

**REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF NEW HARTFORD, NEW YORK  
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN  
ON WEDNESDAY, AUGUST 13, 2014, 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 Paul A. Miscione  
Councilman David M. Reynolds  
Councilman Richard B. Woodland, Jr.  
Supervisor Patrick M. Tyksinski

**OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:**

Assessor Darlene Abbatecola  
Codes Enforcement Officer Joseph A. Booth  
Deputy Supervisor Matthew Bohn III  
Director of Finance Daniel Dreimiller  
Highway/Sewer Superintendent Richard C. Sherman  
Police Chief Michael Inserra  
Town Attorney Herbert J. Cully  
Town Clerk Gail Wolanin Young

Thereafter, a quorum was declared present for the transaction of business.

**MINUTES**

**July 9, 2014 Town Board meeting:**

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

**(RESOLUTION NO. 164 OF 2014)**

**RESOLVED** that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held July 9, 2014, 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 PRESENTATION**

#### **Proclamation – Eagle Scout Project**

Town Supervisor Tyksinski presented Oliver Edward Pratt of New Hartford, a member of Boy Scout Troop 14 and recipient of the Eagle Scout Award, the highest honor presented by the Boy Scouts of America, with an Executive Proclamation. Said Proclamation cited Oliver Edward Pratt’s achievement in earning the Eagle Scout Award by attaining the required number of merit badges and by supervising and participating in a clean up and restoration project at the Ensworth Cemetery located off Higby Road in the Town of New Hartford. Said Proclamation further declared August 13, 2014 as “Oliver Edward Pratt Day” throughout the Town of New Hartford in recognition of his accomplishments.

### **PUBLIC COMMENTS**

#### **Stormwater/Flooding issues**

- *Gary Kielar* - lives on Wilbur Road near Sherrillbook Creek and his property has experienced flooding, and in one year, flooded in July, August and September. He stated that last year Wilbur Road was flooded and closed and that about twenty (20) yards of road were flooded extending to his entire back yard where water was above the threshold of his cellar door. He displayed before/after photos. After learning of the Sauquoit Creek Municipal Basin Commission, Mr. Kielar has been attending their meetings, as well as state seminars on flooding. He noted that Highway Superintendent Sherman also attends these meetings. While last month the Highway Superintendent explained what work could be accomplished with FEMA funds to restore the Wilbur Road-Golf Ave area to what it was prior to the flooding, Mr. Kielar is looking for more but added he “..would take whatever you give me now.” Supervisor Tyksinski said the Town Board can’t disclose plans at this time but assured Mr. Kielar that the Town does have plans to take care of the situation...restore the area to pre-existing flood condition with some improvements planned...and stated he would keep in touch with them.
- *Mary Skorulski*, neighbor of Mr. Kielar – expressed concern about the bridge and the two (2) culverts underneath that become plugged and overflow her yard and washes out everything...her landscaping. She displayed photos of before/after the flooding.

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- *Andrew Kennedy* of Esmeralda Ave, stated that he was financially ruined by the floods....lost his job, equipment, etc. His yard is still a mess and the culvert in his yard has completely collapsed. The Town Supervisor assured Mr. Kennedy that the Town is working on it and, hopefully, will have an answer soon.
- *Linda Dillon* – stated that only the lower part of her property had been flooded, unlike her neighbors, Mr. Kielar and Mrs. Skorulski.

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

**Public Works & Sewer Committee – Councilman Woodland**

**Oneida County Hazard Mitigation**

Joanne Humphreys of the Oneida County Soil and Water Conservation Agency acknowledged the help of Highway/Sewer Superintendent Richard Sherman "...in getting the mitigation plan going forward." FEMA requires certain things for post mitigation grants. The 2,400 page document contains two (2) main items....identifying risks that affect the community, and coming up with a wish-list for the community. The Town of New Hartford was able to piggy-back on the Oneida County Plan, and Mrs. Humphreys asked that the Town Board formally approve the draft/summary report, which had been read by the Town Attorney. This is a five (5) year update, a complete re-write, she said. Action was deferred until the September 10, 2014, Town Board meeting.

**Replacement – 2012 John Deere Payloader**

The Highway Superintendent is looking to replace the 2012 John Deere wheel loader, which would be two (2) years old this month and will need new tires; the wheel loader is currently being leased under "...6274 Lease Agreement and Financial Agreement." The Highway Superintendent would like to place the 2012 loader with Auctions International. It was noted that the sale of the 2012 equipment could bring in about One Hundred Fifty Thousand Dollars (\$150,000). A new loader can be purchased on State Contract at One Hundred Thirty-two Thousand Dollars (\$132,000), with no payment due in 2014. The upgrade of purchasing a 2014 loader would be without any cost. Thereafter, Councilman Woodland introduced the following Resolution for adoption; seconded by Councilman Messa:

**(RESOLUTION NO. 165 OF 2014)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Highway Superintendent to place for sale with Auctions International one (1) 2012 John Deere Wheel Loader, VIN 1DW624KZCCE646275, the proceeds of which

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will be applied to a 2014 Loader to be purchased on State Contract #OGS-22063-40603 for One Hundred Thirty-two Thousand Dollars (\$132,000.00).

The Town Board members voted 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***.

**Road Paving**

The Highway Superintendent needs a total of \$665,000 for road paving (General repairs) \$515,000; Applewood Community roads (\$125,000; and Tilden Avenue repairs \$25,000); the 2014 Budget line item for paving is \$478,593, which is \$186,407 short for the paving program. Discussion included the use of \$94,000 in FEMA money and \$20,000 in the Curbside Trash Collection line item that isn't being used, still leaving a shortfall of \$72,407. The Town Board and Finance Director further discussed the reallocation of sales tax money at the end of the year to make up the difference. Thereafter, Councilman Woodland introduced the following Resolution for adoption; seconded by Councilman Messa:

**(RESOLUTION NO. 166 OF 2014)**

**RESOLVED** that the New Hartford Town Board does hereby approve an amount of \$665,000 for the 2014 Road Paving Program and that, in addition to the 2014 Budget paving line item DB5112.04 totaling \$478,593, said Town Board does hereby approve and authorize the following budget adjustments for said Road Paving Program, bringing it to a total of \$665,000:

- *Decrease* Account DB5110.50 (Curbside Trash Collection) by \$20,000
- *Increase* Account DB5112.04 (Road Paving) by \$20,000
  
- *Increase* Account DB4789.0 (FEMA reimbursement) by \$94,000
- *Increase* Account DB5112.04 (Road Paving) by \$94,000
  
- *Increase* Account DB1120.0 (Sales Tax – 4<sup>th</sup> quarter/2014) by \$72,407
- *Increase* Account DB5112.04 (Road Paving) by \$72,407.

The Town Supervisor polled the Town 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**.

**MATTERS SUBMITTED BY COUNCILMEN**

**Councilman Reynolds:**

**55 Root Street – Residence/Abandoned Vehicle**

Councilman Reynolds has received complaints about a residence at 55 Root Street that has been vacant for years, but is not a code violation. [NOTE: Town and County taxes are in arrears.] However, the abandoned vehicle at this location is a code violation – it being unsecured, unlicensed. The Police Chief recommended that a towing service be contacted to move the vehicle to the highway garage for storage and that information on this vehicle be entered in the EJUSTICE computer system as “impounded” until the owner can be located. He also suggested taking photographs of the vehicle before and after the tow. After some discussion, Councilman Reynolds offered the following Resolution for adoption, and Councilman Messa seconded same:

**(RESOLUTION NO. 167 OF 2014)**

**RESOLVED** that the Town of New Hartford, Town Board does hereby authorize and direct the Police Department to arrange for the towing of an abandoned vehicle parked at 55 Root Street in said Town, to be stored at the Sanger Public Works Garage, 111 New Hartford Street, New Hartford, NY, until such owner, family member, or estate representative can be located. Existing records show that the property owner, George G. Hopkinson, is deceased and that he was the registered owner of the red 1999 Buick Regal, 4-door sedan, License Plate #ENN7635 that is to be towed.

The Town Board then voted 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**.

**Library Committee – Councilman Reynolds**

Councilman Reynolds acknowledged receipt of a comprehensive mid-year progress report from the New Hartford Public Library. He noted that the Library has made tremendous strides under Library Board of Trustees President Jay Winn and Librarian Elina Shneyder; copies had been distributed to the Town Board members.

**Councilman Miscione:**

**Proposed Street Light District**

Councilman Miscione asked for direction in obtaining a survey for a proposed street light district in his Ward. Supervisor Tyksinski suggested that Barton and Loguidice be contacted to determine whether sufficient funds remain in their engineering contract with the Town for them to prepare the legal description and survey map required, and asked the Highway Superintendent to obtain a quote. The Town Board concurred with Councilman Miscione’s request to solicit signatures for the proposed Sylvan Way street light district.

**Commercial Drive-Royal Brook Lane Fence Project**

Although there were four (4) or five (5) vendors who took out/inquired about the specifications for the Commercial Drive-Royal Brook Lane fence project, no bids were received by the deadline date of Friday, August 8, 2014. Councilman Miscione thereafter introduced the following Resolution, which was duly seconded by Councilman Woodland:

**(RESOLUTION NO. 168 OF 2014)**

**RESOLVED** that the New Hartford Town Board does hereby authorize Felix LaBella, Land Surveyor, to perform a survey for the Commercial Drive-Royal Brook Lane fence project at a cost not-to-exceed One Thousand Dollars (\$1,000).

A roll call vote was duly held 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**

**Legislative Imposition – Highway Department Bargaining Unit/Teamsters Local 194,  
F/K/A Teamsters Local 182**

Supervisor Tyksinski stated the Town Board has been working on the Highway Department union contract, arbitration, and fact-finding, and are now at the final stage. The Town Board received no response after the July 9, 2014, Public Hearing on how to resolve this matter. Outside counsel prepared legislation imposition. Supervisor Tyksinski then introduced the following Resolution for adoption; seconded by Councilman Miscione:

**(RESOLUTION NO. 169 OF 2014)**

**APPROVING THE LEGISLATIVE IMPOSITION OF TERMS FOR CONTRACT YEAR 2011 FOR THE TOWN HIGHWAY DEPARTMENT EMPLOYEES IN THE BARGAINING UNIT REPRESENTED BY TEAMSTERS LOCAL 294, F/K/A TEAMSTERS LOCAL 182**

**WHEREAS**, Patrick Tyksinski, the Town Supervisor of the Town of New Hartford has submitted to the Town Board a copy of the findings and recommendations of PERB Fact Finder Murry Solomon along with Supervisor Tyksinski's recommendations for settling the bargaining impasse between the Town and Teamsters Local 294, formerly known as/ also known as Teamsters Local 182, regarding Town Highway Department employees in the Teamsters bargaining unit;

**WHEREAS**, the employee organization (the Teamsters) may submit to the Town Board its recommendations but has not done so after receiving notice of the Town Supervisor's recommendations;

**WHEREAS**, Supervisor Tyksinski's recommendations have been filed with the clerk of the Town Board;

**WHEREAS**, the Town Board has conducted a public hearing where the parties had the opportunities to explain their positions regarding the Fact Finder's report; and

**WHEREAS**, the Town Board is authorized under the Taylor Law to take such action as it deems to be in the public interest and the interest of the employees involved, including imposing a settlement;

**NOW, THEREFORE**, the Board of Trustees of the Town of New Hartford hereby **RESOLVES** that the Town Supervisor's recommendation of a wage freeze for 2011 for the Highway Department bargaining unit employees is hereby enacted, with all other terms and conditions for these employees remaining the same for 2011; and

**RESOLVES**, that the Town Employees and officials are authorized and directed to take any and all appropriate actions to implement this enactment; and

**RESOLVES**, that this resolution shall take effect immediately.

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

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

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

**Public Safety & Courts Committee – Supervisor Tyksinski**

**Creation of 4<sup>th</sup> Sergeant Position – Police Department**

Upon request of the Police Chief, Councilman Miscione introduced the following Resolution; seconded by Councilman Reynolds:

**(RESOLUTION NO. 170 OF 2014)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby create the fourth position of Sergeant in the New Hartford Police Department for the offer of employment/promotion of Matthew Sica, effective August 13, 2014; and it is

**FURTHER RESOLVED** that said Town Board does hereby authorize and direct the Town Personnel Technician to file Form MSD-222, New Position Duties Statement, with the Oneida County Personnel Department, effective immediately.

The Town Supervisor polled the Town 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**.

**Appointment – Fill vacancy in 4<sup>th</sup> Sergeant Position**



Councilman Miscione then offered the following Resolution for adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. 171 OF 2014)**

**WHEREAS**, the Town Board of the Town of New Hartford has created a 4<sup>th</sup> position as Sergeant in its Police Department, effective August 13, 2014;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby promote Investigator Matthew Sica to fill the newly-created 4<sup>th</sup> Sergeant position, effective August 17, 2014, at the current pay rate in the Police Benevolent Association contract. The Town Board does further abolish the Investigator position formerly held by Matthew Sica, effective immediately.

The Town Board was polled individually and 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**.

**Sergeant Retirement – Fill Vacancy**

Councilman Miscione then offered the following Resolution for adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. 172 OF 2014)**

**WHEREAS**, Sergeant Robert S. Philo has retired from the Town Police Department, thereby creating a vacancy in the Sergeant position;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby promote Investigator Peter Colburn to fill the vacancy created by Sgt. Philo's retirement, effective August 17, 2014, and at the current pay rate in the Police Benevolent Association contract.

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**.

**Appointment as Investigator – Andrew M. Allen**

Councilman Miscione offered the following Resolution for adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. 173 OF 2014)**

**WHEREAS**, Investigator Peter Colburn has been promoted to Sergeant thereby leaving a vacancy in an Investigator position at the Police Department;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby appoint Andrew M. Allen as Investigator, in addition to his Police Officer duties, effective August 17, 2014, and at the current pay rate set forth in the Police Benevolent Association contract.

The Town Supervisor requested a vote upon roll call, which resulted 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**.

**Appointments – Part-time Police Officers to Full-time Police Officers**

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

**(RESOLUTION NO. 174 OF 2014)**

**WHEREAS**, Police Officer/Investigator Matthew Sica has been promoted to the position of Sergeant in the Police Department, thereby leaving a vacancy for a full-time Police Officer; and

**WHEREAS**, Police Officer Jarod Petrie has left the Police Department, having accepted a lateral transfer to another municipality, thereby leaving a second vacancy for a full-time Police Officer;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby appoint Part-time Police Officers Andrew Miller and Annemarie Brelinisky, respectively, to fill the vacancies of Full-time Police Officers due to the reasons cited hereinabove in this Resolution; said appointments are effective August 17, 2014, and are at the hourly pay rate set forth in the current Police Benevolent Association contract.

The Supervisor called for a roll call vote that resulted 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***.

**Agreement – School Resource Officer Program/Sauquoit Valley School**

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

**(RESOLUTION NO. 175 OF 2014)**

**WHEREAS**, the **Sauquoit Valley Central School District** (hereinafter called “**SVCS**”) **Safe Schools/Healthy Students Initiative** has need for a more intensive and coordinated approach to creating a safe and secure setting for the educational process to take place; and

**WHEREAS**, the **SVCS** **Safe Schools/Healthy Students Initiative** desires to engage the services of a School Resource Officer to deal with the problems that occur within the school environment; and

**WHEREAS**, the **Town of New Hartford Police Department (Contractor)** is desirous to provide personnel to the **SVCS** **Safe Schools/Healthy Students Initiative** to be utilized as School Resource Officer at the times and places indicated in an Agreement for Services;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby agree to enter into an Agreement for Services to provide to **SVCS** **Safe Schools/Healthy Students Initiative** the services of one (1) police officer who will serve as School Resource Officer on a part-time basis [nine (9) hours per week] for the school year September 3, 2014 to June 25, 2015, at the rate of Nineteen Thousand Three Hundred Dollars (\$19,300); and be it

**FURTHER RESOLVED** that the Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute the aforementioned Agreement for Services.

The Town Board members were polled and 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**.

**Agreement – School Resource Officer Program – New Hartford Central School**

Thereafter, Councilman Miscione offered the adoption of the following Resolution, which was seconded by Councilman Messa:

**(RESOLUTION NO. 176 OF 2014)**

**WHEREAS**, the **New Hartford Central School District** (hereinafter called “**NHCSD**”) Safe Schools/Healthy Students Initiative has need for a more intensive and coordinated approach to creating a safe and secure setting for the educational process to take place; and

**WHEREAS**, the **NHCSD Safe Schools/Healthy Students Initiative** desires to engage the services of a School Resource Officer to deal with the problems that occur within the school environment; and

**WHEREAS**, the **Town of New Hartford Police Department (Contractor)** is desirous to provide personnel to the **NHCSD Safe Schools/Healthy Students Initiative** to be utilized as School Resource Officer at the times and places indicated in an Agreement for Services;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby agree to enter into an Agreement for Services to provide to **NHCSD Safe Schools/Healthy Students Initiative** the services of one (1) police officer who will serve as School Resource Officer on a part-time basis [seventeen (17) hours per week] for the school year September 3, 2014 to June 25, 2015, at the rate of Thirty-seven Thousand Five Hundred Dollars (\$37,500); and be it

**FURTHER RESOLVED** that the Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute the aforementioned Agreement for Services.

The Town Board members were polled and 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**.

**Agreement – School Safety Officer Program/New Hartford Central School**

New Hartford Central School's safe school program utilizes retired police officers as their School's safety officers; whatever financial overage might occur, New Hartford Central School will pay. Councilman Miscione then offered the following Resolution for adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. 177 OF 2014)**

**WHEREAS**, the **New Hartford Central School District** (hereinafter called "the District") has need for a more intensive and coordinated approach to creating a safe and secure setting for the educational process to take place through the **School Safety Officer Initiative**; and

**WHEREAS**, the District, through its School Safety Officer Initiative, desires to engage the services of a School Safety Officer to provide a uniformed Police presence in the designated schools as a deterrent to criminal behavior on the school campus and to promote a greater sense of safety and security within the school environment; and

**WHEREAS**, the **Town of New Hartford Police Department** (hereinafter called the Contractor) is desirous to provide personnel to the District's School Safety Officer Initiative to be utilized as School Safety Officers at the times and places indicated in an Agreement for Services;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby agree to enter into an Agreement for Services to provide to the District's School Safety Officer Initiative a number of School Safety Officers as set forth in said Agreement, for the period beginning September 3, 2014, to June 25, 2015; and be it

**FURTHER RESOLVED** that the Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute the aforementioned Agreement for Services.

The Town Board members were polled and 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**.

**Town Attorney – Certiorari (Continued on Page 15)**

With regard to the Uptown Interest, LLC assessment certiorari, the Town Attorney reported there is a proposal to settle based upon an appraiser amount; the certiorari is identified as Tax Map #328.011-1-1.1, located at 8374-8378 Seneca Turnpike. Because the Town Attorney did not have the documents available at the meeting, action was deferred until the September 10, 2014, Town Board meeting.

**Appointment – School Safety Officer/New Hartford Central School**

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

**(RESOLUTION NO. 178 OF 2014)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby appoint Robert S. Philo as a School Safety Officer (Part-time Police Officer), to fill a vacancy, in the New Hartford Central School District’s Safe School Program, commencing September 3, 2014 and ending June 25, 2015, at an hourly rate of \$29.34, the current CBA wage.

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**.

**Town Attorney – Certiorari (Continued from Page 14)**

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

**(RESOLUTION NO. 179 OF 2014)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize the settlement of the Uptown Interest, LLC, certiorari, identified as Tax Map #328.011-1-1.1, located at 8374-8378 Seneca Turnpike, based upon the appraisal figure provided by the Town’s appraiser, Frank Donato.

The Town Board members voted upon roll call:

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

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

**Deputy Town Supervisor – New Telephone System**

After approval of the new phone system at the July 9, 2014, Town Board meeting, Deputy Supervisor Matthew Bohn met with Northland officials and started the process of updating the Town’s phone system; there is a time issue in replacing the Time Warner Lines involving the Sanger Public Works Garage and the Jerome Madden Justice Building. The contract with Northland has not been signed yet.

**Bids – Commercial Drive/Royal Brook Lane/Fence**

Although 4 or 5 prospective bidders (mainly out-of-town/state companies) had obtained the fence bid packages, no bids had been received by the deadline date of August 8, 2014. In response to Councilman Miscione’s inquiry, Finance Director Dreimiller believes that \$2700 remains in the mitigation account to finish this project.

**Budget Adjustment - 2014**

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

**(RESOLUTION NO. 180 OF 2014)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Finance Department to make the following 2014 Budget adjustment:

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- Increase BP3120.02 Police Equipment - \$14,876.20
- Increase BP3089.7 DCJS Grant - \$14,876.20.

A roll call vote ensued:

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

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

**Audit of Vouchers**

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

**(RESOLUTION NO. 181 OF 2014)**

**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 Fund Abstract #10          |               |
| Vouchers SL10                              | \$ 7,632.40   |
| Fire District Fund Abstract #4             |               |
| Vouchers SF8                               | \$ 2,205.86   |
| Stormwater Series II Fund Abstract #3      |               |
| Vouchers HK4                               | \$ 16,000.00  |
| Zoning Study Fund Abstract #6              |               |
| Vouchers H16                               | \$ 1,376.00   |
| Rayhill Trail Project Fund Abstract #3     |               |
| Vouchers H53                               | \$ 975.00     |
| Sherrillbrook Park Fund Abstract #1        |               |
| Vouchers HX1                               | \$ 6,204.96   |
| Highway Fund Part-Town Abstract #12        |               |
| Vouchers DB533-DB620                       | \$ 205,717.01 |
| General Fund Part-Town Abstract #19        |               |
| Vouchers BB107-BB119                       | \$ 3,106.11   |
| General Fund Part-Town Police Abstract #19 |               |
| Vouchers BP149-BP172                       | \$ 105,909.53 |
| General Fund Whole-Town Abstract #22       |               |



|                         |                      |
|-------------------------|----------------------|
| Vouchers AA904-AA1027   | \$ 184,048.45        |
| Sewer Fund Abstract #18 |                      |
| Voucher SS108-SS21      | <u>\$ 32,586.24</u>  |
| <b>TOTAL:</b>           | <b>\$ 565,761.56</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***.

**EXECUTIVE SESSION**

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

**(RESOLUTION NO. 182 OF 2014)**

**RESOLVED** that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss matters leading to the demotion, discipline, suspension nor dismissal or removal of a particular person.

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 7:47 P.M. The Town Attorney, Deputy Supervisor, and Highway Superintendent remained for the Executive Session.

[NOTE: The Town Attorney provided the following transcription on Thursday, August 14, 2014.]

**END OF EXECUTIVE SESSION**

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

**(RESOLUTION NO. 183 OF 2014)**

**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 8:12 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public re-invited to the Town Board meeting..

**Demotion of Employee**

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

**(RESOLUTION NO. 184 OF 2014)**

**RESOLVED** that, based upon deficiencies in work performance resulting in potentially dangerous conditions, the Town Board of the Town of New Hartford does hereby authorize and direct the removal of Thomas Smith from the position of mechanic and assign him to the position of laborer at the Highway Department, effective August 15, 2014.

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

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

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

**Appointment – Seasonal Employee**

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

**(RESOLUTION NO. 185 OF 2014)**

**WHEREAS**, on June 11, 2014, the Town Board appointed Dennis Halpin as a part-time seasonal Laborer for the Highway Department; and

**WHEREAS**, Mr. Hapin work in that position for approximately two (2) weeks before resigning to accept an internship;

**NOW, THEREFORE, BE IT RESOLVED** that the said Town Board does hereby appoint Kara Chontow to fill the vacancy created by the resignation of Dennis Halpin, said appointment to be retroactive to July 30, 2014.

The Supervisor requested a vote upon roll call:

|                      |   |      |
|----------------------|---|------|
| 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**.

**ADJOURNMENT**

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

Respectfully submitted,

Gail Wolanin Young, Town Clerk