

**REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF NEW HARTFORD, NEW YORK  
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN  
ON WEDNESDAY, SEPTEMBER 11, 2013 AT 6:57 P.M.**

Town Supervisor Patrick Tyksinski called the meeting to order at 6:57 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:**

Codes Enforcement Officer Joseph A. Booth  
Deputy Supervisor Matthew Bohn III  
Deputy Clerk Melody Fancett  
Director of Finance Daniel Dreimiller  
Highway/Sewer Superintendent Richard C. Sherman  
Police Chief Michael Inserra  
Town Attorney Herbert J. Cully  
Assessor Paul E. Smith  
Parks Director Mike Jeffrey

**ABSENT:**

Town Clerk Gail Wolanin Young

Thereafter, a quorum was declared present for the transaction of business. In the absence of the Town Clerk who was recuperating from surgery, Deputy Clerk Fancett was present to record the minutes.

Moment of Silence – All the victims of the September 11, 2001 tragedy.

**PUBLIC COMMENTS**

Dave Munsell – Beechwood Road – Still has a few open issues after the July meeting. The Kennedys still want to speak with Ken Knutsen however still no conversation. Mr. Munsell asked Supervisor Tyksinski if he would please speak with someone at B & L and encourage them to contact the Kennedys. He would like to know what their plans are; Mr. Munsell stated the mediation was completed at the Luker's but nothing below their house. He said the Beechwood Road residents are looking to have some grading done and

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a drain reattached at 15 Beechwood also a swale in the back of Mr. Munsell's house. Supervisor Tyksinski replied it is on the checklist for the contractor however, they are having problems with the contractor and are currently looking for another contractor to finish the job which will be completed before the end of the year. Supervisor Tyksinski has B&L's recommendations but is not sure how integral they are going to be at this point, he feels it is up to the contractor.

Edmond Wiater Jr. – New Hartford – Mr. Wiater would like a follow up to the Oneida County meeting and would like an update as to when the Board will pass a resolution so the County can make changes to the Assessment Database? Attorney Cully replied he spoke with Mr. Carvarelli and would be willing to provide a copy of the letter. Mr. Wiater received the letter and said Oneida County had covered all their bases. Attorney Cully said they are currently working on this but was tied up with some other things but is hopeful it will be ready within the next month.

County Legislator – Mr. Gordon – STAR Registration program is a little bit different this year unless you receive the enhanced STAR (senior citizen) then there are no changes. Basic STAR exemptions, must file with the NYS Department of Taxation & Finances. Online registration website is [www. tax.ny.gov](http://www.tax.ny.gov). Everyone will receive their registration by mail and this is being done just to insure everyone is doing their honest part when filing. The application process started August 19, 2013 and goes through December 31, 2013.

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

**Town Clerk Committee – Councilman Woodland:**

**Zone Map Amendment Application:** George Koury property on Clinton Road. Councilman Woodland made a motion to refer this application to the County and appropriate Planning Department. Attorney Cully would like to hold the referrals to the next Town Board meeting because Mr. Koury's notarized letter is asking for zone change from MDR (Medium Density Residential) to HDR (High Density Residential) and talks about intended use, usually the board gets a survey map and a short form EAF for SEQR, Attorney Cully would like more time to make sure the application is complete. He feels it is very unusual to do a Zone Map Amendment for a specific use which is done through the Planning Board. Councilman Backman is concerned because the Town is in the middle of a comprehensive plan update and if this property is deemed to be changed, wouldn't it make more sense to have the zoning committee look at this and advise the Board to see if this area warrants the requested changes. Councilman Woodland withdraws his request and this is tabled until the September 25, 2013 Town Board meeting.

**Senior Citizen Committee – Councilman Reynolds:**

**2013 Donations/Budget Adjustment**

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

**(RESOLUTION NO. 158 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 donations to be used for senior citizen activities at the New Hartford Adult Dining and Activity Center:

- \$150.00 - Health Fair Check from Utica Crossing LLC (The Pines)

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**.

**Public Works and Sewers Committee – Councilman Miscione**

Councilman Miscione made a motion to dedicate four (4) Town Roads being named as Jewel Ridge Drive, Gabriella Terrace, Gracie Place, and Jacks Way. Highway Superintendent Sherman said all four roads are all set and are all approved. Attorney Cully would like the dedications subject to receiving documents to verify ownership and

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deeds as well as agreement or financial security regarding the topping because there's only a basecoat. Highway Superintendent Sherman has a letter of credit for all except from Mr. Barkett but expects to receive it in a day or so. Attorney Cully said the developer really stepped up and did a nice job on Jewel Ridge. Highway Supervisor Sherman has an agreement that the top coats will be applied by the Lewis Brothers within a year from July 2013. The letter of credit will cover all this and plowing will not be an issue this winter. Attorney Cully would like a written agreement with the Lewis Brothers acknowledging they will complete the project within one year of July 2013 and acknowledging their letter of security before any building permits are issued to start projects. Highway Supervisor Sherman did acknowledge the roads were built to the Towns specifications.

(RESOLUTION NO. <sup>159</sup> OF 2013)

**THEREFORE BE IT RESOLVED:** Councilman Misciones motion to adopt the four road dedication being named Jewel Ridge Drive, Gabriella Terrace, Gracie Place and Jacks Way with all Attorney Cully's contingencies and in accordance with the Town Code, Chapter 102-7.K and was seconded by Councilman Woodland.

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.**

**BRINE MAKER BID:** Councilman Miscione made a motion to go out for bid on a new fully automated Brine Maker for the Highway Department. Seconded by Councilman Reynolds. Supervisor Tyksinski is all for this equipment but would like some analysis on it to find out what the total payback timeframe would be. Councilman Backman would like to be sure this is in the Highway's budget. Highway Superintendent Sherman said it does involve some realignment of some leftover funds but he has enough to cover costs for 2013 until the new budget comes into play and he also feels the Town is in position to spend the money for this machine. Councilman Reynolds would like to know what alterations need to be made to the building for this machine examples.. Plumbing, electrical etc. Highway Superintendent Sherman said the 220 line is already in the stall, he will have to put a power line in but no large expenditures to accommodate this.

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**(RESOLUTION NO. .. OF 2013)**

**RESOLVED** that the New Hartford Town Board shall receive sealed bids for (1) One New Fully Automated Salt Brine Production System, in accordance with Town specifications; all bids are to be received by the Town Clerk's Office, Butler Memorial Hall, no later than 10:45 A.M. on Monday, September 30, 2013 and then shall be publicly opened and read aloud at 11:00 A.M. on said date and in said office; and be it

**FURTHER RESOLVED** that the said Town Board does hereby authorize and direct the Town clerk to publish the legal requisite Advertisement-Invitation to Bid in the Observer Dispatch.

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**.

**Highway Employee Retirement:** Councilman Miscione presented to the Town Board and asked them to accept the letter of retirement from Highway Employee Dave DeBlois effective September 15, 2013.

**Highway Employee Vacancy:** After mechanic Kim Griffiths retired about a year and a half ago his position was never filled and the position was abolished (left vacant and unfunded per Personnel Technician Schwenzfeier). With all the Town vehicles (parks & police) at times the Town is not up to par as far as turnaround time and with winter & spring coming Highway Superintendent Sherman feels there is more than enough work to keep things running smooth and he is at this time requesting a third mechanic he also feels it is needed and that the Highway Department will be hurting without it. Highway Superintendent Sherman wants to fill Dave DeBlois's vacancy with a third mechanic. This was tabled for executive session to discuss a particular highway employee and a personnel matter.

**CHIPS Increase:** Councilman Miscione referred to Highway Superintendent Sherman who is unsure what the Town needs to do as far as paperwork goes but the Town did get an increase in CHIPS this year to \$34,828.00 dollars and would like to transfer it into the paving account which would raise the CHIPS from 126,210.00 to 161,038.

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161  
(RESOLUTION NO. .. OF 2013)

**RESOLVED:** Councilman Reynolds made a motion to transfer the \$34,828 CHIPS increase into the Paving Account and it was seconded by councilman Woodland.

A roll call vote ensued:

UNOFFICIAL UNTIL APPROVED BY TOWN BOARD  
Councilman Miscione - Aye  
Councilman Woodland - Aye  
Councilman Reynolds - Aye  
Councilman Backman - Aye  
Supervisor Tyksinski - Aye.

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

**Oneida Co. Sewer District – Repair Bid – Contract 6:** Superintendent Sherman is looking in the Arlington Terrace & Higby Road Area. This will also cover all the side streets up Higby Road. The County put this project out for bid a short time ago and Superintendent Sherman has reviewed copies of all the bids. Green Mountain Pipeline Services was the lowest bid at \$248,152.00. This project will go in and repair sewers with liners, if the liners are beyond repair they will dig it up and put new piping in. This is in Highway's budget for 2013; Barton & LoGuidice agreed with Superintendent Sherman the bid looked good.

162  
(RESOLUTION NO. .. OF 2013)

**RESOLVED:** Councilman Miscione made motion to accept the County Bid from Green Mountain Pipeline Services, 101 First Street, 4<sup>th</sup> Floor, Utica, NY 13501 in the amount of \$248,152.00 for Sewer repairs in the Arlington Terrace, Higby Road Area plus all the side streets. Seconded by Councilman Woodland. Councilman Backman would like to know if this has anything to do with the DEC mandate on the Stormwater getting into the sewers. Superintendent Sherman said the Town gets credit for this repair and the DEC feels this area is in need of repair. Supervisor Tyksinski stated the Consent order covers the entire Town of New Hartford with the exception of a small portion, so yes, this helps relieve some of the DEC mandate.

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**.

**Public Safety and Courts – Supervisor Tyksinski**

**SURPLUS VEHICLE:** Supervisor Tyksinski is requesting a motion to sell at public auction a 2006 Dodge Charger VIN #2B3KA43G36H503517 from the Police Department.

(RESOLUTION NO. 163 OF 2013)

**RESOLVED** that Councilman Reynolds made a motion to surplus a 2006 Dodge Charger VIN # 2B3KA43G36H503517 and it was seconded by Councilman Miscione

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**.

**Paris Road Sidewalks Update:** Councilman Reynolds had some inquiries regarding sidewalks on Paris Road. Parks Director Mike Jeffrey's said the sidewalk committee went through and prioritized the whole Town. Clinton Road, Chapman Road, Oxford Road, Kellogg Road and Oneida Street were the priorities. The safety factor was the first priority. Some residents did speak out and did not want sidewalks at that time on Paris Road.

**Court Knolle Paving Repairs:** Councilman Backman would like to know where the Town stands on the repairs on Court Knolle. After Suit-Kote paved the road, a Highway Employee damaged the road while collecting green waste. Highway Superintendent Sherman stated that the road was repaired last week and wanted to discuss this matter further in executive session. Councilman Backman wanted verification that the bill for the Court Knolle Repairs was not being paid in the stack of vouchers, Rick said no its not, he has not gotten to the bill at this time.

**MATTERS SUBMITTED BY COUNCILMEN / TOWN ATTORNEY**

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**PILOT Allocation Agreement:** Hard copies of this agreement were put in mailboxes and provided by e-mails in May and changes and exhibits were provided in June. Everyone should have received the School Boards Attorneys e-mail that came in where he signed off on the agreement. Attorney Cully would like a resolution authorizing Supervisor Tyksinski to sign and execute the agreement so the Board can move forward and the School Board can present the agreement to the Board of Legislators. Councilman Backman would like to know what the retirement debt schedule is. Attorney Cully provided copies of the schedule and said it's an 8 year payoff and it ends up being less than anticipated. The initial payment was \$93,009.99.

**RESOLVED:** Councilman Backman made motion and seconded by Councilman Woodland... Further discussion ensued: Councilman Backman was inquiring about payments made and whether it was paid on principal and/or interest. Councilman Backman also inquired about the 2014 budget and how this was going to be paid in 2014. Attorney Cully stated the bond payment is a 100% tax situation, each entity issues a PILOT Invoices and the PILOT invoice is paid to the IDA and then the Town will pay the debt service dollar for dollar and any surplus gets allocated proportionally between municipalities. After the 8 years, once paid off you get all your tax dollars. According to the School Attorney, the school tax was put into escrow, we are unsure about the County. The Hampton Inn did pay the PILOT Bill in place of a tax bill. Councilman Backman also wants to know what will happen if a PILOT is sent out and the Town is anticipating the revenue from this payment and for some reason one of the taxing authorities does not agree and the Town is left with no PILOT Agreement, where the monies are going to come from. Supervisor Tyksinski stated the PILOT Agreement is already in place and has been in place for a number of years (since September of 2011), what we don't have is the Allocation Agreement which basically states where the excess money goes to. This is the Allocation Agreement and that's why everyone involved is being so technical. They do not want the same problems as they had with the Hartford Agreement. Supervisor Tyksinski feels if someone does not turn a PILOT payment over, there would be a legal problem because they were billed under an Agreement and for whatever reason they are not willing to make payments, Although he is not an attorney, he does know you can't agree to the monies and then turn around and say "oh by the way, we're not going to pay it". Attorney Cully stated that all this Agreement does is take the monies that have been received under this PILOT, pay the Town for their debt service and then divide it up, that's all the Agreement does. Attorney Cully explained this is the Agreement drafted by the Schools' Attorneys and the County indicated they were on board and each entity would like to move forward with this Agreement that's why he's hoping the Town Board will pass a resolution authorizing Supervisor Tyksinski to sign the Agreement so Attorney Cully can provide the school with a hard copy with Patrick's signature so they can present it. Councilman Backman is concerned that the Board is anticipating revenue from this PILOT to make next year's payment, if in fact that does not happen as it has not happened in the past 26 months how is the board to anticipate this money being there?



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Attorney Cully stated again that the school already has their monies in escrow but that they did not want to present this Agreement before the election and he's assuming the County is all set, nobody has called with any changes, correction and/or concerns, he said they have to move forward with this and that they cannot keep going backwards. Councilman Backman said if he does not have a signed, secured PILOT Allocation Agreement between the taxing authorities at the time of the 2014 budget meeting in November, he will not vote for the 2014 budget and he urges his colleagues on this board to adopt the same position.

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**.

**RAYHILL TRAIL:** Attorney Cully would like to move forward with the Trail, he has the Deeds on both properties (Massouds & McCraith's). Christine Krupa is drafting the deed for the O'Grady property. Attorney Cully is asking for a resolution authorizing the acquisition of the easements as shown on the appraisals that were previously provided and authorization for Supervisor Tyksinski to sign the necessary documents to record the deeds. Councilman Backman would like to know the amount of the easements: Massouds has two parts which totals \$7,500.00, Christine Krupa is drafting O'Grady's & McCraiths, the figures are set forth in the appraisal. Attorney Cully presented the original deeds for the Boards review.

**(RESOLUTION NO. .. OF 2013)**

**RESOLVED:** Councilman Reynolds made a motion authorizing Supervisor Tyksinski to sign the necessary documents for the acquisition of the easements and recording the deeds for the O'Grady, McCraith, and Massoud properties and to release the funds to purchase the properties with regard to the Rayhill Memorial Trail Extension. Seconded by Councilman Miscione.

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**.

**FOILS:** Attorney Cully stated for information purposes... Town Departments are very busy this time of year and at times are unable to respond on an immediate basis. Residents are getting upset and loud with Town Employees. Attorney Cully intends to speak with Bob Freeman as to what avenues the Town has to stop this type of conduct. Councilman Backman wanted to know if the Town is complying with the FOIL Law and Attorney Cully stated we are in compliance.

**Councilman Backman:**

**Sherrill Lane Sewer Update:** Councilman Backman would like the problem fixed and he does not care what it takes, these people are in the sewer system and they are paying their maintenance fees. We can't have a section of Sherrill Lane with sewage backing up into their houses. Highway Superintendent Sherman stated that the TV's initially showed there was not a problem on Sherrill Lane, so Councilman Backman feels the problem is somewhere above in the system (maybe Root Street) something is bleeding in water up there and by the time it gets to Sherrill Lane its coming back.

Councilman Backman made a motion to empower Superintendent Sherman to find out what's wrong with the system and to possibly hire an engineer. Supervisor Tyksinski said Highway Superintendent Sherman will be up on Sherrill Lane next week with National Water Main which is a contractor who does sewage. Highway Superintendent Sherman said they did find gravel at another emergency repair down near the railroad tracks with the TV, it was cleaned out but it was a 6 to 8 inch pipe with 3 or 4 inches of gravel, this may improve things a bit but they are going to go up the line with the TV, Highway Superintendent Sherman is also going to get the County's records for comparison purposes. Highway Superintendent Sherman is questioning whether the backup is coming from the Woodberry Sewer line, if you cross Oxford Road where they meet at Pheasant Lane and Mallard Brook, could the County interceptor if it was full cause the backup, The engineer from National Water Main did not think it would back up all the way to Sherrill Lane, and although very unlikely it is still a possibility. Highway Superintendent agreed with Councilman Backman that the Town is in this until they find a solution.

**Tentative Budget Discussion:** The 2014 Tentative Budget will be released by the end of September to the Town Clerk and then she has to present it to the Town Board at the first meeting in October, before October 5.

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**Stormwater Bond:** Councilman Backman inquired as to how much money was left in the Stormwater Bond? Supervisor Tyksinski thought probably a few thousand dollars or so. Councilman Backman brought up the resolution passed in May or June to do work on Mallory Road just above Mohawk Street if there was money left over in the Stormwater Fund, there was a \$2,000.00 cap on this project and the Town has permission from the property owners to do the work. Supervisor Tyksinski will check the funds available and if there is \$2,000.00 left over, the Town will complete the project as the resolution was passed in May or June with a \$2,000.00 cap.

**MATTERS SUBMITTED BY TOWN SUPERVISOR**

**Audit of Vouchers**

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

(RESOLUTION NO. ... <sup>166</sup> 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:

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Applewood Traffic Signal Abstract #3

Vouchers HI3 \$ 308.00

Street Lighting Fund Abstract #10

Vouchers SL11 \$ 7,720.31

Stormwater Series II Abstract #6

Vouchers HK6-HK22 \$ 38,519.51

Mud Creek Project Abstract #4

Vouchers HR5-HR8 \$ 52,041.05

Rte. 840 Access Ramp Abstract #3

Vouchers HE4 \$ 28,190.60

Rte. 840 Access Ramp Abstract #4

Vouchers HE5 \$ 27,848.52

Trust & Agency Fund Abstract #30

Vouchers TT145-TT151 \$ 14,169.26

Trust & Agency Fund Abstract #31

Vouchers TT154 \$ 570.60

Trust & Agency Fund Abstract #32

Vouchers TT155-TT159 \$ 11,825.76

Trust & Agency Fund Abstract #33

Vouchers TT160 \$ 1,036.80

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Highway Fund Part-Town Abstract #12 Vouchers DB492-D534	\$ 77,129.73
General Fund Part-Town Abstract #19 Vouchers BB113	\$ 390.04
General Fund Part-Town Abstract #20 Vouchers BB114-BB124	\$ 4,456.81
General Fund Whole-Town Abstract #28 Vouchers AA958-AA962	\$ 10,885.25
General Fund Whole-Town Abstract #29 Vouchers AA963-AA1017; AA1019-AA1038	\$ 83,836.83
General Fund Part-Town Police Abstract #20 Vouchers BP185	\$ 2,513.36
General Fund Part-Town Police Abstract #21 Vouchers BP186-BP199	\$ 68,623.50
Sewer Fund Abstract #22 Voucher SS67	\$ 1,160.53
Sewer Fund Abstract #23 Voucher SS68-SS72	\$ <u>7,150.18</u>
	<b>\$ 410,186.04</b>

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**.

Finance Director Dan Dreimiller brought to the Board's attention a small clerical error on Resolution No. 38 of 2013. The wrong account number was used and Finance Director Dreimiller had discovered this when working on the budget. The wrong account no. is A7145 for swim personnel services an increase of \$10,680.00 the correct account is A7230.1 and the same thing with the swim contractual.

*Resolution # 167*

**RESOLVED:** Councilman Backman made a motion to correct the clerical error from Account No. A7145 to Account No. A7230.1 in Resolution No. 38 adopted in February 2013 and it was seconded by Councilman Reynolds.

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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**.

**EXECUTIVE SESSION**

Councilman Miscione introduced the following resolution for adoption and Councilman Reynolds seconded same.

**RESOLVED:** the New Hartford Town Board does hereby move to enter into an Executive Session to discuss matters involving a Personnel Matter concerning a specific Highway employee at 7:43 P.M.

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**.

**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 7:43 P.M. The Highway Superintendent Sherman remained for part of the executive session. The Town Attorney and Deputy Supervisor remained for the remaining Executive Session.

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

**END OF EXECUTIVE SESSION**

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

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Res. 169

**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.

A roll call vote ensued:

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

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended around 8:22 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 and seconded, the meeting was adjourned at 8:22 P.M.

Respectfully submitted,

Melody K. Fancett

Melody Fancett, Deputy Clerk

UNOFFICIAL UNTIL APPROVED  
BY TOWN BOARD