

PROPOSED TOWN BOARD AGENDA (SUBJECT TO CHANGE)
November 20, 2013 at 7:00 P.M.
Butler Memorial Hall

I. MINUTES

- A. November 6, 2013

II. PRESENTATIONS (Resident Comments)

**III. REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE
CHAIRPERSON**

- A. Parks & Recreation Committee – Councilman Reynolds
 - 1. Budget transfer
- B. Assessor Committee – Councilman Woodland
 - 1. Applicant interviews/Councilmen Reynolds & Miscione

**IV. MATTERS SUBMITTED BY COUNCILMEN / ATTORNEY /
DEPUTY SUPERVISOR**

- A. Town Attorney
 - 1. Thomas Bell claim
 - 2. Markwood v. Town

V. MATTERS SUBMITTED BY TOWN SUPERVISOR

- A. Financial and other routine reports
 - 1. 2014 Budget discussions
- B. Miscellaneous communications
- C. Unfinished Business
- D. New Business

Young, Gail

From: Jeffery, Mike
Sent: Thursday, November 14, 2013 7:32 AM
To: Young, Gail
Subject: RE: November 20, 2013 Town Board Meeting

From: Young, Gail
Sent: Tuesday, November 12, 2013 8:27 AM
To: 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); Schwenzfeier, Barb; Sherman, Richard C.; Smith, Paul; Tyksinski, Patrick M.
Subject: November 20, 2013 Town Board Meeting

In order to prepare the agenda for the November 20, 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

Place the following on the Agenda:

Budget

Transfer

This information must be received in my office no later than 4:00 P.M. on Thursday, November 14, 2013.

Per Herb Cully -

11.20.13

Agenda -

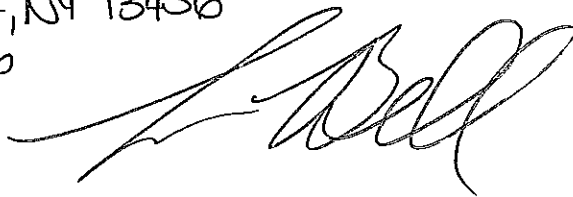
August 5, 2013

Town Clerk or whom it may concern,

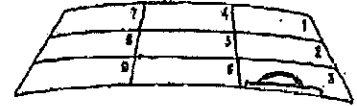
I, Thomas Bell, was traveling on August 5 at 7⁴⁵am from my home in Saugvoit thru Chadwicks on Oneida Street. I was behind a New Hartford dump truck when a rock, of sorts, flew out of truck and struck my windshield. The windshield afterwards kept cracking.

I've also including an estimate from Safelite Autoglass as well as some pictures.

Thomas Bell
2 Leisure Place
Saugvoit, NY 13456
(315)941-1426



RECEIVED
8.10 AM
AUG 14 2013
TOWN OF NEW HARTFORD
TOWN CLERK



Location Information

Safelite #MVR#7109088
 881 OLD ALBANY SHAKER RD.
 LATHAM, NY 12110
 518-362-8400

Estimate 01857-925059

Org Date: 8/5/2013 CTU WO: 925059
 8/5/2013 2:05 PM
 Keyed By: XFI
 THOMAS BELL

Account Information

CONSUMER PARENT
 316929 - 080160 --

Primary: 315-941-1428
 Alternate:

Year	Make	Model	Body Style	Mileage
2003	CHEVROLET	SILVERADO C1500	2 DOOR STANDARD CAB	
Qty	Part #	Selling	Labor	Kit
1	DW01341 GBY	\$228.95	\$60.00	\$0.00
Replace with new - SOLAR				
1	DISPOSAL FEE	\$0.00	\$9.95	\$0.00
Replace with new - DISPOSAL FEE				

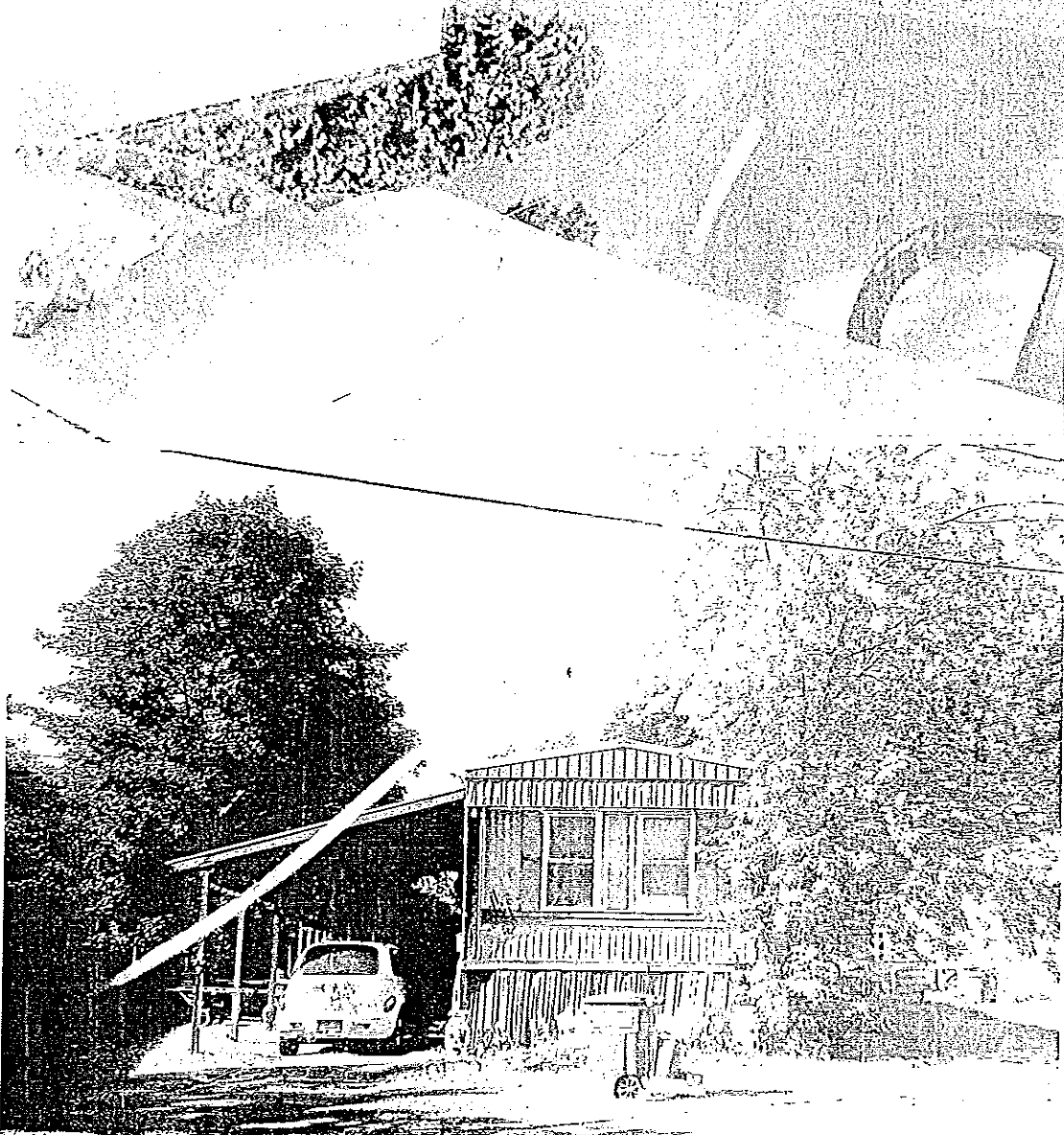
Part Sub Total:	\$228.95
Labor Sub Total:	\$69.95
Sub Total:	\$298.90
Sales Tax:	\$23.92
Total:	\$322.82

This ESTIMATE is good for 10 days from the date noted above.

THIS IS AN ESTIMATE ONLY

** CALL TO SCHEDULE WORK **
 ** 1-800-800-ASAP (2727) **

RECEIVED
 8:10 AM
 AUG 14 2013
 TOWN OF NEW HARTFORD
 TOWN CLERK



Gail

FAX TRANSMISSION

CALLI CALLI & CULLY
510 Bleecker Street
Utica, New York 13501
(315) 733-0455
Fax: (315) 733-6591

RECEIVED
2:30 PM
NOV 14 2013
TOWN OF NEW HARTFORD
TOWN CLERK

To: Carol Ryan Date: November 12, 2013
Fax #: 724-8499 Pages: 13 (including cover sheet)
From: Herbert J. Cully, Esq.
Subject: Markwood v. Town of New Hartford

COMMENTS:

Carol:



Please put on my Agenda for the next meeting Executive Session - Markwood v. Town of New Hartford.

OK Done
Note: Spoke to Herb on 11/13/2013, he also requests that I cc: Town Board + Gail. Carol

If you do not receive the number of pages indicated above, please call the originating office and ask for Marianne Lee.

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FELT EVANS, LLP

ATTORNEYS AND COUNSELORS AT LAW

PHILIP L. EVANS
EDWARD D. BARR
PATRICIA SHAFFER BOBROW
KENNETH L. BOBROW
ANTHONY G. HALLAK*
JUSTIN M. NACKLEY

*Also Member Of The CT. Bar

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TOLL FREE: 1-866-FELTLAW

Website: <http://www.felt-evans.com>

EL PORTER FELT
(1930-1997)
ANTHONY T. PANZONE
(1940-2000)

UTICA OFFICE
11 NOTRE DAME LANE
UTICA, NEW YORK 13502

JAY G. WILLIAMS III
OF COUNSEL

FILE COPY

Municipal Bill Allocation
NH/Markwood
September 11, 2013

Total Amount of Bill	\$3,160.75
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Pro Rated Distribution

New Hartford Central School 80%	\$2,400.00
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Total Expenses (\$160.75) 50%	80.37
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Total	\$2,480.37
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Town of New Hartford 20%	\$ 600.00
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Total Expense (\$160.75) 50%	80.38
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Total	\$ 680.38
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FELT EVANS, LLP

ATTORNEYS AND COUNSELORS AT LAW

4-6 North Park Row
Clinton, New York 13323
(315)853-4436
Tax ID No. 16-1494822Invoice submitted to:
New Hartford Central School District
33 Oxford Road
New Hartford, NY 13413
Attn: Mary Mandel

September 11, 2013

In Reference To: AGH910080392
Litigation adv. Fiona Markwood

Invoice #24779

Professional Services

	<u>Hours</u>	<u>Amount</u>
6/27/2011 Letter Letter to Herb Cully and Mary Mandel asking for authority to proceed with appraisal	0.10	8.50
6/28/2011 Receive Correspondence Received and reviewed letter from M. Callan regarding discovery; telephone call to M. Callan; telephone call to Paul Smith; telephone call to F. Donato; letter to F. Donato	0.60	105.00
6/29/2011 Letter Letter to Joe Booth regarding building permit file	0.20	35.00
7/1/2011 T Call Telephone call from Joe Booth	0.10	17.50
7/6/2011 Letter Letter to Frank Donato regarding appraisal	0.10	17.50
7/22/2011 T Call Telephone call to J. Booth	0.10	17.50
7/25/2011 T Call Telephone call to Paul Smith regarding appraisal; telephone call to Frank DoNato (left message); telephone call from F. DoNato; receive and review fax from Joe Booth	0.30	52.50
8/2/2011 T Call Telephone call to M. Callan; telephone call to F. DoNato; telephone call to P. Smith	0.30	52.50

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	<u>Hours</u>	<u>Amount</u>
8/3/2011 Receive Correspondence Received and reviewed 2011 petition; draft on answer and discovery demands	1.50	262.50
8/15/2011 T Call Telephone call from Frank Donato; telephone call to Mike Callan (left message); letter to Mke Callan requesting appraiser have access to home	0.20	35.00
8/30/2011 Letter Letter to M. Callan forwarding answer and discovery	0.20	35.00
9/8/2011 Research Research regarding requirement for homeowner to allow appraiser inside home; review petition, building permit and bill of particulars regarding same	2.00	170.00
Letter Letter from M. Cullan denying appraiser access; conference with Attorney Nackley - assign research (n/c)	0.10	17.50
9/9/2011 Conference Conference with Attorney Hallak(n/c) : draft letter to Callan regarding appraiser and discovery	0.30	25.50
9/13/2011 Receive Correspondence Received and reviewed letter from Mike Callan regarding discovery; conference with Attorney Nackley regarding appraisal (n/c)	0.20	35.00
9/20/2011 Conference Conference with Attorney Hallak regarding appraisal access and note of issue	0.30	25.50
9/30/2011 Receive Correspondence Received and reviewed letter from M. Callan; draft on stipulation; teleph one call to Judge Murad	0.30	52.50
11/4/2011 Receive Correspondence Received and reviewed note of issue: check file	0.20	35.00
11/7/2011 Motion Initiate motion to strike note of issue	0.50	87.50
11/29/2011 Travel Travel to clerk; file motion; letter to Mike Callan with motion	0.40	70.00
11/30/2011 Letter Letter to Judge Murad forwarding affidavit of service ; prepare affidavit of service regarding 1/12/12 motion	0.20	NO CHARGE
12/2/2011 Conference Conference with Attorney Hallak regarding memo of law regarding appraisal, insurance and construction records; review file regarding same		NO CHARGE

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	<u>Hours</u>	<u>Amount</u>
12/5/2011 Research Research regarding appraisal, insurance and construction records	4.00	340.00
12/6/2011 Research Research regarding appraisal, insurance and construction records ; initiate draft memo of law regarding same	3.90	331.50
12/7/2011 Research Research regarding appraisal, insurance and construction records; draft on memo of law regarding same (3.0 n/c)	1.00	85.00
12/8/2011 Research Research regarding appraisal, insurance and construction records; research regarding motion to strike note of issue; worked on draft memo of law regarding same (3.0 n/c)	1.00	85.00
12/12/2011 Research Research regarding appraisal, insurance and construction records; worked on draft memo of law regarding same	1.50	127.50
12/14/2011 Miscellaneous Worked on draft memo of law regarding appraisal, insurance and construction records	2.00	170.00
12/15/2011 Miscellaneous Finalize draft memo of law regarding appraisal, insurance and construction records; conference with Attorney Hallak regarding same	2.00	170.00
12/22/2011 Receive Correspondence Received and reviewed letter from M. Callan regarding submittals for pre-trial conference	0.10	17.50
12/23/2011 Letter Letter to Judge Murad with memo of law	0.10	17.50
1/2/2012 Receive Correspondence Received and reviewed motion/opposition papers (n/c); conference with Attorney Nackley (n/c); telephone call to Judges Clerk (Peterson)	0.20	35.00
1/3/2012 Review Review notice of cross motion from Callan; conference with Attorney Hallak regarding same	1.00	85.00
1/4/2012 Receive Correspondence Received and reviewed letter objecting to memorandum of law	0.20	35.00
1/5/2012 T Call Telephone call from Judge Clark; travel to and attend pretrial	1.50	262.50
1/6/2012 Research Research regarding method of valuation upon improvement	0.60	51.00

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	<u>Hours</u>	<u>Amount</u>
1/10/2012 Receive Correspondence Received and reviewed memo of law regarding tax valuation (.3n/c)	0.20	35.00
2/3/2012 T Call Telephone call from Merrit/Luke - consent to extend control date	0.10	17.50
2/6/2012 Letter Letter to Paul Smith reporting on case law relating to improvements	0.20	35.00
2/8/2012 T Call Telephone call from Paul Smith regarding memorandum; letter to H. Cully with enclosure	0.20	35.00
2/9/2012 Letter Letter to Herb Cully forwarding 2/7/12 letter to Paul Smith with enclosures		NO CHARGE
2/14/2012 T Call Telephone call with Herb Cully ; letter to Merrill Locke	0.20	35.00
Letter Letter to Attorney Merritt Locke regarding adjourned motion date		NO CHARGE
2/27/2012 T Call Telephone call to M. Mandel; telephone call from M. Locke (return call)	0.20	35.00
2/28/2012 Conference Conference with Mary Mandel et al regarding authorization settlement authority up to 840 K	0.30	52.50
2/29/2012 Letter Letter to H. Cully regarding settlement	0.20	35.00
Letter Letter to Herb Cully with settlement offer		NO CHARGE
3/7/2012 Letter Letter to Merritt Locke mailing settlement offer of 850,000 as full market value		NO CHARGE
3/19/2012 T Call Telephone call to Herb Cully; letter to Herb Cully	0.20	35.00
3/20/2012 T Call Telephone call from Merritt Locke	0.20	35.00
3/22/2012 Letter Letter to Attorney Herb Cully following up on settlement offer and discussing adjourned motion date		NO CHARGE
4/16/2012 Letter Letter to Judge Murad requesting a phone conference		NO CHARGE

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	<u>Hours</u>	<u>Amount</u>
4/17/2012 Conference Conference with Judge Murad's clerk and Herb Cully; letter to M. Locke	0.20	35.00
4/25/2012 T Call Telephone call from Herb Cully	0.20	35.00
4/26/2012 Miscellaneous Fax from H. Cully; telephone call to Merritt Locke	0.20	35.00
5/1/2012 T Call Telephone call to Margaret Peterson for report	0.20	35.00
5/9/2012 Miscellaneous Fax memo to Merritt Loche		NO CHARGE
5/16/2012 Conference Conference with Margaret Peterson (Judges Clerk with report)	0.20	35.00
6/28/2012 T Call Telephone call with Merit Locke and M. Peterson	0.20	35.00
8/7/2012 Receive Correspondence Received and reviewed 2012 petition; draft answer and discovery; letter to clients	1.00	175.00
8/8/2012 Letter Letter to Mary Mandel forwarding verified answer for signature and return; letter to Attorney Herb Cully with a status report		NO CHARGE
8/28/2012 Letter Letter to Merritt Locke Esq. forwarding verified answer on Markwood		NO CHARGE
10/23/2012 Review Review Motion; letter to H.Cully and M. Callan	0.60	105.00
10/24/2012 Letter Letter to Attorney Herb Cully indicating that we have no objection to the consolidation of the three pending tax years and asking for authority to appear for the Town for the year 2012		NO CHARGE
10/26/2012 Memo Memo from H. Cully; letter to Mike Callan	0.20	35.00
10/29/2012 Letter Letter to Michael Calhan forwarding communication from Herb Cully and confirming consent to the consolidation		NO CHARGE
5/31/2013 Receive Correspondence Received and reviewed motion papers; telephone call to M. Locke; telephone call to Judge Murad regarding adjournment	0.20	35.00

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	<u>Hours</u>	<u>Amount</u>
5/31/2013 Letter Letter to Merritt Locke confirming adjournment of June 12 motion to July 24		NO CHARGE
6/4/2013 Review Review motion for summary judgment; conference with Attorney Hallak regarding same	0.80	68.00
6/13/2013 Draft Began draft reply and motion paper regarding Markwood Motion to dismiss; research regarding same	2.50	212.50
6/14/2013 Miscellaneous Worked on draft reply and motion papers regarding Markwood motion to dismiss; review file regarding same	0.80	68.00
6/27/2013 Review Review file and summary judgment motion papers	0.50	NO CHARGE
7/1/2013 Review Review file and summary judgment motion papers; draft reply papers regarding same	1.00	175.00
7/5/2013 Review Review file and summary judgment motion papers; worked on draft reply papers regarding same	2.00	170.00
7/8/2013 Review Review file and summary judgment motion papers; worked on draft reply papers regarding same; telephone call with Smith regarding same	2.50	212.50
7/10/2013 Research Research regarding inadmissible appraisals and burden of proof regarding illegal assessment worked on draft reply papers regarding same	1.40	119.00
7/11/2013 Research Research regarding inadmissible appraisals and burden of proof regarding illegal assessment; research regarding Uniform standards of Professional Appraisal Practice; worked on draft reply memo of law and affidavit regarding same	5.10	433.50
7/12/2013 Research Research regarding inadmissible appraisals and burden of proof regarding illegal assessment; worked on draft reply memo of law and affidavit regarding same; travel to and attend mortgage with Smith regarding same	3.70	314.50
7/18/2013 Letter Letter to Judge Murad forwarding affidavits of service regarding 7/24/13 motion; prepare affidavits of service	0.30	25.50
7/22/2013 Letter Letter to Herb Cully with status report and forwarding memo of law	0.20	35.00

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	<u>Hours</u>	<u>Amount</u>
7/22/2013 Review Review file with Attorney Nackley	0.50	NO CHARGE
7/23/2013 Preparation Prepare for hearing on 7/24 before Honorable Murad	1.00	85.00
Travel Travel to court; attend motion, return; telephone call to H. Cully (left message)	1.00	NO CHARGE
	<hr/>	<hr/>
For professional services rendered	55.80	\$5,798.00
Additional Charges :		
4/13/2011 (.10 per copy)		\$1.20
Postage		\$1.49
6/28/2011 (.10 per copy)		\$0.30
Postage		\$1.32
6/29/2011 (.10 per copy)		\$0.30
Postage		\$0.44
7/7/2011 (.10 per copy)		\$0.30
Postage		\$1.32
8/17/2011 (.10 per copy)		\$0.20
Postage		\$0.88
8/25/2011 (.10 per copy)		\$0.80
Postage		\$0.88
8/30/2011 (.10 per copy)		\$1.60

New Hartford Central School District

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	<u>Amount</u>
8/30/2011 Postage	\$1.60
9/1/2011 (.10 per copy)	\$0.60
Postage	\$0.88
9/12/2011 (.10 per copy)	\$1.40
Postage	\$1.85
11/29/2011 Oneida County Clerk check # 7006 for motion filing fee	\$45.00
(.10 per copy)	\$5.50
Postage	\$2.50
11/30/2011 (.10 per copy)	\$0.20
Postage	\$0.44
12/29/2011 (.10 per copy)	\$2.90
Postage	\$3.44
1/31/2012 Long Distance Phone Charge	\$1.08
2/8/2012 (.10 per copy)	\$2.10
Postage	\$2.20
2/9/2012 (.10 per copy)	\$6.50
Postage	\$3.00

New Hartford Central School District

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	<u>Amount</u>
2/14/2012 (.10 per copy)	\$0.20
Postage	\$0.90
2/29/2012 (.10 per copy)	\$0.10
Postage	\$0.45
3/8/2012 (.10 per copy)	\$0.20
Postage	\$0.90
3/19/2012 (.10 per copy)	\$0.10
Postage	\$0.45
3/21/2012 (.10 per copy)	\$0.20
Postage	\$0.45
3/26/2012 (.10 per copy)	\$0.20
Postage	\$0.90
4/10/2012 (.10 per copy)	\$0.20
Postage	\$0.90
4/16/2012 (.10 per copy)	\$0.30
8/13/2012 (.10 per copy)	\$0.50
Postage	\$0.90

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	<u>Amount</u>
8/29/2012 (.10 per copy)	\$0.50
Postage	\$0.45
10/24/2012 (.10 per copy)	\$0.20
Postage	\$0.90
10/29/2012 (.10 per copy)	\$0.20
Postage	\$0.90
5/31/2013 (.10 per copy)	\$0.20
Postage	\$0.92
7/17/2013 Oneida County Clerk check # 7673 for cross motion fee	\$45.00
(.10 per copy)	\$7.60
7/19/2013 (.10 per copy)	\$0.30
Postage	\$0.46
7/23/2013 (.10 per copy)	\$1.80
Postage	\$1.25
Total costs	<u>\$160.75</u>
Total amount of this bill	<u>\$5,958.75</u>
Previous balance	\$273.70
5/19/2011 Payment - thank you check from Town of New Hartford. Check No. 491	(\$55.85)
5/19/2011 Payment - thank you check# 18018 . Check No. 18018	(\$217.70)
5/19/2011 Credit	(\$0.15)

New Hartford Central School District

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9/11/2013 Courtesy Discount

Total payments and adjustments

Balance due

Amount(\$2,798.00)(\$3,071.70)\$3,160.75