drafted curbside trash pick-up requirements such as items that the Town will pick up and those items the Town will not pick up, as well as addressing illegal scrapping and dumping, which should narrow down all concerns;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby reinstitute the annual curbside trash collection effective September 2014.

Discussion Followed: Supervisor Tyksinski said that the Highway Superintendent came up with a great system [tag system and dumpster at the Sanger Building] and that the residents have a lot more availability with the current system. Being a Village resident, Supervisor Tyksinski is aware the Village performs curbside trash collection for only one weekend whereas it would take the Town at least four weeks to offer the curbside trash collection; the cost of this program is a concern. Councilman Reynolds is happy with the current system. He is concerned with manpower and equipment. He stated that while Town employees are out picking up trash, other duties are being neglected. He is glad that the Town got away from the curbside trash pick-up and does not want to go back. Councilman Miscione would like to institute a permit system for scrappers. If no permit is issued, the Police can issue tickets. Supervisor Tyksinski stated the Town is already short staffed. The Highway Department and the Police Department are already short on manpower and trash pick-up is not the best utilization of either department at this time. He also stated that trying to prove a scrapper is a scrapper and who actually owns the property would be an issue. Supervisor Tyksinski said the Highway Department is currently wrapping up a project on Woodberry Road with Spinella Contracting. He said if the Highway employees were out picking up garbage, it would cost the Town more money for Spinella (or other contractors) to hire employees to complete these projects. The curb-side trash pick-up was something the Town already tried and did not work. Councilman Messa is torn in the middle. He has residents who want to bring it back but has a little concern with the timing. The Highway Department is picking up leaves in September. Councilman Miscione asked if the curb-side trash pick-up could be done a little neater (maybe on a schedule, a different area every week); Highway Superintendent Sherman stated that the brush pick-up is on a

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schedule, but drive through the Town; people do not follow the schedule. He said he's seen brush put to the road as soon as the trucks go by but he would do whatever the Board chooses.

Upon roll call, the Board members voted as follows:

Councilman Miscione	-	Aye
Councilman Woodland	-	Aye
Councilman Reynolds	-	Nay
Councilman Messa	-	Nay (due to timing and understaffing situation)
Supervisor Tyksinski	-	Nay

The Resolution was declared DEFEATED.

Deputy Supervisor Matthew Bohn:

Telephone System RFP Results / Action:

Deputy Supervisor Bohn stated that the Town had advertised for a new Telephone System with the advertisement for RFP's being published in the Observer Dispatch and that only one vendor had submitted a bid by the submission deadline of June 20, 2014. Councilman Miscione introduced the following resolution for adoption which was seconded by Councilman Messa:

(RESOLUTION NO. 157 OF 2014)

RESOLVED that the New Hartford Town Board does hereby accept and approve the Request For Proposal submitted by Northland Communications for a Telephone System at the cost of \$54,503.00 to include the initial installation as outlined in the IPO Proposal, all equipment, installation, on-site training, 5-Year soft wear, 1-Year headwear agreement; and an optional hardware agreement is available for \$9,200.00 a year.

Discussion: All Time Warner lines will be replaced with Northland Lines and will be a State-Of-The-Art System. Councilman Reynolds asked if Time Warner could bid this, and Deputy Supervisor Bohn stated no because of the systems.

Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly ADOPTED.

Town Attorney:

Hydrofracking Update:

Attorney Cully stated that the Court of Appeals (the highest court) affirmed the Town of Dryden decision on hydrofracking which is good news that this is all done.

FRANCHISE AGREEMENT - COMCAST/TIME WARNER CABLE

Attorney Cully received a call from an attorney in Pennsylvania who specializes in negotiating contracts with Comcast and Time Warner. This Attorney is also working with the New Hartford Village Attorney Gus Detraglia; he is charging the Village of \$4,500.00 for his services and will do a complete audit. This attorney will supply Attorney Cully with a proposal. The more municipalities on board will result in the better the savings on legal fees for municipalities.

MATTERS SUBMITTED BY TOWN SUPERVISOR

RETENTION POND - Woodberry Road:

Town Supervisor Tyksinski reported this project is just about done. The retention pond has been cleaned out and additional pipes were installed. The drainage pipe has been cleaned out. With the last big rain this pond was monitored and it seems to be working fine. Councilman Messa said it's amazing up there and the pond was nicely done.

MAINTENANCE OF RETENTION PONDS:

Supervisor Tyksinski stated the Town now have a listing of all the retention ponds in the Town and it is now the Parks responsibility to maintain, mow, and repair them.

SANGERTOWN SQUARE ASSESSMENT:

Supervisor Tyksinski stated there was a situation that, through an error, the Sangertown Assessment was reduced and needs to be corrected. Councilman Reynolds introduced the following resolution which was seconded by Councilman Miscione;

(RESOLUTION NO. 158 OF 2014)

WHEREAS, during the transition of Assessors in 2013, an error occurred thereby reducing the assessment of the Sangertown Mall (Tax Map # 328.008-1-12.1) from \$85,081,710 to \$78,081,710, which needs to be corrected;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize the reconvening of the Board of Assessment Review in order to correct the Sangertown Mall Assessment.

Discussion: Attorney Cully explained the procedure under Real Property Tax Law, Section 503, that in order for a correction to be made, the process involves completing a petition which then must be presented to the Board of Assessment Review and notice to the Sangertown Square property owner who has the right to contest and then the final decision will be up to the Board of Assessment Review. Attorney Cully will assist the Assessor with completing and signing the petition. Upon roll call, the Board members voted as follows:

Councilman Miscione	-	Aye
Councilman Woodland	-	Aye

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Councilman Reynolds	-	Aye
Councilman Messa	-	Aye
Supervisor Tyksinski	-	Aye

The Resolution was declared unanimously carried and duly ADOPTED.

Budget Adjustment – Board of Assessment Review

Councilman Reynolds introduced the following resolution which was seconded by Councilman Miscione:

(RESOLUTION NO. 159 OF 2014)

RESOLVED that the Town Board does further authorize the transfer of \$1,200.00 from General Fund account AA1990.4, Contingency Account, to General Fund account AA1355.13, Board of Assessment Review salaries, to cover wages related to the correction of the Sangertown Square Assessment, Tax Map No. 328.008-1-12.1.

Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly ADOPTED.

Motor Pool Committee - Town Vehicle Usage:

Supervisor Tyksinski said that due to certain instances that have arisen in the past and were dealt with, he feels the Town does not have a firm policy on Vehicle Usage (who, when, why, with exception of Police Chief and Highway Superintendent). He would like to set up a committee to look into various departments and their vehicle usage needs. Several years ago Councilman Backman was supposed to review the current policy and department needs with various departments and give a report to the Town Board; he never followed through, but Supervisor Tyksinski feels certain information is important to the Town Board. Councilman Miscione volunteered to work with various departments and review their need for Town Vehicles and will report back to the Town Board so the Board can make an educated decision.

Audit of Vouchers

Town Board action on approval of the Abstracts of Vouchers was deferred until after its Executive Session, to allow some Board members time to review same.

PUBLIC HEARING – Continued

8:19 P.M.

Highway Department Union Contract  
Teamsters Local 182

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There being no one who appeared to speak in the matter, the Public Hearing was closed at 8:19 P.M. No action was taken at this time.

EXECUTIVE SESSION:

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

(RESOLUTION NO. 160 OF 2014)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss matters pertaining to the appointment or dismissal of a particular person:

Upon roll call, the Board members voted as follows:

Councilman Miscione	-	Aye
Councilman Woodland	-	Aye
Councilman Reynolds	-	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 8:20 P.M. The Town Attorney and Deputy Supervisor remained for the Executive Session.

[NOTE: The Town Attorney provided the following transcription on Thursday, July 10, 2014.]

END OF EXECUTIVE SESSION:

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

(RESOLUTION NO. 161 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.

Upon roll call, the Board members voted as follows:

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

The Supervisor declared the Resolution unanimously carried and duly ADOPTED; the Executive Session ended at 8:40 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public re-invited to the meeting.

Employee Termination

Councilman Messa offered the following resolution for adoption, seconded by Councilman Reynolds:

(RESOLUTION NO. 162 OF 2014)

RESOLVED that the Town Board of the Town of New Hartford does hereby terminate the employment of Ms. Jacquelyn Warcup as Court Clerk effective immediately.

Upon roll call, the Board members voted as follows:

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

The Resolution was declared carried and duly ADOPTED.

Audit of Vouchers:

Councilman Messa presented the following Resolution and was seconded by Councilman Miscione

(RESOLUTION NO. 163 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 #9	
Vouchers SL9	\$ 7,575.55
Heating System Fund Abstract #1	
Vouchers HW1	\$ 9,235.00
Arlington/Higby Sewer Fund Abstract #1	
Vouchers HU1	\$ 77,506.70
Zoning Study Fund Abstract #5	
Vouchers H15	\$ 7,550.00
Trust & Agency Fund Abstract #23	
Vouchers TT116-TT119	\$ 8,356.36
Trust & Agency Fund Abstract #24	
Vouchers TT120-TT128	\$ 13,220.44
Trust & Agency Fund Abstract #25	
Vouchers TT129-TT137	\$ 12,885.05
Highway Fund Whole-Town Abstract #3	
Vouchers DA3	\$ 200.00
Highway Fund Part-Town Abstract #10	
Vouchers DB448	\$ 24,000.00

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Highway Fund Part-Town Abstract #11	
Vouchers DB450-DB532	\$183,593.86
General Fund Part-Town Abstract #15	
Vouchers BB82-BB85	\$ 3,361.63
General Fund Part-Town Abstract #16	
Vouchers BB86-BB87	\$ 144.14
General Fund Part-Town Abstract #17	
Vouchers BB88-BB99	\$ 3,787.10
General Fund Part-Town Police Abstract #15	
Vouchers BP126-BP129	\$ 39,438.06
General Fund Part-Town Police Abstract #16	
Vouchers BP130	\$ 183.00
General Fund Part-Town Police Abstract #17	
Vouchers BP131-BP141	\$ 10,308.20
General Fund Whole-Town Abstract #17	
Vouchers AA756-AA769	\$ 15,159.09
General Fund Whole-Town Abstract #18	
Vouchers AA770-AA777	\$ 8,447.81
General Fund Whole-Town Abstract #19	
Vouchers AA778-AA845; AA847-AA880	\$181,990.43
Sewer Fund Abstract #14	
Voucher SS97	\$ 59.04
Sewer Fund Abstract #15	
Voucher SS98	\$ 1,673.15
Sewer Fund Abstract #16	
Voucher SS99-SS105	<u>\$ 27,597.76</u>
	\$636,272.37 TOTAL

Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly ADOPTED.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilman Miscione and seconded by Councilman Woodland, the meeting was adjourned at 8:43 P.M.

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Respectfully submitted,

Melody K. Fancett

Deputy Clerk I