

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT 8635 CLINTON STREET, NEW HARTFORD, NY
ON WEDNESDAY, JANUARY 16, 2019, AT 6:00 P.M.**

TOWN BOARD MEMBERS PRESENT:

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

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT

Deputy Supervisor Anthony Trevisani
Human Resource Office Barbara Schwenzfeier
Town Attorney Herbert J. Cully
Town Clerk Gail Wolanin Young
Town Police Chief Michael S. Inserra
Deputy Clerk Allison K. Adams

PRESENTATIONS / COMMENTS

Town Insurance Policies

William Cole of Gates-Cole Insurance discussed the crime policy for storage tanks and provided a six (6) month review/summary of items added and deleted from the Town policies. Gates-Cole was able to obtain a three (3) year rate lock. Also, since there were no Town offices in Butler Memorial Hall, 48 Genesee Street, New Hartford, effective December 31, 2018, all coverage was deleted for that location. Coverage was added, however, for the Town's new location at 8635 Clinton Street, New Hartford, New York.

Upon motion of Councilman Woodland and seconded by Councilman Lenart, the following Resolution was offered for adoption:

(RESOLUTION NO. 14 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby appoint Am WINS Brokerage of NY & Gates Cole, Inc. as exclusive Broker of Record for the Town of New Hartford, New York.

A roll call vote ensued:

| | | |
|---------------------|---|------|
| Councilman Messa | - | Aye |
| Councilman Lenart | - | Aye |
| Councilman Reynolds | - | Aye |
| Councilman Woodland | - | Aye |
| Supervisor Miscione | - | Aye. |

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

Fuel Tank Storage Coverage

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

(RESOLUTION NO. 15 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby authorize the purchase of fuel storage tank liability coverage.

A roll call vote ensued:

| | | |
|---------------------|---|------|
| Councilman Messa | - | Aye |
| Councilman Lenart | - | Aye |
| Councilman Reynolds | - | Aye |
| Councilman Woodland | - | Aye |
| Supervisor Miscione | - | Aye. |

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

Excess Employer's Liability Insurance

Upon motion of Councilman Woodland and seconded by Councilman Lenart, the following Resolution was offered for adoption:

(RESOLUTION NO. 16 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby authorize Town Supervisor Miscione to enter into and to execute Specific Excess Employer's Liability Insurance, for self-insured municipal entities (Oneida County); limited to \$1,000,000.00..

A roll call vote ensued:

| | | |
|---------------------|---|------|
| Councilman Messa | - | Aye |
| Councilman Lenart | - | Aye |
| Councilman Reynolds | - | Aye |
| Councilman Woodland | - | Aye |
| Supervisor Miscione | - | Aye. |

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

Parks & Recreation Commission Update

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Sleigh Rides in Sherrillbrook Park

Daniel Trevisani, the Parks and Recreation Commission Chairman outlined the Commission's proposal for sleigh rides in the Sherrillbrook Park on Saturday, February 23, 2019, He suggested that a budget of \$1200 for this event would cover the rental of two sleighs (Scott Case), Utica Zoo (animals and characters), hot chocolate and marshmallows, supplies (cups/napkins/stirrers), printing flyers, and miscellaneous (unanticipated) costs. He assured the Town Attorney that the event would be covered by insurance.

Councilman Lenart moved the adoption of the following Resolution, which was duly seconded by Councilman Reynolds:

(RESOLUTION NO. 17 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby approve the sleigh ride event to be sponsored by the Parks and Recreation Commission, on Saturday, February 23, 2019, in Sherrillbrook Park, and does further establish the funding for said public event.

A roll call vote ensued:

| | | |
|---------------------|---|------|
| Councilman Messa | - | Aye |
| Councilman Lenart | - | Aye |
| Councilman Reynolds | - | Aye |
| Councilman Woodland | - | Aye |
| Supervisor Miscione | - | Aye. |

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

Commission Chairman Trevisani stated the Commission is looking for other events for the community, such as an environmental day for high school students.

Flooding Condition

Mathew Galliher of 15 Caryl Boulevard, and Linda Oyer of 13 Caryl Boulevard showed photographs of their properties and the flooding results from whenever there is heavy rain. After discussion with Board members, it was agreed that Town Supervisor Miscione would make an on-site visit on Monday, January 21, 2019.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE

Town Clerk Committee

Certificate of Designation – NYS Association of Towns

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

(RESOLUTION NO. 18 OF 2019)

RESOLVED, that the Town Board of the Town of New Hartford does hereby designate Town Supervisor Paul A. Miscione as the Voting Delegate to attend the Annual Business Session of the Association of Towns of the State of New York to be held on February 20, 2019, in the New York Marriott Marquis, 1535 Broadway, NYS, NY 10036 and to cast the vote of the aforesaid town, pursuant to Section 6 of Article III of the Constitution and Bylaws of said Association. In the absence of the Town Supervisor, Councilman Richard B. Woodland, Jr. is hereby designated to cast the vote of said Town.

A roll call vote ensued:

| | | |
|---------------------|---|------|
| Councilman Messa | - | Aye |
| Councilman Lenart | - | Aye |
| Councilman Reynolds | - | Aye |
| Councilman Woodland | - | Aye |
| Supervisor Miscione | - | Aye. |

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

Standard Work Day Resolution (Retirement) – RS2417-A

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

(RESOLUTION NO. 19 OF 2019)

BE IT RESOLVED, that the Town of New Hartford, Location Code 30071, hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on their record of activities (ROA)S;

| Title | Name | Standard work day | SSN | Reg No. | Current Term | ROA Results |
|-----------------------|-------------------|-------------------|------|----------|---------------------|-------------|
| Town Councilman | James Mess | 6 | 4552 | 43522143 | 1/1/2018-12/31/2021 | 7.39 |
| Finance Director | Daniel Dreimiller | 6 | 3021 | 50321306 | 1/1/2019-12/31/2019 | 15.24 |
| Planning Board Member | Julius Fuks | 6 | 9146 | 35779404 | 1/7/2011-12/31/2017 | 1.14 |

| <u>STOP SIGN ON</u> | <u>DIRECTION OF TRAVEL</u> | <u>AT INTERSECTION OF</u> |
|---------------------|----------------------------|---------------------------|
| Liberty Avenue | East | Coxe Avenue |
| Liberty Avenue | West | Coxe Avenue |

SECTION 2. All other provisions of Chapter 113 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 3. This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State.

The following Resolution was offered for adoption by Councilman Lenart and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 20 OF 2019)

RESOLVED, that the Town Board does hereby schedule a Public Hearing to commence at 6:00 P.M., or as soon thereafter as reached in the regular course of business, on Wednesday, February 6, 2019 to consider the adoption of Local Law Introductory "A" of 2019, which if adopted would amend the Vehicle and Traffic Law and add additional stop signs at the intersection of Liberty Ave and Coxe Ave.

Thereafter, a roll call vote was held:

| | | |
|---------------------|---|------|
| Councilman Messa | - | Aye |
| Councilman Lenart | - | Aye |
| Councilman Reynolds | - | Aye |
| Councilman Woodland | - | Aye |
| Supervisor Miscione | - | Aye. |

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

Councilman Reynolds:

Action on the DWI Selective Enforcement Patrol Agreement was postponed until the next Town Board meeting so that the Police Chief could review the Agreement with Oneida County.

Senior Advisory Committee

Upon motion offered for adoption by Councilman Reynolds; duly seconded by Councilman Lenart:

(RESOLUTION NO. 21 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby appoint the following persons as members of the Senior Advisory Committee for the calendar year 2019:

- Joseph Pintar, New Hartford Senior Center
- Kathy Contino, Masonic Home
- Linda Avolio, Masonic Home
- Mary Welch, Manager Oxford Town Apartments
- Rev. Carol Jubenville, Director Sunset Wood Apts, Pastor Methodist Church
- Eileen Spellman, New Hartford Senior Center Coordinator
- Samantha White, Outreach Worker, Oneida County OFA
- David M. Reynolds, 3rd Ward Councilman
- Richard M. Lenart, 2nd Ward Councilman
- Marlene Little, New Hartford Senior Center
- Charlene Lojewski, New Hartford Senior Center
- Katherine Brown, New York Mills Seniors Director
- Robert Hook, New Hartford Senior Center
- Dan Williams, New Hartford Senior Center
- John Marafioti, New Hartford Center Center
- Mary Ellen Lazarek, Meadows Seniors Representative
- James Friedel, Friedel/Williams Funeral Home
- Breanna Colella, Community Wellness Partners
- Jim Nolan, Brookdale
- Kelli Hickey, Heritage Health Care Center
- Peter Logue, Town of New Hartford resident

A roll call vote was held, resulting as follows:

| | | |
|---------------------|---|------|
| Councilman Messa | - | Aye |
| Councilman Lenart | - | Aye |
| Councilman Reynolds | - | Aye |
| Councilman Woodland | - | Aye |
| Supervisor Miscione | - | Aye. |

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

Stormwater Easement – Stephen L. Pearce and Stephen L. Pearce Family Land Trust

A potential stormwater easement form was circulated which might help alleviate stormwater run-off in the Foxcroft Road area. No action was taken at this time.

Planning Board and Zoning Board of Appeals vacancies

Margaret (Peg) Rotton's term as Planning Board Member expired December 31, 2018, and she has chosen not to be re-appointed.

Byron Elias' term as member of the Zoning Board of Appeals expired June 9, 2018, and he has been working as a "hold over".

Town Supervisor Miscione designated Deputy Supervisor Anthony Trevisani to contact each Department to determine employees/officials whose terms of office will expire so that the Town Clerk can post such vacancies on the Town Clerk's Bulletin Board, the Town's website, and possibly the Observer Dispatch.

Replenish Petty Cash

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

(RESOLUTION NO. 22 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby approve that the Highway Department Petty Cash be replenished in the amount of \$269.89.

A roll call was held:

| | | |
|---------------------|---|------|
| Councilman Messa | - | Aye |
| Councilman Lenart | - | Aye |
| Councilman Reynolds | - | Aye |
| Councilman Woodland | - | Aye |
| Supervisor Miscione | - | Aye. |

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

The following Resolution was offered for adoption by Councilman Woodland and seconded by Councilman Messa:

(RESOLUTION NO. 23 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby approve that the Finance Department Petty Cash be replenished in the amount of \$34.85.

A roll call was held:

| | | |
|------------------|---|-----|
| Councilman Messa | - | Aye |
|------------------|---|-----|

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

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

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

(RESOLUTION NO. 24 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby approve that the Police Department Petty Cash be replenished in the amount of \$229.44.

A roll call was held:

| | | |
|---------------------|---|------|
| Councilman Messa | - | Aye |
| Councilman Lenart | - | Aye |
| Councilman Reynolds | - | Aye |
| Councilman Woodland | - | Aye |
| Supervisor Miscione | - | Aye. |

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

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

(RESOLUTION NO. 25 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby approve that the Town Clerk's Office Petty Cash be replenished in the amount of \$80.87.

A roll call was held:

| | | |
|---------------------|---|------|
| Councilman Messa | - | Aye |
| Councilman Lenart | - | Aye |
| Councilman Reynolds | - | Aye |
| Councilman Woodland | - | Aye |
| Supervisor Miscione | - | Aye. |

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

MATTERS SUBMITTED BY TOWN SUPERVISOR

Common Law Whitehall Doctrine & Doctrine of incompatibility for Parks Director

The Town Supervisor stated that Town Attorney Herbert Cully researched the Whitehall Doctrine, a case in 1923 where a town board appointed an elected official to a part-time position -- whether there was a possible conflict between the two positions.

The proper way to do this would be through a local law and public hearing, where the public would be served and have a voice whether elected Town Supervisor Paul Miscione, could legally also serve as appointed Parks Director. Councilman Messa clarified that Supervisor Miscione was appointed as “acting” Parks Director. Supervisor Miscione said his service is “..free; it’s a voluntary thing” and he wants closure on it. Am I running the parks, or not, he asked. Councilman Reynolds said the Board is just trying to clarify some issues, including union park employees.

Councilman Lenart then introduced the following legislation for the Town Board’s consideration at a future Town Board meeting; co-sponsored by Councilman Woodland:

**Town of New Hartford, New York
Local Law Introductory “B” of 2019**

A local Law to supersede the Whitehall Doctrine

Be it enacted by the Town Board of the Town of New Hartford as follows:

Section I.

Title. A local law to supersede the common law Whitehall Doctrine and Doctrine of Incompatibility.

Section II.

Background.

Whitehall Doctrine: Pursuant to the common law doctrine established in Wood vs Town of Whitehall, it is the general rule that a body having the power of appointment may not appoint one of its own members in the absence of precise statutory authority so to do (Mac rum vs. Hawkins, 141 Misc. 358, affd. 235 App. Div. 370, rev. on other grounds, 261 N.Y. 193, rearg. Den. 261 N.Y. 691; Wood vs. Town of Whitehall, 120 Misc. 124, affd. 206 App. Div. 786).

Doctrine of Incompatibility: The common law doctrine of incompatibility declares to be incompatible any two public offices in which there exists an inconsistency of function or

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where the basic duties of each office would necessarily interfere with the other, or where the holder of one would be required to account or to be subordinate in some way to the other (*People ex rel Ryan vs. Green*, 58 NY 295; *Corsall vs. Gover*, 10 misc. 2d. 664, 174 NYS 2d 62; 1979 N.Y. Op. Atty. Gen. (Inf.) 231).

The Attorney General's Office has, however, opined that upon a finding that the public interest would be served, a local legislative body may enact a local law overcoming incompatibility of office and Whitehall doctrine. Incompatibility and the Whitehall doctrine are court-made rule of law based upon public policy concerns. We (Attorney General's Office) have expressed the opinion that these doctrines can be overcome by local law (1983 Op Atty Gen [Inf] 157; 1960 Op Atty Gen [Inf] 198). A local government is authorized to adopt and amend local laws, consistent with the Constitution and general State law, relation to the powers, duties and qualifications of its officers and employees (Municipal Home Rule Law, Section 10[1] [ii] [a] [1]). Provided there is a finding by the local legislative body that such a local law would be in the overall public interest, it could enact a local law overcoming the Whitehall doctrine and incompatibility (1983 Op. Atty. Gen [Inf] 157). We [Attorney's General's Office] must emphasize, however, that the local legislative body, based upon local conditions, must first find that the overall public interest would be served by the local law. (1987 N.Y. Op. Atty. Gen. (Int.) 109).

Section III.

Authority. This local law is adopted pursuant to Municipal Home Rule Law, Section 10 [1] [11] [a] [1], which grants to local governments the authority to enact local laws regarding the qualifications of local officers.

Section IV.

Finding of Public Interest. The Town Board of the Town of New Hartford hereby finds that the public interest would be served in that:

- The Town Supervisor has an interest in developing and maintaining the Town Parks which he has expressed over past years as a councilperson and supervisor.
- The Town Board believes the Town Supervisor is a good choice to fill the position of Parks Director.
- The Town Supervisor has a strong background in engineering.
- The Town Supervisor has become familiar with the day to day operation of the parks.
- The Town supervisor has a construction background which will be valuable in upcoming projects and has demonstrated said ability in supervising projects to upgrade the Parks and construct pavilions.

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-The Town Supervisor will answer to the Town Board on all issues with the Parks.

-The Town Supervisor and Town Board have the same goals providing beautiful parks for Town residents.

-The Town Board does not want the Town Supervisor to resign from his elected position.

-The Town of New Hartford does not have the financial ability to pay a Parks Director the substantial salary and benefits which would be required.

-The Town Supervisor has offered to act as Parks Director on a voluntary basis without salary.

-The public interest would be served by superseding the Whitehall Doctrine and the Doctrine of Incompatibility with respect to the Town Supervisor acting as Parks Director due to the fact that the Supervisor has the knowledge and background and qualifications to perform the position and would serve for minimal or no salary, thus saving Town Taxpayers substantial monies.

Section V.

Supersession. This local law shall supersede the common law doctrine of Incompatibility and the common law Whitehall Doctrine with respect to the offices of TOWN SUPERVISOR and PARKS DIRECTOR.

Section VI.

Inconsistency. All other local laws and ordinances of the Town of New Hartford are inconsistent with the provisions of this local law are hereby repealed; provided however, that such repeal shall only be to the extent of such inconsistency and in all other respects this local law shall be in addition to such other local laws or ordinances regulating and governing the subject matter covered by this local law.

Section VII.

Savings Clause. If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court or competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation of the clause, sentence, paragraph, worked section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section VIII.

Effective Date. This law shall become effective on filing with the Secretary of State.

Local Law Introductory “B” of 2019; Public Hearing scheduled

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

(RESOLUTION NO. 26 OF 2019)

RESOLVED that the Town Board does hereby schedule a Public Hearing on Local Law Introductory “B” of 2019, at 6:00 P.M. on February 6, 2019, in the new Town Hall, 8635 Clinton Street, New Hartford, NY, and does hereby authorize the Town Clerk to publish the legal requisite notice of public hearing.

Upon roll call, the Board members voted as follows:

| | | |
|---------------------|---|------|
| Councilman Messa | - | Aye |
| Councilman Lenart | - | Aye |
| Councilman Reynolds | - | Aye |
| Councilman Woodland | - | Aye |
| Supervisor Miscione | - | Aye. |

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

Park Fees – Type of payment

After some discussion about changing the types of payment for various park fees, the following Resolution was introduced for adoption by Councilman Reynolds and duly seconded by Councilman Messa:

(RESOLUTION NO. 27 OF 2019)

RESOLVED, that, effective immediately, the Town of New Hartford will no longer accept cash payments for parks’ functions such as the 6-week summer recreation programs, for gazebo and pavilion rentals, and the dog park. Instead, payment can be made by check, credit/debt card through the Town’s website www.townofnewhartfordny.gov

The Board members voted as follows:

| | | |
|---------------------|---|------|
| Councilman Messa | - | Aye |
| Councilman Lenart | - | Aye |
| Councilman Reynolds | - | Aye |
| Councilman Woodland | - | Aye |
| Supervisor Miscione | - | Aye. |

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

Credit Application – Printer for Police Department

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

(RESOLUTION NO. 28 OF 2019)

RESOLVED that the New Hartford Town Board does hereby approve the credit application for the Police station printer in the amount of \$241.00.

The Board was polled and voted as follows:

| | | |
|---------------------|---|------|
| Councilman Messa | - | Aye |
| Councilman Lenart | - | Aye |
| Councilman Reynolds | - | Aye |
| Councilman Woodland | - | Aye |
| Supervisor Miscione | - | Aye. |

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

Service Contract Agreement - 2019

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

(RESOLUTION NO. 29 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby authorize the Town Supervisor to enter into and to execute a one-year Service Contract Agreement – Parts and Labor, with General Security, 1522 Genesee Street, Utica, New York, for service at the Donovan Memorial Park, 9400 Elm Street, Chadwicks, NY, 13319, for calendar year 2019. The cost is \$180.00 per month

A roll call vote ensued:

| | | |
|---------------------|---|------|
| Councilman Messa | - | Aye |
| Councilman Lenart | - | Aye |
| Councilman Reynolds | - | Aye |
| Councilman Woodland | - | Aye |
| Supervisor Miscione | - | Aye. |

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

Security at Donovan Memorial Park - 2019

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

(RESOLUTION NO. 30 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby authorize the Town Supervisor to enter into and to execute a one-year Security Agreement (monitoring and burglary) with General Security, 1522 Genesee Street, Utica, New York, for service at the Donovan Memorial Park, 9400 Elm Street, Chadwicks, NY, 13319, for calendar year 2019. The cost is \$455.40 monthly.

A roll call vote ensued:

| | | |
|---------------------|---|------|
| Councilman Messa | - | Aye |
| Councilman Lenart | - | Aye |
| Councilman Reynolds | - | Aye |
| Councilman Woodland | - | Aye |
| Supervisor Miscione | - | Aye. |

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

Bonds

The Town Supervisor and the Director of Finance are looking into converting all BAN's to bonds by March 7, 2019. Discussion ensued.

Land acquisition

The Town Supervisor initiated a discussion on acquiring the property next to the new Town Hall at 8635 Clinton Street, and including the purchase in the proposed bond conversion. Discussion included with whom Supervisor Miscione negotiated, an appraisal that had been solicited from Frank Donato, etc. Councilman Reynolds pointed out that "...if you're in negotiations, you need to go into Executive Session."

Appointments – Parks and Recreation Commission

Upon motion of Councilman Reynolds and seconded by Councilman Lenart, the following Resolution was presented for adoption:

(RESOLUTION NO. 31 OF 2019)

WHEREAS, the one-year term of office of Victor Fariello, Jr. as a member of the Parks and Recreation Commission has expired on December 31, 2018;

BE IT RESOLVED, that the New Hartford Town Board does hereby re-appoint Victor Fariello, Jr., as a member of the Parks and Recreation Commission for a five-year term of office beginning January 1, 2019 and ending December 31, 2023.

The Resolution was voted on as follows:

| | | |
|---------------------|---|------|
| Councilman Messa | - | Aye |
| Councilman Lenart | - | Aye |
| Councilman Reynolds | - | Aye |
| Councilman Woodland | - | Aye |
| Supervisor Miscione | - | Aye. |

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

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

(RESOLUTION NO. 32 OF 2019)

WHEREAS, members “6” and “7” on the Parks and Recreation Commission have not been appointed and those positions remain vacant;

BE IT RESOLVED, that the New Hartford Town Board does hereby appoint Scott Kurdziolek to the member “6” position and does further appoint Peter Falzarine to the member “7” position on the Parks and Recreation Commission, effective January 1, 2019 and ending December 31, 2023 and December 3, 2024, respectively.

The Resolution was voted on as follows:

| | | |
|---------------------|---|------|
| Councilman Messa | - | Aye |
| Councilman Lenart | - | Aye |
| Councilman Reynolds | - | Aye |
| Councilman Woodland | - | Aye |
| Supervisor Miscione | - | Aye. |

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

Copier Purchase

Supervisor Miscione confirmed the need for an additional photocopier that all employees could use. The following Resolution was offered for adoption by Councilman Reynolds and seconded by Councilman Messa:

(RESOLUTION NO. 33 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby authorize the purchase of two (2) Lanier MP4055- (photocopier/printer/scanner/fax) on State Contract PCL66612 in the amount of \$4,895.00 each, from Arlott Office Products.

A roll call vote was duly held:

| | | |
|---------------------|---|------|
| Councilman Messa | - | Aye |
| Councilman Lenart | - | Aye |
| Councilman Reynolds | - | Aye |
| Councilman Woodland | - | Aye |
| Supervisor Miscione | - | Aye. |

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

Financial History – new Town Hall; Appointment of Project Manager

Supervisor Miscione put together the “Bible” of the new Town Hall and presented same for the Town Board’s review. Said document includes the following:

- Total budget for new building
- Total Construction price
- Total building acquisition and furniture
- Total acquisition and construction
- Total IT project

The Town Supervisor stated that the spreadsheet, which will be update from time to time, is always in his office if anyone wants to see it. Phase 1 of the project is the Town Hall, Phase 2 is the Court, and Phase 3 is the Police Department.

Discussion ensued about day-to-day project manager expenses, and what could occur after the architectural firm is no longer responsible (such as receiving an unexpected tax bill). Based upon the Town Attorney’s research and that the Town Supervisor has been performing day-to-day duties on the new Town Hall, the following Resolution was prepared by the Town Attorney, presented for adoption by Councilman Woodland and duly seconded by Councilman Lenart:

(RESOLUTION NO. 34 OF 2019)

WHEREAS, the Town of New Hartford has acquired the former Gander Mountain Building and commenced its renovations to be used as a Town Municipal Building, and

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WHEREAS, Town Supervisor Paul Miscione had a background in construction and engineering, and

WHEREAS, Town Supervisor Paul Miscione, based upon his knowledge and experience and as a cost saving measure, has taken an active role in said project and with the knowledge and consent of the Town Board, has been acting as the Project Manager; and

WHEREAS, the Town Board wishes to reaffirm and appoint Town Supervisor Paul Miscione as Project Manager; it is

RESOLVED, the Town Supervisor Paul Miscione be, and he hereby is designated as the Project Manager for the construction of the Town Municipal Building at the former Gander Mountain, and that his prior actions in said capacity are affirmed; and it is further

RESOLVED, that as Project Manager, Town Supervisor Paul Miscione is authorized to approve change orders in an amount of less than \$20,000.00 so long as they are brought to the Town Board at its next meeting; it is further

RESOLVED, that as Project Manager, Town Supervisor Paul Miscione is authorized to run the day-to-day management of the project and supervise and coordinate all contractors and report the progress to the Town Board at each meeting to include all completion and budgetary information; and it is further

RESOLVED, that Town Supervisor Paul Miscione be, and he hereby is, authorized to approve all field and design changes; and it is further

RESOLVED, that Town Supervisor Paul Miscione shall be required to obtain Town Board approval with regard to any expenditures in excess of \$20,000.00 subject to the competitive bidding requirements ; and it is further

RESOLVED, that Town Supervisor Paul Miscione shall not be entitled to financial compensation for his services as Project Manager.

The Board members were polled and voted as follows:

| | | |
|---------------------|---|------|
| Councilman Messa | - | Aye |
| Councilman Lenart | - | Aye |
| Councilman Reynolds | - | Aye |
| Councilman Woodland | - | Aye |
| Supervisor Miscione | - | Aye. |

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

Approve Phase 1 Budget; new Town Hall

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

(RESOLUTION NO. 35 OF 2019)

RESOLVED that the New Hartford Town Board, having held discussion on change orders and purchases with up-to-date summary for Phase 1 of the new Town Hall as of January 16, 2019, does hereby approve the same.

The Resolution was subject to a roll call vote which resulted as follows:

| | | |
|---------------------|---|------|
| Councilman Messa | - | Aye |
| Councilman Lenart | - | Aye |
| Councilman Reynolds | - | Aye |
| Councilman Woodland | - | Aye |
| Supervisor Miscione | - | Aye. |

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

Envirothon activity – Sherrillbrook Park

Supervisor Miscione briefed the Town Board about a proposed activity for the Sherrillbrook Park, after which Councilman Reynolds offered the following Resolution for adoption; seconded by Councilman Messa:

(RESOLUTION NO. 36 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby approve an Envirothon activity to be conducted by the Oneida County Soil and Water Conservation agency in Sherrillbrook Park (Farmer Market pavilions and bathrooms) on May 1, 2019; said event is for students in grades 9 through 12.

Town Attorney Cully stated that the Soil and Water agency would need to provide insurance for this event. Thereafter, the Board members voted as follows:

| | | |
|---------------------|---|------|
| Councilman Messa | - | Aye |
| Councilman Lenart | - | Aye |
| Councilman Reynolds | - | Aye |
| Councilman Woodland | - | Aye |
| Supervisor Miscione | - | Aye. |

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

Temporary Wine/Craft Beer – Food Festival

The Town Supervisor had been contacted by Gina Scampone, representing the CNY Food Festival which is interested in coming to the Town of New Hartford the weekend of May 31 and June 1, 2019. The Food Festival would involve a temporary Wine/Craft Beer permit for both days and this would be a one-time event. The Town Attorney will look into this matter as the Town's Local Law prohibits alcoholic beverages.

Declaration of Surplus IT Equipment – Authorization to Sell

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

(RESOLUTION NO. 37 OF 2019)

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

(ToNH #) 000247- Dell Computer Tower
(ToNH #) 000213- Optiplex 330 – Computer Tower
700815-000 Dell Monitor
1704FPT+ Dell Flatpanel monitor
7A1419D17590 – APC Smart Ups X Series Quick Start
CN818ZPIZO – Pro Curve Networking
CN-ODJ454-71581- Dell Keyboard
CN-ODJ331-71616-71E-0BH9 – Dell Keyboard
CN-ORH659-73571-82K-070F – Dell Keyboard
CN- OW765837172-62L-06MU - Dell Keyboard
CN- 04N454-37172-3A9-1771 – Dell Keyboard
CN-04N454-37172-3A9-1665 - Dell Keyboard
CN- OJ4624-37172-489-0557 – Dell Keyboard
CN- OJ4628-71616-627-07MB – Dell Keyboard
70045-574-019-327 – Dell Tower
70045-574-019-327 – Dell Tower
80045-470-315-078 – Dell Tower
02K0136L211 – DVD/CD Drive
(ToNH #) 000192 – Dell Tower
CN- 07TKK5 – 72872- ICL – H9HI – Dell Monitor
SN – C6CM21E8A6 – iomega zip drive
SN – 0009933 – Texas Instrument Calculator
IC032732 – Sharp Calculator
BBV1103001336 – CNET Port Switch

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(No Number) PAYMASTER CHECK WRITER
AS0541233497-APC.Com- Smart – UPS 1500
80045-522-275-171 – Dell Tower
QS9936321384 – APC Tower
(ToNH #) 000220 – Dell Tower
8QR7J61 – Dell Tower
CN- SA3648343 – Fantom Drive
SN – 23ZFB96 – HP Printer
23ZB077 – IBM Harddrive
2050569 – IBM Keyboard
0184647 – IMB Keyboard
23ZFB96 – IBM Hardware
CN – OM1619 – 64180- 3AR-1QGC – Dell Monitor
3YKBMC1 – Dell Tower
23-DYWY7 – IBM Desktop Monitor
SNi10I1DIU – IBM Monitor
CN-OY4413-72201-48V-12VY – Dell Monitor
CN- OC5369-64180-47N-2SXH – Dell Monitor
CN- OM1619-64180-3A9-1Q9C – Dell Monitor
CN- OUH572-46633-71M-818S – Dell Monitor (without stand)
D4CJ2B1 – Dell Tower
8CNXX51 – Dell Tower
4300-C400A – Acer Tower
BW – 692H – Benwin Multimedia Speakers
SN: MO 4L91111A Centrecom speed hub
SG408NV3D1 – HP Pro Curve
42-D8164 – Options Modem
SN: SCMSF – 1007639 – Nortel Networks
LOAG323oC – Allied Ethernet Switch
2 Standard Glare Filters 16 inch (Fellows Brand)
USHG021475 – HP LaserJet 1100
USDG043725 – HP LaserJet 8000 with cabinet
CN – OM1619-64180-3AR-aQQC – Dell Monitor
SN: KF01118 – BGC Binding System
SN: 10-0000635 – EBM Computer Server
SN: 10-97120083 – Apollo Projector
MN: AE-800 – Nakajuma Typewriter
BW-692H – Multimedia Speakers
SN: MY8B2680KB – HP OfficeJet K5400 Printer
NNTM60G9GLC5 – Nortel Network Phone
NNTM60GB9WB4 – Nortel Network Phone
SN: MX01D1S039 – HP DeskJet 895CXI

SN: MY4CF4R24 – HP DeskJet 6540

And be it

FURTHER RESOLVED that the aforesaid equipment shall be placed for sale on Auctions International and once sold, the Town Clerk’s office shall be notified and shall arrange to terminate insurance coverage on said equipment.

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

| | | |
|---------------------|---|------|
| Councilman Messa | - | Aye |
| Councilman Lenart | - | Aye |
| Councilman Reynolds | - | Aye |
| Councilman Woodland | - | Aye |
| Supervisor Miscione | - | Aye. |

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

Declaration of Surplus Excavator – Authorization to Sell

Upon request of the Highway Superintendent, the following Resolution was offered for adoption by Councilman Reynolds and duly seconded by Councilman Woodland:

(RESOLUTION NO. 38 OF 2019)

RESOLVED that the Town Board of the Town of New Hartford does hereby declare as surplus one (1) 2018 Caterpillar 308E Mini Hydraulic Excavator, VIN CAT0308EVFJX10045;

And be it

FURTHER RESOLVED that the aforesaid Excavator shall be placed for sale on Auctions International and once sold, the Town Clerk’s office shall be notified and shall arrange to terminate insurance coverage on said Excavator, unless the Highway Superintendent decides to keep said Excavator in the Town’s fleet.

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

| | | |
|---------------------|---|------|
| Councilman Messa | - | Aye |
| Councilman Lenart | - | Aye |
| Councilman Reynolds | - | Aye |
| Councilman Woodland | - | Aye |
| Supervisor Miscione | - | Aye. |

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

Town and County taxes for FEMA properties

The Town Supervisor apprised the Board members that the Town had received the 2019 Town and County tax bills for the numerous FEMA properties now owned by the Town since the houses had been demolished (Oneida Street, Woodberry Road, Henderson Street). He had not budgeted this expense and doesn't have the funds to pay the tax bills. The Town Attorney noted that the taxable status date for ownership is March 1 each year and that the Town took ownership of the properties after March 1, 2018 and is therefore responsible for paying the bills which total about \$20,000.00. The Town Attorney will review this matter and report his findings.

New Town Hall – future Change Orders

With regard to the ceiling at the front entrance to be used by Court/Police business, the Town Supervisor is looking to review and have a Change Order for a drop ceiling with decorative tiles, along with the drop in the sprinkler system at that location for a better appearance. The cost associated with the sprinkler system change is \$15,577.50 while approximately \$4,756 would be for the tiles. He stated that anytime there is a drop ceiling, there must be a sprinkler system above and below "it's a code thing." Thereafter, Councilman Woodland offered the following Resolution for adoption; seconded by Councilman Messa:

(RESOLUTION NO. 39 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby approve a Change Order for the Police/Court entrance to the new Town Hall, involving a drop ceiling with decorative tile and the required sprinkler system above and below the drop ceiling.

Supervisor Miscione stated that this Change Order will be on next month's report. A roll call vote was duly held as follows:

| | | |
|---------------------|---|------|
| Councilman Messa | - | Aye |
| Councilman Lenart | - | Aye |
| Councilman Reynolds | - | Aye |
| Councilman Woodland | - | Aye |
| Supervisor Miscione | - | Aye. |

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

Electrical Contractor – new Town Hall

After a brief rundown of no lights outside, the following Resolution was introduced for adoption by Councilman Reynolds and duly seconded by Councilman Messa:

(RESOLUTION NO. 40 OF 2019)

WHEREAS, the Plumbing Contractor for the new Town Hall had hired a subcontractor to perform some electrical work; and

WHEREAS, said subcontractor admitted that he mistakenly cut the concrete in three (3) places, which severed power to the parking lot lights; and

WHEREAS, it will cost \$8,120 to re-install the conduit to the lights in the parking lot;

BE IT RESOLVED, that the Town Supervisor be authorized to approve a Change Order in the above-referenced amount, said work to be performed by Knapp Electric.

Supervisor Miscione assured the Town Board that he would follow up to ensure that the Town gets reimbursed for this work. Thereafter, the Board voted as follows:

| | | |
|---------------------|---|------|
| Councilman Messa | - | Aye |
| Councilman Lenart | - | Aye |
| Councilman Reynolds | - | Aye |
| Councilman Woodland | - | Aye |
| Supervisor Miscione | - | Aye. |

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

Charging Station for Electric Cars

The Town Supervisor stated that he had information with regard to the charging stations for electric vehicles and that the NYS Dept. of Environmental Conservation requires the Town to bid for this project. Councilman Reynolds moved the adoption of the following Resolution; seconded by Councilman Woodland:

(RESOLUTION NO. 41 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby authorize the Town Supervisor to advertise for labor only as same relates to the six (6) charging stations for electric vehicles, and that he be further authorized to seek RFP's (Requests For Proposal) for equipment related to the same project adjacent to the new Town Hall.

The Town Supervisor stated he doesn't know how to do this, but will put specifications together and give them to the Town Clerk. A roll call vote ensued:

| | | |
|-------------------|---|-----|
| Councilman Messa | - | Aye |
| Councilman Lenart | - | Aye |

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

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

Court Furniture – new Town Hall

The Town Supervisor reported that, through an ARGO grant, Oneida County approved \$100,000 for the Town of New Hartford to purchase new court furniture; however, Oneida County only budgeted \$50,000. After discussion about the short-fall, Councilman Woodland moved the adoption of the following Resolution, seconded by Councilman Lenart:

(RESOLUTION NO. 42 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby authorize the Town Supervisor to order new court furniture which is required to be in compliance with justice court specifications, and at a cost not to exceed \$68,585.69.

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

| | | |
|---------------------|---|------|
| Councilman Messa | - | Aye |
| Councilman Lenart | - | Aye |
| Councilman Reynolds | - | Aye |
| Councilman Woodland | - | Aye |
| Supervisor Miscione | - | Aye. |

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

Miscellaneous

Discussion then ensued on the following matters:

- *Online payroll stubs for time/cost savings (no action)*
- *Electronic BINGO games for seniors in the new Town Hall earmarked to begin in March 2019 on Thursday mornings*
- *Naming the new Town Hall, or possibly naming the Board Room instead; resume talks at next Town Board meeting*
- *Replacing/Updating the chiller at the Recreation Center' Quote from Power Authority \$389,337 includes interest rate of 4.5% and extra costs such as asbestos abatement; worst case scenario. Town Supervisor to find out more information.*

EXECUTIVE SESSION

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

(RESOLUTION NO. 43 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss acquisition of land and to discuss litigation that relates to 9546 Chapman Road.

A roll call vote ensued:

| | | |
|---------------------|---|------|
| Councilman Messa | - | Aye |
| Councilman Lenart | - | Aye |
| Councilman Reynolds | - | Aye |
| Councilman Woodland | - | Aye |
| Supervisor Miscione | - | Aye. |

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**. All persons present, including the news media, were then excused from the meeting at 8:44 P.M.

[NOTE: The Town Attorney provided the following transcription on January 17, 2019.]

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 44 OF 2019)

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

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

| | | |
|---------------------|---|------|
| Councilman Messa | - | Aye |
| Councilman Lenart | - | Aye |
| Councilman Reynolds | - | Aye |
| Councilman Woodland | - | Aye |
| Supervisor Miscione | - | Aye. |

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The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 9:05 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public re-invited to the meeting.

Audit of Vouchers

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

(RESOLUTION NO. 45 OF 2019)

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:

| <u>Abstract No.</u> | <u>Fund</u> | <u>Amount</u> |
|-------------------------|-------------------|-----------------------|
| BAS 1 | General Wholetown | \$39,378.67 |
| BAS 2 | General Wholetown | \$75.95 |
| 1 | General Wholetown | \$8,256.21 |
| 2 | General Wholetown | \$69,596.39 |
| 1 | General Parttown | \$19.45 |
| 2 | General Parttown | \$29.92 |
| 3 | General Parttown | \$71.31 |
| 1 | Police | \$333.70 |
| 2 | Police | \$1,065.07 |
| 1 | Highway Parttown | \$97.34 |
| 2 | Highway Parttown | \$13,955.44 |
| 1 | Highway Wholetown | \$5,127.00 |
| 1 | Capital HQ | \$59,262.47 |
| 1 | Capital HV | \$754,192.59 |
| 1 | Capital H9 | \$25,713.25 |
| 1 | Street Light | \$9,885.15 |
| 1 | Sewer | \$7.31 |
| 2 | Sewer | \$22,585.59 |
| 51 | Trust & Agency | \$10,531.70 |
| BAS 3 | Trust & Agency | \$4,900.00 |
| <u>Total Abstracts:</u> | | <u>\$1,025,084.51</u> |

The Town Board voted as follows:

| | | |
|-------------------|---|-----|
| Councilman Messa | - | Aye |
| Councilman Lenart | - | Aye |

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| | | |
|---------------------|---|------|
| Councilman Reynolds | - | Aye |
| Councilman Woodland | - | Aye |
| Supervisor Miscione | - | 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 of Councilman Woodland, seconded by Councilman Messa, the meeting was adjourned at 9:07 P.M.

Respectfully submitted,

Gail Wolanin Young
Town Clerk