

REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT THE TOWN HALL, 8635 CLINTON STREET
IN SAID TOWN ON WEDNESDAY, SEPTEMBER 18, 2019
AT 6:00 P.M.

Town Supervisor Paul Miscione called the meeting to order at 6:00 P.M. and led those in attendance in the Pledge of Allegiance to the 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

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

OTHER TOWN OFFICIALS/DEPT. HEADS

Codes Enforcement Officer Lary Gel
Highway/Sewer Supt. Richard C. Sherman
Highway Dept. Foreman Chris Moran
Town Attorney Herbert Cully
Town Clerk Gail Wolanin Young
Town Police Chief
Deputy Clerk Allison K. Adams
Human Resource Officer Barbara Schwenzfeier

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

MINUTES

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

(RESOLUTION NO. 294 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Special Town Board meeting held on July 3, 2019, and does further waive the reading of same.

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

(RESOLUTION NO. 295 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 on July 17, 2019, and does further waive the reading of same.

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

(RESOLUTION NO. 296 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 on August 14, 2019, and does further waive the reading of same.

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**.

PUBLIC PRESENTATIONS/COMMENTS

Steve Buck of Hartford Luxury Apartments was present to discuss acquiring a temporary Certificate(s) of Occupancy for his project on Clinton Road (aka NYS Route 12B). A stormwater issue came up and he worked to resolve the matter. He said the NYS Department of Transportation "...threw in a monkey wrench." At issue was a driveway and an access road. The Town Attorney noted that the Town had previously given Mr. Buck a temporary Certificate(s) on some of the property. Discussion ensued about

the two (2) driveways on the project, with the Department of Transportation wanting one (1) driveway into the development be eliminated and one (1) to be aligned with the adjoining Cardinal Estates development. Replying to the Town Attorney's question as to whether Building Permits and temporary Certificate(s) of Occupancy were issued on back lots, Codes Enforcement Officer Booth confirmed that the Town had issued Building Permits and then gave temporary Certificate(s) of Occupancy where the apartments are. That particular spot has storm water issues noted the Codes Enforcement Officer and Councilman Reynolds. GYMO, engineering firm for the Town, will monitor storm water coming off the hill and at times, flows over NYS Route 12B (Clinton Road). Discussion included the steps Mr. Buck has taken to help with torrential downpours in the future....24" and 18" pipes, a berm. A temporary Certificate of Occupancy would accommodate eight (8) people. Mr. Buck stated that all the sewer lines, water lines and hydrants are all installed. The Town Attorney questioned if tenants are aware the apartments only have a temporary Certificate(s) of Occupancy and whether Mr. Buck would be willing to post such notice for the tenants and have the tenants acknowledge written receipt of said notice. His reply was he'd rather not. The Town Attorney stated such notification is required, and he would like to avoid any liability issue. GYMO is to issue written approval of the work to be done. Thereafter, Councilman Woodland moved the adoption of the following Resolution; seconded by Councilman Reynolds:

(RESOLUTION NO. 297 OF 2019)

RESOLVED, that the Town Board of the Town of New Hartford does hereby authorize the issuance of a Temporary Certificate(s) of Occupancy for eight (8) units in the Hartford Luxury Development conditioned that developer Steve Buck completes the parking lot and the drainage issues not later than February 28, 2020, at which time said developer can move on to the second (2nd) phase of his development and returns to the Town Board for further review; and be it

FURTHER RESOLVED, that said developer shall adhere to all other criteria in the Town's Code Book as far as the construction, and the Site Plan.

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**.

Stormwater Issues – Kay Circle

Linda Leuthauser of 105 Kay Circle attended a Town Board meeting in July 2018 regarding a situation with her property which has existed for four and a half years now; she obtained quotes for ten (10) "Burning" bushes at a cost of \$400+ and inquired if the work was going to be done to restore her property to its original condition. Councilman Messa moved the adoption of the following Resolution, seconded by Councilman Woodland:

(RESOLUTION NO. 298 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby authorize the Highway Department to restore the Leuthauser property at 105 Kay Circle that had been damaged by a contractor who was acting in behalf of the Town, and authorize the purchase of ten (10) "Burning" bush, or like shrubbery, to be planted on said property at a cost not to exceed \$500.00.

Stormwater Issue

Carol Yougnren of Christopher Circle inquired if anything has been done to lessen the storm water that flows down Higby Road into her backyard. Highway Superintendent Sherman said he could have his crews on site to dig out the ditches on this County-owned road.

REPORTS OF TOWN OFFICIALS BY COMMITTEE CHAIRMAN

Public Works and Sewer Committee

Appointments

Upon recommendation of the Highway Superintendent, the following resolution was introduced by Councilman Messa and seconded by Councilman Woodland:

(RESOLUTION NO. 299 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby confirm that Highway Superintendent Richard Sherman has appointed Jeremy Waterman as a full-time Mechanic, filling the vacancy created when Benjamin Owen left the Town's employment; and be it

FURTHER RESOLVED, that the Town Board does hereby establish Mr. Waterman's hourly wage at \$25.08, payable bi-weekly, and effective September 23, 2019.

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**.

Upon further recommendation of the Highway Superintendent, the following resolution was introduced by Councilman Lenart and seconded by Councilman Messa:

(RESOLUTION NO. 300 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby confirm that Highway Superintendent

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Richard Sherman has appointed Daniel Currier as a full-time Laborer, filling the vacancy created due to the promotion of Jeremy Waterman; and be it

FURTHER RESOLVED, that the Town Board does hereby establish Mr. Currier's hourly wage at \$11.75, payable bi-weekly, and effective September 30, 2019.

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**.

BID Opening – Town Hall Roof Repair Re-bid

The Highway Superintendent read the Bid Opening results for the Town Hall Roof Repair. Four (4) bids were received on Tuesday, September 17, 2019:

- Titan Roofing - \$494,600.00; Deduct Alternate \$5,000.00
- Apple Roofing Corporation - \$375,580.00; Deduct Alternate \$3,000.00
- E V Roofing & Construction Srv - \$404,000.00; Deduct Alternate \$6,900.00
- J & B Installations - \$430,000.00; Deduct Alternate \$5,000.00.

Thereafter, the following Resolution was introduced for adoption by Councilman Reynolds; seconded by Councilman :

(RESOLUTION NO. 301 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby accept the low bid submitted for the Town Hall roof repair project, by Apple Roofing Corporation in the amount of \$375,580, and does further award the contract on this project to said Apple Roofing Corporation. The Town Supervisor is hereby authorized and directed to execute all documents required including the Letter of Intent.

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**.

Assessor Committee

Re-appointment

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

(RESOLUTION NO. 302 OF 2019)

WHEREAS, the term of office of Town Assessor Darlene Abbatecola will expire on Monday, September 30, 2019; now therefore, be it

RESOLVED, that the Town Board does hereby re-appoint Darlene Abbatecola to a six-year term of office as Town Assessor, commencing October 1, 2019 and ending September 30, 2025.

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 Clerk Committee

Games of Chance – Raffle tickets

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

(RESOLUTION NO. 303 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby grant permission to Kids Oneida, Inc., an organization duly granted a Games of Chance Identification Number by the New York State Racing and Wagering Board, to sell raffle tickets in the Town of New Hartford, New York, in accordance with all rules and regulations of said Racing and Wagering Board; and be it

FURTHER RESOLVED that the Town Clerk be, and she hereby is, authorized and directed to execute Form GC-RCF, Raffle Consent Form.

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**.

Parks Department

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

(RESOLUTION NO. 304 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby appoint Tyler Maine as a Seasonal Laborer, Part-time, without benefits in the Parks Department, effective September 17, 2019, at the hourly rate of Eleven Dollars and Twenty-five Cents, payable bi-weekly.

Councilman Reynolds inquired what duties Mr. Maine would have; the Town Supervisor responded that he would be mowing in the Parks due to other Laborers leaving for college and that he would be working nights and weekends. There is expected to be a retirement at the Recreation Center. Upon roll call, the Town 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**.

Solar Farm(s)

The Town Supervisor and Town Attorney have conducted some research on solar farms, particularly large scale farms and one for the Town's use itself at or in Sherrillbrook Park, with other sites in mind such as behind the Jedediah Sanger Garage off New Hartford Street and/or other land that the Town owns on Middle Settlement Road (aka NYS Route 5B). The Town's Zoning Law adopted in June 2014 would have to be amended, subject to a Public Hearing, and reviewed with the Town's Comprehensive Plan. It was noted that the three sites are all previously designated "dump" sites, and that buffering would be required for the general public. The Town Attorney expects to have a final draft of the legislation to be available very shortly. No action was taken at this time.

Parks - Playground

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

(RESOLUTION NO. 305 OF 2019)

WHEREAS, a deck on a slide in the Sherrillbrook Park was found to have numerous cracks in it, posing a safety hazard to children; and

WHEREAS, it has been learned that MIRACLE, out of Dallas, Texas, is the sole source for repair/replacement materials;

NOW, THEREFORE, BE IT RESOLVED, that the New Hartford Town Board does hereby authorize the purchase of the essential repair materials for the repair/replacement of the deck on a slide in the Sherrillbrook Park, as follows:

- Slide mogul one piece 6’6”Deck - \$2,092.
 - Deck, transfer point assy fps - \$ 756.
 - Parts Carton KC TPFPS - \$ 50.
 - Patch Kit Miratherm BL - \$ 102.
- Sale Amount \$3,000 Plus Freight of \$337.44
- | | | |
|---------------------|---|------|
| Councilman Messa | - | Aye |
| Councilman Lenart | - | Aye |
| Councilman Reynolds | - | Aye |
| Councilman Woodland | - | Aye |
| Supervisor Miscione | - | Aye. |

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

Hot Water Tank

When the hot water tank was installed in 2017 at the Recreation Center, no flapper was placed on the pipe exhaust so that it cracked from water freezing. Does the Town Board want to repair this in-house or spend the extra money and have the worked guaranteed. Also, the dehumidifier doesn’t work.

Cost to fix it ourselves or by sole source. Bidding out: an additional \$46,000 plus installation.

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

(RESOLUTION NO. 306 OF 2019)

RESOLVED, that the Town Board bring this matter up for discussion at the next meeting.

MATTERS SUBMITTED BY TOWN COUNCILMEN

2020 Proposed Budget

Regarding the 2020 budget, Councilman Messa would like to begin a program of paving 1-mile sections of road at a time. Discussion ensued on the road paving in 2019 and that proposed for 2020.

Other topics discussed were increasing health care costs, upgrades of Police Department software and hardware, Highway Department trucks and equipment.

Audit of Vouchers

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

(RESOLUTION NO. 307 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 1537-1554; 1556-1623; 1624-VOIDED; 1625-1738; 1740-1753; 1755-1788

A600	\$153,798.44
B600	\$ 10,734.60
BP600	\$ 64,510.35
DA600	\$ 490.00
DB600	\$224,511.05
HPE600	\$ 1,227.24
HPP600	\$170,212.06
HQ600	\$174,468.71
HV600	\$ 8,120.05
SS600	\$ 8,927.14
TA600	\$ 17,306.47
TOTAL RECORD OF CLAIMS TOTAL #1	\$834,306.11

RECORD OF CLAIMS #2

#'S 1525-1536

A600	\$ 9,580.95
B600	\$ 18.96
BP600	\$ 353.80
DB600	\$ 94.90
SL600	\$ 8,466.12
SS600	\$ 62.70
TOTAL RECORD OF CLAIMS TOTAL #2	\$18,577.43

RECORD OF CLAIMS #3

#'S 1525-1536

TA600	\$261,746.94
TOTAL RECORD OF CLAIMS TOTAL #3	\$261,746.94

RECORD OF CLAIMS #4

#'S 1519-1523

A600	\$ 7,270.90
B600	\$ 395.82
BP600	\$ 3,571.89
SS600	\$ 1,883.58
TA600	\$ 981.41

TOTAL RECORD OF CLAIMS TOTAL #4 \$14,103.60

TOTAL RECORD OF CLAIMS 1-4 \$1,128,734.08

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**.

EXECUTIVE SESSION

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

(RESOLUTION NO. 308 OF 2019)

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

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**. All persons present, including the news media and Department Heads, were then excused from the meeting at 7:44 P.M. The Town Attorney and Deputy Supervisor remained for the Executive Session.

[NOTE: The Town Attorney provided the following transcription on Thursday, September 19, 2019.]

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 309 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.

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

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

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 8:24 P.M. The regular portion of the Town Board meeting was immediately reconvened; and 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 8:25 P.M.

Respectfully submitted,

Gail Wolanin Young
Town Clerk