

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, AUGUST 12, 2015, 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 David M. Reynolds
Councilman Paul A. Miscione
Councilman Richard B. Woodland, Jr.
Supervisor Patrick M. Tyksinski

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Assessor Darlene Abbatecola
Deputy Supervisor Matthew Bohn
Director of Finance Daniel Dreimiller
Highway Superintendent Richard 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

July 8, 2015, Town Board meeting

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

(RESOLUTION NO. 131 OF 2015)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held July 8 2015 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 Messa - Aye
Supervisor Tyksinski - Aye.

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

PUBLIC HEARING

7:01 P.M. Local Law Introductory “E” of 2015
Zone Map Amendment – Thomas Acres Development

At 7:01 P.M. the Town Supervisor opened the Public Hearing for the Town Board’s consideration of Local Law Introductory “E” of 2015. [NOTE: The Town Clerk had available the legislation, the Notice of Public Hearing, Affidavit of Posting, and Proof of Publication (July 28, 2015, edition of The Observer Dispatch)].

The Town Attorney stated that the Town Board had initiated the legislation, seeking to restore the classification of Thomas Acres Lot 42 from Industrial (I), a change in June 2014 when the Zoning Law was updated, to Medium Density Residential (MDR), the previous zoning classification. Attorney Cully stated that Lot 42 had always been zoned residential. He acknowledged that the Town had received the SEQR responses from all interested agencies, none of whom had any objections. Further, the Town Planning Board had unanimously recommended that Lot 42 be zoned to residential.

The Town Supervisor inquired whether anyone was present who wished to speak in favor of or in opposition to Local Law Introductory “E” of 2015. There being no one who came forth, the Town Supervisor closed the Public Hearing at 7:03 P.M.

Adoption of Local Law Introductory “E” of 2015 as Local Law No. Six of 2015

Thereafter, Councilman Woodland moved that Local Law Introductory “E” of 2015 be adopted as Local Law No. Six of 2015 in the following format; seconded by Councilman Reynolds, the Town Board having declared a negative declaration under SEQR:

**TOWN OF NEW HARTFORD
LOCAL LAW NO. SIX OF 2015**

A Local Law to amend the Code of the Town of New Hartford, Chapter 118 thereof entitled ZONING, and map coincidental thereto, as it pertains to property located in the Thomas Acres Re-Subdivision, a description of which is set forth in Section 2, and changing the designation of property from Institutional (I) to Medium Density Residential (MDR).

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

REGULAR TOWN BOARD MEETING

August 12, 2015

Page 3 of 14

Section 1. Chapter 118 of the Code of the Town of New Hartford, Section 118-17, and particularly the map coincidental thereto and made a part thereof, is hereby amended as follows:

Section 118-17. Zoning Map.

(Change the designation of Lot 42, Fair Haven Avenue, in the Thomas Acres Re-Subdivision and identified as Tax Map Parcel No. 328.014-1-16, owned by Thomas Acres Development, from Institutional (I) to MDR [Medium Density Residential].

Section 2. The boundaries and description of said district are as follows:

All that piece or parcel of land situate in the Town of New Hartford, County of Oneida, State of New York, and more particularly described as follows:

Lot 42 as shown on a Map entitled Re-Subdivision Portion of Thomas Acres made by Myers & Associates, P.C. dated October 14, 2010, which map was recorded in the Oneida County Clerk's office on July 30, 2012 as Instrument Number – M2012-000105.

Section 3. All other provisions of Chapter 118 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

Section 4. This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State.

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.

The Town Supervisor declared Local Law Introductory "E" of 2015 unanimously carried and duly *Adopted* as Local Law No. Six of 2015.

PUBLIC PRESENTATIONS/COMMENTS

Solar Energy

REGULAR TOWN BOARD MEETING

August 12, 2015

Page 4 of 14

Dr. Justin Reaves asked for an amendment to the Town's zoning law regarding solar panels. He had appeared before the Zoning Board of Appeals but realized a use variance wasn't going to do anything. The Town's zoning law allows only a 10 kilowatt system and he is looking to put up some sort of commercial set up...a 44-kilowatt system behind his office near the Hope Alliance Church on Middlesettlement Road (aka NYS Route 5B). He believes it's a good thing in general and understands people don't want eyesores but his proposal would be low to the ground (4.5 feet ground mounts). The only possible way to get this done now, he said, is through a zoning law amendment. The set up would be 100 feet long and he has 2.5 acres.

The Town Supervisor explained that the Town Board in June 2014 had adopted its new comprehensive Zoning Law, which began in the Codes Department, involved a 5-member citizens committee and informational meetings, informational meetings at the town Board level and a public hearing. All these things were given extensive consideration. He said he was happy to have Dr. Reaves come forth but wasn't sure the Town Board was ready to give him an answer tonight. Supervisor Tyksinski explained the process for a zoning law/map amendment.

While Dr. Reaves understood this amendment may not happen today, for his specific purpose, there is a time limit and there are significant federal and state tax credits available now that allow him to do this and may or may not be available a year from now.

Councilman Reynolds questioned the location of Dr. Reaves' property on a map and the front of his building in relation to Middlesettlement Road and the Hope Alliance Church. Councilman Miscione asked if he was near the flood zone and Dr. Reaves acknowledged that it somewhere in the vicinity. Supervisor Tyksinski thanked Dr. Reaves for his presentation and said the Town would get back to him.

Jeanette Brennan, a co-worker with Dr. Reaves and Town of Paris Planning Board member, asked the Town Board to carefully consider amending its Zoning Laws to include large scale solar projects. She feels that each community should embrace some form of alternative renewable energy and have the ability to contribute to the energy grid. She stated that natural gas extraction, large scale wind turbines, and for the most part, small scale wind turbines have been "zoned out" and that hydroelectric power does not seem to be an option for our communities. Ms. Brennan believes that solar energy projects will have the least impact on land use and that the issue of visual impact could be addressed with proper setbacks and screening. The land could be reclaimed much easier with solar than with other types of renewable energies.

Cathy Surace of New Hartford was present to support Dr. Reaves' request for a zoning law amendment that would allow a 44-kilowatt solar panel set-up.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRMAN

Town Clerk Committee – Councilman Woodland

Hourly wage – Deputy Clerk II and Deputy Registrar

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

(RESOLUTION NO. 132 OF 2015)

WHEREAS, the Town Clerk has appointed Shelby L. Bohling as Deputy Clerk II effective Monday, August 24, 2015, thereby ending her appointment as Deputy Registrar as of that date;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby establish the hourly rate of pay for Shelby L. Bohling as Deputy Clerk II at \$12.29, effective August 24, 2015, at which time she will assume the duties related to that position; payable bi-weekly.

The Town Clerk explained that Ms. Bohling, a Deputy Registrar provisional appointee, had missed taking the required civil service examination and was therefore not eligible for a second provisional appointment to that position. Prior to her appointment as Deputy Registrar, Ms. Bohling had worked as Deputy Clerk II; as she is working on her Master's Degree, it is likely she will be leaving the Town's employment in a year or so. Upon roll call, the Town Board 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**.

Upon further recommendation of the Town Clerk, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Miscione:

(RESOLUTION NO. 133 OF 2015)

WHEREAS, the Town Clerk-Registrar has appointed Rebecca A. Empey as full-time, provisional Deputy Registrar effective Monday, August 24, 2015, thereby ending her appointment as Deputy Clerk II as of that date;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby establish the hourly rate of pay for Rebecca Empey as full-time, provisional Deputy Registrar at \$12.29, effective August 24, 2015, at which time she will assume the duties related to that position; payable bi-weekly.

The Town Supervisor requested a vote upon roll call, resulting as follows:

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

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

Public Safety and Court Committee – Supervisor Tyksinski

Agreement – 2015-2016 School Resource Officer Program

The Town Supervisor reviewed the Agreement between the Town and the New Hartford Central School District for the period September 8, 2015 through June 22, 2016, for which said School District will pay the Town the sum of \$37,500. Thereafter, Councilman Miscione moved the adoption of the following Resolution, which was seconded by Councilman Reynolds:

(RESOLUTION NO. 134 OF 2015)

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby agree to enter into an Agreement for Services to provide to

NHCSD Safe Schools/Healthy Students Initiative the services of an officer(s) who will serve as School Resource Officer on site at the New Hartford Central School District mutually agreed upon for a total of 17 hours per week, at the rate of Thirty-seven Thousand Five Hundred Dollars (\$37,500); and be it

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

The Town Board members were polled and voted as follows:

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

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

Agreement – 2015-2016 School Safety Officer Program

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

(RESOLUTION NO. 135 OF 2015)

WHEREAS, the **New Hartford Central School District** (hereinafter called “NHCSD”) School Safety Officer Initiative has need for a more intensive and coordinated approach to creating a safe and secure setting for the educational process to take place; and

WHEREAS, the **NHCSD School Safety Officer Initiative** desires to provide a uniformed Police presence in the designated schools as a deterrent to criminal behavior on the school campus and to promote a greater sense of safety and security within the school environment; and

WHEREAS, the **Town of New Hartford Police Department (Contractor)** is desirous to provide personnel to the District’s School Safety Officer Initiative to be utilized as School Safety Officers at the times and places specified in an Agreement for Services;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby agree to enter into an Agreement for Services to provide to **NHCSD Safety Officer Initiative** the services of an officer(s) who will serve as School Safety Officer on site at the New Hartford Central School District, for the period

September 8, 2015 through June 22, 2015 for which the District shall reimburse the Town the sum of \$179,133 and as more fully set forth in said Agreement for Services; and be it

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

The Town Board members were polled and voted as follows:

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

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

Parks and Recreation Committee – Councilman Reynolds

Appointments – Seasonal Parks Employees

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

(RESOLUTION NO. 136 OF 2015)

RESOLVED that the New Hartford Town Board does hereby appoint the following individuals as substitute part-time seasonal employees and for the hourly wages set opposite their several names, for the Parks and Recreation Department, commencing August 24, 2015 and ending September 5, 2015; all wages to be paid bi-weekly:

<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
Jordyn Gardinier	Splash Pad Attendant	\$8.35/hour
Gianna Paniccia	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**.

MATTERS SUBMITTED BY COUNCILMEN

Councilman Messa:

Liquor License Renewal – Clonan Post American Legion

Councilman Messa introduced the following Resolution for adopted; seconded by Councilman Miscione:

(RESOLUTION NO. 137 OF 2015)

RESOLVED, that the Town Board of the Town of New Hartford does hereby acknowledge receipt of the Liquor License Renewal Application/Notice to municipality from the E. L. Clonan Post 1000 American Legion, Chadwicks, New York; and whereas, the Town Police Department has not received any complaints about said American Legion, the Town Board does not object to the State renewing said Application.

A roll call vote was duly held and resulted 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**.

Liquor License Renewal – Valentino’s

Councilman Messa introduced the following Resolution for adopted; seconded by Councilman Miscione:

(RESOLUTION NO. 138 OF 2015)

RESOLVED, that the Town Board of the Town of New Hartford does hereby acknowledge receipt of the Liquor License Renewal Application/Notice to municipality from Valentino’s, Washington Mills, New York; and whereas, the Town Police Department has not received any complaints about said Valentino’s, the Town Board does not object to the State renewing said Application.

The Resolution was voted upon by roll call, as follows:

REGULAR TOWN BOARD MEETING

August 12, 2015

Page 10 of 14

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***.

Unsafe Building, 3289 Mohawk Street – Status of clean-up after fire

Councilman Messa received information from Code Enforcement Officer Joseph Booth with regard to the 3289 Mohawk Street (Tax Map No. 350.000-3-37) residence that was destroyed by fire in late June 2015. Blue Line Disaster Solutions, Inc., 1 Ora Avenue, New Hartford, NY, is performing the cleanup and, as of today, there are containers on site provided by Fehrer. The work area has been contained with fencing in accordance with State law.

Nuisance Abatement

Councilman Reynolds has been contacted by a neighbor next to 42 Slusser Avenue (Tax Map No. 329.010-3-62) about existing nuisances; the owner allegedly lives in Manhattan and hasn't responded favorably. The Town Attorney was unaware of the matter but will discuss the matter with Code Enforcement Officer Joseph Booth and proceed from there.

Sherrill Lane (Tax Map No. 339.007-6-46.2) – Appraisal; Proposed land sale

The Town Attorney said he circulated a report from Frank Donato (Donato Real Estate Appraisal & Consulting) indicating that he had appraised the entire land-locked land in the rear of Sherrill Lane. Mr. Donato stated that building lots in the area have an estimated value of \$10,000 to \$15,000 but due to the nature of this parcel, the estimated value would be 10% of a typical building lot, or \$1,000 to \$1,500. The problem with Mr. Donato's appraisal, said the Town Attorney, is that he appraised the entire strip; all the Town is conveying is from the rear line to the creek. The Town doesn't want to convey the other side of the creek because that provides us access to the creek. So, Mr. Donato expressed an opinion of \$100 to \$150 per parcel that would be sold, but really he has considered twice the size of what would be sold. The Town Attorney thought that something in the neighborhood of \$75 to \$100 would be much fairer because of the recording fees per parcel payable to the Oneida County Clerk in the sum of \$300 (\$250 for vacant land and \$50 for the deed). The Town Attorney offered his legal services free of charge to the Town to draw the deeds for the benefit of the residents who wish to move forward. Discussion ensued with Councilman Messa referencing letters he received from some property owners, clarification that each parcel on Sherrill Lane would extend to the top of the berm, whether the Board believed a sale price of Fifty Dollars (\$50) per parcel was fair, and the fact that some residents would be getting a large piece of land while others get a smaller portion. The Town Supervisor asked Councilman Messa to convey

this information to the interested residents. The Town Attorney suggested that the Town might want to pass a resolution with regard to abandoning the Town-owned parcel and authorize the sale to avoid having to come back before the Town Board for further action. Thereafter, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Miscione:

(RESOLUTION NO. 139 OF 2015)

RESOLVED, that the New Hartford Town Board does hereby deem as abandoned a portion of Tax Map No. 339.007-6-46.2 behind Sherrill Lane and does hereby authorize the sale of portions of said parcel to interested residents contingent upon all ten (10) lots being sold at a rate of Fifty Dollars (\$50) per lot.

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

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

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

MATTERS SUBMITTED BY TOWN SUPERVISOR

Financial:

Audit of Vouchers

Councilman Messa presented the following Resolution for adoption; seconded by Councilman Miscione:

(RESOLUTION NO. 140 OF 2015)

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:

Equipment Abstract #4	
Voucher H28-H214	\$ 10,221.17
Storm Damage Fund Abstract #3	
Vouchers HK11	\$ 38,000.00
Fire District Abstract #3	

REGULAR TOWN BOARD MEETING
August 12, 2015
Page 12 of 14

Vouchers SF6-SF8	\$ 36,221.70
Street Lighting Fund Abstract #8	
Voucher SL8	\$ 7,919.94
Rayhill Trail Project Abstract #5	
Voucher H27-H37	\$ 250,839.51
Trust & Agency Fund Abstract #2	
Vouchers TT150-TT152	\$ 8,982.42
Trust & Agency Fund Abstract #25	
Vouchers TT153-TT159	\$ 9,274.89
Trust & Agency Fund Abstract #26	
Vouchers TT160	\$ 819.11
Trust & Agency Fund Abstract #27	
Vouchers TT161-TT165	\$ 6,687.32
General Fund Part-Town Abstract #18	
Vouchers BB110-BB112	\$ 3,749.73
General Fund Part-Town Abstract #19	
Vouchers BB113-BB114	\$ 401.70
General Fund Part-Town Abstract #20	
Vouchers BB115-BB123	\$ 3,326.47
General Fund Part-Town Police Abstract #17	
Vouchers BP155-BP160	\$ 42,251.66
General Fund Part-Town Police Abstract #18	
Vouchers BP161	\$ 3,162.74
General Fund Part-Town Police Abstract #19	
Vouchers BP162-BP187	\$ 15,244.63
General Fund Whole-Town Abstract #23	
Vouchers AA752-AA761	\$ 20,429.24
General Fund Whole-Town Abstract #24	
Vouchers AA762-AA768	\$ 7,996.96
General Fund Whole-Town Abstract #25	
Vouchers AA769-AA873	\$ 172,245.68
Highway Part-Town Abstract #12	
Vouchers DB484-DB493; DB495-DB538	\$ 88,137.48
Sewer Fund Abstract #20	
Voucher SS43	\$ 207.70
Sewer Fund Abstract #21	
Voucher SS44	\$ 1,954.48
Sewer Fund Abstract #22	
Voucher SS45-SS49	\$ 7,529.54

TOTAL: **\$ 735,604.07**

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

(RESOLUTION NO. 141 OF 2015)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss possible disciplinary action related to a particular employee.

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 7:35 P.M. The Town Attorney, Deputy Supervisor and Highway Superintendent remained for the Executive Session.

[The Town Attorney provided the following transcription on Thursday, August 13, 2015.]

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 142 OF 2015)

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.

REGULAR TOWN BOARD MEETING

August 12, 2015

Page 14 of 14

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 8:06 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public re-invited to the meeting.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made by Councilman Messa and seconded by Councilman Miscione, the meeting was adjourned at 8:07 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk