

**REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF NEW HARTFORD, NEW YORK  
HELD AT BUTLER MEMORIAL HALL, NEW HARTFORD, NY ON  
WEDNESDAY, JULY 11, 2018, AT 6:00 P.M.**

Town Supervisor Miscione called the meeting to order at 6:00 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 (arrived at 6:46 P.M.)  
Councilman Philip S. Cittadino  
Councilman David M. Reynolds  
Councilman Richard B. Woodland, Jr.  
Supervisor Paul A. Miscione

**OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:**

Assessor Darlene Abbatecola  
Codes Enforcement Officer Joseph Booth  
Deputy Supervisor Anthony J. Trevisani  
Director of Finance Daniel T. Dreimiller  
Director of Senior Services M. Eileen Spellman  
Highway/Sewer Superintendent Richard C. Sherman  
Human Resource Department Barbara Schwenzfeier  
Police Chief Michael S. Inserra  
Town Attorney Herbert J. Cully  
Town Clerk Gail Wolanin Young

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

MINUTES

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

**(RESOLUTION NO. 289 OF 2018)**

**RESOLVED** that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held May 23, 2018 and does further waive the reading of same.

Upon roll call, the Board members voted as follows:

Councilman Messa	-	ABSENT
Councilman Cittadino	-	Aye

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

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

PUBLIC HEARINGS

6:01 P.M.                      Local Law Introductory “C” of 2018  
Procurement/Best Value

The Town Supervisor opened the Public Hearing at 6:01 P.M., in the matter of Local Law Introductory “C” of 2018. [NOTE: The Town Clerk had available copies of the proposed local law, the Notice of Public Hearing, Affidavit of Posting, and Proof of Publication in The Observer Dispatch.]

The Town Attorney explained that Local Law Introductory “C”, if adopted, would amend the Town’s Procurement Policy by allowing the Town, when going out for competitive bid, to consider not only the lowest bid but also consider durability, quality and longer product of life which may not necessarily be the lowest of lowest bid.

Supervisor Miscione inquired if anyone present wished to speak in the matter; there having been no one who came forth, the Public Hearing was closed at 6:02 P.M.

Thereafter, Councilman Woodland moved that Local Law Introductory “C” of 2018, be adopted as Local Law No. Three of 2018 in the following format; seconded by Councilman Cittadino:

Town of New Hartford, New York  
LOCAL LAW NO. THREE OF 2018

A Local Law Amending the Town of New Hartford Procurement Policy to Authorize Purchasing Based on Best Value.

**BE IT ENACTED** by the Town Board of the Town of New Hartford, that this Local Law amends the “Procurement Policy” as follows:

**SECTION 1.**

The Town of New Hartford Purchasing Policies and Procedural Manual shall be amended to add a new section to read in its entirety as follows:

**“Purchasing Based on Best Value.”**

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- A.** New York General Municipal Law Section 103 requires competitive bidding for purchase contracts and public works contracts and has historically required that such bids be awarded to the lowest responsible bidder whose bid meets the requirements of the specifications for the project. Section 103 was amended to provide that by enacting a Local Law so providing, municipalities may award purchase contracts which would otherwise be subject to the “lowest bidder” rule on the basis of best value, as defined in State Finance Law Section 163, to a responsive and responsible bidder or offeror.
- B.** Notwithstanding the provisions of the “Procurement Policy” the Town of New Hartford Town Board hereby determines that it is in the best interest of the Town of New Hartford to have the authority to award purchase contracts on the basis of best value. Factors that may be used to enact the “best value” option, where cost efficiency over time to award the good(s) or service (s) to other than the lowest bidder include but are not limited to:
1. Lowest cost of maintenance for good(s) or service (s):
  2. Durability of good(s) or services (s)
  3. Higher quality of good (s) or service(s); or
  4. Longer product of life of good(s) or service(s).
- C.** The Town of New Hartford may award purchase contracts, including contracts for service work related to the installation, maintenance or repair of apparatus, equipment and supplies, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Labor Law Article 8, on the basis of best value, as defined in State Finance Law Section 163, to a responsive and responsible bidder and offeror.
1. Where the basis for awards is the best value offer, the Town of New Hartford shall document, in the procurement record and in advance of the initial receipt of offers, the determination of the evaluation criteria, which whenever possible, shall be quantifiable, and the process to be used in the determination of best value and the manner in which the evaluation process and selection shall be conducted.
  2. Where appropriate, the solicitation shall identify the relative importance and/or weight of cost and the overall technical criterion to be considered by the Town of New Hartford in its determination of best value.
  3. The election to award any such contract on the basis of best value shall be made by the Town Board. In the event that no such election is made, purchase contracts will continue to be awarded to the lowest

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responsible bidder furnishing any required security in accordance with this policy.

**SECTION 2. SEVERABILITY**

In any clause, sentence, paragraph, subdivision or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**SECTION 3. EFFECTIVE DATE**

This Local Law shall be effective upon filing with the office of the Secretary of State.

The Town Board members then voted upon roll call:

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

This Local Law was declared unanimously carried and duly ***ADOPTED***.

6:03 P.M.	Local Law Introductory “D” of 2018
	Food Trucks / Sherrillbrook Park

The Town Supervisor opened the Public Hearing at 6:03 P.M., in the matter of Local Law Introductory “D” of 2018. [NOTE: The Town Clerk had available copies of the proposed local law, the Notice of Public Hearing, Affidavit of Posting, and Proof of Publication in The Observer Dispatch.]

The Town Attorney explained that Local Law Introductory “D ” of 2018, if adopted, would amend the Town Code, Chapter 88, Parks, by allowing food trucks (vendors) in Sherrillbrook Park on Wednesday, July 18, 2018, and on Wednesday, August 15, 2018. Supervisor Miscione asked if these were the correction dates; and the Town Attorney replied affirmatively. No alcohol beverages are to be sold, and the Local Law is written so that additional dates in the future can be authorized by Town Board Resolution instead of Local Laws.

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Supervisor Miscione inquired if anyone present wished to speak in the matter; there having been no one who came forth, the Public Hearing was closed at 6:02 P.M.

Thereafter, Councilman Woodland moved that Local Law Introductory “D” of 2018, be adopted as Local Law No. Four of 2018, in the following format; seconded by Councilman Cittadino:

Town of New Hartford, New York  
Local Law No Four of 2018

A Local Law to amend the Code of the Town of New Hartford, Chapter 88 thereof entitled PARKS, so as to allow Food Vending Trucks to operate in the Sherrillbrook Park on July 18, 2018, and August 15, 2018.

BE IT ENACTED by the Town Board of the Town of New Hartford that Chapter 88 of the Town Code, originally adopted on October 3, 1973, be amended to add the following section 88-2.1:

Section 1. The Town Code shall now include Section 88-2.1 entitled “Food Truck Days.” The Town Board may, by Resolution in any year, authorize the operation of Food Trucks in the Sherrillbrook Park on such dates and time and upon such terms as the Resolution so authorizing shall provide. In no event shall said food trucks be allowed to serve alcoholic beverages and said trucks shall be required to apply for a permit and pay any fee required by the Town Board as well as provide a Certificate from the Health Department and proof of insurance.

Section 2. This section shall supersede all other limitations set forth in any other section of the Town Code.

Section 3. All other provisions of Chapter 88 of the Code of the Town of New Hartford and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

Section 4. This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State.

A roll call vote ensued:

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

Supervisor Miscione - Aye.

This Local Law was declared unanimously carried and duly **ADOPTED**.

6:04 P.M. Local Law Introductory "E" of 2018  
Parks/Recreation Commission;  
Additional members

The Town Supervisor opened the Public Hearing at 6:04 P.M., in the matter of Local Law Introductory "E" of 2018. [NOTE: The Town Clerk had available copies of the proposed local law, the Notice of Public Hearing, Affidavit of Posting, and Proof of Publication in The Observer Dispatch.]

The Town Supervisor explained that Local Law Introductory "E" of 2018, if adopted, would amend the Town Code, Chapter 19 entitled Parks and Recreation Commission, by increasing the membership of the Commission by two (2) persons.

Supervisor Miscione inquired if anyone present wished to speak in the matter; there having been no one who came forth, the Public Hearing was closed at 6:04 P.M.

Thereafter, Councilman Reynolds moved that Local Law Introductory "E" of 2018, be adopted as Local Law No. Five of 2018, in the following format; seconded by Councilman Cittadino:

Town of New Hartford, New York  
Local Law No. Five of 2018

A Local Law to amend the Code of the Town of New Hartford, Chapter 19 thereof entitled PARKS AND RECREATION COMMISSION, by increasing the membership of the Parks and Recreation Commission, Board of Commissioners.

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

SECTION 1. Board of Commissioners, Section 19-4

The Parks and Recreation Board of Commissioners, initially adopted on March 7, 2018, as a five (5) member Board, shall be increased by two (2) members, as follows:

- (f) "Member 6" shall be appointed through December 31, 2023
- (g) "Member 7" shall be appointed through December 31, 2024

SECTION 2.

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All other provisions of Chapter 19 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall amend or modify.

SECTION 3.

This Local Law shall become effective immediately upon filing with the Secretary of State.

A vote was duly held and resulted as follows:

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

This Local Law was declared unanimously carried and duly **ADOPTED**.

PRESENTATIONS/COMMENTS

**Homeland Towers – Site Plan Approval, 190’ monopole in Sherrillbrook Park**

Vincent Xavier of Homeland Towers, LLC stated that no petition had been received calling for a permissive referendum on the project to install a 190’ monopole in a portion of Sherrillbrook Park. The Town has signed the lease. Mr. Xavier is now seeking site plan approval from the Town Board, subject to any alienation that might be required by the State. He referred to emails he sent today for site plan approval, reviewing the documents with the Board:

- Draft resolution based on Town Board review under Monroe
- Full Zoning Drawings
- Long EAF Form
- Visual report with photos
- FCC MPE Compliance report
- FAA Analysis.

The Town Attorney stated that the project has no environmental impact; the area to be used is vacant, wooded land, used for storage, and has no practical use for the Town. Mr. Xavier will work with the Town Clerk on the legal notice(s), at Homeland Towers’ expense, pursuant to terms in the lease. The following Resolution was introduced by Councilman Reynolds and seconded by Councilman Cittadino:

**(RESOLUTION NO. 290 OF 2018)**

**RESOLVED**, that the New Hartford Town Board will conduct a Public Hearing to discuss a project proposed by Homeland Towers, LLC for the installation and operation of a communications tower base station, including a 190' tower and related antennae, utilities and equipment on a small portion of town-owned property to be located off of New Paris Road (Route 12) in the Town of New Hartford, designated as APN Tax I.D. Number 338.000-3-4. The Town Board will also consider the factors set forth in the County of Monroe v. City of Rochester case to determine whether any further zoning and/or land use review is required. This meeting will be held at 6:00 P.M. on Wednesday, August 15, 2018, in Butler Memorial Hall, 48 Genesee Street, New Hartford, New York. All members of the public are invited to attend. A representative of Homeland Towers, LLC will be present to discuss the proposed project and answer any questions.

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

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

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

**Overview of Insurances – Change from June 20, 2018, meeting**

William Cole of Gates-Cole gave a brief overview of the Town's insurance since the June 20, 2018 and the reasons for changes, such as adding new vehicles, etc. The new total premium is \$156,472. Thereafter, Councilman Reynolds offered the following Resolution for adoption; seconded by Councilman Cittadino:

**(RESOLUTION NO. 291 OF 2018)**

**RESOLVED**, that the New Hartford Town Board does hereby approve of the amendments to the Town's insurance policies, originally approved at the June 20, 2018, Town Board meeting; and does further authorize and direct the Town Supervisor to sign all necessary documents to affect the amendments for the period June 28, 2018, and ending June 2019.

A roll call vote ensued:

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

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

**Nuisances – Noise from Flag; Light shining in window**

Attorney Mark Wolber and his client, Mark Karam, again appeared before the Town Board about noise generating from a flag flapping in the wind at night time and a light also shining in his client’s bedroom window. Attorney Wolber cited from the Code of the Town of New Hartford:

- Chapter 87.2 (K) Definitions  
Public Nuisance - Any building, structure or real property .....that detrimentally effects the quiet and reasonable use and enjoyment of adjacent or neighboring property.
- Chapter 86.3 Nuisances forbidden.  
No owner, operator, manager, (etc.) of a building, structure or real property shall knowingly conduct, maintain, permit or allow the existence of a public nuisance at the build, structure or real property.
- Chapter 86.4 Notice of nuisance  
Notice by mail or personal service of activities to the property owner, operator, manger, etc.

Mr. Karam would be agreeable to his neighbor moving the flagpole and light to another area of their property and that the Town ask that this be done; also, look into whether this structure complies with setback regulations in the Town Code. If necessary, cite the property owner for violation of the Town Code.

**REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE**

**Town Clerk Committee – Councilman Woodland**

Supervisor Miscione stated he would present the results of the Bid Opening later in the meeting.

**Zoning (Codes) and Planning Committee – Supervisor Miscione**

**Unsafe building – 27 Benton Circle**

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Codes Enforcement Officer Booth distributed a written report of a major fire that occurred on June 25, 2018, at 27 Benton Circle. He also mentioned the hoarding conditions at this location, which affected the safety of fire fighters. After performing an on-site inspection of the property on July 2, 2018, Codes Officer Booth has sent a condemnation letter to the property owner and is recommending that the property owner come before the Town Board. There is food on site that will attract rodents, and the contents of the residence must be removed before the structure is shored up. Upon motion of Councilman Reynolds, the following Resolution was offered for adoption; seconded by Councilman Cittadino:

**(RESOLUTION NO. 292 OF 2018)**

**RESOLVED**, that the New Hartford Town Board does hereby schedule a hearing for an unsafe building at 27 Benton Circle, New Hartford, owned by Donna M. Spriggs, Tax Map No. 339.008-4-31, that had been damaged by fire on June 25, 2018, and that Ms. Spriggs shall appear before the Town Board to address the existing conditions; said hearing shall commence at 5:15 P.M. on Wednesday, August 15, 2018, in Butler Memorial Hall, New Hartford, New York; and be it

**FURTHER RESOLVED** that permission is hereby delegated to the Town Attorney to file a lien in the Oneida County Clerk's Office and that he take steps to recoupe the costs associated with this unsafe structure.

The Town Board voted upon roll call:

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

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

**Proposed Zone Map Amendment for 4343 Middle Settlement Road**

The Town Attorney acknowledged that Special Metals had contacted the Town about a zoning matter. He noted that Special Metals owns approximately 112 acres. There is a resident's dwelling that sits in the middle of that large parcel. Special Metals has purchased the .4 acre parcel on which the dwelling exists and their intent is to eliminate the lot lines and make it all one large parcel. Oddly enough, the smaller .4 acre parcel is zoned Institutional and the larger parcel is zoned Manufacturing so the two (2) parcels cannot be blended without changing the zone to make it consistent. Special Metals came forward and asked the Town to go forward and seek a zone map amendment to correct

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this little .4 acre parcel that sits within their 112 acre parcel. Special Metals asked that the Town pass a resolution to go forward with the zone map amendment and refer the matter to the Planning Board for approval and recommendation on the amendment and come back before the Town Board for a Public Hearing. Thereafter, Councilman Reynolds offered the following Resolution for adoption; seconded by Councilman Cittadino:

**(RESOLUTION NO. 293 OF 2018)**

**RESOLVED**, that the Town Board of the Town of New Hartford, on its own motion, does hereby initiate a zoning map amendment for property owned by Special Metals at 4343 Middle Settlement Road, New Hartford (Tax Map No. 328.000-2-36), New York, for a .4 acre lot to be rezoned from Institutional (I) to Manufacturing (M); and be it further resolved that this matter be referred to the Town Planning Board for their approval and recommendation on the amendment.

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

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

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

Director of Finance

**Budget Transfers**

Director of Finance Daniel Dreimiller submitted several budget adjustments for approval. Councilman Woodland moved the adoption of the following Resolution; seconded by Councilman Reynolds:

**(RESOLUTION NO. 294 OF 2018)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the

General Whole-town

Expense	Current Budget	Proposed Budget	Increase (Decrease)	Explanation
<u>Account Description</u>	<u>Amount</u>	<u>Amount</u>		
Contractual – Senior Ctr AA6772.4	\$66,859	\$53,359	(\$13,500)	savings on facility rental

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Contractual – Engineering \$20,000      \$33,500      \$13,500 savings on facility rental  
 AA1440.4

Revenue

\$0

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**.

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

**(RESOLUTION NO. 295 OF 2018)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Finance Department to make the following 2018 Budget transfers:

Highway Part-Town

Expense	Current Budget	Proposed Budget	Increase (Decrease)	Explanation
<u>Account Description</u>	<u>Amount</u>	<u>Amount</u>	<u>(Decrease)</u>	<u>Explanation</u>
Equipment – DB5130.02	\$79,060	\$95,829	\$16,769	for purchase of new bulldozer
Items for stock DB130.43	\$20,000	\$15,000	(\$5,000)	for purchase of new bulldozer
Equip. Rental DB130.44	\$12,000	\$ 5,231	(\$6,769)	for purchase of new bulldozer
Sidewalks DB5110.48	\$10,000	\$ 5,000	(\$5,000)	for purchase of new bulldozer

Revenue                      \$0.

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**.

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

**(RESOLUTION NO. 296 OF 2018)**

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Finance Department to make the following 2018 Budget transfers:

Highway Part-Town – Additional Paving

Expense	Current Budget	Proposed Budget	Increase (Decrease)	Explanation
<u>Account Description</u>	<u>Amount</u>	<u>Amount</u>	<u>(Decrease)</u>	<u>Explanation</u>
Paving DB5112.04	\$300,000	\$367,074	\$67,074	Additional paving monies to be received from NYS PAVE NY \$36,949.92; Winter recovery - \$30,123.82

Revenue

State Aid-Consolidated DB3501.0	\$161,084	\$228,158	\$67,074	Additional paving monies to be received from NYS PAVE NY \$36,949.92; Winter recovery - \$30,123.82
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A roll call vote ensued:

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

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

**Parks Department Report**

Supervisor Miscione was successful in obtaining a \$250,000 grant for parks improvement; i.e. upgrade ball fields, pavilions, bathrooms, etc.

**FEMA house demolitions**

Regarding demolition of FEMA properties 6, 10 and 12 Henderson Street, New York Mills, the City of Utica and Town have reached an agreement that the City of Utica will demolish many of the FEMA houses for the Town.

**Councilman Messa joined the Town Board meeting at 6:46 P.M.**

Public Safety & Courts Committee – Supervisor Miscione

**Appointment – Police Officer**

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

**(RESOLUTION NO. 297 OF 2018)**

**RESOLVED**, that the New Hartford Town Board does hereby appoint Michael S. Slade as a Part-time School Safety Officer (Police Officer) commencing July 16, 2018, at the hourly rate of Thirty-three Dollars and Two Cents (\$33.02), payable bi-weekly.

The Town Board voted 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**.

Report of Town Attorney

**Non-Union Benefits and Compensation Document**

While reviewing the Non-Union Benefits and Compensation Document, particularly relating to insurance, the question arose as to whether health insurance should be offered to all elected officials due to the hours they work. If so, criteria should be established. A discussion ensued of how full time elected officials had been offered coverage years ago. If the Town Board is interested, the Town Attorney can research this further and offer suggestions.

MATTERS SUBMITTED BY COUNCILMEN

Councilman Messa

Status:

Kay Circle detention pond was built partially on private property. The Highway Superintendent and Town Attorney will review the survey, contract paperwork, and contact the contractor.

Heron Landing resident issues from last year, storm water pipe. The Highway Superintendent confirmed they are on the Department's list to install.

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Hughes Lane-Twyndon Terrace area – water comes down and onto Imperial Drive (Castle Estates/Hillside Gardens area). Where are we on this? We've had some big storms that caused a lot of problems. [Response: A meeting with Barton and Loguidice is necessary.]

Grange Hill Road Downstream Closed Drainage Improvement, Contract 2 – where do we stand on this project? [Response: The Town has secured Scott Gehringer's signature for an easement, and the Town received the NYS Department of Conservation work permit on June 25, 2018. [DEC ID#6-3048-00166, Stormwater Outfall Replacement, Bottom of Grange Hill Road.]

MATTERS SUBMITTED BY TOWN SUPERVISOR

*Create the Climate Smart Community (CSC) Task Force Committee*

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

**(RESOLUTION NO. 298 OF 2018)**

**WHEREAS**, the New York State Department of Environmental Conservation (NYSDEC) Climate Smart Communities (CSC) Certification Program has provided local governments with a comprehensive framework to facilitate climate action efforts and recognize high-performing communities for their leadership; and

**WHEREAS**, the CSC program is designed around 10 pledge elements, including a variety of actions that can reduce greenhouse emissions, build a green economy and enhance local resilience; and

**WHEREAS**, the Town of New Hartford is an area of significant beauty and natural resources, and the Town has traditionally taken a proactive leadership role in progressive environmental stewardship and protection; and

**WHEREAS**, such environmental protection has continued with regards to public awareness and the growing concern towards responsible environmental, and sustainability policy initiatives; and

**WHEREAS**, the Town of New Hartford has a long standing of leading in environmentally conscious development, and is often in forefront as a model of sustainability, the Town find it desirable to seek recognition for such accomplishment through participating in the CSC Certification Program; and

**WHEREAS**, in order to participate in the CSC Certification Program, a community Climate Smart Community Task Force focused on climate mitigation and adaptation must be identified and consist of members from the local government and the community; now, therefore, be it

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**RESOLVED**, the Town Board hereby creates the Town of New Hartford Climate Smart Communities task force, whose charge will be:

- a. Evaluating and identifying attainable action items required for certification;
- b. Interfacing with the New York State Department of Environmental Conservation (NYSDEC);
- c. Participating and facilitating the completion of the certification process through submitting required documentation and material;
- d. To review and advise the Town Board on policies, programs, and issue promoting energy efficiency and environmental sustainability in the Town of New Hartford and be it further;

**RESOLVED**, that such Committee, with the review and approval of the Town Board, can provide technical assistance, education and outreach to the general public and local businesses of innovative programs to promote environmental and economic sustainability through energy conservation, pollution prevention, transportation efficiency and other innovative means;

**RESOLVED**, the Town Board hereby will appoint 10 member which includes Town Staff and community members to serve on the Climate Smart Community Task Force for a term of (2) years.

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**.

**Climate Smart Community Coordinator**

Thereafter, Councilman Messa moved the adoption of the following Resolution; duly seconded by Councilman Reynolds:

**(RESOLUTION NO. 299 OF 2018)**

**WHEREAS**, the Town Board of the Town of New Hartford has created a Climate Smart Community (CSC) Task Force Committee, whose charge shall be:

- a) Evaluating and identifying attainable action items required for certification
- b) Interfacing with the New York State Department of Environmental Conservation (NYSDEC)



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- c) Participating and facilitating the completion of the certification process through submitting
- d) required documentation and material, and
- e) To review and advise the Town Board on policies, programs, and issued promoting energy
- f) efficiency and environmental sustainability in the Town of New Hartford;

**NOW, THEREFORE, BE IT RESOLVED**, that said Town Board does hereby appoint Joseph Booth as the Climate Smart Community Coordinator as an unpaid volunteer for the purposes of fulfilling the necessary actions related to being a Climate Smart Community on behalf of the Town of New Hartford.

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**.

**Refund – Parks Department**

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

**(RESOLUTION NO. 300 OF 2018)**

**RESOLVED**, that the New Hartford Town Board does hereby authorize and direct the Finance/Accounting Department to issue a refund of Eighty Dollars (\$80.00) to Darlene Ludwikowski, 141 Oxford Road, New Hartford, NY 13413, due to a double-booking of the Cedar Pavilion in Sherrillbrook Park.

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**.

**Appointment – Part-time Clerk**

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

**(RESOLUTION NO. 301 OF 2018)**

**RESOLVED**, that the New Hartford Town Board does hereby appoint Tatyana Kovalevich as a Part-time Clerk to cover vacation times in the Supervisor’s Office effective July 26, 2018; her work week shall not exceed 17.5 hours and her rate of pay is set at \$14.83 per hour with no benefits (insurance, etc.).

The Resolution was duly put to a vote upon 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 and County taxes – Shared Services**

The Town Supervisor recently attended a shared services workshop at MVCC with the County of Oneida. He asked the Board members if they were interested in having the County print and mail the Town’s tax bills...it would be free, no charge to the Town, but the County would keep the late payment fees. [NOTE: This would be a change from using a private company who charges about \$2300 to print about 9,000 tax bills and two inserts per tax bill; postage costs about \$3400. In the past, late fees that the Town retains have amounted from about \$10,000 upwards and the Town Clerk questioned the new proposal.] The Town Board was willing to look into the matter.

**The Orchard Plaza**

The Town owns a small piece of land, part of the road where Ellinwood Court dead ends near the Marquee in the Orchard Plaza and could expose the Town to liability if someone were to become injured. After a brief discussion, Councilman Reynolds offered the following resolution for adoption, seconded by Councilman Messa:

**(RESOLUTION NO. 302 OF 2018)**

**RESOLVED**, that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to obtain an appraisal of land (part of a road) owned by the Town for a lot adjustment on Ellinwood Court.

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The foregoing Resolution was duly put to a vote upon 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**.

**Offers to purchase – Police/Court property**

The Town Supervisor acknowledged receipt of two (2) offers to purchase the Police-Court property at Kellogg and Tibbitts Roads. Clifford Fuel submitted a price of \$695,000, and Stewarts offered \$642,000.

**Sponsorships for Parks**

The Parks and Recreation Commission has suggested a family movie night in Sherrillbrook Park, including popcorn for sale, a parking and/or admission fee, and sale of sponsorships. The Town Attorney cautioned on the sponsorships and will check into the legality of same.

In the Donovan Memorial Park, a money changing unit is being installed (cash in – token out) in an effort to eliminate summer employees from handling cash.

**FEMA Asbestos Remediation: various locations**

The Town Supervisor and Councilmen reviewed the bids submitted today for the asbestos remediation of the following properties:

**6 Woodberry Road**

- |                                  |   |             |
|----------------------------------|---|-------------|
| • Bronze Contracting             | - | \$43,600.00 |
| • Midlantic Environmental, Inc.  | - | \$44,000.00 |
| • Two Brothers Contracting, Inc. | - | \$41,300.00 |
| • Sullivan Contracting, Inc.     | - | \$47,000.00 |
| • Kascon, LLC                    | - | \$37,000.00 |

Thereafter, Councilman Reynolds moved the adoption of the following Resolution; seconded by Councilman Cittadino:

**(RESOLUTION NO. 303 OF 2018)**

**RESOLVED**, that the New Hartford Town Board does hereby accept the low bid submitted by Kascon, LLC in the amount of \$37,000.00 for the FEMA BUY-BACK

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Program, asbestos remediation phase, for the 6 Woodberry Road single-family residence, and does further authorize and direct the Town Supervisor to issue a Letter of Intent to Award in the amount of \$37,000.00.

The Town Board then voted upon roll call:

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

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

3506 Oneida Street

• Bronze Contracting	-	\$47,875.00
• Midlantic Environmental, Inc.	-	\$97,000.00
• Two Brothers Contracting, Inc.	-	\$81,000.00
• Sullivan Contracting, Inc.	-	\$52,000.00
• Kascon, LLC	-	\$72,000.00

Thereafter, Councilman Messa moved the adoption of the following Resolution; seconded by Councilman Reynolds:

**(RESOLUTION NO. 304 OF 2018)**

**RESOLVED**, that the New Hartford Town Board does hereby accept the low bid submitted by Bronze Contracting in the amount of \$47,875.00 for the FEMA BUY-BACK Program, asbestos remediation phase, for the 3506 Oneida Street single-family residence, and does further authorize and direct the Town Supervisor to issue a Letter of Intent to Award in the amount of \$47,875.00.

The Town Board then voted upon 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**.

3520 Oneida Street

- Bronze Contracting - \$10,300.00
- Midlantic Environmental, Inc. - \$ 9,700.00
- Two Brothers Contracting, Inc. - \$13,000.00
- Sullivan Contracting, Inc. - \$13,700.00
- Kascon, LLC - \$18,000.00

Thereafter, Councilman Reynolds moved the adoption of the following Resolution; seconded by Councilman Cittadino:

**(RESOLUTION NO. 305 OF 2018)**

**RESOLVED**, that the New Hartford Town Board does hereby accept the low bid submitted by Midlantic Environmental, Inc. in the amount of \$9,700.00 for the FEMA BUY-BACK Program, asbestos remediation phase, for the 3520 Oneida Street single-family residence, and does further authorize and direct the Town Supervisor to issue a Letter of Intent to Award in the amount of \$9,700.00.

The Town Board then voted upon 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**.

3528 Oneida Street

- Bronze Contracting - \$46,875.00
- Midlantic Environmental, Inc. - \$68,000.00
- Two Brothers Contracting, Inc. - \$67,000.00
- Sullivan Contracting, Inc. - \$43,000.00
- Kascon, LLC - \$56,000.00

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

**(RESOLUTION NO. 306 OF 2018)**

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**RESOLVED**, that the New Hartford Town Board does hereby accept the low bid submitted by Sullivan Contracting, Inc. in the amount of \$43,000.00 for the FEMA BUY-BACK Program, asbestos remediation phase, for the 3528 Oneida Street single-family residence, and does further authorize and direct the Town Supervisor to issue a Letter of Intent to Award in the amount of \$43,000.00.

The Town Board then voted upon 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**.

3532 Oneida Street

- Bronze Contracting - \$47,875.00
- Midlantic Environmental, Inc. - \$52,000.00
- Two Brothers Contracting, Inc. - \$65,000.00
- Sullivan Contracting, Inc. - \$45,600.00
- Kascon LLC - \$57,000.00

Thereafter, Councilman Messa moved the adoption of the following Resolution; seconded by Councilman Cittadino:

**(RESOLUTION NO. 307 OF 2018)**

**RESOLVED**, that the New Hartford Town Board does hereby accept the low bid submitted by Sullivan Contracting, Inc. in the amount of \$45,600.00 for the FEMA BUY-BACK Program, asbestos remediation phase, for the 3532 Oneida Street single-family residence, and does further authorize and direct the Town Supervisor to issue a Letter of Intent to Award in the amount of \$45,600.00.

The Town Board then voted upon 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**.

3534-3536 Oneida Street

- Bronze Contracting - \$23,600.00
- Two Brothers Contracting, Inc. - \$27,300.00
- Sullivan Contracting, Inc. - \$15,800.00
- Kascon, LLC - \$34,000.00

Thereafter, Councilman Cittadino moved the adoption of the following Resolution; seconded by Councilman Reynolds:

**(RESOLUTION NO. 308 OF 2018)**

**RESOLVED**, that the New Hartford Town Board does hereby accept the low bid submitted by Sullivan Contracting, Inc. in the amount of \$15,800.00 for the FEMA BUY-BACK Program, asbestos remediation phase, for the 3534-3536 Oneida Street three-family residence, and does further authorize and direct the Town Supervisor to issue a Letter of Intent to Award in the amount of 15,800.00.

The Town Board then voted upon 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**.

**Petty Cash – Codes Enforcement Office**

Upon motion of Councilman Reynolds, duly seconded by Councilman Cittadino, the following Resolution was offered for adoption:

**(RESOLUTION NO. 309 OF 2018)**

**RESOLVED**, that the New Hartford Town Board does hereby approve to replenish the Codes Enforcement Office Petty Cash in the amount of \$125.00, with the receipts to substantiate various purchases.

The Resolution was duly put to a vote upon roll call:

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

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

**August 2018 Town Board Meeting(s)**

Supervisor Miscione announced that the next Town Board meeting would be August 15, 2018, not August 1, 2018; the Town Board concurred.

**Audit of Vouchers**

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

**(RESOLUTION NO. 310 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 have been duly audited by the Town Board:

General Fund Whole-Town Abstract #15		
Vouchers AA601-AA606	\$	32,193.10
General Fund Whole-Town Abstract #16		
Vouchers AA607-AA663	\$	53,005.56
General Fund Part-Town Abstract #14		
Vouchers BB102-BB103	\$	65.07
General Fund Part-Town Police Abstract #14		
Vouchers BP131-BP136	\$	42,969.61
General Fund Part-Town Police Abstract #15		
Vouchers BP137-BP143	\$	8,881.30
FEMA – Fed. – Abstract #9		
Vouchers C119	\$	72.34
FEMA – Fed. – Abstract #10		
Vouchers C120-C124	\$	92,047.00
FEMA – State – Abstract #5		
Vouchers C217-C222	\$	112,291.00
FEMA – State – Abstract #6		
Vouchers C223-225	\$	105,975.16
FEMA – State – Abstract #7		
Vouchers C227-C231	\$	81,020.00



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Highway Fund Part-Town Abstract #15	
Vouchers DB457-DB481	\$ 23,091.47
Capital Projects – Grange Hill – Abstract #4	
Vouchers HQ5	\$ 22,760.00
Capital Projects – Parks – Abstract #2	
Vouchers HX5	\$ 65.65
Fire District Abstract #6	
Vouchers SF9-SF10	\$ 38,932.88
Street Light Abstract #7	
Vouchers SL7-018 – SL7-036	\$ 8,257.34
Sewer Fund Abstract #14	
Vouchers SS46-001 – SS46-005	\$ 2,063.70
Sewer Fund Abstract #15	
Vouchers SS47-SS48	\$ 2,528.24
Trust & Agency Fund Abstract #25	
Vouchers TT109-TT112	\$ 12,492.29
Trust & Agency Fund Abstract #26	
Vouchers TT113-TT119	\$ 10,204.29
	<u>          10,204.29</u>
<b>TOTAL:</b>	<b>\$ 648,916.00</b>

A roll call vote was held:

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

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

MATTERS SUBMITTED BY TOWN ATTORNEY

**Flagpole issue**

The Town Board will await the Police Chief's suggestion on the matter of Mark Karam's complaint about the noise which he claims disturbs his sleep.

**Pagano – tree complaint**

The Town Board believed that Mr. Pagano's complaint of a neighbor's tree is a civil matter that should be handled between the two Washington Drive property owners.

ADJOURNMENT

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There being no further business to come before the Board, upon motion of Councilman Reynolds and seconded by Councilman Messa, the meeting was adjourned at 8:09 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk