

**REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF NEW HARTFORD, NEW YORK  
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN  
ON WEDNESDAY, SEPTEMBER 10, 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  
Highway/Sewer Superintendent Richard C. Sherman  
Police Chief Michael Inserra  
Town Attorney Herbert J. Cully  
Town Clerk Gail Wolanin Young

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

MINUTES

**August 13, 2014, Town Board meeting:**

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

**(RESOLUTION NO. 186 OF 2014)**

**RESOLVED** that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held August 13, 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**.

PUBLIC PRESENTATIONS/COMMENTS

*New Hartford Public Library*

Library Trustee Edward Flemma thanked the Town Board for their support. Things are running smoothly at the Library and all kinds of great things happened for the citizens and kids, and the summer was wide-open for all kinds of kids' activities and programs.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRPERSON

Town Clerk Committee – Councilman Woodland

**2014 Budget Transfer**

Upon request of the Town Clerk, Councilman Woodland introduced the following Resolution for adoption, and Councilman Reynolds seconded same:

**(RESOLUTION NO. 187 OF 2014)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Bookkeeper to make the following 2014 budget adjustment:

- *Decrease* Account AA1410.4 (Town Clerk contractual expense) by \$600
- *Increase* Account AA1410.13 (Deputy Clerk II salary) by \$600  
Purpose: provide 3% raise over 2013 salary that was omitted from Budget

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**.

Public Works & Sewer Committee – Councilman Messa

**Oneida County Hazard Mitigation Plan**

With regard to the presentation given by Joanne Humphreys (Oneida County Soil and Water Conservation Agency) at the August 13, 2014, Town Board meeting, Councilman Messa offered the following Resolution for adoption, and Councilman Miscione seconded same:

**(RESOLUTION NO. 188 OF 2014)**

**A RESOLUTION OF THE TOWN OF NEW HARTFORD ADOPTING THE 2013 UPDATE OF THE ONEIDA COUNTY HAZARD MITIGATION PLAN.**

**WHEREAS**, the Town of New Hartford recognizes the threat that natural hazards pose to people and property within the Town of New Hartford; and

**WHEREAS**, the Town of New Hartford, with the assistance of the Oneida County Soil and Water Conservation District has gathered information and prepared the Oneida County Hazard Mitigation Plan Update; and

**WHEREAS**, the 2013 Update to the Oneida County Hazard Mitigation Plan identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in the Town of New Hartford from the impacts of future hazards and disasters; and

**WHEREAS**, adoption by the Town of New Hartford demonstrates our commitment to the hazard mitigation and achieving the goals outlined in the 2013 Update to the Oneida County Hazard Mitigation Plan; and

**WHEREAS**, the 2013 Oneida County Hazard Mitigation Plan Update has been prepared in accordance with the Disaster Mitigation Act of 2000; and

**WHEREAS**, the Town of New Hartford is a local unit of government that has afford the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

**WHEREAS**, the Town Board has reviewed the Plan and affirms that the Plan will be updated no less than every 5 years;

**NOW, THEREFORE, BE IT RESOLVED** by the New Hartford Town Board that the Town of New Hartford adopts the Oneida County Hazard Mitigation Plan as this jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

As the Town Attorney had previously reviewed the resolution, a roll call vote was duly held and resulted 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**.

**Agreement - 2014 Roadside Ditching**

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

**(RESOLUTION NO. 189 OF 2014)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor and Highway Superintendent to execute the 2014 Roadside Ditching Agreement and Addendum between the Town of New Hartford and the County of Oneida acting through the Oneida County Department of Public Works wherein said Town agrees to furnish some machinery and labor to the County for the purpose of providing the County with roadside ditching services to keep Right of Way portions of the highway ditched in accordance with the rules and regulations as set forth by the County, which rules and regulations are made a part of said Agreement for the construction season dating from May 1, 2014, through December 1, 2014.

The Town Attorney stated that the proposed Agreement was the same as in 2013. Thereafter, a roll call vote was duly held:

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

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

**Agreement – 2014-2015 Snow and Ice Control**

Upon further recommendation of the Highway Superintendent, Councilman Messa introduced the following Resolution for adoption and Councilman Miscione seconded same:

**(RESOLUTION NO. 190 OF 2014)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Superintendent of Highways and the Town Supervisor to enter into and to execute an Agreement with the County of Oneida, by and through Dennis S. Davis, Commissioner, County Department of Public Works, 6000 Airport Road, Oriskany, New York, for the control of snow and ice on County Roads for the Snow Season dating from November 1, 2014, through April 30, 2016, and as more fully set forth in an Agreement to be filed in the New Hartford Town Clerk's Office. The County shall pay the Town the sum of \$5,800 per mile for the duration of this Agreement, covering 20.19 miles of county roads.

The Highway Superintendent noted that this Agreement provides for a Three Hundred Dollar (\$300) increase per mile over the last Agreement. Thereafter, 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**.

**Buildings and Grounds Quotes – Police/Court Offices: Heating and Air-conditioning**

Councilman Messa noted that the Highway (Buildings and Grounds) Superintendent had obtained the following quotes for heating/air-conditioning work at the Jerome K. Madden Justice Building (police/courts):

- New Hartford Climate Control  
P O Box 604, New Hartford, NY 13413 - Grand Total: \$31,410
  - \$16,250 - Materials to heat and cool the court side of building
  - \$10,400 - Estimated labor to install heating and cooling system for the court side of building
  - \$ 4,760 – Repair estimate for heating and cooling system on police side of building
  
- Central Heating & Plumbing  
942 Steuben Hill Rd., Herkimer, NY - Grand Total: \$29,737

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- \$23,100 – Roof-top unit including labor and materials for 3-zone application
- \$ 4,650 – Repairs to trunk line and install 3-zone system
- \$ 1,987 – Labor and material for split A.C. System for electronic room in back of garage

The Highway Superintendent recommended awarding the work to Central Heating & Plumbing, the low quote, which also includes additional work for the electronics room. The funds are included in the current budget. Thereafter, Councilman Messa offered the following Resolution for adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. 191 OF 2014)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby accept the low quotes submitted by Central Heating & Plumbing of Herkimer, New York, and does hereby award the contract to said vendor for heating and air-conditioning work at the Police Department and Town Court offices on Kellogg Road in said Town, at a cost not-to-exceed \$29,737.

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

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

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

**Agreement / Training for One-man Plowing**

The Highway Superintendent presented a proposed Agreement between the Town and Mohawk Valley Community College (MVCC) for one-man plowing instruction for 23 Highway Department employees. The cost of the training program would offset personnel expenses if the snowplows were using wingmen. The employees who attend the training would become certified and would need a refresher course in the future; new employees would be required to attend training upon employment. Discussion included whether a Town employee could be certified to teach other Highway Department employees in-house. Councilman Reynolds suggested that it might be beneficial to the Town to have a third-party instructor. Thereafter, Councilman Messa introduced the following Resolution for adoption; Councilman Woodland seconded same:

**(RESOLUTION NO. 192 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 for Training (One-Man Plowing), Course Title OPP Snow Plow Training, for twenty-three (23) Highway Department employees beginning October 1, 2014 and ending March 31, 2015 at a total cost of Thirteen Thousand Dollars (\$13,000).

The Town Supervisor polled the Board members who 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**.

#### MATTERS SUBMITTED BY COUNCILMEN AND TOWN ATTORNEY

##### Councilman Messa

##### **Abandoned/dilapidated properties**

Councilman Messa has received phone calls from Beechwood Road residents, complaining about the condition of 44 Beechwood Road, including holes in the roof. Upon request of Councilman Messa, Codes Enforcement Officer Joseph Booth brought forth photos of various properties. As this property and others involve court cases, the Town Attorney requested that these matters be held for Executive Session.

##### **Property (Lawn) maintenance Fees**

The question had arisen whether the Town is reimbursed for its costs in providing lawn maintenance when properties are abandoned. The Finance Director had confirmed that the Town's expenses are sent by the Town Codes Department to Oneida County Finance and then appear on the Town and County tax bills categorized as "unpaid miscellaneous." The Town Supervisor acknowledged that the Town is made whole at the end of the tax collection period.

##### Councilman Miscione

##### **Certiorari – Yahnundasis vs Town of New Hartford / Retain attorney**

Councilman Miscione suggested that the Town Board hire Attorney Dan Vincelette to represent the Town in the Yahnundasis certiorari against the Town. Town Attorney Cully stated that Attorney Vincelette had handled the Preswick Glen litigation in the past

and the Town received a very favorable result. Further, that in past certiorari matters involving the New Hartford Central School District, there was an arrangement whereby the School District selected the attorney and paid 90% of the costs, while the Town paid 10%. Assessor Abatecolla confirmed that most of the Yahnundasis property was in the New Hartford Central School District while a smaller parcel consisting of vacant land is situated in the New York Mills Union Free School District. Thereafter, Councilman Miscione introduced the following Resolution for adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. 193 OF 2014)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby retain attorney Dan Vincelette to represent said Town in the Yahnundasis certiorari vs the Town of New Hartford subject to Town Attorney Herbert Cully confirming whether or not any arrangements can be made for sharing fees.

The Town Board voted upon roll call 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**.

**Systems Development Group (SDG – software)**

Councilman Miscione is looking to have a program that the Assessor and Codes Offices can use and be accessible to one another. He didn't know whether the SDG software was web-based but thought if it were, the Town Clerk's office might be able to access information as well. He quoted initial start-up costs for the "add on" to the existing program at \$1200 per department and thereafter, a \$1200 annual maintenance fee. The Town Supervisor noted that the Town had looked into this and budgeted funds a couple years ago. He asked that Councilman Miscione verify the fees quoted, check into some demo's and keep in touch/work with Deputy Supervisor Matthew Bohn on this proposal.

**Town Attorney**

**Kessler Litigation**

The Town Attorney had provided the Board members with copies of the Court's decision in the matter of the Kessler case, wherein the Town was sued, and it was asserted that the Town Board didn't have the right to refuse to accept the dedication of a road. Attorney



Cully read, in part, from the Judge’s decision “...the Town cannot be compelled to accept a private road and neither a Town Superintendent of Highways or a Planning Board may bind a municipality to accept a proper dedication absent the Town’s consent....” Further, the Court found that the “...Town Board’s decision was based upon numerous facts...”, with reference to the video of the February 12, 2014, Town Board meeting; “the Supervisor and Town Board members were concerned that after major storms, water flows from Whitestown to the property containing the proposed road; floods the area. The problem is that the Oneida County pipes below the development are too small to handle the water flow and the Board members acknowledge that the subject development of the road was not the cause of the flooding and the petitioner has done a lot to mitigate. The articulated concern was that the site would continue to flood after major storms and that the Town would be liable.” The Court’s finding is that the Town Board’s failure to accept the petitioner’s private road for dedication was within its discretion. The Town Attorney advised that any Board comments should be held for Executive Session.

MATTERS SUBMITTED BY TOWN SUPERVISOR

**Oneida County Flood Mitigation Grant Program: Municipality – SWCD Contract for Implementation of BMPs: Chapman Road and Grange Hill Road**

The Town Supervisor reported that the Highway Superintendent has been working on two (2) stormwater projects and has been working with the Oneida County Soil and Water Conservation District for assistance. The first is on upper Chapman Road where it is proposed to install a culvert trash rack and stream stabilization and funding assistance is available through Oneida County. Thereafter, Councilman Messa introduced the following Resolution for adoption; Councilman Reynolds seconded same:

**(RESOLUTION NO. 194 OF 2014)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute a contract between the **Oneida County Soil and Water Conservation District (“District”)** and the **Town of New Hartford (“Municipality”)** for the purpose of installing a **Curb Trash Rack & Stream Stabilization** as Best Management Practices (BMP) specified in the Oneida County Flood Mitigation Grant Program; this contract establishes the responsibilities of the District and the Municipality and/or Operator, and provides for procedures for disbursement of the Oneida County Flood Mitigation Grant Program funds.

The Agreement provides that the “Municipality” will provide 50% of the cost of these installations up to a limit of \$20,000 cash or in-kind contribution. Subject to the availability of funds, the “District” will obligate sufficient funds to cover BMP implementation costs not to exceed \$18,000 (50% of the BMP Implementation cost) in county funds. Thereafter, the Town Board voted upon roll call:

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

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

The second project involves Grange Hill Road where two (2) detention ponds are being considered for installation uphill. The Town has worked well with the contractor and detention ponds. It was suggested that the ponds at the top of the road be done as Phase I. And get the contractor and Highway Department crews on-site. The bottom portion probably will need engineering work and the Town would have to obtain permits from NYS Department of Environmental Conservation permits and the Army Corps of Engineers and possibly go to bid. Councilman Miscione offered the following Resolution for adoption; Councilman Messa seconded same:

**(RESOLUTION NO. 195 OF 2014)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute a contract between the **Oneida County Soil and Water Conservation District (“District”)** and the **Town of New Hartford (“Municipality”)** for the purpose of installing **Storm Detention Basins** as Best Management Practices (BMP) specified in the Oneida County Flood Mitigation Grant Program; this contract establishes the responsibilities of the District and the Municipality and/or Operator and provides for procedures for disbursement of the Oneida County Flood Mitigation Grant Program funds.

It is expected that the projects will begin during the current year. The Agreement provides that the “Municipality” will provide 50% of the cost of these installations up to a limit of \$100,000 cash or in-kind contribution. Subject to the availability of funds, the “District” will obligate sufficient funds to cover BMP implementation costs not to exceed \$18,000 (50% of the BMP Implementation cost) in county funds. A roll call vote ensued:

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

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

**Audit of Vouchers**

On recommendation of the Town Supervisor, Councilman Messa presented the following Resolution for adoption; seconded by Councilman Miscione:

**(RESOLUTION NO. 196 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:

Stormwater Series II Abstract #5 Vouchers HK6; HK8-HK25	\$ 37,260.95
Street Lighting Fund Abstract #11 Vouchers SL11	\$ 7,534.24
Rayhill Trail Project Fund Abstract #2 Vouchers H52	\$ 3,150.00
Parks Capital Project Fund Abstract #2 Vouchers HX2-HX3	\$ 13,375.60
Fire District Fund Abstract #4 Vouchers SF9	\$ 28,813.86
Trust & Agency Fund Abstract #26 Vouchers TT138-TT145	\$ 13,290.36
Trust & Agency Fund Abstract #27 Vouchers TT146-TT149	\$ 9,185.01
Trust & Agency Fund Abstract #28 Vouchers TT150-TT155	\$ 11,442.93
Trust & Agency Fund Abstract #29 Vouchers TT156-TT164	\$ 12,193.57
Trust & Agency Fund Abstract #30 Vouchers TT165-TT168	\$ 8,590.15
Trust & Agency Fund Abstract #31 Vouchers TT169-TT176	\$ 12,638.77
General Fund Whole-Town Abstract #20 Vouchers AA881-AA885	\$ 669.65
General Fund Whole-Town Abstract #21 Vouchers AA886-AA903	\$ 25,805.47
General Fund Whole-Town Abstract #23 Vouchers AA1028-AA1040	\$ 20,482.59
General Fund Whole-Town Abstract #24 Vouchers AA1041-AA1043	\$ 4,592.79
General Fund Whole-Town Abstract #25	

Vouchers AA1044-AA1054; AA1057-1131	\$ 103,084.32
Highway Fund Part-Town Abstract #13 Vouchers DB622-DB692	\$ 144,830.62
General Fund Part-Town Abstract #18 Vouchers BB100-BB106	\$ 7,024.93
General Fund Part-Town Abstract #20 Vouchers BB120-BB123	\$ 3,297.23
General Fund Part-Town Abstract #21 Vouchers BB124-BB131	\$ 11,758.27
General Fund Part-Town Police Abstract #18 Vouchers BP142-BP148	\$ 43,153.95
General Fund Part-Town Police Abstract #20 Vouchers BP173-BP176	\$ 39,755.07
General Fund Part-Town Police Abstract #21 Vouchers BP177-BP198	\$ 13,703.28
Sewer Fund Abstract #17 Voucher SS106-SS107	\$ 1,770.63
Sewer Fund Abstract #19 Voucher SS122	\$ 158.51
Sewer Fund Abstract #20 Voucher SS123	\$ 1,072.11
Sewer Fund Abstract #21 Voucher SS124-SS135	\$ 46,654.28
	<b>\$ 625,289.14</b>

A roll call vote ensued:

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

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

**Financial Report**

Upon recommendation of Finance Director Dan Dreimiller, Councilman Messa offered the following Resolution for adoption, seconded by Councilman Miscione:

**(RESOLUTION NO. 197 OF 2014)**

**RESOLVED** that the New Hartford Town Board does hereby accept the Proposal submitted by D’Arcangelo & Associates in the amount of Twenty Thousand Five Hundred Dollars (\$20,500) to perform the 2014 Town audit and does further accept their quote in the amount of Sixty-two Hundred Dollars (\$6200) to perform a one-year audit of the financial records of the New Hartford Public Library; and be it

**FURTHER RESOLVED** that the said Town Board does hereby authorize and direct the Town Supervisor to execute all necessary documents with regard to both audits.

The foregoing Resolution was subject to a vote upon roll call, resulting 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**.

REPORT OF TOWN OFFICIAL BY STANDING COMMITTEE CHAIRPERSON  
(Continued)

Public Works & Sewer Committee – Councilman Messa

**Highway employee stipend – Temporary opening**

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

**(RESOLUTION NO. 198 OF 2014)**

**WHEREAS**, Highway Department Laborer Mark Glen is willing to perform certain duties “out of title”;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize and direct, in accordance with the current Union Contract, that Laborer Mark Glen be paid his regular hourly rate plus \$1.25 per hour for temporarily performing “out of title” duties such as sand blasting, painting and welding patches on plows and wings, effective September 8, 2014.

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

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

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

**EXECUTIVE SESSION**

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

**(RESOLUTION NO. 199 OF 2014)**

**RESOLVED** that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss pending union negotiations, the Kessler litigation, and pending codes violations relating to Rosedale Ave., Tibbitts Road, and Beechwood Road.

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 7:32 P.M. The Town Attorney, Deputy Supervisor, Codes Enforcement Officer, and Highway Superintendent remained for the Executive Session.

[NOTE: The Town Attorney provided the following transcription on Thursday, September 11, 2014.]

**END OF EXECUTIVE SESSION**

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

**(RESOLUTION NO. 200 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 8:30 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public invited to re-join the meeting.

**Equipment Auction/Purchase**

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

**(RESOLUTION NO. 201 OF 2014)**

**RESOLVED** that, if the John Deere pay loader (VIN 1DW624KZCCE646275) auction through Auctions International meets or exceeds \$132,000, the New Hartford Town Board does hereby authorize the Highway Superintendent to go forward with the purchase of a new pay loader.

Upon roll call, the Town Board members voted 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**.  
[NOTE: Also refer to Resolution No. 165 adopted at the August 13, 2014, Town Board meeting.]

**Abandoned/dilapidated properties**

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

**(RESOLUTION NO. 202 OF 2014)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct Town Attorney Herbert Cully to proceed with action in Oneida County Supreme Court to remediate dilapidated properties on five (5) of the worst properties, at the rate of Two Hundred Dollars (\$200) per hour.

A roll call vote was duly held 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***.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made by Councilman Reynolds and seconded by Councilman Miscione, the meeting was adjourned at 8:32 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk