

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, NOVEMBER 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 Paul A. Miscione
Councilman David M. Reynolds
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
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

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

(RESOLUTION NO. 174 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 October 5, 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.

REGULAR TOWN BOARD MEETING

November 9, 2016

Page 2 of 13

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

PUBLIC HEARING

6:01 P.M.

2017 Preliminary Budget, including
Special Districts

At 6:01 P.M. the Town Supervisor opened the Public Hearing on the 2017 Preliminary Budget and special districts/improvement area. The Town Clerk had available the Notice of Public Hearing, Proof of Publication (October 31, 2016, edition of The Observer Dispatch), and Affidavit of Posting. The purpose of the Hearing was to offer the citizens an opportunity to speak for or against, or to comment upon the 2017 Preliminary Budget as a whole, or any part thereof, which included the General Fund, whole-town and part-town, Highway Department and special districts, fire protection districts and lighting districts. Copies of the 2017 Preliminary Budget were on hand for public distribution and had been posted on the Town's website. Referring to the Budget Summary sheet in the front of the Budget, the Town Supervisor noted that taxes for all of the funds and special districts had remained the same. He then invited anyone present to come forth with comments on the Budget.

No one came forth to speak. The Town Board agreed to leave the Public Hearing open for residents who might appear later in the meeting.

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

Parks & Recreation Committee – Councilman Reynolds

Declaration of Surplus Vehicle – Authorization to Sell

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

(RESOLUTION NO. 175 OF 2016)

RESOLVED that the Town Board of the Town of New Hartford does hereby declare as surplus Park truck #57, a 2001 Ford F-250, VIN 1FTNF21121EC29082, with attached 2013 8' Western V-Plow; and be it

FURTHER RESOLVED that the aforesaid vehicle/equipment shall be placed for sale through Auctions International and once sold, the Town Clerk's office shall be notified and shall arrange to terminate insurance coverage on said vehicle/equipment.

Councilman Reynolds noted that the truck is in bad shape and doesn't leave the park. Thereafter the foregoing Resolution was voted upon by roll call as follows:

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

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

Town Park Office temporary location change

Recreation Center Director John Cunningham notified the Town Board that, effective November 1, 2016, the Town Park office is operating out of the New Hartford Recreation Center for the winter months.

Public Skating – Rescheduled

The Recreation Center Director reported that public skating on Saturdays (7:30 P.M. – 9:00 P.M.) has been cancelled and rescheduled for Saturdays at 1:00 P.M. – 3:00 P.M. Family skating will remain 6:00 P.M. – 7:30 P.M. on Saturdays.

Town Clerk Committee – Councilman Woodland

2016 Budget Adjustment

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

(RESOLUTION NO. 176 OF 2016)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Accounting Department to make the following 2016 budget adjustment:

- Decrease Account AA1410.4 (Town Clerk contractual expense) by \$358.00
- Increase Account AA1410.2 (Town Clerk equipment) by \$358.00
 - Purpose: Purchase HP LaserJet Pro MFP M426fdn printer to replace a 10+-year old HP Laser Jet 1200 series.

The Town Board members then voted upon roll call:

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

Whereupon, the Resolution was declared unanimously carried and duly **ADOPTED**.

Raffle Consent

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

(RESOLUTION NO. 177 OF 2016)

RESOLVED that the New Hartford Town Board does hereby grant permission to North Star All Star, 218 S. James Street, Rome, NY 13440, an organization duly granted a Games of Chance Identification Number by the New York State Racing and Wagering Board, to sell raffle tickets at the Sangertown Square Mall, 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	-	Aye
Councilman Messa	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Tyksinski	-	Aye.

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

Assessor Committee – Councilman Woodland

Training

Upon request of the Assessor, the following Resolution was introduced for adoption by Councilman Woodland and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 178 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 Assessor Darlene Abbatecola to attend the 2-day seminar entitled Residential Vacant Land Sales, sponsored by the BASILE Group on November 17 and November 18, 2016 in Herkimer, New York, with the \$130 fee to be borne by said Town as budgeted.

The Resolution was voted upon by roll call as follows:

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

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

Public Works & Sewer Committee – Councilman Miscione

2016-2018 Snow and Ice Agreement

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

(RESOLUTION NO. 179 OF 2016)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Superintendent of Highways and the Town Supervisor to enter into and to execute an Agreement with the County of Oneida, New York, for the snow and ice control and removal on the improved County road system located within the geographical boundaries of the Town of New Hartford for the term from November 1, 2016 to April 30, 2018, to include “snow seasons”, and as more fully set forth in an Agreement to be filed in the New Hartford Town Clerk’s Office.

The Town Board noted that the rate for this Agreement had been increased 3.4%, which raised the amount to \$6,000 per mile that would be paid to the Town by Oneida County. The Town Board members then voted upon roll call:

Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye

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

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

Declaration of Surplus Vehicle – Authorization to Sell

Upon request of the Highway Superintendent, the following Resolution was offered for adoption by Councilman Miscione and duly seconded by Councilman Woodland:

(RESOLUTION NO. 180 OF 2016)

RESOLVED that the Town Board of the Town of New Hartford does hereby declare as surplus one 2011 Ford Crown Victoria, VIN 2FABP7BV5BX159676, a former Police Department vehicle; and be it

FURTHER RESOLVED that the aforesaid vehicle shall be placed for sale through Auctions International and once sold, the Town Clerk’s office shall be notified and shall arrange to terminate insurance coverage on said vehicle.

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

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

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

MATTERS SUBMITTED BY COUNCILMEN / TOWN ATTORNEY

Councilman Miscione

Electrical Inspector Fees

With regard to Councilman Miscione’s suggestion in October that the fee structure for electrical inspectors be reduced, the Town Attorney stated that a local law, subject to a public hearing, would be required to effect this change. After speaking with the Code Enforcement Officer, it was Board consensus that the electrical inspector qualifications remain the same.

Councilman Messa

Grange Hill Road Drainage Project – Lower Culvert System Design

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

(RESOLUTION NO. 181-A OF 2016)

RESOLVED that the New Hartford Town Board does hereby accept the engineering services proposal submitted by Barton & Loguidice for providing Final Design and Bid Phase services for assisting the Town of New Hartford with implementing the proposed improvements to the detention pond and closed drainage system facilities serving the Grange Hill Road area and does further authorize and direct the Town Supervisor to enter into and to execute all necessary documents related to said project, the cost of which shall be:

Design services on a lump sum basis

Task 1: Final Design, Review & Public Involvement	\$26,000
Subcontractor for foil borings and 6 easements	\$ 7,000
Task 2: Bidding, Permitting & Easement Coordination	<u>\$14,000</u>
Design & Bid Phase Subtotal	\$47,000

Construction inspection and administration services

Task 3: Construction Inspection & Administration, not-to-exceed \$42,000.

Discussion ensued about financing the project, part of which would be paid by funds received from Oneida County and the Town bonding for the rest. A roll call vote was duly held and resulted as follows:

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

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

Town Attorney

Order to Show Cause – Zumpano Property

With regard to the Order to Show Cause served upon the Town seeking to compel Code Enforcement Officer Joseph Booth to rescind the Building Permit on the Zumpano

property, the Town Attorney reported that the Judge summarily granted the Town's motion to dismiss and affirmed that all of Code Enforcement Officer Booth's actions were legal and proper.

MATTERS SUBMITTED BY TOWN SUPERVISOR

Financial:

Public Hearing – 2017 Preliminary Budget (Cont'd)

Supervisor Tyksinski inquired whether anyone who came in late to the meeting wished to speak on the 2017 Preliminary Budget, including special districts. No one having come forth, the Public Hearing was declared closed at 6:13 P.M.

Discussion ensued on the Budget:

- Willowvale Fire Protection District #4 – transfer \$22,600 under workers compensation line item to the contract amount line item, thereby increasing the contract amount to \$320,908. The tax rate will remain the same.

The Finance Director and Supervisor are researching ten (10) years back, and more, in an attempt to establish a firm fund balance. Fund balances were not detailed out back then.

- General Fund AA1940 – payments to County. What does \$9,395 include? Certiorari proceedings, sewer tax? Finance Director to obtain an explanation from Oneida County.
- Repayment to Sewer Fund – balance of about \$700,000 per Finance Director and possible repayment plan.

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

(RESOLUTION NO. 181-B OF 2016)

RESOLVED that the New Hartford Town Board does hereby establish a plan to reimburse the Sewer Fund for monies owed and that said plan shall be annual payments of Seventy-five Thousand Dollars (\$75,000) over a ten (10) year period, during the first quarter of each year beginning January 1, 2017.

The Resolution was duly put to 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 unanimously carried and duly **ADOPTED**.

2017 Annual Budget – Adoption

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

(RESOLUTION NO. 182 OF 2016)

WHEREAS, the Town Board of the Town of New Hartford held a Public Hearing on November 9, 2016, to consider the special assessment rolls of said Town for fiscal year 2017, and to consider the adoption of the 2017 Preliminary Budget as the 2017 Annual Budget, including special district rates;

NOW, THEREFORE, BE IT RESOLVED that said Town Board does hereby approve the special assessment rolls of said Town for fiscal year 2017 and does further adopt the 2017 Preliminary Budget, as amended with regard to Fire Protection District #4 (Willowvale Fire Co. – transfer \$22,600 from workers’ compensation to the contract payment line), as the 2017 Annual Budget as set forth in Schedule “A” annexed hereto and made a part of this Resolution and does hereby set the rates for all funds and the special districts/improvement areas as set forth in said Budget.

The Town Board members then voted 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 unanimously carried and duly **ADOPTED**.

Audit of Vouchers

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

(RESOLUTION NO. 183 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 #10	
Vouchers SL11	\$ 8,543.71
Fire Abstract #9	
Vouchers SF19	\$ 7,453.92
Highway Fund Part-Town Abstract #13	
Vouchers DB622-DB623	\$ 38,653.74
Highway Fund Part-Town Abstract #14	
Vouchers DB624-DB625	\$ 46,819.37
Highway Fund Part-Town Abstract #15	
Vouchers DB626- DB712	\$100,832.70
General Fund Part-Town Abstract #23	
VouchersBB138-BB143	\$ 6,538.26
General Fund Part-Town Abstract #24	
Vouchers BB144-BB152	\$ 4,086.71
General Fund Whole-Town Abstract #23	
Vouchers A1062-A1087	\$ 47,182.37
General Fund Whole-Town Abstract #24	
Vouchers A1088-A1093	\$ 19,080.35
General Fund Whole-Town Abstract #25	
Vouchers A1094-A1213	\$113,736.43
General Fund Part-Town Police Abstract #21	
Vouchers BP208-BP215	\$ 50,077.36
General Fund Part-Town Police Abstract #22	
Vouchers BP216-BP217	\$ 21,951.19
General Fund Part-Town Police Abstract #23	
Vouchers BP218-BP242	\$ 15,519.84
Trust & Agency Fund Abstract #33	
Vouchers TT180-TT187	\$ 7,127.89
Trust & Agency Fund Abstract #34	
Vouchers TT188-TT191	\$ 12,080.25
Trust & Agency Fund Abstract #35	
Vouchers TT192-TT198	\$ 8,028.79
Trust & Agency Fund Abstract #36	
Vouchers TT199-TT206	\$ 7,098.74
Sewer Fund Abstract #22	
Vouchers SS82-SS84	\$ 4,318.95
Sewer Fund Abstract #23	
Vouchers SS85-SS86	\$ 9,067.56

Sewer Fund Abstract #24	
Vouchers SS87-SS88	\$ 406.00
TOTAL:	\$ 528,604.13

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***.

City vs. Town

The Town Supervisor discussed the situation which has been going on for quite a while and has been in the newspaper recently, i.e. sales tax and whether the Town should seek to become a city. If the Town were to become a city, there would be advantages including significantly more revenue in sales tax. The downside is small.

The Town's sales tax revenue has flattened out over the last six (6) quarters; and as expenses increase, it becomes harder, together with the sales tax cap that gets lower, as to how much the Town can charge its taxpayers. Supervisor Tyksinski had asked the Town Attorney to draft a resolution to look into becoming a city and the Town Attorney read the proposal aloud. Councilman Reynolds introduced the following Resolution for adoption, seconded by Councilman Miscione:

(RESOLUTION NO.184 of 2016)

WHEREAS, the Town Board of the Town of New Hartford is concerned with consolidating and maximizing services to its residents; and

WHEREAS, it appears that due to the growth of the Town and concerns with regard to limits of taxation on real property there are serious issues that need to be dealt with; and

WHEREAS, the Town Board wishes to investigate all options to provide for the best interests of its citizens;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of New Hartford does direct Town Supervisor Patrick M. Tyksinski to go forward with efforts to

convert the Town and any Villages therein to a City with the understanding that the Supervisor will keep the Board fully apprised of all findings.

In response to Councilman Reynold's question, the Town Attorney stressed the authority would be to investigate becoming a city. The Resolution was then voted upon 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***.

EXECUTIVE SESSION

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

(RESOLUTION NO. 185 OF 2016)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the Town's strategy with union negotiations involving the Highway Department.

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 6:35 P.M. The Town Attorney and Deputy Supervisor remained for the Executive Session.

[NOTE: The Town Supervisor provided the following transcription on Thursday, November 10, 2016.]

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 186 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	-	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 7:13 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public was re-invited to attend the Board meeting.

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 7:14 P.M.

Respectfully submitted,

Gail Wolanin Young
Town Clerk