

**PROPOSED TOWN BOARD AGENDA (SUBJECT TO CHANGE)**  
**APRIL 25, 2012 at 7:00 P.M.**  
**Butler Memorial Hall**

**I. MINUTES**

- A. March 14, 2012
- B. April 4, 2012

**II. PRESENTATIONS (Public Comments)**

- A. Mark Levitt/ZMA application: 129 Oxford Road

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

- A. Zoning (Codes) & Planning – Councilman Miscione
  - 1. Local Law Introductory B, as Amended; Business Park to PDMU
  - 2. Status of windpower and hydrofracking zoning changes
  - 3. Status of zoning law changes regarding signs – Town Attorney
  - 4. Resignation of fire inspector/codes enforcement effective 4/26/12
  - 5. Training – Planning Board member Brymer Humphreys 5/2/12
- B. Election Committee – Councilman Woodland
  - 1. Re-discuss Ward voter registration number imbalance and Board desire to correct it (Backman)
- C. Public Works & Sewer Committee – Councilman Reynolds
  - 1. Training School for Highway Supt and Foreman
  - 2. Road paving list for 2012
  - 3. Seasonal help for Highway Department
  - 4. Highway equipment
  - 5. Roadside Mowing Agreement with Oneida County
- D. Library – Councilman Backman
  - 1. Board of Trustees appointment to fill vacancy created by resignation
- E. Town Clerk Committee – Councilman Woodland
  - 1. Authorization for Dog Census – budgeted; advertise for workers
  - 2. Resolution authorizing Town Clerk's office to issue Trash Tags (\$5)  
[Resolution adopted 7/13/11 was for a trial basis only beginning 8/1/11 through 9/30/11]
  - 3. Waiver of Liquor License time frame (99 Restaurant)

**IV. REPORTS OF SPECIAL COMMITTEES**

- A. Stormwater Management (Advisory) Improvement Committee
  - 1. Status of committee (Backman)

**V. MATTERS SUBMITTED BY COUNCILMEN / ATTORNEY / DEPUTY SUPERVISOR**

**PROPOSED TOWN BOARD AGENDA (SUBJECT TO CHANGE)**

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- A. Councilman Backman
  - 1. Status of Cable TV franchise agreement
  - 2. Discussion of possible town survey
- B. Town Attorney
  - 1. Certiorari proceeding – Settlement (Markwood); attorney fee
  - 2. Status – amendment to Peddling legislation
  - 3. FOIL Appeal – Supervisor/Finance Director emails
- C. Councilman Miscione
  - 1. Request for engineering report on Mud Creek near Royal Brook Lane
  - 2. Update on retention pond grant with City of Utica
- D. Councilman Reynolds
  - 1. Police Commission, possible creation

**VI. MATTERS SUBMITTED BY TOWN SUPERVISOR**

- A. Financial and other routine reports
  - 1. Finance Director report
  - 2. Annual audit report
  - 3. Clifford retainage return
- B. Miscellaneous communications
- C. Unfinished Business
- D. New Business

cc: Town Board  
Town Attorney  
3-14-12

# Levitt & Gordon

ATTORNEYS AT LAW  
91 GENESEE STREET  
P.O. BOX 97  
NEW HARTFORD, NEW YORK 13413

(315) 724-2194 \* TELECOPIER (315) 724-2261

MARK D. LEVITT  
CAROLINE L. LEVITT

DEAN L. GORDON  
Offering Collaborative  
Family Law Services

March 7, 2012

Gail Wolanin -Young  
New Hartford Town Clerk  
48 Genesee Street  
Butler Hall  
New Hartford, NY 13413

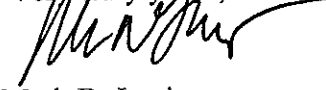
**Re: Application to Town Board for Zone Map Amendment**  
**Premises: 129 Oxford Road**  
**Applicant: Hogeboom and Canfield, Inc.**

Dear Ms. Wolanin -Young:

I represent the Applicant in the above matter. We hereby request that you extend the review time of the Planning Board in the above captioned Submittal for Zone Map Amendment past the 45 day normal review period due to circumstances which prevent my attending the April 9th Planning Board meeting. This request for extension is made pursuant to Town Code §118-87.

Thank you for your consideration.

Very truly yours,



Mark D. Levitt

MDL/cas

MAR 08 2012 9:30 AM  
at

**LOCAL LAW NO. "B" OF 2012  
TOWN OF NEW HARTFORD TOWN BOARD**

Purpose: To Amend the Code of the Town of New Hartford, Chapter 118 thereof entitled ZONING, and map coincidental thereto, as it pertains to property designated Planned Development Park District (PDP) located along Woods Highway in the Town of New Hartford, a description of which is set forth in Section 2, and changing the designation of property from PDP to Planned Development Mixed Use (PDMU)

Section 1. Chapter 118 of the Code of the Town of New Hartford, Section 118-8 and particularly the map coincidental thereto and made a part thereof, is hereby amended as follows:

Change the designation of approximately ~~206~~ acres, more or less, identified as the following Tax Map Parcels or portions thereof and owners from PDP to PDMU:

#328.000-3-1	-	Karen Szymanski/David Iadanza
#328.000-3-2	-	Ann & Daniel Rieben
#328.000-3-3	-	Samuel & Margaret Silverman
#328.000-3-7	-	New Hartford Office Group, LLC
#328.000-3-8	-	Niagara Mohawk Power Corp.
#328.000-3-10.1	(the portion that is vacant only is being rezoned) -	Par Tech Corp.
#316.000-2-21	-	Michael Paladino
#316.000-2-32.1	-	Woods 840 LLC
#316.000-2-32.2	-	James + Michelle Henderson
#316.000-2-32.3	-	David Wargo
#316.000-2-32.4	-	Crown Atlantic Company, LLC
#316.000-2-41.1	-	AXNY Office, LP;

Section 2. The boundaries and description of the PDMU District as revised are shown on the drawing and legal description attached as Exhibit A.

Section 3. This local law retains a portion of the PDP zone which comprises parcels owned by Par Technologies being used for research and development and manufacturing.

Section 4. All other provisions of Chapter 118 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

Section 6. This Local Law shall become effective immediately upon its filing with the Office of the Secretary of State.

April 4, 2012

PROPOSED DESCRIPTION OF THE PROPOSED  
“PLANNED DEVELOPMENT MIXED USE DISTRICT (PDMU)”  
TOWN OF NEW HARTFORD

“206+/- ACRE PARCEL”

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN OF NEW HARTFORD, COUNTY OF ONEIDA AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

**Beginning** at a point on the westerly boundary of Karen Szymanski, Etal. (Now or Formerly) (Tax Parcel 328.000-3-1) (Liber 2738 of Deeds at Page 72), said point standing a distance of approximately **195 feet** northerly as measured along the westerly boundary of Karen Szymanski, Etal. from a point standing at the intersection of the westerly boundary of Karen Szymanski, Etal. with the northerly highway boundary of New York State Route 5 (State Highway Number 9205) (Seneca Turnpike), thence easterly a distance of approximately **147 feet** and through the property of Karen Szymanski, Etal. to the northwesterly corner of lands of Terrence Tupaj (Reputed Owner) (Tax Parcel 328.010-2-1); thence easterly a distance of approximately **219 feet** along the northerly boundary of Terrence Tupaj and then along the northerly boundary of lands of Terrence Tupaj and Mary Tupaj (Reputed Owner) (Tax Parcel 328.010-2-2) to the northeasterly corner of Terrence Tupaj and Mary Tupaj; thence northeasterly a distance of approximately **85 feet** through the property of Karen Szymanski, Etal. to the northwesterly corner of lands of Girolamo Tavolante and Michele Tavolante (Reputed Owner) (Tax Parcel 328.010-2-3); thence easterly a distance of approximately **605 feet** along the northerly boundary of Girolamo Tavolante and Michele Tavolante, the northerly boundary of Timothy Maine and Kathryn Maine (Reputed Owner) (Tax Parcel 328.010-2-5), the northerly boundary of Norman Deep (Reputed Owner) (Tax Parcel 328.010-2-6) and then along the northerly boundary of Fred B. Grimaldi (Reputed Owner) (Tax Parcel 328.010-2-7) to a point; thence continuing along the northerly boundary of Fred B. Grimaldi in an easterly direction a distance of approximately **70 feet** to the westerly highway boundary of Woods Road; thence southerly a distance of approximately **230 feet** along the westerly highway boundary of Woods Road to the northerly highway boundary of New York State Route 5; thence easterly along the northerly highway boundary of New York State Route 5 a distance of approximately **153 feet** to a point standing on the easterly highway boundary of Woods Road; thence northerly a distance of approximately **309 feet** along the easterly highway boundary of Woods Road to a point; thence continuing northerly a distance of approximately **875 feet** along the easterly highway boundary of Woods Road to a point standing on the southerly highway boundary of a 60 ft. wide Town Highway (Road “A”) (Instrument Number 2010-016652); thence easterly a distance of approximately **758 feet** along the southerly highway boundary of a 60 ft. wide Town Highway (Road “A”) to a point standing on the northerly extension of the division line of the lands of the New Hartford Office Group, LLC on the west and Par Technology Corporation (Now or Formerly) (Liber 2166 of Deeds at Page 61) (Tax Parcel 328.00-3-10.1) on

(Proposed Planned Development Mixed Use District)

the east; thence southerly a distance of approximately **85 feet** along the northerly extension of the division line of the lands of the New Hartford Office Group, LLC on the west and Par Technology Corporation on the east to a point standing on the northerly boundary of Par Technology Corporation (Now or Formerly) (Liber 2166 of Deeds at Page 61) (Tax Parcel 328.00-3-10.1); thence easterly a distance of approximately **464 feet** along the northerly boundary of Par Technology Corporation to a point standing on the westerly boundary of Par Technology Corporation; thence northerly a distance of approximately **111 feet** along the westerly boundary of Par Technology Corporation to a point standing on the southerly highway boundary of a 60 ft. wide Town Highway (Road "A"); thence easterly a distance of approximately **514 feet** along the southerly highway boundary of a 60 ft. wide Town Highway (Road "A") to a point standing on the easterly highway boundary of a 60 ft. wide Town Highway (Road "A"); thence northerly a distance of approximately **824 feet** along the easterly highway boundary of a 60 ft. wide Town Highway (Road "A") to a point standing on the northerly boundary of Par Technology Corporation; thence easterly a distance of approximately **25 feet** to a point standing on the easterly boundary of the lands of the New Hartford Office Group, LLC (Now or Formerly) (Tax Parcel 328.000-3-7.1); thence northerly a distance of approximately **338 feet** along the easterly boundary of the lands of the New Hartford Office Group, LLC to a point standing on the southerly highway boundary of a 60 ft. wide Town Highway (Road "C"); thence easterly a distance of approximately **1090 feet** along the southerly highway boundary of a 60 ft. wide Town Highway (Road "C") to a point standing on the easterly highway boundary of a 60 ft. wide Town Highway (Road "C"); thence northerly a distance of approximately **605 feet** along the easterly highway boundary of a 60 ft. wide Town Highway (Road "C") and then along the easterly boundary of Ryan Companies US, Inc. (Now or Formerly) (Tax Parcel 316.000-2-41.1) to a point standing on the southerly highway boundary of Judd Road (Route 840); thence westerly and then northwesterly a distance of approximately **3939 feet** along the southerly highway boundary of Judd Road (Route 840) to a point standing on the easterly highway boundary of Gentile Street; thence southerly a distance of approximately **680 feet** along the easterly highway boundary of Gentile Street to a point standing on the northeasterly highway boundary of Woods Road; thence southwestwesterly a distance of approximately **77 feet** to a point standing at the intersection of the southwestwesterly highway boundary of Woods Road with the westerly boundary of Michael S. Paladino (Now or Formerly) (Tax Parcel 316.000-2-21); thence southerly a distance of approximately **1135 feet** along the westerly boundary of Michael S. Paladino to a point standing on the northerly boundary of Karen Szymanski, Etal. (Now or Formerly) (Tax Parcel 328.000-3-1) (Liber 2738 of Deeds at Page 72); thence northwesterly a distance of approximately **1115 feet** along the northerly boundary of Karen Szymanski, Etal. to a point standing on the westerly boundary of Karen Szymanski, Etal.; thence southwestwesterly a distance of approximately **333 feet** along the westerly boundary of Karen Szymanski, Etal. to a point standing on the southerly boundary of Karen Szymanski, Etal.; thence southeasterly a distance of approximately **1975 feet** along the southerly boundary of Karen Szymanski, Etal. to a point standing on the westerly boundary of Karen Szymanski, Etal.; thence southerly a distance of approximately **905 feet** along the westerly boundary of Karen Szymanski, Etal. to the **point and place of beginning.**

The above described parcel containing **206 acres** of land, more or less.

**Young, Gail**

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**From:** Young, Gail  
**Sent:** Tuesday, April 17, 2012 9:29 AM  
**To:** Booth, Joe  
**Cc:** 'Herb Cully'; Aiello, Barb; Dave, Reynolds; Don Backman; Miscione, Paul; New Hartford Supervisor; Richard B. Woodland, Jr.; Tyksinski, Patrick M.  
**Subject:** RE: retirement

Joe,

I will place this on the Agenda for the April 25th meeting.....to report his resignation from the Town position effective April 26, 2012.

However, because the vacancy won't exist until after the Town Board meeting of April 25th, he might not be reappointed until the May 9th meeting

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**From:** Booth, Joe  
**Sent:** Tuesday, April 17, 2012 9:07 AM  
**To:** Aiello, Barb; Young, Gail  
**Cc:** David Reynolds; Don Backman; Tyksinski, Patrick M.; Paul Miscione; Richard Woodland  
**Subject:** FW: retirement

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**From:** Klimek, Tony  
**Sent:** Monday, April 16, 2012 10:25 PM  
**To:** Booth, Joe  
**Subject:** retirement

joe

as we discussed effective April 27th I will be retiring from my full time position with the NYS Department of Labor. In accordance with information from the retirement system I can't work at any of my position on the day of my retirement, then I may return to work the next day. Per our conversation I resign from my position as fire inspection property maintenance codes enforcement officer effective April 26th and ask that the town board consider reappointing me April 28th. At that time would no longer be a member of the retirement system therefore my wages would no longer be reported to the retirement system.

Anthony J. Klimek

**Young, Gail**

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**From:** Shaw, Dory  
**Sent:** Tuesday, April 10, 2012 8:36 AM  
**To:** Woodland, Richard; Miscione, Paul  
**Cc:** Young, Gail  
**Subject:** Schuyler Continjuing Education Program

Planning Board member Brymer Humphreys would also like to attend the 4-hour class on May 2, 2012 at a cost of \$20.

Kindly address this at the next Town Board meeting for approval. This would satisfy the state requirement of 4 hours of class time for the year.

Thank you.

Dory

## 2012 HIGHWAY SCHOOL

Ithaca College, Ithaca, NY – June 11 - 13, 2012

*Sponsored by*

**TOWN AND COUNTY OFFICERS TRAINING SCHOOL AND  
THE ASSOCIATION OF TOWNS OF THE STATE OF NEW YORK**

*In Cooperation With*

**CORNELL UNIVERSITY LOCAL ROADS PROGRAM**

**Important Notice:** To save time and facilitate check-in at this School, **ADVANCE REGISTRATION IS REQUESTED.** If you arrive Sunday, June 10, you may pick up your program, badge and parking permit between 3:00 – 5:00 p.m. in the NORTH FOYER of PHILLIPS HALL (Upstairs) on the Ithaca College Campus. Check-in will resume at 8:00 a.m., Monday morning, June 11, at the same place.

2012 Highway School Topics:

- Paving DEMO
- Federal and State Funding and Shared Services
- Chip Seals - Application Techniques and Road Base Materials
- Highway Safety 101
- Legal Panel
- Emergency Response
- Replacing vs. Repairing Equipment
- MUTCD Compliance
- Culvert Repairs

**GENERAL INFORMATION**

Registration: **WE ENCOURAGE YOU TO REGISTER ONLINE AT WWW.NYTOWNS.ORG**  
**WE ONLY ACCEPT VISA OR MASTERCARD**

Otherwise, complete the enclosed Registration Form and return, with your check made payable to the Association of Towns in the amount of \$100.00. **FOR RECEIPT NO LATER THAN MAY 31. VOUCHERS DO NOT CONSTITUTE ELIGIBILITY FOR PREFERENTIAL ADVANCE REGISTRATION FEE UNLESS FULL PAYMENT IS RECEIVED BY MAY 31.** (Registration received after such date will be processed at the \$135 registration fee rate because time will not allow for advance processing and communication). Acknowledgement will be made by mail.

Please Note: Cancellations received 10 days prior to event will be refunded, less a \$10.00 processing fee.

**NO REFUNDS after that deadline.**

**HANDICAPPED PARKING:** If you need a handicap parking permit, you must call The Cornell Local Roads Office at (607) 255-8033 prior to arriving at the school. There are a limited number of permits available.

**PARKING:** Parking is available in designated areas on the Ithaca College Campus only with a valid parking permit. When you drive into the parking area of the College on Monday morning, we will have someone available to meet you and give you the parking permit for the duration of the School.

**EXPENSES:** Actual and necessary expenses incurred in attending this School, including the registration fee, are proper municipal charges under Town Law, §116(12) and General Municipal Law, §77(b).  
*If you have questions, please call Linda Shannon, Meeting Coordinator, at the Association of Towns (518) 465-7933. Check our Websites for up-to-date Information on the 2012 Highway School:*

ASSOCIATION OF TOWNS: <http://www.nytowns.org>  
CORNELL LOCAL ROADS: <http://www.clrp.cornell.edu>

Association of Towns of the State of New York and Cornell Local Roads Program cordially invite you to the 67th Annual School for Highway Superintendents

2012 HIGHWAY SCHOOL REGISTRATION FORM ITHACA COLLEGE, ITHACA, NY -- JUNE 11 - 13, 2012

PLEASE USE A SEPARATE REGISTRATION FORM FOR EACH INDIVIDUAL REGISTRANT

WE RECOMMEND THAT YOU USE ONLINE REGISTRATION AT WWW.NYTOWNS.ORG You can only use MasterCard or Visa and will get a registration confirmation immediately.

IF MAILING, SEND TOGETHER WITH PAYMENT TO: (Please make check payable to "Association of Towns")

ASSOCIATION OF TOWNS 150 State Street, Albany, NY 12207

REGISTRATION FEE: (check applicable lines)

- \$100.00 Early Registration Fee (if payment is received by May 31)
\$ -0- Registrants who have received a 20-Year Attendance Certificate
This is my first time attending Highway School

NAME (First, MI, Last-- please print clearly)

TITLE:

ORGANIZATION: (Please Check One)

- TOWN VILLAGE CITY STATE AGENCY COUNTY
OTHER

ADDRESS: (Please indicate STREET, P.O. BOX, OR ROUTE)

CITY, STATE & ZIP CODE:

DAYTIME PHONE: ( ) FAX: ( )

E-MAIL ADDRESS (if available)

COUNTY (where your municipality is located)

SOCIAL SECURITY NO. (last 4 digits only) (for internal recordkeeping only)

Payment must be received by May 31 to qualify for the \$100.00 early registration fee. You will receive receipt of payment. Registrations received after that date must be processed at an on-site registration fee of \$135.00 because time will not allow for advance processing and communication. Please, send your registration in right now!

Please Note: Cancellations received 10 days prior to event will be refunded, less a \$10.00 processing fee. NO REFUNDS after that deadline.

Check-In and On-Site Registration will be available on Sunday, June 10 from 3 - 5p.m. Questions? Call Linda Shannon, Meeting Coordinator - 518-465-7933

ROADSIDE MOWING AGREEMENT

THIS AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by &  
hereinafter called "County" acting through Brian N. Scala, Deputy Commissioner, Oneida County DPW, and the  
Town of New Hartford, County of Oneida, State of New York.

WITNESSETH: that for the consideration and upon the terms and conditions hereinafter provided, the Town  
agrees to furnish some machinery and labor therefore and to keep Right of Way portions of the highway mowed  
in accordance with the rules and regulations as set forth by the County and which are made a part of this contract  
for the summer season dating from  
May 2012 through September 2012.

It is further agreed that the Town Board of said Town by resolution accepts the proposal of the County of Oneida  
for roadside mowing on the improved County Road System of said Town with the additions noted hereunder; a  
total of 20.48 miles for the consideration and upon the terms and conditions hereinafter provided, the Town  
agrees to mow County roads within the Town of New Hartford, and the County agrees to furnish the tractor with  
mower that is to be operated by a town employee. The County agrees to reimburse the Town for labor and  
expenses at \$325.00 per mile, the total cost not to exceed \$6,656.00.

The Town further shall save the County harmless from all Claims for labor or materials used in the Town's  
performance under this Contract. The Town shall further defend and indemnify the County against any and all  
claims for property damage and bodily injury, including death, arising from allegations of negligence against the  
Town in their performance under the terms of this agreement, but the Town shall not be required to defend and  
indemnify the County against claims arising from allegations of negligent design or signing of the highways  
covered by this agreement of any other allegations of negligent acts of commission or omission attributable to the  
County. The Town is responsible for the upkeep of the tractor-mower. The County makes no warranty of fitness  
or usability with regard to loaned equipment. During the time said equipment is in possession of the Town of  
New Hartford, said equipment shall be added to such Town's list of property insured by that municipality.

ADDITIONS

IT IS FURTHER AGREED that the Town will mow said roadsides a total of three times as specified below:

1. The first shall be one pass to the ditch and around all intersections and driveways.
2. The second shall include all of the County Right of Way where practical.
3. The third pass shall be optional and will involve one pass to the ditch and around all intersections and driveways. The need for a third pass will be determined by the Commissioner of Highways and Bridges.

COUNTY OF ONEIDA

TOWN OF NEW HARTFORD

BY: \_\_\_\_\_  
Brian N. Scala, Commissioner  
Oneida County DPW

BY: \_\_\_\_\_  
Supervisor

BY: \_\_\_\_\_  
Highway Supt.

COUNTY OF ONEIDA

Approved As To Form  
ONEIDA COUNTY ATTORNEY

BY: \_\_\_\_\_  
Anthony J. Picente, Jr., County Executive

By \_\_\_\_\_

REVISED VERSION

**New Hartford Public Library  
2 Library Lane  
New Hartford, New York 13413**

April 18, 2012

Patrick M. Tyksinski, Supervisor  
Town of New Hartford  
48 Genesee Street  
New Hartford NY 13413

Re: *Appointment to Board of Trustees*

Dear Mr. Tyksinski:

Please be advised the following appointment has been made by the Board of Trustees of the New Hartford Public Library to fill the following unexpired term:

Appointment: Jim Kirkpatrick  
To fill unexpired term of Lisa Lemieux – expires 3/14/16

Mr. Kirkpatrick will be coming to Butler Hall in the next couple days so the Clerk can administer the oath of office. Thank you.

Very truly yours,



Linda E. Romano  
President

LER/Isr

c: Earle Cunningham  
Gail Wolanin Young  
Jim Kirkpatrick

E. Town Clerk  
2. Trash tags.

REGULAR TOWN BOARD MEETING  
July 13, 2011  
Page 12

Councilwoman Krupa	-	Aye
Councilman Woodland	-	Aye
Councilman Backman	-	Aye
Councilman Reynolds	-	Aye
Supervisor Tyksinski	-	Aye.

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

"Trial Basis" Heavy Trash Permit – Tag System/Curbside Pick-up

Because the Town Board had discontinued funding for the annual town-wide curbside trash collection, Councilman Woodland explained his idea of issuing tags, at a cost to be determined, to those people who needed items picked up at their premises....seniors, handicapped, those who can't get items to the Sanger Public Works Garage. Discussion ensued with Highway Superintendent Sherman offering that the "tag" system would be modeled after the Village of New York Mills' program and that large items would be picked up at the curb, not inside anyone's house. Fees of Ten Dollars (\$10) to Twenty Dollars (\$20) per item were discussed, with Superintendent Sherman suggesting Fifteen (\$15) to Twenty (\$20) dollars per item and Councilwoman Krupa leaning toward a fee of Twenty Dollars (\$20) per item, per residence outside the villages of New Hartford and New York Mills and that the program specify what the Town will not pick up. Thereafter, Councilwoman Krupa offered the following Resolution for adoption, seconded by Councilman Reynolds;

APPROVED  
BY TOWN BOARD

(RESOLUTION NO. 174 OF 2011)

WHEREAS, the New Hartford Town Board had discontinued funding in 2010 and 2011 for the Town's annual Curbside Trash Collection program, offering instead a program where Town residents could "drop off" items at the dumpster site at the Sanger Public Works Garage on specific days/hours of the week and several Saturdays from April through September; and

WHEREAS, some residents do not have the means of transporting their unwanted items to the Sanger Public Works Garage and/or cannot meet the days/hours specified due to their employment;

NOW, THEREFORE, BE IT RESOLVED that the said Town Board does hereby establish on a trial basis, for the period beginning August 1, 2011 and ending September 30, 2011, a Heavy Trash Permit – Tag System whereby Town residents, upon presentation of their NYS Driver's License to the Office of the Town Clerk, may purchase Trash Permits at the cost of Five Dollars (\$5) per item to be picked up by the Town Highway Department at curbside; and be it

E. Town Clerk  
3. Waiver time frame  
"99" Liquor license



# TOWN of NEW HARTFORD

ONEIDA COUNTY

48 GENESEE STREET, NEW HARTFORD, NEW YORK 13413-2397

Phone: 315-733-7500 X2322  
Fax: 315-797-9986

**TOWN CLERK - REGISTRAR**  
**RECORDS MANAGEMENT OFFICER**  
Gail Wolanin Young, CMC

April 5, 2012

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP  
677 Broadway  
Albany, NY 12207-2996

RE: Liquor License Application  
99 West, LLC  
d/b/a 99 Restaurants  
8675 Clinton Street  
New Hartford, NY 13413

Dear Sirs:

In answer to your letter received in this office today in regards to the above-referenced Liquor License Application, your request for a waiver of the 30 day notice period would need to be brought before the next Town Board meeting.

The Town Board will meet again on Wednesday, April 25, 2012 at 7:00 P.M. The Town Clerk will bring this request before the Town Board at that time.

If you have any questions regarding this matter, please do not hesitate to contact this office.

Very truly yours,

  
Gail Wolanin Young, Town Clerk

GWY:akt



April 21, 2012

Patrick Tyksinski  
Town Supervisor  
Town of New Hartford  
Butler Hall  
New Hartford, N.Y. 13413

Re: New York State Freedom of Information Law Appeal - Denial of Town Record(s)

Dear Supervisor Tyksinski:

I hereby appeal the "denial" of access regarding part of my FOIL request(s) made via email on November 17, 2011. According to an email dated 11/18/2011 authored by Gail Wolanin Young, Town Clerk, I was to receive the requested documents "not later than Thursday, December 8, 2011."

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The records that were denied include:

- **ATTACHMENT A** (email FOIL request sent November 17, 2011 and email received from Town Clerk Gail Wolanin Young on November 18, 2011):
  1. Paragraph 5 requested the following:

"Copies of all e-mails between Mr. Dreimiller and Supervisor Tyksinski, effective With his employment with the town."

The subject e-mails were to be forwarded to the undersigned together with all attachments. Soft copies with attachments were not forwarded as originally requested nor were the subject records in their original (source) format.

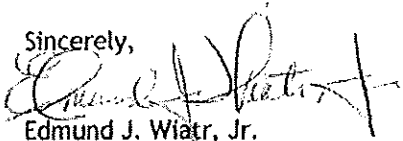
Additionally, all source e-mails (soft copies with attachments) between Supervisor Tyksinski and Mr. Dreimiller were to be forwarded electronically, however, were not, although repeated requests were made.
  2. On November 27m 2011, the undersigned requested a status of his NYS FOIL request. Mrs. Gail Wolanin-Young in an e-mail dated 11/28/2011 acknowledged this request and indicated that the records would be forthcoming NLT 8 December 2011.
  3. On April 6, 2012, I requested the status of my FOIL request. The Town Clerk acknowledged my requested under an e-mail dated April 9, 2012.
  4. Pursuant to the NYS Freedom of Information Law (FOIL), the Town has effectively issued a defacto "denial" of my claim for the requested town records. Accordingly, this Appeal is filed with the Town Clerk and is requested to be acted upon as indicated below.
  5. In the event that the Town Supervisor fails to comply with this request, an Article 78 proceeding will be commenced together with an action for attorneys fees and costs of service, etc.

The Freedom of Information Law requires the head or governing body of an agency, or whoever is designated to determine appeals to respond within 10 business days of the receipt of an appeal. If the

record(s) are denied on appeal, the reasons for the denial must be fully articulated in writing.  
[§89.4(a), (b) & (c)].

Please be advised that the Freedom of Information Law directs that all appeals and the determinations that follow be sent to: Robert Freeman, Executive Director, Committee on Open Government, Department of State, One Commerce Plaza, Suite 650, 99 Washington Avenue, Albany, New York 12231.

Sincerely,

A handwritten signature in black ink, appearing to read "Edmund J. Wiatr, Jr.", written in a cursive style.

Edmund J. Wiatr, Jr.  
2 Sylvan Glen Road  
Utica, New York 13501

ATCH - A - Original FOIL request dated November 17, 2011 w/ response dated November 18, 2011