

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, JULY 8, 2015, AT 7:00 P.M.**

Town Supervisor Patrick Tyksinski called the meeting to order at 7:00 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 David M. Reynolds
Councilman Paul A. Miscione
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
Director of Finance Daniel Dreimiller
Highway Department Foreman Chris Moran
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

June 10, 2015, Town Board meeting

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

(RESOLUTION NO. 107 OF 2015)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held June 10, 2015, and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

Councilman Messa	-	Aye
Supervisor Tyksinski	-	Aye.

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

PUBLIC PRESENTATIONS/COMMENTS

There was no one present who wished to address the Town Board.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRMAN

Zoning (Codes) and Planning Committee – Councilman Messa

Appointments to fill Zoning Board Vacancies

The terms of office of Randy Bogar and Timothy Tallman as Zoning Board of Appeals members had expired on June 9, 2015; on June 11, 2015 the two (2) vacancies were posted on the Town's website in accordance with Town policy. Meanwhile, the Messrs. Bogar and Tallman served as "holdovers" in accordance with the State's Public Officer Law. Since then, the Town received four (4) letters of interest from Town residents. Thereafter, Councilman Messa introduced the following Resolution for adoption, seconded by Councilman Miscione:

(RESOLUTION NO. 108 OF 2015)

RESOLVED that the Town Board of the Town of New Hartford does hereby appoint Taras Tesak as a member of the Zoning Board of Appeals for a five-year term commencing July 8, 2015, and ending June 9, 2020, filling the vacancy created by the term expiration of Timothy Tallman.

Supervisor Tyksinski asked if there was any discussion and Councilman Reynolds recommended the nomination of Timothy Tallman. The Town Supervisor stated the nominations would be done individually. Thereafter, the Town Supervisor polled the Board members who voted as follows:

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

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

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

(RESOLUTION NO. 109 OF 2015)

RESOLVED that the Town Board of the Town of New Hartford does hereby re-appoint Randy J. Bogar as a member of the Zoning Board of Appeals for a five-year term commencing July 8, 2015, and ending June 9, 2020, filling the vacancy created by the expiration of his former term.

There being no discussion, the Town Board then voted as follows:

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

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

Unsafe Building - 3289 Mohawk Street

Code Enforcement Officer Joseph Booth submitted his Report in connection with a vacant residence at 3289 Mohawk Street (Tax Map No. 350.000-3-37) that had been destroyed by a fully-involved fire on June 27, 2015. That same day arrangements had been made to stabilize the structure by pushing the walls into the structure. On June 29, 2015, Code Enforcement Officer Booth inspected the home and noted the following:

- The structure was completely open and unsecured
- Its structural members were compromised with walls listing, and the roof and floors buckling
- There was physical destruction of more than 50% of the structure
- It presented a clear danger to the health and safety of any person within its proximity

On June 29, 2015, the Code Enforcement Officer confirmed that the Town Police Department had completed their physical investigation of the property and that same day the Highway Superintendent had the house demolished in place to eliminate the majority of the hazards. The home is now a pile of burned construction debris and the Code Enforcement Officer requested that the Town Board consider taking appropriate steps to have the debris removed.

Town Attorney Cully referenced the newly adopted Chapter 52 (Unsafe Buildings) of the Town Code and specifically Section 52-12 (Emergencies) wherein “..the Town Board

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may, by resolution, authorize the Code Enforcement Officer to immediately cause the repair or demolition of such unsafe building.” Thereafter, Councilman Messa introduced the following Resolution for adoption; seconded by Councilman Miscione:

(RESOLUTION NO. 110 OF 2015)

WHEREAS, in accordance with Chapter 52 (Unsafe Buildings), Section 52-12, of the Town Code, where it reasonably appears that there is present a clear and imminent danger to the life, safety or health of any person or property, unless an unsafe building is immediately repaired and secured or demolished, the Town Board may, by resolution, authorize the Code Enforcement Officer to immediately cause the repair or demolition of such unsafe building; and

WHEREAS, Chapter 52, Section 52-12 of the Town Code further provides that the expenses of such repair or demolition shall be a charge against the land on which it is located and shall be assessed, levied and collected as provided in Section 52-11 thereof;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize Code Enforcement Officer Joseph Booth to enforce the provisions of the Town Code, Chapter 52 (Unsafe Buildings), Section 52-12, as same relates to the property located at 3289 Mohawk Street, Sauquoit, New York 13456, Tax Map Number 350.000-3-37.

Notification has been given to the former property owner and Oneida County. Discussion ensued about the Code Enforcement Officer having an asbestos survey performed. The foregoing Resolution was voted upon by roll call, resulting as follows:

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

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

Unsafe Building – 44 Beechwood Road

Because the Town is in litigation with the owner of 44 Beechwood Road, Tax Map Number 339.001-3-49, the Town Attorney requested that this matter be discussed in Executive Session.

Unsafe Building – Hearing Scheduled, 1414 Ney Ave

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Property at 1414 Ney Avenue is still titled in the land owner's name, reported Code Enforcement Officer Joseph Booth. While the residential structure is probably sound structurally, the building has been left vacant with no heat source for about five (5) years, left unsecured and open at the doorways, and has had over a foot of water in the basement which increases the chance that mold is present. A motion to adopt the following Resolution was made by Councilman Miscione and seconded by Councilman Messa:

(RESOLUTION NO. 111 OF 2015)

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

1414 NEY AVENUE

[317.012-3-69]

[Property Owner: Jody Iredell]

WHEREAS, the Code Enforcement Officer has inspected the property located at 1414 Ney 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 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 12th day of August 2015, beginning at 6:30 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 Resolution was thereafter declared unanimously carried and duly ***ADOPTED***.

Vacant Property – 9460 Elm Street, Chadwicks

On behalf of the Code Enforcement Officer, Councilman Messa stated that a side door of the vacant 9460 Elm Street residence, Tax Map Number 359.005-1-6, had been secured in addition to securing a shed in the backyard.

Raffle Consent

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

(RESOLUTION NO. 112 OF 2014)

RESOLVED that the New Hartford Town Board does hereby grant permission to The One Charity Golf Classic, 5911 Airport Road, Oriskany, New York 13424, an organization duly granted a Games of Chance Identification Number by the New York State Racing and Wagering Board, to sell raffle tickets in the Town of New Hartford, in accordance with all rules and regulations of said Racing and Wagering Board; and be it

FURTHER RESOLVED that the Town Clerk be, and she hereby is, authorized and directed to execute Form GC-RCF, Raffle Consent Form.

Upon roll call, 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***.

NYS Liquor Authority – Waiver

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

(RESOLUTION NO. 113 OF 2015)

WHEREAS, the Town Clerk has received a request from Shane J. Carney of Pizza Boys Pizzeria, LLC, in accordance with the State Liquor Authority rules and regulations, for the waiver of the 30-day municipal notification relating to the renewal of that establishment's liquor licenses; and

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WHEREAS, said Pizza Boys Pizzeria, LLC is currently operating under a Tavern/Wine license and is now applying to upgrade that license to a full On-Premise Restaurant license;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby waive the thirty (30) day timeframe, having been notified on June 15, 2015, that Pizza Boys Pizzeria, LLC is applying to upgrade their liquor license.

The Resolution was voted upon by roll call 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.

Parks and Recreation Committee – Councilman Reynolds

Appointment – Seasonal Parks and Recreation Employees

Upon recommendation of the Parks and Recreation Director, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Messa:

(RESOLUTION NO. 114 OF 2015)

RESOLVED that the New Hartford Town Board does hereby appoint the following individuals to the various part-time seasonal positions and for the hourly wages set opposite their several names, for the Parks and Recreation Department, commencing on the dates specified; all wages to be paid bi-weekly:

Swim – 6/30/15 thru 9/7/15

<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
Walker Brown	Certified WSI & Lifeguard	\$11.00 /hour
Erin Spina	Substitute Lifeguard	\$ 9.35/hour
Tyler Kutty	Substitute Lifeguard	\$ 9.35/hour

Playground – 6/29/15 thru 8/14/15 (all filling vacancies due to declination of appointments)

<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
Colette Bertrand	½ day Recreation Attendant	\$ 8.75/hour
Kathryn Kasky	Director	\$12.75/hour
Elizabeth Baldwin	Director	\$12.75/hour
Samantha North	Recreation Attendant II	\$ 8.85/hour
Chris Faro	Assistant Director	\$ 9.95/hour

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<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
Amanda Tucciarone	Assistant Director	\$ 9.95/hour

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

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

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

MATTERS SUBMITTED BY COUNCILMEN

Councilman Messa:

Identification Cards for Councilmen

Councilman Messa asked that the Town Board consider providing the Councilmen with identification cards, especially for times they visit constituents' homes; the Highway Superintendent is also interested. A brief discussion ensued after which Councilman Messa moved the adoption of the following Resolution; seconded by Councilman Miscione:

(RESOLUTION NO. 115 OF 2015)

RESOLVED, that the Town Board does hereby authorize and direct Councilman Miscione to pursue the issuance of identification cards for the Town Board members and the Highway Superintendent, with said identification cards to be issued by the New Hartford Town Police Department.

The Town Board members voted as follows:

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

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

Councilman Miscione:

Rayhill Memorial Trail – Construction Contract/The New York, Susquehanna and Western Railway Corp.

On behalf of Highway Superintendent Richard Sherman, Councilman Miscione introduced the following Resolution for adoption; seconded by Councilman Messa:

(RESOLUTION NO. 116 OF 2015)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to enter into and to execute a Construction Agreement between the Town of New Hartford (“TOWN”) and The New York, Susquehanna and Western Railway Corp. (“RAILROAD”) as same relates to work that the RAILROAD will perform, namely, Construction of an At-Grade Crossing at MP 286.91, Town of New Hartford (New York Mills) for the Rayhill Memorial Trail, and for which the TOWN will reimburse the RAILROAD the contract sum of Twelve Thousand Eight Hundred Sixteen Dollars (\$12,816) to be adjusted as provided in the Town Highway Superintendent’s Letter of June 25, 2013, attached hereto as Appendix A and made a part of this Resolution.

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

Grant Application Services – Salt Storage Facility

On behalf of the Highway Superintendent, Councilman Miscione introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 117 OF 2015)

RESOLVED, that the Town Board of the Town of New Hartford does hereby accept and approve the Proposal for Grant Application Services submitted by Barton & Loguidice, 290 Elwood Davis Road, Box 107, Syracuse, New York 13220, who would provide professional grant writing assistance in connection with the Town’s Salt Storage Facility. The Scope of Services is defined in said Proposal letter for a lump sum of Two Thousand Two Hundred Dollars (\$2,200).

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The Grant submission deadline is July 30, 2015 and the Highway Superintendent has sufficient funds in his budget to cover the \$2,200 expense. Thereafter, 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***.

CENTRO Bus Transportation – Service Cut

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

(RESOLUTION NO. 118 OF 2015)

RESOLVED, that the Town Board of the Town of New Hartford does hereby authorize and direct Councilman Paul Miscione to solicit petitions from the Country Club Court senior housing complex within the Village of New York Mills/Town of New Hartford, asking that CENTRO re-instate the bus stop near their facility. CENTRO's cancellation of the bus stop at the aforementioned location has forced the 120 residents to walk 3 or 4 blocks up- and downhill, with some of the residents having physical handicaps.

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

MATTER SUBMITTED BY TOWN JUSTICE KEVIN COPELAND

Appointment – Court Attendant (Bailiff)

Town Justice Kevin Copeland joined the meeting and asked that the Town Board fill a Court Attendant vacancy because he has 85 cases and is one and one-half Court Attendants short and this has become a safety issue at this point. An appointment is necessary due to the high volume of court cases between Town Justice Virkler and him

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especially necessary when other attendants are not always available. At times there could be 70 to 90 defendants in the court building and parking lot. After discussion, Councilman Miscione moved the adoption of the following Resolution and Councilman Woodland seconded same:

(RESOLUTION NO. 119 OF 2015)

WHEREAS, a vacancy has existed in a Court Attendant (Bailiff) position for approximately one and one-half years due to the resignation of Steve Laymon; and

WHEREAS, Town Justice Copeland has experienced an increase in court cases and needs to have a Court Attendant (Bailiff) available during court hours;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby appoint Jerome Murray to fill the vacant Court Attendant (Bailiff) vacancy at an hourly wage of Thirty Dollars and Twenty-two Cents (\$30.22), payable bi-weekly, contingent upon a successful background check by the New Hartford Police Department, approval of the Town Personnel Technician and approval from the Oneida County Personnel Department.

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

MATTERS SUBMITTED BY TOWN SUPERVISOR

Financial:

Audit of Vouchers

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

(RESOLUTION NO. 120 OF 2015)

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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:

2015 Capital Equipment - Abstract #3	
Vouchers H26-H27	\$ 98,672.00
General Part-Town - Abstract #15	
Vouchers BB97-BB98	\$ 3,435.03
General Part-Town - Abstract #16	
Voucher BB99	\$ 374.46
General Part-Town - Abstract #17	
Vouchers BB100-BB109	\$ 2,765.85
General Part-Town Police - Abstract #14	
Vouchers BP135-BP137	\$ 40,870.63
General Part-Town Police - Abstract #15	
Vouchers BP138	\$ 3,162.74
General Part-Town Police - Abstract #16	
Vouchers BP139-BP154	\$ 5,740.43
General Whole-Town - Abstract #18	
Vouchers AA655-AA664	\$ 21,417.11
General Whole-Town - Abstract #19	
Vouchers AA665	\$ 1,344.16
General Whole-Town - Abstract #20	
Vouchers AA666-AA667	\$ 4,226.04
General Whole-Town - Abstract #21	
Vouchers AA670-AA750	\$ 159,950.29
General Whole-Town - Abstract #22	
Vouchers AA751	\$ 3,125.00
Highway Part-Town - Abstract #11	
Vouchers DB421-431; DB433-483	\$ 217,353.55
Rayhill Trail Project - Abstract #4	
Vouchers H519-H526	\$ 36,152.40
Sewer Fund - Abstract #18	
Voucher SS39	\$ 103.47
Sewer Fund - Abstract #18A	
Voucher SS40	\$ 1,249.24
Sewer Fund - Abstract #19	
Vouchers SS41-SS42	\$ 4,480.04
Street Lighting Fund - Abstract #7	
Voucher SL7	\$ 7,990.41
Trust & Agency Fund - Abstract #20	
Voucher TT131-TT133	\$ 8,982.42

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Trust & Agency Fund - Abstract #21		
Vouchers TT134-TT140	\$	9,517.66
Trust & Agency Fund - Abstract #22		
Voucher TT141	\$	831.18
Trust & Agency Fund - Abstract #23		
Vouchers TT142-TT149	\$	<u>8,401.86</u>
TOTAL	\$	640,145.97

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***.

Finance Director :

Appointment of Bookkeeper in Accounting Department

Finance Director Daniel Dreimiller stated that over 20 candidates had applied for the vacant Bookkeeper position in the Accounting Department. Personnel Technician Schwenzfeier and he had conducted the interviews, with the Town Supervisor joining the last three candidate interviews. Thereafter, Councilman Miscione introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 121 OF 2015)

RESOLVED, that upon recommendation of the Finance Director and Town Personnel Technician, the New Hartford Town Board does hereby provisionally appoint Lisa S. Smigle as full-time Bookkeeper in the Accounting Department at an annual salary of Thirty-five Thousand Dollars (\$35,000), effective Monday, August 3, 2015.

Discussion ensued about Ms. Smigle's education and work experience and the Board discussed having over-lapping training with Account Clerk Janice O'Sullivan. The Town Supervisor stated that she should have at least two (2) months of over-lapping training. The Town Board then voted upon roll call as follows:

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

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Councilman Messa	-	Aye
Supervisor Tyksinski	-	Aye.

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

Inter-municipal Agreement – Sale of Salt Brine

After a brief discussion initiated by the Town Supervisor, Councilman Miscione offered the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 122 OF 2015)

RESOLVED that the New Hartford Town Board does hereby authorize the sale of salt brine to the Villages of New York Mills and New Hartford at the rate of Seventy-five Percent (75%) of the going rate that the Town currently charges other municipalities; and be it

FURTHER RESOLVED, that the Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Inter-municipal Agreement between the parties, with the cost to be established for a one-year period.

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

Opt out – Oneida County Workers' Compensation Program

[NOTE: Refer to June 10, 2015 Town Board minutes for initial discussion.] In June 2015 the Town Supervisor, Councilman Reynolds and Town Attorney Cully met with Michael Lally of the Oneida County Workers' Compensation Program. Supervisor Tyksinski stated that if the Town opted out of the Program, the Town "...would want to take our claims with us." During that meeting the County could not provide the Town Supervisor with the cost to opt out of their workers' compensation program; and it was learned that legislation had been submitted to the Oneida County Board of Legislators, which if adopted, essentially would make it more difficult for municipalities to opt out in the future. The proposed amendment would not allow a participant to take its claims out of the county program and would basically tie the applicant to said program; further, if it were determined that the participant owed money to the county program, they would

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have to pay it but if the participant overpaid the county, there would be no refunds. The deadline is July 15, 2015 to opt out of the county program for the year 2016. The Town Supervisor had provided the Board members with copies of quote from two (2) companies that offer workers' compensation insurance. Supervisor Tyksinski noted that several years ago after a meeting with the Oneida County Workers' Compensation officials he learned that the County solely allocated their administrative expenses based upon each municipality's assessment, not on exposure or frequency of claims; because New Hartford has a high assessment, it has a higher cost. After further discussion, Councilman Reynolds introduced the following Resolution for adoption, seconded by Councilman Miscione:

(RESOLUTION NO. 123 OF 2015)

RESOLVED that the Town Board of the Town of New Hartford does hereby unanimously decide to opt out of the Oneida County Workers' Compensation Program effective December 31, 2015, and does further authorize and direct the Town Supervisor and/or the Town Attorney to notify Oneida County of such decision on or before July 15, 2015, and to execute whatever legal documents are necessary and required to achieve this end.

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.

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

Sherrill Lane Town-owned Parcel – Potential sale to adjoining property owners

[NOTE: Refer to minutes of Town Board meeting of June 10, 2015, for initial discussion.] The Town Attorney has sent letters to ten (10) property owners' whose Sherrill Lane backyards abut a Town-owned parcel, to determine their interest in acquiring a portion of said Town parcel. Of those notified, the Town Attorney has received five (5) affirmative responses; however, questions have arisen as to the sale price and a determination as to whether the Town parcel is useless and/or has little or no value to the Town. Discussion included that the Town needs to define a line, such as the berm as opposed to the creek bed; property would be transferred by a Quit Claim Deed rather than a Warranty Deed. Thereafter, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Miscione:

(RESOLUTION NO. 124 OF 2015)

RESOLVED, that the New Hartford Town Board does hereby authorize and direct the hiring of an appraiser at a cost not to exceed Three Hundred Dollars (\$300) to determine the value of land owned by the Town of New Hartford, identified as Tax Map No. 339.007-6-46.2 on Sherrill Lane, for the purpose of dividing and selling portions of said parcel to contiguous property owners.

The Town Board voted upon roll call, resulting as follows:

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

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

Grange Hill Road Stormwater Project

The Town Supervisor stated that the Highway Superintendent confirmed that the work with the Oneida County Soil and Water Conservation District 99% done. The Town Board has already authorized the competitive bid process for this project.

Governor's Storm Water Project – FEMA

The Town Supervisor reported that the Governor's Storm Water Project is moving along and that the Town Board has the final decision on the seventeen (17) homes that have been preliminarily approved by FEMA under the Storm Water Project. The Town Board does not have to allow each piece of property to be razed; rather, can pick and choose which ones are approved for buy-out under the grant program. The Town would own these parcels forever and would not be able to construct any buildings on the selected properties. The Town would not have to account for storm water on these parcels no more than the Town does now on Town-owned property, such as parks. The Town is not mandated to correct existing storm water problems on the selected parcels. The grant includes the razing of structures, relocating property owners, etc. at no cost to the Town.

EXECUTIVE SESSION

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

(RESOLUTION NO. 125 OF 2015)

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RESOLVED, that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss current litigation in the matter of the Town of New Hartford versus James Seemann and property at 44 Beechwood Road.

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 7:56 P.M. The Town Attorney and Deputy Supervisor remained for the Executive Session.

[NOTE: The Town Attorney provided the following transcript on Thursday, July 9, 2015].

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 126 OF 2015)

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 8:10 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public re-invited to the meeting.

Unsafe Buildings – Hearing Scheduled

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

(RESOLUTION NO. 127 OF 2015)

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

44 BEECHWOOD ROAD

[339.001-3-49]

[Property Owner: James M. Seemann]

WHEREAS, the Code Enforcement Officer has inspected the property located at 44 Beechwood Road 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 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 12th day of August 2015, beginning at 6:30 P.M. or as soon thereafter as reached in the regular course of business, 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 Resolution was thereafter declared unanimously carried and duly ***ADOPTED***.

Grant Acceptance – Budget Adjustment

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

(RESOLUTION NO. 128 OF 2015)

RESOLVED that the New Hartford Town Board does hereby accept the Twenty-five Thousand Dollar (\$25,000) Grant from New York State Senator Joseph Griffo's Office for the purchase of equipment for use by the New Hartford Police Department; and be it

FURTHER RESOLVED that the said Town Board does hereby authorize and direct the Accounting Department to make the following adjustments in the 2015 Budget:

- Increase Police Revenue BP3090.1 (Griffo Grant) - \$25,000
- Increase Police Equipment BP3120.2 - \$25,000
 - Purchase 10 radar units to replace outdated units in patrol cars

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

ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made by Councilman Messa and seconded by Councilman Miscione, the meeting was adjourned at 8:15 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk