

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT 8635 CLINTON STREET, NEW HARTFORD, NY ON
WEDNESDAY, MAY 8, 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 Officials and Department Heads being present during the progress of the meeting.

TOWN BOARD MEMBERS PRESENT:

Councilman Richard M. Lenart
Councilman David M. Reynolds
Councilman Richard B. Woodland, Jr.
Supervisor Paul A. Miscione

ABSENT:

Councilman James J. Messa
Town Clerk Gail Wolanin Young

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Deputy Supervisor Anthony Trevisani
Codes Enforcement Officer Joseph Booth
Codes Enforcement Officer Lawrence "Lary" Gell
Bookkeeper Lisa Smigle
Highway/Sewer Superintendent Richard C. Sherman
Human Resource Department Barbara Schwenzfeier
Police Chief Michael S. Inserra
Town Attorney Herbert J. Cully
Deputy Town Clerk II Allison Adams

Thereafter, a quorum was declared present for the transaction of business. Deputy Town Clerk Allison Adams was present to record the minutes as the Town Clerk was attending the New York State Association of Clerks educational program.

PRESENTATIONS:

Frank Constantino, 1 Eagle Ridge Drive – Mr. Constantino explained that his neighbor's driveway was encroaching onto his property, a problem that was found after he had a survey done. There was a Driveway Permit issued in 1991 to 3 Eagle Ridge Drive but there was no signature by the Highway Superintendent at the time. After discussion with the Town Board, Highway Superintendent Sherman and Attorney Cully it was determined that the matter was best solved civilly between the two neighbors.

Robin Kennedy, 9 Beechwood Road – Mrs. Kennedy continued a discussion from the April 24, 2019 Town Board meeting, she wanted to express her concerns over "half truths and misleading

information being told to the public by the Town Supervisor” Specifically involving the resignation of Mrs. Jane Blaszcak from the Parks Commission that happened on the same day as the other members in March; as well as the discrepancies regarding the Supervisors meetings with the Genesis Group.

Jim Toomey, 28 Liberty Ave – Has water along his fence, a few years ago Walmart had placed trees, which have now died due to lack of back blading. He is forced to re-set all of his fence posts. Councilman Lenart observed the death of the trees, and how “swamp like” the yard is. Supervisor Miscione commented that another resident of Liberty Ave complained as well, the Codes Department will try to get ahold of the maintenance man for Benderson Development to remedy the water issue.

PUBLIC HEARING

6:27 P.M. Local Law Introductory “C” of 2019

Abolish Parks Commission

The Town Supervisor then opened the Public Hearing at 6:27 P.M., in the matter of Local Law Introductory “C” of 2019. [The Deputy 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.]

Michael Kennedy – 9 Beechwood Road: Questions the Town Board on if there will be someone hired to be Parks Commissioner. Supervisor Miscione stated that the job posting is online and they are looking to hire someone on part time. Mr. Kennedy who was on the Parks Commission is in favor of having a Parks Commission because in his mind “they did good things and were moving forward. He remarked that there was a lack of communication between the Commissioners and the Town Supervisor, and without good communication and change it was unable to be effective. Councilman Reynolds commended that the definition of commission was part of the issue and perhaps an advisory committee would have been more appropriate. Mr. Kennedy believes there should have been a liaison to help keep the channels of communication open and Supervisor Miscione agrees.

Keri Procopio – 30 Balsam Crescent: Believes that there should still be some sort of community involvement or “some sort of committee”. Supervisor Miscione believes that someone from the Supervisors office needs to be involved. Councilman Reynolds added that the Parks and Recreation Department Head was traditionally the liaison between the Board and the Commission.

There being no one further to speak in the matter, the Public Hearing was declared closed at 6:40P.M.

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

Local Law No. Two of 2019

Town of New Hartford, NY

A Local Law to abolish Chapter 19 of the Town Code, Parks and Recreation Commission.

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

SECTION 1. The Town Board of the Town of New Hartford adopted a Local Law to create and establish the New Hartford Parks and Recreation Commission as authorized pursuant to General Municipal Law Section 243, effective March 8, 2018.

SECTION 2. The Town Board of the Town of New Hartford desires to supervise the operation of the Town Parks and Recreation Programs in the Town of New Hartford.

SECTION 3. The Board of Parks and Recreation Commissioners be and it hereby is DISSOLVED effective April 10, 2019.

SECTION 4. This Local Law shall take effect immediately upon filing of same in the Office of the Secretary of State.

Upon roll call, the Board members voted as follows:

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

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

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE:

Assessor Committee:

Vacancy Board of Assessment Review

Upon recommendation of the Town Supervisor, the following Resolution was offered for adoption by Councilman Lenart and duly seconded by Councilman Woodland:

(RESOLUTION NO. 157 OF 2019)

WHEREAS, Board of Assessment Review term of Jonathan Purdy expires September 30, 2019;

BE IT RESOLVED, that the Town Board does hereby authorize Director of Personnel Barbara Schwenzfeier to advertise the vacancy on the Board of Assessment Review on the Town's website.

[Note: The Town Clerk has posted this vacancy on the Town Clerk Bulletin Board since March 18, 2019]

Upon roll call, the Board members voted as follows:

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

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

Zoning and Planning Committee:

Vacancy Zoning Board

Upon recommendation of the Town Supervisor, the following Resolution was offered for adoption by Councilman Lenart and duly seconded by Councilman Woodland:

(RESOLUTION NO. 158 OF 2019)

WHEREAS, Zoning Board term of Karen Stanislaus expired June 09, 2019;

BE IT RESOLVED, that the Town Board does hereby authorize Director of Personnel Barbara Schwenzfeier to advertise the vacancy on the Zoning Board on the Town's website.

[Note: The Town Clerk has posted this vacancy on the Town Clerk Bulletin Board since March 18, 2019]

The Resolution was voted upon by roll call as follows:

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

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

Finance Director:

Audit of Vouchers

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

(RESOLUTION NO. 159 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:

RECORD OF CLAIMS #1
#’s 688-692; 702-757; 759-817

RECORD OF CLAIMS

A600	\$138,122.81
B600	\$ 873.09
BP600	\$ 10,711.32
DA600	\$ 2,718.39
DB600	\$ 66,202.74
HPE00	\$ 10,346.48
HR600	\$ 9,000.00
HV600	\$174,136.62
SS600	\$ 765.05
TA600	\$ 4,200.92

RECORD OF CLAIMS TOTAL #1 **\$ 417,077.42**

Upon roll call, the Board members voted as follows:

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

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

Town Clerk Committee:

Proposed Whitestown Zoning Amendments

The Town of Whitestown is proposing to amend portions of the “Code of the Town of Whitestown”, Chapter 200 entitled “Town of Whitestown Zoning ordinance of 1980”. The Town of New Hartford is an Involved Agency and notice was given in accordance with provisions of Article 8 of the Environmental Conservation Law and 6 NYCRR Part 617 of the SEQRA to evaluate potential jurisdiction in the proposed area, and any possible issues that the Town feels should be addressed in the SEQRA process.

Highway Superintendent

Sale of Highway Equipment

Upon recommendation of the Highway Superintendent, the following Resolution was introduced for adoption by Councilman Woodland and seconded by Councilman Lenart:

(RESOLUTION NO. 160 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby accept and approve the sale of one (1) 2017 Ford F250, to Gorick Construction, 27 Track Drive, Binghamton NY, 13904 for Forty Two Thousand One Hundred Seventy Dollars (\$42,170.00). The VIN for the 2017 Ford F250 is 1FT7W2B63HEE77482.

Upon roll call, the Board members voted as follows:

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

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

Equipment Purchase for Highway Department

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

(RESOLUTION NO. 161 OF 2019)

BE IT RESOLVED, that the Town Board hereby authorizes the Highway Superintendent to purchase a 2019 Ford F250 crew cab pickup truck, on State Contract NYS OGS PC 67784.

The Resolution was voted upon by roll call as follows:

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

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

Youth Employment Program Voucher- 2018

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

(RESOLUTION NO. 162 OF 2019)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to sign the voucher in the amount of Five Thousand, Eight Hundred and Eight Dollars and Forty Eight Cents (\$5,608.48) for the Town of New Hartford Youth Employment Program for the year 2018 from Oneida County.

The Resolution was voted upon by roll call as follows:

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

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

Equipment Purchase for Highway Department

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

(RESOLUTION NO. 163 OF 2019)

BE IT RESOLVED, that the Town Board hereby authorizes the Highway Superintendent to purchase a 2019 John Deere 85GSExcavator for maintenance of the sewer pump stations and cleanup of the creeks and other areas around the Town. This would be purchased on State Contract number PC67075 .

The Resolution was voted upon by roll call as follows:

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

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

Equipment Purchase for Highway Department

Highway Superintendent continued the conversation from last Board Meeting about an asphalt hotbox that would be able to fill holes during both winter and summer. Currently once the hot asphalt is obtained there is only two hours of working time before the asphalt grows cold and is unusable. Consequently there is a lot of wasted material. Having a hotbox would be able to continuously have hot material to use throughout the year. There is a State Contract available for the purchase of this equipment. Councilman Reynolds questioned if this service could be shared

with other local municipalities. The purchase price for this hotbox with double burners 37,028.00, and a conversation was held about where the monies would be obtained from. It was decided that Attorney Cully would investigate the usage of money that was reimbursed to the Town.

Highway Superintendent Richard Sherman apprised the Town Board on the current status of a 2000 10 Wheeler truck, and a 2001 Plow Truck that had “barely passed recent inspections”. The Highway Superintendent has spoken to multiple vendors and there is currently a “waiting list” of 14-16 months. He is requesting permission to gain a spot on the waiting lists now as the trucks would not be available until 2020.

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

(RESOLUTION NO. 164 OF 2019)

BE IT RESOLVED, that the Town Board hereby authorizes the Highway Superintendent to purchase a 2019 John Deer Excavator for maintenance of the sewer pump stations and cleanup of the creeks and other areas around the Town. This would be purchased on State Contract number PC67075 .

The Resolution was voted upon by roll call as follows:

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

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

MATTERS SUBMITTED BY COUNCILMEN/ATTORNEY/ DEPUTY SUPERVISOR

Councilman Reynolds

Update on Woodberry Road headwall (wingwall) move

Councilman Reynolds requested to have an update on the headwall (wingwall) move on Woodberry Road. Highway Superintendent Richard Sherman submitted photos of the headwall (wingwall) and a map to Tom Cowen of FEMA, which will hopefully expedite the approval process.

[Headwalls/Wingwalls are produced to finished and secure the end of pipe, box culverts, and bridge sections.]

Appointments – Part-time Seasonal

Upon recommendation of the Highway Superintendent, the following Resolution was introduced for adoption by Councilman Reynolds and duly seconded by Councilman Lenart:

(RESOLUTION NO. 165 OF 2019)

RESOLVED, that the Town Board of the Town of New Hartford does hereby appoint Derek Stockbridge, Ryan Mammone, Robert Talerico, Joseph Talerico, Steven Malenowski, Makita Lamlin and Danny Owen as part-time temporary seasonal Laborers, for the Parks Department at the hourly wage of Nine Dollars Twenty Five Cents (\$9.25), and Cullen Moran as part time seasonal Laborer for the Parks Department at the hourly wage of Eleven Dollars (\$11.00) payable bi-weekly, said appointments effective Monday, May 20, 2018.

The Resolution was voted upon by roll call as follows:

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

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

Congratulations Officer Freiberger

The Town Board congratulated New Hartford Police Officer W. Jason Freiberger on being the recipient of the annual Oneida County Stop DWI Award for the New Hartford Police Department. Officer Freiberger is a 12-year veteran and lead the department in DWI enforcement during 2018. Officer Freiberger also received the William Weber Collision Reconstruction award recognizing his extensive investigative work into a serious personal injury motor vehicle collision occurring within the Town of New Hartford during 2018.

Supervisor Miscione

Update on Town Hall

Supervisor Miscione updated the Board on the progress taking place in the new Town Hall. The Courts are scheduled to be moving around May 13, 2019, and the Police Department towards the end of May 2019. Supervisor Miscione also stated that the Senior Center kitchen should be completed by June 1, 2019.

Appointment – Planning Board Member

The Town Board had received four applications to fill the vacancy on the Planning Board. Therefore Councilman Lenart offered the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 166 OF 2019)

WHEREAS, there is currently a vacancy on the Planning Board for the position formerly held by Elis DeLia;

BE IT RESOLVED, that the New Hartford Town Board does hereby appoint Wilmar W. Sifre as a member of the Planning Board for a five (5) year term commencing May 9, 2019, and ending December 31, 2023.

The Resolution was voted upon by roll call as follows:

Councilman Messa	-	ABSENT
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	ABSTAINED, Councilman Woodland works with one of the applicants.
Supervisor Miscione	-	Aye.

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

Fireworks Display ReBid

The following bids were received April 22, 2019 for the display of fireworks in Sherrillbrook Park on July 5, 2019:

<i>Majestic Fireworks</i>	<i>\$6,500.00</i>
<i>American Fireworks Display LLC</i>	<i>\$7,500.00</i>

The Town Board was informed that the Bid from Majestic Fireworks had discrepancy, a notarized date of May, not April which is when the bid had taken place. Therefore the bid is defective. A spokesperson from Majestic disputed the discrepancy and Deputy Town Clerk Allison Adams retrieved the original Bid from the Town Clerk's Office.

[NOTE: See Page 12 of these minutes]

Parks – Boy Scouts

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

(RESOLUTION NO. 167 OF 2019)

BE IT RESOLVED, that the Town Board of the Town of New Hartford does hereby authorize Boy Scout Troop 14 to paint a pavilion located at Sherrillbrook Park to obtain badges. The Troop would be under supervision and would provide sufficient liability insurance.

Reschedule June 5, 2019 Town Board meeting

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

(RESOLUTION NO. 168 OF 2019)

WHEREAS, two members of the Town Board will be unable to attend the previously scheduled June 5, 2019 Town Board meeting;

NOW, THEREFORE BE IT RESOLVED that the New Hartford Town Board does hereby cancel the June 5, 2019, Town Board meeting and does hereby reschedule said meeting to Wednesday, June 12, 2019.

The Resolution was voted upon by roll call as follows:

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

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

Board of Elections – Voting

Upon recommendation of the Supervisor the following Resolution was introduced for adoption by Councilman Woodland and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 169 OF 2019)

RESOLVED, that the Town Board of the Town of New Hartford does hereby authorize the Oneida County Board of Elections use of the New Hartford Town Hall for Early Voting October 26, 2019 to November 3, 2019. The Town of New Hartford would be compensated \$75.00 per day from the Oneida County Board of Elections.

The Resolution was voted upon by roll call as follows:

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

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

Stormwater Improvement Updates

Supervisor Miscione and Highway Superintendent Sherman went to meetings with NYS DEC and the Army Corps of Engineers, regarding the Mud Creek Project off Middle Settlement Road that Oneida County has given grant monies to the Town of New Hartford. Supervisor Miscione hopes to work with DEC and Special Metals so that during the remediation process the Town can

take over and save money. Supervisor Miscione also updated on the progress of the project located at Sangertown Mall, he is working with Pyramid LLC, to continue a maintenance agreement for the berm.

Therefore the following Resolution was introduced for adoption by Councilman Lenart and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 170 OF 2019)

RESOLVED, that the Town Board of the Town of New Hartford does hereby authorize the Town Supervisor to enter into and to execute a contract with Dunn & Sgromo Engineers to finish the storm water design plan for the Mud Creek and Sangertown Square projects.

The Resolution was voted upon by roll call as follows:

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

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

Fireworks Rebid – Cont.

Attorney Cully reviewed the Bid from Majestic Fireworks and found that three of the critical documents affirming the price proposal as well as agreeing to comply with all terms of the bid and conditions are all notarized as May 15, 2019 and are defective. The representative for Majestic questioned why their company was not notified of the discrepancy and stressed the fact that they are the only local company that placed a Bid. Attorney Cully explained that it wasn't something that could be fixed once the Bid was opened.

Supervisor Miscione asked the Boards opinion on what they wanted to do regarding the Firework event, he brought up the display that the Yahnundasis Golf Club puts on a fantastic display and there is no cost to the Town and no use of the Police Department. Councilman Woodland questioned if the logistics of the event were worked out, and the answer was no. Supervisor Miscione proposed the idea of doing the Fireworks display next year. Highway Superintendent Sherman questioned Chief of Police Inserra about the lack of parking along Route 12, and Utica National. Police Chief Inserra confirmed that there would be no parking in those areas, he also spoke upon the prior commitments the Police Department have with other events in the area, as well as trying to move into the new Town Hall and how they cannot act as the lead planner for the event.

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

(RESOLUTION NO. 171 OF 2019)

BE IT RESOLVED, that the Town Board of the Town of New Hartford hereby rejects the Re-Bids received for the Fireworks Event on July 5, 2019 in favor of not holding the fireworks event in the year 2019.

The Resolution was voted upon by roll call as follows:

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

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

Appointments – Part-time Seasonal

Upon recommendation of the Highway Superintendent, the following Resolution was introduced for adoption by Councilman Reynolds and duly seconded by Councilman Lenart:

(RESOLUTION NO. 172 OF 2019)

RESOLVED, that the Town Board of the Town of New Hartford does hereby appoint Tyler Moran as a part-time temporary seasonal Laborer, for the Highway Department at the hourly wage of Ten Dollars (\$10.00) payable bi-weekly, said appointments effective Monday, May 20, 2018.

The Resolution was voted upon by roll call as follows:

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

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

April 10, 2019 Town Board meeting

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

(RESOLUTION NO. 173 OF 2019)

REGULAR TOWN BOARD MEETING

May 8, 2019

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RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held April 10, 2019 and does further waive the reading of same.

The Resolution was voted upon by roll call as follows:

Councilman Messa	-	ABSENT
Councilman Lenart	-	Aye
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 and seconded by Councilman Lenart, the meeting was adjourned at 7:42 P.M.

Respectfully submitted,

Gail Wolanin Young
Town Clerk

By:

Allison Stedman Adams
Deputy Town Clerk II