

**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 18, 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
Finance Director Daniel T. Dreimiller
Highway 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.

PRESENTATIONS/COMMENTS

The Town Supervisor inquired if anyone present wished to address the Town Board; the following persons came forth:

Joseph Sallustio, owner of property at 19 Glendale Ave in the Town of New Hartford, alleged that the Town Board passed a resolution to demolish an unsafe structure on his property based upon false, misleading and subjective information and data. He also took issue with the Codes Enforcement Officer's stance on insurance required for a building permit. Further, he claimed that the Town of New Hartford and the contractor were colluding against him. Mr. Sallustio then served a Notice of Claim on the Town Clerk and Town Attorney.

Heather Mowat and other New Hartford Public Library Board of Trustees were present to introduce the Library's interim director, Ann DuRoss and to thank the Town for providing services to the Library through its Parks and Highway Departments. Ms. Mowat reviewed the Library finances over the past eight (8) years, including reduction in revenue from the Town, a large bequest from an individual, and increase in fundraising activities, and closing the Library on Sundays and Wednesdays. She has met with

Supervisor Tyksinski about financial support in the 2018 Budget and the Library Board has also met with Supervisor-elect Miscione on his ideas.

Kim Mitchell expressed her concern about the storm water that flows down a gully into her 3523 Oneida Street backyard and into several other backyards on the same side of Oneida Street, near Red Hill Road. It was her understanding that property owner(s) up the hill had cleared the land of trees and the water has no place to go except down the creek into her backyard. If the Grange Hill Road ponds project is not going to resolve her problem, what will? Is FEMA going to come around with another grant buyout? Supervisor Tyksinski stated that the Town's engineers are looking at this area and have basically come up with some type of tentative plan for an in-depth study. The Town Board is looking at the possibility of another buyout program, and Councilmen Messa and Miscione have been in contact with FEMA. Meanwhile, the Highway Department will clean out the creek after a temporary easement has been signed.

Current FEMA buyout program - Update

Information on periodic updates will be available on the Town's web site, according to Councilman Miscione; he will email the Board members about this.

In response to Councilman Reynolds' questions, Supervisor Tyksinski noted that all but one (1) appraisal has been completed and attempts are being made to contact that property owner. Seven (7) appraisals have already been sent to the respective agencies; the rest are expected to be sent out tomorrow. The appraisals must be approved by FEMA, then sent for approval to the property owners to see if they'll sell their home for the appraisal price. If the property owner doesn't agree, then they can obtain their own appraiser at their own expense. Once FEMA and the property owner(s) agree, the Town Attorney will prepare the legal documents (i.e. abstract, purchase contract, etc.)

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE

Zoning (Codes) and Planning Committee – Councilman Messa

Training

The following Resolution was introduced for adoption by Councilman Messa and duly seconded by Councilman Miscione:

(RESOLUTION NO. 205 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;

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NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby grant permission to Lenora Murad, Zoning Board of Appeals member, to attend the Continuing Educational Program on November 29, 2017, in the Town of Schuyler, with expenses to be borne by said Town as budgeted.

Attendance at this class will satisfy four (4) hours of mandatory training as required by New York State. 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 Safety & Courts Committee – Supervisor Tyksinski

Agreement – 2018 Animal Control Service

Upon recommendation of the Police Chief, Councilman Reynolds offered the following Resolution for adoption; seconded by Councilman Messa:

(RESOLUTION NO. 206 OF 2017)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement between the Town of New Hartford and the Town of Kirkland, wherein the Town of New Hartford will provide animal control services to the Town of Kirkland during calendar year 2018, in accordance with the terms and conditions set forth therein.

A roll call vote ensued:

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

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

Parks & Recreation Committee – Councilman Reynolds

Agreements - Ice Rental

The following Resolution was introduced for adoption by Councilman Reynolds and duly seconded by Councilman Woodland:

(RESOLUTION NO. 207 OF 2017)

WHEREAS, by Resolution No. 193 adopted on October 5, 2017, the Town Board authorized the Town Supervisor to sign several ice rental agreements, contingent upon review and approval of the Town Attorney; and

WHEREAS, the Town Attorney has reviewed and does approve said ice rental agreements;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute Ice Rental Agreements for the 2017-2018 Ice Season between the Town of New Hartford and the following organizations:

- New Hartford Youth Hockey Association, Inc.
- Figure Skating Club of New Hartford
- New Hartford High School Hockey
- SUNY Oneonta Club Hockey Program
- Mohawk Valley Old Timers Hockey League

The Town Board members 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***. The agreement with the Mohawk Valley Raiders High School Hockey is pending.

Miscellaneous – Health Insurance Coverage:

Health Insurance Coverage – Domestic Partner

As noted at the October 5, 2017, Town Board meeting, current health insurance for employees covers a domestic partner for medical expenses but not vision/dental, the latter of which are under a separate plan. A brief discussion followed about whether to add domestic partner coverage to the current vision/dental plan. The Town Supervisor

provided the cost share. Thereafter, Councilman Reynolds offered the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 208 OF 2017)

RESOLVED that the Town Board of the Town of New Hartford does hereby offer domestic partner coverage under the vision and dental insurance to eligible Town employees, effective January 1, 2018, said coverage to be provided through Guardian with employees paying their portion of premium.

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

Health Insurance Coverage – Military Deployment

Supervisor Tyksinski informed the Town Board that an employee is being deployed for nine (9) months overseas. He has accumulated enough “earned” time to cover his family’s health insurance for most of the time that he is away. Supervisor Tyksinski recommended that the employee’s health insurance remain current until his return. He will be coming home and returning to his employment with the Town. Councilman Miscione offered the following Resolution for adoption; seconded by Councilman Messa:

(RESOLUTION NO. 209 OF 2017)

RESOLVED that, the New Hartford Town Board does hereby approve to continue health insurance coverage for the deployed employee through the end of his tour. Further, if at any time the employee should use up his accumulated time, the Town will continue coverage at no additional cost to the employee.

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

Town Attorney:

Competitive Bid Award: Contract 1 – Detention Ponds and Upper Channel Improvements

The Town Attorney canvassed the sole bid received this morning for the Contract 1 – Detention Ponds and Upper Channel Improvements project. James Bray Paving, LLC, submitted a bid of \$347,000 for the project. Councilman Messa then moved the adoption of the following Resolution; seconded by Councilman Reynolds:

(RESOLUTION NO. 210 OF 2017)

RESOLVED that the New Hartford Town Board does hereby accept the sole bid submitted in the amount of Three Hundred Forty-seven Thousand Dollars (\$347,000) for the Contract 1 – Detention Ponds and Upper Channel Improvements, and does hereby award the contract for said project to the sole bidder, James Bray Paving, LLC, in the amount of \$347,000.

Work on the ponds/channel improvements is to begin the week of October 23, 2017, and is to be completed on or before December 31, 2017. Thereafter, 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***.

Road Dedication – Glendale Ave

The Town Supervisor and Town's engineer (Barton & Loguidice), the Town Highway Superintendent, and Town Attorney Cully recently met with developer Robert Kessler and his engineer regarding past issues regarding a proposed road and storm water drainage. Some of the issues have been resolved and Highway Superintendent Sherman confirmed that the proposed road has been built in accordance with Town specifications. However, the Town Attorney stated that he needs a couple of documents required for road dedication so any action would need to be addressed at a future Town Board meeting.

MATTERS SUBMITTED BY TOWN SUPERVISOR

Audit of Vouchers

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

(RESOLUTION NO. 211 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 #11	
Vouchers SL11	\$ 8,634.44
Capital Project-Tilden Ave. Paving Abstract #3	
Vouchers H36-H37	\$ 99,331.42
Highway Fund Part-Town Abstract #17	
Vouchers DB714-DB820	\$ 496,011.17
General Fund Part-Town Abstract #19	
Vouchers BB127	\$ 452.96
General Fund Part-Town Abstract #20	
Vouchers BB128-BB141	\$ 9,965.25
General Fund Part-Town Police Abstract #21	
Vouchers BP237-BP239	\$ 4,618.58
General Fund Part-Town Police Abstract #22	
Vouchers BP240	\$ 2.26
General Fund Part-Town Police Abstract #23	
Vouchers BP241-BP265	\$ 51,409.26
Trust & Agency Fund Abstract #38	
Vouchers TT190-TT192	\$ 11,074.02
Trust & Agency Fund Abstract #39	
Vouchers TT193-TT198	\$ 9,067.19
Trust & Agency Fund Abstract #40	
Vouchers TT199-TT205	\$ 7,801.31
Trust & Agency Fund Abstract #41	
Vouchers TT206-TT212	\$ 14,431.12
General Fund Whole -Town Abstract #22	
Vouchers AA901-AA905	\$ 9,762.26
General Fund Whole-Town Abstract #24	
Vouchers AA906-AA1004	\$ 77,875.57
Sewer Fund Abstract #20	
Vouchers SS63	\$ 1,382.51
Sewer Fund Abstract #21	
Vouchers SS64-SS74	<u>\$ 9,470.69</u>

TOTAL: \$811,290.01

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***.

Discussion on 2018 Tentative Budget

In today's mail, the Town Supervisor received notice of adjustments to the Town's assessment, which affected the taxes in General Fund Whole-Town, General Fund Part-Town Police, two (2) Fire Protection Districts, the Sewer District, and some Lighting Districts. Supervisor Tyksinski has proposed adjustments so that taxes will remain the same as in the Tentative Budget. Review of the 2018 Tentative Budget then began.

Councilman Woodland:

- proposed freezing wages for non-union employees; no three percent (3%) raises as budgeted. [Didn't have a total this would amount to for reduction]

Councilman Miscione:

- add \$1,500 for Town Justice software to pay fines on-line; need part-time Court Clerk as workload has increased [Supervisor questioned if the part-time Clerk was for the municipal court for after-hour arraignments at the County, or truly for local Town Court. Finance Director: \$10,570 remaining of Grant received in 2017 to be noted as a restricted fund balance]
- add \$1,500 for Assessor i-pad for field work
- Town Attorney contractual down to \$10,000 [most of the big certioraris are done, per Supervisor; Attorney said the Town could be served with more certioraris]
- Add \$10,000 software for Engineer to keep track of retention ponds, sewers, all assets, stop signs
- Add \$50,000 to restore Police locker room after flooding, mold issues; presently renting a trailer [Supervisor suggested save for long-term bonding. Look into flood insurance]

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- What does Central Printing and mailing include? [Finance Director: maintenance agreements for copiers, computers, IT-M. A. Polce]
- AA1940.4 first appeared in the 2017 Budget, monies owed Oneida County for unknown property owners
- AA1960.4 – Demolition. Town gets reimbursed entire amount
- Recreation Center overtime for employees. Talk to Director of Recreation Center, Councilman Miscione wants to reduce parks overtime by \$9,000. [Supervisor: needed in winter for ice making, closing up building; needed as parks are open 8 AM to dusk, 7 days a week from May through October]
- Swim Program clarification for Councilman Reynolds. This is for the Donovan Memorial Park splash pad.
- Add \$7,200 for Codes Enforcement Office software, accept credit card payments
- Question on Judgments and Claims (\$17,639)[Supervisor explained this is related to the certiorari proceedings and is broken up from where the taxes come from]
- Add \$30,000 to Highway budget for curbside trash collection
- Increase seasonal Highway employees by \$20,000
- Reduce Highway overtime to \$15,000
- Formulate plan for use of heavy equipment during summer months, lower paid employees on the streets, higher paid employees doing excavation work; possible lease for capital equipment
- Add \$1,500 for software, answering phones/complaints/capability to generate work orders and follow up for Highway Department
- Website taken out last year. [Supervisor stated the vendor has not signed the contract despite numerous attempts to contact the vendor; therefore, no payment has been made]

Councilman Messa:

- AA1960.4 – house demolition [Supervisor clarified that this would be a direct payment.]
- Add \$10,000 to Tree removal/brush

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- Noted that Willowvale Fire Company, Inc. had a surplus [The Supervisor stated that this will result in a decrease for the tax rate for Fire Protection District 4]

Councilman Reynolds:

- His recommendations/questions were addressed when other Board members spoke

Councilman Woodland:

- Had nothing further to discuss

Supervisor Tyksinski expressed his disagreement with Councilman Woodland's proposal to freeze the wages of the non-union employees. He recalled that, going back through history, every time a Board wanted to save money, the non-union employees suffered. So for many, many years all the union employees got 3% and the non-union employees got nothing. The non-union employees all paid their contribution to health insurance just as much percentage wise as the union employees did. About 80% or more of employees are unionized, and you are punishing the non-union employees for not being in a union. To take away from the non-union employees for these things is a shame.

The Town Board then reviewed in more detail the proposed changes to the Tentative Budget, including adjustments proposed by the Town Supervisor:

- Grange Hill Road drainage project to be paid through bonding
- The Parks budget – want input from Director of Recreation Center
- Increase in sales tax revenue
- Support for curbside trash pick-up, constituents ask for that. Compliment police and fire departments. Don't mind a small tax increase if provided for the curbside program, leaf pick-up, digging creeks. Purchase of compactors, garbage trucks; expense of curbside pick-up. Compare with Town of Whitestown.
- Numerous software/computer items for various departments; took out \$7,200 for Codes Department software
- Raises for non-union employees. Councilman Miscione suggested giving 1 ½ % raise in 2018 and 1 ½ raise in 2019 to the non-union employees. Supervisor Tyksinski countered, ..these poor people. You're going to deprive them of a three percent (3%) raise when for years they went without raises and everybody else in the Town received raises. When you have money and you're spending

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money like you're spending money here...it's disgraceful, and 1 ½ %, what are you going to do with that?

- Maintenance agreements – review; any way to trim to give non-union raises?
- Tax cap – Town has a credit due for each year its budget was lower and/or taxes were actually cut. The credits total about \$250,000.
- Amounts lost because of reduction in assessment. \$7,000 from contingency account to General Fund Whole-Town, and \$12,478.16 to General Fund Part-town Police. Supervisor removed three percent (\$3%) raise from School Traffic Officers (crossing guards) because they file for and receive unemployment during the summer for basically a part-time job. The Town pays for this; it does not go through the State.

Councilman Woodland moved to accept the 2018 Tentative Budget as the 2018 Preliminary Budget with the changes reviewed by the Board and Supervisor, including the adjustments (certioraris) that were received the morning of October 18, 2017. There was no second and the motion died.

RECESS:

The Supervisor declared a recess 8:26 P.M.

The meeting reconvened at 8:29 P.M. with the Town Board members once again reviewing line items for possible change.

2018 Tentative Budget adopted as 2018 Preliminary Budget

The following Resolution was introduced for adoption by Councilman Miscione and duly seconded by Councilman Messa:

(RESOLUTION NO. 212 OF 2017)

RESOLVED that, in accordance with Town Law, Section 106, the New Hartford Town Board does hereby approve/adopt the Tentative Budget for 2018 as the Preliminary Budget for 2018, including special districts, with the following changes:

<u>General Fund Whole-Town</u>	<u>Approp.</u>	<u>Revenue</u>
• AA1990.04 Contingent Account	(\$6,950)	
• AA1110.02 Equipment (Justice)	\$1,500	
• AA1110.04 Contractual (Justice)	\$10,870	
• AA5999.0 Approp. Fund Balance		\$10,870
• AA1355.02 Equipment (Assessor)	\$1,000	
• AA7110.16 Overtime (Parks)	(\$9,000)	

- AA9030.08 Social Security (\$ 690)

<u>General Fund Part-Town</u>	<u>Approp.</u>	<u>Revenue</u>
• BB8010.12 Zoning Enf Off Asst	(\$10,000)	
• BB9030.08 Social Security	(\$766)	

<u>General Fund Part-Town Police</u>		
• BP3120.14 Crossing Guards	(\$1,478)	
• BP3121.10 Overtime	(\$6,000)	
• BP5031.1 Mitigation Fees		\$5,000
• BP9030.08 Social Security	(\$573)	

<u>Highway Fund Part-Town</u>	
• DB5110.50 Curbside Trash Pick-up	\$30,000
• DB5110.14 Seasonal Employees	\$20,000
• DB5142.11 Overtime wages	(\$15,000)
• DB9030.08 Social Security	\$383
• DB5130.02 New Equipment	\$1,500

<u>Revenue Reallocation</u>	
• Sales tax change / General Fund Whole-Town	(\$26,117)
• Sales tax change / General Fund Part-Town	(\$10,766)
• Highway Fund Part-Town	\$36,883
• Property Tax Change / General Fund Whole-Town	\$11,977
• Property Tax Change / General Fund Part-Town Police	(\$13,051)

The foregoing Resolution was duly put to a vote upon roll call, resulting as follows:

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

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

2018 Preliminary Budget Hearing Scheduled

Councilman Woodland moved the adoption of the following Resolution, which was seconded by Councilman Miscione:

(RESOLUTION NO. 213 OF 2017)

RESOLVED that the Town Board of the Town of New Hartford will conduct Public Hearings to commence at 6:00 P.M., or as soon thereafter as reached in the regular course of business, on Wednesday, November 8, 2017, in Butler Memorial Hall, 48 Genesee Street in said Town, to consider the following matters:

- the adoption of the 2018 Preliminary Budget as the 2018 Annual Budget; and
- the establishment of the ad valorem charges for the fiscal year beginning January 1, 2018 for the following special districts/improvement areas

Water Fund
Fire Protection Districts No. 1 through No. 5,
Inclusive
Various Street Lighting Districts; and be it

FURTHER RESOLVED, that the said Town Board does hereby authorize and direct the Town Clerk to publish the legal requisite Notices of Public Hearing in The Observer Dispatch; and, in accordance with Town Law, Section 106.(4) [Preparation filing and review of tentative and preliminary budgets], sub-paragraph 4, the Town Board does hereby direct the Town Clerk to make twenty-five (25) copies of the 2018 Preliminary Budget for public distribution and to post said document on the Town's website.

The Resolution was then voted upon as follows:

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

Thereafter, the Supervisor declared the Resolution unanimously carried and duly ***ADOPTED.***

Unsafe Building – Continuation of Hearing

Councilman Reynolds moved the adoption of the following Resolution, which was duly seconded by Councilman Miscione:

(RESOLUTION NO. 214 OF 2017)

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RESOLVED that the owner of record of property at 3549 Bleachery Ave, Chadwicks, NY (Midfirst Bank, represented by Attorney Young of Camillus, NY), and the Town of New Hartford, do hereby agree to continue the unsafe building Hearing on a structure at said location on November 8, 2017; however , Midfirst Bank, the owner, is to remove the garbage from the exterior, secure the house and secure the deck by October 25, 2017, by 5:00 P.M. If that has not been done by that time, the Town Board will direct the Codes Enforcement Officer to engage the services of a party to take care of those items, which will be billed to Midfirst Bank.

Upon roll call, the Board voted as follows:

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

Thereafter, the Supervisor declared the Resolution unanimously carried and duly ***ADOPTED.***

ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made and seconded, the meeting was adjourned at 8:54 P.M.

Respectfully submitted,

Gail Wolanin Young
Town Clerk