

**SPECIAL MEETING OF THE TOWN BOARD  
OF THE TOWN OF NEW HARTFORD, NEW YORK  
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN  
ON THURSDAY, AUGUST 4, 2011 AT 9:00 A.M.**

Town Supervisor Patrick Tyksinski called the meeting to order at 9:00 A.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 Donald C. Backman  
Councilwoman Christine G. Krupa  
Councilman David M. Reynolds  
Supervisor Patrick M. Tyksinski

**ABSENT:**

Councilman Richard B. Woodland, Jr.

**OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:**

Town Attorney Herbert J. Cully  
Town Clerk Gail Wolanin Young

Thereafter, a quorum was declared present for the transaction of business. Due to his full-time employment, Councilman Woodland was unable to attend this meeting.

**Public Hearing Date Changed – Article 2, Eminent Domain Procedure; NYS Route 840 Break-In Access at Woods Highway Extension and the Extension of Clinton Street**

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

**(RESOLUTION NO. 195 OF 2011)**

**WHEREAS**, on July 13, 2011 the Town Board adopted a Resolution pursuant to Article 2 of the Eminent Domain Procedure Law, to schedule a Public Hearing to commence at 6:00 P.M. on Tuesday, August 9, 2011 in Butler Memorial Hall, New Hartford, NY, for the purpose of describing the proposed acquisition in fee of approximately 1.6 acres of real property located at Middle Settlement Road, New Hartford, NY (portion of Tax Map No. 316.000-2-42.1, of all persons and entities, for the proposed construction of New

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York State Route 840 Break-In Access at Woods Highway Extension and the Extension of Clinton Street project (the "Project") for highway purposes; and

**WHEREAS**, the requisite timeframe for publication of the legal notice in The Observer Dispatch could not be met;

**NOW, THEREFORE, BE IT RESOLVED** that said Town Board does hereby amend the July 13, 2011 Resolution by rescheduling the Public Hearing to be held on Thursday, August 11, 2011 at 6:00 P.M. in Butler Memorial Hall, New Hartford, NY.; and

**BE IT FURTHER RESOLVED** that the Town Board does hereby authorize and direct the Town Clerk to publish the legal requisite Notice of Public Hearing in The Observer Dispatch as per requirements in the Eminent Domain Procedure Law

Thereafter, the Town Board voted upon roll call, resulting as follows:

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

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

**Correction – Hourly wage/Highway Department seasonal laborers**

Councilwoman Krupa introduced the following Resolution for adoption; seconded by Councilman Backman:

**(RESOLUTION NO. 196 OF 2011)**

**WHEREAS**, by Resolution No. 129 adopted by the Town Board on May 25, 2011, the Town Board appointed Donald Cavoli, Stephen Kuhn and Andrew Mosher as Highway Department seasonal laborers at the hourly wage of Ten Dollars (\$10.00), payable bi-weekly; and

**WHEREAS**, by Resolution No. 157 adopted by the Town Board on June 15, 2011, the Town Board amended the hourly rate to be the current rate of Eight Dollars and Eighty-five Cents (\$8.85) for laborers; and

**WHEREAS**, the Personnel Technician has apprised the Town Board that the hourly rates vary for laborers, depending whether the employee is new or a returning employee;

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**NOW, THEREFORE, BE IT RESOLVED** that the Town Board does hereby amend Resolution No. 157 adopted June 15, 2011 so that the following Highway Department seasonal laborers' hourly wages, to be paid bi-weekly, are set opposite their several names, retroactive to their appointment for the 2011 Summer season:

- Stephen Kuhn - \$8.50/hour
- Andrew Mosher - \$9.17/hour
- Donald Cavoli - \$8.25/hour.

The Supervisor polled the Board members who voted as follows:

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

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

**Lease Purchase Agreement – 2011 Chevrolet Tahoe (Police Department)**

Councilwoman Krupa then introduced the following Resolution for adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. 197 OF 2011)**

**WHEREAS**, the Town of New Hartford, New York – Police Department is a political subdivision of the state in which the Town of New Hartford, New York is located (“the State”) and is duly organized and existing pursuant to the Constitution and laws of the State;

**WHEREAS**, pursuant to applicable law, the governing body of the Town of New Hartford, New York (“Governing Body”) is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interests in property, leases and easements necessary to the function or operations of the Town of New Hartford;

**WHEREAS**, the Governing Body hereby finds and determines the execution of one or more lease-purchase agreements (“Equipment Leases”) in the principal amount not exceeding Twenty-seven Thousand One Hundred Forty-four Dollars and Sixty-six Cents (\$27,144.66) [“Principal Amount”] for the purpose of acquiring the property generally described below (“Property”) and to be described more specifically in the Equipment

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Leases is appropriate and necessary to the functions and operations of the Town of New Hartford:

- 2011 Chevrolet Model Tahoe Model CK10706, VIN: IGNSK2E0XBR361801

**WHEREAS**, First Niagara Leasing, Inc. (“Lessor”) is expected to act as the Lessor under the Equipment Leases;

**WHEREAS**, The Town of New Hartford may pay certain capital expenditures in connection with the property prior to its receipt of proceeds of the Equipment Leases (“Lease Purchase Proceeds”) for such expenditures and such expenditures are not expected to exceed the Principal Amount.

**WHEREAS**, the U. S. Treasury Department regulations do not allow the proceeds of a tax-exempt borrowing to be spent on working capital and the Town of New Hartford, New York shall hereby declare its official intent to be reimbursed for any capital expenditures for Property from the Lease Purchase Proceeds.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Town of New Hartford, New York:

Section 1. The Town of New Hartford, New York hereby determines that it has critically evaluated the financing alternatives available to it pursuant to 2 NYCRR Section 39.2 and that entering into the Equipment Leases and financing the acquisition of the Property thereby is in the best interests of the Town of New Hartford, New York. Such evaluation shall be available as a public record.

The specific reason for such determination is that entering into such Equipment Leases results in a lower overall cost to the Town of New Hartford, New York. Execution of the Equipment Leases will not cause the Town of New Hartford, New York to be in violation of the limits contained in paragraph c of subdivision 6 of Section 109-b of the General Municipal Law.

Section 2. The Town of New Hartford, New York is hereby authorized to acquire and install the Property (the “Project”) and is hereby authorized to finance the Project by entering into the Equipment Leases. Any action taken by the Town of New Hartford, New York in connection therewith is hereby ratified and confirmed.

Section 3. The Town Supervisor (an “Authorized Representative”) acting on behalf of the Town of New Hartford, New York is hereby authorized to negotiate, enter into, execute, and deliver one or more Equipment Leases in substantially the form set forth in the document presently before the Governing Body, which document is available for

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public inspection at the office of the Town of New Hartford, New York. The Authorized Representative acting on behalf of the Town of New Hartford, New York is hereby authorized to negotiate, enter into, execute, and deliver such other documents relating to the Equipment Lease (including, but not limited to, escrow agreements) as the Authorized Representative deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Equipment Leases are hereby authorized.

Section 4. By a written instrument signed by the Authorized Representative, said Authorized Representative may designate specifically identified officers or employees of the Town of New Hartford, New York to execute and deliver agreements and documents relating to the Equipment Lease on behalf of the Town of New Hartford, New York.

Section 5. The aggregate original principal amount of the Equipment Leases shall not exceed the Principal Amount and shall bear interest as set forth in the Equipment Leases and the Equipment Leases shall contain such options to purchase by the Town of New Hartford, New York as set forth therein.

Section 6. The Town of New Hartford's obligation under the Equipment Leases shall be subject to annual appropriation or renewal by the Governing Body as set forth in each Equipment Lease and the Town of NewHartford's obligations under the Equipment Leases shall not constitute general obligations of the Town of New Hartford or indebtedness under the Constitution or laws of the State.

Section 7. It is hereby determined that the purpose of the Project is an object or purpose described in subdivision 32 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is four (4) years.

Section 8. It is hereby determined the term of the Equipment Leases authorized by this resolution will not be in excess of four (4) years.

Section 9. The Governing Body has determined that the Project is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQR") is required.

Section 10. The Governing Body of the Town of New Hartford, New York anticipates that the Town may pay certain capital expenditures in connection with the Property prior to the receipt of the Lease Purchase Proceeds for the Property. The Governing Body of the Town hereby declares the Town's official intent to use the Lease Purchase Proceeds to reimburse itself for Property expenditures. This section of the Resolution is adopted by the Governing Body of the Town for the purpose of establishing compliance with the requirements of Section 1.150-2of Treasury Regulations. This section of the Resolution

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does not bind the Town to make any expenditure, incur any indebtedness, or proceed with the purchase of the Property.

Section 11. BANK QUALIFIED: THE TOWN OF NEW HARTFORD CERTIFIES THAT IT HAS DESIGNATED THIS LEASE AS A QUALIFIED TAX-EXEMPT OBLIGATION IN ACCORDANCE WITH SECTION 265(b)(3) OF THE CODE, THAT IT HAS NOT DESIGNATED MORE THAN \$10,000,000 OF ITS OBLIGATIONS AS QUALIFIED TAX-EXEMPT OBLIGATIONS IN ACORDANCE WITH SUCH SECTION FOR THE CURRENT CALENDAR YEAR AND THAT IT REASONABLY ANTICIPATES THAT THE TOTAL AMOUNT OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY THE TOWN DURING THE CURRENT CALENDAR YEAR WILL NOT EXCEED \$10,000,000.

Section 12. The Authorized Representative is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Equipment Leases authorized by this Resolution as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Code.

Section 13. This Resolution is not subject to any mandatory or permissive referendum pursuant to the Local Finance Law or Section 109-b of the General Municipal Law.

Section 14. This Resolution shall take effect immediately upon its adoption and approval.

The foregoing Resolution was duly put to a vote upon roll call, resulting as follows:

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

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

**Donation – Police Vehicle/Ford Crown Victoria**

Upon recommendation of the Town Police Chief, the following Resolution was introduced for adoption by Councilwoman Krupa and seconded by Councilman Backman:

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**(RESOLUTION NO. 198 OF 2011)**

**WHEREAS**, on November 4, 1998 the New Hartford Town Board had established a “gift”/“donation” policy pursuant to Section 64(8) of the Town Law;

**NOW, THEREFORE, BE IT RESOLVED** that said Town Board does hereby accept the donation of one (1) fully-equipped 2011 Ford Crown Victoria, VIN 2FABP7BV5BX171892, from the Oneida County District Attorney’s Office as part of and through the Town’s continuing relationship with that office and the Drug Task Force.

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

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

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

**ADJOURNMENT**

There being no further business to come before the Town Board, upon motion of Councilman Backman and seconded by Councilman Reynolds, the meeting was adjourned at 9:05 A.M.

Respectfully submitted,

Gail Wolanin Young  
Town Clerk