

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, OCTOBER 5, 2016, AT 6:30 P.M.**

Town Supervisor Patrick Tyksinski called the meeting to order at 6:30 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
Supervisor Patrick M. Tyksinski

ABSENT:

Councilman David M. Reynolds
Councilman Richard B. Woodland, Jr.

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Code Enforcement Officer Joseph Booth
Deputy Supervisor Matthew Bohn
Director of Recreation Center John C. Cunningham
Finance Director Daniel Dreimiller
Highway Superintendent Richard C. Sherman
Town Attorney Herbert J. Cully
Town Clerk Gail Wolanin Young

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

MINUTES

September 14, 2016, Town Board meeting

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

(RESOLUTION NO. 154 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 September 14, 2016, and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

Councilman Miscione	-	Aye
Councilman Reynolds	-	ABSENT

Councilman Woodland - ABSENT
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). No one came forth to speak.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRMAN

Town Clerk Committee – Councilman Miscione for Councilman Woodland

Presentation of 2017 Tentative Budget

The Town Clerk presented copies of the 2017 Tentative Budget to the Town Board members, said document having been filed in her office on September 30, 2016.

Addressing the Councilmen, Supervisor Tyksinski stated that as they go through the Tentative Budget – if they have any questions – feel free to give him a call, or the Finance Director, and we’ll go through it.

Schedule Public Hearing on Budget

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

(RESOLUTION NO. 155 OF 2016)

RESOLVED that the Town Board of the Town of New Hartford does hereby schedule a Public Hearing on the 2017 Budget for Wednesday, November 9, 2016, the next regularly scheduled Town Board meeting, to commence at 6:00 P.M. in the Community Meeting Room, Butler Memorial Hall, 48 Genesee St., New Hartford, NY.

A roll call vote was duly held as follows:

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

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

Liquor License Renewal – UNO

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

(RESOLUTION NO. 156 OF 2016)

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 UNO Restaurants, LLC for UR of New Hartford NY, LLC d/b/a Uno Pizzeria & Grill, 8645 Clinton Street, New Hartford, New York, 13413; and whereas the Town Police Department has not received any complaints about said establishment, the Town Board does not object to the State renewing said Application.

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

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

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

Liquor License – New Hartford Exstay, LLC/Homewood Suites

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

(RESOLUTION NO. 157 OF 2016)

RESOLVED, that the Town Board of the Town of New Hartford does hereby acknowledge receipt of the new Liquor License Application/Notice to municipality from Larry Adler, representative for New Hartford Exstay, LLC/Homewood Suites, 185 Woods Park Drive, Clinton, New York, 13323; the Town Board does not object to the State approving this new Application.

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

Councilman Miscione	-	Aye
Councilman Reynolds	-	ABSENT
Councilman Woodland	-	ABSENT

Councilman Messa - Aye
Supervisor Tyksinski - Aye.

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

Appointment – Part-Time Clerk

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

(RESOLUTION NO. 158 OF 2016)

RESOLVED, that upon recommendation of the Town Clerk, the New Hartford Town Board does hereby appoint Allison K. Adams as a Part-time Clerk in the Town Clerk’s office, effective Tuesday, October 11, 2016, at the hourly rate of Ten Dollars (\$10), payable bi-weekly. Ms. Adams is filling the vacancy created due to the promotion of Hannah Empey as full-time Deputy Clerk II. This Resolution further confirms that in accordance with New York State Civil Service rules and regulations, as a part-time employee, Ms. Adams is restricted to working a maximum of half-time (17.5 hours) of a full-time (35 hours) position.

The Town Board voted upon roll call, as follows:

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

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

Parks and Recreation Committee – Councilman Reynolds

Seasonal appointment – Winter Recreation

Upon recommendation of Director of Recreation Center John C. Cunningham, Councilman Miscione introduced the following Resolution for adoption; seconded by Councilman Messa:

(RESOLUTION NO. 159 OF 2016)

RESOLVED that the New Hartford Town Board does hereby appoint Harold Kafka as Adult Basketball Director for the Winter Recreation Program at the hourly wage of

Fifteen Dollars and Twenty-five Cents (\$15.25), payable bi-weekly, commencing September 24, 2016 and ending March 26, 2017.

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

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

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

Agreements - Ice Rental for 2016/2017 Season

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

(RESOLUTION NO. 160 OF 2016)

RESOLVED that, pending the Town Attorney's review and approval of various Ice Rental Agreements, the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute Ice Rental Agreements for the 2016/2017 Ice Season between the Town of New Hartford and the following organizations:

- New Hartford Youth Hockey Association
- Skating Club of New Hartford
- Mohawk Valley Community College
- New Hartford High School
- Mohawk Valley Old Timers League
- SUNY Oneonta.

Where upon, the Town Board members voted as follows:

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

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

Pavilion Rental rate changes – 2016/2017

Upon recommendation of the Director of Recreation Center, the following Resolution was offered for adoption by Councilman Messa and duly seconded by Councilman Miscione:

(RESOLUTION NO. 161 OF 2016)

RESOLVED that the New Hartford Town Board does hereby establish the Park Pavilion rental fees effective January 1, 2017, as follows:

Small Pavilions (Town Residents)	-	\$40.00 (an increase of \$5)
Large Pavilions (Town Residents)	-	\$80.00 (an increase of \$10).
Gazebo (Town Residents)	-	\$40.00 (no increase)

And be it

FURTHER RESOLVED, that there is no increase proposed for pavilion rentals by Non-Residents and which rentals shall remain as follows:

Small Pavilions	-	\$100.00
Large Pavilions	-	\$200.00
Gazebo	-	\$100.00.

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

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

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

Dog Park –Proposed Dog Trainer Fee

Discussion ensued on inquiries that the Parks Department has been receiving from licensed/certified dog trainers who are interested in using some of the open space in the Dog Park at Sherrillbrook Park, which Councilman Messa noted could be a revenue generator. Director of Recreation Center John Cunningham will contact other municipalities who offer this program to determine if they experienced any problems or legal issues. The proposed program would commence in the Spring of 2017 and dog trainers would be required to submit proof of their training and a certificate of insurance. Board consensus was for Director Cunningham to pursue the matter.

Audit – New York Power Authority Comprehensive Energy Report

Councilman Messa noted that Director Cunningham had received the energy services (audit) report that had been authorized by Town Board Resolution No. 32, adopted February 10, 2016, related to the Parks and Recreation Department. Councilmen Messa and Reynolds will review the report and Executive Summary. Financing needs to be determined and the agency will meet with Town Officials to discuss various methods.

Public Works & Sewer Committee – Councilman Miscione

Additional funds – “piggy-back” Oneida County sewer contract

Upon recommendation of the Highway Superintendent, the following Resolution was introduced by Councilman Miscione and duly seconded by Messa:

(RESOLUTION NO. 162 OF 2016)

WHEREAS, the New Hartford Town Board adopted Resolution No. 61 on April 13, 2016, authorizing the Highway/Sewer Superintendent to “piggy-back” on an Oneida County contract to raise man-hole covers to the level of road pavement at a cost not to exceed Seventy-five Thousand Dollars (\$75,000); and

WHEREAS, the Highway/Sewer Superintendent is desirous of continuing sewer-related work under the County’s contract, and Town Finance Director Daniel Dreimiller has confirmed there are sufficient monies in the 2016 Sewer budget;

NOW, THEREFORE, BE IT RESOLVED that the said Town Board does hereby authorize and direct the Highway/Sewer Superintendent to “piggy-back” for an additional Seventy-five Thousand Dollars (\$75,000) on Oneida County Sewer District Bid Reference No. 1719 for additional man-hole cover work.

The Town Board members then voted upon roll call:

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

Highway Department Laborer Vacancy

Upon recommendation of the Highway Superintendent, the following Resolution was introduced for adoption by Councilman Miscione and duly seconded by Councilman Messa:

(RESOLUTION NO. 163 OF 2016)

WHEREAS, Highway Department Laborer James W. Hinman (Sr.) is unable to return to work, as a result of which a Laborer vacancy exists effective October 14, 2016; and

WHEREAS, the Highway Superintendent has appointed Mark Scatko to fill the Highway Department Laborer vacancy, effective October 17, 2016;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby establish the base hourly wage for Mark Scatko at Fourteen Dollars and Twenty Cents (\$14.20), payable bi-weekly, effective October 17, 2016.

A roll call vote ensued:

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

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

Hannaford, Kellogg Road - entrance parking lot issues

Councilman Miscione thanked Highway Superintendent Sherman for his efforts in rectifying egress/ingress problems at the entrance to the Kellogg Road Hannaford plaza. The Oneida County Department of Public Works would not make any improvements at this location because, while Kellogg Road is a County-owned road, the egress/ingress problem is not within the County's right-of-way. The problem is on private property owned by the shopping plaza. The Highway Superintendent, who is receiving numerous calls about the long-standing situation, was able to contact the landscaping company that takes care of the property and has applied for and been granted a work permit from Oneida County. Improvements are scheduled for the week of October 10, 2016.

Surplus inventory

The Highway Superintendent had identified some surplus items that he would like to dispose of through Auctions International. The following Resolution was then offered for adoption by Councilman Miscione and duly seconded by Councilman Messa:

(RESOLUTION NO. 164 OF 2016)

RESOLVED that the Town Board of the Town of New Hartford does hereby declare as surplus the following equipment/items:

<u>Year</u>	<u>Make/Model</u>	<u>VIN / Serial No.</u>	<u>Town I.D. No.</u>
1990's	TM6500 HW Leaf Machine	082200003	000110
1990's	TM6500 HW Leaf Machine	061002075	000109
Pre-2008	Tire Changer	n/a	n/a
Unknown	(4) Mack plow truck bumpers	n/a	n/a

And be it

FURTHER RESOLVED that the aforesaid equipment shall be placed for sale on e-Bay and once sold, the Town Clerk's office shall be notified and shall arrange to terminate insurance coverage on said equipment.

The Supervisor polled the Board members who voted as follows:

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

The Resolution was thereafter declared unanimously carried and duly ADOPTED.

MATTERS SUBMITTED BY COUNCILMEN

None.

MATTERS SUBMITTED BY TOWN SUPERVISOR

Finance Director

Abstract of Vouchers – September 2016

With regard to Resolution No. 150, adopted September 14, 2016, it was confirmed that the Barton & Loguidice vouchers/invoices had been resolved except for the last \$250 on which the Bookkeeper is working with said company to identify the details. It was the consensus of the Town Board to pay the vouchers/invoices that had been held back on said Abstracts contingent upon the Finance Director receiving details of the final \$250 and providing this information to the Councilmen.

2017 Tentative Budget

Addressing the Councilmen, the Town Supervisor suggested that if they had any questions, they could work with their committees and/or department heads and that, if requested, the Finance Director would provide the detailed budget worksheets that had been submitted.

Town Attorney:

Authorization for Court Grant

Upon request of Town Justice Kevin Copeland who would like to upgrade security and electronics in the Court, Councilman Messa moved the adoption of the following Resolution, duly seconded by Councilman Miscione:

(RESOLUTION NO. 165 OF 2016)

WHEREAS, the State of New York has made certain grants available to local Town Courts; and

WHEREAS, the New Hartford Town Court is interested in making application for such grants;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby approve and authorize the New Hartford Town Court to make application for a JCAP Grant for 2016/2017, in an amount up to Thirty Thousand Dollars (\$30,000).

The Resolution was voted upon by roll call as follows:

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

The Resolution was thereafter declared unanimously carried and duly **ADOPTED**. The Town Attorney confirmed that this is not a “matching” grant.

Finance Director (Cont'd)

September 2016 Financial Reports

Finance Director Daniel Dreimiller had emailed Town Board members the monthly financial reports for September 2016; no one had any questions.

Audit of Vouchers

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

(RESOLUTION NO. 166 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:

Street Lighting Abstract #9	
Vouchers SL10	\$ 8,227.78
Highway Fund Part-Town Abstract #12	
Vouchers DB583-DB621	\$ 79,023.27
General Fund Part-Town Abstract #21	
Vouchers BB131VOIDED-BB132VOIDED	\$ 0.00
General Fund Part-Town Abstract #21A	
Vouchers BB133-BB134	\$ 463.00
General Fund Part-Town Abstract #22	
Vouchers BB135-BB137	\$ 2,143.89
General Fund Part-Town Police Abstract #19	
Vouchers BP191-BP193	\$ 47,917.54
General Fund Part-Town Police Abstract #20	
Vouchers BP194-BP207	\$ 10,193.16
Trust & Agency Fund Abstract #31	
Vouchers TT170-TT171	\$ 7,334.02
Trust & Agency Fund Abstract #32	
Vouchers TT172-TT179	\$ 8,005.94
General Fund Whole -Town Abstract #22	
Vouchers AA1003-AA1061	\$ 32,340.56
General Fund Whole -Town Abstract #21	
Vouchers AA994-AA1002	\$ 14,178.87
Sewer Fund Abstract #20	
Vouchers SS79	\$ 1,457.29
Sewer Fund Abstract #21	
Vouchers SS80-SS81	<u>\$ 11,297.00</u>
TOTAL:	\$ 222,582.32

as well as the Barton & Loguidice bills that had been withheld for payment at the September 2016 Town Board meeting (Resolution No. 150), contingent upon the Finance Director receiving confirmation of details and validity of the invoice/billing records from Barton and Loguidice.

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

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

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

2017 Tentative Budget

Again, the Town Supervisor told the Councilmen that if they wanted to sit down and review the budget with him, just give him a call and he would meet with them. Supervisor Tyksinski said the public hearing on the budget would be at the next Board meeting. There is no tax increase; the tax rate stays the same....special districts, etc. There is no increase in taxes.

EXECUTIVE SESSION

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

(RESOLUTION NO. 167 OF 2016)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the on-going Peters-Adelman lawsuit against the Town.

A roll call vote ensued:

Councilman Miscione	-	Aye
Councilman Reynolds	-	ABSENT
Councilman Woodland	-	ABSENT
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 6:48 P.M. The Town Attorney and Deputy Supervisor remained for the Executive Session.

[NOTE: The Town Attorney provided the following transcription on Wednesday, October 12, 2016]

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 168 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.

A roll call vote ensued:

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

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 7:05 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public was re-invited to attend the Board meeting.

Eminent Domain – Peters-Adelman Property

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

(RESOLUTION NO. 169 OF 2016)

RESOLVED that the New Hartford Town Board does hereby authorize Attorney Cully to proceed with Eminent Domain against the Elizabeth Peters-Adelman property (Tax Map No. 339.007-5-9 and 339.007-2-18) on Woodberry Road.

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

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

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

REGULAR TOWN BOARD MEETING
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ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilman Messa, seconded by Councilman Miscione, the meeting was adjourned at 7:07 P.M.

Respectfully submitted,

Gail Wolanin Young
Town Clerk