

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT 8635 CLINTON STREET, NEW HARTFORD, NY ON
WEDNESDAY, FEBRUARY 6, 2019, 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 Official and Department Heads being present during the progress of the meeting.

TOWN BOARD MEMBERS PRESENT:

Councilman James J. Messa
Councilman Philip S. Lenart
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
Codes Enforcement Officer Lawrence Gell
Director of Finance Daniel T. Dreimiller
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, a quorum was declared present for the transaction of business.

PUBLIC HEARING

6:00 P.M. Local Law Introductory "A" of 2019
 Stop Sign on Liberty Ave

The Town Supervisor then opened the Public Hearing at 6:01 P.M., in the matter of Local Law Introductory "A" of 2019. [The Town Clerk had available copies of the proposed local law, the Notice of Public Hearing, Affidavit of Posting, Proof of Publication in The Observer Dispatch.]

Councilman Lenart informed the Board that there was a petition put forth by local residents for stop signs to be placed upon the intersection of Liberty Ave and Coxe Ave, he also mentioned that Police Chief Inserra had also given his agreement that stop signs were warranted in the area.

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Ed Wickham, 16 Liberty Ave - There are a lot of children in the area, a lot of motorists use the street as a “cut-through” to avoid longer routes. Mr. Wickham was also looking for a speed reduction but was told without a School on that road that there would be no reduction. His main concern is the children and making their safety a priority.

Sharon Colon, 14 Liberty Ave (Corner of Liberty Ave and Coxe Ave)- Cars turn down Liberty Ave from Middle Settlement as a way of a “short cut”, motorists “fly down that road, putting a stop sign there, at least they would have to come to a *hopefully* complete stop, and they are slowed down by the time they go by the houses with the kids.”

There being no one further to speak in the matter, the Public Hearing was declared closed at 6:03P.M.

Councilman Woodland requested that the Chief of Police follow up with stop sign enforcement once the stop signs are put up, if the Local Law is approved.

Thereafter, Councilman Lenart moved, and Councilman Reynolds seconded that Local Law Introductory “A” of 2019 be adopted as Local Law No. One of 2019 in the following format:

Local Law No. One of 2019

Town of New Hartford, NY

A Local Law to amend the Code of the Town of New Hartford, Chapter 113 thereof entitled “VEHICLES AND TRAFFIC”, Schedule VII, Section 113-41, Stop intersections,

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

SECTION 1. Chapter 113 of the Code of the Town of New Hartford, Section 113-41, is hereby amended to include the following:

Section 113-41. Schedule VII: Stop Intersections

<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 113-41 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.

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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 Town Supervisor declared the Local Law unanimously carried and duly *ADOPTED*.

Local Law Introductory “B” – Whitehall Doctrine

PUBLIC HEARING

6:04 P.M. Local Law Introductory “B” of 2019

Supersede the Whitehall Doctrine

The Town Supervisor then opened the Public Hearing at 6:04 P.M., in the matter of Local Law Introductory “B” of 2019. [The Town Clerk had available copies of the proposed local law, the Notice of Public Hearing, Affidavit of Posting, Proof of Publication in The Observer Dispatch.]

The proposed Local Law would supersede the common law Whitehall Doctrine and Doctrine of Incompatibility.

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.

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

Jim Lawrence, 67 Imperial Drive – Questions Supervisor Miscione as to whether he had received an opinion letter back from the Attorney General. Supervisor Miscione responded that they had only received correspondence so far, it was advised that the Town Attorney is to write a letter to the Attorney General to get a formal opinion on the Town’s unique situation.

There being no one further to speak in the matter, the Public Hearing was declared closed at 6:08 P.M.

Upon recommendation of the Town Attorney, Councilman Reynolds presented the following Resolution, duly seconded by Councilman Woodland:

(RESOLUTION NO. 59 OF 2019)

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BE IT RESOLVED, that the Town Board of the Town of New Hartford hereby defers any action upon Local Law Introductory “B” of 2019, superseding the common law Whitehall Doctrine and Doctrine of Incompatibility; until a formal opinion from the Attorney General is acquired by the Town.

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

Presentations and Comments from the Public:

Kari Procopio, 30 Balsam Crescent – Mrs. Procopio questions the “rule” about posting the agendas for Town Board meetings (or any other meetings) because residents who want to know in advance, or there may be an issue on the agenda and they may want to attend. It just seems that the agenda only goes up the day of the meeting. Supervisor Miscione explained that to avoid residents getting “cut off” the agenda, as a courtesy to the residents, the Town leaves the agenda unposted until the day of so everyone could get items on to avoid waiting sometimes weeks to a month. Mrs. Procopio continued that as a busy, working-mom herself, along with other town residents, having a “heads-up” in advance would “help keep open communication with the residents so they know what’s going on and what to expect at the next board meeting.”

Mrs. Procopio also requested clarification about statements made at the last board meeting (January 24, 2019) and as to why the purchase of the adjacent land was not included in the original sale of the property the Town currently owns. The Town Attorney answers that it was owned by a separate entity, at the time of the initial project involving the new Town Hall, the building was more than adequate to house all the Town offices, and that is why the Town went forward. Supervisor Miscione further clarified that the owner of the adjacent land at the time was not interested in selling the land, the Board requested to see if the owner was interested in selling after the purchase of the “Gander Lot” had been made.

Mrs. Procopio then sought explanation as to why Supervisor Miscione had abstained from voting on the land acquisition. Supervisor Miscione replied that he abstained from the deal for the future, if he personally had to “do a deal” with the land owner that there was no scrutiny. He further clarified that he didn’t *have* to abstain from voting, he thought it was the “right thing to do”; he also negotiated the deal and “any deal I negotiate I don’t vote on”.

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Councilman Woodland then expressed concerns about mitigation fees, information has “come to light” that the owner of the adjacent land allegedly has not paid mitigation fees from past projects. The Town Attorney would investigate the matter. Councilman Woodland motioned to rescind the prior motion related to the acquisition of the additional land, by stating an investigation is needed going forward. Councilman Reynolds does not believe rescinding the motion is necessary, the accusation “needs to be looked into either way”. Councilman Lenart agrees with Councilman Reynolds, “we have the deal, lets get everything squared away first”. Councilman Reynolds sees this matter as two separate issues. The motion died as there was no second.

Public Comments Continued:

Jim Lawrence: Referring to a prior email sent to the Town Board, brought up on the subject of the purchase of additional land; “several issues that really aren’t up to standard, such as a preliminary value... and IRS exemption ,... you really need a self-contained MAI appraisal”. Attorney Cully agreed. Mr. Lawrence also mentioned “serious issues of mitigation forgiveness or credit” and questions what the Town needs to provide the current owner, with regard to the IRS contribution. Attorney Cully states that there is no current agreement, those would be details that would have to be included. Mr. Lawrence continues that when a municipality buys property, they would need to declare a specific purpose. This concluded Mr. Lawrence’s public comment period.

Codes Enforcement Officer Joseph Booth introduced Assistant Codes Officer Larry Gell to the Town Board. Warm welcomes were given.

Town Clerk Committee:

Appointment – Part-Time Clerk

Upon request of the Town Clerk, Councilman Woodland introduced the following Resolution for adoption; seconded by Councilman Lenart:

(RESOLUTION NO. 60 OF 2019)

RESOLVED, that upon recommendation of the Town Clerk, the New Hartford Town Board does hereby appoint Kayla J. Empey as a Part-time Clerk in the Town Clerk’s office, effective Friday, February 15, 2019, at the hourly rate of Eleven Dollars and Eighty Cents (\$11.80), payable bi-weekly. Ms. Empey is filling the vacancy created due to the promotion of Allison Adams as full-time Deputy Clerk II. This Resolution further confirms that in accordance with New York State Civil Service rules and regulations, as a part-time employee, Ms. Empey is restricted to working a maximum of half-time (17.5 hours) of a full-time (35 hours) position.

Upon roll call, the Board members voted as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye

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

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

Fireworks Display Permit

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

(RESOLUTION NO. 61 OF 2019)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Clerk, who has received an Application for a Fireworks Permit and the appropriate Certificate of Insurance naming the Town of New Hartford as an additional insured, to issue to Preswick Glen a Fireworks Display Permit for the display of fireworks upon their premises at 55 Preswick Drive, New Hartford, NY, 13413, on February 14, 2019, at approximately 6:00 P.M., in accordance with the State Penal Law and regulations set forth in said Permit.

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

Bid Results – Kitchen Equipment Community Center

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

(RESOLUTION NO. 62 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby accept the low bid submitted by Joseph Flihan Co. 418-426 Broad Street, Utica, NY 13504 for the purchase of Community Center Kitchen Equipment:

- Items No. 1 -14 - \$26,900.00
- Option 2A (Traulsen Freezer) - \$2,740.00
- Option 12A (4-well Hot Food Counter) - \$560.00

And does hereby award the aforesaid contract to said vendor.

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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**.

Zoning and Planning Committee:

Appointment – Zoning Board Member

Councilman Woodland introduced the following Resolution for adoption, that was seconded by Councilman Reynolds:

(RESOLUTION NO. 63 OF 2019)

WHEREAS, the term of office of Byron W. Elias, Zoning Board member, expired on June 9, 2018, and he has expressed his interest in re-appointment;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby re-appoint Byron Elias as a member of the Town Zoning Board for a five-year term, commencing, February 11, 2019 and ending June 9, 2023.

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**.

Councilman Reynolds:

Easement for Foxcroft Road

Attorney Cully and Councilman Reynolds have been working with Mr. Pearce to negotiate a final easement to be brought before the Town Board upon completed. This easement will allow for a retention area off Foxcroft Road.

Agreement – Oneida County Selective STOP-DWI Crackdown Patrols

The Police Chief, Town Attorney and Town Supervisor had reviewed the proposed STOP-DWI Crackdown Patrols Agreement, and the DWI Selective Enforcement Patrol from Oneida County

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and found the Agreements to be in order. Thereafter, Councilman Reynolds moved the following Resolution for adoption; seconded by Councilman Lenart:

(RESOLUTION NO. 64 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement between the Town of New Hartford/Town Police Department and the County of Oneida for the Oneida County DWI Selective Enforcement Patrol Agreement commencing January 1, 2019 to December 3, 2019; and the STOP-DWI Crackdown Patrols commencing December 15, 2019 through September 30, 2019, and as more fully described in said Agreement, a copy of which shall be filed in the Town Clerk's Office.

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**.

Councilman Reynolds spoke on the topic brought up by Mrs. Procopio regarding the agenda. He believes that something should be made available on the website ahead of time. The consensus of the Town Board was that the meeting agenda would be given back to the Town Clerk's Office to have items submitted by Department Heads and Board Members by the Friday before the next scheduled Board Meeting date.

Condolences were given as news was delivered that Jim Spellman, husband of the Director of Senior Services, Eileen Spellman had passed away earlier that day. Mr. Spellman was a longtime member of the New Hartford Fire Department and the Village Planning Board. He will be missed.

Councilman Messa has been working with Attorney Cully on properties that the Town has Demolition Orders for. one "John and Margery Showalter" at 4043 Oneida Street and "Michael Kerrigan" at 9240 Willowvale Ave, Chadwicks are both going to public auction at the county level for unpaid taxes and are anticipated to be sold. The property on Irvin Avenue has an order to show cause that was signed and has been served and should be completed by the end of February.

Councilman Messa introduced the following Resolution for adoption, that was seconded by Councilman Reynolds:

(RESOLUTION NO. 65 OF 2019)

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RESOLVED, that the New Hartford Town Board does hereby authorize and direct the commencement of the Bid/Request for the Demolition of Tax Map 349.008-2-24.3, located at 3623-3625 Irvin Avenue.

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**.

Town Supervisor Miscione:

2018 Town Audit

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

(RESOLUTION NO. 66 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby accept the RFP submitted by the auditing firm of Drescher & Malecki, LLP, 3083 William Street, Suite 5, Buffalo, New York 14227, to perform the 2018 annual audit of the Town of New Hartford finance accounts (\$18,360) and the New Hartford Public Library (\$3,060), for a grand total of \$21,420.

It was noted that this firm performs the audits of the Oneida County offices. 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**.

New York Mills Police Department

Supervisor Miscione has received correspondence from New York Mills Police Department that they have filled their Police Officer requirement with a 4th Officer.

Fireworks Event, July 5, 2019

Supervisor Miscione opened the following discussion “Our fireworks event, last year in our budget we put at Sherrillbrook Park, we said that we would do it on July 5th. In your packets at

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your desks here, we put in a proposal from the Genesis Group. They run the fireworks celebrations in Utica, they put everything together, they run the whole organization. I gave you that to take a look at, in the next meeting I'd like to see if you guys want to do that we can approve for them to do it. The fireworks are in our budget, as you know at our last meeting on January 24th we went out to bid – Gail did you put that out yet? “ The Town Clerk responded “Not yet, Hopefully by Friday”. Supervisor Miscione continued, “So if we get the bid back from the fireworks and we then will have this to look at, maybe we can make a decision if we want them to run the program at the park for the fireworks”

Attorney Herb Cully then brought up Town Code Chapter 88, Section 88-9 entitled “Alcoholic Beverages” that states;

“Alcoholic beverages of any type are not allowed within the Park at any time.”

Other municipalities in New York State have Town Codes that allow their Town Boards to issue permits on a case by case basis, those Town Boards ensure that applicants are duly licensed by the New York State Liquor Authority to permit the sale of alcohol. Attorney Cully has begun to draft a Local Law that would amend Town’s Code which would allow the Town Board, upon receiving sufficient application and proof of compliance with all licensing from the New York State Liquor Authority, the sale of alcoholic beverages. Councilman Woodland questioned if this proposed Local Law would be similar to Local Law No. 4 that was passed in 2018 allowing Food Truck Vendors in Sherrillbrook Park, which was then confirmed by Attorney Cully. Supervisor Miscione spoke of additional groups, including Genesis Group and the Central New York Food Fest that have expressed interest in the sale of craft beer and wine in Sherrillbrook Park. The common practice by Genesis Group is to fence off a designated area in which alcoholic beverages are allowed, if a person wished to leave the area than the alcoholic beverage would have to be disposed of. Councilman Messa spoke against this proposed Local Law stating that the Town Board should now allow alcohol in the Parks. Stating that it sends the “wrong message”, and there is the potential to “open ourselves up”. Councilman Messa also argued that “Our parks have kids in there and it should not be allowed”.

Emergency repairs for Recreation Center, December 27, 2018:

Upon presentation of the Town Supervisor, the following Resolution was introduced for adoption by Councilman Woodland; seconded by Councilman Lenart:

(RESOLUTION NO. 67 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby declare an “emergency” that took place at the Recreation Center Thursday, December 27, 2018; where the Center’s brine pump that is the ice chiller/ice maker had malfunctioned immediate repairs were necessary for the preservation of the ice; at the total cost of \$1,437.79

The Resolution was subject to roll call:

Councilman Messa - Aye

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

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

Replenish Petty Cash – Senior Center

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

(RESOLUTION NO. 68 OF 2019)

RESOLVED that the New Hartford Town Board does hereby approve to replenish the Senior Center Petty Cash in the amount of One Hundred Forty-Nine Dollars and Two Cents (\$149.02) with the receipts to substantiate various purchases.

The Town Board voted upon roll call as follows:

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

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

Purchase of Second RTU-9 Rooftop Mounted Furnace (Police Department)

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

(RESOLUTION NO. 69 OF 2019)

RESOLVED, that the Town Board of the Town of New Hartford authorizes the purchase of a second RTU-9 Roof Top Mounted Furnace, using the previous bid for the same furnace at the January 2, 2019 Town Board Meeting for a total cost of \$28,500.00

The Town Board voted upon roll call as follows:

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

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

Change Orders and building schedule

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

(RESOLUTION NO. 70 OF 2019)

RESOLVED, that the Town Board of the Town of New Hartford authorizes the following Change Orders for the new Town Hall; the placement of new thermostat lines by Schmalz Mechanical for a total of \$7,000.00, as well as changes in the Police Department and Court by Knapp Electric for \$12,060.00.

The Town Board voted upon roll call as follows:

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

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

Temporary License (Easement) for Sangertown Mall Mitigation Project

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

(RESOLUTION NO. 71 OF 2019)

RESOLVED, that the Town of New Hartford does hereby authorize and direct the Town Supervisor to enter into and sign a Temporary License Agreement between Pyramid Sangertown Mall, 8855 Seneca Turnpike and the Town of New Hartford, for the express purpose of designing stormwater solutions upon the aforesaid property.

The Town Board voted upon roll call as follows:

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

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

Authorization of Engineering Study at Sangertown Mall

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

(RESOLUTION NO. 72 OF 2019)

RESOLVED, that the Town of New Hartford does hereby authorize Dunn and Scgromo Engineers, to conduct an engineering study of Sangertown Mall, 8855 Seneca Turnpike, retention area.

The Town Board voted upon roll call as follows:

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

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

Detention Pond Maintenance – Preswick Glen

Town Attorney Herb Cully appraised the Town Board on the detention pond maintenance at Preswick Glen, a matter discussed at a previous Town Board Meeting. Preswick Glen will be addressing the issue once the weather is warmer.

Title for Assistant Codes Officer

Upon recommendation of the Personnel Director Barbara Schwienzfier, Councilman Messa introduced the following Resolution for adoption, Councilman Reynolds seconded same:

(RESOLUTION NO. 73 OF 2019)

RESOLVED, that the Town Board of the Town of New Hartford does hereby grant the title change of Assistant Codes Enforcement Officer Lawrence Gell to Code Enforcement Officer based upon Mr. Gells previous certifications with Otsego County.

The Town Board voted upon roll call as follows:

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

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

Consolidation of Bank Accounts

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

(RESOLUTION NO. 74 OF 2019)

WHEREAS, the Town Board of the Town of New Hartford wishes to simplify the banking usage of the Town of New Hartford as a result of accounting system upgrades,

BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to close all active accounts at NBT Bank, N. A., and move all funds to corresponding accounts with Adirondack Bank.

The Town Board voted upon roll call as follows:

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

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

BINGO- New Hartford Senior Center

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

(RESOLUTION NO. 75 OF 2019)

RESOLVED, that the Town Board of the Town of New Hartford does hereby authorize the New Hartford Senior Center to conduct up to 15 charitable games of BINGO for the year 2019.

The Town Board voted upon roll call as follows:

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

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

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2019 Bonding schedule

Attorney Cully informed the Town Board that the official statement from Fiscal Advisors bonding has been obtained and the Town needs to review the document and make any necessary changes. The Bonds are to be bid in late February and the Bond closing will be in early March.

Children and Family Services Annual Report/ Audit – Youth Employment Program

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

(RESOLUTION NO. 76 OF 2019)

RESOLVED, that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to and sign the Youth Employment Programs annual report/ audit for the Office of Children and Family Services for the year 2018.

The Town Board voted upon roll call as follows:

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

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

Request for use of Sherrillbrook Town Park

The Town Supervisor was contacted by the Chess Wizards inquiring about the potential of holding their summer camp at Sherrillbrook Park through June and July of 2019. The organization would hold the appropriate insurances. The consensus of the Town Board is to have Attorney Cully research this matter further.

Road Damage within the Town of New Hartford

Due to maintenance by the Mohawk Valley Water Authority within the Town of New Hartford, road conditions have declined which has subsequently led to an increase in resident complaints and concerns. The Highway Superintendent informed the Town Board that any repairs that are able to be made to the roadways during the winter season will not hold during any plowing that takes place. It is a further issue that the Mohawk Valley Water Authority does not want the Town of New Hartford to repair any of the damage made to Town roads. The Highway Superintendent will continue to work with the Water Authority on fixing any damage to Town roads.

EXECUTIVE SESSION

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

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(RESOLUTION NO. 77 OF 2019)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the employment history of a particular employee of the Town.

The Resolution was voted upon by roll call as follows:

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**. The Town Board then excused themselves to convene in a private meeting room at 7:32 P.M. The Town Attorney joined the Town Board for the Executive Session.

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 78 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 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 Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 7:36 P.M. The regular portion of the Town Board meeting was immediately reconvened and the Town Board took their places at the Board table.

Audit of Vouchers

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

(RESOLUTION NO. 79 OF 2019)

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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:

Capital Project – Gander Mountain- Abstract #2	
Vouchers HV14-HV15	\$ 4,587.95
Highway Fund Part-Town Abstract #3	
Vouchers DB33-DB34	\$ 26,665.02
Highway Fund Part-Town Abstract #4	
Vouchers DB35-DB50	\$ 36,793.62
Highway Fund Whole-Town Abstract #2	
Vouchers DA2-DA3	\$ 6,066.29
General Fund Part-Town Abstract #4	
Vouchers BB5-BB6	\$ 1,206.00
General Fund Part-Town Abstract #5	
Vouchers BB7-BB9	\$ 1,429.80
General Fund Part-Town Police Abstract #3	
Vouchers BP10-BP13	\$ 1,435.44
General Fund Part-Town Police Abstract #4	
Vouchers BP14-BP22	\$ 9,401.88
Trust & Agency Fund Abstract #1	
Vouchers TT1	\$ 3,534.53
General Fund Whole-Town Abstract #3	
Vouchers AA52-AA59	\$ 23,876.79
General Fund Whole -Town Abstract #4	
Vouchers AA60-AA106	\$ 20,643.22
Sewer Fund Abstract #3	
Vouchers SS5-SS7	\$ 3,827.73
Sewer Fund Abstract #4	
Vouchers SS8-SS9	<u>\$ 907.06</u>
TOTAL 1:	\$ 140,375.33

RECORD OF CLAIMS

A600	
#’s 11-12	\$ 218.55
RECORD OF CLAIMS	
A600	\$ 28,121.11
B600	\$ 10,865.77
BP600	\$ 47,617.63
DB600	\$ 4,844.07
SS600	\$ 47.91
TA600	\$ 13,884.10
RECORD OF CLAIMS	
TA600	\$ 108.17
RECORD OF CLAIMS	
A600	\$ 55,721.62
B600	\$ 802.73

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BP600	\$	15,883.09
DA600	\$	335.07
DB600	\$	122,991.25
HV600	\$	122,474.00
SF600	\$	491,500.00
SL600	\$	10,365.13
SS600	\$	4,039.35
RECORD OF CLAIMS TOTAL #2	\$	929,819.55
GRAND TOTAL #1 & 2	\$	1,070,194.88

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

Planning Board Member

Appointment – Planning Board Member

Councilman Woodland introduced the following Resolution for adoption, that was seconded by Councilman Reynolds:

(RESOLUTION NO. 80 OF 2019)

WHEREAS, the term of office of Margaret Rotton, Planning Board member, expired on December 31, 2018, and she chose not to seek re-appointment; and

WHEREAS, the Town Board having received two applications,

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby appoint John Latini III as a member of the Town Planning Board for a seven-year term, commencing, February 6, 2019 and ending December 31, 2025.

The Resolution was voted upon by roll call 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***.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilman Messa and seconded by Councilman Reynolds, the meeting was adjourned at 7:46 P.M.

Respectfully submitted,
Office of the Town Clerk
Gail Wolanin Young

Allison Adams
Deputy Town Clerk II