

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT 8635 CLINTON STREET, NEW HARTFORD, NY ON
WEDNESDAY, AUGUST 14, 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 James J. Messa
Councilman Richard M. Lenart
Councilman David M. Reynolds
Councilman Richard B. Woodland, Jr.
Supervisor Paul A. Miscione

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Deputy Supervisor Anthony Trevisani
Assessor Darlene Abbatecola
Codes Enforcement Officer Joseph Booth
Codes Enforcement Officer Lawrence “Lary” Gell
Bookkeeper Lisa Smigle
Highway/Sewer Superintendent Richard C. Sherman
Highway Foreman Christopher Moran
Heavy Equipment Operator Gerald “Jr.” Webb
Human Resource Department Barbara Schwenzfeier
Police Chief Michael S. Inserra
Town Attorney Herbert J. Cully
Town Clerk Gail Wolanin Young
Deputy Town Clerk II Allison Adams

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

PRESENTATIONS/ COMMENTS

Patricia Todd – 8 Compton Road: Mrs. Todd has given the Town Clerk Gail Wolanin Young a petition that reads as follows:

“These citizens of the Town of New Hartford request that the Town of New Hartford adopt a noise ordinance that includes a specific provision for ‘unattended noise’. This is noise generated by a radio or some other mechanical or digital device that is played when no person or persons are present. As with the ‘car noise’ ordinance, which the Town of New Hartford already has on its books, generated noise that is audible more than 50 feet away should be considered a violation when a citizen complaint is received. Other criteria such as vulgarity can also be considered. However we ask the Town Council to keep the language simple and avoid technical

criteria that makes it incumbent upon citizens or the New Hartford Police Department to acquire and use technical or scientifically calibrated devices to measure the amount of noise.”

The petition was signed by 83 residents of different neighborhoods of the Town of New Hartford.

James & Theresa Davis, Judy Virkler – 239 Oxford Road: Mr. & Mrs. Davis along with Ms. Virkler has had some extensive work done at their property by the Town and problems still exist. Photos were distributed to the Town Board to show a pipe that has separation, water can be heard moving through the pipe but the end of the pipe is dry. The family is concerned with safety if anyone were to fall into the hole. Highway Superintendent Sherman responded that the county had replaced about 80-100 ft of 36” diameter piping and that the “leaking joint” was fixed by National Water Main. He also stated that any damage to the driveway would be repaired with asphalt. As for safety the Highway Superintendent said that there was a cover being placed on the end of the pipe on their property.

Jiayue Shen – 10 Imperial Drive: She lives across from the Davis-Virkler’s and now the opening is at the bottom of a “big slope” she would like to have a fence placed to keep anyone from falling into it. Supervisor Miscione offered to visit the area along with the Highway Superintendent and the Town Engineer, so everyone is able to determine where the impacts are.

Waiver of Retainage Fees – National Grid

National Grid representatives Benjamin Weisel and Patricia O’ Kay appeared before the Town Board to give a brief synopsis of the renovation of the existing substation on Woods Road. They are asking for a waiver in regard to the 10% retainage fee, due to the fact it is a renovation, and because they are a public utility, it would cause great hardship if they had to additionally post a retainage.

The existing substation has been operating for 50-60 years and provides power to over 30,000 homes in the area. Engineers from National Grid have determined the transformers on the site are nearing end of their functional life, they will be replacing the existing transformers, a little bit of trenching and replacing instrument transformers. National Grid is performing this maintenance work all throughout their substations in New York State; they also have an obligation under the New York State Public Service Law to continue to provide safe and reliable electricity for their customers.

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

(RESOLUTION NO. 241 OF 2019)

BE IT RESOLVED, that the Town Board of the Town of New Hartford hereby waives the retainer fee of \$300,000.00 for the Woods Road substation renovation by National Grid.

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**.

Mitigation Fees – National Grid

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

(RESOLUTION NO. 242 OF 2019)

BE IT RESOLVED, that the Town Board of the Town of New Hartford hereby approves the calculated Mitigation Fees (FILM) for National Grids' proposed renovation of the Woods Road substation, in the following amounts:

Highway – Commercial	= \$26.25
Residential	= \$0
Per Peak Hr Trip	= \$745.00
Land Use	
Impervious Area	= \$274.75
Domestic Water	
	= \$0
Sanitary Sewer	
	= \$0
Stormwater and Wetland Management	
Commercial	= \$123.00
Residential	= \$0
Other/ Impervious Area	= \$298.30
Police	
Per Sq Ft Bldg.	= \$.75

TOTAL : \$1468.05

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**.

Lucille Matt- 3 Hubbardton Road: Mrs. Matt requests clarification of the water retention pond that is scheduled to be placed around Hubbardton Road, Foxcroft Road, and Tibbitts Road area. She also requested the difference between a detention pond and a retention pond. She does not believe a retention pond is aesthetically pleasing and is concerned about standing water and possible insects. Mrs. Matt is also concerned about property values decreasing with the addition of a retention pond. Supervisor Miscione explained that the engineers have selected that location as having the most impact on the flooding of the area. Councilman Reynolds further clarified that it is a “dry basin” and the only time that the area would fill with water was during rain storms, currently the Town is trying to gain access to the general site to take water table benchmarks, surveying and whatever else the Engineers may need.

Ms. Martin – Ms. Martin is interested in doing a zoning law text amendment in the C2 zone to include short term care facility. Ms. Martin’s sister is a physician and while they were looking at possible locations to have a short-term care facility it was realized that they would need a zone text amendment. A short-term care facility, by definition is a building or institution that contains offices and dispenses healthcare services that includes related laboratory equipment, including facilities for overnight care of patients for a duration of up to 60 days or less. A site hasn’t been selected yet. Councilman Woodland asked what types of services would be rendered at this type of facility. Ms. Martin responded that they were interested in focusing on physical, emotional and mental rehabilitation in a residential retreat type environment.

October 24, 2018 Town Board meeting

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

(RESOLUTION NO. 243 OF 2019)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held October 24, 2018 and does further waive the reading of same.

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**.

January 24, 2019 Town Board meeting

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

(RESOLUTION NO. 244 OF 2019)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held January 24, 2019 and does further waive the reading of same.

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**.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE

Assessor Committee:

Vacancy - Board of Assessment Review

Upon motion of Councilman Reynolds and duly seconded by Councilman Messa, the following Resolution was brought forth for adoption:

(RESOLUTION NO. 245 OF 2019)

RESOLVED that the New Hartford Town Board does hereby re-appoint Jonathan Purdy as a Member of the Board of Assessment Review for a five-year term commencing October 1, 2019 and ending September 30, 2024.

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**.

Zoning and Planning Committee:

Zoning Board appointments – fill vacancies

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

(RESOLUTION NO. 246 OF 2019)

RESOLVED that the New Hartford Town Board does hereby re-appoint Karen Stanislaus as a Member of the Zoning Board of Appeals for a five-year term commencing June 10, 2019 and ending June 9, 2023.

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**.

Finance Director

2019 Budget Adjustments

On behalf of Director of Finance Daniel Dreimiller, Supervisor Miscione submitted several budget adjustments for approval. Councilman Woodland moved the adoption of the following Resolution; seconded by Councilman Lenart:

(RESOLUTION NO. 247 OF 2019)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Finance/Accounting department to make the following 2019 Budget adjustments:

GENERAL WHOLETOWN

<u>Expense</u>	<u>Current Budget Amount</u>	<u>Proposed Budget Amount</u>	<u>Increase (Decrease)</u>	<u>Explanation</u>
Central Printing & Mailing – Contract. A1670.40	\$3,500	\$5,500	\$2,000	To cover printing & mailing costs for remainder of year.
Contingency Account A1990.40	\$7,819	\$5,819	(\$2,000)	To cover printing & mailing costs for remainder of year.
		Total Expense Adjustment	\$0	
Revenue				
		Total Revenue Adjustment	\$0	

The Town Board then voted upon roll call:

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

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

Audit of Vouchers

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

(RESOLUTION NO. 248 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 7 Various Insurance Payments

A480	\$80,118.34
A480	\$ 250.00
A480	\$ 1,046.00
A1910.40	\$80,118.34
A1910.40	\$ 250.00
A1910.40	\$ 1,046.00

RECORD OF CLAIMS TOTAL #1 **\$162,828.68**

RECORD OF CLAIMS #2

#'s 1261-1269

A600	\$ 8,326.31
B600	\$ 395.82
BP600	\$ 3,829.40
DB600	\$ 684.13
SS600	\$ 2,067.51
TA600	\$ 981.41

RECORD OF CLAIMS TOTAL #2 **\$16,284.58**

RECORD OF CLAIMS #3

#'s 1285-1518

A600	\$ 76,654.43
B600	\$ 10,103.42
BP600	\$ 59,922.29

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DA600	\$ 1,773.18
DB600	\$238,335.43
HQ600	\$227,577.90
HR600	\$ 32,622.50
SS600	\$ 9,966.95
TA600	\$ 11,817.54

RECORD OF CLAIMS TOTAL #3 **\$668,773.64**

GRAND TOTAL #1, 2 & 3 **\$847,886.90**

Upon roll call, the Board members voted 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***.

Town Clerk Committee

Liquor License Renewal – Killabrew Saloon

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

(RESOLUTION NO. 249 of 2019)

RESOLVED, that the Town Board of the Town of New Hartford does hereby acknowledge receipt of the Liquor License Renewal Application/ Notice to Municipality from Killabrew Saloon, 10 Clinton Rd, New Hartford, NY 13413; and whereas, the Town Police Department has not received any complaints about said establishment, the Town Board does not object to the State renewing said Application.

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

Liquor License Application -Thrive Athletics

Codes Enforcement Officer Joseph Booth stated that there are several Codes' violations in regards to the building located at 8387 Seneca Turnpike, New Hartford, NY 13413. The Codes Enforcement Officer is working with Thrive Athletics to remedy the violations. The Town Board has deferred any action until a report has been received from the Codes Department.

Return of Bid Bonds – Chenango Road Bridge Bid

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

(RESOLUTION NO. 250 OF 2019)

BE IT RESOLVED that any Bid Bonds received for the July 16, 2019 Chenango Road Bridge Repair Sauquoit Creek Scour Bid be returned to the appropriate companies.

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**.

Training - Oneida County Association of Towns Meeting

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

(RESOLUTION NO. 251 OF 2019)

WHEREAS, Section 77-b of the General Municipal Law allows the governing board of municipalities to authorize any officer or employee to attend a convention, conference or school conducted for the betterment of such municipality;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby grant permission to Town Clerk Gail Wolanin Young and Highway Superintendent Richard Sherman to attend the Oneida County Association of Towns Meeting on Thursday, August 22, 2019, at Orchard Hall, 2955 Oneida Street, Sauquoit, New York, with expenses to be borne by said Town as budgeted. Topics to be discussed include legislature updates that affect Towns, budgeting process, or other Town concerns.

The Town Board voted upon roll call as follows:

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

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

Liquor License Renewal – Valentino’s Banquet

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

(RESOLUTION NO. 252 of 2019)

RESOLVED, that the Town Board of the Town of New Hartford does hereby acknowledge receipt of the Liquor License Renewal Application/ Notice to Municipality from Valentino’s Banquet Hall, 3899 Oneida Street, New Hartford, NY 13413; and whereas, the Town Police Department has not received any complaints about said establishment, the Town Board does not object to the State renewing said Application.

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

Rebid – Chenango Road Bridge/ Sauquoit Creek Scour

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

(RESOLUTION NO. 253 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby accept the low bid submitted by Central Paving Inc., 4247 Acme Road, Frankfort, New York 13340, on August 13, 2019 for the Chenango Road Bridge/ Sauquoit Creek Scour with a total sum of \$320,250.00. The Town Board does also hereby authorize the Town Supervisor to execute any required agreement/contract including letter of intent related thereto.

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

Extension of Roads – Gracie’s Place & Jack’s Way – Applewood Community

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

(RESOLUTION NO. 254 OF 2019)

WHEREAS, Town Attorney Herbert Cully has confirmed that the Town has received the proposed deed and Abstract of Titles, and the engineer’s certification for the extension of two (2) roads in the Applewood Community;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby accept and dedicate the extension of public highways, Jack’s Way and Gracie’s Place.

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

Update on Projects around the Town

Woodberry Headwall/Wingwall Update – The Town is currently at an impasse, if the Town pays to have the engineering study done, there is no guarantee that New York State will approve of the headwall/wingwall move. Councilman Reynolds said that the whole idea was to move the headwall/wingwall onto FEMA property to avoid going onto a resident’s land multiple times a year to clean the entrance of the headwall/wingwall. The Town Board will determine alternate plans, not wishing to obtain an Engineering Report without guarantee that the project will be approved.

Noise Ordinance Petition – Attorney Cully questions the level of enforcement without having a definition of decibel levels. He mentioned that most municipalities “shy away from these types of ordinances”. Attorney Cully will get some sample ordinances from the Association of Towns and bring them back to the Town Board. Supervisor Miscione and Police Chief Inserra believes

that this is a dispute between neighbors and the entire town should not be affected, this would just open it up for unfair territory for someone who wishes to bother another person.

9240 Willowvale Ave, Unsafe Building - Councilman Messa questions Codes Enforcement Officer Joseph Booth on if anything has been done with the home on 9240 Willowvale Ave since it was purchased. Codes Enforcement Officer Booth responded that the house is condemned and that he had spoken to the new owner and the plans were to rehabilitate the house. The Codes Department will be sending a letter of compliance to the new homeowner.

2018 Independent Audit

The Town Board members acknowledged receipt of the 2018 Audit performed by Drescher & Malecki LLP. Finance Director Dreimiller provided highlights of the audit:

- At the close of the current fiscal year, the Town's governmental funds, excluding the Capital Projects Fund, reported combined ending fund balances of \$6,916,652, an increase of \$983,934.
- At the end of the current fiscal year, unassigned fund balance for the General Fund was \$2,454,100, or 56.4 percent of total General Fund expenditures. This total amount is available for spending at the Town's discretion and constitutes approximately 95.4 percent of the General Fund's total fund balance of \$2,573,209 at December 31, 2018.
- During the year ended December 31, 2018, the total fund balance of the Town's General Fund increased by \$378,153 during the current fiscal year, primarily as a result of higher than anticipated nonproperty tax items.
- During the year ended December 31, 2018, the Police Fund's fund balance increased \$237,081 as a result of savings related to public safety and employee benefits as well as favorable revenues related to nonproperty tax items.
- During the year ended December 31, 2018, the Highway Part-Town Fund's fund balance increased \$215,323 due to overall revenues exceeding the anticipated budget related to nonproperty tax items and sales of property.
- During the year ended December 31, 2018, the Sewer Fund's fund balance increased \$145,291, primarily as a result of less than anticipated contractual expenditures.
- A review of General Fund actual expenditures compared to estimated appropriations in the final budget yields several favorable variances, most notably related to lower than anticipated general government support expenditures. Revenues exceeded the budget primarily due to the receipt of higher than anticipated nonproperty tax items.
- The Town's total primary government net position increased by \$1,857,474 during the year ended December 31, 2018.

- Overall revenues of the Town’s primary government increased 15.5 percent from the prior year while overall expenses decreased by 8.3 percent. The increase in revenues and decrease in expenses are related to the Town receiving reimbursement in the current year of expenses incurred in the previous year related to a state of emergency in 2017 for flooding
- During the year ended December 31, 2018, the Town’s total serial bonds outstanding decreased by \$779,909.

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

(RESOLUTION NO. 255 OF 2019)

RESOLVED, that the Town Board of the Town of New Hartford does hereby accept the independent audit of the Town’s financial records for the fiscal year January 1, 2018, through December 31, 2018, performed by Drescher & Malecki, LLP.

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

Proposal – GPO Federal Credit Union

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

(RESOLUTION NO. 256 OF 2019)

BE IT RESOLVED, that the Town Board does hereby authorize the Town Supervisor to enter into and execute a contract with Dunn & Sgromo for the following engineering services, for which all costs to be borne by GPO Federal Credit Union for the project based in the Mud Creek Watershed:

- Task A – Review of Preliminary Plans and Drainage Report and attendance at two (2) Planning Board/ Staff Meetings
 - Total Cost Task A: \$2,164.16 (This work already complete)

- Task B – Review of Final Engineering Plans, SEQR Documents, Drainage Report, Maintenance Agreement and Attendance at two (2) Planning Board/ Staff Meetings
 - Total Anticipated Cost Task B: \$1,500.00
- Task C – Periodic Construction Observation of Stormwater Management Facilities (up to three (3) Site Visits)
 - Total Anticipated Cost Task C: \$1,500.00
- Task D – Review of Stormwater As-Builts and Certification
 - Total Anticipated Cost Task D: \$750.00

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

Proposal –The Meadows Phase 2

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

(RESOLUTION NO. 257 OF 2019)

BE IT RESOLVED, that the Town Board does hereby authorize the Town Supervisor to enter into and execute a contract with Dunn & Sgromo for the engineering services for which all costs are to be borne by The Meadows for Phase 2 (Site Plan Amendment) of their project on Middle Settlement Road / Mud Creek Watershed:

- Task A – Review of Preliminary Plans and Drainage Report and Attendance at two (2) Planning Board/ Staff Meetings
 - Total Anticipated Cost Task A: \$1,500
- Task B – Review of Final Engineering Plans, SEQR Documents, Drainage Report, Maintenance Agreement and Attendance at two (2) Planning Board/ Staff Meetings
 - Total Anticipated Cost Task B: \$1,500
- Task C – Periodic Constriction Observation of Stormwater management Facilities (up to three (3) Site Visits)
 - Total Anticipated Costs Task C: \$1,500
- Task D – Review of Stormwater As- Builts and Certification
 - Total Anticipated Costs Task D: \$750

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

Agreement with Oneida County –Pavement Marking/Striping 2019

Upon the recommendation of the Highway Superintendent, Councilman Reynolds presented the following Resolution for adoption; seconded by Councilman Messa:

(RESOLUTION NO. 258 OF 2019)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor and Highway Superintendent to execute the 2019 Pavement Marking/Striping Agreement between the Town of New Hartford and the Oneida County Department of Public Works wherein said County will provide road striping within the Town; the cost of which will be determined upon completion of the work.

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

2019 Flood Mitigation Grant Agreement – Oneida Street

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

(RESOLUTION NO. 259 OF 2019)

RESOLVED, the Town Board of the Town of New Hartford does hereby authorize the Town Supervisor to sign the 2019 Flood Mitigation Grant Agreement with Oneida County, which gives the Town a total of \$180,000.00 for the Oneida Street project.

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

2019 Flood Mitigation Grant Agreement – Woodberry Road Drainage Basin

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

(RESOLUTION NO. 260 OF 2019)

RESOLVED, the Town Board of the Town of New Hartford does hereby authorize the Town Supervisor to sign the 2019 Flood Mitigation Grant Agreement with Oneida County, which gives the Town a total of \$200,000.00 for the Woodberry Road Drainage Basin.

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

Board of Elections – Voting

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

(RESOLUTION NO. 261 OF 2019)

RESOLVED, that the Town Board of the Town of New Hartford does hereby authorize the Town Supervisor to enter into and execute a revised agreement with the Oneida County Board of Elections for 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	-	Aye
Councilman Lenart	-	Aye

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

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

[NOTE: This resolution was originally approved at the May 8, 2019 Town Board Meeting]

Settlement Agreement – National Grid Lighting

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

(RESOLUTION NO. 262 OF 2019)

BE IT RESOLVED, that the Town Board of the Town of New Hartford does hereby accept a refund of \$2,531.69 from National Grid for lighting districts that were overbilled during the period of March 01, 2013 to July 31, 2019, in the Town of New Hartford.

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

Remediation – Special Metals

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

(RESOLUTION NO. 263 OF 2019)

BE IT RESOLVED, that the Town of New Hartford does hereby authorize and direct the Town Supervisor to enter into and execute a contract with Special Metals LLC, involving the remediation of contaminated land on Middle Settlement Road, also known as “Mud Creek”. This contract will state that any contamination of nickel found on the premises during future restorations or remediations; the cost of the cleanup will be borne by Special Metals LLC.

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

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

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

Settlement of 4043 Oneida Street (Unsafe Building)

In April of 2019 the Highway Department cleaned up the property located at 4043 Oneida Street also known as the “Showalter Property”. Thereafter Councilman Messa offered the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 264 OF 2019)

WHEREAS, the property located at 4043 Oneida Street (Unsafe Building) was sold by Oneida County;

BE IT RESOLVED, that the Town of New Hartford does hereby accept the amount of \$4,500.00 for the work done by the Town of New Hartford Highway Department, as well as the legal fees for Town Attorney Herb Cully, which had been levied on the property.

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

Emergency repairs for Roof, August 5-9, 2019:

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

(RESOLUTION NO. 265 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby declare an “emergency” that took place at the Town Hall during the week of August 5-9th 2019, wherein the Police Department suffered water damage due to holes that were found on the roof of the Town Hall that were not repaired. Immediate repair was necessary for the integrity of the building; at the cost of \$5,639.00.

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

Emergency repairs Grange Hill Road; August 13, 2019

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

(RESOLUTION NO. 266 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby declare an “emergency” that took place on Grange Hill Road on August 13, 2019. A problem arose with a vendor during the paving of Grange Hill Road and another company had to be called in to finish the paving on an emergency basis for a total of \$9,740.00.

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

Vacancy – Member of the Mohawk Valley Water Authority Board

Upon motion of Councilman Reynolds and duly seconded by Councilman Messa, the following Resolution was brought forth for adoption:

(RESOLUTION NO. 267 OF 2019)

RESOLVED that the New Hartford Town Board does hereby re-appoint Elis DeLia as a member of the Mohawk Valley Water Authority Board for a three-year term commencing January 1, 2020, and ending December 31, 2023.

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**.

Stormwater Appointments – Highway

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

(RESOLUTION NO. 268 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby appoint William Farley, 9698 Campbell Road 1H, Sauquoit, NY 13456; as a full time, laborer in the Highway Department at the hourly rate of Fourteen Dollars and Seventy-five Cents (\$14.75), payable bi-weekly, said appointment to commence August 15, 2019.

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**.

Stormwater Appointments – Highway

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

(RESOLUTION NO. 269 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby appoint Robert Walker, 9650 Sessions Road, Sauquoit, NY 13456; as a full time, laborer in the Highway Department at the hourly rate of Eleven Dollars and Fifty-five Cents (\$11.55), payable bi-weekly, said appointment to commence August 15, 2019.

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**.

Refund of Retainer – The Meadows Phase 1

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

(RESOLUTION NO. 270 OF 2019)

RESOLVED, that the Town Board of the Town of New Hartford does hereby authorize the refund of \$261,746.94 to Beacon Communities Services New York, for Phase 1 of The Meadows Project on Middle Settlement Road

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**.

Declaration of Surplus Equipment – Authorization to Sell

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

(RESOLUTION NO. 271 OF 2019)

RESOLVED that the Town Board of the Town of New Hartford does hereby declare as surplus a 2010 Ford F150 XL 4x4, VIN # 1FTVX1EV0AKE38664 and be it

FURTHER RESOLVED that the aforesaid equipment shall be placed for sale on Auction 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 Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

Declaration of Surplus Equipment – Authorization to Sell

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

(RESOLUTION NO. 272 OF 2019)

RESOLVED that the Town Board of the Town of New Hartford does hereby declare as surplus a 2013 Ford Taurus, VIN # 1FAHP2M82DG132397 and be it

FURTHER RESOLVED that the aforesaid equipment shall be placed for sale on Auction 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 Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

Return of Bid Bonds – Kitchen Equipment Bid

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

(RESOLUTION NO. 273 OF 2019)

BE IT RESOLVED that the Bid Bond received from Joseph Flihan Co. for the Community Center Kitchen Equipment Bid on February 6, 2019 be returned to said company.

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**.

Return of Bid Bonds– Chenango Road Bridge Repair Rebid

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

(RESOLUTION NO. 274 OF 2019)

BE IT RESOLVED that any Bid Bonds received for the Chenango Road Bridge Repair Sauquoit Creek Scour Re-Bid be returned to the appropriate companies.

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**.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilman Messa and seconded by Councilman Lenart, the meeting was adjourned at 8:12 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk

By:

Allison Adams

Deputy Town Clerk II