

**REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF NEW HARTFORD, NEW YORK  
HELD AT BUTLER MEMORIAL HALL, NEW HARTFORD, NY ON  
WEDNESDAY, JUNE 6, 2018, 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 Philip S. Cittadino  
Councilman Richard B. Woodland, Jr.  
Supervisor Paul A. Miscione

**ABSENT:** Councilman David M. Reynolds

**OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:**

Assessor Darlene Abbatecola  
Codes Enforcement Officer Joseph Booth  
Deputy Supervisor Anthony J. Trevisani  
Director of Finance Daniel T. Dreimiller  
Director of Senior Services M. Eileen Spellman  
Highway/Sewer Superintendent Richard C. Sherman  
Human Resource Department Barbara Schwezfeier  
Police Chief Michael S. Inserra  
Town Attorney Herbert J. Cully  
Town Clerk Gail Wolanin Young

Thereafter, the Supervisor declared a quorum present for the transaction of business. [NOTE: Resolutions No. 229 and 230 were adopted June 6, 2018 during an unsafe building hearing conducted at 5:15 P.M.]

MINUTES

**May 2, 2018 Town Board meeting:**

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

**(RESOLUTION NO. 231 OF 2018)**

**RESOLVED** that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held May 2, 2018 and does further waive the reading of same.

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Upon roll call, the Board members voted as follows:

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

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

PRESENTATIONS/COMMENTS

Sebastino (Sam) Pagano of Washington Drive, New Hartford, explained his problem with a neighbor who had planted a tree near his property line, and for 30 years Mr. Pagano has spent money to clean up brush and leaves from this tree, as well as incur damage to his driveway that is heaving from the growth of the tree. He doesn't want to spend any more money clearing debris from his neighbor's tree that falls on his property, and requested that the Town Board pass a resolution regulating how close trees can be planted to property lines. The Town Supervisor requested that the Codes Enforcement Officer look into any possible solution.

PUBLIC HEARING

6:15 .M. Local Law Introductory "B" of 2018  
Sherrillbrook Park zoning

The Town Supervisor opened the Public Hearing on Local Law Introductory "B" of 2018 at 6:15 P.M. [NOTE: The Town Clerk had available copies of the proposed local law, the Notice of Public Hearing, Affidavit of Posting, Proof of Publication in The Observer Dispatch, and communications from various agencies with regard to SEQR, as well as recommendations of approval from the Town Planning Board and Oneida County Planning Department.]

The Town Attorney explained that Local Law Introductory "B", if adopted, would correct an error in the 2014 Zoning Map, specifically relating to a small portion of the Sherrillbrook Park that had been designated Low Density Residential (LDR), so that the entire parcel of Sherrillbrook Park would be zoned Parks and Recreation (PR).

Supervisor Miscione inquired if anyone present wished to speak in the matter; there having been no one who came forth, the Public Hearing was closed at 6:17 P.M. Thereafter, Councilman Woodland moved that Local Law Introductory "B" of 2018 be adopted as Local Law No. Two of 2018 in the following format; seconded by Councilman Cittadino:

**Town of New Hartford  
Local Law No. Two of 2018**

A Local Law to Amend the Code of the Town of New Hartford, Chapter 118 thereof entitled ZONING, and the map coincidental thereto as Attachment 1, as it pertains to the Sherrillbrook Town Park, to designate the entire Park parcel as PR (Parks and Recreation).

**BE IT ENACTED** by the Town Board of the town of New Hartford as follows:

Section 1. Amendments to the Zoning Map are authorized by Chapter 118-131 of the Code of the Town of New Hartford.

Section 2. Chapter 118-17 Zoning Map and Attachment 1 are amended to reclassify a portion of the Sherrillbrook Park parcel on New York State Route 12, currently zoned LDR (Low Density Residential), to PR (Parks and Recreation) in conformity with the remaining portion of said Park. It is the intent of this Local Law to correct an apparent error in the Zoning Map such that the entire Park parcel shall be designation PR.

Section 3. All other provisions of Chapter 118 of the Code of the Town of New Hartford and all amendments thereto are hereby affirmed except as modified herein.

Section 4. This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State.

Upon roll call, the Board members voted as follows:

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

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

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE

Town Clerk Committee – Councilman Woodland

**Training - Oneida County Association of Towns Meeting**

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

**(RESOLUTION NO. 232 OF 2018)**

**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 the Highway Superintendent, the Town Clerk, and the Deputy Town Supervisor to attend the Oneida County Association of Towns Meeting on June 26, 2018 in the Town of Paris, with expenses to be borne by said Town as budgeted.

The Resolution was voted upon by roll call as follows:

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

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

**Raffle Consent**

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

**(RESOLUTION NO. 233 OF 2018)**

**RESOLVED** that the New Hartford Town Board does hereby grant permission to The One Charity Golf Classic, Inc., 5911 Airport Road, Oriskany, NY, 13424, 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 Town Board voted as follows:

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

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

Finance Department

**Budget Transfers**

Director of Finance Daniel Dreimiller submitted several budget adjustments for approval. Councilman Messa moved the adoption of the following Resolution; seconded by Councilman Cittadino:

**(RESOLUTION NO. 234 OF 2018)**

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Finance Department to make the following 2018 Budget transfers:

General Whole-town

Expense	Current Budget	Proposed Budget	Increase (Decrease)	Explanation
<u>Account Description</u>	<u>Amount</u>	<u>Amount</u>		
Account Clerk AA1220.12	\$48,048	\$60,688	\$12,640	for labor related to Federal FEMA BUY BACK PROGRAM; first QTR OF 2018
Revenue				
Interfund Revenue - FEMA-Fed. AA2801.1	\$ 0	\$12,640	\$12,640	for labor related to Federal FEMA BUY BACK PROGRAM First QTR OF 2018

A roll call vote ensued:

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

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

Councilman Messa moved the adoption of the following Resolution; seconded by Councilman Cittadino:

**(RESOLUTION NO. 235 OF 2018)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Finance Department to make the following 2018 Budget transfers:

Highway Part-town

Expense	Current Budget	Proposed Budget	Increase (Decrease)	Explanation
<u>Account Description</u>	<u>Amount</u>	<u>Amount</u>	<u>Amount</u>	
Equipment DB5130.02	\$65,967	\$79,060	\$13,093	for rental of hydro-seeder for use on FEMA BUY-BACK Properties
 Revenue				
Interfund Revenue - Federal FEMA DB2801.1	\$ 0	\$13,093	\$13,093	for rental of hydro-seeder for use on FEMA BUY-BACK Properties

A roll call vote ensued:

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

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

Councilman Woodland moved the adoption of the following Resolution; seconded by Councilman Cittadino:

**(RESOLUTION NO. 236 OF 2018)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Finance Department to make the following 2018 Budget transfers:

General Fund Part-town Police

Expense	Current Budget	Proposed Budget	Increase (Decrease)	Explanation
<u>Account Description</u>	<u>Amount</u>	<u>Amount</u>	<u>Amount</u>	
Contractual - Maintenance Agreements	\$28,000	\$51,112	\$23,112	to pay for 9 months POLCE-managed services from BP rather than AA

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BP3120.41

Revenue

	Current Budget	Proposed Budget	Increase (Decrease)	Explanation
Sales Tax BP1120.0	\$1,375,320	\$1,398,432	\$23,112	to pay for 9 months POLCE-managed services from BP rather than AA

A roll call vote ensued:

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

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

Councilman Woodland moved the adoption of the following Resolution; seconded by Councilman Messa:

**(RESOLUTION NO. 237 OF 2018)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Finance Department to make the following 2018 Budget transfers:

General Whole-town

Expense	Current Budget	Proposed Budget	Increase (Decrease)	Explanation
<u>Account Description</u>	<u>Amount</u>	<u>Amount</u>		
Maintenance Agreements AA1670.41	\$78,000	\$54,888	(\$23,112)	to pay for 9 months POLCE-managed services from BP rather than AA

Revenue

Sales Tax AA1120.0	\$892,727	\$869,615	(\$23,112)	to pay for 9 months POLCE-managed services from BP rather than AA
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A roll call vote ensued:

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

This Resolution was declared unanimously carried and duly **ADOPTED**.  
 Councilman Messa moved the adoption of the following Resolution; seconded by  
 Councilman Cittadino:

**(RESOLUTION NO. 238 OF 2018)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the  
 Finance Department to make the following 2018 Budget transfers:

General Fund Part-town Police

Expense	Current Budget	Proposed Budget	Increase (Decrease)	Explanation
<u>Account Description</u>	<u>Amount</u>	<u>Amount</u>	<u>Amount</u>	<u></u>
Contractual BP3120.4	\$139,350	\$149,325	\$ 9,975	for NYS Laptop Grant

Revenue

NYS Computer (Laptop) Grant BP3089.10	\$ 0	\$ 9,975	\$ 9,975	for NYS Laptop Grant
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A roll call vote ensued:

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

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

Public Works & Sewer Committee – Councilman Cittadino

**Highway Law, Section 284: Agreement to Spend Town Highway Funds for 2018**

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

**(RESOLUTION NO. 239 OF 2018)**

**RESOLVED** that, pursuant to the provisions of Section 284 of the Highway Law, the  
 Town Board and Highway Superintendent do hereby agree that moneys levied and  
 collected for the repair and improvements of highways, and received from the State or



other sources for the repair and improvement of highways, shall be expended for **General Repairs (5110) and (5120)** on various highways, including sluices, culverts and bridges having a span of less than five (5) feet and boardwalks or the renewals thereof; and for **Improvements (5112)** of Town highways for the calendar year of 2018. Said Agreement shall be filed in the Town Clerk's Office after all Board members sign same.

The Resolution was then voted upon as follows:

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

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

Zoning (Codes) and Planning Committee – Councilman Cittadino

**Waiver of Fee – Flood Plain Development Permit**

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

**(RESOLUTION NO. 240 OF 2018)**

**RESOLVED** that the New Hartford Town Board does hereby waive the Flood Plain Development Permit fee for the County of Oneida with regard to the sewer reparation project along Sauquoit Creek, and the Town Board does further authorize the Town Codes Enforcement Officer to issue said Permit without collecting the fee.

The Board members voted as follows:

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

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

**Municipal Separate, Storm Sewer System (MS4) – Annual Report**

Councilman Cittadino presented the 2018 MS4 Annual Report that had been prepared by Joanne Humphreys of the Oneida County Soil and Water agency, reviewed and approved

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by Highway Superintendent Sherman and now available for public review. The purpose of the MS4 program, which has been in place since 2003, starting with the Environmental Protection Agency (EPA) – Clean Water Act adopted in the late 1990's, is a mandate that municipalities control the quality of stormwater by eliminating all kinds of debris (salt, sand, litter, etc.) from being dumped into the storm sewer facility within their territorial boundary, so that unfiltered stormwater does not flow into streams and wetlands.

Regulated MS4s involve many towns and villages; the systems can be closed or open ditches and swales. Minimum control measures include:

- Public outreach and education
- Public outreach and participation
- Illicit discharge detection and elimination of stormwater
- Construction site run-off control
- Post construction stormwater management
- Good housekeeping

The annual report requires the Town Supervisor's signature, after which the Annual Report will be posted on the Town's web site. The public can read the report and offer comments. This public (Town Board) meeting and the Town's web site will suffice for a public hearing. The Annual Report must be filed with the New York State Department of Environmental Conservation by June 1, 2018. Thereafter, Councilman Cittadino introduced the following Resolution for adoption; seconded by Councilman Messa:

**(RESOLUTION NO. 241 OF 2018)**

**WHEREAS**, the Town of New Hartford has been identified as a Municipal Separate Storm Sewer System (MS4) under the EPA's Phase II Stormwater Regulations under the Clean Water Act of 1999; and

**WHEREAS**, the Phase II Program requires each MS4 to prepare a Draft Annual Report on the Town's efforts to protect and improve the water quality of our streams and water bodies; and

**WHEREAS**, the public is invited to review the Draft Annual Report and provide input; and

**WHEREAS**, a Draft Annual Report has been prepared in conformance with the Phase II Regulations by the Highway Department; and

**WHEREAS**, the Annual Report must be submitted to the New York State Department of Environmental Conservation offices in Albany, NY, by June 1, 2018;

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**NOW, THEREFORE, BE IT RESOLVED** that the Town Board accepts said Draft Annual Report and does hereby authorize and direct the Town Supervisor to execute same and that said Draft Annual Report is available for public review at the Town of New Hartford Town Clerk's Office, Town Web Site, and at the Highway Department.

Upon roll call, the Board members voted as follows:

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

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

**Intermunicipal Agreement – July 2017 Flooding Reimbursement**

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

**(RESOLUTION NO. 242 OF 2018)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to enter into and to execute an Intermunicipal Agreement between said Town and the County of Oneida with regard to the July 1 and July 2, 2017, flood waters which caused a State of Emergency in said Town and throughout the County. The Federal Emergency Management Agency (FEMA) will reimburse some, but not all costs incurred by the Town while ensuring public safety and restored infrastructure, and the County agrees to pay the Town \$339,873.14 to contribute fifty percent (50%) of the costs incurred for Work performed as set forth hereinbelow:

• Labor	\$ 37,566.00
• Equipment	\$ 29,970.82
• Contract costs	\$457,865.84
• Materials	\$154,343.62
• <b>Subtotal</b>	<b>\$679,746.28</b>
• <b>Percentage Payable by County</b>	<b>50%</b>
• <b>Total Payable by County</b>	<b>\$339,873.14</b>

Upon roll call, the Board members voted as follows:

Councilman Messa	-	Aye
Councilman Cittadino	-	Aye

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

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

Public Safety & Courts Committee – Councilman Cittadino

**Appointment – Part-time School Safety Officer**

Upon recommendation of Police Chief Michael Inserra, the following Resolution was offered for adoption by Councilman Cittadino and seconded by Councilman Messa:

**(RESOLUTION NO. 243 OF 2018)**

**RESOLVED** that the New Hartford Town Board does hereby authorize the Police Chief to hold interviews/background check for one (1) Part-time School Safety Officer (SSO) to begin work on July 16, 2018 for a maximum 20-hour work week, which shall be paid by the New Hartford Central School District.

The Supervisor polled the Board members who voted as follows:

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

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

**Amend Town Board meeting schedule**

Councilman Cittadino moved and Councilman Messa seconded the following Resolution:

**(RESOLUTION NO. 244 OF 2018)**

**RESOLVED** that the New Hartford Town Board does hereby amend the Town Board meeting schedule for calendar year 2018, by cancelling the July 18, 2018 Town Board meeting and designating July 11, 2018 as the only meeting date in July 2018.

The Town Board members voted upon roll call, as follows:

Councilman Messa	-	Aye
Councilman Cittadino	-	Aye

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

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

MATTERS SUBMITTED BY TOWN ATTORNEY

Local Law Introductory “C” of 2018 – Procurement Policy/”Best Value”

The Town Attorney submitted proposed legislation to include “best value” in the Town’s Procurement Policy. Thereafter, Councilman Messa introduced the proposed legislation for the Town Board’s consideration at a future Public Hearing; co-sponsored by Councilman Cittadino:

TOWN OF NEW HARTFORD, NY  
LOCAL LAW INTRODUCTORY “C” OF 2018

A Local Law Amending the Town of New Hartford Procurement Policy to Authorize Purchasing Based on Best Value.

**BE IT ENACTED** by the Town Board of the Town of New Hartford, that this Local Law amends the “Procurement Policy” as follows:

**SECTION 1.**

The Town of New Hartford Purchasing Policies and Procedural Manual shall be amended to add a new section to read in its entirety as follows:

**“Purchasing Based on Best Value.**

- A.** New York General Municipal Law Section 103 requires competitive bidding for purchase contracts and public works contracts and has historically required that such bids be awarded to the lowest responsible bidder whose bid meets the requirements of the specifications for the project. Section 103 was amended to provide that by enacting a Local Law so providing, municipalities may award purchase contracts which would otherwise be subject to the “lowest bidder” rule on the basis of best value, as defined in State Finance Law Section 163, to a responsive and responsible bidder or offeror.
- B.** Notwithstanding the provisions of the “Procurement Policy” the Town of new Hartford Town Board hereby determines that it is in the best interest of the Town of New Hartford to have the authority to award purchase contracts on

the basis of best value. Factors that may be used to enact the “best value” option, where cost efficiency over time to award the good(s) or service (s) to other than the lowest bidder include but are not limited to:

1. Lowest cost of maintenance for good(s) or service (s):
2. Durability of good(s) or services (s)
3. Higher quality of good (s) or service(s); or
4. Longer product of life of good(s) or service(s).

C. The Town of New Hartford may award purchase contracts, including contracts for service work related to the installation, maintenance or repair of apparatus, equipment and supplies, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Labor Law Article 8, on the basis of best value, as defined in State Finance Law Section 163, to a responsive and responsible bidder and offeror.

1. Where the basis for awards is the best value offer, the Town of New Hartford shall document, in the procurement record and in advance of the initial receipt of offers, the determination of the evaluation criteria, which whenever possible, shall be quantifiable, and the process to be used in the determination of best value and the manner in which the evaluation process and selection shall be conducted.
2. Where appropriate, the solicitation shall identify the relative importance and/or weight of cost and the overall technical criterion to be considered by the Town of New Hartford in its determination of best value.
3. The election to award any such contract on the basis of best value shall be made by the Town Board. In the event that no such election is made, purchase contracts will continue to be awarded to the lowest responsible bidder furnishing any required security in accordance with this policy.

## **SECTION 2. SEVERABILITY**

In any clause, sentence, paragraph, subdivision or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this

Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**SECTION 3.**                    **EFFECTIVE DATE**

This Local Law shall be effective upon filing with the office of the Secretary of State.

**Public Hearing Scheduled – Local Law Introductory “C” of 2018; Procurement Policy “Best Value”**

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

**(RESOLUTION NO. 245 OF 2018)**

**RESOLVED** that the New Hartford Town Board does hereby schedule a Public Hearing to commence at 6:00 P.M., or as soon thereafter as reached in the regular course of business, on Wednesday, July 11, 2018, in Butler Memorial Hall, 48 Genesee Street, New Hartford, NY, at which time the Town Board will consider the adoption of Local Law Introductory “C” of 2018, thereby authorizing “best value” in the Town’s Procurement Policy.

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

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

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

**Local Law Introductory “D” of 2018 – Food Vending Trucks/Sherrillbrook Park**

In response to Councilman Woodland’s suggestion at the May 23, 2018, Town Board meeting that food vending trucks be permitted to operate in Sherrillbrook Park, the Town Attorney submitted draft legislation based upon Councilman Woodland’s suggestion that such activity be permitted to operate once in July and once in August 15, 2018.

Thereafter, Councilman Woodland introduced the proposed legislation for the Town Board’s consideration at a future Public Hearing; co-sponsored by Councilman Cittadino:

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A Local Law to amend the Code of the Town of New Hartford, Chapter 88 thereof entitled PARKS, so as to allow Food Vending Trucks to operate in the Sherrillbrook Park on July 18, 2018, and August 15, 2018.

BE IT ENACTED by the Town Board of the Town of New Hartford that Chapter 88 of the Town Code, originally adopted on October 3, 1973, be amended to add the following section 88-2.1:

Section 1. The Town Code shall now include Section 88-2.1 entitled “Food Truck Days.” The Town Board may, by Resolution in any year, authorize the operation of Food Trucks in the Sherrillbrook Park on such dates and time and upon such terms as the Resolution so authorizing shall provide. In no event shall said food trucks be allowed to serve alcoholic beverages and said trucks shall be required to apply for a permit and pay any fee required by the Town Board as well as provide a Certificate from the Health Department and proof of insurance.

Section 2. This section shall supersede all other limitations set forth in any other section of the Town Code.

Section 3. All other provisions of Chapter 88 of the Code of the Town of New Hartford and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

Section 4. This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State.

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

**(RESOLUTION NO. 246 OF 2018)**

**RESOLVED** that the New Hartford Town Board does hereby schedule a Public Hearing to commence at 6:00 P.M., or as soon thereafter as reached in the regular course of business, on Wednesday, July 11, 2018, in Butler Memorial Hall, 48 Genesee Street, New Hartford, NY, at which time the Town Board will consider the adoption of Local Law Introductory “D” of 2018, thereby authorizing food vendors to operate in Sherrillbrook Park on July 18, 2018, and on August 15, 2018, and thereafter by Resolution of the Town Board.

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



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

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

**FEMA BUY-BACK Program Update**

The Town Attorney updated the Town Board on asbestos abatement as well as final and pending closing procedures for the Oneida Street, Henderson Street and Woodberry Road properties. He acknowledged help from Town staff who have been active in these matters.

**MATTERS SUBMITTED BY COUNCILMEN**

Councilman Messa

**2019 Fourth of July Celebration**

Councilman Messa and other Board members have been working with the New Hartford Chamber of Commerce for a spectacular 4<sup>th</sup> of July celebration in 2019; a committee is being established for this purpose. It is hopeful the Town can earmark \$2,500 in the 2019 budget and then the Chamber and/or sponsors would match that amount. It is expected to have fireworks, food truck vendors, shuttle service from the New Hartford Shopping Center and Sangertown Square Mall (no parking on Route 12), with fundraising, insurance, parking, police, fire apparatus, ambulance presence being addressed

Councilman Woodland

**Request for Proposal (RFP) – IT Service**

Councilman Woodland moved the adoption of the following Resolution; seconded by Councilman Cittadino:

**(RESOLUTION NO. 247 OF 2018)**

**RESOLVED**, that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to solicit Requests for Proposal (RFP's) for IT service for the Town's new infrastructure and future location to the former Gander Mountain property, 8635 Clinton Street, New Hartford, NY.

A roll call vote was duly held, as follows:

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

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

MATTERS SUBMITTED BY TOWN SUPERVISOR

**FEMA BUY-BACK Program – Shared Services for demolition of homes**

Upon request of the Town Supervisor, the following Resolution was introduced by Councilman Messa and seconded by Councilman Cittadino:

**(RESOLUTION NO. 248 OF 2018)**

**RESOLVED**, that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute a Shared Services Agreement with the City of Utica for the Town’s FEMA BUY-BACK Program, whereby the City will demolish the New Hartford homes after the buildings have been asbestos radiated.

The Supervisor polled the Board members who voted as follows:

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

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

**FEMA BUY-BACK Program – Henderson Street Electrical bill(s)**

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

**(RESOLUTION NO. 249 OF 2018)**

**RESOLVED**, that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to pay the National Grid and Mohawk Valley Water Authority bills for 12 Henderson Street, which is still under the former owner’s name, Deborah Geary, although title to said property is in the Town’s name under the FEMA BUY-BACK program. The Town now owns said property and will be reimbursed from FEMA.

A roll call vote was duly held:

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

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

**Agreement – Clinton Street bridge over Sauquoit Creek**

Councilman Messa moved the adoption of the following Resolution; seconded by Councilman Cittadino:

**(RESOLUTION NO. 250 OF 2018)**

**RESOLVED**, that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to sign the engineering Agreement between the Town of New Hartford and Barton & Loguidice with regard to the Clinton Street bridge over Sauquoit Creek.

The Board members voted as follows:

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

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

**Agreement - Faxton St Lukes Healthcare**

Councilman Messa moved the adoption of the following Resolution; duly seconded by Councilman Cittadino:

**(RESOLUTION NO. 251 OF 2018)**

**RESOLVED**, that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to sign the Agreement between the Town of New Hartford and Faxton-St. Luke's Healthcare with regard to scheduled patrol services to be provided at the Faxton-St Lukes campus by the New Hartford Police Department in calendar year 2018.

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The Police Chief confirmed he had reviewed the Agreement and is in support of same. Thereafter, the Board voted as follows:

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

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

**FEMA Asbestos Remediation: 3524-3526 Oneida Street**

The Town Supervisor and Councilmen reviewed the bids submitted today for the asbestos remediation of the duplex residence at 3524-3526 Oneida Street:

• Jupiter Environmental Services, Inc.	-	\$252,700.
• Neoplanta Restoration, Inc.	-	\$ 99,450.
• Bronze Contracting	-	\$ 89,750.
• Kascon, LLC	-	\$ 93,000.
• TBC Industries, LLC	-	\$ 78,000.
• Aktor Corporation	-	\$230,000.
• Sullivan Contracting, Inc.	-	\$ 92,000.

Thereafter, Councilman Messa moved the adoption of the following Resolution; seconded by Councilman Cittadino:

**(RESOLUTION NO. 252 OF 2018)**

**RESOLVED**, that the New Hartford Town Board does hereby accept the low bid submitted by TBC Industries, LLC in the amount of \$78,000 for the FEMA BUY-BACK Program, asbestos remediation phase, for the duplex residence 3524-3526 Oneida Street, and does further authorize and direct the Town Supervisor to issue a Letter of Intent to Award in the amount of \$78,000.

The Town Board then voted upon roll call:

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

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

**ARGO Grant Application – Court Consolidation**

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

**(RESOLUTION NO. 253 OF 2018)**

**RESOLVED**, that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to apply for a grant for the Oneida County project “*Action to Re-align Government Operation II*” (*ARGO*) and which Grant is being administered through the Oneida County Planning Department.

A roll call vote ensued:

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

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

**Climate Smart Community Grant**

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

**(RESOLUTION NO. 254 OF 2018)**

**RESOLVED**, that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to apply for a 2018 Climate Smart Community Grant.

A roll call vote ensued:

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

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

**Environmental Protection Grant**

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

**(RESOLUTION NO. 255 OF 2018)**

**RESOLVED**, that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to apply for an ***“Environmental Protection Grant for Parks, Preservation and Heritage”***, which requires a fifty percent (50%) matching funds.

A roll call vote ensued:

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

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

**NYSERDA Energy Efficient projects**

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

**(RESOLUTION NO. 256 OF 2018)**

**RESOLVED**, that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to apply for a NYSERDA grant for ***“Energy Efficiency Projects”***.

A roll call vote ensued:

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

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

**Local Government Efficiency Programs**

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

**(RESOLUTION NO. 257 OF 2018)**

**RESOLVED**, that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to apply for a Local Government grant for efficiency Programs, including courts and requiring a fifty percent (50%) matching funds.

A roll call vote ensued:

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

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

**Cul-de-sac maintenance (mowing)**

Upon recommendation of the Town Supervisor, the following resolution was introduced by Councilman Cittadino and seconded by Councilman Messa:

**(RESOLUTION NO. 258 OF 2018)**

**RESOLVED**, that the New Hartford Town Board does hereby appoint Brian Jenny as a seasonal Laborer, at the hourly rate of Fifteen Dollars (\$15), payable bi-weekly, effective June 11, 2018, to mow the numerous cul-de-sacs in the Town; his work week shall not exceed 17.5 hours.

The Supervisor polled the Board members who voted as follows:

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

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

**Update – Hillside Gardens Application for Zoning PDD Overlay**

Supervisor Miscione stated that the Town needs to retain an engineer to represent the Town, attend staff meetings, etc. with regard to Hillside Gardens' recent application for a zoning overlay, and for which said engineering services the developer will be responsible. [NOTE: Refer to May 23, 2018, Town Board minutes.] The Town

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Supervisor sought quotes based on professional services and recommended accepting the proposal submitted by GYMO. After some discussion, the following Resolution was introduced for adoption by Councilman Messa and seconded by Councilman Cittadino:

**(RESOLUTION NO. 259 OF 2018)**

**RESOLVED**, that the New Hartford Town Board does hereby accept the Professional Services proposal submitted by GYMO Architecture, Engineering, and Land Surveying to act as the Town's reviewing Engineer for Phase II of the Hillside Garden Apartments Project on Oxford Road, including Site Plan Review and Storm Water Pollution Prevention Plan (SWPPP); the Developer would be responsible for all engineering review fees estimated to be \$5,700.00. The Town Board further authorizes the Town Supervisor to sign the GYMO Professional Services agreement.

A roll call vote was held and resulted as follows:

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

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

**NYS Comptroller – Corrective Action Plan**

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

**(RESOLUTION NO. 260 OF 2018)**

**RESOLVED**, that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to sign and submit to the NYS Comptroller's Office the Town's "Corrective Action Plan" that addresses the four (4) or five (5) auditor's procurement recommendations/questions in 2017, and how the Town will correct them.

The foregoing Resolution was put to a vote upon roll call, as follows:

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



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

A general discussion followed on brush pickup, the curbside trash collection that began this week, and matters for which the Town is not able to assist Town residents, largely due to lack of guidelines, and many of which are civil matters, also stormwater matters on private property; right-of-way issues; consider creating a committee.

**ADJOURNMENT**

There being no further business to come before the Board, upon motion of Councilman Messa and seconded by Councilman Cittadino the meeting was adjourned at 7:39 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk