

**REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF NEW HARTFORD, NEW YORK  
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN  
ON WEDNESDAY, MAY 10, 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 Miscione  
Councilman David M. Reynolds  
Councilman Richard B. Woodland, Jr.  
Supervisor Patrick M. Tyksinski

**OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:**

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.

**Public Comment Period**

Because of recent events, the Town Supervisor believed it necessary to establish what the public comment period is all about. He stated the public comment period is a courtesy the Town Board allows, and that Town Board meetings are for the Board members to conduct their business. Effective the June 14, 2017, Town Board meeting, the following procedures will be followed at each **regular** Town Board meeting:

1. All persons who wish to comment during the 'Public Comment Period' must sign the sign-in-sheet prior to the meeting. This will be at the Town Clerk's table. Only those persons on the list will be recognized to speak by the Chair.
2. The 'Comment Period' is just that, time to comment. There will be no discussions between the speaker, the Board members, department heads, other Town Officials, or other persons in attendance. This is a comment period, not a time for discussion or debate.
3. Each speaker will be allowed three (3) minutes to present their comment.

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4. The speaker may remain seated or stand, whichever they prefer. However, speakers will remain in their seated area.
5. No speaker will be allowed to present to the Board, department heads, Town Officials, or other attendees, any item, document, photograph, etc. without permission from the Chair.
6. If, after making their comment, the speaker wishes to have a department head, or Town Board Member contact them, they should provide their phone number to the Town Clerk upon leaving the meeting.

If a person has any problems or concerns for which a response is required, the person should contact the respective Town Department during business hours, 8:00 A.M. to 4:00 P.M., Monday through Friday. Any department, the Town Supervisor, or a Town Councilman may be reached by calling (315) 733-7500.

### MINUTES

#### **April 12, 2017 Town Board minutes**

No action – incomplete.

### 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 to speak.

### REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRMAN

#### Parks and Recreation Committee – Councilman Reynolds

#### **Agreement – Parks Security for 2017**

Councilman Reynolds reviewed the following proposals received for park security in calendar year 2017, all of which provide insurance coverage:

1. P.I.P.S./Professional Investigations Process Services  
111 East Chestnut St., Rome, NY 13440  
Rate of Pay/Hr. - \$23.00/Hour (Holiday - \$34.50)
2. US SECURITY ASSOCIATES  
1723 Burnett Ave., Syracuse, NY  
Rate of Pay/Hr. - \$23.28/Hour (Holiday - \$34.92)

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3. LB SECURITY AND INVESTIGATIONS

2507 Genesee Street, Utica, NY 13501

Rate of Pay/Hr. - \$24.96/Hour

(Holiday - \$37.44)

4. SECURITAS SECURITY SERVICES

502 Court Street, Utica, NY 13502

Rate of Pay/Hr. - \$28.63/Hour

(Holiday – \$42.95)

The Director of Recreation Center confirmed that the Town Police Chief has been consulted and that background checks have been completed on the companies' employees, including status of their drivers licenses. The employees are former Rome police officers and are certified as security people. As done in 2016, the employees will drive a Town of New Hartford vehicle. Thereafter, Councilman Reynolds offered the following Resolution for adoption, seconded by Councilman Messa:

**(RESOLUTION NO. 82 OF 2017)**

**WHEREAS**, the Town Parks and Recreation Department has received four (4) proposals for security coverage for the New Hartford Parks Department, with the low bid having been submitted by P.I.P.S./Professional Investigations Process Services;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby accept and approve the low proposal submitted by said P.I.P.S./Professional Investigations Process Services, in the amount of Twenty-three Dollars (\$23.00) per hour and Thirty-four Dollars and Fifty Cents (\$34.50) per hour on Holidays, and that the Town Supervisor be authorized to enter into and to execute a contract for said security services, beginning May 24, 2017, and ending September 4, 2017.

The Director of Recreation will present the contract to the Town Attorney for his review prior to the Town Supervisor signing same. Thereafter, the Town Supervisor polled the Board members who 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***.

Public Works and Sewer Committee – Councilman Messa

**Highway Law, Section 284 (Agreement to Spend Town Highway Funds)**

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

**(RESOLUTION NO. 83 OF 2017)**

**RESOLVED** that, pursuant to the provisions of Section 284 of the Highway Law, the Town Board and Highway Superintendent do hereby agree that moneys levied and collected for the repair and improvements of highways, and received from the State or other sources for the repair and improvement of highways, shall be expended as follows:

1. GENERAL REPAIRS (5110 and 5120): The sum of \$505,610.16 may be expended for general repairs upon eight point seventy-five (8.75) miles of Town highways, including sluices, culverts and bridges having a span of less than five (5) feet and boardwalks or the renewals thereof.
2. IMPROVEMENTS (5112): The following sums shall be set aside to be expended for the improvement of Town highways:

Wadsworth.....	\$ 13,974.24
Ontario, N. Slusser, N. Wilbur, Ruth, Erie, Gerry, Ora.....	\$ 53,257.57
Harrogate, Bromwich, Gateshead.....	\$ 67,844.39
Bradley, Thurston, Butternut.....	\$ 35,715.31
Upper Jordan.....	\$ 30,613.65
Lower Jordan.....	\$ 36,776.05
Lower Sessions.....	\$ 83,232.61
Pleasant, Slaytonbush, Allen/Windsor, Esmeralda, Golf, Slusser/Orange, School, Church, Benton, Bradley, Twyndom, Hughes, Roman, Claridge, Longfellow.....	\$ 65,470.55
Janet entrance, Janet, Wills, Humphrey, Center.....	\$118,725.79

3. GENERAL REPAIRS (5110 and 5120): The sum of \$450,000 may be expended for general repairs upon two point forty-nine (2.49) miles of Town highways, including sluices, culverts and bridges having a span of less than five (5) feet and boardwalks or the renewals thereof.
4. IMPROVEMENTS (5112): The following sums shall be set aside to be expended for the improvement of Town highways:

Tilden Ave.....	\$236,676.39
Sherman Drive.....	\$ 78,883.35

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5. GENERAL REPAIRS (5110 and 5120): The sum of \$68,908.26 may be expended for general repairs upon point fifty-nine (.59) miles of Town highways, including sluices, culverts and bridges having a span of less than five (5) feet and boardwalks or the renewals thereof.
6. IMPROVEMENTS (5112): The sum of \$68,908.26 shall be set aside to be expended for the improvement of Woods Highway through GEIS funds.

The Woods Highway paving would be subject to the Town Attorney verifying that this particular section of Woods Highway is within the GEIS study area. Thereafter, the Resolution was then voted upon as follows and authorizing the Town Supervisor and Councilmen to sign said Agreement(s):

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

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

**Municipal Separate, Storm Sewer System (MS4) – Annual Report**

Councilman Messa presented the 2017 MS4 Annual Report that had been prepared by Joanne Humphreys of the Oneida County Soil and Water agency, reviewed and approved by Highway Superintendent Sherman and now available for public review. The purpose of the MS4 program, which has been in place since 2003, starting with the Environmental Protection Agency (EPA) – Clean Water Act adopted in the late 1990's, is a mandate that municipalities control the quality of stormwater by eliminating all kinds of debris (salt, sand, litter, etc.) from being dumped into the storm sewer facility within their territorial boundary, so that unfiltered stormwater does not flow into streams and wetlands. Regulated MS4s involve many towns and villages; the systems can be closed or open ditches and swales. Minimum control measures include:

- Public outreach and education
- Public outreach and participation
- Illicit discharge detection and elimination of stormwater
- Construction site run-off control
- Post construction stormwater management
- Good housekeeping

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The annual report requires the Town Supervisor's signature, after which the Annual Report will be posted on the Town's web site. The public can read the report and offer comments. This public (Town Board) meeting and the Town's web site will suffice for a public hearing. The Annual Report must be filed with the New York State Department of Environmental Conservation by June 1, 2017. Thereafter, Councilman Miscione introduced the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 84 OF 2017)**

**WHEREAS**, the Town of New Hartford has been identified as a Municipal Separate Storm Sewer System (MS4) under the EPA's Phase II Stormwater Regulations under the Clean Water Act of 1999; and

**WHEREAS**, the Phase II Program requires each MS4 to prepare a Draft Annual Report on the Town's efforts to protect and improve the water quality of our streams and water bodies; and

**WHEREAS**, the public is invited to review the Draft Annual Report and provide input; and

**WHEREAS**, a Draft Annual Report has been prepared in conformance with the Phase II Regulations by the Highway Department; and

**WHEREAS**, the Annual Report must be submitted to the New York State Department of Environmental Conservation offices in Albany, NY, by June 1, 2017;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board accepts said Draft Annual Report and does hereby authorize and direct the Town Supervisor to execute same and that said Draft Annual Report is available for public review at the Town of New Hartford Town Clerk's Office, Town Web Site, and at the Highway Department.

Upon roll call, the Board members voted as follows:

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

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

**Proposed Bond Issues – Highway Equipment**

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Councilman Messa, who had worked with Highway Superintendent Sherman, presented several options for the possible purchase and bonding of highway equipment/vehicles and had emailed these options, with supporting documentation, to Board members for their review prior to this Town Board meeting:

- Option 1 – \$340,468
  - 2017 Freightliner brush/leaf truck - \$190,000
  - 2017 Ford F-550 pick-up truck - \$47,000
  - New brush truck dump box for existing 2005 vehicle - \$17,467
  - Rotary mobile column lift (with attachments) - \$56,501
  - Replacement bucket truck - \$29,500
- Option 2 - \$261,788
  - 2017 John Deere excavator - \$111,320
  - 2017 Ford F-550 pick-up truck - \$47,000
  - New brush truck dump box for existing 2005 vehicle - \$17,467
  - Rotary mobile column lift (with attachments) - \$56,501
  - Replacement bucket truck - \$29,500
- Option 3 - \$387,321
  - 2017 Freightliner brush/leaf truck - \$190,000
  - 2017 John Deere excavator - \$111,320
  - Rotary mobile column lift (with attachments) - \$56,501
  - Replacement bucket truck - \$29,500

Discussion ensued with it being noted that some vehicles are multi-use that can be used year-round, including for salt brine; and that there are benefits in the reduction of staff to operate some vehicles/equipment. The rotary mobile column lift would allow a mechanic to stand while servicing a vehicle and there are benefits regarding workers compensation insurance. Fund balances for the Highway Fund (\$550,000) and three (3) major funds (\$3,000,000) also were discussed. A question arose as to whether a vehicle had a tow-behind or whether it was factory-built in the vehicle; a tow-behind/tag-along could be used on any vehicle whereas if factory built and the vehicle “goes down”, the department would be short a vehicle. The Town Supervisor did an analysis on the excavator based upon cost per hour, debt service cost per hour, labor costs and fuel; and believed it might be better to hire a contractor to perform certain work as opposed to purchasing equipment that might not be needed right now. He noted that the Town does not expect to be paying off any existing debt until the year 2022; adding that the Town has recently bonded \$350,000 for reconstruction of Tilden Avenue and \$900,000 for the Grange Hill Road Storm Drainage Improvement Project, both of which were considered necessities. Further, the Town took out a BAN this year to pay off the Sangertown Mall certiorari, all of which adds to next year’s budget. The Town Supervisor said he personally doesn’t

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want to bond, that some items could be purchased from the highway operating budget. The Town could be looking forward a sizeable tax increase next year. He would rather outsource work versus bonding for vehicles and he doesn't see the efficiency in buying this equipment/vehicles. The Highway Superintendent noted there are jobs his department can't get done with the equipment they now have. The Grad-all has wheels on it and won't go off the road; the backhoe works for some jobs but if it goes off road, they need tracks. It was suggested that the Highway Superintendent and Councilman Messa review the options again, with the Town Supervisor's input. Highway Superintendent Sherman suggested taking out the big items and consider some vehicles suggested by Councilman Miscione. Thereafter, Councilman Messa introduced the following Resolution for adoption, seconded by Councilman Miscione:

**(RESOLUTION NO. 85 OF 2017)**

**RESOLVED** that the New Hartford Town Board does hereby authorize the Finance/Accounting Department to adjust the 2017 Highway Department budget after the Highway Superintendent and Finance Director review same, for the purchase certain equipment rather than bond for the purchase of same.

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

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

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

Senior Citizen Standing – Councilman Reynolds

**Appointment, Seasonal**

In behalf of the Director of Senior Services, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Messa:

**(RESOLUTION NO. 86 OF 2017)**

**RESOLVED** that the New Hartford Town Board does hereby appoint Micaela Honsinger as a seasonal Laborer on an "as needed basis" to cover vacations and absences of the regular employees of the New Hartford Dining and Activity Center, said appointment being effective June 19, 2017; the hourly rate for this position is hereby established at Eight Dollars and Ninety-eight cents (\$8.98), payable bi-weekly.



The Supervisor polled the Board members who voted as follows:

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

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

Town Clerk Standing Committee – Councilman Woodland

The Town Clerk had received details of the May 22, 2017, meeting of the Oneida County Association of Towns to be held at Club Monarch, Yorkville, New York. No one was interested in attending this meeting.

MATTERS SUBMITTED BY COUNCILMEN

Councilman Miscione:

**Drainage Contractual/2017 Budget**

Councilman Miscione asked for confirmation that an additional Four Thousand Dollars (\$4,000) had been budgeted for 2017 to address storm water drainage issues in his district and which he had requested during the budget process. The Finance Director will review his records on this matter. Thereafter, Councilman Miscione offered the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 87 OF 2017)**

**RESOLVED** that the New Hartford Town Board does hereby earmark and authorize Four Thousand Dollars (\$4,000) to be expended toward storm water improvements in 2017 for Ironwood Road, Sherman Drive Pleasant Street and upper Juniper Lane, contingent upon the Finance Director confirming that the \$4,000 had been included in the 2017 Budget specifically for said purpose.

Upon roll call, 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 then declared unanimously carried and duly ***ADOPTED***.

MATTERS SUBMITTED BY TOWN SUPERVISOR

Financial:

**Finance Director – Monthly Reports**

None of the Town Board members had questions on the April 2017 financial reports that the Finance Director had emailed to them. Finance Director Dreimiller stated that the Town appears to be in line with last year for the same four (4) months. Councilman Messa asked the Finance Director to have a report at the June 2017 Town Board meeting on sales tax revenue received in 2017.

**Independent Audit – D’Arcangelo & Associates**

The Finance Director acknowledged receipt of the Draft independent audit report from D’Arcangelo & Associates; as he had just received the Draft, he hasn’t had the chance to review it. Councilman Woodland inquired if the Board members would be sent a copy. Supervisor Tyksinski said, with the understanding that it stays with the Board since it is a draft, not to go outside; Board members could discuss among themselves.

**Appointment – Part-time Police Officer**

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

**(RESOLUTION NO. 88 OF 2017)**

**WHEREAS**, Brad Pietryka has retired from his full-time position with the New Hartford Police Department; and

**WHEREAS**, there has been a vacancy for a Part-time Police Officer effective August 16, 2014, due to the promotion of Annemarie Brelinsky to full time;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby appoint Brad Pietryka as a Part-time Police Officer to fill said vacancy effective May 22, 2017, at the hourly rate of Thirty-one Dollars and Thirteen Cents (\$31.13), payable bi-weekly.

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 then declared unanimously carried and duly ***ADOPTED***.

**BOND ISSUE - \$350,000 Tilden Avenue Road Project**

Supervisor Tyksinski noted that he and Highway Superintendent Sherman had worked a couple years on this proposal but it was too big of a job to do without bonding; the Highway Superintendent would like to get moving on this project. The following resolution was offered by Councilman Miscione, who moved its adoption; seconded by Councilman Reynolds, to-wit:

**(RESOLUTION NO. 89 OF 2017)**

BOND RESOLUTION DATED MAY 10, 2017.

A RESOLUTION AUTHORIZING THE TILDEN AVENUE ROAD PROJECT IN AND FOR THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$350,000 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$350,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of New Hartford, Oneida County, New York, as follows:

Section 1. The reconstruction/resurfacing of Tilden Avenue in and for the Town of New Hartford, Oneida County, New York, including sidewalks, curbs, gutters, drainage, landscaping and other improvements and costs incidental thereto, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$350,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$350,000 bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of New Hartford, Oneida County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation

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shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, And an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in The Observer Dispatch, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

The Resolution was thereupon declared duly **ADOPTED**. [NOTE: See April 12, 2017, Resolution No. 76 wherein the Town's grant application for \$100,000 had been approved by the NYS Department of Transportation for funding a Multi-Model #1 project, Tilden Avenue from Higby Road to Pleasant Street.]

**BOND ISSUE - \$900,000 Grange Hill Stormwater Project**

The Town Supervisor stated that the Bond resolution for the Grange Hill Road Stormwater Project puts a cap on the project. If the project exceeds \$1 million, the Town would need to start over and perhaps look in the future to forming a drainage district. This process, according to the Town Attorney and Town Supervisor, would take a little longer, meeting mandatory requirements for a survey, legal description (metes and bounds), a public hearing and possible referendum. Further, the cost could become prohibitive to the few residents who live within the benefit area; an example was when the Town received a petition for water service and when the property owners learned of the projected cost, the matter was discontinued. It makes sense, for example, to form a lighting district for a smaller area, with low costs that are liveable. Councilman Messa commented that this project has been on the table for four (4) years and he wanted some resolution. The following Resolution was offered by Councilman Messa, who moved its adoption, seconded by Councilman Reynolds, to-wit:

**(RESOLUTION NO. 90 OF 2017)**

BOND RESOLUTION DATED May 10, 2017.

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A RESOLUTION AUTHORIZING THE GRANGE HILL STORMWATER PROJECT IN AND FOR THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$900,000 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$900,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of New Hartford, Oneida County, New York, as follows:

Section 1. The Grange Hill Stormwater Project in and for the Town of New Hartford, Oneida County, New York, including other improvements and costs incidental thereto, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$900,000.

Section 2. The Plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$900,000 bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of New Hartford, Oneida County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same,

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including the consolidation with other issues, and also the ability to issue with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in The Observer Dispatch, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

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

The Resolution was thereupon declared duly ***ADOPTED***.

**Audit of Vouchers**

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

**(RESOLUTION NO. 91 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 #5	
Vouchers SL5	\$ 8,810.06
Grange Hill District Abstract #3	
Vouchers HQ11	\$ 1,810.00
Fire Abstract #4	
Vouchers SF7	\$ 2,720.10
Fire Abstract #5	
Vouchers SF8	\$ 36,063.98
Highway Fund Part-Town Abstract #7	
Vouchers DB306	\$ 383.53
Highway Fund Part-Town Abstract #8	
Vouchers DB307-DB359	\$ 54,813.77
General Fund Part-Town Abstract #8	
Vouchers BB57-BB59	\$ 6,629.27
General Fund Part-Town Abstract #9	
Vouchers BB60-BB65	\$ 257.49
General Fund Part-Town Police Abstract #10	
Vouchers BP111-BP113	\$ 53,194.76
General Fund Part-Town Police Abstract #11	
Vouchers BP114-BP127	\$ 5,887.28
Trust & Agency Fund Abstract #17	
Vouchers TT79-TT82	\$ 13,305.38
Trust & Agency Fund Abstract #18	
Vouchers TT83-TT92	\$ 8,980.97
Trust & Agency Fund Abstract #19	
Vouchers TT93-TT100	\$ 7,705.90
Trust & Agency Fund Abstract #20	
Vouchers TT101	\$ 1,715.18
General Fund Whole-Town Abstract #9	
Vouchers AA401-AA413	\$ 42,770.40



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General Fund Whole -Town Abstract #10		
Vouchers AA414-AA479	\$	46,834.84
Sewer Fund Abstract #9		
Vouchers SS26-SS27	\$	2,183.88
Sewer Fund Abstract #10		
Vouchers SS28-SS33	\$	<u>4,882.88</u>
<b>TOTAL:</b>	<b>\$</b>	<b>298,949.67</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***.

**Insurance Renewal**

The Town Supervisor noted that the Town's various insurance policies will expire June 30, 2017, and the Town's insurance agent has sent a questionnaire to be completed in regard thereto.

**Unsafe Building – Sallustio, 19 Glendale Avenue**

The Town Attorney stated that Code Enforcement Officer Joseph Booth has raised an issue with an unsafe structure under Chapter 52 of the Town Code relating to the Sallustio property at 19 Glendale Avenue. "We've talked about this before. We've been in court. Joe has photographs," said Attorney Cully, as the Code Enforcement Officer came forth and distributed photographs to the Town Board. What happened is Mr. Sallustio contracted with a Mr. Kessler to build a house, a residential dwelling. Mr. Kessler put the foundation in. The Town Supervisor interrupted, "...didn't we see these photos before?" The Town Attorney replied "Yes, but I want to... Joe's making a formal report so we can schedule an unsafe structure hearing. Mr. Sallustio and Mr. Kessler went forward; the foundation was put in place. Subsequently, a dispute arose between Mr. Sallustio and Mr. Kessler. Mr. Kessler is no longer constructing. That open foundation has been existing since 2015. One of the walls of the foundation has collapsed and, as well, you can see there are open ditches which could present a danger because there is actually water in some of the open ditches that abut the foundation. If a young child were to fall in there, we feel that is a dangerous situation. Under the Town's (ordinance) Code, defects are deemed unsafe when they present a danger to the health, safety, or the general welfare of the public; and there are a number of categories,

including dilapidated structures. So, Joe would like to present this report and hope you will schedule an unsafe building hearing for the June 2017 Town Board meeting.”

**Unsafe Buildings – Hearing Scheduled**

A motion to adopt the following Resolution was made by Councilman Woodland and seconded by Councilman Reynolds:

**(RESOLUTION NO. 92 OF 2017)**

**Establish Hearing to Consider Code Enforcement Officer Report  
RE: Unsafe Building**

**19 Glendale Avenue  
[316.015-3-5]**

**[Property Owners: Joseph & Sylvia Sallustio]**

**WHEREAS**, the Code Enforcement Officer has inspected the property located at 19 Glendale Avenue and has identified defects which deem said property to be unsafe or dangerous; and

**WHEREAS**, pursuant to provisions of Chapter 52 (Unsafe Buildings) of the Code of the Town of New Hartford, the Code Enforcement Officer and Town Attorney have submitted a report concerning the above property to the Town Board for consideration of said report and, if deemed appropriate, establishment of a hearing;

**NOW, THEREFORE, BE IT RESOLVED** that a hearing shall be held before the Town Board of the Town of New Hartford on the 14<sup>th</sup> day of June 2017, beginning at 5:30 P.M. to consider the report, determine if the building is unsafe, and if so, whether it is to be repaired or demolished and removed; and

**BE IT FURTHER RESOLVED** that the owner of the above property as listed on the current tax rolls shall receive notice of the hearing in accordance with Section 52-8 (Service of Notice) of Chapter 52 (Unsafe Buildings) of the Code of the Town of New Hartford .

Councilman Woodland asked if Mr. Sallustio had been cited again for the defects. The Codes Enforcement Officer responded that Mr. Sallustio had been cited for the unsafe building. Town Attorney Cully noted that he had already sent Mr. Sallustio a preliminary notice and Mr. Sallustio responded, indicating that he feels the Town should have taken action as it relates to Mr. Kessler. The Code Enforcement Officer noted that Mr. Sallustio had been in Court, found guilty, and fined for the defects. Question of the adoption of the foregoing Resolution resulted as follows:

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

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

**EXECUTIVE SESSION**

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

**(RESOLUTION NO. 93 OF 2017)**

**RESOLVED** that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss current litigation and/or negotiations, namely, Peters-Adelman, Edmund Wiatr, Jason Champion, Word of Life Christian Church, Joseph Corr Police Benevolent Association and the Dispatch Union Contract.

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 7:22 P.M. The Town Attorney and Deputy Supervisor remained for the Executive Session; the Highway Superintendent was requested to attend part of the Executive Session.

***[NOTE: The Town Attorney provided the following transcription on Thursday, May 11, 2017.]***

**END OF EXECUTIVE SESSION**

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

**(RESOLUTION NO. 94 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.

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

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 7:55 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public re-invited to attend the meeting.

**Settlement Agreement / Peters-Adelman Lawsuit**

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

**(RESOLUTION NO. 95 OF 2017)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize the Town Supervisor to sign the Settlement Agreement regarding the Peters-Adelman lawsuit, with the Town to contribute Fifteen Thousand Dollars (\$15,000) toward a One Hundred Thousand Dollar (\$100,000) fund to be used to lower pipe and acquire an easement. In addition, the Town will proceed to complete the work with the design of Shumaker Engineering, 430 Court Street, Utica, NY, 13502, the cost of which will be paid from the \$100,000 fund.

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

**Refund Retainage – Oxford Road Area Drainage Improvement Project**

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

**(RESOLUTION NO. 96 OF 2017)**

**RESOLVED**, that the New Hartford Town Board does hereby authorize the Finance/Accounting Department to refund the Burrows Trucking and Excavating retainage on the Oxford Road Area Drainage Improvement project, in the amount of Nineteen Thousand, Four Hundred Seventy-four Dollars and Seven Cents (\$19,474.07) without interest.

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***.

**Settlement – Tax Certiorari (Village Station)**

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

**(RESOLUTION NO. 97 OF 2017)**

**RESOLVED** that the New Hartford Town Board does hereby approve the tax certiorari of Village Station LLC, 1 Genesee Street, New Hartford, NY 13413, based upon the \$434,000 current assessment only for Tax Map No. 329.014-2-37, and deleting the \$56,600 assessment on the parking area, Tax Map No. 329.014-2-38, the latter of which is hereby deleted and merged into one parcel, that being Tax Map No. 329.014-2-37.

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

**Settlement – Tax Certiorari (Village East)**

Councilman Miscione moved the adoption of the following Resolution; seconded by Councilman Woodland:

**(RESOLUTION NO. 98 OF 2017)**

**RESOLVED** that the New Hartford Town Board does hereby authorize the settlement of the Village East tax certioraris on Mallard Brook Lane for the following parcels and for the amounts listed under “New Assessment”:

<u>Tax Map No.</u>	<u>Current Assessment</u>	<u>New Assessment</u>
339.007-6-70.1	\$ 24,000	\$ 21,000
339.007-6-70.3	\$169,500	\$140,000
339.007-6-70.4	\$ 48,000	\$ 38,300.
339.007-6-70.5	\$253,000	\$202,000.

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.

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

**Unsafe Building – Hearing Scheduled**

A motion to adopt the following Resolution was made by Councilman Miscione and seconded by Councilman Reynolds:

**(RESOLUTION NO. 99 OF 2017)**

**Establish Hearing to Consider Code Enforcement Officer Report  
RE: Unsafe Building**

**11 Rosedale Court  
[328.019-2-90]**

**[Property Owner: Kevin McEaney & Michael McEaney]**

**WHEREAS**, the Code Enforcement Officer has inspected the property located at 11 Rosedale Court and has identified defects which deem said property to be unsafe or dangerous; and

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**WHEREAS**, pursuant to provisions of Chapter 52 (Unsafe Buildings) of the Code of the Town of New Hartford, the Code Enforcement Officer has submitted a written report concerning the above property to the Town Board for consideration of said report and, if deemed appropriate, establishment of a hearing;

**NOW, THEREFORE, BE IT RESOLVED** that a hearing shall be held before the Town Board of the Town of New Hartford on the 14<sup>th</sup> day of June 2017, beginning at 5:30 P.M. to consider the report, determine if the building is unsafe, and if so, whether it is to be repaired or demolished and removed; and

**BE IT FURTHER RESOLVED** that the owner of the above property as listed on the current tax rolls shall receive notice of the hearing in accordance with Section 52-8 (Service of Notice) of Chapter 52 (Unsafe Buildings) of the Code of the Town of New Hartford .

Question of the adoption of the foregoing Resolution resulted as follows:

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

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

**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 8:05 P.M.

Respectfully submitted,

Gail Wolanin Young  
Town Clerk