

**REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF NEW HARTFORD, NEW YORK  
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN  
ON WEDNESDAY, MARCH 13, 2013 AT 7:00 P.M.**

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

**TOWN BOARD MEMBERS PRESENT:**

Councilman Donald C. Backman  
Councilman Paul A. Miscione  
Councilman David M. Reynolds  
Councilman Richard B. Woodland, Jr.  
Supervisor Patrick M. Tyksinski

**OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:**

Assessor Paul E. Smith  
Codes Enforcement Officer Joseph A. Booth  
Deputy Supervisor Matthew Bohn III  
Finance Director Daniel Dreimiller  
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

**Town Board Meetings – January 9 and February 13, 2013**

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

**(RESOLUTION NO. 54 OF 2013)**

**RESOLVED** that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meetings held January 9, 2013 and February 13, 2013 and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye

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

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

PUBLIC PRESENTATIONS (Resident Comments)

**Oneida County Legislative Districts – Reduction from 29 to 23; Maps**

The Town Supervisor acknowledged Oneida County Legislators James D’Onofrio and David Gordon. Legislator D’Onofrio presented the Board members with maps of the proposed boundary line changes for county legislative districts – reducing the number of districts from 29 to 23. He thought the process was done well and open, having conducted numerous public meetings on the proposed changes.

Legislator Gordon was displeased with the redistricting in part of New Hartford’s Fourth Ward that now becomes part of the territory represented by the Town of Kirkland County Legislator Chad Davis. The Fourth Ward consists of minorities, the elderly, etc. Further, part of Councilman Miscione’s New Hartford Second Ward now comes under the jurisdiction of the Town of Whitestown County Legislator, so that the entire Village of New York Mills will be represented by the Whitestown County Legislator. Legislator Gordon doesn’t believe the process was fair.

**County Funding to New Hartford Public Library**

Edmund Wiatr, Jr. stated that his role as a Library Trustee included an on-going obligation to taxpayers and the County as well. Mr. Wiatr questioned whether the County’s contribution of \$100,000 to several libraries years ago was done legitimately and particularly relating to the New Hartford Public Library and how the monies were given to the libraries. He and Cathy Lawrence would like an opinion from the Town Attorney on this and suggested that the Town Board should then review and discuss Attorney Cully’s opinion.

MATTER(S) SUBMITTED BY TOWN SUPERVISOR

**Master Services Agreement - Engineering**

The Town Supervisor acknowledged Ken Knutsen and his partner John... Of Barton & Loguidice who were present in the event Board members had any questions with regard to their proposal submitted for engineering services to the Town during calendar year 2013. Subsequent to the Town Board receiving copies of proposals from three (3) engineering firms at the February 2013 Board meeting, the Town Supervisor had met with Mr. Knutsen and several changes were suggested by Barton & Loguidice to address the Town Board’s concerns voiced in the past. The Supervisor recommended retaining

Barton & Loguidice based upon his discussions with them and the proposed changes. Councilman Reynolds' concern was the correct completion of the Beechwood Road stormwater project....he believed it would be a mistake to change engineers in mid stream.

Councilman Backman noted his plans in the future would be an extension of the Town's water district beyond the existing water tank to serve about fifteen (15) residents who petitioned the Town for water in August 2012. He referred to a Barton & Loguidice letter about that company obtaining grants/loans from the DWRSRF and Councilman Backman questioned, if the Town signed a contract with them for engineering services, what would be the next step in the water process. Mr. Knutsen responded "...get the residents in, identify the needs and point score for funding opportunities," etc.

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

**(RESOLUTION NO. 55 OF 2013)**

**WHEREAS**, the Town of New Hartford has received three (3) proposals for a Master Service Agreement for engineering services during calendar year 2013 as reported at the February 13, 2013 Town Board meeting;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby accept the proposal submitted by Barton & Loguidice for a maximum not-to-exceed amount of Sixty-five Thousand Dollars (\$65,000) and does further authorize and direct the Town Supervisor to enter into and to execute the Master Service Agreement for engineering services with Barton & Loguidice.

The foregoing Resolution was duly put to a vote upon roll call, resulting as follows:

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

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

Mary Ann Krasinski of Grange Hill Road questioned whether the Town would consider including the rest of Grange Hill Road and Snowden Hill Road for a feasibility study. The Town Supervisor responded that he "...would look into the whole area up there".

Councilman Backman said he'd met with the Town Assessor and found there were not enough parcels to support an additional water tank, etc.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRPERSON

Senior Citizen Committee – Councilman Reynolds:

**2013 Donations/Budget adjustment**

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

**(RESOLUTION NO. 56 OF 2013)**

**WHEREAS**, on November 4, 1998 the New Hartford Town Board had established a “gift”/“donation” policy pursuant to Section 64(8) of the Town Law;

**NOW, THEREFORE, BE IT RESOLVED** that said Town Board does hereby accept the following donations to be used for senior citizen activities at the New Hartford Adult Dining and Activity Center:

- \$665.00 - CDPHP
- \$398.75 - Well Care

and

**BE IT FURTHER RESOLVED** that the said Town Board does hereby authorize and direct the Finance Department to make the following 2013 budget adjustments for the New Hartford Adult Dining and Activity Center:

- Increase General Fund Whole-Town Contractual Account A6772.4 - \$1,063.75
- Increase General Fund Whole-Town Revenue A2705.1 - \$1,063.75

A roll call vote ensued:

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

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

**Appointment – Part-time Food Service Helper**

Upon request of the Director of Senior Services, Councilman Reynolds offered the following Resolution, moving its adoption; seconded by Councilman Miscione:

**(RESOLUTION NO. 57 OF 2013)**

**WHEREAS**, a vacancy exists in the position of Part-time Food Service Helper at the New Hartford Adult Dining and Activity Center due to the resignation of Philip Talento effective February 28, 2013;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby appoint Cheryl Kupiec to fill said vacant position, effective Monday, March 18, 2013, at the hourly rate of Seven Dollars and Seventy-five Cents (\$7.75), payable bi-weekly.

A roll call vote ensued:

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

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

**St. Patrick's Day Celebration and Luncheon**

In behalf of the Director of Senior Services, Councilman Reynolds reminded those present that everyone was invited to attend the St. Patrick's Day celebration at the Adult Dining & Activity Center on Thursday, March 14, 2013 with the American flag raising at 11:15 A.M. and lunch to follow.

**Public Works & Sewer Committee – Councilman Reynolds**

**Saturday Dumpster Days – Shredding service to the public**

[NOTE: Refer to minutes of February 13, 2013 Town Board meeting.] With regard to the Town's potential liability exposure should confidential information from residents' documents be accessed by someone, the Highway Superintendent said he had talked to a Confidata representative who said the company hasn't had a problem with anyone; the resident stands by the Confidata employee and watches the documents being shred. The Town Attorney questioned if Confidata was bonded, was insured as he had concern that an employee could take someone's social security number. As the Town Attorney is

concerned with identity theft, the Highway Superintendent will arrange to have Confidata contact Attorney Cully directly.

Zoning (Codes) and Planning Committee – Councilman Miscione

**Training – Zoning Board of Appeals’ members**

Upon request of the Zoning Board Chairman, the following Resolution was introduced for adoption by Councilman Miscione and duly seconded by Councilman Reynolds:

**(RESOLUTION NO. 58 OF 2013)**

**WHEREAS**, Section 77-b of the General Municipal Law allows the governing board of municipalities to authorize any officer or employee to attend a convention, conference or school conducted for the betterment of such municipality;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby grant permission to Zoning Board of Appeals’ members Randy Bogar, Karen Stanislaus, Fred Kiehm, Taras Tesak, Timothy Tallman, John Montrose and Lenora Murad to attend the *Continuing Education Workshop for Municipal Planning Board & Zoning Boards of Appeal* sponsored by the Town of Schuyler on May 1, 2013 at the Schuyler municipal offices, with expenses to be borne by said Town as budgeted; the four-hour course costs \$20 per person and would satisfy the attendees’ educational requirements for calendar year 2013.

The Resolution was voted upon by roll call as follows:

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

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

**Inter-municipal Agreement – Codes Services for Village of New Hartford**

Councilman Miscione noted that Resolution No. 35 had been adopted on February 13, 2013, subject to approval of the Village of New Hartford, as it was uncertain at that time whether said Village now had their own certified codes inspector. Councilman Miscione reported that the Village still does not have a certified inspector and the Town will continue offering codes services under the 2013 Agreement approved on February 13, 2013.

Town Clerk Committee – Councilman Woodland

**American Fireworks - Permit**

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

**(RESOLUTION NO. 59 OF 2013)**

**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 American Fireworks Display LLC, a Fireworks Display Permit for the Fourth of July 2013 celebration to be held upon the premises of the Yahnundasis Golf Club, 8639 Seneca Turnpike, New Hartford, NY, with the fireworks display to commence not later than 9:00 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 Backman	-	Aye
Supervisor Tyksinski	-	Aye.

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

MATTERS SUBMITTED BY COUNCILMEN / TOWN ATTORNEY

Councilman Reynolds:

**Wind Turbine (Wind Mill) legislation update**

The Town Attorney had contacted the Syracuse attorney who assisted the Town of Litchfield with their legislation on wind mills/turbines; and after speaking with him, Attorney Cully believed the cost of his legal services to prepare New Hartford's wind mill/turbine legislation would be substantial. As a result of an article by Reporter Sara Tracey in the Observer Dispatch recently, the Town Attorney had received a number of phone calls from professionals who were interested in preparing New Hartford's legislation. They provided their hourly rate; however, the number of hours required to complete this project are unknown and he believes it would cost the Town "...tens of thousands of dollars" to hire the work done. The Town Attorney noted that Codes Enforcement Officer Joseph Booth had made some suggestions since the last proposal

(that did not pass) and he suggested that he and the Codes Enforcement Officer work together with Litchfield's law and try to put legislation together within approximately four or five months. Councilman Reynolds wants the legislation to stand a challenge in court.

**Beechwood Road Stormwater Project, Phase 2 – status**

Highway Superintendent Sherman reported that, having received a permit from the NYS Department of Environmental Conservation, the bat trees have been cut down. The Town is awaiting the permit from the U.S. Army Corps of Engineers.

With regard to the easement needed to access the pond area near Beechwood Road, the Town Attorney reported that he had sent a letter to Terrance and Ann Dorrity of 28 Wills drive but haven't had a response yet.

Councilman Reynolds then offered the following Resolution, moving its adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. 60 OF 2013)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Attorney, in the instance that he doesn't received cooperation from Terrance and Ann Dorrity for the Town to access the necessary areas within the Beechwood Road Stormwater Project, Phase 2, to proceed with the eminent domain process.

A roll call vote ensued:

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

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

**Mud Creek Basin drainage report**

Since the January 9, 2013 Town Board meeting, Councilman Miscione contacted Barton & Loguidice who put together a Request For Proposal (RFP) that was referred to the NYS Department of Environmental Conservation, which turned it down. DEC asked that another proposal be submitted for consideration. The cost for putting bid specifications and the competitive bid process would cost about \$13,000. With Barton & Loguidice coming on board as engineers for 2013, Councilman Miscione will ask them to help with the process.



Town Attorney:

**Temporary Easements – Rayhill Memorial Trail Extension**

Upon recommendation of the Town Attorney, Councilman Miscione presented the following Resolution, moving its adoption; seconded by Councilman Backman:

**(RESOLUTION NO. 61 OF 2013)**

**WHEREAS**, it is necessary for the Town of New Hartford to have temporary access until April 1, 2013 to three (3) properties along the Rayhill Memorial Trail Extension for the purpose of cutting and removing trees that the Indiana bats might use after their hibernation ends;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to enter into and to execute temporary easements on the Massoud, O’Grady and McCraith properties; the Town possesses an insurance binder for any problems that might arise.

The Supervisor polled the Town Board, which resulted as follows:

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

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

**Jewel Ridge Subdivision**

The Jewel Ridge Subdivision had been shut down and the Town started to foreclose on the Developer’s performance bond. Meanwhile, developer Luke Lewis bought the property at a foreclosure sale and at his own expense, is trying to bring the subdivision into compliance. He must submit either a performance bond or an irrevocable letter of credit and Mr. Lewis’ contractor said about \$180,000 is needed to remediate the project. Once he gets access or the money security is decided, Mr. Lewis needs permission to get in and finish the two houses. Codes Enforcement Officer Booth said this would also include the Certificate of Occupancy and maintenance of road(s) by the Town when it is turned over to the Town. Councilman Backman introduced the following Resolution, which was duly seconded by Councilman Reynolds:

**(RESOLUTION NO. 62 OF 2013)**

**RESOLVED** that, with regard to the Jewel Ridge Subdivision, the New Hartford Town Board does hereby authorize the Town Attorney and Codes Enforcement Officer to work with Developer Luke Lewis in terms of obtaining a letter of credit in the amount of Two Hundred Sixty-six Thousand Three Hundred Twenty-five Dollars (\$266,325) for the completion two (2) homes but that no Certificate of Occupancy be issued until such time as a Pre-development Agreement has been executed for the road binder and paving. A roll call vote was duly held and resulted as follows:

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

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

**Union Negotiations – Highway Department; Parks & Recreation Department**

Town Attorney Cully and Supervisor Tyksinski had met again with Union representatives for the Highway and Parks & Recreation Departments; attempts to reach a consensus with regard to employee contributions toward health insurance have been unsuccessful. The Town Board had previously passed a Resolution to for Attorney Peter Jones to come on board, file fact finding, etc. in accordance with PERB; the process could take 4 to 6 months.

**Local Law Introductory “A” of 2013 – Amend Chapter 107B Telecommunications Facilities**

The Town Attorney reported that at the March 11, 2013 Town Planning Board meeting, that Board passed a resolution supporting the amendment to the Town Code, Chapter 107B, Telecommunications Facilities, and asked that additional language regarding public need be added before siting in residential areas. The Town Board will hold a Public Hearing on March 27, 2013.

**MATTERS SUBMITTED BY TOWN SUPERVISOR**

**Financial:**

**Audit of Vouchers**

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

**(RESOLUTION NO. 63 OF 2013)**

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

Zoning Study Abstract #1	
Vouchers HI1	\$ 348.88
Street Lighting Fund Abstract #3	
Vouchers SL4	\$ 9,145.37
Fire District Abstract #2	
Vouchers SF2-SF5	\$1,132,117.00
Stormwater Series III Abstract #2	
Vouchers HK2	\$ 22,453.58
Trust & Agency Fund Abstract #6	
Vouchers TT26-TT33	\$ 13,974.18
Trust & Agency Fund Abstract #7	
Vouchers TT34	\$ 6,933.46
Trust & Agency Fund Abstract #8	
Vouchers TT35	\$ 558.51
Trust & Agency Fund Abstract #9	
Vouchers TT36-TT42	\$ 14,507.48
Trust & Agency Fund Abstract #10	
Vouchers TT43	\$ 1,538.98
Highway Fund Part-Town Abstract # 5	
Vouchers DB124-DB213	\$ 146,590.77
Highway Fund Part-Town Abstract # 6	
Vouchers DB214-DB218	\$ 8,480.04
General Fund Part-Town Abstract #5	
Vouchers BB32-BB33	\$ 5,414.11
General Fund Part-Town Abstract #6	
Vouchers BB34	\$ 390.04
General Fund Part-Town Abstract #7	
Vouchers BB35-BB40	\$ 535.99
General Fund Whole-Town Abstract #6	
Vouchers AA270-AA272	\$ 19,077.37
General Fund Whole-Town Abstract #7	
Vouchers AA273-AA277	\$ 25,263.49
General Fund Whole-Town Abstract #8	
Vouchers AA278	\$ 40.52
General Fund Whole-Town Abstract #9	
Vouchers AA279-AA369	\$ 72,395.84
General Fund Whole-Town Abstract #10	
Vouchers AA370-AA379	\$ 6,515.90

General Fund Part-Town Police Abstract #6 Vouchers BP50-BP51	\$ 39,680.18
General Fund Part-Town Police Abstract #7 Vouchers BP52-BP53	\$ 2,771.61
General Fund Part-Town Police Abstract #8 Vouchers BP54-BP67	\$ 12,224.45
Sewer Fund Abstract #5 Voucher SS15-SS16	\$ 290.47
Sewer Fund Abstract #6 Voucher SS17	\$ 2,197.38
Sewer Fund Abstract #7 Voucher SS18-SS21	\$ 5,335.23
Sewer Fund Abstract #8 Voucher SS22-SS23	\$ 3,831.38
<b>TOTAL:</b>	<b>\$1,552,612.21</b>

A roll call vote was held:

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

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

**Finance Director Report**

Finance Director Daniel Dreimiller submitted copies of and reviewed with the Town Board summary reports of expenditures and revenue for January and February 2013. He has been working on closing out the books for 2012 and preparing for the independent auditors to return, tying up some loose ends and hope to have the draft audit at the March 27, 2013 Town Board meeting.

**Standing Committee appointments**

The Town Supervisor then submitted a list of his appointments to the various Standing Committees:

<b><u>Committee</u></b>	<b><u>Chairperson</u></b>	<b><u>Co-Chairperson</u></b>
Assessor	Woodland	Backman
Elections	Backman	Miscione
Human Resource	Backman	Woodland
Library	Reynolds	Woodland

Motor Pool	Backman	Miscione
Parks & Recreation	Reynolds	Backman
Public Safety & Courts	Tyksinski	Reynolds
Public Works & Sewer	Miscione	Woodland
School/Village/Town Liaison	Backman	Reynolds
Senior Citizens	Reynolds	Miscione
Town Clerk	Woodland	Reynolds
Zoning & Planning	Miscione	Woodland.

**Obsolete Computers – Police Department**

Police Chief reported that his Department has five (5) obsolete laptop computers that are 10+ years old and he recommended the equipment be destroyed as M. A. Polce, Inc. said they are of no value; the hard drives have been cleared by the Polce company and were running on Windows XP, the support of which will expire in 2014. Edmund Wiatr Jr. offered to purchase the equipment for One Hundred Dollars (\$100). Thereafter, Councilman Miscione offered the following Resolution, moving its adoption; seconded by Councilman Backman:

**(RESOLUTION NO. 64 OF 2013)**

**RESOLVED** that the New Hartford Town Board does hereby declare the following equipment as “abandoned”:

- Panasonic Toughbook – Serial #3HYUA07864
- Panasonic Toughbook – Serial #3HYUA07867
- Panasonic Toughbook - Serial #4LYUA31099
- Panasonic Toughbook - Serial #5GTYA54673
- Panasonic Toughbook - Serial #7DTYA40279

and does further authorize and direct Deputy Supervisor Bohn to determine whether the Town can sell said “abandoned” equipment with the licensed operating system still in tact; if so, the Town Board will sell the aforesaid equipment to Edmund J. Wiatr, Jr. for the sum of One Hundred Dollars (\$100); otherwise, the Town Board does hereby authorize and direct that the equipment be destroyed.

The Town Board then voted upon roll call:

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

Supervisor Tyksinski - Aye.

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

**BONDS – Purchase of Heavy Equipment and Machinery**

The Town Supervisor stated he had discussed with Fiscal Advisors the conversion of some BANs to Bonds this summer. The Town Board then discussed whether to include all or some of the following: the purchase of two 2012 John Deere 624k Loaders, a 2014 Mack Snowplow and the buy-out of an equipment lease for two 2013 Mack trucks. This would result in \$82,00 more a year in debt service while the Highway Superintendent could realize a savings of \$65,000 in his budget if the equipment were bonded. The Town Board's consensus was to include all equipment and the lease for a maximum of \$825,000, subject to permissive referendum.

The following Resolution was offered by Councilman Miscione, who moved its adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 65 OF 2013)**  
**BOND RESOLUTION DATED MARCH 13, 2013.**

A RESOLUTION AUTHORIZING THE PURCHASE OF HEAVY EQUIPMENT AND MACHINERY IN AND FOR THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$825,000 AND AUTHORIZING, **SUBJECT TO PERMISSIVE REFERENDUM**, THE ISSUANCE OF \$825,000 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 heavy equipment and machinery 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 \$825,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$825,000 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 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.

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

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

**PILOT allocation agreement**

The Town Attorney had provided Board members with copies of the PILOT allocation agreement, saying it was the same agreement as before but updated as to date. He asked that Board members review the agreement and contact him by e-mail with any questions or concerns prior to the March 27, 2013 Town Board meeting.

**Requests For Proposal – Skate Sharpening Concession/Recreation Center**

Upon recommendation of the Town Supervisor, Councilman Miscione offered the following Resolution, moving its adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 66 OF 2013)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Parks and Recreation Director to solicit Requests For Proposal (RFPs) for the ice skate sharpening concession at the Recreation Center, said RFPs to be received by the Town Clerk not later than 10:45 A.M. on Tuesday, April 30, 2013 in the Town Clerk’s Office; and be it

**FURTHER RESOLVED** that the Town Clerk be, and she hereby is, authorized and directed to publish in The Observer Dispatch the legal requisite notice to receive RFPs.



The Supervisor polled the Board members who voted as follows:

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

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

ADJOURNMENT

There being no further business to come before the Town Board, upon motion OF Councilman Reynolds and seconded by Councilman Miscione, the meeting was adjourned at 8:37 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk