

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, NOVEMBER 19, 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:

Deputy Supervisor Matthew Bohn III
Director of Finance Daniel Dreimiller
Highway/Sewer Superintendent Richard C. Sherman
Parks & Recreation Director Michael W. Jeffery
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

November 5, 2014, Town Board meeting:

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

(RESOLUTION NO. 250 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 November 5, 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 PRESENTATIONS

No one was present to address the Town Board.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRPERSON

Town Clerk Committee – Councilman Woodland (Messa)

Raffle Consent

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

(RESOLUTION NO. 251 OF 2014)

RESOLVED that the New Hartford Town Board does hereby grant permission to The Genesis Group, SUNY POLY, 100 Seymour Road, Utica (Town of Marcy), NY, a group that has made a self-determination that it qualifies as an authorized organization pursuant to Article 9-A of the General Municipal Law (Games of Chance licensing law), to sell raffle tickets as a Category 3 raffle, in the Town of New Hartford, New York, 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***.

Amendment – Resolution No. 235 of 2014

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

(RESOLUTION NO. 252 OF 2014)

REGULAR TOWN BOARD MEETING

November 19, 2014

Page 3 of 10

RESOLVED that the New Hartford Town Board does hereby amend Resolution No. 235 adopted at the October 22, 2014 Town Board meeting so that the budget adjustments are amended to read budget year 2015, instead of budget year 2014.

A roll call vote ensued:

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

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

Public Safety and Courts Committee – Councilman Reynolds (Tyksinski)

Appointment – Clerk to Town Justice (Vacancy)

Councilman Reynolds reported that the Court Committee had met with the candidates for the vacant court Clerk position, explaining that although the position had been advertised at \$30,000 annually, the Town Board was changing the salary to \$27,500. The candidates were willing to accept the lower salary. In behalf of the Committee, Councilman Reynolds said he was prepared to make an appointment. The Town Attorney presented the written withdrawal of Holly Pelnik as a candidate.

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

(RESOLUTION NO. 253 OF 2014)

WHEREAS, the Court Committee has interviewed candidates for the vacant position of Clerk to Town Justice and has made the recommendation that Dorothy (Dottie) H. Spina be appointed to fill said vacancy;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby appoint Dorothy (Dottie) H. Spina to fill the Clerk to Town Justice position formerly held by Jacqueline Warcup, at an annual salary of \$27,500, payable bi-weekly; said appointment to become effective at the earliest possible date, considering that she would need to provide notice to her current employer.

The Town Supervisor polled the Board members who voted as follows:

Councilman Miscione	-	Aye
---------------------	---	-----

REGULAR TOWN BOARD MEETING

November 19, 2014

Page 4 of 10

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

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

Public Works and Sewer Committee – Councilman Messa (Woodland)

Dumpster Purchases

This matter had been tabled from the November 5, 2014 Town Board meeting and Councilman Messa asked that the matter be removed from discussion as there are no funds for this purchase.

Lease - 2014 John Deere Loader

Councilman Messa introduced the following Resolution, which Councilman Miscione seconded:

(RESOLUTION NO. 254 OF 2014)

WHEREAS, the Highway Superintendent had placed a 2012 John Deere Loader (VIN 1DW624K2CCE646275), Model 624K, for sale with Auctions International and which equipment sold for \$132,000; and

WHEREAS, proceeds of the \$132,000 sale were used to pay off the lease on the aforementioned equipment, leaving monies to use for the lease of a new 2014 John Deere Loader;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Highway Superintendent and/or Town Supervisor to enter into and execute a lease for a new 2014 John Deere Loader through First Niagara Bank, which quoted a 2.66% interest rate.

The Highway Superintendent also asked John Deere to submit a quote but their interest rate was expensive. Also, with using sale proceeds of the 2012 equipment on the 2014 loader, the next payment is not due until December 2015. A roll call vote ensued:

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

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

MATTERS SUBMITTED BY TOWN SUPERVISORS

Bond - \$450,000 maximum/Sangertown Mall certiorari

With regard to the bond issue (previously) brought up, the Town Supervisor said that the bond amount should be not-to-exceed \$450,000 the purpose of which would be to take care of the proposed settlement on the certiorari for Sangertown. The Town Attorney interjected that it wasn't the proposed settlement; it is the settlement. Thereafter, the following Resolution was offered by Supervisor Tyksinski, who moved its adoption, seconded by Councilman Reynolds, to-wit:

(RESOLUTION NO. 255 OF 2014)

BOND RESOLUTION DATED NOVEMBER 19, 2014.

A RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$450,000 BONDS OF THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK, TO PAY THE COST OF A CERTAIN JUDGMENT/SETTLED CLAIM RESULTING FROM A COURT ORDER ON PROCEEDINGS BROUGHT PURSUANT TO ARTICLE 7 OF THE REAL PROPERTY TAX LAW DUE AND PAYABLE IN THE CURRENT FISCAL YEAR OF SAID TOWN.

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

Section 1. For the specific object or purpose of paying the cost of a certain judgment/settled claim resulting from a court order on proceedings brought pursuant to Article 7 of the Real Property Tax Law (relating to the Sangertown Mall) due and payable in the current fiscal year of the Town of New Hartford, Oneida County, New York, including incidental expenses in connection therewith, that are hereby authorized to be issued not exceeding \$450,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. The maximum estimated cost of the aforesaid object or purpose is \$450,000, and the plan for the financing thereof shall be by the issuance of not exceeding \$450,000 bonds of said Town herein. Such bonds are to be payable from amounts which shall annually be levied on all the taxable real property in said Town, and the faith and credit of said Town of New Hartford, Oneida County, New York, are hereby pledged for the payment of said bonds and the interest thereon.

REGULAR TOWN BOARD MEETING

November 19, 2014

Page 6 of 10

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid object or purpose is five years, pursuant to subdivision 33-a of paragraph a of Section 11.00 of the Local Finance Law.

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

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

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

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

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit, or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

REGULAR TOWN BOARD MEETING

November 19, 2014

Page 7 of 10

3) Such obligations are authorized in violation of the provisions of the Constitution.

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

Section 9. This resolution, which takes effect immediately, shall be published in summary form in The Observer Dispatch, the official newspaper of said Town designated for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

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

The resolution was thereupon declared duly **ADOPTED**. Councilman Messa inquired if the capital project list (for 2015) was rolled into this bond resolution and the Supervisor responded no, this is just for Sangertown.

Budget Adjustments – 2014

Finance Dreimiller presented a list of budget adjustments for the 2014 budget year. Councilman Woodland offered the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 256 OF 2014)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Accounting Department to make the following 2014 budget adjustment:

<u>Acct Description/Number</u>	<u>Increase (Decrease)</u>	<u>Purpose</u>
DB5130.21 Equipment GPS	\$1,140	to cover purchase of GPSs for trucks
DB5142.48 Radio	(\$1,140)	to cover purchase of GPSs for trucks
DB2771.7 Paving Reimbursement (Applewood)	\$10,000	reimbursed \$\$ from Applewood for paving roads

REGULAR TOWN BOARD MEETING

November 19, 2014

Page 8 of 10

DB5112.4 Paving roads	\$10,000	reimbursed \$\$ from Applewood for paving roads
DB2665 Sale of Equipment	\$132,000	Sale of John Deere Loader at auction; to be replaced
DB5130.2 Purchase New Machinery	\$132,000	Sale of John Deere Loader at auction; to be replaced
AA1001.1 Real Property Tax- Vacated house mowing	\$15,806	For costs incurred for mowing – 2014
AA1950.4 Vacated House Mowing	\$15,806	For costs incurred for mowing – 2014.

Whereupon, 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***.

MATTERS SUBMITTED BY COUNCILMEN / TOWN ATTORNEY

Town Attorney:

Proposed Local Law – Demolition costs/Town & County tax bills

Because current Town legislation does not allow demolition costs to be levied on town and county taxes, the Town Attorney is preparing legislation that will allow this.

New Hotel, Middlesettlement Road – PILOT Program

After some discussion, Supervisor Tyksinski introduced the following Resolution for adoption and Councilman Reynolds seconded same:

(RESOLUTION NO. 257 OF 2014)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to send a letter to the Oneida County Industrial Development Agency (IDA) that the Town of New Hartford is opposed to a proposed PILOT agreement for the hotel project being constructed on Middlesettlement Road.

The Town Board voted as follows:

Councilman Miscione	-	Aye
---------------------	---	-----

REGULAR TOWN BOARD MEETING

November 19, 2014

Page 9 of 10

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

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

EXECUTIVE SESSION

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

(RESOLUTION NO. 258 OF 2014)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the pending Jeffrey Selchick litigation, Seeman litigation, and Parks Department union negotiations.

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 7:12 P.M. The Town Attorney and Deputy Supervisor remained for the Executive Session.

[NOTE: The Town Attorney provided the following transcription on Thursday, November 20, 2014.]

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 259 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.

REGULAR TOWN BOARD MEETING

November 19, 2014

Page 10 of 10

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

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

The Supervisor declared the Resolution unanimously carried and duly ***ADOPTED***; the Executive Session ended at 7:35 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public re-invited to the meeting.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made by Councilman Miscione and seconded by Councilman Messa, the meeting was adjourned at 7:37 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk