

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, OCTOBER 2, 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 Richard M. Lenart
Councilman David M. Reynolds
Councilman Richard Woodland, Jr.
Supervisor Paul A. Miscione

ABSENT:

Councilman James J. Messa

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Assessor Darlene Abbatecola
Finance Director Daniel Dreimiller
Highway/Sewer Supt. Richard C. Sherman
Highway Dept. Foreman Chris Moran
Town Attorney Herbert Cully
Town Clerk Gail Wolanin Young
Deputy Clerk Allison K. Adams
Deputy Supervisor Anthony Trevisani
Human Resource Officer Barbara Schwenzfeier
Police Chief Michael S. Inserra

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

PUBLIC PRESENTATIONS/COMMENTS

Kari Procopio was present to discuss several matters affecting her neighborhood:

- Speeding motorists
- Lack of sidewalks
- Speed limit
- Lack of a traffic study.

Police Chief Inserra explained that the NYS Department of Transportation will not approve a speed limit lower than 30 miles per hour. Ms. Procopio requested that the Town Board take further action.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE

Director of Finance

Budget adjustments

Upon presentation to the Town Board members, the following Resolution was introduced for adoption by Councilman Reynolds and seconded by Councilman Lenart:

(RESOLUTION NO. 310 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby approve the following budget adjustment for 2019:

GENERAL WHOLE-TOWN

Expense

Account_ Description And Number	Current Budget Amount	Proposed Budget Amount	Increase (Decrease)	Explanation
Vacated house mowing A1950.40	\$15,000	\$22,500	\$7,500	Increase budget line for additional Mowing costs

Revenue

Vacated house mowing A10011	\$15,000	\$22,500	\$7,500	Increase budget line for additional mowing costs
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A roll call vote was held, resulting as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Upon presentation to the Town Board members, the following Resolution was introduced for adoption by Councilman Reynolds and seconded by Councilman Lenart:

(RESOLUTION NO. 311 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby approve the following budget adjustment for 2019:

HIGHWAY PART-TOWN

Expense

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Account Description And Number	Current Budget Amount	Proposed Budget Amount	Increase (Decrease)	Explanation
Gasoline - Winter DB5142.404	\$80,000	\$101,735	\$21,735	Adjust for increase in fuel requirements
Gasoline – Summer DB5110.405	\$90,000	\$111,734	\$21,734	
			\$43,469	

Revenue

Fuel – Village NH, DB27702	\$ 3,800	\$ 6,943	\$ 3,143	Increase budget for increase in fuel requirements
Brine Revenue, DB27707	\$ 5,500	\$16,747	\$11,247	
Ice Control Revenue, DB27712	\$12,000	\$13,440	\$ 1,440	
Fuel – NY Mills School, DB27718	\$15,000	\$16,914	\$ 1,914	
Transfer from General Part-Town, DB503.11	\$ 0.	\$25,725	\$25,725	
			\$43,469	

A roll call vote was held, resulting as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Upon presentation to the Town Board members, the following Resolution was introduced for adoption by Councilman Lenart and seconded by Councilman Woodland:

(RESOLUTION NO. 312 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby approve the following budget adjustment for 2019:

GENERAL PART-TOWN

Expense

Account Description And Number	Current Budget Amount	Proposed Budget Amount	Increase (Decrease)	Explanation
Transfer to other funds Highway Part-Town	\$ 0.	\$25,725	\$25,725	adjust revenue line item for transfer to

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Highway-Part Town

Revenue

Special Revenue B2110	\$ 500	\$ 3,690	\$ 3,190	adjust revenue line
Commercial Planning B21151	\$ 1,000	\$ 2,000	\$1,000	for transfer to
Sketch Plan Conf. B21153	\$ 0.	\$ 750	\$ 750	Highway-Part Town
Site Grading B21160	\$ 200	\$ 4,620	\$4,420	
Building Permits B25551	\$75,000	\$84,000	\$9,000	
Cert. of Occupancy B25552	\$ 4,000	\$9,615	\$ 5,615	
Septic/Sewer Permits B25553	\$ 200	\$ 950	\$ 750	
Electrical Inspections B25900	\$ 0.	\$1,000	<u>\$1,000</u>	
		TOTAL:	\$25,725	Total

The Town Board members voted as follows:

- Councilman Messa - (ABSENT)
- 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 Consent

The Town Clerk had received a Raffle Consent Form in behalf of the Stevens-Swan Humane Society which is seeking the Town’s approval of their intent to sell raffle tickets in the Town of New Hartford, a municipality in which they are not domiciled. The Town Board having reviewed the Humane Society’s application, Councilman Woodland offered the following Resolution for adoption; seconded by Councilman Lenart:

(RESOLUTION NO. 313 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby grant permission to Stevens-Swan Humane Society, 5664 Horatio Street, Utica, New York, an organization duly granted a Games of Chance Identification Number by the New York Gaming Commission to sell raffle tickets in the Town of New Hartford, NY, in accordance with all rules and regulations of said Commission; 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.

The Town Board members voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Human Resource Office

Ms. Schwenzfeier, Human Resource Officer, presented a list of individuals recommended for seasonal/laborer positions in the Parks Department. Thereafter, Councilman Reynolds offered the following Resolution for adoption; seconded by Councilman Lenart:

(RESOLUTION NO. 314 OF 2019)

RESOLVED, that the Town Board does hereby appoint the following individuals to seasonal/Laborer positions in the Parks Department, commencing October 5, 2019, at Ten Dollars (\$10) per hour, payable bi-weekly:

- Nicole Farkoun
- Kyler Wheat
- Abigail Martin
- Madison Holmes
- Marie Winn
- Gabriella McConeghy
- Hannah Sherman
- Ku Ku.

The Town Board members voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

MATTERS SUBMITTED BY TOWN SUPERVISOR

2020 Tentative Budget Filing

Supervisor Miscione stated he finalized the 2020 Tentative Budget and e-mailed copies to the Board members last week.

Town Clerk Gail Wolanin Young distributed copies of the 2020 Tentative Budget to the Town Board members; said Budget had been filed in her office by Finance Director Daniel Dreimiller on Tuesday, September 30, 2019. The Town Clerk noted that these budget copies contain the required exemption report.

Electric Stations

The Town Supervisor reported that the electric stations for the Town are complete, as well as the police vehicles. A ribbon-cutting ceremony will be scheduled.

Final Contract – NYS DEC Grant

Supervisor Miscione reported that the Town has received the Final Contract for the New York State Department of Conservation (DEC) Grant. Upon motion of Councilman Woodland and seconded by Councilman Lenart, the following Resolution was put forth for adoption:

(RESOLUTION NO. 315 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby acknowledge and approve the Final Contract for the NYS DEC grant.

The Board members were polled and voted as follows:

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

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

Dedication of Town Hall meeting room

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

(RESOLUTION NO. 316 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby dedicate the Town Hall meeting room to all Veterans, and does further accept the POW–MIA (Prisoner of War – Missing In Action) flag to be displayed alongside of the American Flag in said meeting room. The POW-MIA flag was given to the Town by the Stedman family at a ceremony held on Friday, September 20, 2019.

The Town Board members voted as follows:

Councilman Messa	-	(ABSENT)
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye

Supervisor Miscione - Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**. Supervisor Miscione complimented Allison Stedman Adams on coordinating this event.

Employee Exit Contracts

The Town Supervisor briefed the Town Board on the status of the Employee Exit contracts for employees who retire. Thereafter, the following Resolution was introduced for adoption by Councilman Lenart and seconded by Councilman Woodland:

(RESOLUTION NO. 317 OF 2019)

RESOLVED, that the Town Board has finalized the Employee Exit contracts for employees who retire from Town employment, and two (2) individuals qualify to sign such contracts; namely, M. Eileen Spellman, Senior Citizen Center Coordinator, and Code Enforcement Officer, Joseph Booth. Arrangements are to be made to secure both signatures.

The Town Board members voted as follows:

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

The Resolution was declared unanimously carried and duly adopted. The Supervisor announced that Joe Booth would be leaving as of October 31, 2019, and that Eileen Spellman had retired on June 10, 2019.

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

(RESOLUTION NO. 318 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby accept the retirement notification from Code Enforcement Officer Joseph Booth, effective October 31, 2019.

A roll call vote was held:

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

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

Oneida County Project – New Street Lighting

After some explanation by the Town Supervisor, Councilman Woodland moved and Councilman Lenart seconded the following Resolution:

(RESOLUTION NO. 319 OF 2019)

WHEREAS, Oneida County will begin new construction of street lights along County-owned rights of way beginning at Seneca Turnpike, along County-owned Middle Settlement Road, to the Lowe’s intersection; and

WHEREAS, this area of Middle Settlement Road is particularly dark;

NOW, THEREFORE BE IT RESOLVED that upon completion of this particular project by the County, the Town of New Hartford will take ownership and maintenance of said street lights.

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 Resolution was declared unanimously carried and duly *adopted*.

Maintenance of Detention Ponds (Sangertown Square Mall)

Supervisor Miscione stated that Sangertown Square Mall (Sinpike Mall Company) gave the Town a grant to clean berms at the retention ponds every three (3) years. Now, the Town needs access to Sangertown’s property for the benefit and need of the people downstream. Sangertown is proposing that, in lieu of their maintenance of the berms every three (3) years, Sangertown would donate Twenty Thousand Dollars (\$20,000) toward this improvement. The Town Attorney advised to include a contingency clause in the event costs exceed \$20,000 for the Town and to have an open agreement that the Town has a right to re-negotiate it. Councilman Reynolds inquired what the Town might be responsible for, and he believed that Sangertown should be made to do what is specified in the 1988 Agreement with the Town. The Town Supervisor requested further input for Board members to use in negotiations.

Grant Applications for Stormwater

Highway Superintendent Sherman stated there are grants under the Homeland Security for projects such as detention ponds; the deadline for submission is October 15, 2019. One pond could be constructed in the Hughes Lane area to benefit the residents on Hughes Lane, Roman Road and Oxford Road, and a second pond could be built on “paper” lots that have never been developed behind the Bogner property off Pleasant Street. Upon motion of Councilman Reynolds, seconded by Councilman Lenart, the following Resolution was brought forth for adoption:

(RESOLUTION NO. 320 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby authorize Highway Superintendent Richard Sherman to sign and submit two (2) Letters of Intent for Project Grants to the NYS Division of Homeland Security and Emergency Services for the following, separate grants under the Flood Mitigation Assistance (FMA) program:

- Project title – Sylvan Glen Detention
- Project title – Snowden Hill, Lloyds Lane.

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**.

Phase 2 – The Meadows Senior Housing; Donation of Land

Beacon Communities, LLC has notified the Town Supervisor that they are purchasing about eleven (11) acres of land for Phase 2 of The Meadows senior housing project. This project is off State-owned Middle Settlement Road and is part of the Mud Creek basin. Of the eleven (11) acres, they will use only 3.75 acres, leaving 5.7+ acres undeveloped. It is the remaining 5.7+ acres that Beacon would like to donate to the Town for future recreation purposes. Supervisor Miscione recommended to the Planning Board that a conservation easement be included. The developer is willing to donate \$25,000 to the Town for a park area and/or future recreational purposes.

(RESOLUTION NO. 321 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby authorize the Town Supervisor to go forth with Beacon Communities, LLC proposal to donate 5.7+ acres to the Town of New Hartford and further, is willing to accept the monetary donation proposed.

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**.

Sherrillbrook Park Gazebo

The Town Supervisor obtained three (3) quotes for “material only” to upgrade and rebuild the gazebo in Sherrillbrook Park:

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- JKay Lumber \$26,101.51
- Lowe's \$21,430.67
- Home Depot \$19,444.92, plus an additional 5% if purchased by the end of this week.

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

(RESOLUTION NO. 322 OF 2019)

WHEREAS, the Town Supervisor has obtained three (3) quotes for the purchase of materials to rebuild the Sherrillbrook Park gazebo;

BE IT RESOLVED, that the Town Supervisor be, and he hereby, is authorized to make the necessary lumber purchases from the Home Depot quote for purposes of rebuilding the gazebo at the Sherrillbrook Park.

The Supervisor polled the Board members who voted as follows:

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

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**.

Authorization to Bid

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

(RESOLUTION NO. 323 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby authorize the Town Supervisor to go out for bid for a dehumidifier for the Recreation Center and a new engineer plan of the HVAC system in Town Hall.

The Town Board voted as follows:

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

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**.

Authorize to Bid

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

(RESOLUTION NO. 324 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby authorize the Town Supervisor to go out for bid for the main sign on the new Town Hall at 8635 Clinton Street, New Hartford, NY.

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**.

Recreation Center – Staircase

Upon recommendation of the Town Supervisor, the following Resolution was introduced by Councilman Reynolds and duly seconded by Councilman Lenart:

(RESOLUTION NO. 325 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby authorize the Town Supervisor to proceed with improvements to the Recreation Center staircase.

The Town Board members voted as follows:

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

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**.

EXECUTIVE SESSION

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

(RESOLUTION NO. 326 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the pending Wiatr and Champion lawsuits.

A roll call vote ensued:

Councilman Messa	-	(ABSENT)
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 6:55 P.M. The Town Attorney and Deputy Supervisor remained for the Executive Session.

[NOTE: The Town Attorney provided the following transcription on Thursday, October 3, 2019.]

END OF EXECUTIVE SESSION; ADJOURNMENT

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

(RESOLUTION NO. 327 OF 2019)

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

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

Councilman Messa	-	(ABSENT)
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 7:07 P.M. The regular portion of the Town Board meeting was immediately reconvened. 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 7:08 P.M.

Respectfully Submitted,

Gail Wolanin Young, Town Clerk