

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, FEBRUARY 12, 2014 AT 7:00 P.M.**

Town Supervisor Patrick Tyksinski called the meeting to order at 7:00 P.M. and led those in attendance in the Pledge of Allegiance to the American Flag. The roll was then taken with the following Town Officials and Department Heads being present during the progress of the meeting.

TOWN BOARD MEMBERS PRESENT:

Councilman James J. Messa
Councilman Paul A. Miscione
Councilman David M. Reynolds
Councilman Richard B. Woodland, Jr.
Supervisor Patrick M. Tyksinski

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Assessor Darlene Abbatecola
Codes Enforcement Officer Joseph A. Booth
Deputy Supervisor Matthew Bohn III
Director of Finance Daniel Dreimiller
Director of Senior Services M. Eileen Spellman
Highway/Sewer Superintendent Richard C. Sherman
Parks & Recreation Director Michael W. Jeffery
Police Chief Michael Inserra
Town Attorney Herbert J. Cully
Town Clerk Gail Wolanin Young

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

MINUTES

January 2 and January 8, 2014 Town Board meetings:

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

(RESOLUTION NO. 44 OF 2014)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Special Town Board meeting held January 2, 2014 and the Regular Town Board meeting held January 8, 2014 and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

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

PRESENTATION

Washington Mills Athletic Park – Kids Fishing Derby – Local Law Introductory “A” of 2014

The Town Attorney stated that David Corr, representing “Trout Unlimited”, had contacted him recently about his presentation to the Town Board in June 2013. Mr. Corr had asked the Town Board to adopt legislation to protect stocked fish for the Kids :2:00 P.M. at the Washington Mills Athletic Park. Based upon Mr. Corr’s recent communication, the Town Attorney drafted proposed legislation that would be subject to a Public Hearing. Mr. Corr, accompanied by Steve Blackman from the New York State Department of Environmental Conservation (DEC), explained that it’s an ever-increasing problem that different groups fish after the DEC stocks the creek and do not adhere to the 5-fish limit thereby decreasing availability of fish for the kids derby. Thereafter, Councilman Messa introduced the following legislation for the Town Board’s consideration at a future Public Hearing; co-sponsored by Councilman Miscione:

Town of New Hartford, NY
Local Law Introductory “A” of 2014

A LOCAL LAW TO AMEND CHAPTER 88 OF THE CODE OF THE TOWN OF NEW HARTFORD BY ADDING A NEW SECTION 88-10.2 ENTITLED FISHING.

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

AUTHORITY

This Local Law is enacted pursuant to the Laws of the State of New York.

PURPOSE

The purpose of this Local Law is to protect the health, safety and well being of the persons and property of the Town of New Hartford. This Law is being enacted to control and regulate fishing in the Washington Mills Athletic Park.

SECTION 88-10.2 FISHING.

All persons are prohibited from fishing at the Washington Mills Athletic Park from the Friday immediately preceding the first Saturday in June, beginning at noon on that Friday until 2:00 P.M. on the first Saturday in June. The only fishing allowed would be during the fishing derby by those participating with children under the age of 16 from 9:00 A.M. until 2:00 P.M. on the first Saturday in June.

- (a) Parks Director shall post “no fishing” signs in said Park specifying said dates no later than 30 days prior to the first day upon which this shall take effect.
- (b) EFFECTIVE DATE:
This Section shall take effect as provided by law.
- (c) A violation of this Section shall be punishable as enumerated in Section 88-12.
- (d) Except as modified herein, CHAPTER 88 OF THE TOWN CODE SHALL REMAIN IN FULL FORCE AND EFFECT.

Public Hearing Scheduled – Local Law Introductory “A” of 2014

The following Resolution was then offered for adoption by Councilman Messa and duly seconded by Councilman Miscione:

(RESOLUTION NO. 45 OF 2014)

RESOLVED that the Town Board of the Town of New Hartford shall conduct a Public Hearing on Wednesday, March 12, 2014 at **7:00 P.M.**, or as soon thereafter as reached in the regular course of business, in Butler Memorial Hall, 48 Genesee Street, New Hartford to consider **Local Law Introductory “A” of 2014** which, if adopted, would amend the Code, Chapter 88 thereof entitled **PARKS** by adding a new Section 88-10.2 entitled Fishing as it pertains to the Washington Mills Athletic Park; and be it

FURTHER RESOLVED that the Town Board does authorize and direct the Town Clerk to publish the legal requisite Notice of Public Hearing in The Observer Dispatch.

A roll call vote ensued:

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

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

Contractual Engineering Services

The Town Supervisor reported that the Barton & Loguidice engineering agreement had expired at the end of December 2013 and that firm has continued to work for the Town up until now, using unexpended hours under the 2013 agreement. Thereafter, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Miscione:

(RESOLUTION NO. 46 OF 2014)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into an Agreement between the Town of New Hartford and Barton & Loguidice for engineering services for calendar year 2014, commencing February 1, 2014, for a not-to-exceed amount of Sixty-five Thousand Dollars (\$65,000) and that said firm shall bill the Town for the amount of hours used.

The Town Board voted upon roll call, as follows:

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

Whereupon, the Resolution was declared unanimously carried and duly **ADOPTED**.

Extension of Glendale Ave – Developer Robert Kessler

The Town Attorney initiated discussion on the requested road dedication (extension of Glendale Ave) and stormwater problems involving the Trail Side Subdivision, as well as possible actions that the developer may have taken involving the pipe leading from the Town of Whitestown. The New Hartford Planning Board had raised some concerns. The Town Supervisor then requested that Chris Lawton of Barton & Loguidice join the discussion and give his opinion. Mr. Lawton stated Barton & Loguidice has been in touch with Delta Engineering, who represent Mr. Kessler, over the past one and one-half years; Mr. Lawton said "...they had gone above and beyond what they had to do". He stated that the developer installed a detention pond and had tried to do a larger detention area but the green space was too high – he couldn't use it – couldn't funnel through another area. After several weeks of discussion, Mr. Lawton said the developer has done essentially what the law requires him to do. Supervisor Tyksinski commented that the Town has had this on three different projects and the Town has expended hundreds of thousands of dollars where the developer did the minimum of what was required. Mr.

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Lawton said the problem needs to be corrected in Whitestown and that the detention pond installed by the developer wasn't required of him to do so – he's not increasing the flow....he's decreasing the flow; the problem needs to be corrected by Whitestown. The developer across Middlesettlement Road is a different watershed, not the same. With regard to Mr. Kessler's development, the water is going into a swale...it did before...is doing so now. The developer put in a large culvert and the water still goes to the swale.

Highway Superintendent Sherman noted that in 2011 the area was hit with two (2) major storms and in 2013, one (1) major storm. Normal rain doesn't flow over the road; it was the major storms we've had.

There was discussion on Delta Engineering's letter and some concerns the Board had such as green space.

The Town Supervisor said this is a bad situation involving everyone, including the Town.

Attorney Tony Hallak, representing Mr. Kessler, said his client went above/beyond the requirements of the law and that he was here tonight to ask the Town to abide by its own Code and accept the road for dedication. He said Mr. Kessler is experiencing financial problems due to delays.

Councilman Reynolds agreed with the Town Supervisor. Councilman Messa inquired whether there was any way to correct this, to go forward. Addressing Chris Lawton, the Town Attorney asked if he had any suggestions. He responded ... put a new culvert under Middlesettlement Road. Supervisor Tyksinski said he can't do that so don't ask. The Town Supervisor asked for a motion to dedicate the road. There being none, discussion ended.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRPERSON

Town Clerk Committee – Councilman Woodland

Fireworks Display Permit

The Town Clerk had received an application for fireworks display permit at Preswick Glen, to be conducted by Majestic Fireworks; referrals had been made to the Codes Enforcement Office, Police Department and New Hartford Fire Department for compliance with state regulations. Thereafter, the following Resolution was introduced for adoption by Councilman Woodland and seconded by Councilman Miscione:

(RESOLUTION NO. 47 OF 2014)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Clerk, who has received an Application for a Fireworks Permit and the appropriate Certificate of Insurance naming the Town of New Hartford as an additional insured, to issue to the Preswick Glen a Fireworks Display Permit for the display of fireworks upon their premises at 55 Preswick Drive, New Hartford on Friday, February 14, 2014 at 6:30 P.M., in accordance with the State Penal Law and regulations set forth in said Permit

The Supervisor polled the Board members who voted as follows:

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

Whereupon, the Resolution was declared unanimously carried and duly **ADOPTED**.

Competitive Bid/Refund of Bid Security – Salt Brine Production System

Upon presentation of the Town Clerk, Councilman Woodland introduced the following Resolution for adoption, seconded by Councilman Miscione:

(RESOLUTION NO. 48 OF 2014)

WHEREAS, the Town Clerk has received written confirmation from the Highway Superintendent that the Salt Brine Production System has been delivered and meets Town specifications;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Finance Department to release the Bid Security Deposit from the Trust and Agency Account to the following bidder for the project noted:

Salt Brine Production System

- Joe Johnson Equipment, Inc. (successful bidder) - \$4,600.00.

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

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

Supervisor Tyksinski - Aye.

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

Raffle Consent

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

(RESOLUTION NO. 49 OF 2011)

RESOLVED that the New Hartford Town Board does hereby grant permission to Kids Oneida, Inc., 310 Main Street, Utica, New York 13501, an organization duly granted a Games of Chance Identification Number by the New York State Racing and Wagering Board, to sell raffle tickets in the Town of New Hartford, New York, in accordance with all rules and regulations of said Racing and Wagering Board; and be it

FURTHER RESOLVED that the Town Clerk be, and she hereby is, authorized and directed to execute Form GC-RCF, Raffle Consent Form.

Upon roll call, the Town Board voted as follows:

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

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

SEOR/Lead Agency Status - Koury Zone Map Amendment

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

(RESOLUTION NO. 50 OF 2014)

RESOLVED that the Town Board of the Town of New Hartford does hereby declare itself as Lead Agency in the matter of the Zone Map Amendment application submitted by George T. Koury II, to change the zoning classification of a 6.5 acre parcel located at 31 Clinton Road (NYS Route 12) from Medium Density Residential (MDR) to High Density Residential (HDR) for the purpose of constructing four (4) apartment complexes each comprising of six (6) units; and be it

FURTHER RESOLVED that the Town Board does hereby authorize and direct the Town Clerk to forward copies of said Zone Map Amendment application to all interested and/or involved agencies for SEQR review.

Upon roll call, the Town Board voted as follows:

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

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**. The Town Attorney noted that the Town is presently updating its Comprehensive Plan and Zoning Map. No legislation (local law) that would be subject to a public hearing has been prepared at this time.

Senior Citizens Committee – Councilman Reynolds

Budget Adjustments – 2014

Upon request of Senior Services Director Eileen Spellman, Councilman Reynolds introduced the following resolution for adoption; seconded by Councilman Messa:

(RESOLUTION NO. 51 OF 2014)

WHEREAS, the Town of New Hartford adopted a Donation Policy in 1998 pursuant to Section 64(8) of the Town Law;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby accept the following donations and does further authorize and direct the Finance Department to make the following 2014 budget adjustments:

- *Increase Account AA6772.4 (Senior Services contractual expense)*
 - \$2,200. from an anonymous donor for a large, flat-screen television
 - \$ 30. from the RSVP Readers Group to offset the cost of rent
 - \$ 100. from Earle Reed to offset cost of the Veterans' Day dinner

- *Increase Account AA2705.1 (Donation Account) by a total of \$2,330.00*
 - *Purpose:* Reasons set forth hereinabove.

The Resolution was subject to a vote upon roll call:

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

Whereupon, the Resolution was declared unanimously carried and duly **ADOPTED**.

Zoning (Codes) and Planning Committee – Councilman Miscione

Comprehensive Plan Update

Councilman Miscione stated that copies of the updated Comprehensive Plan have been delivered to the Board members' mailboxes.

Public Safety and Courts Committee – Councilman Reynolds

Declaration of Surplus Vehicles – Authorization to Sell

Upon request of Police Chief Inserra, the following Resolution was offered for adoption by Councilman Reynolds and duly seconded by Councilman Messa:

(RESOLUTION NO. 52 OF 2014)

RESOLVED that the Town Board of the Town of New Hartford does hereby declare as surplus the following vehicles:

<u>Year</u>	<u>Make/Model</u>	<u>VIN</u>
2008	Dodge Surango	1D8HB38nx8f148360
2007	Ford Crown Victoria	2FAFP71W87X151395

And be it

FURTHER RESOLVED that the aforesaid vehicles shall be placed for sale through the Highway Department, where they are currently stored, and once sold, the Town Clerk's office shall be notified and shall arrange to terminate insurance coverage on said vehicles.

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

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

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

Zoning (Codes) and Planning Committee – Councilman Messa

Appointment to fill Planning Board vacancy

The Town Board then heard from the following candidates interested in filling the vacancy created by the term expiration of Planning Board Member Ellen Rayhill, who chose not to be re-appointed:

- Elisabetta DeGironimo - background in site planning and design, environmental, Past Planning Board member; stormwater committee; worked part time as the Town's engineering coordinator; engineering consultant. Worked part-time for Barton & Loguidice until yesterday.
- Vincent Salatino – former Niagara Mohawk employee in a variety of positions; certified trainer for OSHA; point-person for a project involving the Consumer Square Project. Worked closely with the NYS Department of Environmental Conservation and federal government (EPA). Wealth of experience in construction and worked closely with towns/villages.
- Anthony Trevisani – Councilman Messa said Mr. Trevisani couldn't be here tonight. Qualifications mostly in construction and codes enforcement; fireman in City of Utica.

Thereafter, Councilman Miscione nominated Elisabetta DeGironimo to fill said vacancy, moving the adoption of the following Resolution; seconded by Councilman Woodland:

(RESOLUTION NO. 53 OF 2014)

WHEREAS, the term of office of Planning Board member Ellen Rayhill expired December 31, 2013 and Ms. Rayhill has chosen not to be re-appointed; and

WHEREAS, the Town Board has reviewed resumes/applications and had presentations from interested candidates;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby appoint Elisabetta DeGironimo as a Planning Board member for a seven-year term commencing February 13, 2014 and ending December 31, 2020.

A roll call vote ensued:

Councilman Miscione - Aye

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

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

Public Works & Sewer Committee – Councilman Messa

Trash and brush collection

The Committee has met and discussed the success of the **Heavy Trash Permit “tag-service” fee** implemented in 2011. The fee per item is still Five Dollars (\$5) as set forth in Resolution No. 174 adopted July 13, 2011; and based upon increased fuel costs and employee time, consideration was mentioned whether the fee should be increase to \$10 or \$15 per item. Discussion ensued with no change for calendar year 2014; the matter will be reviewed for possible change next year. Detailed information on the types and amounts paid through the tag system are available through the Town Clerk’s Office.

“Drop-off” fees – discussion about possible increase for people renting u-haul trucks to bring items to the Sanger Public Works Garage location; charge \$50 or the actual tipping fees. No changes recommended for cars and small trucks. Discussion on increase for drop off of tires, currently Three Dollars (\$3) each; other businesses charge Ten Dollars (\$10) or more. Thereafter, Councilman Messa offered the following Resolution for adoption, seconded by Councilman Miscione:

(RESOLUTION NO. 54 OF 2014)

RESOLVED that the Town Board of the Town of New Hartford does hereby amend the 2013 Trash & Brush Collection Schedule with regard to fees for one-ton trucks and for tires, with said amended fees to be implemented effective immediately:

- “Drop-off” fees for one (1) ton trucks – Fifty Dollars (\$50)
- Tires – Ten Dollars (\$10) each.

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

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

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

Fuel Agreement – New York Mills Union Free School District

The Town Attorney having reviewed the proposed Agreement with the New York Mills Union Free School District, Councilman Miscione introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 55 OF 2014)

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 York Mills Union Free School District whereby said School District can purchase fuel from said Town, as per the conditions set forth in said Agreement, which shall commence January 1, 2014 and end on December 31, 2016. The Town Supervisor polled the Board members who voted as follows:

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

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

Brine Agreements - Report

The Highway Superintendent reported he has agreements with the Village of Ilion and the Town of Bridgewater who are interested in purchasing brine from the Town.

Highway Superintendent Sherman explained pre-treating roads with brine prior to snowfall...can do two (2) days in advance, but one (1) day prior is better. The application lasts 1.5 to 2 hrs after a storm, then plow and don't have the hard-packed snow on the road...it melts.

MATTERS SUBMITTED BY COUNCILMAN / TOWN ATTORNEY

Councilman Miscione

Street lighting – Sylvan Way

Councilman Miscione reported that the required amount of signatures could not be obtained to establish a street light district along Sylvan Way. He inquired whether one light on the corner of Sylvan Way-Higby Road was possible. The Town Supervisor explained that costs for one light or a number of lights could be obtained from National

Grid in order to establish a district. Councilman Miscione will work with the Town Supervisor on this matter.

Town Attorney

Markwood certiorari vs the Town

This matter will be held for Executive Session.

MATTERS SUBMITTED BY TOWN SUPERVISOR

Financial

Audit of Vouchers

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

(RESOLUTION NO. 56 OF 2014)

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:

Rayhill Trail Project Abstract #1 Vouchers H51	\$ 8,000.00
Street Lighting Fund Abstract #2 Vouchers SL3	\$ 10,601.21
Stormwater Series II Abstract #1 Vouchers HK1-HK2	\$ 159,049.90
Zoning Study Fund Abstract #2 Vouchers H12	\$ 4,339.00
Panera Traffic Light Fund Abstract #1 Vouchers HP1-HP2	\$ 10,273.00
Applewood Traffic Fund Abstract #1 Vouchers HI1	\$ 77.00
Brine Equipment Fund Abstract #2 Vouchers HS6-HS23	\$ 100,883.67
Trust & Agency Fund Abstract #2 Vouchers TT9	\$ 5,101.23
Trust & Agency Fund Abstract #3 Vouchers TT10-TT16	\$ 13,883.76
Trust & Agency Fund Abstract #4 Vouchers TT17-TT18	\$ 3,048.58

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Trust & Agency Fund Abstract #5 Vouchers TT19-TT24	\$ 11,460.82
Trust & Agency Abstract #6 Vouchers TT25	\$ 4,600.00
Highway Fund Part-Town Abstract #4 Vouchers DB69-DB70	\$ 145,499.70
Highway Fund Part-Town Abstract #5 Vouchers DB71-DB150	\$ 260,358.43
General Fund Part-Town Abstract #2 Vouchers BB6-BB7	\$ 414.70
General Fund Part-Town Abstract #3 Vouchers BB8-BB9	\$ 3,211.17
General Fund Part-Town Abstract #4 Vouchers BB10-BB23	\$ 3,916.08
General Fund Whole-Town Abstract #2 Vouchers AA84-AA99	\$ 11,574.57
General Fund Whole-Town Abstract #3 Vouchers AA100-AA106	\$ 34,772.86
General Fund Whole-Town Abstract #4 Vouchers AA107-AA335	\$ 194,272.47
General Fund Part-Town Police Abstract #2 Vouchers BP10-BP16	\$ 89,306.59
General Fund Part-Town Police Abstract #3 Vouchers BP17	\$ 2,767.46
General Fund Part-Town Police Abstract #4 Vouchers BP18-BP39	\$ 25,572.48
Sewer Fund Abstract #2 Voucher SS4	\$ 207.70
Sewer Fund Abstract #3 Voucher SS5	\$ 2,097.28
Sewer Fund Abstract #4 Voucher SS56-SS65	\$ 34,123.71
TOTAL:	\$1,049,413.37

Upon roll call, the Board members voted as follows:

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

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

2013 Justice Court Audit Report

Finance Director Dreimiller has completed a review of the 2013 Justice Court records and has provided copies of his report in the Board members' mailboxes. He used the same kind of approach as for prior year audit, using State Comptrollers guidelines for court, receipts, disbursements, etc. No issues, no problems. Thereafter, Councilman Woodland offered the following Resolution for adoption; seconded by Councilman Miscione:

(RESOLUTION NO. 57 OF 2014)

RESOLVED that the New Hartford Town Board does hereby authorize that the Finance Director's audit report of Justice Court funds/records for the calendar year 2013 be entered into the Town Board minutes, attached as Schedule "A", for State Comptroller purposes.

The Town Board voted as follows:

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

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

2014 Justice Court Audit Report - Preliminary

The Finance Director plans to perform a six (6) month review of the Justice Court operations during Summer 2014 to make sure everything is running ok because there is new clerical staff and a new Town Justice.

Audit for Fiscal Year 2013

The Finance Director reported that D'Arcangelo & Associates has begun the audit process of the Town's financial records, performing test work. They will return in early March and expect to have the audit for the Town and Library done by the end of March 2014.

Union Agreement - Dispatchers

Supervisor Tyksinski announced the finalization of the Dispatchers Agreement for the three (3) employees at the Police Department. Summary of terms: 3-year contract from

2014 – 2016; 3%/3%/3%/raises. Thereafter, Councilman Messa introduced the following Resolution for adoption; seconded by Councilman Miscione:

(RESOLUTION NO. 58 OF 2014)

RESOLVED that the Town Board of the Town of New Hartford does hereby approve the New Hartford Central Dispatchers Benevolent Association, Inc. Agreement as negotiated for the three-year period 2014 through 2016 and does further authorize and direct the Town Supervisor to execute any related union contract documents.

A roll call vote ensued:

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

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

Sewer Fund/fees – Retain legal services

Upon recommendation of the Town Supervisor, Councilman Reynolds offered the following Resolution for adoption; seconded by Councilman Messa:

(RESOLUTION NO. 59 OF 2014)

RESOLVED that, based upon an allegation that the Town has levied sewer fees on approximately ninety (90) properties that are exempt, the Town Board of the Town of New Hartford does hereby retain the legal services of Orrick, Herrington and Sutcliffe, LLP, to research and determine whether any improper sewer fund charges had actually been made; said work is capped at a Five Thousand Dollar (\$5,000) amount.

A roll call vote followed:

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

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

Bonding

The Town Board members came to a consensus to borrow for the following projects:

- Rayhill trail extension (town's share of grant \$210,000)
- HAC problems in Police, Courts and Highway (\$75,000)
- Brine Machinery and highway equipment (191,571)
- Parks (\$145,000) – the Parks & Recreation Director reviewed the work to be accomplished at the three (3) parks.

Bond - Highway Equipment and Apparatus

The following Resolution was offered by Councilman Miscione, who moved its adoption; seconded by Councilman Reynolds, to-wit:

(RESOLUTION NO. 60 OF 2014)

BOND RESOLUTION DATED FEBRUARY 12, 2014

A RESOLUTION AUTHORIZING THE PURCHASE OF EQUIPMENT AND APPARATUS FOR THE HIGHWAY DEPARTMENT IN AND FOR THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$100,000, AND AUTHORIZING THE ISSUANCE OF \$100,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

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

Section 1. The purchase of equipment and apparatus for the Highway Department in and for the Town of New Hartford, Oneida County, New York, is hereby authorized at a maximum estimated cost of \$100,000.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$100,000 bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is five years, pursuant to subdivision 28 of paragraph a of Section 11. of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will not exceed five years.

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

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

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

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

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

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

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

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no

monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

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

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

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

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

Bond – Improvement to Parks and Recreational areas

The following Resolution was offered by Councilman Miscione, who moved its adoption; seconded by Councilman Reynolds, to-wit:

(RESOLUTION NO. 61 OF 2014)

BOND RESOLUTION DATED FEBRUARY 12, 2014

A RESOLUTION AUTHORIZING THE IMPROVEMENTS TO PARKS AND RECREATIONAL AREAS THROUGHOUT AND IN AND FOR THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$145,000, AND AUTHORIZING, **SUBJECT TO PERMISSIVE REFERENDUM**, THE ISSUANCE OF \$145,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

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

Section 1. Improvements to parks and recreational areas throughout and in and for the Town of New Hartford, Oneida County, New York, including other improvements and costs incidental thereto, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$145,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$145,000 bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purpose is fifteen years, pursuant to subdivision 20 © of paragraph a of Section 11. of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

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

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

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

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

1. Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

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

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

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

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

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

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

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

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

Bond – Salt Brine Production System

The following Resolution was offered by Councilman Miscione, who moved its adoption; seconded by Councilman Reynolds, to-wit:

(RESOLUTION NO. 62 OF 2014)

BOND RESOLUTION DATED FEBRUARY 12, 2014

A RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF A SALT BRINE PRODUCTION SYSTEM IN AND FOR THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$91,571, AND AUTHORIZING, **SUBJECT TO PERMISSIVE REFERENDUM**, THE ISSUANCE OF \$91,571 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

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

Section 1. The purchase and installation of a salt brine production system in and for the Town of New Hartford, Oneida County, New York, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$91,571.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$91,571 bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of object or purpose is fifteen years, pursuant to subdivision 35 of paragraph a of Section 11. of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

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

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

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with

substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

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

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

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

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

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

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

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

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

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

Supervisor Tyksinski - Aye.

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

Bond – Installation of HVAC Systems

The following Resolution was offered by Councilman Miscione, who moved its adoption; seconded by Councilman Reynolds, to-wit:

(RESOLUTION NO. 63 OF 2014)

BOND RESOLUTION DATED FEBRUARY 12, 2014

A RESOLUTION AUTHORIZING THE INSTALLATION OF HVAC SYSTEMS AT TOWN BUILDINGS, IN AND FOR THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$75,000, AND AUTHORIZING, **SUBJECT TO PERMISSIVE REFERENDUM**, THE ISSUANCE OF \$75,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

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

Section 1. The installation of HVAC systems at Town buildings, in and for the Town of New Hartford, Oneida County, New York, including other improvements and costs incidental thereto, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$75,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$75,000 bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is ten years, pursuant to subdivision 13 of paragraph a of Section 11. of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

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

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

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

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

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

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

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

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

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

Section 10. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

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

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

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

Bond – Improvements to Rayhill Trail

The following Resolution was offered by Councilman Miscione, who moved its adoption; seconded by Councilman Reynolds, to-wit:

(RESOLUTION NO. 64 OF 2014)

BOND RESOLUTION DATED FEBRUARY 12, 2014

A RESOLUTION AUTHORIZING THE IMPROVEMENTS TO RAYHILL TRAIL, IN AND FOR THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$210,000, AND AUTHORIZING, **SUBJECT TO PERMISSIVE REFERENDUM**, THE ISSUANCE OF \$210,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

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

Section 1. Improvements to Rayhill Trail, and in and for the Town of New Hartford, Oneida County, New York, including other improvements and costs incidental thereto, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$210,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$210,000 bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 19 of paragraph a of

Section 11. of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

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

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

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

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

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

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

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

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

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

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

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

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

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

Presentation of Comprehensive Plan/proposed Zoning Map

Codes Enforcement Officer Joseph Booth reviewed a new zoning map proposed by RiverStreet Planning with whom the Town had contracted to update the Comprehensive Plan and zoning. The proposal is to downsize twenty-one (21) zoning districts to thirteen (13) and replace the seven (7) pre-mapped planned development zones by using four (4) planned development overlays. The biggest change is in zoning along the Commercial Drive area which is proposed to be homogenized into one very pro-business zone (C-1), make larger parcels available to developers. The current zoning law was adopted in 1999; should have been updated every five (5) years ideally. Chadwicks area C-2 (combined number of business zones)

The Town Supervisor asked the Board members to review the material and submit their input by the end of March 2014 and to contact Codes Officer Booth.

Authorization for Competitive Bid – Pedestrian Bridge/Rayhill Trail Extension

Upon request of the Parks and Recreation Director, Councilman Miscione offered the following Resolution for adoption; seconded by Councilman Messa:

(RESOLUTION NO. 65 OF 2014)

RESOLVED that, once the easement for the McCraith property (STD Realty) has been finalized and paid for, the Town Board does hereby authorize and direct the Parks and Recreation Director to prepare bid specifications for a pedestrian bridge as part of the Rayhill Trail Extension, and which bid specifications must be reviewed by the State; said authorization is contingent upon approval of the Town Attorney who shall determine the advertising date/bid opening date for sealed bids to be received by the Town Clerk's Office and shall be publicly opened and read aloud at such bid opening; and be it

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

The Town Board voted upon roll call as follows:

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

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

Adoption of Local Law No. One of 2014 – Highway Superintendent Salary

The Town Clerk reported that the forty-five (45) day permissive referendum period on Local Law Introductory "D" of 2013 to adjust the salary of the Town Highway Superintendent for the year 2014, had ended with no petition having been submitted for a special election. Thereafter Councilman Messa offered the following legislation for adoption; seconded by Councilman Miscione:

(RESOLUTION NO. 66 OF 2014)

WHEREAS, on November 20, 2013 the Town Board introduced Local Law Introductory "D" of 2013 entitled as A LOCAL LAW ADJUSTING THE SALARY OF THE HIGHWAY SUPERINTENDENT OF NEW HARTFORD FOR THE YEAR 2014; and

WHEREAS, said Town Board held a Public Hearing upon said Local Law Introductory on Wednesday, December 11, 2013 and moved to adopt said legislation subject to a permissive referendum; and

WHEREAS, the forty-five (45) day permissive referendum period has ended with no petition having been filed with the Town Clerk calling for a special election;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby move to adopt Local Law Introductory "D" of 2013 as Local Law No. One of 2014, in the following format:

Town of New Hartford, NY
Local Law No. One of 2013

A Local Law adjusting the salary of the Highway Superintendent of New Hartford for the year 2014.

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

Section 1. Authority

Section 17 of the Town Law of the State of New York provides that the Town Board may increase the annual salary of an elected official for not more than one (1) fiscal year in excess of the amount specified in the notice of hearing on the preliminary budget by local law adopted pursuant to the Municipal Home Rule Law.

Section 2. History

The notice of hearing on the preliminary budget of the Town of New Hartford for the Fiscal Year 2014 fixed the salary for the Highway Superintendent without including all compensation as follows:

Town Highway Superintendent	\$42,720.00
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Section 3. Salary Increase

For fiscal year 2014 the annual salary is hereby increased as follows:

Town Highway Superintendent	\$47,720.00
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Section 4. Permissive Referendum

This local law is subject to a permissive referendum pursuant to Municipal Home Rule Law Section 24.

Section 5. Effective Date

This local law shall become effective immediately upon filing in the Office of the Secretary of State.

A roll call vote ensued:

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

The Resolution and Local Law were declared unanimously carried and duly ***ADOPTED***.

EXECUTIVE SESSION

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

(RESOLUTION NO. 67 OF 2014)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the Town's strategy in the certiorari matter of Markwood vs. the Town of New Hartford and to discuss legal matters relative to the Trail Side Development (extension of Glendale Ave).

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly ***ADOPTED***. All persons present, including the news media and Department Heads, were then excused from the meeting at 8:27 P.M. The Town Attorney and Deputy Supervisor remained for the Executive Session.

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 68 OF 2014)

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

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

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

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 8:55 P.M. The regular portion of the Town Board meeting was immediately reconvened, with the public re-invited to the meeting.

Settlement – Markwood Certiorari vs Town

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

(RESOLUTION NO. 69 OF 2014)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize the settlement of the Markwood Certiorari proceeding (1351 Graffenburg Road, Tax Map No. 341.005-2-22.3) with a reduction of assessment to full value of \$800,000 with no refund for prior years.

A roll call vote ensued:

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

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

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ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made by Councilman Miscione and seconded by Councilman Messa, the meeting was adjourned at 9:00 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk