

**REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF NEW HARTFORD, NEW YORK  
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN  
ON WEDNESDAY, MARCH 9, 2016, AT 6:00 P.M.**

Town Supervisor Patrick Tyksinski called the meeting to order at 6:00 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 Richard B. Woodland, Jr.  
Supervisor Patrick M. Tyksinski

**ABSENT:**

Councilman Paul A. Miscione

**OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:**

Assessor Darlene Abbatecola  
Code Enforcement Officer Joseph Booth  
Deputy Supervisor Matthew Bohn  
Highway Superintendent Richard C. Sherman  
Police Chief Michael Inserra  
Town Attorney Herbert J. Cully  
Town Clerk Gail Wolanin Young

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

MINUTES

**February 10, 2016, Town Board meeting**

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

**(RESOLUTION NO. 42 OF 2016)**

**RESOLVED** that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held February 10, 2016, and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

Councilman Miscione	-	ABSENT
Councilman Reynolds	-	Aye



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- eliminate the annual Youth Fishing Derby. Questioned the ADA requirements if a disabled person is denied access due to a parking fee. Financial concern for families and the Town's enforcement, possibly by using Police Department. He asked the Town Board not to pass this legislation.
- Scott Williams (62 Pearl Street, New Hartford), representing the New Hartford Little League – opposed: This organization has multiple games with some grandparents from out of town; some divorced parents with one living outside New Hartford. Would be financial burden for families.
  - Peter Franz – chose not to speak at this time
  - Bill Girvan (38 Meyers Ave, Yorkville), Federated Sportsman Club and other sportsman-related agencies – opposed: Reiterated Dave Corr's comments that DEC won't stock fishing areas that have a parking fee....would eliminate the youth fishing derby. He is a recreational therapist and fishing is a quality of life issue, quality family leisure. Only about six (6) disabled fishing tables in Oneida County and New Hartford's is the best. Can't charge the disabled. "Please don't put this proposal through."
  - Michael F. Barretta (26 Henderson Street, New York Mills) – opposed: "Bill's (Girvan) covered most of the stuff. Concerned that youth wouldn't have access to Sauquoit Creek for fishing.
  - Mary Breslow, asked by neighbor Joel Seif (15 Harrogate Rd, New Hartford), President of the Mohawk Valley Astronomical Society (MVAS), to read his statement – opposed: MVAS, a non-profit 501 © (3) organization, is dedicated to advancing the study, understanding and appreciation of astronomy among the general public by providing free educational programs and events. For nearly 27 years, MVAS has been hosting public Star Gazing at Sherrillbrook Park from May through September. With special permission from the park, members are allowed to stay until midnight, assembling at the tennis courts; most members are not Town residents and would have to pay to participate. "Please decide not to pass the \$5 parking fee."
  - Lindsey Rosenfeld (19 Bartlett Road, Whitesboro) – opposed: Grew up in New Hartford but now live in Whitesboro. Sends her children to pre-school in New Hartford and have play dates at Sherrillbrook Park. The fee would deter her from coming to the park.

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- Don Hahn (18 Gould Street, Whitesboro), a former life-long New Hartford resident until just recently – opposed: Past President of Federated Sportsmen group and is a delegate to the Sauquoit Creek Basin Commission fighting pollution and water run-off from developments. As a grandparent now living outside New Hartford, the parking fee would be a deterrent to watching his grandchildren's sports events. Would like Town Attorney to address denying disabled persons access under the ADA legislation.
- Kathleen Jarrett (3765 Snowden Hill Road, New Hartford), new Trustee for the New Hartford Public Library and a member of the Seed and Weed Garden Club – opposed: The Seed and Weed Garden Club maintain beautiful gardens in Sherrillbook Park; some members are non-residents and shouldn't have to pay \$5 to maintain the gardens. Feels that the quality of life in New Hartford is going down and that the \$5 parking fee is not fair for everybody.
- Linda Bennett (15 Arlington Terrace, PO Utica) – opposed: Many people use the parks – like Utica residents – she believes it would be unfair to those people who might not have as much land for themselves and/or to go out and play. She also was concerned that the Town would have to pay someone to ensure the parking fees were enforced. New Hartford might have the appearance it is not a welcoming, caring community. She also is a Seed and Weed Garden Club member and she echoed the comments of Ms. Jarrett in this regard.
- Brymer Humphreys (8661 Tibbitts Road, New Hartford) – opposed: Feels revenue of charging a fee would not be realized compared to the cost of implementing the fee, including enforcement and the cost of a gatekeeper at each park every day. Said the Town's parks are a jewel and urged the Board not to tarnish this jewel by instituting parking fees. Youth need the recreation that open air provides, and non-resident relatives should not have to pay to watch family member sports events.
- Sandra Raciti (9326 Sessions Road, Sauquoit) – opposed: Referred to the parking fee as a backward kind of tax on those people who can probably least afford it. Public parks are for people who may not have large yards to play. Was a survey done? How did the Town come up with these figures? Would like to see more of the facts.
- Mary O'Connor (58 Cedarbrook Cres., Whitesboro) – although she had signed up to speak, she opted not to do so
- Carolyn Pendleton (9 Bohling Rd., New Hartford) – opposed: Have more questions than anything. What hours would the park(s) be open? Is someone

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going to be in a little shack to collect \$5 from all these people? If Sauquoit Creek is stocked, is it legal to charge for people to get into the Creek to fish?

- Dan Bogdan (209 Washington Dr., New Hartford) – opposed: all comments previously stated at this hearing, he agreed with. Concerned that his out-of-town family would have to pay the parking fee to watch youth games. Said parks were built with federal money; would Town have to re-pay these funds?
- Peter Franz (9606 Mallory Rd., New Hartford) – opposed: Concerned that under Section H. of the legislation, the Town Board could change the fee structure by resolution without a further public hearing and/or input.

There being no one further wishing to speak, the Public Hearing was closed at 6:34 P.M.

### PUBLIC PRESENTATIONS/COMMENTS

The Town Supervisor inquired if anyone present wished to address the Town Board; people have three (3) minutes to present their matter(s).

#### **Buck Group Proposed Development – 167 Clinton Road**

Alan M. Swierczek, PE – Civil Engineer representing the Buck Group, explained that Group's proposal to develop a project at 167 Clinton Road (aka NYS 12B); the parcel of about fourteen (14) acres is on the south side of Clinton Road, about opposite Preswick Drive. There would be only one (1) entrance off Clinton Road. The parcel is zoned Mixed-Use, which aims to preserve existing areas and encourage new development where there is a mix of compatible small-scale neighborhood commercial and residential uses, but excludes multiple-family dwelling units. The Buck Group would like to build 126 luxury apartments and 30 condominium units; some buildings might be multi-story due to parking provided under the unit. Steven Buck, who was unable to attend this meeting, is asking whether the Town Board would consider this a viable project by adding a Planned Development District (PDD) Mixed-Use overlay. Some Board members expressed concern relative to stormwater issues and only one entrance to Clinton Road.

The Town Board noted that no formal renderings have been submitted and that no comment has been received from the Town Board because no formal application has been submitted. The Town Attorney explained the procedure the Buck Group would need to follow as set forth in the Town Code, Chapter 118, including a public hearing. Because this is an informal presentation, the Town Board is not obligated to comment about it. The Town Supervisor commented that the Buck Group might want to attend the April 2016 Town Board meeting.

### REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRMAN

Senior Services Committee – Councilman Reynolds

**2015 Budget Adjustments**

Upon request of the Director of Senior Services, Councilman Reynolds moved the adoption of the following Resolution, which was seconded by Councilman Woodland:

**(RESOLUTION NO. 43 OF 2016)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Accounting Department to make the following Budget Adjustments for fiscal year 2015:

<u>Account Description</u>	<u>Increase/Decrease</u>	<u>Amount</u>
A6772.4 Nutrition Center Contractual	Increase	\$250.00
A3820.4 Revenue –Youth Mentoring Program	Increase	\$250.00

In the 2015 Budget, \$750 had been allocated in Appropriation Account A6772.4 as well as in Revenue Account A3820.4; however, the Town received a \$1,000 check from the Oneida County Youth Bureau for the 2015 Summer Mentoring Program, thus the need for the budget adjustments. The Board members then voted upon roll call, resulting as follows:

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

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

**St. Patrick's Day Celebration**

In an e-mail, the Director of Senior Services reminded various Town Departments of the St. Patrick's Day celebration to take place on Thursday, March 17, 2016 at the New Hartford Adult & Dining Activity Center and invited everyone to the flag raising, lunch, and entertainment by a local elementary school. Activities will commence at 11:15 A.M.

Town Clerk Committee – Councilman Woodland

**Liquor License Hampton Inn & Suites – Waiver of 30-day notice**

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

**(RESOLUTION NO. 44 OF 2016)**

**WHEREAS**, the State Liquor Authority law requires an applicant to wait at least thirty (30) days after notifying the Town of New Hartford before the applicant can submit an application to the Liquor Authority; and

**WHEREAS**, on behalf of the LT Group LLC, Marie Borrill, General Manager for Hampton Inn & Suites New Hartford, has requested a waiver of the 30-Day Notice;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby waive the thirty (30) day timeframe.

The Supervisor polled the Board who voted as follows:

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

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

**Raffle Consent**

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

**(RESOLUTION NO. 45 OF 2016)**

**RESOLVED** that the New Hartford Town Board does hereby grant permission to the Central Association for the Blind, Inc., 507 Kent Street, Utica, New York, 13501, an organization duly granted a Games of Chance Identification Number by the New York State Racing and Wagering Board, to sell raffle tickets in the Town of New Hartford, New York, in accordance with all rules and regulations of said Racing and Wagering Board; and be it

**FURTHER RESOLVED** that the Town Clerk be, and she hereby is, authorized and directed to execute Form GC-RCF, Raffle Consent Form.

Upon roll call, the Town Board voted as follows:

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

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

**Area Speed Limit 30MPH – New Hartford Business Park**

Town Clerk Gail Wolanin Young received a letter from the New York State Department of Transportation (DOT) on March 7, 2016, notifying the Town of a 30 mile per hour speed limit that had been established within the New Hartford Business Park area, the boundaries of which are described in the accompanying Notice of Order. James J. Papaleo, P.E., of the DOT stated that “..The Town of New Hartford will be responsible for the placement of the new ‘Area Speed Limit 30 MPH’ signs and the Order for the Area Speed Limit will be in effect once the required signs are in place.” The Town Clerk forwarded a copy of the State’s correspondence and Order to Highway Superintendent Richard Sherman on March 9, 2016, with copies to the Town Board members.

**Zoning (Codes) and Planning Committee – Councilman Messa**

**Training**

Upon request of Code Enforcement Officer Joseph Booth, the following Resolution was introduced for adoption by Councilman Messa and duly seconded by Councilman Reynolds:

**(RESOLUTION NO. 46 OF 2016)**

**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 Code Enforcement Officers Joseph Booth and Anthony Klimek to attend the NYSBOC Mohawk Spring Seminar on April 1, 2016, at SUNY POLY, Marcy, New York, for a 6-hour in-service program on Commercial CO Law, Fire Alarm Code Update and Fire Sprinkler Code Update, with expenses to be borne by said Town as budgeted.

The Resolution was voted upon by roll call as follows:

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

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

MATTERS SUBMITTED BY TOWN SUPERVISOR

Public Safety and Court Committee – Supervisor Tyksinski

**Appointment – Full-time Police Officer**

Upon recommendation of the Police Chief, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Messa:

**(RESOLUTION NO. 47 OF 2016)**

**WHEREAS**, a vacancy has existed for a full-time Police Officer since the December 31, 2010, retirement of Richard Salamone;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby appoint Jeffrey M. Emerson to fill said vacancy, effective April 3, 2016, at an annual salary of Fifty-three Thousand Seven Hundred Forty-eight Dollars and Thirty-nine cents (\$53,748.39), payable bi-weekly.

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

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

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

**Audit of Vouchers**

Councilman Reynolds presented the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 48 OF 2016)**

**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 Abstract #2	
Vouchers SL2	\$ 8,910.11
Fire Abstract #2	
Vouchers SF4-SF8	\$1,194,868.50
Rayhill Abstract #2	
Vouchers H53	\$ 716.22
Highway Fund Part-Town Abstract #3	
Vouchers DB107-DB174	\$ 92,572.91
General Fund Part-Town Police Abstract #4	
Vouchers BP40-BP43	\$ 46,814.43
General Fund Part-Town Police Abstract #5	
Vouchers BP44-BP68	\$ 20,231.94
Trust & Agency Fund Abstract #5	
Vouchers TT22-TT29	\$ 7,325.01
Trust & Agency Fund Abstract #6	
Vouchers TT30-TT33	\$ 10,481.93
Trust & Agency Fund Abstract #7	
Vouchers TT34-TT40	\$ 8,745.74
General Fund Part-Town Abstract #5	
Vouchers BB29-BB32	\$ 6,251.86
General Fund Part-Town Abstract #6	
Vouchers BB33	\$ 497.61
General Fund Part-Town Abstract #7	
Vouchers BB34-BB42	\$ 1,845.23
Sewer Fund Abstract #4	
Vouchers SS21	\$ 1,640.64
Sewer Fund Abstract #5	
Vouchers SS22-SS32	\$ 37,166.17
General Fund Whole-Town Abstract #5	
Vouchers AA229-AA242	\$ 39,639.23
General Fund Whole-Town Abstract #6	
Vouchers AA243-AA328	<u>\$ 174,459.10</u>
<b>TOTAL:</b>	<b>\$1,652,166.63</b>

Upon roll call, the Board members voted as follows:

Councilman Miscione - ABSENT

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

Councilman Woodland inquired whether payment of the fire bills had been resolved. Supervisor Tyksinski stated that nothing gets paid that isn't on the Abstracts. Whatever is not there won't get paid this week. Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**.

**Finance Director**

Finance Director Dreimiller had no report at this time.

**Local Law Introductory "A" of 2016; various park fees**

With regard to the Public Hearing conducted earlier in the meeting Councilman Messa acknowledged receipt of phone calls and emails from constituents who expressed their opposition to the establishment of parking fees in the Town's parks and the perceived loss of sense of community for New Hartford. He said he was strongly opposed to the parking fee proposal and believed there were other means to save money, perhaps by the possible consolidation of parks in the future. Councilman Messa then moved the following Resolution for adoption and Councilman Reynolds seconded same:

**(RESOLUTION OF 2016) (\*did not pass)**

**RESOLVED** that the New Hartford Town Board does hereby reject the adoption of Local Law Introductory "A" of 2016, A Local Law to amend the Code of the Town of New Hartford, Chapter 88 thereof entitled PARKS, by adding Section 88-13.Fees.

The Town Clerk inquired whether the Town Board was rejecting the parking fees section of Local Law Introductory "A", or whether they were rejecting the entire Local Law Introductory "A", which also defined fees for pavilion rentals, dog run, splash pad, etc. It was determined that the entire Local Law Introductory be rejected because it contained some increase in prices charged for other park uses. The Town Board did not vote on the motion, which was declared not passed.

The Town Supervisor urged the Board members to review the 2016 Budget over the next few months to determine where the Town can identify \$150,000 to make up for parking fees that will not be realized.

**ADJOURNMENT**

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There being no further business to come before the Town Board, upon motion duly made by Councilman Reynolds and seconded by Councilman Messa, the meeting was adjourned at 7:03 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk