

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, MAY 8, 2013 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 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 A. Booth
Deputy Supervisor Matthew Bohn III
Director of Finance Daniel Dreimiller
Highway/Sewer Superintendent Richard C. Sherman
Police Chief Michael Inserra
Town Attorney Herbert J. Cully
Town Clerk Gail Wolanin Young

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

MINUTES

Town Board Meeting – April 24, 2013

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

(RESOLUTION NO. 95 OF 2013)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held April 24, 2013 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 Backman	-	Aye

Councilman Woodland - Aye
Supervisor Tyksinski - Aye.

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

PUBLIC HEARING

7:01 P.M. Acquisition of Property Pursuant to Article 2
of the Eminent Domain Procedure Law for the
Beechwood Road Drainage Improvement Project

**NOTE: See attachment for court reporter transcript of the Public Hearing, received
June 3, 2013.**

The Public Hearing was closed at 7:07 P.M.

PUBLIC PRESENTATIONS (Resident Comments)

Closure – Graffenburg Road

Oneida County Legislator James D’Onofrio acknowledged that the box culvert being replaced on Graffenburg Road, a County road, is progressing slower than expected. It is uncertain at this time how much longer Graffenburg Road will be closed, as this is a big project and the huge concrete abutments have to be cured. Legislator D’Onofrio stated that the County Department of Public Works Commissioner and the County Executive have become involved in this matter and he thanked the public for their patience.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRPERSON

Town Clerk Committee – Councilman Woodland

Uniform Notice of Claim Act Changes

The Town Clerk stated that in the past a potential plaintiff desiring to serve a notice of claim on a municipality would serve either the Town Clerk or the Town Attorney, depending on whom the governing body would designate. Under recent statutory changes that will become effective in June 2013, a potential plaintiff will now have a third option; specifically, the option of serving, for a fee up to \$250, a notice of claim on the secretary of state who will, in turn, refer the notice of claim to the municipality. The new law requires that a town must file a certificate with the Office of Secretary of State designating that office as an agent who may be served with a notice of claim and would then share in the filing fee. The Town Clerk had attended a workshop with the State Comptroller’s Office at the NYSTCA Conference last week and Lori Mithen, attorney, has recommended that municipal boards withhold action until the State finalizes the certificate form.

Town Attorney Cully noted that the municipal board must file the certificate with the Office of Secretary of State within 30 days of the law becoming effective and if that is not done, the municipality cannot share in the filing fee.

Sportsman Licensing – DECALS to ACCELA

The Town Clerk reported that Verizon is ending its DECALS contract with the NYS Department of Environmental Conservation with regard to the issuance of sportsman licenses (big and small game, bowhunting, muzzleloading, trapping, fishing, etc.). Issuing agents, including municipal clerks and retail outlets, will no longer be able to use the State's equipment and must provide their own computer hardware; the State DEC has provided information on operating systems necessary for the transition to ACCELA. Supervisor Tyksinski requested that Deputy Supervisor Bohn work with the Town Clerk on this matter.

Town of Paris - Zoning Law

Town Clerk Gail Wolanin Young acknowledged receipt of the Draft Zoning Law and Zoning Map/Town of Paris from Paris Town Clerk Michael Williamson. Anyone wishing to review this document may visit the Town Clerk's Office.

Public Works & Sewer Committee – Councilman Miscione

Agreement 2013 – Roadside Ditching

The Town Attorney having reviewed the agreement supplied by Oneida County, Councilman Reynolds offered the following Resolution for adoption; seconded by Councilman Backman:

(RESOLUTION NO. 96 OF 2013)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor and Highway Superintendent to execute the 2013 Roadside Ditching Agreement and Addendum between the Town of New Hartford and the County of Oneida acting through the Oneida County Department of Public Works wherein said Town agrees to furnish some machinery and labor to the County for the purpose of providing the County with roadside ditching services to keep Right of Way portions of the highway ditched in accordance with the rules and regulations as set forth by the County, which rules and regulations are made a part of said Agreement for the construction season dating from May 1, 2013 through December 1, 2013.

Upon roll call, the Board members voted as follows:

Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye
Councilman Backman	-	Aye

Councilman Woodland - Aye
Supervisor Tyksinski - Aye.

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

Agreement 2013 – Town/Village Pavement Marking

The Town Attorney having reviewed the referenced Agreement, Councilman Miscione offered the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 97 OF 2013)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to execute the 2013 Pavement Marking Agreement and Addendum between the Town of New Hartford and the Oneida County Department of Public Works wherein said County will provide road striping within the Town; the cost of which will be determined upon completion of the work.

Upon roll call, the Board members voted as follows:

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

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

Inter-municipal Agreements - Fuel

Upon recommendation of the Highway Superintendent, Councilman Miscione introduced the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 98 OF 2013)*discrepancy noticed after meeting; amended 5-22-13

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute a *3-three Agreement between the Town of New Hartford and the Village of New York Mills beginning January 1, 2013 and ending December 31, *2016, wherein said Village of New York Mills may purchase fuel from the Town as per the stipulations set forth in said Agreement.

The Town Board members voted as follows:

Councilman Miscione - Aye

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

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

Upon further recommendation of the Highway Superintendent, Councilman Backman introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 99 OF 2013)*discrepancy noticed after meeting; amended 5-22-13

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute a *3-three Agreement between the Town of New Hartford and the Willowvale Fire Company, Inc. beginning January 1, 2013 and ending December *1, 2016, wherein said Fire Company may purchase fuel from the Town as per the stipulations set forth in said Agreement.

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

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

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

Inter-municipal Agreements – Ice Control

Upon recommendation of the Highway Superintendent, Councilman Backman introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 100 OF 2013)

RESOLVED that the New Hartford 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 the Village of Yorkville beginning November 1, 2012 and ending October 31, 2013, wherein said Village of Yorkville may purchase ice control supplies from the Town as per the stipulations set forth in said Agreement.

The Town Board members voted as follows:

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

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

Upon recommendation of the Highway Superintendent, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Backman:

(RESOLUTION NO. 101 OF 2013)

RESOLVED that the New Hartford 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 the New Hartford Central School District beginning November 1, 2012 and ending October 31, 2013, wherein said School District may purchase ice control supplies from the Town as per the stipulations set forth in said Agreement.

The Town Board members voted as follows:

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

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

Parks and Recreation Committee – Councilman Reynolds

Appointments – Seasonal Employees

Upon recommendation of the Parks and Recreation Director and Councilman Reynolds, the following Resolution was introduced for adoption by Councilman Miscione and duly seconded by Councilman Backman:

(RESOLUTION NO. 102 OF 2013)

RESOLVED that the New Hartford Town Board does hereby appoint the following individuals to the various part-time seasonal positions and for the hourly wages set opposite their several names, for the Parks and Recreation Department, commencing June 26, 2013 and ending August 9, 2013; all wages to be paid bi-weekly:

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Swim A7230.1

<i>Name</i>	<i>Position</i>	<i>Rate of Pay</i>
Diane Muller	Pool Director	\$13.00/hour
Anna Wanner	Assistant Director	\$11.64/hour
Scott Wanner	Certified WSI & Lifeguard	\$10.75/hour
Jeremy Rose	Certified WSI & Lifeguard	\$10.75/hour
Sara Dreimiller	WSI/Lifeguard	\$ 9.15/hour
Marisa Matt	WSI/Lifeguard	\$ 9.15/hour
Marianna Maliani	WSI/Lifeguard	\$ 9.15/hour
Mikaela Butler	Sub Splash Pad Attendant	\$ 8.25/hour
Avrie Canarelli	Splash Pad Attendant	\$ 8.25/hour
Marissa Visingardi	Splash Pad Attendant	\$ 8.25/hour
Ashley Chiffy	Splash Pad Attendant	\$ 8.25/hour
Rachel Bolton	Splash Pad Attendant	\$ 8.25/hour
Meghan Rose	Splash Pad Attendant	\$ 8.25/hour

Playground A7140.11

<i>Name</i>	<i>Position</i>	<i>Rate of Pay</i>
Megan Alsheimer	Director	\$12.32/hour
Elizabeth Johnson	Director	\$12.32/hour
Katelynn Duffy	Director	\$12.32/hour
Kaleigh Blando	Director	\$12.32/hour
Kaitlyn Hudson	Assistant Director	\$ 9.65/hour
Kim Sheets	Assistant Director	\$ 9.65/hour
Matthew Romanow	Assistant Director	\$ 9.65/hour
Meredith Doyle	Assistant Director	\$ 9.65/hour
Kyle Hutchinson	Assistant Director	\$ 9.65/hour
Kelsey Evans	Recreation Attendant II	\$ 8.65/hour
Jaclyn Perra	Recreation Attendant II	\$ 8.65/hour
Daniel Duffy	Recreation Attendant II	\$ 8.65/hour
Samantha North	Recreation Attendant II	\$ 8.65/hour
Valerie Kane	Recreation Attendant II	\$ 8.65/hour
Marisa Matt	Half-day Recreation Attendant II	\$ 7.95/hour
Kathryn Kasky	Recreation Attendant I	\$ 7.95/hour
Luke Bogar	Recreation Attendant I	\$ 7.95/hour
Cameron Miller	Recreation Attendant I	\$ 7.95/hour
Ashley Chanatry	Recreation Attendant I	\$ 7.95/hour
Samantha Long	Recreation Attendant I	\$ 7.95/hour
Steven Pardi	Recreation Attendant I	\$ 7.95/hour
Tyler Gardiner	Recreation Attendant I	\$ 7.95/hour
Linda Mundrick	Head Bus Driver	\$13.95/hour
Robin Wheatley	Senior Bus Drive	\$13.50/hour

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Kirstin Abbe	Bus Driver	\$13.15/hour
Sandra DeSarro	Bus Driver	\$13.15/hour
David Butler	Bus Driver	\$13.15/hour
Timothy Madden	Girls Basketball Instructor	\$14.75/hour
Harold Kaffka	Adult Pick-up Basketball Director	\$14.75/hour
Michael Kelly	Boys Basketball Instructor	\$14.50/hour
Andrew Goodelle	Basketball Director	\$14.85/hour
Thomas Clifford	Basketball Attendant	\$ 8.45/hour
Joseph Donovan	Basketball Attendant	\$ 8.45/hour

Summer Theater A7145.1

<i>Name</i>	<i>Position</i>	<i>Rate of Pay</i>
Stephen Orton	Summer Theater Director	\$17.80/hour.

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

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

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

Request for Proposal Results (RFPs) – Recreation Center Pro Shop, Skate Rental & Skate Sharpening Operations Proposal

The Town Clerk's Office had provided minutes to the Town Board and Attorney with regard to the RFP opening of April 30, 2013, an excerpt of which follows:

- The Skaters Edge, 2647 Remington Road, Utica, NY 13501
Base Bid: \$452.00 per month, plus from 3% to 5% raise per year thereafter
- Mark Kotary's Hockey Supply, 2 Campion Road, New Hartford, NY 13413
Base Bid: \$605.00 per month.

Mark Kotary then requested that the Town Board consider changing the duration of the contract to a five-year period, rather than the three-year period contained in the RFP and which he bid with full knowledge that it would be a three-year contract. Mr. Kotary quoted commissions that the incumbent Pro Shop operator had been paying, with the most recent being \$450 per month for the last year of his contract. Mr. Kotary stated that his April 30th RFP would provide a 35% increase in commission to the Town. Parks & Recreation Director corrected the commission amounts Mr. Kotary claimed were made

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by the incumbent and further stated that he is not prepared to make a recommendation tonight on this matter. The Town Attorney had reviewed the RFPs and gave his o.k. The Parks & Recreation Director said the Town would realize a 25% increase in commissions if the contract were to be awarded to Mark Kotary's Hockey Supply. Mr. Kotary stated that most companies have a 5-year contract but he knew it was a 3-year contract and bid in good faith. He would like the Town Board to consider:

- awarding a 5-year contract to his business. [Upon questioning of the Town Supervisor, the Town Attorney verified that because the RFP stipulated a 3-year contract, that the term of the contract cannot be change, that the project would have to be re-bid.]
- Mr. Kotary's association with the hockey rink (life-long) and his ownership of a successful business in Town, that he rents from Town Justice Virkler
- Preference to a resident who has qualifications (his hockey experience and a store he owns) whereas the incumbent Pro Shop owner is a City resident
- Award to a younger person, citing the age of the incumbent Pro Shop owner

The Parks and Recreation Director noted that up until the 1990's, the contract was for one (1) year, but then changed to a 3-year contract for specific reasons. The Parks & Recreation Director wants to meet with Mr. Kotary and get settled on hours, etc. before any Town Board action is taken.

Senior Citizens Committee – Councilman Reynolds

2013 Donations/Budget adjustment

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

(RESOLUTION NO. 103 OF 2013)

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 following donation to be used for senior citizen activities at the New Hartford Adult Dining and Activity Center:

- \$150.00 from Earle C. Reed

and

BE IT FURTHER RESOLVED that the said Town Board does hereby authorize and direct the Finance Department to make the following 2013 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**. Supervisor Tyksinski noted that this is not the first donation that Earle Reed has made to the Adult and Dining Activity Center and he extended thanks to Mr. Reed for his generosity.

Election Committee – Councilman Backman:

Ward 2 Polling Locations – Venue Change

Councilman Backman acknowledged receipt of an e-mail from the Oneida County Board of Elections to Town Clerk Gail Wolanin Young; specifically, said Board of Elections has changed the polling sites for Ward 2 Districts 3 and 4 which were formerly designated as the Hughes Elementary School on Higby Road. Effective 2013, voters in Ward 2 Districts 3 and 4 will now vote at St. George Orthodox Church (formerly the Moravian Church of the Good Shepherd) on Higby Road.

MATTERS SUBMITTED BY COUNCILMEN/TOWN ATTORNEY

Town Attorney:

Comprehensive Plan Update & Southern GEIS

The Town Attorney briefed the Board on progress of updating the 2007 Comprehensive Plan. When River Street Planning has completed the update of this Comprehensive Plan, it will supersede the Southern GEIS and this will supersede the Positive Impact identified by the Southern GEIS. Attorney Cully noted that the Town Board had never accepted the GEIS findings years ago.

National Flood Insurance legislation

The Town Attorney distributed to Board members copies of a local law drafted by the New York State Department of Environmental Conservation with regard to flood damage prevention. Attorney Cully had made some changes or additions and Codes Enforcement Officer Booth, who would be the administrator for this program, noted that the application fee needs to be corrected to read \$100 rather than \$100,000. Attorney Cully expects to have a final version ready for the May 22, 2013 Town Board meeting. The Town Attorney said that, if adopted, this proposal would supersede the Town's existing Code, Chapter 67 entitled Flood Damage Prevention. Councilman Backman wants to read it first and place on Agenda for May 22. The Town Clerk inquired about the SEQR process and the Town Attorney confirmed that this matter would be subject to SEQR review, Lead agent designation, etc.

Councilman Reynolds:

Windmills / Turbines / Wind Energy

Councilmen Reynolds and Miscione and Town Attorney Cully had met and addressed some areas of concern with regard to the proposed wind energy legislation. Basically, the proposal would eliminate large towers (industrial) other than that which would allow farm operation, single tower, 120 feet max. Discussion on height followed. The Board will "digest" the proposed local law and asked that this matter be placed on the May 22, 2013 Town Board Agenda. Provisions for dismantling were also discussed with the Board agreeing that after 12 months of un-use, a tower would be required to be dismantled within 12 months. The Town Attorney will make suggested corrections and the Town Board could possibly hold a Public Hearing on July 10, 2013. Again, SEQR must be followed.

MATTERS SUBMITTED BY TOWN SUPERVISOR

Hydrofracking Legislation

The Town Supervisor announced that the Appellate Decision reached a 3-0 decision on another municipality's hydrofracking law....a good decision because New Hartford's law duplicates that legislation. Councilman Backman inquired if there is another avenue to appeal for the applicant – the Town Attorney said "yes" and explained. He noted, however, that both the lower court and Appellate upheld the statute.

Financial:

2012 Audits – Town and New Hartford Public Library

The Town Supervisor acknowledged that the D'Arcangelo audits of the Town's financial records and that of the New Hartford Public Library are done, with copies having been

sent to the Town Board members. The Town Board will review the audit reports and discuss at the next Board meeting.

Audit of Vouchers

On recommendation of the Town Supervisor, Councilman Miscione presented the following Resolution, moving its adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 104 OF 2013)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the payment of the bills itemized on the following Abstracts, which had been duly audited by the Town Board:

Stormwater Series II Abstract #4	
Vouchers HK4	\$ 235.36
Street Lighting Abstract #6	
Vouchers SL7	\$ 8,131.64
Zoning Study Abstract #2	
Vouchers H12	\$ 12,793.00
Trust & Agency Fund Abstract #15	
Vouchers TT62-TT69	\$ 13,670.74
Trust & Agency Fund Abstract #16	
Vouchers TT70-TT71	\$ 7,241.95
Trust & Agency Fund Abstract #17	
Vouchers TT72-TT78	\$ 14,455.11
Trust & Agency Fund Abstract #18	
Vouchers TT79	\$ 252.98
Highway Fund Part-Town Abstract #8	
Vouchers DB260-DB317	\$ 81,129.02
General Fund Part-Town Abstract #10	
Vouchers BB54-BB56	\$ 5,665.30
General Fund Part-Town Abstract #11	
Vouchers BB57-BB64	\$ 3,504.56
General Fund Whole-Town Abstract #13	
Vouchers AA471-AA475	\$ 1,901.76
General Fund Whole-Town Abstract #14	
Vouchers AA477-AA486	\$ 36,265.49
General Fund Whole-Town Abstract #15	
Vouchers AA487-AA576	\$ 59,708.93
General Fund Whole-Town Abstract #16	
Vouchers AA577-AA579	\$ 21,207.27
General Fund Part-Town Police Abstract #11	

Vouchers BP96-BP98	\$ 36,086.12
General Fund Part-Town Police Abstract #12	
Vouchers BP99-BP112	\$ 11,176.63
Sewer Fund Abstract #11	
Voucher SS31-SS34	\$ 2,056.21
Sewer Fund Abstract #12	
Voucher SS35-SS37	\$ <u>4,888.24</u>
TOTAL:	\$320,370.31

The Town Board then voted upon roll call, as follows:

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

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

Vacancies – Zoning Board of Appeals

The Town Supervisor apprised the Town Board members that two (2) Zoning Board of Appeals member terms will expire on June 9, 2013. These vacancies will be posted on the Town's website with instructions to potential applicants of when and where to submit their resumes/letters of interest. It is hoped to be able to make appointment at the May 22, 2013 Town Board meeting.

Appointment – Part-time Animal Control Officer (ACO)

Upon recommendation of the Police Chief who had interviewed three (3) applicants, Councilman Backman introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 105 OF 2013)

WHEREAS, a vacancy exists in a part-time Animal Control Officer position due to the resignation of James Zwijacz, the former incumbent thereof;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby appoint Austin Szkotak to fill said vacancy as part-time Animal Control Officer, effective Monday, May 13, 2013 at the hourly rate of Thirteen Dollars and Six Cents (\$13.06), payable bi-weekly.

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

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

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

Superintendent of Highways - Miscellaneous

Superintendent of Highways Richard Sherman reported that his employees attended annual classes on:

- Workplace violence
- Sexual harassment
- Driver classes, which should provide a 10% reduction in insurance for the Town.

Also, he reported that the NYS Department of Transportation might have two (2) traffic poles that the Town can acquire with regard to installation/relocation of a traffic signal at the Consumer Square/Commercial Drive intersection; will know for sure on May 13, 2013.

EXECUTIVE SESSION

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

(RESOLUTION NO. 106 OF 2013)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss matters involving discipline of a particular person.

A roll call vote ensued:

Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Backman	-	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 7:49 P.M. The Town Attorney and Deputy Supervisor remained for the Executive Session.

[NOTE: The Town Attorney provided the following transcription on Monday, May 13, 2013.]

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 107 OF 2013)

RESOLVED that the New Hartford Town Board does hereby move to end its Executive Session and to reconvene the regular portion of the Town Board meeting.

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

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

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 8:07 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public re-invited to join the meeting.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made by Councilman Woodland and seconded by Councilman Miscione, the meeting was adjourned at 8:08 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk