

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, JUNE 8, 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 Paul A. Miscione
Councilman Richard B. Woodland, Jr.
Supervisor Patrick M. Tyksinski

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Assessor Darlene Abbatecola
Code Enforcement Officer Joseph Booth
Deputy Supervisor Matthew Bohn
Finance Director Daniel Dreimiller
Highway Superintendent Richard C. Sherman
Parks and Recreation Director Michael W. Jeffrey
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

May 11, 2016, Town Board meeting

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

(RESOLUTION NO. 82 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 May 11, 2016, 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 thereafter declared unanimously carried and duly **ADOPTED**.

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).

New Hartford Citizens' Band

This organization was on the meeting Agenda but no one was present to speak.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRMAN

Parks and Recreation Committee – Councilman Reynolds

Appointments – Seasonal Employees

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

(RESOLUTION NO. 83 OF 2016)

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 on the dates specified hereunder; all wages to be paid bi-weekly:

Park Laborer A7110.14

Start Date 6/9/16 – 8/26/16

<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
Peter Cougan	Park Laborer I	\$9.00/hour

Playgrounds A7140.14

Start Date 6/27/16 – 8/12/16

<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
Samantha Decker	Recreation Attendant I	\$ 9.00/hour
Dana DelGenio	Recreation Attendant I	\$ 9.00/hour
Danielle Malta	Recreation Attendant I	\$ 9.00/hour
Brandon Mahaffy	Recreation Attendant I	\$ 9.00/hour
Carvon Brazier	Basketball Director	\$15.00/hour

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Tony Malta	Basketball Director	\$15.00/hour
Sam Ward	Basketball Attendant	\$ 9.00/hour

Swim A7230.01

Start Date 7/5/16 – 8/12/16

<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
Brianna Fuccillo	Lifeguard	\$ 9.50/hour
Suzanne D’Amore	Sub-Lifeguard	\$ 9.25/hour
Natalie D’Amore	Sub-Lifeguard	\$ 9.25/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 thereafter declared unanimously carried and duly **ADOPTED**.

Appointment – Part-time Clerk

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

(RESOLUTION NO. 84 OF 2016)

RESOLVED, that the New Hartford Town Board does hereby appoint Hyesun Lee as a Part-time Clerk for the Town of New Hartford to cover for employee vacations and vacancies, effective June 13, 2016, at an hourly wage of Fifteen Dollars and Thirty-eight Cents (\$15.38), payable bi-weekly.

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.

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

Senior Citizen Committee – Councilman Reynolds

Upon request of Director of Senior Services Eileen Spellman, Councilman Reynolds introduced the following Resolution for adoption and Councilman Miscione seconded same:

(RESOLUTION NO. 85 OF 2016)

RESOLVED, that the Town Board of the Town of New Hartford does hereby appoint Deborah Green as a Part-time Clerk for the 2016 Summer Mentoring Program at the New Hartford Adult Dining and Activity Center, beginning June 23, 2016, and ending July 28, 2016, at an hourly wage of Eleven Dollars (\$11.00, payable bi-weekly.

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

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

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

Town Clerk Committee – Councilman Woodland

Fireworks Display Permit

Upon presentation by the Town Clerk, Councilman Woodland introduced the following Resolution for adoption; seconded by Councilman Miscione:

(RESOLUTION NO. 86 OF 2016)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Clerk, who has received an Application for a Fireworks Permit and the appropriate Certificate of Insurance naming the Town of New Hartford as an additional insured, to issue to the Yahnundasis Golf Club a Fireworks Display Permit for the display of fireworks upon their premises at 8639 Seneca Turnpike, New Hartford, NY, 13413, on July 4, 2016, at approximately 9:30 P.M., in accordance with the State Penal Law and regulations set forth in said Permit.

It was noted that the Town Code Department, Town Police Department and New Hartford Fire Department have reviewed the above-referenced Application and do not have any issues with this event. Upon roll call, the Town Board voted as follows:

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

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

Public Works & Sewer Committee – Councilman Miscione

Agreement with Oneida County –Town/Village Pavement Marking 2016

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

(RESOLUTION NO. 87 OF 2016)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to execute the 2016 Town/Village Pavement Marking Agreement between the Town of New Hartford and the Oneida County Department of Public Works wherein said County will provide road striping within the Town; the cost of which will be determined upon completion of the work.

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 thereafter declared unanimously carried and duly ***ADOPTED***.

Transportation – Disabled person/Bus stop

The Highway Superintendent had been contacted by the parent of a disabled child, requesting that a sign be installed at the school bus stop at 2 Helen Avenue at its intersection with Clinton Road (aka/NYS Route 12B); the purpose of the wheelchair-designed sign would be to warn motorists that a disabled person would be getting on and off at the 2 Helen Avenue bus stop. Thereafter, Councilman Miscione offered the adoption of the following Resolution, duly seconded by Councilman Reynolds:

(RESOLUTION NO. 88 OF 2016)

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RESOLVED that the New Hartford Town Board does hereby authorize and direct the Highway Superintendent to purchase a disabled person/wheelchair sign and that said sign be installed at a school bus stop at 2 Helen Avenue, at its intersection with Clinton Road (NYS Route 12B).

A roll call vote ensued resulting as follows:

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

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

Zoning (Codes) and Planning Committee – Councilman Messa

Zoning PDD Overlay Application – Buck Construction/Heartford Luxury Apartments, 167 Clinton Road (aka NYS Route 12B)

The Town Attorney noted that this matter came on at the last Town Board meeting (May 11, 2016, see page 13, deficiencies) and the Town was awaiting drawings and the preliminary engineering report. Code Enforcement Joseph Booth confirmed that he had received everything and that the application was complete. The Town Clerk confirmed that she'd received the application and ten (10) copies of multiple drawings and the preliminary engineering report. Thereafter, Councilman Woodland offered the following Resolution for adoption; seconded by Councilman Miscione:

(RESOLUTION NO. 89 OF 2016)

RESOLVED that the New Hartford Town Board does hereby accept the application submitted by Alan M. Swierczek/Buck Construction in behalf of Heartford Luxury Apartments LLC for a PDD Overlay at property identified as 167 Clinton Road (aka NYS Route 12B); and, in accordance with the Town Code, Chapter 118-40 (ZONING), PDD approval procedure, does hereby refer said PDD Overlay application to the Town Planning Board for their review and written recommendation.

The Town Attorney noted that the Town Board will have to schedule a public hearing once the Planning Board submits their recommendation to the Town Board. Code Enforcement Officer Joseph Booth explained briefly why this application comes before the Town Board and what differentiates it from another zoning issue. Unlike the pure zone change, the PDD that was incorporated in the new 2014 Zoning Law facilitates creative development in the Town. Applying to five (5) acres or more, a PDD offers

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flexibility of design and input – for instance, in residential areas the Town can ask for walking paths, nature areas, walkways, a variety of housing types targeting different income levels, and commercial uses that traditional zoning would not allow. The Town Attorney noted that the PDD gives the Town full control. Thereafter, the Town Board members voted as follows:

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

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

Zoning Board appointments – fill vacancies

Upon motion of Councilman Messa and duly seconded by Councilman Miscione, the following Resolution was brought forth for adoption:

(RESOLUTION NO. 90 OF 2016)

RESOLVED that the New Hartford Town Board does hereby re-appoint John B. Montrose as a Member of the Zoning Board of Appeals for a five-year term commencing June 10, 2016, and ending June 9, 2021, at the annual salary set forth in the January 13, 2016, Town Board minutes.

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

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

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

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

(RESOLUTION NO. 91 OF 2016)

RESOLVED that the New Hartford Town Board does hereby re-appoint Lenora C. Murad as a Member of the Zoning Board of Appeals for a five-year term commencing

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June 10, 2016, and ending June 9, 2021, at the annual salary set forth in the January 13, 2016, Town Board minutes.

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

Councilman Miscione	-	Aye
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

Central New York Regional Transportation Authority (CNYRTA)

The Town Supervisor acknowledged receipt of a letter from Oneida County Executive Anthony J. Picente, Jr. with regard to state law that requires an annual local match to CNYRTA and the five-year agreements entered into with Oneida County, the cities of Rome and Utica, and the towns of New Hartford, Whitestown and Kirkland. The current five-year agreements between the municipalities and Oneida County for the local share reimbursements to the County expired effective December 31, 2014. Thereafter, Councilman Woodland introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 92 OF 20160

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute a new five-year agreement between the County of Oneida and the Town of New Hartford for the period January 1, 2015, through December 31, 2019, as same relates to the (2005) statutory annual local match to the State Transportation Operating Assistance paid to the Central New York Regional Transportation Authority (CNYRTA), formerly known as the Utica Transit Authority (UTA), at an annual contribution of Thirty Thousand Dollars.

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 thereafter declared unanimously carried and duly *ADOPTED*.

Public Safety and Courts Committee – Supervisor Tyksinski

Training

Upon request of the Town Police Chief, Councilman Reynolds offered the following Resolution for adoption; seconded by Councilman Miscione:

(RESOLUTION NO. 93 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 Town Police Chief Michael S. Inserra to attend the annual training conference for the New York State Association of Chiefs of Police, from July 10, 2016, through July 13, 2016, in Buffalo, 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 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 (Continued)

Insurance Policies Renewal

Supervisor Tyksinski stated that the Town's insurance policies will expire June 30, 2016. The Town's agent, Haylor, Freyer & Coon, had submitted a proposal in the amount of \$165,736 and did go out for bid involving a number of companies. Since the Town Board will not meet again until July 13, 2016, the Town Supervisor asked for Board approval to accept the agent proposal which represents a reduction in total premium for the same coverage, except one policy, as in the June 2015-June 2016 policy period. The total premium for policies expiring June 30, 2016, was \$191,002. Councilman Miscione then introduced the following Resolution for adoption; Councilman Messa seconded same:

(RESOLUTION NO. 94 OF 2016)

RESOLVED that the New Hartford Town Board does hereby accept the Request for Proposal submitted by **Haylor, Freyer & Coon** and does hereby award the contract to said agency for the following Town insurance policies for the period June 30, 2016 – June 30, 2017:

<u>Coverage</u>	<u>Renewal Rate</u>
• Property	\$ 11,770
• New York Fire Fee	\$ 65
• Inland Marine	\$ 4,225
• General Liability	\$ 35,875
• Employee Benefit Plans Liability	\$ 381
• Law Enforcement	\$ 26,716
• Public Entity Management Liability	\$ 5,711
• Public Entity Employment Practices Liability	\$ 16,004
• Automobile	\$ 38,013
• NY Motor Vehicle Fee	\$ 560
• Umbrella	\$ 18,619
• OCP – People of the State of New Hartford	\$ 750
• Crime (3 year @ \$3,275 per year)	\$ 3,275
• Law Enforcement Accidental Death Coverage	
○ (3 year @ \$2,256 each year)	\$ 2,256
• Russell Bond Excess Employers' Liability	\$ 2,141
	\$165,736 TOTAL

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.

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

Fire Protection Districts – Discrepancy in amounts

The Town Supervisor reported slight discrepancies when the Fire Contracts for District 4 (Willowvale Fire Company, Inc.) and Districts 1 and 2 (Village of Hartford) were prepared. There were some expenditures that were included within the tax rate and when the contracts were put together, the expenses over and above the contract amount got grouped with the contract amount so the contracts were awarded larger than should have

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been. It was also mentioned that the Contract for Districts 1 and 2 was affected by the Sangertown Square Mall certiorari tax proceeding and resultant tax refund. Supervisor Tyksinski confirmed that Finance Director Dreimiller had notified both entities by letter of the need to change the respective fire contracts. Discussion ensued about the Fire Contract for District 4 served by the Willowvale Fire Company, Inc. Councilman Messa noted that the 2016 Budget shows an appropriation of \$318,198 and asked if the Willowvale contract was meant to be the budgeted amount, or the lesser amount of approximately \$295,000, the current Contract amount. Finance Director Dreimiller noted that the budgeted amount of \$318,198 includes the workers compensation coverage that the Town will incur in behalf of the Fire Company; he said this was carved out this year. Councilman Messa stated that the Willowvale Fire Company is not happy with this arrangement, noting that this was not done in the past. The Town Supervisor commented that the Villages of New Hartford and New York Mills pay for their own workers compensation coverage for their firefighters, that's what makes Willowvale different. There being no further discussion, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Miscione:

(RESOLUTION NO. 95 OF 2016)

RESOLVED that the New Hartford Town Board does hereby amend the 2016 Fire Contract for Districts 1 and 2, with the Village of New Hartford, New York, in order to correct a discrepancy in the contractual amount due said Village for fire protection services; specifically, the contractual amount is hereby changed from \$678,872 to \$637,359, the latter of which is the same amount in the 2015 Fire Contract for Districts 1 and 2. Further, said Town Board does hereby authorize and direct the Town Supervisor and Board members to enter into and to execute the amended 2016 Fire Contract.

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

With regard to Fire Contract/District 4, the Town Supervisor informed the Board that the Town has been receiving continuous increases over the past few years, largely attributed to the Willowvale Fire Company Special Awards Program; the initial annual cost was \$30,000 but now is up to \$71,000, and is becoming a bigger burden than workers compensation costs. Discussion included various financial options to resolve the matter

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but noted that a tax increase is likely in the near future. The Town has been paying Willowvale’s workers compensation but cannot continue to do so in the future and the Board agreed to put the Willowvale Fire Company on notice of this fact. No action was taken to amend the 2016 Fire Contract for District 4; the contract amount for 2016 shall remain \$318,198. Councilman Messa asked the Finance Director to contact the Willowvale Fire Co., Inc. again about this matter.

Special Counsel – Certiorari Proceedings

The Town Attorney apprised the Board that Supervisor Tyksinski and he had met with Daniel Tuczinski of the Tuczinski, Cavalier & Gilchrist, P.C., law firm to discuss the status of various tax certiorari and real property tax matters involving the Town of New Hartford and to discuss possible legal assistance with pending cases, as well as defending new cases as they arise. Assistance would be on a case-by-case or matter-by-matter basis, depending on the Town’s legal needs at the time. The agreed upon hourly rate would be \$250. Attorney Tuczinski would consult with the Town Attorney and also review pending files and see how to proceed. Consensus of the Board was to obtain additional information about this Attorney prior to signing a written retainer agreement.

2016 Budget Adjustments

Upon recommendation of Finance Director Dreimiller, Councilman Miscione offered the following Resolution for adoption and Councilman Messa seconded same:

(RESOLUTION NO. 96 OF 2016)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Accounting/Finance Department to make the following adjustments in the 2016 Budget:

<i>Account No./Description</i>	<i>Amount</i>	<i>Explanation</i>
DB2665.0 (Sale of Equipment)	Increase \$38,658	Sale of existing Bobcat Skid-Steer
DB5130.02 (Purchase New Machinery).	Increase \$38,658	Purchase of new Bobcat Skid-Steer

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

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

The Resolution was thereafter declared unanimously carried and duly **ADOPTED**. Upon further recommendation of Finance Director Dreimiller, Councilman Messa offered the following Resolution for adoption and Councilman Miscione seconded same:

(RESOLUTION NO. 97 OF 2016)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Accounting/Finance Department to make the following adjustments in the 2016 Budget:

<u>Account No./Description</u>	<u>Amount</u>	<u>Explanation</u>
DB3505.0 (Federal/State Grant Income)	Increase \$35,554	Receipt of Grand monies from NYS thru Sauquoit Creek Basin Commission for Elm Street Bridge bank Repairs
DB1995.0 (Federal/State Grant Expense).	Increase \$35,554	Payment of grant monies to National Resources Conservation Services for Repair work to Elm Street Bridge banks

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

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

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

Finance Director – Monthly reports

Finance Director Daniel Dreimiller inquired if the Board members had any questions about the e-mailed monthly reports for May 2016; there were none.

2015 Independent Audit

The Town Board members acknowledged receipt of the 2015 Audit performed by D-Arcangelo & Co., LLP. Finance Director Dreimiller provided highlights of the audit:

- No new findings / no deficiencies in operation
- All prior year findings have been resolved

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- Exception – fixed assets, which the Finance Director and Bookkeeper will work on and hope to have resolved by next annual audit
- Fund balances for General Whole-Town, General Part-Town and General Part-Town Police increased by about \$454,000 for the year, and the total Fund balances for these funds is just under \$2.5 million at the end of 2015
- Total revenue and expenses – the overall budget was just over \$14 million. Brought in \$14.5 million and spent \$14.2 million
- No new long-term debt; paid out \$750,000 on existing debt. The Town is within NYS limit for debt.....Seven Percent (7%) of real estate valuation
- Short-term debt (BANs) – as far as BANs, there was \$1.1 million outstanding at the end of the year, one of which was a tax certiorari (Sangertown Mall) that will be paid off in December 2016. Another part of the \$1.1 million was the refinancing of a \$865,000 BAN to a bond

Thereafter, Councilman Reynolds moved the adoption of the following Resolution, seconded by Councilman Miscione:

(RESOLUTION NO. 98 OF 2016)

RESOLVED, that the Town Board of the Town of New Hartford does hereby accept the independent audit of the Town’s financial records for the fiscal year January 1, 2015 through December 31, 2015, performed by D’Arcangelo & Co, LLP.

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 thereafter declared unanimously carried and duly **ADOPTED**.

Audit of Vouchers

Supervisor Tyksinski asked for a motion to pay the bills. Councilman Reynolds stated there were some bills that he was not going to sign off on. Councilman Woodland inquired if these were the contractor bills and Councilman Messa further inquired if these

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were the invoices that needed more detail. Councilman Reynold questioned why the Board was even discussing this – what’s brought us to this point? Supervisor Tyksinski replied “they’re owed”. Councilman Reynolds commented, “they’re owed, and clearly this contractor has done a very good job and that’s never been a question; he does great work.” Councilman Reynolds believed that part of the problem is the fact that these bills were held over a year’s time; and when that’s done, he didn’t think that’s correct. He believed it may violate the Town’s purchasing policy in that we’re talking close to \$200,000 in bills and he didn’t believe you can or should bundle these. In response to Councilman Woodland’s inquiry, Supervisor Tyksinski confirmed these are 2015 work and expenses. Councilman Reynolds believed the reason the Board was at this point was because when the bills were submitted, “and correct me if I’m wrong, Rick (Highway Superintendent)” is that all the bills were submitted at once as opposed to a job being done in August, their bill submitted in September and the Town paying the bill in October, or something like that. But in this case, continued Councilman Reynolds, we have a stack of bills that were not only late or perhaps not produced in a timely fashion, but also the format was lacking in detail, and for that reason Rick (Highway Superintendent), returned them for that reason in terms of man hours, equipment used and what you might expect for a proper voucher. So, Councilman Reynolds believes that’s why we’re here – all that stuff, the quantity, the timing, what appears to be inappropriate detailing; and if these had been submitted on a monthly basis, the Board probably would have signed them and the vouchers would have been paid. Actually, he continued, the contractor did the Town a favor because of other discrepancies, in Councilman Reynolds’ opinion, that department heads are not signing the purchase orders. Supervisor Tyksinski asked Highway Superintendent Richard Sherman if he felt the information he received after he asked the contractor for additional information was sufficient now. The Highway Superintendent responded that his Memo reflects the date of his inspection of various jobs, the address of the jobs, and invoices. “But this was after the fact,” said Councilman Reynolds; the Highway Superintendent said yes. “But you believe the policy was still not followed; that’s why we’re here, right?” asked Councilman Woodland. Supervisor Tyksinski stated that the Town doesn’t have a policy on submittal of vouchers, that we don’t have anything that we tell our vendors. If that’s the case, said Councilman Reynolds, I think we should. Supervisor Tyksinski said that’s fine; he didn’t have a problem but he just doesn’t want it sitting out there it’s in violation of a procedure that we never had. Referring to the Town’s procurement policy, Councilman Reynolds said the purchasing policy – you can’t bundle is probably the best way to put it. In determining the necessity for competitive bidding, the aggregate (cumulative) cost of an item or commodity being purchased in a fiscal year must be considered. It is prohibited to artificially divide purchases to satisfy threshold amounts, he read; so if you’re going over \$35,000, you need to bid it. Again, if these were submitted individually, the Town Board probably wouldn’t have seen this, said Councilman Reynolds. The Town Attorney said most of these were under \$35,000. Finance Director Dreimiller interjected that these were for separate jobs. Councilman

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Reynolds understood that but when you add them together – you can't do this. Also, this has brought out the resolution that we all passed, looking at contractors being on-call, expired in 2014, said Councilman Reynolds; and he didn't think any of the Board realized that. "That's the problem, nobody did notice," said Attorney Cully. This has caused us to revisit the procedures, said Councilman Reynolds, and that needs to be corrected – the way the vouchers, P.O.'s are issued, are signed. Further, Councilman Reynolds said he didn't think that Rick (Highway Superintendent) had signed any of those vouchers and it's his understanding that Rick should be signing those as the department head. The P.O. is not signed by the department head. Councilman Reynolds believes all those need to be said and all those need to be recorded in the minutes as being corrected before the Board goes any further. He also believed that the contractor had some exposure in that he didn't produce a bill timely and didn't produce a bill in the proper details. "I don't know. I'm not an attorney," said Supervisor Tyksinski. Town Attorney Cully said, "Well, I think the point is we hired him, he did the work, and Rick has certified the work was done and done in a quality fashion. "Right, and that is not in question, said Councilman Reynolds; "he's a good contractor. He's done a good job. His formatting has caused an issue, for sure". The Town Attorney commented, "As you said, had he (contractor) submitted each one individually, most are under \$35,000; he would have been paid. They're all different jobs. It wasn't one job he piece-mealed..." Councilman Reynolds said they were all or nearly all stormwater issues. "...and different jobs," said the Town Attorney. Councilman Woodland believed the issue was that the work was performed for as an emergency situation, which it wasn't. Councilman Reynolds concurred that these were not emergency jobs. Councilman Messa noted that the resolution adopted by the Town Board did not state the format of vouchers and that and other vendors – whether it be through the Highway Superintendent or other departments – should be made aware of the proper format when submitting bills. The Board agreed that this needs to be said and put in the minutes that the department heads need to sign the P.O.'s. Councilman Miscione said some contractors need to move from one job to another and questioned at what point does the competitive bid process begin. Councilman Reynolds said "when the threshold" has been met. Councilman Miscione believes the Town should bid everything – across the board, or lower the threshold. Highway Superintendent Sherman confirmed that he obtains three (3) quotes from contractors and could have multiple contractors working at a given time for projects that amount to \$8,000, \$9,000; this includes labor and equipment used. Councilman Reynolds said that the Highway Superintendent needs to sign off in the beginning and at the end of each project. The Finance Director believes that's a good general/overall procedure; at the same time, he confirmed that any single project, or a number of projects to the same contractor that meet the \$35,000 threshold, must be bid. Highway Superintendent Sherman suggested that, unless it's an emergency situation, he would propose that non-emergency jobs be brought before the Town Board, discuss it, get bids and go from there and after the job is done, get a P.O. signed and do it for every job; then there is no question. He would also contact the Finance Director to verify that money

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was budgeted and also contact the Town Supervisor. The Town Supervisor reiterated what the Highway Superintendent had suggested and asked if the Board accepted this procedure as long as the P.O. is in line with the resolution, it goes through the system. The Town Board concurred. Councilman Reynolds asked the Town Clerk if that was in the minutes; Town Clerk Young said it will be. In emergency situations, the Highway Superintendent said he does not have time to be contacting contractors for quotes; by virtue of his job, the Town Supervisor stated the Highway Superintendent has the authority to act immediately in emergency cases. Also, Councilman Reynolds would like to see a reasonable time for a vendor to submit a bill. If the Town has a bill from August of last year, that's not reasonable. Again, the vendor has some responsibility if he submits a bill and it's not in a correct form and gets sent back to him; the Town should not be penalized, he said. The vendor should be able to provide an accurate, approved bill by the department head in a reasonable length of time, just as the Town should be expected to pay that in a reasonable length of time assuming that it's approved, said Councilman Reynolds. Supervisor Tyksinski suggested the Town could incorporate this information on the P.O., a copy of which the Highway Superintendent would give the vendor, that upon completion of the job and approval of the Highway Superintendent, the bill will be submitted with the voucher no later than thirty (30) days after the approval of the Highway Superintendent. Discussion ensued as to who would sign P.O.'s as some had been prepared by clerical staff and signed by that person instead of the department head and/or in the case of vouchers who signs the departmental approval that the work or services has been rendered – the department head or other authorized official? The Board concurred that the department head should sign both the P.O. and the voucher. It was noted that the Highway Department is usually the only department that might exceed the \$35,000 threshold, at which time the competitive bid process comes in. With no further discussion, the Town Supervisor asked the Town Clerk if she would transcribe this portion of the Town Board minutes first and send copies to the Board members for their review prior to the July 2016 meeting. Finance Director Dreimiller inquired, "So where are we at on these bills. Are they getting paid tomorrow? Councilman Miscione responded, "We have to pay the contractor. He did the work and it was done correctly." Councilman Reynolds added, "But there will be corrections going forward about the billing process."

Thereafter, Councilman Messa introduced the following Resolution for adoption; seconded by Councilman Miscione:

(RESOLUTION NO. 99 OF 2016)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the payment of the bills itemized on the following Abstracts, which had been duly audited by the Town Board:

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Street Lighting Abstract #5	
Vouchers SL5	\$ 7,743.48
Highway Fund Part-Town Abstract #6a	
Vouchers DB311	\$ 6,890.84
Highway Fund Part-Town Abstract #7	
Vouchers DB312-DB345	\$ 90,526.09
General Fund Part-Town Abstract #12	
Vouchers BB73-BB75	\$ 6,192.98
General Fund Part-Town Abstract #13	
Vouchers BB76-BB86	\$ 2,730.05
General Fund Part-Town Police Abstract #10	
Vouchers BP113-BP116	\$ 47,533.80
General Fund Part-Town Police Abstract #11	
Vouchers BP117-BP127	\$ 5,140.16
Trust & Agency Fund Abstract #15	
Vouchers TT88-TT93	\$ 8,593.73
Trust & Agency Fund Abstract #16	
Vouchers TT94-TT97	\$ 10,552.25
Trust & Agency Fund Abstract #17	
Vouchers TT98-TT105	\$ 8,006.04
Trust & Agency Fund Abstract #18	
Vouchers TT106	\$ 610.00
General Fund Whole-Town Abstract #11	
Vouchers AA435-AA448	\$ 41,175.15
General Fund Whole -Town Abstract #10	
Vouchers AA542-AA549; AA560-AA564	\$ 28,651.97
General Fund Whole -Town Abstract #12	
Vouchers AA565-AA641	\$ 154,327.27
Sewer Fund Abstract #10	
Vouchers SS44	\$ 374.77
Sewer Fund Abstract #11	
Vouchers SS45-SS46	\$ 3,775.62
Highway Fund Part-Town Abstract #8	
Vouchers DB346	\$ 9,500.00
General Fund Whole-Town Abstract #13	
Vouchers AA642-AA654	\$ 49,850.00
Sewer Fund Abstract #12	
Vouchers SS47-SS58	\$ 144,600.00
	<u> </u>
TOTAL:	\$ 626,774.20

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The Town Clerk asked for and received confirmation that authorization was to pay all bills, including the contractor bills that amounted to approximately \$200,000, and which had been discussed at length at this meeting. Thereafter, the Board members voted upon roll call, resulting as follows:

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

The Resolution was declared carried and duly *ADOPTED*.

EXECUTIVE SESSION

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

(RESOLUTION NO. 100 OF 2016)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss pending codes violations and the Parks Department union negotiations.

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 7:08 P.M. The Town Attorney, Deputy Supervisor and Parks & Recreation Director remained for the Executive Session.

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 101 OF 2016)

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 7:50 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public invited to rejoin the meeting.

Ratification of Parks Department Union Contract

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

(RESOLUTION NO. 102 OF 2016)

RESOLVED that the New Hartford Town Board does hereby ratify the “**ARTICLES OF AGREEMENT By and Between TEAMSTERS LOCAL 294, 890 Third Street, Albany, New York 12206 and TOWN OF NEW HARTFORD, Parks & Recreation Department, New Hartford, New York, effective July 1, 2016 and expiring December 31, 2019**, subject to amending the date of hire in Article 21 (Health Insurance – Retirees) to read July 1, 2016.

The foregoing Resolution was duly put to a vote upon roll call 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**.

Expansion of Duties – Director of Recreation Center

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

(RESOLUTION NO. 103 OF 2016)

WHEREAS, after thirty-four (34) years of employment with the Town of New Hartford, Parks and Recreation Director Michael W. Jeffery will be retiring on Friday, June 17, 2016;

NOW, THEREFORE BE IT RESOLVED that the Town Board does hereby expand the duties of John C. Cunningham, Director of Recreation Center, to include the duties administered by the current department head, Michael W. Jeffery, effective July 1, 2016, at a salary of \$67,017.60.

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.

The Supervisor declared the Resolution unanimously carried and duly ADOPTED.

Appointment – Parks Administrative Assistant

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

(RESOLUTION NO. 103 OF 2016)

WHEREAS, upon the retirement of Parks Department Clerk/Typist Maureen Owens effective June 23, 2016, the Oneida County Personnel Department has approved the Town's request to reclassify that position effective June 24, 2016 to be titled Administrative Assistant (Resolution No. 56 of 2016);

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby provisionally appoint Hyesun Lee as Administrative Assistant effective July 5, 2016, at an annual salary of Twenty-eight Thousand Dollars (\$28,000), payable bi-weekly.

A roll call vote followed:

The foregoing Resolution was duly put to a vote upon roll call as follows:

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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 Messa, the meeting was adjourned at 7:55 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk