

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

**ABSENT:**

Councilman Philip S. Cittadino  
Deputy Supervisor Anthony Trevisani

**OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:**

Codes Enforcement Officer Joseph Booth  
Director of Finance Daniel T. Dreimiller  
Director of Senior Services M. Eileen Spellman  
Highway/Sewer Superintendent Richard C. Sherman  
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.

MINUTES

*None/incomplete*

PRESENTATIONS / COMMENTS

**Zoning Overlay PDD Application -Liberty Affordable Housing – Ramada Inn**

Arthur Loomis and Tara Miller, consultants for Liberty Affordable Housing, a not-for-profit out of Rome, New York, reviewed with the Town Board the proposed purchase of the Ramada Inn, and the old fitness mill, on New Hartford Street, including site plan renderings for conversion of the Ramada Inn into 53 housing units, construction of 40 townhomes that will connect to the Rayhill Trail; use of both sites will involve seven (7) acres. The project is for senior citizens, age 55 and older. The old pool will be retained for use by the tenants and it is hoped to keep this used year-round, as well as offering yoga classes for recreation. The old restaurant in the Ramada Inn will be demolished, but

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the kitchen saved for use by the tenants, and the old banquet rooms to be available for tenants and senior citizens who are Town residents but not tenants. Also discussed was stormwater, impervious area, ingress/egress, and parking. Liberty Affordable Housing has retained the firm of Hershberg and Hershberg who will be the civil engineer and surveyor for the proposed project; two (2) retention basins are shown on the site plan to indicate a need; the civil engineer, Hershberg and Hershberg, will design the storm water management system and provide the capacity for the retentions basins. An RPDD overlay is being requested due to the proposed mixed use of the property. With regard to the project timeframe, Mr. Loomis stated there is currently a contract with Utica College to provide dormitory rooms through May 2019, so they are looking at Summer of 2019, in addition to completing the property closing procedure. After a brief overview by the Town Attorney, Councilman Messa offered the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 261 OF 2018)**

**WHEREAS**, over a 2-day timeframe (June 15 and June 19, 2018), Liberty Affordable Housing filed with the Town Clerk their application for a Residential Planned Development District overlay for approximately seven (7) acres currently zoned Commercial (C2); and

**WHEREAS**, said Liberty Affordable Housing, gave a preliminary report of their site plans, interacting with the Town Board at their meeting on June 20, 2018; and

**WHEREAS**, the Town Board has determined that the aforesaid proposal merits review (Chapter 118-40);

**NOW, THEREFORE BE IT RESOLVED**, that the New Hartford Town Board does hereby declare itself as Lead Agency in the matter of SEQR, and be it

**FURTHER RESOLVED**, that the New Hartford Town Board, having determined that the proposal of Liberty Affordable Housing to establish a Residential Planned Development District overlay for approximately seven (7) acres, including the existing and future apartments and/or townhouses, merits review, does hereby refer their application and accompanying documents to the Town Planning Board for their review and recommendation, in accordance with the Town Code, Zoning Chapter 118, Section 40.

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

Councilman Messa	-	Aye
Councilman Cittadino	-	ABSENT

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

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

**Proposals – Various Insurance Policies**

William Cole of Gates-Cole reviewed quotes received for the renewal of the Town’s various insurance policies that will expire June 30, 2018:

<u>Type</u>	<u>Travelers</u>	<u>HCC</u>	<u>NYMIR</u>
Property	\$ 18,075.00	\$ 14,968.92	
Inland Marine	\$ 4,299.00	\$ 6,197.00	
General Liability	\$ 30,033.00	\$ 29,430.00	
Employee Benefit Liability	\$ 381.00	\$ 109.00	
Law Enforcement Liability	\$ 28,662.00	\$ 26,178.00	
Public Officials Liability	\$ 4,876.00	\$ 8,338.00	
Employment Related Practices Liability	\$ 15,094.00	\$ 10,970.00	
Auto	\$ 43,805.00	\$ 36,180.00	
Umbrella	\$ 16,004.00	\$ 20,076.00	
OCP Policy	\$ 750.00	\$ 500.00	
<b>Total:</b>	<b>\$161,229.00</b>	<b>\$152,946.92</b>	<b>\$168,818.27</b>

<u>Type</u>	<u>Chubb</u>	<u>Arch Ins</u>
Law Enforcement Accident	\$6,768.00	\$6,276.00

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

**(RESOLUTION NO. 262 OF 2018)**

**RESOLVED** that the New Hartford Town Board does hereby accept the low quotation of HCC, submitted by Gates-Cole Associates, Inc., and does hereby award the contract to said HCC for the following Town insurance policies, effective June 28, 2018:

<u>Coverage</u>	<u>Rate</u>
• Property	\$ 14,968.92
• Inland Marine	\$ 6,197.00
• General Liability	\$ 29,430.00
• Employee Benefit Plans Liability	\$ 109.00

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- Law Enforcement \$ 26,178.00
- Public Entity Management Liability \$ 8,338.00
- Public Entity Employment Practices Liability \$ 10,970.00
- Automobile \$ 36,180.00
- Umbrella \$ 20,076.00
- OCP – People of the State of New Hartford \$ 750.00

And be it

**FURTHER RESOLVED** that Arch Insurance be awarded the Law Enforcement Accident Policy in the amount of \$6,276.00, for a three-year period, effective June 28, 2018.

Upon roll call, the Board members voted as follows:

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

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

The following Resolution was offered for adoption by Councilman Messa, duly seconded by Councilman Reynolds:

**(RESOLUTION NO. 263 OF 2018)**

**RESOLVED**, that the New Hartford Town Board does hereby authorize the Town Supervisor to sign the Cancellation Request/Policy Release forms for the following Travelers insurance policies, effective June 28, 2018:

- Business Auto #H-810-0B165701-IND-17
- Commercial Property #H-630-0D914916-TIL-17
- General Liability #ZLP-15P31261-17-PB
- Owners & Contractors Protection #H-PRH-4D477973TIL-17
- Umbrella ( C ) #ZUP-15P31273-17-PB

And be it

**FURTHER RESOLVED**, that the Town Supervisor is hereby directed to authorize Gates-Cole Associates, Inc. to act as the Town's agent of record on the following Town insurance policies, effective June 20, 2018:

- ACE American Insurance Company Storage Tank Pollution, Policy Number G24840529
- (Gates-Cole producer number 60077) Travelers Crime policy Number 106653822
- Capitol Indemnity Corporation with Russell Bond on Excess Employers Liability Police Number PRO1602573-06.

A roll call vote ensued:

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

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

**Sebastino (Sam) Pagano** of Washington Drive, New Hartford, who attended the June 6, 2018 Town Board meeting and explained his problem with a neighbor who had planted a tree near his property line, and was again present to explain that for about 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 trimming his neighbor's tree and clearing debris from his neighbor's tree that falls on his property, and requested that the Town Board pass a resolution about this matter. Councilman Reynolds suggested that Mr. Pagano take photographs of the situation and send them by certified mail to his neighbor, as this is a civil matter. The Town Attorney explained there is no violation of Town law, and that the Town cannot become involved in neighbor issues. He will review the property maintenance legislation to see if any portion of that law would apply to Mr. Pagano's situation.

**(unidentified man)** talking about a house on the corner of **Washington Drive and Burrstone Road**; has been vacant for fourteen (14) years .... paint peeling, no one takes care of yard. Codes Enforcement Officer Booth will make an on-site inspection to determine if any Town law has been violated.

(unidentified woman) walks a lot and has observed some storm drains that appear to be crumbling .... scary walking and afraid a car will go in a hole.

Thomas Mahar Cascade Drive – called the Town offices about the traffic pattern on Higby, Valley View and Chapman Roads; specifically the heavy truck traffic. Why don't they use Route 8. Highway Superintendent Sherman explained that many of the 10-wheelers are hauling stone for paving projects in the City of Utica. He has made a phone call to one business which now uses a different route.

Mark Wolber and his client, Mark Karam, were present about a neighbor's flag on a flagpole located about two (2) feet from Mr. Karam's bedroom, the flapping of which disturbs Mr. Karam's sleep. They would like the Sebastians to either remove, or move, their flag to another side of their yard. Attorney Wolber claimed that the flapping of the flag was a nuisance that interfered with Mr. Karam's quiet enjoyment of his property ... unreasonable noise by his neighbors. The Town Board discussed this matter with Police Chief Inserra who said this was a civil matter between the parties involved.

#### **REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE**

##### Public Works and Sewer Committee – Supervisor Miscione

##### Agreement with Oneida County –Pavement Marking/Striping 2018

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

#### **(RESOLUTION NO. 264 OF 2018)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to execute the 2018 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.

Upon roll call, the Board members voted as follows:

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

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

Director of Finance

**2017 Town Justice Review Report**

In accordance with Section 2019-a of the Uniform Justice Court Act, which requires the review of the Town's Justice Court funds and accounts, Finance Director Dreimiller had examined the Town of New Hartford's Justice Court records for the year **2017**. In conducting this review/ examination, he followed the program prescribed by the NYS Comptroller's Office in **Appendix 10 of the Justice Court Handbook**. The following areas were reviewed and/or examined for the year **2017**:

1. **Cash Receipts Book**, including deposit testing and reconciliations
2. **Cash Disbursement Book**, including check testing
3. **Review of Monthly Bank Reconciliations**
4. **Review of Dockets and Case Files**
5. **Reporting to the Division of Criminal Justice Services**
6. **Reporting to the Justice Court Fund**
7. **Reporting to the Department of Motor Vehicles- TSLED Program**

No major exceptions or issues were noted during the review/ examination of the above areas for the year **2017**. In conclusion, the Town of New Hartford's Justice Court System appears to be in compliance with the NYS Comptroller's Justice Court Handbook and appears to be operating effectively and efficiently for the year reviewed.

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

**(RESOLUTION NO. 265 OF 2018)**

**RESOLVED**, that the New Hartford Town Board does hereby accept the Director of Finance annual review of the Town of New Hartford Town Justice Court funds and accounts for calendar year 2017.

Upon roll call, the Board voted as follows:

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

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

Town Clerk Committee – Councilman Woodland

**Liquor License Renewal – Hotel Willowvale**

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

**(RESOLUTION NO. 266 of 2018)**

**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 Hotel Willowvale, 3397 Oneida Street, Chadwicks, NY, 13319; 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 Cittadino	-	ABSENT
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

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

**New Liquor License – Creekside Café and Creamery, LLC**

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

**(RESOLUTION NO. 267 of 2018)**

**RESOLVED**, that the Town Board of the Town of New Hartford does hereby acknowledge receipt of the new Liquor License Application/ Notice to Municipality from Creekside Café and Creamery, LLC, 3888 Oneida Street, New Hartford, NY, 13413; the Town Board does not object to the State issuing a Liquor License to this new establishment.

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

Councilman Messa	-	Aye
Councilman Cittadino	-	ABSENT
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye



Supervisor Miscione - Aye.

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

**Fireworks Display Permit**

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

**(RESOLUTION NO. 268 of 2018)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Clerk, who has received an Application for a Fireworks Permit and the appropriate Certificate of Insurance naming the Town of New Hartford as an additional insured, to issue to the Yahnundasis Golf Club a Fireworks Display Permit for the display of fireworks upon their premises at 8639 Seneca Turnpike, New Hartford, NY 13413, on July 4, 2018 at approximately 9:30 P.M., in accordance with the State Penal Law and regulations set forth in said Permit.

Upon roll call, the Town Board voted as follows:

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

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

**Renewal of Liquor License – Texas Roadhouse**

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

**(RESOLUTION NO. 269 OF 2018)**

**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 Texas Roadhouse, 4511 Commercial Drive, 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 Cittadino	-	ABSENT
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

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

MATTERS SUBMITTED BY COUNCILMEN

Councilman Woodland

**Local Law Introductory “E” of 2018 – Parks and Recreation Commission, member increase**

Councilman Woodland introduced the following legislation for the Town Board’s consideration at a future Public Hearing; co-sponsored by Councilman Reynolds:

Town of New Hartford, NY  
Local Law Introductory “E” of 2018

A Local Law to amend the Code of the Town of New Hartford, Chapter 19 thereof entitled PARKS AND RECREATION COMMISSION, by increasing the membership of the Parks and Recreation Commission, Board of Commissioners.

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

SECTION 1. Board of Commissioners, Section 19-4

The Parks and Recreation Board of Commissioners, initially adopted on March 7, 2018, as a five (5) member Board, shall be increased by two (2) members, as follows:

- (f) “Member 6” shall be appointed through December 31, 2023
- (g) “Member 7” shall be appointed through December 31, 2024

SECTION 2.

All other provisions of Chapter 19 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall amend or modify.

SECTION 3.

This Local Law shall become effective immediately upon filing with the Secretary of State.

**Public Hearing Scheduled – Local Law Introductory “E” of 2018; Parks and Recreation Commission, membership increase**

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

**(RESOLUTION NO. 270 OF 2018)**

**RESOLVED**, that the Town Board of the Town of New Hartford 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 “E” of 2018, thereby authorizing an increased in he membership of the Parks and Recreation Commission by two (2) members.

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

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

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

**Update – Food vending trucks/Sherrillbrook Park – Local Law Introductory “D” of 2018**

The food trucks are ready to go with at least 14 – 17 trucks rotating. They would like to run through August, and are willing to purchase a 6-month peddler license from the Town Clerk’s Office at \$125 for each license.

**Councilman Reynolds**

**New compressors - proposal for Recreation Center**

With regard to last year’s presentation to the Town Board about cost savings for new compressors at the Recreation Center, Councilman Reynolds would like to take advantage of the proposal and get back to Casey Mastro of the New York State Power Authority with a yes or no answer. There is a grant available.

**Storm water Retention Update – Foxcroft Road area**

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At the August 9, 2017 and September 13, 2017 Town Board meetings, Councilman Reynolds initiated discussion on a potential retention area behind the Foxcroft Road area, to alleviate flooding leading down to Jordan and Paris Roads, Bonnie Lane. When this large area floods, Councilman Reynolds said “..it is significant”. Subsequently, Supervisor Miscione sent a letter to Stephen Pearce, Tibbitts Road, about granting the Town an easement; however, the Town has not received a response from Mr. Pearce.

The Town Supervisor noted that the State has some consolidated funding grants that are due by about July 17, 2018, and he could apply for funding through this grant (50%). Councilman Reynolds stated that the critical areas in the Town are Mud Creek, the Willowvale area, and the Woodberry Development area. The engineering work must be done first.

### MATTERS SUBMITTED BY TOWN SUPERVISOR

#### Senior Services Committee – Town Supervisor

#### **Declaration of Surplus Equipment – Authorization to Sell**

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

#### **(RESOLUTION NO. 271 OF 2018)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby declare as surplus the following equipment:

- Computer DELL JQ15071
- Acer Monitor 2007AOE032
- Computer DELL 2RHW461
- Computer Antec CP5050422024
- Acer Monitor 200490ED47
- DELL Laptop 8MW8461
- Canon Pixma printer K102Y6
- Acer Monitor 200486ED47
- Computer Antec CP5050422026
- DELL Computer 5MO5071
- DELL Monitor 46633 537 IRML
- DELL Monitor 46633 53V IR5M
- Antec Computer CPSO50422027
- Antec Computer CP5050422025
- MS I Computer CP5030079

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- DELL Laptop 9Q2X QCI Service Tag
- DELL Laptop 12HBX91
- DPS Electronic Laptop GVSO83800489
- DELL Docking Station CN OHD062 48643 7CB 3358
- DELL Computer CN ON 4931-466333-521-22-WMT
- Commercial Refrigerator
- Commercial Stove

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

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

Parks and Recreation Committee – Supervisor Miscione

**Seasonal Appointments – Summer Playground/Recreation Center**

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

**(RESOLUTION NO. 272 OF 2018)**

**RESOLVED**, that the New Hartford Town Board does hereby appoint the following individuals to the part-time seasonal positions set opposite their several names and for the hourly rate also set forth, to be paid bi-weekly, for the 2018 Summer Playground/Recreation Center

<u>Name</u>	<u>Title</u>	<u>Rate per hour</u>
Emilie Butler	Recreation Attendant	\$13.00
Fran D’Ambro	Recreation Attendant	\$10.25
Nick Cook	Recreation Attendant	\$9.25
Sydney Kogut	Recreation Attendant	\$9.25

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Christina D'Ambro	Recreation Attendant	\$9.25
Jacob Anweiler	Recreation Attendant	\$9.25
Lauren Vedette	Recreation Attendant	\$13.00
Matt Vedette	Recreation Attendant	\$13.00
Nick Suits	Recreation Attendant	\$10.25
Katie Smith	Recreation Attendant	\$9.25
Savanna Wehrle	Recreation Attendant	\$9.25
Jordyn Gardinier	Recreation Attendant	\$9.25
Mike Stappenbeck	Recreation Attendant	\$9.25
Zach Nordstrom	Recreation Attendant	\$9.25
Maria-Lea Gazzal	Recreation Attendant	\$13.00
Sam Decker	Recreation Attendant	\$10.25
Matt Crumrine	Recreation Attendant	\$9.25
Tori Wadsworth	Recreation Attendant	\$9.25
Lachlan McIntosh	Recreation Attendant	\$9.25
Jack Engdahl	Recreation Attendant	\$9.25
Shay Gardinier	Recreation Attendant	\$9.25
Sam Abbadessa	Recreation Attendant	\$9.25
Elisa Abbadessa	Recreation Attendant	\$9.25
Jack Lamb	Recreation Attendant	\$9.25
Austin Dropkin	Recreation Attendant	\$9.25
Joe Murray	Recreation Attendant	\$9.25
Anthony Campola	Recreation Attendant	\$9.25
Josit Farmer	Recreation Attendant	\$9.25
Abigail Driffin	Recreation Attendant	\$9.25
Robin Wheatley	Bus Driver	\$14.75
Kristin Abbe	Bus Driver	\$13.75
Amy Stappenbeck	Bus Driver	\$13.75
Richard Hammond	Bus Driver	\$13.75
Lucas Boutin	Laborer	\$9.25
Tyler Penree	Laborer	\$9.25
Bella Dorsagno	Recreation Attendant	\$9.25(starts 7/6/2018)

A roll call vote ensued:

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

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

**New Hartford Adult Dining and Activity Center – temporary relocation**

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

**(RESOLUTION NO. 273 OF 2018)**

**WHEREAS**, St. John the Evangelist Church, Oxford Road, New Hartford, has notified the Town of New Hartford that they have found a new tenant for the space that the Town has leased for the New Hartford Adult Dining and Activity Center; and

**WHEREAS**, the Town of New Hartford, Adult Dining and Activity Center has been notified that they must move out of said Church property not later than June 30, 2018;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement between the Town of New Hartford and the Willowvale Fire Company, Inc., wherein the New Hartford Adult Dining and Activity Center will be temporarily moved to said Fire Company site for the rental fee of One Thousand Dollars (\$1,000) per month, said Agreement to begin July 1, 2018 and to terminate December 31, 2018.

The Town Board voted upon roll call:

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

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

**Appraisal – List for Sale: Jerome K. Madden Justice Building (Police & Courts)**

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

**(RESOLUTION NO. 274 OF 2018)**

**RESOLVED**, that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to list for sale the Jerome K. Madden Justice Building property (Police and Court offices) at 32 Kellogg Road, New Hartford, said listing to be published in the Observer Dispatch for thirty (30) days beginning June 30, 2018 and ending July 29, 2018, and to be advertised on [www.loop.net](http://www.loop.net)

The Town Board voted upon roll call:

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

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

**Summer Playground / Recreation field trips**

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

**(RESOLUTION NO. 275 OF 2018)**

**RESOLVED**, that effective immediately, parents/guardians who have registered their child(ren) in the Town's summer playground/recreation programs shall pay for the various field trips either in cash in the Town Supervisor's Office, or pay online at the Town's website, [www.townofnewhartfordny.gov](http://www.townofnewhartfordny.gov) . Field trip payments will not be collected at any of the playground sites.

A roll call vote ensued:

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

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

**FEMA (Federal) – Asbestos Removal/10 Henderson Street**

Supervisor Miscione apprised the Board that there was an issue with the survey for property at 10 Henderson Street; not only was there asbestos on the garage, but also on the house, which required an additional \$6,995 in work. This error was discussed with the State FEMA office and Supervisor Miscione was reassured that the Town would receive reimbursement for this work. Thereafter, Councilman Messa moved the adoption of the following Resolution; seconded by Councilman Reynolds:

**(RESOLUTION NO. 276 OF 2018)**



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**RESOLVED**, that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to pay the additional \$6,995 for asbestos removal on a FEMA home at 10 Henderson Street, and which additional monies were necessitated due to a surveyor error, based upon assurance of FEMA that the Town would be reimbursed for this extra cost due to surveyor error.

The foregoing Resolution was voted upon by roll call:

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

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

**Purchase of Electric Car**

The Town Supervisor applied for and was awarded a NYS DEC grant toward the purchase of an electric car for the Codes Enforcement Office. Councilman Reynolds moved the following Resolution; seconded by Councilman Messa:

**(RESOLUTION NO. 277 OF 2018)**

**RESOLVED**, that the New Hartford Town Board does hereby accept the New York State Department of Environmental Conservation grant in the amount of Five Thousand Dollars (\$5,000) for the purchase of a 2018 Ford Focus Electric car, VIN 1FADP3R45J2225962 for the Codes Enforcement Office.

A roll call vote was duly held as follows:

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

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

**Lease Agreement - Butler Memorial Hall**

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

**(RESOLUTION NO. 278 OF 2018)**

**WHEREAS**, on September 13, 2017, the Town Board of the Town of New Hartford had entered into a one-year Lease Agreement by and between Butler Memorial Hall, Inc. and said Town, effective June 1, 2017, and ending May 31, 2018, and as more fully set forth in said Lease Agreement; and

**WHEREAS**, the conversion of the former Gander Mountain property in The Orchard plaza, for Town offices, is expected to be complete in late Autumn 2018;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to sign an amended Lease Agreement between the aforesaid parties, so that the lease shall be extended to December 31, 2018.

A roll call vote ensued:

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

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

**Refund – 2017 Subdivision Fee**

Upon request of Kristine Giotto. The following Resolution was offered for adoption by Councilman Reynolds and duly seconded by Councilman Messa:

**(RESOLUTION NO. 279 OF 2018)**

**RESOLVED**, that the New Hartford Town Board does hereby authorize and direct the Town's Finance/Accounting Department to issue a refund of \$225 to Frank and Kristine Giotto, who paid that amount on November 14, 2017 for a 4-lot subdivision, which plans did not come to fruition.

The Supervisor polled the Board which voted as follows:

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

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

**Proposed increase in Building Permit fees**

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

**(RESOLUTION NO. 280 OF 2018)**

**WHEREAS**, the Town Supervisor has been working with the Codes Enforcement Officer on proposed fee increases for Building Permits for commercial properties and multi-family developments;

**BE IT RESOLVED** that the Town Board wishes to go forth with the Local Law process to institute the changes.

[NOTE: The last fee changes were about nine (9 years ago).] A roll call vote then ensued:

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

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

**Proposed fee increase for death and birth certificates**

After reading an Observer Dispatch article about the City of Utica initiating steps to increase the cost of birth and death certificates, Supervisor Miscione did some calculations and found that the current revenue from births/deaths does not cover the expenses of the Registrar Office. The Town Clerk stated that any increase in such fees would require approval of the NYS Legislature. Upon motion of Councilman Reynolds and seconded by Councilman Messa, the following Resolution was presented for approval:

**(RESOLUTION NO. 281 OF 2018)**

**RESOLVED** that the New Hartford Town Board take the necessary action to increase fees for the issuance of birth and death certificates.

A roll call vote ensued:

Councilman Messa	-	Aye
Councilman Cittadino	-	ABSENT

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

The Resolution was then declared unanimously carried and duly **ADOPTED**. The Town Supervisor asked the Town Attorney to research this matter and address it at the July 2018 Town Board meeting.

**Refund – 2018 Summer Basketball**

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

**(RESOLUTION NO. 282 OF 2018)**

**RESOLVED**, that the New Hartford Town Board does hereby authorize and direct the Finance/Accounting Department to issue a refund of the Fifty-five Dollar (\$55) enrollment fee for the Summer Basketball Program to Amanda Luley, as the Basketball Program conflicts with the Summer Playground Program in which her child was also enrolled.

The Board then voted upon roll call, resulting as follows:

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

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

**Stormwater Improvement Purchase Agreement - Amendment**

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

**(RESOLUTION NO. 283 OF 2018)**

**RESOLVED** that the New Hartford Town Board does hereby amend its policy for entering into a Stormwater Improvement Purchase Agreement with the Town of New Hartford Highway Department for the purpose of relieving a flooding problem, enclosing an open roadside drainage ditch, installing a new driveway, replacing a driveway culvert, stabilizing a stream bank, or installing a catch basin, to now include the Highway Department labor costs for a Heavy Equipment Operator and two (2) to three (3) Laborers.

The Town Supervisor asked that the Town Attorney prepare the amendment to include labor costs, type of project, soil, hydroseed, etc. A roll call vote ensued:

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

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

**Training – Clean Energy Community**

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

**(RESOLUTION NO. 284 OF 2018)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct Codes Enforcement Officer Joseph Booth to attend all training workshops and seminars pertaining to becoming a clean energy community, all of which are free of charge.

The Supervisor polled the Board members who voted as follows:

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

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

**Miscellaneous**

- **National Grid** is offering grants of \$50 for each new tree that is not planted in a road right-of-way, near power lines, or other like structures. This is for information in the event the Town Board is interested; no action is needed now.
- **Congresswoman Claudia Tenney** is looking for grants for a new town hall for New Hartford. For information only.

**Agreement – Site Plan Review and SWPPP / Liberty Affordable Housing Project**

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

**(RESOLUTION NO. 285 OF 2018)**

**RESOLVED**, that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to accept the Request for Proposal for Professional Services submitted by GYMO Architecture, Engineering, and Land Surveying, to represent the Town of New Hartford as the reviewing Engineer for the Townhouse and Seniors Apartments Project on New Hartford Street proposed by Liberty Affordable Housing, LLC; such services shall be billed to and paid by the developer, not the Town of New Hartford.

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

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

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

**Climate Smart Community**

The Town Supervisor reviewed the pledge of a climate smart community, with regard to reducing greenhouse gas emissions. Councilmember Woodland moved the adoption of the following Resolution; seconded by Councilmember Messa:

**(RESOLUTION NO. 286 OF 2018)**

**WHEREAS**, the Town of New Hartford (hereinafter “local government”) believes that climate change poses a real and increasing threat to our local and global environments and is primarily due to the burning of fossil fuels; and

**WHEREAS**, the effects of climate change will endanger our infrastructure, economy and livelihoods; harm our farms, orchards, and ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce drinking water supplies and recreational opportunities; and pose health threats to our citizens; and

**WHEREAS**, we believe that our response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures; and

**WHEREAS**, we believe the scale of greenhouse gas (GHG) emissions reductions required for climate stabilization will require sustained and substantial efforts; and

**WHEREAS**, we believe that even if emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come,

**IT IS HEREBY RESOLVED** that the Town of New Hartford, in order to reduce greenhouse gas emissions and adapt to a changing climate, adopts the New York State Climate Smart Communities pledge, which comprises the following ten elements:

- 1) Build a climate-smart community
- 2) Inventory emissions, set goals, a plan for climate action
- 3) Decrease energy use
- 4) Shift to clean, renewable energy
- 5) Use climate-smart materials management
- 6) Implement climate-smart land use
- 7) Enhance community resilience to climate change
- 8) Support a green innovation economy
- 9) Inform and inspire the public
- 10) Engage in an evolving process of climate action

and be it,

**FURTHER RESOLVED** that Paul Miscione, New Hartford Town Supervisor, is hereby designated as the primary contact person to complete the online registration form and upload the resolution.

The foregoing Resolution was subject to a vote upon roll call, which resulted as follows:

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

Thereupon, the Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

**Public Works & Sewer Department**

Highway Superintendent Sherman reviewed the progress of the curbside trash collection, brush and tree limb pick up, etc.

The Whitely property owner on Bolton Road has an issue with a tree that is about 3% in the Town's road right-of-way and 97% on their private property; therefore, the Town would not take the tree down.

**Credit Card – Highway Superintendent Sherman**

Highway Superintendent Sherman used his personal credit card to pay for Opus Inspection at the NYS Department of Motor Vehicles, reconnection. Thereafter, Councilman Reynolds offered the following Resolution for adoption; seconded by Councilman Messa:

**(RESOLUTION NO. 287 OF 2018)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the reimbursement of \$75 to the Town Highway Superintendent for use of his personal credit card to pay for the OPUS inspection/reconnection through the NYS Department of Motor Vehicles, and does further authorize the use of a Town Credit Card for purchasing Town-related items/services.

The foregoing Resolution was voted upon by roll call:

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

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

**Audit of Vouchers**

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

**(RESOLUTION NO. 288 OF 2018)**

**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, with the exception of six (6) vouchers that had not been approved/signed by the Town Board:

Street Lighting Abstract #6		
Vouchers SL6	\$	8,422.68
Capital Projects – Grange Hill - Abstract #3		



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Vouchers HQ3-HQ4	\$ 107,182.26
Capital Projects – 2018 Equipment - Abstract #1	
Vouchers H21	\$ 26,282.50
Capital Projects – Parks - Abstract #1	
Vouchers HX1-HX4	\$ 5,672.59
Capital Projects – 2018 - Abstract #4	
Vouchers H98	\$ 982.75
FEMA – Fed.- Abstract #4	
Vouchers C16-C19	\$ 75,600.00
FEMA – Fed.- Abstract #5	
Vouchers C110	\$ 1,210.94
FEMA – Fed.- Abstract #6	
Vouchers C111	\$ 1,165.00
FEMA – Fed.- Abstract #7	
Vouchers C112-C117	\$ 108,164.00
FEMA – Fed.- Abstract #8	
Vouchers C118	\$ 74.13
FEMA – State- Abstract #1-VOIDED	
Vouchers C21-C25	\$ -242,542.00
FEMA – State- Abstract #2-REPLACED ABSTRACT #1	
Vouchers C26-C29; C210	\$ 242,542.00
FEMA – State- Abstract #3	
Vouchers C211-C215	\$ 82,145.00
FEMA – State- Abstract #4	
Vouchers C216	\$ 600.00
Highway Fund Part-Town Abstract #13	
Vouchers DB388	\$ 16,836.00
Highway Fund Part-Town Abstract #14	
Vouchers DB389-DB456	\$ 199,961.82
General Fund Part-Town Abstract #12	
Vouchers BB88-BB96	\$ 4,999.48
General Fund Part-Town Police Abstract #12	
Vouchers BP120	\$ 200.00
General Fund Part-Town Police Abstract #13	
Vouchers BP121-BP130	\$ 5,688.91
Trust & Agency Fund Abstract #22	
Vouchers TT95-TT99	\$ 7,065.39
Trust & Agency Fund Abstract #23	
Vouchers TT100-TT107	\$ 8,863.44
Trust & Agency Fund Abstract #24	
Vouchers TT108	\$ 2,949.84
General Fund Whole-Town Abstract #13	

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Vouchers AA505-AA509	\$ 2,710.93
General Fund Whole-Town Abstract #14	
Vouchers AA510-AA600	\$ 61,728.58
Sewer Fund Abstract #13	
Vouchers SS40-SS45	\$ 3,942.71
<b>TOTAL:</b>	<b>\$ 732,448.95</b>

The foregoing Resolution was voted upon by roll call:

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

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

ADJOURNMENT

There being no further business to come before the Board, upon motion of Councilman Messa and seconded by Councilman Reynolds the meeting was adjourned at 8:25 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk