

**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 14, 2012 AT 6:59 P.M.**

Town Supervisor Patrick Tyksinski called the meeting to order at 6:59 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 Donald C. Backman  
Councilman Paul A. Miscione  
Councilman David M. Reynolds  
Councilman Richard B. Woodland, Jr.  
Supervisor Patrick M. Tyksinski

**OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:**

Assessor Paul E. Smith  
Codes Enforcement Officer Joseph Booth  
Deputy Supervisor Matthew Bohn  
Highway Superintendent Richard 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 APPROVAL**

**November 7, 2012 Town Board meeting**

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

**(RESOLUTION NO. 260 OF 2012)**

**RESOLVED** that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the *Regular* Town Board meeting held *November 7, 2012* and does further waive the reading of the same.

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

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

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Councilman Backman - Aye  
Supervisor Tyksinski - Aye.

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

**PUBLIC HEARING**

7:00 P.M. Local Law Introductory “M” of 2012  
Swimming Pools

At 7:00 P.M. the Town Supervisor opened the Public Hearing with regard to Local Law Introductory “M” of 2012 and the Town Clerk had available the Notice of Public Hearing, Proof of Publication (October 31, 2012 edition of The Observer Dispatch), and Affidavit of Posting. The purpose of the Hearing was to offer the citizens an opportunity to speak for or against, or to comment upon Local Law Introductory “M” of 2012 which, if adopted, would amend the Town Code by repealing Chapter 105 entitled SWIMMING POOLS. The Supervisor requested that comments be limited to three (3) minutes. Town Attorney Cully explained that, upon recommendation of the Codes Enforcement Officer, Chapter 105, initially adopted by the Town Board in 1982 and amended in 1987, is being repealed because swimming pools are regulated by statute. Codes Enforcement Officer Joseph Booth believes the state regulations are more than enough to protect the public and that the Town-initiated regulations set forth in Chapter 105 are outdated. Codes Enforcement Officer noted that the NYS Property Maintenance Code governs existing swimming pools and that the NYS Residential Code, Chapter 5 governs all new installations.

No one appeared to speak in the matter.

Thereafter, the Public Hearing was closed at 7:02 P.M.

**Adoption of Local Law Introductory “M” of 2012 as Local Law No. Nine of 2012**

Councilman Miscione then moved that Local Law Introductory “M” of 2012 be adopted as Local Law No. Nine of 2012 in the following format; seconded by Councilman Backman:

**Town of New Hartford, New York**  
**Local Law No. Nine of 2012**

A Local Law to amend the Code of the Town of New Hartford by repealing Chapter 105 entitled “SWIMMING POOLS”.

BE IT ENACTED by the Town Board of the Town of New Hartford as follows:

**Section 1.** The Code of the Town of New Hartford, Chapter 105 entitled SWIMMING POOLS, is hereby repealed in its entirety.

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**Section 2.** This Local Law shall become effective immediately upon its filing with the Office of Secretary of State.

A roll call vote ensued:

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

Local Law Introductory “M” of 2012 was declared unanimously carried and duly **ADOPTED** as Local Law No. Nine of 2012.

### PUBLIC PRESENTATIONS (Resident Comments)

The Town Supervisor invited anyone in attendance that wished to address the Town Board, to come forth.

- James Stewart – attended the November 14, 2012 Town Planning Board meeting earlier and stated that there was a split vote of 3 to 3 on Local Law Introductory “K” with regard to natural gas exploration and extraction (aka hydrofracking). He urged the Town Board to pass Local Law Introductory “K” tonight to protect the Town.

### REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRPERSON

Zoning (Codes) & Planning Committee – Councilman Miscione:

#### **Adoption of Local Law Introductory “K” of 2012 – Natural Gas Exploration and Extraction as Local Law No. Ten of 2012**

The Town Attorney had attended the Town Planning Board meeting held earlier this evening and reported on their lengthy discussion with regard to Local Law Introductory “K” of 2012 (aka hydrofracking) that the Town Board had referred to them for SEQR review. Planning Board member Jerome Donovan had expressed concern that the Middletown and Dryden cases were on appeal and that the NYS Department of Environmental Conservation is still in the throes of finishing their environmental impact statement on the topic of hydrofracking; he felt it would be better to await those decisions. Planning Board member Brymer Humpreys felt the same way and recommended that the Town Board not adopt Local Law Introductory “K” of 2012. The Planning Board vote was 3 – 3, with Planning Board member Ellen Rayhill not in attendance, resulting in a deadlock that becomes non-action or denial.

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The Town Attorney gave an overview of a resolution that had been drafted, after which Councilman Miscione introduced said legislation for adoption, seconded by Councilman Woodland:

**(RESOLUTION NO. 261 OF 2012)**

**RESOLUTION IN SUPPORT OF ADOPTING AMENDMENTS TO THE TOWN OF NEW HARTFORD ZONING ORDINANCE AS IT RELATES TO NATURAL GAS EXPLORATION AND EXTRACTION**

**WHEREAS**, it is the intent of the Town Board of the Town of New Hartford to clarify its zoning ordinance with regard to natural gas exploration and extraction and the associated uses of land for outdoor factories and the heavy industrial uses associated therewith, including treatment, storage and transportation of natural gas exploration and production wastes; and

**WHEREAS**, it is the further intent of the Town Board to clarify for the public, landowners and town officials that the use of land in the Town of New Hartford for the exploration and extraction of natural gas and the storage, transfer, treatment or disposal of natural gas exploration and production wastes is prohibited within the Town; and

**WHEREAS**, protection of the Town of New Hartford water source from potential contamination is an important goal for the Town; and

**WHEREAS**, the Town has heretofore adopted legislation involving storm water management erosion and sediment control (MS4); and

**WHEREAS**, there also are wetlands in the Town under the jurisdiction of the U.S. Army Corps of Engineers; and

**WHEREAS**, there are substantial areas in the Town of New Hartford where there are slopes greater than 15 percent; and

**WHEREAS**, the regulations promulgated under the State Environmental Quality Review Act (SEQR) permit a town to designate specific geographic areas as a critical environmental area (CEA) if it is found that such area has “an exceptional or unique character covering one or more of the following:

- a benefit or threat to human health;
- a natural setting (e.g. fish and wildlife habitat, forest and vegetation, open space and areas of important aesthetic or scenic quality);

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- agricultural, social, cultural, historic, archaeological, recreational, or educational values; or
- an inherent ecological, geological or hydrological sensitivity to change that may be adversely affected by any change”; and

**WHEREAS**, in 2007 the Town of New Hartford adopted its Comprehensive Plan Update and Final GEIS pursuant to the State Environmental Quality Review Act which is incorporated by reference herein;

**WHEREAS**, the quality of life in the Town of New Hartford depends on open space, conservation town and community association parks and trails, and abundant and relatively good quality drinking water available from aquifers underlying the town; and

**WHEREAS**, there is a continuing open debate among experts concerning the environmental, health and economic effects of natural gas exploration and extraction and the Town Board has reviewed reports and articles discussing such effects; and

**WHEREAS**, impacts associated with natural gas exploration, extraction, treatment, storage and transportation include: concentrated traffic, extra-heavy truck traffic on town highways not designed for such traffic; disturbance of land for clearing; grading, surface preparation and well pads; erosion and sediment deposition in local waterways, noise, dust; potential spillage of flowback water from drilling processes; construction of new compressor stations, potential fragmentation of agricultural lands and forests; pollution of local surface waters and aquifers; and

**WHEREAS**, the New York Court of Appeals has held that a town “is not obligated to permit the exploitation of any and all natural resources within the town as a permitted use if limiting that use is a reasonable exercise of its police powers to prevent damage to the rights of others and to promote the interests of the community as a whole;” and

**WHEREAS**, the potential adverse impacts associated with natural gas exploration, extraction, treatment, storage, processing and transportation threaten the economic future of town residents and taxpayers and their quality of life; and

**WHEREAS**, after review of available scientific research from both opponents of natural gas extraction and natural gas extraction industry advocates, the Town Board now seeks to reaffirm the protection of the residents of New Hartford from the dangers associated with natural gas exploration, and extraction; and the treatment, storage and transportation of natural gas exploration and production wastes; and

**WHEREAS**, the Town has adopted a Comprehensive Plan (2007) and is in the process of revising the zoning regulations of the Town, and deems it critical to clarify that under

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the Town's Comprehensive Plan, existing Zoning Ordinance and proposed Zoning Law that natural gas exploration and extraction are not permitted uses of any property in the Town; and

**WHEREAS**, the Town Board has received and reviewed the public comments received before, during and following a public hearing on the proposed amendments held on October 24, 2012, and

**WHEREAS**, a vast majority of the comments received by the Town Board before, during and following the public hearing were in favor of the proposed amendments; and

**NOW, THEREFORE**, the Town Board of the Town of New Hartford finds, declares, determines and ordains as follows:

- the exploration for natural gas, the extraction of natural gas and the storage, transfer, treatment or disposal of natural gas exploration and and/or petroleum wastes production wastes and the accompanying use of land for an outdoor factory and heavy industrial use in the rural environment of New Hartford poses a significant threat to its residents' health, safety, and general welfare;
- widespread environmental and human health impacts have resulted from natural gas exploration and extraction in other areas;
- natural gas exploration, and the extraction or the storage, transfer, treatment or disposal of natural gas exploration and production wastes within the Town, would endanger the health, safety and general welfare of the community through the deposit of toxins into the air, soil, water, environment, and in the bodies of residents;
- the protection of residents, neighborhoods, and the natural environment through its power to regulate and restrict the use of land for trade, industry or other purposes constitutes the highest and best use of such land use powers that the Town possesses;
- clean air and water are essential to most resources and activities in the New Hartford area and the quality of the air and the water will be degraded by natural gas exploration and extraction activities and/or the storage, transfer, treatment or disposal of natural gas exploration and production wastes;
- natural gas exploration and extraction activities and the storage, transfer, treatment or disposal of natural gas exploration and production wastes may cause irreparable harm to public and private water supplies, pollution of the surface and

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- ground water, soil, and air, and may cause cancer, lung disease and respiratory diseases;
- air, soil and water contamination may occur during the different stages of natural gas exploration and extraction operations and the storage, transfer, treatment or disposal of natural gas exploration and production wastes, and such contamination could have adverse human health impacts;
  - spills of liquid and solid wastes that originate from the exploration, drilling for and extraction of natural gas (whether onsite or during the transportation of these products to treatment and/or disposal facilities) is not uncommon, and such products may come into contact with and contaminate and pollute surface waters, groundwater and/or soil;
  - a large number of the chemicals used in natural gas exploration and extraction and many of the constituents of natural gas exploration and production wastes are likely causes of adverse human health impacts;
  - natural gas exploration and production waste products are hazardous wastes;
  - the Town of New Hartford through its land use powers under Town Law §§ 261 and 262 has the power to prohibit the exploration and extraction of natural gas and the storage, treatment or disposal of natural gas exploration and production wastes within the Town;
  - the protection of the health, safety and general welfare of residents, neighborhoods, and the natural environment is also an appropriate use of the town's police powers;
  - this amendment supports the policies of the State of New York "to conserve, improve and protect its natural resources and environment and to prevent, abate, and control water, land and air pollution in order to enhance the health, safety and welfare of the people of the State and their overall economic and social well-being; and "to reduce or eliminate the use of hazardous substances and the generation of such substances, pollution or waste at the source in order to conserve, improve and protect New York's environment and natural resources; enhance the health, safety and welfare of its citizens"
  - the Zoning Ordinance is not directed at the regulatory scheme for the operation of natural gas wells under ECL Article 23, it addresses land use and nuisance concerns and the protection of the health, safety and general welfare of the people of the Town of New Hartford and the enhancement of its physical environment;

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- this amendment is enacted to protect and promote the health, safety and general welfare of present and future residents of the Town, and is an exercise of the Town's power to adopt land use regulations to protect the health, safety and general welfare of the current and future residents of the Town from adverse effects and impacts that would result if the Zoning Ordinance were to be interpreted as permitting land in the Town to be used for natural gas exploration and extraction and/or the storage, transfer, treatment or disposal of natural gas exploration and production wastes, and its police power and power to prohibit public nuisances;
- this amendment is enacted pursuant to the authority set forth in Town Law §§ 261, 262, 264 and 265.

**BE IT RESOLVED THAT THE TOWN BOARD DECLARES A NEGATIVE DECLARATION UNDER SEQRA**

**BE IT RESOLVED THAT LOCAL LAW INTRODUCTORY "K", AS AMENDED, OF 2012 BE AND IT HEREBY IS ADOPTED AS AN AMENDMENT TO THE TOWN OF NEW HARTFORD ZONING ORDINANCE, TO BE KNOWN AS LOCAL LAW NO. TEN OF 2012:**

Town of New Hartford, NY

Local Law No. Ten of 2012

**A Local Law to amend the Code of the Town of New Hartford by creating a new Chapter 83 entitled "Natural Gas Exploration and Extraction".**

Be It Enacted by the Town Board of the Town of New Hartford as follows:

**SECTION 1. Title.**

This chapter shall be known and cited as the "Natural Gas Exploration and Extraction" law.

**SECTION 2. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**"Natural Gas"** shall mean any gaseous substance, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarified state at standard temperature and pressure

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conditions, and/or gaseous components or vapors occurring in or derived from petroleum or other hydrocarbons.

***“Natural Gas and/or Petroleum Exploration”*** shall mean geologic or geophysical activities related to the search for natural gas, petroleum or other subsurface hydrocarbons including prospecting, geophysical and geologic seismic surveying and sampling techniques, which include but are not limited to core or rotary drilling or making an excavation in the search and evaluation of natural gas, petroleum, or other subsurface hydrocarbon deposits.

***“Natural Gas and/or Petroleum Exploration and Production Materials”*** shall mean any solid, semi-solid, liquid, semi-liquid or gaseous material used in the exploration or extraction of natural gas.

***“Natural Gas Exploration and/or Petroleum Wastes”*** shall mean any garbage, refuse, cuttings, sludge, flow-back fluids, produced waters or other discarded materials, including solid, liquid, semi-solid or contained gaseous material that results from or is associated with the exploration, drilling or extraction of natural gas and/or petroleum.

***“Natural Gas and/or Petroleum Extraction”*** shall mean the digging or drilling of a well for the purposes of exploring for, developing or producing natural gas, petroleum or other subsurface hydrocarbons.

***“Natural Gas and/or Petroleum Support Activities”*** shall mean the construction, use, or maintenance of a storage or staging yard, a water or fluid injection station, a water or fluid gathering station, a natural gas or petroleum storage facility, or a natural gas or petroleum gathering line, venting station, or compressor associated with the exploration or extraction of natural gas or petroleum.

### **Section 3. Prohibited Uses.**

- (1) Prohibition against the Exploration for an Extraction of Natural Gas and/or Petroleum.

No land in the Town shall be used: to conduct any exploration for natural gas and/or petroleum, to drill any well for natural gas and/or petroleum; to transfer, store, process or treat natural gas and/or petroleum; or to dispose of natural gas and/or petroleum exploration or production wastes; or to erect any derrick, building, or other structure; or to place any machinery or equipment for any such purposes.

- (2) Prohibition against the Storage, Treatment and Disposal of Natural Gas and/or Petroleum Exploration and Production Materials.

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No land in the Town shall be used for: the storage, transfer, treatment and/or disposal of natural gas and/or petroleum exploration and production materials.

- (3) Prohibition against the Storage, Treatment and Disposal of Natural Gas and/or Petroleum Exploration and Production Wastes.

No land in the Town shall be used for: the storage, transfer, treatment and/or disposal of natural gas and/or petroleum exploration and production wastes.

- (4) Prohibition against Natural Gas and/or Petroleum Support Activities.

No land in the Town shall be used for natural gas and/or petroleum support activities.

**Section 4. Severability.**

If any clause, sentence, paragraph, word, section or part of this Code shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof, directly involved in the controversy in which said judgment shall have been rendered.

**Section 5. Effective date:**

This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

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

Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye, stating that he doesn't see
where hydrofracking fits in New Hartford		
Councilman Woodland	-	Aye
Councilman Backman	-	Aye, noting that he is not opposed to
the extraction of gas but to the technology of same which is not entirely safe; if the		
aquifer is damaged, it spoils the land for centuries		
Supervisor Tyksinski	-	Aye.

The Resolution and Local Law No. Ten of 2012 were declared unanimously carried and duly ***ADOPTED***.

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Senior Citizen Committee – Councilman Reynolds

**2012 Donations/Budget adjustment**

Upon request of the Director of Senior Services, Councilman Reynolds offered the following Resolution for adoption and Councilman Miscione seconded same:

**(RESOLUTION NO. 262 OF 2012)**

**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 Seventy-five Dollar (\$75.00) donation from Michelle A. Toman and Seventy-five Dollar (\$75.00) donation from Sunset Wood to be used for senior citizen activities at the New Hartford Adult Dining and Activity Center; and be it

**FURTHER RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Finance Department to make the following 2012 budget adjustments for the New Hartford Adult Dining and Activity Center:

- Increase General Fund Whole-Town Contractual Account A6772.4 - \$150.00
- Increase General Fund Whole-Town Revenue A2705.1 - \$150.00.

A roll call vote ensued:

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

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

Human Resource Committee – Councilman Backman

**Employee Assistance Program**

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

**(RESOLUTION NO. 263 OF 2012)**

**WHEREAS**, Douglas Peterson of ESI Employee Assistance Group gave an employee assistance program presentation to the Town Board at the September 26, 2012 Town

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Board meeting; and

**WHEREAS**, the Town Board members have since reviewed the proposal submitted and believe it is a worthwhile program to offer the Town employees, including the Police Department;

**NOW, THEREFORE, BE IT RESOLVED** that, contingent upon the Finance Director identifying a funding source for this program in the 2013 Budget, the Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement between the Town of New Hartford and ESI Employee Assistant Group for the TotalCare Employee Assistance Program, commencing December 1, 2012, at a cost of \$2250 for the calendar year 2013. The month of December 2012 would be free according to the proposal.

The foregoing Resolution was voted upon by roll call:

Councilman Miscione	-	Aye
Councilman Woodland	-	Aye
Councilman Reynolds	-	Aye
Councilman Backman	-	Aye; sounds like a good

program; try it, then view it for usage at the next budget season

Supervisor Tyksinski	-	Aye.
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The Resolution was declared unanimously carried and duly **ADOPTED**.

MATTERS SUBMITTED BY COUNCILMEN / TOWN ATTORNEY

Councilman Reynolds:

**Windmill legislation**

Councilman Reynolds had met with the Town Supervisor Tyksinski with regard to changes to the proposed windmill legislation. He stated that Charles Newell from the Town of Litchfield had provided a detailed law that the Litchfield Town Board had adopted. Town Attorney Cully will review Litchfield's legislation before moving forward with New Hartford's proposal.

Councilman Backman:

**Petition – Extend Water District on Grange Hill Road**

Councilman Backman continues to work on the feasibility of extending the existing water district to Grange Hill Road property owners who submitted a petition during the Summer of 2012.

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Town Attorney:

**Litigation – Douglas Case, Jr. vs Town of New Hartford**

Town Attorney Cully reported that the Judge hearing this matter had recommended the lawsuit be settled and dropped. Because legal fees were not being charged upon the Town, there is no impact on the Town. [NOTE: Refer to November 7, 2012 Town Board minutes.]

**Rayhill Memorial Trail Extension – Easements**

The Town Attorney had clarified the hourly rate that a law firm would charge the Town for acquiring two (2) easements for the Rayhill Memorial Trail Extension. [NOTE: Refer to November 7, 2012 Town Board minutes.] Thereafter, Councilman Backman offered the following Resolution for adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. 264 OF 2012)**

**RESOLVED** that the New Hartford Town Board does hereby retain the professional legal services of Attorney Christine G. Krupa to obtain an easement from the McCraith Beverage property on Burrstone Road and from the Michael O’Grady parcel on Chenango Road in relation to the Rayhill Memorial Trail Extension, at an hourly rate of One Hundred Fifty Dollars (\$150), not to exceed One Thousand Dollars (\$1,000) per easement.

A roll call vote ensued:

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

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

**MATTERS SUBMITTED BY TOWN SUPERVISOR**

Financial:

**Monthly Financial Report**

Finance Director Daniel Dreimiller distributed and reviewed copies of the October 2012 finances with the Town Board.

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**Appointment - Court Attendants**

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

**(RESOLUTION NO. 265 OF 2012)**

**WHEREAS**, by adoption of Resolution No. 257 on November 7, 2012, the Town Board created three (3) part-time Court Attendant positions;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby appoint Raymond Hamo, Daniel Buley and Andrew Miller to fill said newly-created Court Attendant positions, effective November 12, 2012 at an hourly wage of Twenty-seven Dollars and Fifty-two Cents (\$27.52), payable bi-weekly.

The Town Board then voted upon roll call:

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

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

**Adoption of 2013 Preliminary Budget (Amended) as the 2013 Annual Budget**

Finance Director Daniel Dreimiller will contact the Oneida County Finance Department on November 15, 2012 to confirm the correct computation of the units charged under the Consolidated Sewer line item in the budget and make whatever adjustment might be necessary. Otherwise, whatever adjustments the Town Board had agreed upon, had been made. Councilman Reynolds had been contacted by a constituent who expressed concern that the Swim Program on Sundays had been eliminated from the budget as she had physical limitations and had really enjoyed the program; Supervisor Tyksinski noted that an average of 6.5 people participated in the Sunday swim program.

Thereafter, Councilman Miscione introduced the following Resolution for adoption; seconded by Councilman Backman:

**(RESOLUTION NO. 266 OF 2012)**

**WHEREAS**, the Town Board of the Town of New Hartford held a Public Hearing on November 7, 2012 to consider the special assessment rolls of said Town for fiscal year

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2013 and to consider the adoption of the 2013 Preliminary Budget, as amended, as the 2013 Annual Budget, including special district rates;

**NOW, THEREFORE, BE IT RESOLVED** that said Town Board does hereby approve the special assessment rolls of said Town for fiscal year 2013 and does further adopt the 2013 Preliminary Budget, as amended, as the 2013 Annual Budget as set forth in Schedule "A" annexed hereto and made a part of this Resolution and does hereby set the rates for all funds and the special districts/improvement areas as set forth in said budget.

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

Councilman Miscione	-	Aye
Councilman Woodland	-	Aye
Councilman Reynolds	-	Aye
Councilman Backman	-	Aye, but next year he would like to see a better strategic plan in repaying the Sewer Fund
Supervisor Tyksinski	-	Nay.

The Resolution was declared 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 7:21 P.M.

**MOTION TO RECONVENE THE MEETING**

At the request of the Highway Superintendent, Councilman Reynolds moved to re-open the Town Board meeting; seconded by Councilman Miscione and carried; the meeting reconvened at 7:22 P.M.

Public Works & Sewer Committee – Councilman Reynolds;

**Lease Agreement – Municipal Leasing Corporation (2013 Mack Plow Trucks)**

Highway Superintendent Sherman had new rates for financing two (2) trucks authorized for purchase earlier this year. Thereafter, Councilman Reynolds offered the following Resolution for adoption; seconded by Councilman Backman:

**(RESOLUTION NO. 267 OF 2012)**

**WHEREAS**, on July 11, 2012 the New Hartford Town Board adopted Resolution No. 182 authorizing the Town Supervisor to enter into and to execute a 5-year Lease/Purchase Agreement with Baystone Financial, 1680 Charles Pl., Manhattan,

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Kansas 66502, for two (2) 2013 Mack Plow Trucks at a maximum cost not to exceed Three Hundred Ninety-nine Thousand Eight Hundred Ninety-five Dollars (\$399,895); and

**WHEREAS**, since July 11, 2012 the Highway Superintendent has found a leasing company whose interest rate is only 2.170 percent as opposed to 3.01 percent charged by Baystone Financial; and

**WHEREAS**, the Town Supervisor has not entered into or executed the lease agreement with Baystone Financial;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board does hereby repeal Resolution No. 182 adopted July 11, 2012 and does further hereby authorize and direct the Town Supervisor to enter into and to execute a 5-year Tax-Exempt Lease with Municipal Leasing Corporation (MLC) in the amount of \$390,700.00 for the purchase of two (2) 2013 Mack Plow Trucks.

Whereupon, the Town Board voted as follows:

Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Backman	-	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 Reynolds and seconded by Councilman Woodland, the meeting was adjourned at 7:23 P.M.

Respectfully submitted,

Gail Wolanin Young  
Town Clerk