

PROPOSED TOWN BOARD AGENDA (SUBJECT TO CHANGE)

August 14, 2013 at 7:00 P.M.

Butler Memorial Hall

I. MINUTES

- A. July 10, 2013

II. PUBLIC Hearings

- A. Local Law Introductory "B" (wind energy)
 - 1. Action
- B. Local Law Introductory "C" (flood prevention)
 - 1. Action

III. PRESENTATIONS (Resident Comments)

IV. REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE

CHAIRPERSON

- A. Town Clerk Committee – Councilman Woodland
 - 1. Raffle Consent – American Heart Association
- B. Public Safety & Court – Supervisor Tyksinski
 - 1. Agreement with New Hartford Central School/School Resource Officer Program

V. MATTERS SUBMITTED BY COUNCILMEN / ATTORNEY / DEPUTY SUPERVISOR

- A. Town Attorney
 - 1. Resolution-Amicus Curiae (natural gas drilling)
 - 2. Sangertown Square v. Town of new Hartford & New Hartford Central School
- B. Councilman Reynolds
 - 1. Woodberry Road Stormwater – short and long term repairs after Barton & LoGuidice inspection & review
- C. Councilman Backman
 - 1. Master Plan Update Status
 - 2. Pilot Allocation Agreement, Business Park
 - 3. Executive Session, Items/Particular Employee
- D. Councilman Miscioni
 - 1. Request for streetlight at 130 Sylvan Way
 - 2. Approval for drainage pipe repair/ Ironwood & Juniper Lane (\$1,000.00 cap)
 - 3. Install fence on retention pond off Pleasant Street (safety for children)
 - 4. Mud Creek Project Complete (after budget is complete, look to see if enough funding for fencing and resident riprapping)

AGENDA (SUBJECT TO CHANGE)
August 14, 2013 Town Board meeting
Page 2

VI. MATTERS SUBMITTED BY TOWN SUPERVISOR

- A. Financial and other routine reports
 - 1. Audit of bills
 - 2. Finance Director report
 - 3. Other
- B. Miscellaneous communications
- C. Unfinished Business
- D. New Business

New Hartford

**RAFFLE
CONSENT FORM**

I, Dick Mattia, Executive Director of
(Print the first name, middle initial and last name of the officer or director) (Title of officer or director: Pastor, Commander, etc.)

American Heart Association, GC 30-103-170-02681,
(Name of authorized organization) (Games Of Chance Identification Number)

located at 120 Lomond Court, Utica NY 13502,
(Address of authorized organization)

request permission from the Town of New Hartford,
(City, Town or Village)

County of Oneida, to sell raffle tickets licensed by the
Town of New Hartford, County of Oneida, within
(City, Town or Village)

the territorial limits of its municipality during the calendar year 2014.

[Signature]
(Signature of authorized organization's officer or director)

Sworn to me this 17 day of July, 2013
(Notary Public - Commissioner of Deeds) (Year)

[Signature]

TABITHA L. POPLASKI
Notary Public, State of New York
Oneida County
Registration No. 5004476
My Commission Expires Nov. 16, 2014

RECEIVED
9:30 AM
AUG 06 2013
TOWN OF NEW HARTFORD
TOWN CLERK

Approved by: _____
(Name of Municipality)

(Signature and Title of Authorized Officer)

(Date)

Note: In accordance with Section 189, Subdivision 13 of the General Municipal Law, only municipalities which have: 1) enacted local legislation authorizing the conduct of games of chance, and 2) are located in the same county as that of the licensing municipality, or a county contiguous to the county in which the consenting municipality is located, may consent to allow the sale of raffle tickets by authorized organizations licensed to conduct raffles.

Young, Gail

From: Inserra, Michael S.
Sent: Monday, August 05, 2013 3:01 PM
To: Young, Gail
Subject: RE: Town Board Meeting Agenda Items

From: Young, Gail
Sent: Monday, August 05, 2013 8:10 AM
To: Aiello, Barb; Backman, Don; Booth, Joe; Cully, Herb; Dreimiller, Dan; Inserra, Michael S.; Jeffery, Mike; M. Eileen Spellman; Miscione, Paul; New Hartford Supervisor; O'Sullivan, Janice; Reynolds, David M.; Richard Woodland Jr. (E-mail); Sherman, Richard C.; Smith, Paul; Tyksinski, Patrick M.
Subject: Town Board Meeting Agenda Items

In order to prepare the agenda for the August 14, 2013 Town Board Meeting, it will be necessary that I receive from you any matter(s) which you feel should be discussed at that meeting.

Please check applicable statements:

_____ No matters to be considered

_XXX_____ Place the following on the Agenda:

Gail.

Please put the following on the agenda. I am requesting the Town Board approve an Agreement for Services concerning our ongoing School Resource Officer Program with the New Hartford Central School District. The term of the agreement will run from Sept 04, 2013 to June 25, 2014. This will provide the school district with 17 hours of SRO coverage per week at a total cost of \$37,500 for the stated school year. I will bring three copies of the agreement to the board meeting.

rice no later than 4:00 P.M. on Thursday, August 8, 2013.

IN ADDITION, DUE TO CHANGES IN STATUTE THAT BECAME EFFECTIVE FEBRUARY 2, 2012, REQUIRING THE POSTING OF THE AGENDA AND SUPPORTING DOCUMENTS ON THE TOWN'S WEBSITE, IT WILL BE NECESSARY FOR YOU TO FURNISH ME WITH BACKGROUND INFORMATION RELATED TO THE SUBJECT(S) YOU ARE PLACING ON THE AGENDA, INCLUDING BUT NOT LIMITED TO PROPOSED LEGISLATION, COMMUNICATIONS, ETC. IF YOU HAVE ANY QUESTIONS IN THIS REGARD, PLEASE CONTACT ME AT YOUR EARLIEST CONVENIENCE. I MUST ASK FOR YOUR COOPERATION IN SUPPLYING ME WITH THE DOCUMENTS BY THE THURSDAY DATE NOTED ABOVE, AS THIS CAN BE A TIME-CONSUMING TASK AND MUST BE ON THE WEBSITE PRIOR TO THE TOWN BOARD MEETING.

Thank you!

GWY:rb

Gail

Agenda 8-14-13

FAX
COVER
SHEET

Call, Call & Cully
Attorneys at Law
510 Bleecker Street
Utica, New York 13501

Please use this fax number for all return facsimile correspondence to me:
(315) 733-6591

To: Carol

From: Herb

Fax No.: 724-8499

Date: 7-19-13

Subject:

Pages to follow:

MESSAGE: Please make copies of the Resolution +
give to everyone as well as the letters on Sangertown.

ASK Gail to put both on the agenda -

Thanks, Herb

If you do not receive the number of pages indicated above, please call this office
(315) 733-0455 and ask for

The following transmitted material is confidential
and solely for the person or entity named above and
is covered by the attorney-client privilege. If you are
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communication. If you have received the material in
error, please notify us by telephone and return the
correspondence to us at the address to the right via
first class mail.

From the desk of...

Call, Call & Cully
Attorneys at Law
510 Bleecker Street
Utica, New York 13501

Telephone Number: (315) 733-0455

RECEIVED

3:53 PM

JUL 19 2013

TOWN OF NEW HARTFORD
TOWN CLERK

RESOLUTION OF THE TOWN BOARD/VILLAGE BOARD/COMMON COUNCIL OF THE TOWN/VILLAGE/CITY OF *New Hartford* TO APPROVE BECOMING AN AMICUS CURIAE IN ACTIONS INVOLVING MUNICIPAL HOME RULE IN THE COURT OF APPEALS OF THE STATE OF NEW YORK

Date: _____

WHEREAS, the Towns of Middlefield and Dryden have recently revised their zoning laws to prohibit heavy industrial uses (including natural gas drilling) in their communities and such laws were challenged in court by opponents claims that the Towns did not have the power to regulate natural gas drilling as a land use through zoning; and

WHEREAS, the Town of Ulysses filed an amicus curiae or "friend of the court" brief in both lawsuits in support of its sister Towns in order to reassert the right of each municipality throughout New York State to determine what land use are appropriate in its community through municipal home rule law powers granted by the NYS Constitution and the NYS Municipal Home Rule Law; and

WHEREAS, the Town/Village/City of *New Hartford* joined with the Town of Ulysses and a coalition of over 50 other municipalities from across the State to file these amicus curiae briefs in the Appellate Division, Third Department in 2012; and

WHEREAS, the Appellate Division, Third Department, ruled in favor of the Towns of Dryden and Middlefield in the matters of Norse Energy Corporation USA v. Town of Dryden et al., and Cooperstown Holstein Association v. Town of Middlefield; and

WHEREAS, the Norse Energy Corporation and the Cooperstown Holstein Association ("Appellants") recently filed motions for leave to appeal each decision to the Court of Appeals – the State's highest court; and

WHEREAS, if the Appellants are granted leave to appeal to the Court of Appeals, the Town of Ulysses will seek leave to file amicus curiae brief(s) with the Court and will file such brief(s) if leave is granted; and

WHEREAS, the Town of Ulysses has requested that other municipalities in the State consider joining the municipal coalition supporting the Ulysses' amicus brief(s) to send a powerful statement to the Court of Appeals, the NYS Department of Environmental Conservation and the NYS Legislature about the importance of protecting municipal home rule in New York State and a municipality's right to decide, for itself, whether natural gas drilling - or any other land use - is appropriate for its citizens.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Town/Village/City of *New Hartford* hereby determines that it is in the public interest of the citizens of the Town/Village/City to support municipal home rule by joining in the amicus brief(s) being filed in the Court of Appeals by the Town of Ulysses' and a coalition of municipalities from across the State.

2. The Town/Village/City of New Hartford hereby authorizes and directs the Supervisor/Mayor to complete or cause to be completed any and all such further documents and papers in the name and on behalf of the Town/Village/City as the Supervisor/Mayor deems necessary or appropriate to carry into effect the foregoing resolution.

3. The Town/Village/City Clerk will promptly send a certified copy of this adopted resolution to the Town of Ulysses, 10 Elm Street, Trumansburg, NY 14886.

DATE ADOPTED _____

TABNER, RYAN AND KENIRY, LLP

COUNSELORS AT LAW

18 CORPORATE WOODS BOULEVARD, STE. 8
ALBANY, NEW YORK 12211

JOHN W. TABNER
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WILLIAM J. KENIRY*
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TRACY L. BULLETT
THOMAS R. FALLATI
DANA L. SALAZAR
BRIAN M. QUINN***
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DEREK D. SELLMAN

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WILLIAM H. KENIRY
Retired Justice of the Supreme
Court of the State of New York
of Counsel

LEGAL ASSISTANTS
LORI L. LUGG
APRIL L. SCHMICK

*ALSO ADMITTED IN THE STATE OF MASSACHUSETTS

**ALSO ADMITTED IN THE STATE OF FLORIDA

***ALSO ADMITTED IN THE STATES OF CONNECTICUT & CALIFORNIA

July 15, 2013

By E-Mail Only

Herbert Cully, Esq.
Herb Cully, Esq.
510 Bleecker Street
Utica, NY 13501

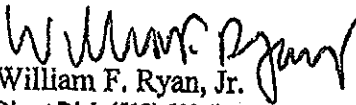
RE: Sangertown Square v. Town of New Hartford and New Hartford Central
School District
Our File No: 18594.

Dear Herb:

I am enclosing a letter received on July 12, 2013 from Judge Grow. Could you please have the town remit its share of the obligation to Judge Grow. I informed the town and the school district about the need to remit payment at least one month ago.

The instructions for the remittance to Judge Grow are set forth within his letter. Please let me know if you have any questions.

Very truly yours,
TABNER, RYAN AND KENIRY, LLP


William F. Ryan, Jr.
Direct Dial: (518) 512-5303
wfr@trklaw.com

WFRals
Enclosure

cc: Paul Smith, Assessor (w/ enc. and by e-mail only)
Pat Tyksinski, Supervisor (w/ enc. and by e-mail only)
Mary Mandel (w/ enc. and by e-mail only)
Judge John W. Grow (w/o enc. and by mail only)

LAW OFFICES

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DAVID C. GROW
JULIE GROW DENTON

JOHNSON D. McMAHON 1914-1963

GEORGE B. GROW 1940-2009

ABRAHAM H. BAKER 1934-1995

OF COUNSEL

RICHARD D. SIMONS

JOHN W. GROW

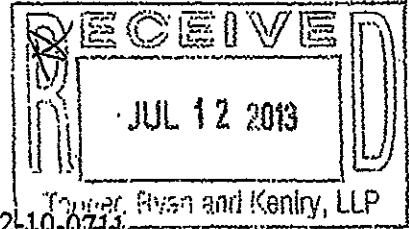
RETIRED

RICHARD H. McMAHON 1960-2007

July 10, 2013

William F. Ryan, Jr., Esq.
Tabner, Ryan & Keniry, L.L.P.
18 Corporate Woods Boulevard, Suite 8
Albany, NY 12211

DIARIED



Re: Sangertown Square v. Town of New Hartford, et al
RJI Nos.: 32-07-0765, 32-08-3698, 32-09-0583 and 32-10-0711

Dear Mr. Ryan:

On May 30, 2013, Justice Hester Ordered that "within 30 days of this Order . . . respondents and/or intervener-respondent shall remit to the Referee the sum of \$15,000.00."

I assume you are aware Petitioner timely complied with the Order. The School District timely remitted \$13,500.00. There remains \$1,500.00 owing. There has been no payment by the Town.

Please contact your clients and request remittance of \$1,500.00 payable to "John W. Grow, Referee." Tax identification number is 16-0874014. Please request payment be received by July 31, 2013. If not received by that date I will request Justice Hester schedule a conference with you, a fiscal officer from both the Town and School District, and myself, to discuss the failure to comply with Justice Hester's Order.

Sincerely yours,

John W. Grow
John W. Grow

JWG/lp

Young, Gail

From: David Reynolds <dmr100@msn.com>
Sent: Tuesday, August 06, 2013 8:42 AM
To: Young, Gail
Subject: Re: Town Board Meeting Agenda Items

From my I pad
Dave

On Aug 5, 2013, at 8:10 AM, "Young, Gail" <gyoung@town.new-hartford.ny.us> wrote:

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Please check applicable statements:

No matters to be considered

XX

Place the following on the Agenda:

Woodberry rd storm water - short and long term repairs after BL inspection and review

This information must be received in my office no later than 4:00 P.M. on Thursday, August 8, 2013.

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Thank you!

GWY:rb

Young, Gail

From: Don Backman <donbackman@roadrunner.com>
Sent: Thursday, August 08, 2013 3:02 PM
To: Young, Gail
Subject: Agenda items for 8-14 meeting

Hi Gail,

Can you put a few items on the agenda for me?

- Master Plan update status
- Pilot Allocation Agreement, Business Park
- Exec session, items/particular employee

Thanks,

-Don

Young, Gail

From: Miscione, Paul
Sent: Friday, August 09, 2013 6:00 PM
To: Young, Gail
Subject: RE: Town Board Meeting Agenda Items

Please add the following:

1. Street Light needs to be installed at the corner bend of 130 Sylvan way (residents concerned with safety).
2. Need approval for drainage pipe repair /Iron wood & Juniper Lane (\$1,000 cap).
3. Install fence on retention pond off Pleasant Street (Safety for children).
4. Mud creek project complete (After Budget is complete will look to see if enough funding for fencing and resident rip wrapping).

Paul Miscione, MBA
New Hartford Town Council 2nd Ward
315-868-2996

From: Young, Gail
Sent: Monday, August 05, 2013 8:10 AM
To: Aiello, Barb; Backman, Don; Booth, Joe; Cully, Herb; Dreimiller, Dan; Inserra, Michael S.; Jeffery, Mike; M. Eileen Spellman; Miscione, Paul; New Hartford Supervisor; O'Sullivan, Janice; Reynolds, David M.; Richard Woodland Jr. (E-mail); Sherman, Richard C.; Smith, Paul; Tyksinski, Patrick M.
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