

**REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF NEW HARTFORD, NEW YORK  
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN  
ON WEDNESDAY, MARCH 8, 2017, 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  
Codes Enforcement Officer Joseph A. Booth  
Deputy Supervisor Matthew Bohn III  
Director of Finance Daniel Dreimiller  
Director of Recreation Center John C. Cunningham  
Highway/Sewer Superintendent Richard C. Sherman  
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

**February 8, 2017 Town Board minutes**

No action was taken as minutes were incomplete due to tax collection workload.

PUBLIC PRESENTATIONS/COMMENTS

The Town Supervisor invited anyone present who wished to address the Town Board to come forth at this time. No one came forth.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRMAN

Parks and Recreation Committee – Councilman Reynolds

**NYS Power Authority energy audit report**

Mr. Casey Mastro, Energy Manager with the NYS Power Authority, was present to discuss specifics that came out of the energy audit at the Recreation Center; from that

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audit, 12 to 13 measures were noted as being relevant for the recreation facility. The study was primarily a chiller project, large scale water replacement, piping insulation, and interior and exterior lighting, etc. The total cost was projected at \$375,000, or \$340,000 if the Town implemented some measures that the Director of Recreation Center had identified could be accomplished in-house. Payback would be about 30 years. Mr. Mastro identified the following similar projects/scopes that had been accomplished, similar in project costs and savings:

- SUNY Upstate Medical Facility
- Office of General Services
- State Office Building
- Rochester Institute of Technology
- St. Lawrence Administration Building.

Other than the above state-owned facilities, the Power Authority worked in the City of Cohoes and Monroe County, and Mr. Mastro was willing to provide names of other municipalities with whom the Power Authority had worked. The Town Board discussed construction phase, cost, financing, and whether a permissive referendum would be required. The question arose as to what would happen to the project if the Town no longer owned the Recreation Center. Supervisor Tyksinski disclosed that he had been contacted recently by a private party who might be interested in purchasing the Recreation Center and he would like the Town Board to consider this latest offer. The Supervisor thanked Mr. Mastro for his time and efforts.

### PUBLIC PRESENTATIONS/COMMENTS (Cont'd)

#### **Drainage 71 Merritt Place**

Stephanie Sheehan, resident of Massachusetts, and Trustee for property at 71 Merritt Place, New Hartford, NY, was present to discuss a drainage issue that had been occurring for years, causing water to flow into the basement at 71 Merritt Place. The Town Attorney informed the Town Board that Ms. Sheehan had commenced a lawsuit against the Town of New Hartford on behalf of the Trust. Ms. Sheehan said she had not filed a lawsuit; the Town Attorney noted that papers had been served upon the Town Clerk who, in turn, referred the paperwork to the Town Attorney who handles legal matters for the Town. Ms. Sheehan stated that James Seemann lives at 71 Merritt Place and that Jim and she had tried with various contractors to find out how or what caused the drainage problem, or source, and she would like to know who will determine the damages to the residence and who will handle this. The matter will be handled agent-to-agent, and if Ms. Sheehan would provide the Town Attorney with an e-mail address, he would provide her with the Town's insurance adjuster information. Ms. Sheehan stated that today, the Highway Superintendent agreed to lower a drain-off pipe in April, or spring, or when the

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weather permits. Ms. Sheehan said "...this is not in litigation" and that she was "...glad it's resolved at this point."

James Seemann, resident of 71 Merritt Place, stated that the lawsuit the Town Attorney referred to did not have an Index Number on it because it wasn't filed (with the County Clerk), so it was not properly served upon the Town Clerk. He expressed dissatisfaction that Councilman Woodland didn't return his phone calls and that the Councilman was supposed to be a liaison between the Town and him. Mr. Seemann acknowledged that the lawsuit was never filed (with the County Clerk), but the Town Attorney pointed out that Mr. Seemann served the Town Clerk/Town Clerk's Office. Mr. Seemann having made some negative comments about Town staff, the Town Attorney cautioned him about making further negative comments. Mr. Seemann said the drainage problem has existed about three (3) or four (4) years and that it was his understanding that Chris Moran of the Highway Department had looked at the situation. Mr. Seemann apologized to Councilman Woodland for comments made.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRMAN

Library Standing Committee – Councilman Reynolds

**Fund-raiser for New Hartford Public Library**

Councilman Reynolds announced that the Friends of the Library will be conducting a garage sale fund-raiser at the Recreation Center on Saturday, May 20, 2017.

Zoning (Codes) and Planning Committee – Councilman Messa

**Training**

Upon request of Code Enforcement Officer Joseph Booth, the following Resolution was introduced for adoption by Councilman Messa and duly seconded by Councilman Miscione:

**(RESOLUTION NO. 53 OF 2017)**

**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 Code Enforcement Officer Joseph Booth, and Assistant Code Enforcement Officers Thomas Rowlands and Anthony Klimek to attend a free Seminar on Codes, Zoning, and Planning on March 20, 2017, from 8:00 A.M. to

4:30 P.M. at the Marcy Town Hall and which Seminar can be applied toward requirements for mandatory training.

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***.

**Comprehensive Plan Zoning Change**

This matter, added to the Agenda by Councilman Messa, was tabled by Councilman Messa until the April 12, 2017 Town Board meeting.

**Grange Hill Road Drainage System Improvement Project**

Councilman Messa had attended the March 6, 2017, Bid Opening conducted by the Town Clerk for the Grange Hill Road Drainage System Improvement Project. The following bids had been received:

- North Country Construction - Contract #1 – NO BID  
Calcium, NY 13616 Contract #2 - \$594,000.00
- ADHAN Piping Co., Inc. - Contract #1 - \$425,401.00  
Cortland, NY 13045 Contract #2 – NO BID
- Marcy Excavation Services, LLC - Contract #1 - \$370,000.00  
Frankfort, NY 13340 Contract #2 - \$574,000.00
- Murphy Excavating Corporation - Contract #1 - \$504,156.00  
New Hartford, NY 13413 Contract #2 - \$710,067.00
- D. H. Smith Co., Inc. - Contract #1 - \$484,508.34  
Clayville, NY 13322 Contract #2 - \$560,934.37

Discussion ensued about the bids, which came in higher than what Christian Lawton of Barton & Loguidice had projected. Work on both basins was estimated around \$800,000 but came in at about \$930,000. Bids received in October 2015 for this project were much lower for a number of reasons and the recent proposal had some modifications.

**Competitive Bid, Rejection – Release of Bid Security: Grange Hill Road drainage System Improvement Project**

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

**(RESOLUTION NO. 54 OF 2017)**

**WHEREAS**, on March 6, 2017, the Town of New Hartford had received sealed bids for the **Grange Hill Road Drainage System Improvement Project**, Contracts #1 and #2; and

**WHEREAS**, after canvassing the bids received, the Town Board agreed that all bids received exceeded the estimated cost of the project(s);

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby reject all bids received for the **Grange Hill Road Drainage System Improvement Project**, Contracts #1 and #2, and does further authorize and direct the Town Clerk to release the Bid Bonds submitted as Bid Security to all bidders for said project.

The foregoing 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**. The Town Board had discussed re-bidding the Project later in 2017.

**Public Safety and Courts Committee – Councilman Reynolds**

**Budget Adjustment**

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

**(RESOLUTION NO. 55 OF 2017)**

**WHEREAS**, the New Hartford Town Police Department had received a check from the Oneida County District Attorney’s Office in the amount of \$726.67 relative to an investigation where cash was seized and subsequently forfeited; and

**WHEREAS**, said check was credited to General Fund Part-Town Police Revenue Account BP2770.4 (seizures);

**NOW, THEREFORE, BE IT RESOLVED**, that the New Hartford Town Board does hereby authorize and direct the Accounting/Finance Department to make the following 2017 budget adjustment for General Fund Part-Town Police:

- BP2770.4 Revenue (D.A.'s Office) - increase by \$726.67
- BP3120.4 Contractual Expenditure - increase by \$726.67.

A roll call vote was duly held and resulted 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**.

Finance Director

**Budget Adjustments**

Upon recommendation of the Finance Director, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Miscione:

**(RESOLUTION NO. 56 OF 2017)**

**RESOLVED**, that the Town Board of the Town of New Hartford does hereby approve and authorize the Accounting/Finance Department to make the following 2017 Budget adjustments for the accounts listed hereunder:

General Whole-Town		Current	Proposed	Increase
<u>Town Justice</u>	<u>Account No.</u>	<u>Budget Amt</u>	<u>Budget Amt</u>	<u>(Decrease)</u>
Contractual	AA1110.4	\$10,000	\$20,570	\$10,570*
Revenue/JCAP Grant	AA3990.1	\$0.	\$10,570	\$10,570*

\*purpose: grant received from JCAP (Justice Court Assistance Program) not budgeted for – applied for by Town Justice Kevin Copeland

General Part-Town		Current	Proposed	Increase
<u>Police</u>	<u>Account No.</u>	<u>Budget Amt</u>	<u>Budget Amt</u>	<u>(Decrease)</u>
Contractual	BP3120.4	\$137,350	\$142,139	\$ 4,789**

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Revenue/Insurance Recoveries	BP2680.0	\$0.	\$ 4,789	\$ 4,789**
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\*\*purpose; insurance recoveries received for repair of police car #47.

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

Town Clerk Committee – Councilman Woodland

***Standard Work Day and Reporting Resolution for Elected and Appointed Officials  
(Forms RS 2417-A and 2417B)***

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

**(RESOLUTION NO. 57 OF 2017)**

**BE IT RESOLVED** , that the New Hartford Town Board, Location Code 30071, hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on their record of activities:

SEE NEXT 2 PAGES FOR CHART(S)

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Pages 8 and 9 – charts to be inserted or photocopied



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A roll call vote was duly held 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***.

MATTERS SUBMITTED BY TOWN SUPERVISOR / TOWN ATTORNEY

Financial

**Audit, Local and State**

Councilman Woodland inquired how the audit was progressing. The Finance Director reported that the local auditors had completed the field work last week and the audit went well. The State auditor has been here all week, not sure when he will be through. Supervisor Tyksinski complimented Finance Director Dreimiller on increasing the Fund balances since 2010.

**Audit of Vouchers**

On recommendation of the Town Supervisor, Councilman Reynolds presented the following Resolution for adoption; seconded by Councilman Messa:

**(RESOLUTION NO. 58 OF 2017)**

**RESOLVED** that the Town Board of the Town of New Hartford 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 #3	
Vouchers SL3	\$ 9,190.34
Fire District Abstract #1	
Vouchers SF1-SF4	\$1,023,435.85
Grange Hill Abstract #1	
Vouchers HQ1-HQ3	\$ 22,019.94
Highway Fund Part-Town Abstract #4	
Vouchers DB124	\$ 98.61
Highway Fund Part-Town Abstract #5	
Vouchers DB125-DB199	\$ 116,433.11
General Fund Part-Town Abstract #3A	

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Vouchers BB24	\$ 30.54
General Fund Part-Town Abstract #4	
Vouchers BB25-BB29	\$ 11,134.03
General Fund Part-Town Abstract #5	
Vouchers BB30-BB35	\$ 659.31
Trust & Agency Fund Abstract #8	
Vouchers TT26-TT32	\$ 6,290.02
Trust & Agency Fund Abstract #9	
Vouchers TT33	\$ 1,293.00
Trust & Agency Fund Abstract #10	
Vouchers TT34-TT37	\$ 13,292.53
Trust & Agency Fund Abstract #11	
Vouchers TT38-TT44	\$ 8,957.32
General Fund Whole-Town Abstract #4	
Vouchers AA183-AA195	\$ 47,266.66
General Fund WholeTown Abstract #5	
Vouchers AA196-AA280	\$ 109,412.51
General Fund Whole-Town Abstract #7	
Vouchers BB34-BP42	\$ 1,845.23
General Fund Whole-Town Police Abstract #5	
Vouchers BP58-BP61	\$ 53,851.32
General Fund Whole-Town Police Abstract #6	
Vouchers BP62-BP79	\$ 13,632.58
Sewer Fund Abstract #4	
Vouchers SS14-SS15	\$ 2,144.72
Sewer Fund Abstract #5	
Vouchers SS16-17	\$ 4,952.74
<b>TOTAL:</b>	<b>\$1,445,940.36</b>

Upon roll call, the Board members voted as follows:

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

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

**Proposed \$800,000 Bond Resolution – Grange Hill Stormwater Project (Grange Hill Road Drainage System Improvement Project)**

With sealed bids having been received on March 6, 2017, at a higher cost than expected, and said bids having been rejected by the Town Board, no action was taken on this financial matter that had been prepared by Bond Counsel (Orrick, Herrington & Sutcliffe). [NOTE: The Town Board will need to complete the SEQR process for this capital project prior to adoption of a Bond Resolution in the future.]

**Proposed \$350,000 Bond Resolution – Tilden Avenue Road Project**

Bond Counsel had also prepared a bond resolution for \$350,000 for paving Tilden Avenue. No action was taken by the Town Board at this time. [NOTE: The Town Board will need to complete the SEQR process for this capital project prior to adoption of a Bond Resolution in the future.]

**Agreement for Engineering Services**

After considerable discussion, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Messa:

**(RESOLUTION NO. 59 OF 2017)**

**RESOLVED** that the New Hartford Town Board does hereby approve **Amendment Number 2 (“Amendment”) to the Agreement dated January 1, 2015 (“Agreement”) between the Town of New Hartford (“Owner”) and Barton & Loguidice, D.P.C. (“Engineer”) for Professional Services for 2017 Town Designated Engineering (TDE) Term Services (“Project”)** and does hereby authorize and direct the Town Supervisor to enter into and to execute said Agreement/Amendments for fiscal year 2017, at a cost not to exceed Forty Thousand Dollars (\$40,000).

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.

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

**“Paper Streets”**

The Town Attorney had been contacted by Thomas Heiland, owner of four (4) “paper” lots on a “paper street”; namely, Forest Ave off Seneca Turnpike. Mr. Heiland inquired whether the Town would be interested in Mr. Heiland donating the “paper lots/street”, which are land-locked (Tax Map No. 328.005-3-69; No. 328.005-3-70; No. 328.005-3-71 and No. 328.005-4-1). The Town Board noted that a similar proposal had been

received recently by the Town Supervisor and the Town Board had no interest in acquiring the “paper” lots.

**Reclassification and Abolishment of positions**

The Town had recently received a communication from the Oneida County Personnel Department (Civil Service) requesting that the Town Board take action to reclassify one (1) position and to abolish two (2) other positions.

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

**(RESOLUTION NO. 60 OF 2017)**

**WHEREAS**, the Oneida County Personnel Department has been reviewing their records and has identified one (1) position that was not approved in the non-competitive class; and

**WHEREAS**, said County Personnel Department has recommended that this position be reclassified to Assistant Code Enforcement Officer, Part-Time;

**NOW, THEREFORE, BE IT RESOLVED** that, upon recommendation of the Oneida County Personnel Department, the New Hartford Town Board does hereby reclassify the position of Code Enforcement Officer, Part-time, currently held by Carmen Luppino, to Assistant Code Enforcement Officer, Part-time, effective March 8, 2017.

A roll call vote was duly held and resulted as follows:

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

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

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

**(RESOLUTION NO. 61 OF 2017)**

**WHEREAS**, the Oneida County Personnel Department has been reviewing their records and has identified one (1) Account Clerk/Typist position that is vacant and has never been occupied; and

**WHEREAS**, said County Personnel Department has recommended that this competitive position, #PTNH109, be abolished because it has become obsolete;

**NOW, THEREFORE, BE IT RESOLVED** that, upon recommendation of the Oneida County Personnel Department, the New Hartford Town Board does hereby abolish the Account Clerk/Typist position, #PTNH109, because it has become obsolete; the effective date of this Resolution shall be March 8, 2017.

The Town Board members voted upon roll call as follows:

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

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

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

**(RESOLUTION NO. 62 OF 2017)**

**WHEREAS**, the Oneida County Personnel Department has been reviewing their records and has identified one (1) Planner/Grant Writer position that is vacant and has never been occupied; and

**WHEREAS**, said County Personnel Department has recommended that said Planner/Grant Writer position, #PTNH178, be abolished because it has become obsolete;

**NOW, THEREFORE, BE IT RESOLVED** that, upon recommendation of the Oneida County Personnel Department, the New Hartford Town Board does hereby abolish, effective March 8, 2017, the now-obsolete position of Planner/Grant Writer, #PTNH178.

Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	Aye

Supervisor Tyksinski - Aye.

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

**EXECUTIVE SESSION**

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

**(RESOLUTION NO. 63 OF 2017)**

**RESOLVED**, that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss on-going negotiations with the Joseph Corr Police Benevolent Association contract and the Dispatch contract; the Word of Life Christian Church lawsuit against the Town of New Hartford; and pending tax litigation matters including the Word of Life Christian Church (Tax Map #349.020-1-22), Talkeetna, LLC (Tax Map #329.014-1-38), Community Foundation of Herkimer and Oneida County, Inc. (Tax Map #331.017-4-52), Village Station/1 Genesee Street (Tax Map #329.014-2-37) and Yahnundasis Golf Club (Tax Map #329.009-1-1).

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**. All persons present, including the news media, were then excused from the meeting at 7:43 P.M. The Town Attorney and Deputy Supervisor remained.

***[NOTE: The Town Attorney provided the following transcription on Thursday, March 9, 2017.]***

**END OF EXECUTIVE SESSION**

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

**(RESOLUTION NO. 64 OF 2017)**

**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.

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The Board members voted upon roll call that resulted as follows:

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

The Supervisor declared the Resolution unanimously carried and duly ***ADOPTED***; the Executive Session ended at 8:27 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public re-invited to the meeting.

**ADJOURNMENT**

There being no further business to come before the Town Board, upon motion of Councilman Miscione and seconded by Councilman Messa, the meeting was adjourned at 8:29 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk