

**SPECIAL MEETING OF THE TOWN BOARD OF THE
TOWN OF NEW HARTFORD, NEW YORK, HELD AT
BUTLER MEMORIAL HALL, NEW HARTFORD, NY,
ON THURSDAY, FEBRUARY 15, 2018, AT 5:30 P.M.**

Town Supervisor Miscione called the meeting to order at 5:30 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 Philip S. Cittadino
Councilman David M. Reynolds
Councilman Richard B. Woodland, Jr.
Supervisor Paul A. Miscione

OTHER TOWN OFFICIALS PRESENT:

Deputy Supervisor Anthony J. Trevisani (arrived at 6:12 PM)
Director of Finance Daniel T. Dreimiller
Town Attorney Herbert J. Cully
Town Clerk Gail Wolanin Young

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

Audit of Vouchers

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

(RESOLUTION NO. ... OF 2018)

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:

Street Lighting - Abstract #2	
Vouchers SL2	\$ 10,425.06
Capital Project - Tilden Ave- Abstract #2	
Vouchers H33	\$ 1,340.73
FEMA-Federal- Abstract #1	
Vouchers C11	\$ 450.00
Highway Fund Part-Town Abstract #2	
Vouchers DB58-DB61	\$ 26,797.85
Highway Fund Part-Town Abstract #3	
Vouchers DB62-DB160	\$ 204,934.64
General Fund Part-Town Abstract #2	

REGULAR TOWN BOARD MEETING
 February 15, 2018
 Page 2 of 24

Vouchers BB24	\$	429.69
General Fund Part-Town Abstract #3		
Vouchers BB25-BB28	\$	903.89
General Fund Part-Town Abstract #4		
Vouchers BB29-BB41	\$	10,156.68
General Fund Part-Town Police Abstract #2		
Vouchers BP18-BP19	\$	4,385.96
General Fund Part-Town Police Abstract #3		
Vouchers BP20-BP24	\$	1,216.10
General Fund Part-Town Police Abstract #4		
Vouchers BP25-BP50	\$	56,204.73
Trust & Agency Fund Abstract #3		
Vouchers TT11-TT12	\$	1,094.91
Trust & Agency Fund Abstract #4		
Vouchers TT13-TT18	\$	9,484.35
Trust & Agency Fund Abstract #5		
Vouchers TT19	\$	1,396.61
Trust & Agency Fund Abstract #6		
Vouchers TT20-TT26	\$	8,375.32
Trust & Agency Fund Abstract #7		
Vouchers TT27-TT29	\$	12,389.79
General Fund Whole-Town Abstract #2		
Vouchers AA101-AA106	\$	18,895.66
General Fund Whole -Town Abstract #3		
Vouchers AA107-AA123	\$	10,677.26
General Fund Whole -Town Abstract #4		
Vouchers AA124-AA197	\$	72,446.12
Sewer Fund Abstract #2		
Vouchers SS9	\$	1,371.81
Sewer Fund Abstract #3		
Vouchers SS10-SS13	\$	2,018.90
Sewer Fund Abstract #4		
Vouchers SS14-SS20	\$	<u>58,634.42</u>
TOTAL:	\$	514,030.48

Upon roll call, the Board members voted as follows:

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

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

U. S. Census – Town Boundaries

The Town Supervisor reported that he had completed the Census Bureau Survey for Boundaries and had returned it to the Census Bureau as well as posted it on the Town's website.

Refunding 2009 Bond Resolution

The following Resolution was offered by Council Member Woodland, who moved its adoption, seconded by Council Member Reynolds, to-wit:

REFUNDING BOND RESOLUTION DATED FEBRUARY 21, 2018.

A RESOLUTION AUTHORIZING THE ISSUANCE PURSUANT TO SECTION 90.00 OF THE LOCAL FINANCE LAW OF REFUNDING BONDS OF THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK, TO BE DESIGNATED SUBSTANTIALLY "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BONDS", AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY.

WHEREAS, the Town of New Hartford, Oneida County, New York (hereinafter, the "Town") heretofore issued \$4,734,000 Public Improvement (Serial) Bonds, 2009, pursuant to a bond determinations certificate of the Supervisor dated March 5, 2009 (hereinafter referred to as the "Refunded Bond Determinations Certificate"), to finance the cost of various purposes in and for said Town as further described in the Refunded Bond Determinations Certificate, such Public Improvement (Serial) Bonds, 2009, being dated March 1, 2009 with remaining maturities on March 1 in the years 2018 through 2032, both inclusive, as more fully described in the Refunded Bond Determinations Certificate (the "Refunded Bonds"); and

WHEREAS, it would be in the public interest to refund all or a portion of the \$2,020,000 outstanding principal balance of the Refunded Bonds maturing in 2019 and thereafter by the issuance of refunding bonds pursuant to Section 90.00 of the Local Finance Law; and

WHEREAS, such refunding will only be undertaken if it results in present value savings in debt service; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of New Hartford, Oneida County, New York, as follows:

Section 1. For the specific object or purpose of refunding the outstanding \$2,020,000 principal balance of the Refunded Bonds maturing in the years 2019 to 2032, both

REGULAR TOWN BOARD MEETING

February 15, 2018

Page 4 of 24

inclusive, as more fully set forth in the Refunding Financial Plan (hereinafter defined), including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of such Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on such Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the refunding financial plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, and (iv) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$2,200,000 refunding serial bonds of the Town pursuant to the provisions of Section 90.00 of the Local Finance Law (the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$2,090,000, as provided in Section 4 hereof. The Refunding Bonds shall each be designated substantially "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND" together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-18 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the Supervisor pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph a of Section 57.00 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the Supervisor shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the Town by lot in any customary manner of selection as determined by the Supervisor. Notice of such call for redemption shall be given by mailing such notice to the registered owners not less than thirty (30)

REGULAR TOWN BOARD MEETING

February 15, 2018

Page 5 of 24

days prior to such date. Notice of redemption having been given as aforesaid, the bonds so called for redemption shall, on the date for redemption set forth in such call for redemption, become due and payable, together with interest to such redemption date, and interest shall cease to be paid thereon after such redemption date.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York (“DTC”), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the Town shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to DTC, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the Town Clerk as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the Town maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or last business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the Supervisor providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the Supervisor as fiscal agent of the Town for the Refunding Bonds (collectively the “Fiscal Agent”).

Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount.

REGULAR TOWN BOARD MEETING

February 15, 2018

Page 6 of 24

Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The Supervisor, as chief fiscal officer of the Town, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said Town, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the Town, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the Supervisor is also hereby authorized to name the Town Clerk as the Fiscal Agent in connection with the Refunding Bonds if said Refunding Bonds are issued in non-certificated form.

The Supervisor is hereby further delegated all powers of this Town Board with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The Refunding Bonds shall be executed in the name of the Town by the manual or facsimile signature of the Supervisor, and its corporate seal shall be imprinted or impressed thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by Section 90.00 of the Local Finance Law and 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. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by Section 90.00 of the Local Finance Law;

(b) the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for the objects or purposes for which such Refunded Bonds were issued is twenty-five years;

REGULAR TOWN BOARD MEETING

February 15, 2018

Page 7 of 24

(c) the last installment of the Refunding Bonds will mature not later than the expiration of the period of probable usefulness of the objects or purposes for which said Refunded Bonds were issued;

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, with regard to the Refunded Bonds, is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the refunding authorized by this resolution (the “Refunding Financial Plan”), showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit A attached hereto and hereby made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in one series to refund all of the Refunded Bonds, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth on Exhibit A attached hereto. This Town Board recognizes that the Refunding Bonds may be issued in one or more series, and for only portions thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the Town will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit A. The Supervisor is hereby authorized and directed to determine the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the Supervisor; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.00 of the Local Finance Law. The Supervisor shall file a copy of her certificates determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Town Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The Supervisor is hereby authorized and directed to enter into an escrow contract or contracts (collectively the “Escrow Contract”) with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said Supervisor shall designate (collectively the “Escrow Holder”) for the purpose of

REGULAR TOWN BOARD MEETING

February 15, 2018

Page 8 of 24

having the Escrow Holder act, in connection with the Refunding Bonds as the escrow holder.

Section 6. The faith and credit of said Town of New Hartford, Oneida County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding 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 be annually levied on all the taxable real property in said Town a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest on the Refunding Bonds shall be paid to the Town to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.00 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Town irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the Town shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

Section 9. In accordance with the provisions of Section 53.00 and Section 90.00 of the Local Finance Law, in the event such bonds are refunded, the Town hereby elects to call in and redeem Refunded Bonds which the Supervisor shall determine to be refunded at the earliest call date available. The sum to be paid therefor on such redemption date shall be the par value thereof plus the redemption premium, if any, as provided in the Bond Determinations Certificate, and the accrued interest to such redemption date. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such

REGULAR TOWN BOARD MEETING

February 15, 2018

Page 9 of 24

call for redemption to be given in the name of the Town in the manner and within the times provided in the Bond Determinations Certificate. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at private sale to Roosevelt & Cross Incorporated (the "Underwriter") for purchase prices to be determined by the Supervisor, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds. The Supervisor is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the Town providing the terms and conditions for the sale and delivery of the Refunding Bonds to the Underwriter. After the Refunding Bonds have been duly executed, they shall be delivered by the Supervisor to the Underwriter in accordance with said purchase contract upon the receipt by the Town of said purchase price, including accrued interest.

Section 11. The Supervisor and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the Supervisor and all powers in connection thereof are hereby delegated to the Supervisor.

Section 13. The validity of the Refunding Bonds 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 14. A summary of this resolution, which takes effect immediately, shall be published in the official newspaper of said Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The foregoing Resolution was duly put to a vote which resulted as follows:

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

The Resolution was thereupon declared duly *ADOPTED*.

Purchase of Heavy Equipment for Highway Department

The following Resolution was offered by Councilman Woodland, who moved its adoption, seconded by Councilman Cittadino, to-wit:

BOND RESOLUTION DATED FEBRUARY 15, 2018.

A RESOLUTION AUTHORIZING THE PURCHASE OF HEAVY EQUIPMENT FOR THE HIGHWAY DEPARTMENT IN AND FOR THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$1,094,528 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$1,094,528 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 heavy equipment for the Highway Department 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 \$1,094,528.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$1,094,528 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 fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

REGULAR TOWN BOARD MEETING

February 15, 2018

Page 11 of 24

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 of 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, 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 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, which is hereby designated as the official newspaper of said Town 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 foregoing Resolution was duly put to a vote which resulted as follows:

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

The Resolution was thereupon declared duly ***ADOPTED***.

Lift and tools for Garage; various computer hardware and software

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

BOND RESOLUTION DATED FEBRUARY 15, 2018.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$292,401 BONDS OF THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK, TO PAY THE COST OF VARIOUS PURPOSES IN AND FOR SAID TOWN.

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

Section 1. The following are hereby authorized in and for the Town of New Hartford, Oneida County, New York:

a) The purchase of a lift and tools for the Garage, at a maximum estimated cost of \$10,200, being a class of objects or purposes having a period of probable usefulness of five years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law; and

REGULAR TOWN BOARD MEETING

February 15, 2018

Page 13 of 24

b) Various computer hardware and software, at a maximum estimated cost of \$282,201, being a class of objects or purposes having a period of probable usefulness of five years pursuant to subdivision 32 of paragraph a of Section 11.00 of the Local Finance Law.

Section 2. The total maximum estimated cost of the aforesaid objects or purposes is \$292,401, and the plan for the financing thereof is by the issuance of \$292,401 bonds of said Town hereby authorized to be issued therefor pursuant to the Local Finance Law, to be allocated in accordance with the maximum estimated costs set forth in Section 1 hereof.

Section 3. 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 of 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 serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, 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 serial 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 serial 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:

REGULAR TOWN BOARD MEETING

February 15, 2018

Page 14 of 24

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, which is hereby designated as the official newspaper 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 foregoing Resolution was duly put to a vote which resulted as follows:

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

The Resolution was thereupon declared duly ***ADOPTED***.

Pre-development Agreement - The Meadows

The Meadows developers have requested that the Town rescind their current bond on file with the Town and allow the developers to reissue their bond due to a project change (removed a floor that changed elevation), which necessitates the project being reviewed again by the Town Planning Board. Supervisor Miscione denied their request. Until the new bond is in place, and the Town Attorney and Codes Enforcement Officer have reviewed the project change order and give their approval, there will be no exchange.

APPEAL Certiorari: Home Depot/Widewaters

The Town Supervisor discussed with Special Counsel Daniel Vincelle the Town's Appeal in the matter of the Home Depot/Widewaters tax certiorari proceeding, and the Town's chance of 30% winning the case. In 2017 the Town incurred expenses of \$5,800,

and budgeted \$15,000 for calendar year 2018; therefore, Supervisor Miscione recommended canceling its Appeal “..we won’t win.” Town Attorney Cully noted that in an Appeal, the Judge considers “..issues of law, not findings of fact.” Upon request of Supervisor Miscione, the following Resolution was offered for adoption by Councilman Messa; seconded by Councilman Cittadino:

(RESOLUTION NO. ... OF 2018)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to sign the voucher in the amount of Fifty-eight Hundred Dollars and Seventy-three Cents (\$5,800.73) for attorney fees incurred in 2017 in the matter of Home Depot/Widewaters vs. the Town of New Hartford.

A roll call vote ensued:

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

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

Upon further recommendation of the Town Supervisor, the following Resolution was introduced for adoption by Councilman Reynolds and seconded by Councilman Messa:

(RESOLUTION NO. ... OF 2018)

RESOLVED that the Town Board of the Town of New Hartford does hereby end its Appeal process of the Home Depot/Widewaters tax Certiorari against the Town, with no additional fees/costs to the Town of New Hartford.

The Board then voted by roll call, resulting as follows:

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

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

Copy Expense – Gander Mountain floor plans

Supervisor Miscione used his personal credit card to pay the \$26.94 cost for a copy of the Gander Mountain floor plans and asked the Councilmen to sign/approve his voucher for reimbursement. Approval was given.

FEMA BUYOUT PROGRAM – RE-OPEN CONTRACTS

Upon request of the Town Supervisor, the following Resolution was offered for adoption by Councilman Messa and duly seconded by Councilman Woodland:

(RESOLUTION NO. ... OF 2018)

RESOLVED that the New Hartford Town Board does hereby approve and authorize the re-opening of the already federal signed FEMA contracts for 10 and 12 Henderson Street to allow the property owners to obtain a second appraisal due to inconsistencies of appraisal at 6 Henderson Street, said second appraisal to be obtained at the property owners' expense.

The Town Board voted as follows:

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

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

Upon request of the Town Supervisor, the following Resolution was introduced for adoption by Councilman Reynolds and seconded by Councilman Messa:

(RESOLUTION NO. ... OF 2018)

RESOLVED that the New Hartford Town Board does hereby authorize and direct Supervisor Miscione to hire Paul T. Liddell/Liddell Appraisal Service of Whitesboro, NY, for the bid price the Town received previously for a third appraisal, if, and only if, the appraisal is substantially higher and the cost of which will be paid by FEMA.

A roll call vote ensued:

Councilman Messa	-	Aye
Councilman Cittadino	-	Aye
Councilman Reynolds	-	Aye

Councilman Woodland - Aye

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

Requests for Proposal (RFP) – Abstract Companies

The Town Attorney reviewed three (3) proposals for Abstract work necessary in connection with the FEMA BUYOUT PROGRAM, after which the following Resolution was introduced for adoption by Councilman Reynolds and duly seconded by Councilman Messa:

RESOLUTION NO. ... OF 2018)

RESOLVED that the New Hartford Town Board does hereby accept the low Request for Proposal (RFP) for abstract work associated with the FEMA BUYOUT PROGRAM submitted by Allied American Abstract at the following rates:

- Typed abstract and title - \$425 each
- Tax search - \$ 25 each
- Water rent search - \$ 30 each.

And be it

FURTHER RESOLVED that the Town Supervisor be, and he hereby is, authorized and direct to enter into and to execute an agreement for the foresaid services, which are expenses to be paid by the FEMA program.

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

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

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

Requests for Proposal (RFP): Asbestos Removal – FEMA BUYOUT

Barton & Loguidice is the only company who submitted an RFP; two other companies are expected to submit RFPs by the next Town Board meeting.

On-line services / Bidding and RFPs

Supervisor Miscione met with the auditors and indicated the Town will be providing electronic services for RFPs and bids on the Town's new website. The Town's procurement policy will be updated likewise and the Town Attorney will review the changes. After some discussion, Councilman Reynolds moved the adoption of the following Resolution; seconded by Councilman Cittadino:

(RESOLUTION NO. ... OF 2018)

RESOLVED that the Town Board of the Town of New Hartford does hereby add Guideline 10 to the Town's procurement policy that the Town will electronically accept Bids and Requests for Proposal (RFPs) on its new website, www.townofnewhartfordny.gov.

A roll call vote ensued:

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

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

Transfer Police Vehicle to Codes Enforcement Office

Councilman Woodland offered the following Resolution for adoption; seconded by Councilman Cittadino:

(RESOLUTION NO. ... OF 2018)

RESOLVED that the Town Board does hereby authorize and direct the transfer of one (1) 2014 Ford Taurus (Police Interceptor), VIN 1FAHP2MK1EG175464, to the Codes Enforcement Office to replace the Codes' Office current 2008 Ford Escape that has various problems (rust, transmission issues, rack and pinion) making it unsafe to drive.

The Supervisor polled the Board individually, as follows:

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

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

Declaration of Surplus Vehicle – Authorization to Sell

Councilman Woodland moved the adoption of the following Resolution; seconded by Councilman Cittadino:

RESOLVED, that the Town Board of the Town of New Hartford does hereby declare as surplus one (1) 2008 Ford Escape, VIN 1FMCU02Z48KC80465, and does further authorize the sale of said surplus vehicle through Auctions International, and once sold, the Town Clerk’s Office shall be notified and shall arrange to terminate insurance coverage on said vehicle.

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

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

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

Part-time Court Clerk

Councilman Woodland moved the adoption of the following Resolution; seconded by Councilman Reynolds:

(RESOLUTION NO. ... OF 2018)

RESOLVED that this Resolution shall confirm the appointment of Steve (Stephen) Moran as a Part-time Court Clerk at the January 22, 2018 Special Town Board meeting, and at that time, his hourly wage and starting employment date were unavailable; and be it

FURTHER RESOLVED that the Town Board hereby establishes Mr. Moran’s rate of pay at \$10.30 per hour, payable bi-weekly, commencing February 18, 2018, and at a maximum wage not to exceed \$7,500 for calendar year 2018.

The foregoing Resolution was voted upon by roll call:

Councilman Messa	-	Aye
Councilman Cittadino	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye

Supervisor Miscione - Aye.

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

Town Supervisor – Miscellaneous

- Kohl’s department store is willing to release the deed restriction for the former Gander Mountain property in The Orchard. Kohl’s interested in erecting sign “Town of New Hartford” and “Kohl’s” in the area of NYS Route 840, paying for the signs and the Town removing trees in the road right-of-way. Town Attorney to review. Does this conform to the Town’s sign legislation. Not official; no action yet; no cost to the Town.
- Highway Dept. will be picking up leaves during summer and bringing leaves directly to the Oneida County Waste Authority, thereby saving money because there will be less trips with the new trucks; this would include debris from the Town’s parks. Upon motion of Councilman Woodland and seconded by Councilman Cittadino, the following Resolution was offered for adoption:

(RESOLUTION NO. .. OF 2018)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute a ten (10) year Agreement with Oneida CountyRick negotiated deal with County tocontract for a 10-year program.

A roll call ensued:

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

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

[NOTE: Deputy Supervisor Trevisani joined the meeting at 6:12 PM.]

Temporary Staffing

Discussion ensued about using temporary staffing through outside agencies for summer help in the Highway Department. Some agencies prepare the payroll for this service and

may the individuals. Highway Superintendent Sherman will look into the law because of Union employees. He said that Oneida County participates in such services.

EXECUTIVE SESSION

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

(RESOLUTION NO. ... OF 2018)

RESOLVED that, based upon recent correspondence, the New Hartford Town Board does hereby move to enter into an Executive Session to discuss a potential tax certiorari to be filed against the Town of New Hartford by At Home in the Apple Plaza (formerly K-Mart).

A roll call vote ensued:

Councilman Messa	-	Aye
Councilman Cittadino	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	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 6:15 P.M. The Town Attorney and Deputy Supervisor remained for the Executive Session.

[NOTE: The Town Attorney provided the following transcription ondate.....]

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. ... OF 2018)

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 Messa	-	Aye
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REGULAR TOWN BOARD MEETING

February 15, 2018

Page 22 of 24

Councilman Cittadino	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly *ADOPTED*; the Executive Session ended at 6:35 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public invited to rejoin the meeting.

ADJOURNMENT

There being no further business to come before the Board, upon motion duly made and seconded, the meeting was adjourned at 6:35 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk

REGULAR TOWN BOARD MEETING
February 15, 2018
Page 23 of 24

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REGULAR TOWN BOARD MEETING
February 15, 2018
Page 24 of 24