

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, MAY 28, 2020
AT 6:00 P.M.

Town Supervisor Miscione called the meeting to order at 6:00 P.M. and led those in attendance in the Pledge of Allegiance to the American Flag. The roll was then taken with the following Town Officials and Department Heads being present during the progress of the meeting.

TOWN BOARD MEMBERS PRESENT:

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

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Deputy Supervisor Anthony J. Trevisani
Highway/Sewer Superintendent Richard C. Sherman
Human Resource Department Barbara Schwezfeier
Town Attorney Herbert J. Cully
Town Clerk Gail Wolanin Young
Deputy Clerk I Melody K. Fancett

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

I. Public Hearing

- a. **Christine Martin** – Clarify some information – that everybody many not understand regarding the history in this project – things that have transpired – to your point Heb – I also wanted to make it clear that we did file a Notice of Claim and in no way have we commenced any litigation or anything like that – cay you agree that this is not.....;Town Attorney Herbert Cully -Well a notice of claim is formally filed that preserves the right to commence – it preserves your right to bring the lawsuit if you did not file the Notice of Claim you wouldn't have an opportunity to proceed the lawsuit. As you are aware, Bill Borrill (attorney) had called me and was looking for a commitment on the part of the Town within a very short timeframe because the period to file the Notice of Claim was about to expire. I indicated to him that we didn't have a Board meeting coming up and there would be no way to get that commitment done so that to protect his client. Probably the better alternative would be to file the Notice of Claim. He made it very clear t me that there was no intent, commissive lawsuit. However, he was

preserving that right by filing a Notice of Claim. What it was at that time – I was under the impression that we were, had already approved sponsorship for the Town of New Hartford to sponsor this project and that was Nov. 20th. I was concerned that between Nov. 20th and maybe the time a project like this that we could potentially lose the building. So, what I was trying to do, made an effort, maybe have myself pay for the materials to put in a temporary solution just to preserve what is there until this grant you had approved in Nov. was underway. That was what he was asking you ‘Can we talk now about Chris Martin paying for the stone and the highway dept. dropping it in’ Of course I was going to take care of any of the engineering drawings and any of the hard costs. We were just asking the Town of New Hartford to provide in kind services just to mitigate any further damage. So that’s what he wanted to ask New Hartford to do and then the recommendation to his was to file the Notice of Claim and just like that, nothing. Nobody communicated with me after that. There were some really interesting things that transpired but nobody communicated with me or 3rd parties, kind of like we’re done with you. I was saying ‘Herb Cully recommended we do this.’; Town Attorney Herbert Cully – The question to me was – could we get a decision within a very short period of time. I said to him, no, we can’t get you the decision so do what you have to do to protect your client. I didn’t say, I recommend you file a Notice of Claim. What I indicated to him was, I couldn’t get an answer so to protect you, you would have to file a Notice of Claim.; Christine Martin – There’s no pending litigations, there’s no litigations. I haven’t commenced anything. I filed a Notice of Claim which is a routine procedure that you have to do if there is a problem down the road. Has everyone familiar with the property? Has everybody been there? I have photos if not.; Town Attorney Herbert Cully – I don’t know if we want to get into a question-and-answer period. I really think this was intended for you to present.; Christine Martin – Thank you for the recent vote on May 13th to sponsor the wall construction project at my property through the NRCS program grant. I do appreciate this very much. If I had to pay for the repair of this wall, it would be something well beyond my means and wouldn’t happen. So, I do appreciate that. However, there does appear to be a little bit confusion behind that May 13th vote to sponsor the project and I just wanted to clarify some things, because on Nov. 20, 2019 you had already approved taking emergency action doing what you did upstream and seeking a grant – voted and anonymous approved. It was also voted the Williams Tool and my friend Kathy Newells property, both private properties were also approved to seek sponsorship to sponsor a grant, to seek resolution for them. I was under the very distinct impression that after that vote on Nov. 20th that this project was going to be moving forward right along. I was surprised to recently learn that perhaps the project was not underway. I was also surprised to learn that the lack of

information that was provided to the Board, in making these decisions, so that's why I'm here today to make sure that everybody is informed and knows what they were voting on and what's involved in this project/problem. I'm here to share some factual information, a brief history of the project, offer relevant information that may have affected the outcome of your May 13th vote requiring me to contribute financially to the project. First, I want to be very clear we are in no way under pending litigation – we filed a notice of Claim. We covered that. I just want to be clear everybody understands that moving forward so I'm not afraid of saying something.; Town Attorney Herbert Cully – You filed a claim, I disagree with you. There is not a formal summons and complaints file. You filed a claim, the claim got turned over to our insurance carrier to defend. I certainly don't agree that that isn't part of commencing a lawsuit and that's why I asked the Board not to get into a dialogue.; Christine Martin – On Nov. 20th the Board agreed to take emergency action, pursue a grant. I was concerned about the project timeline. I was fearful the creek bank would not hold through what could be a potentially damaging spring/fall. We all know we have a really heavy fall, what could happen to the creek and the water ways. So, I kept in close contact with Rick and Paul expressing my concerns, I am afraid we're going to have reputable damage. Right now, we've lost some land but this could be really bad. I was communicating at the time, also possible ways of mitigating any damages in the interim – working with the Town, putting a stone wall in, some other options. I came up with, as you all may know, you've been there, this isn't a creek next to land that I'm worried about flooding, this is a creek that sits 10ft. below my building. If we have another storm event, last storm event, the Halloween storm took 12 feet of land. If that happens again, we're not talking about a flood, we're talking about potentially another 12 feet going under the foundation of my building – the creek is here (photos) and my building is here and the wall will go under it. That's what I was concerned about. I was in regular communicational contact with Rick and Paul, texting them, calling them, leaving messages, both at their offices – Please contact me – they were not responding but I was relentless really. I just wanted to make sure they understood I wasn't giving up and this was important to me. Finally on April 27th I sent a photo to Rick and Paul of how close the creek is to my building. Now we are within inches. Paul told me, he responded to my text, he said – I'll address it at the Board meeting tomorrow night. I asked him if I could attend, he didn't respond, I said can I virtually attend, he didn't respond, so I showed up. I knocked on the door, wasn't let in, so I watched from the parking lot, Facebook live. While I expected the Board, possibly expediting the grant program because of how close, how dire the situation was, that's what I really thought Paul was going to bring up at the meeting. Instead, Paul brought up my concern, he briefly defined this as a private property owner

matter and everybody agree and didn't dismiss it. He said – look I thought I would just bring up this up, somebody brought it to my attention today. It's a property over by the church, the water, the erosion, looks like it's been going on, she's a private property owner, this isn't our problem. That's how he presented this and everybody agree and it was dismissed. Apparently, the Nov. 20th vote to take emergency action and to sponsor the grant had been forgotten by the Board members but we know Rick and Paul were aware of this, been in regular communication with them, telling them – Hey what's going on with this grant, can we do something before, we're going to lose the wall – how long does the grant process take – what do we need to do. After that April 29th meeting, I met with Rick, the NRCS, Jim Messa and I shared with them my concern based on what I saw at the April 29th meeting, that the Board may not fully understand the situation of what's going on based on what I watched from the meeting. So, on May 13th the project was addressed again, it was my understand that it was to approve the project cost so I was surprised to learn that the sponsorship was again up for discussion. Which what the May 13th meeting really was about, it was on Facebook live and it was all about whether or not we should do this. I chimed in and said – that ship has sailed. You've already approved this. Now we're talking about how you guys are going to find the money, where the money is going to come from. That's what we're talking about tonight and somebody agreed and said – Yup, you're right. So, I was surprised on May 13th that we were then discussing maybe we would look at this project. I was even more surprised a separate vote had been conducted after Executive Session, that it was determined that I would be responsible for the financial contribution. The reason I was surprised is because that's not how the sponsorship program works. It would have been helpful if I was able to participate at the meeting because I learned that probably very important information was left out, much like it was left out of the April 29th meeting where I was defined as some property owner that has a water problem in her backyard. So, I think maybe some important information was left out that may have affected your decision and that's why I'm here tonight just to make sure – A. everybody is aware of what you didn't know and if that has a bearing on our decision then it's up to you to decide. Some items I wanted to address because these were times, I found out were very specific things that were maybe people here were confused about weren't aware of how these types of things work. So, there are some points of confusion. I did not apply for a grant. I know that some people think I was applying for a grant and asking New Hartford to help me out. This is a grant that you agreed to pursue in Nov. 2019, a grant that is provided by the NRCS and it's a program the Town of New Hartford is very familiar with – familiar with the terms, how it works, what their responsibilities are, all these things. There's a contract out there, that I have a

copy of between the NRCS and the Town of New Hartford but I'm not going to get into it with who but it outlines what the responsibilities are and it's a project that the Town of New Hartford has worked with to sponsor the last two projects, same program, same organization, same stream (Sauquoit Creek). Two instances the Town of New Hartford sponsored grants to correct the erosion problems (Gave definition of the NRCS grant). I didn't apply for the grant; New Hartford applies for the grant. New Hartford is a sponsor, they are a municipality. The grant program requires a municipality to sponsor the grant and that they have the responsibilities. I didn't ask you to sponsor this. I didn't ask you to pay for it. These grants are not available to residents, landowners. The municipally applies for the grant, not the landowner, just to be clear. The sponsor is also responsible for providing 25% of the project cost, in cash or in-kind services. There's some confusion as to who is responsible for the 25% - kind of beyond he 'who's responsible' - is it the sponsor that pays the 25% or beyond that. Herb had mentioned at the Board meeting on May 13th, the Town had asked the NRCS to extend the wall further but the NRCS did not feel it was necessary at the time. Therefore, Herb expressed his thoughts that we should be asking the NRCS for the 25%, not New Hartford because New Hartford had agreed to do it before and they said they said NO because they had they extended it, we wouldn't be here. I want to make it clear that what we're discussing now is an extension to the original project. When this project was first surveyed, the plan was for 100 feet of wall. Then it was determined, a couple years later, that it wasn't enough. So, another sponsorship took place to extend that wall. An extension of the original project. So, it was 100 feet. Then had to go back and ask for 300 more feet and you had to pay 25% for each of those sponsorships - 300 feet ended up 30 feet into my property at that time the Town's cost share increased, you paid 25% for the first 100 feet. You paid 25% for the next 300 feet and now you're right, you asked in the application to go all the way to the end of my property. So, I doubt you would have paid the 25% of that too. It's the same 25% but at the time you didn't think it was necessary and it made sense. I did have the DEC there, Soil and Water Conservation before I agreed to buy the property to confirm that I didn't have to worry about erosion and they did. They said, see this wall, this is good. There's growing rocks at the bottom that deflect the water, not anything you have to be concerned about because the way the wall as built, the water will head this way. Great, I'm confident, I'll buy the property, nothing to worry about. What nobody thought about was a 100-year storm, when the high-water level goes from where they expected it to be 10 feet. They expected four maybe 5 feet. The Halloween storm was 10 feet, didn't matter what kind of growing rocks you had and where the deflection rocks were. It was about that. Not of that mattered. It took out 12 feet of my property. I lost 12 feet to the creek. On Oct. 15th we had

a little get together at the property and then I have pictures of the property on Nov. 1st. Wow, that's what happened. No one expected it, it was unfortunate. I'm just here today to say, yeah, you're right. It should have gone the whole length of my property and had they done that what you asking, this is the same 25% that we're talking about that you would have paid then. That I'm saying – am I responsible to pay this now, I don't feel that I am and I don't even know if I can change your minds but that's why I'm here to try to do tonight. Another interesting fact to consider, while the Town is right now asking me to contribute their sponsor share, again, sponsor is required to come up with 25%, cash or in-kind services, you're welcome to pay it in in-kind services because I think that's what you've done in the past. It's still an option but you're asking me to come up with the 25% cash because obviously I can't provide in-kind services. So, while you asking me to contribute the sponsor share, I had already identified a solution that would cost the Town absolutely nothing. It would have cost me absolutely nothing and it was a good solution. I wouldn't be standing here today if New Hartford hadn't dismissed that. I tried to contact people maybe because there's a Notice of Claim out there – nobody will communicate with me. It wasn't just me it was the folds at Soil and Water Conservation, they tried to get a hold of the Town too. They had drawing and everything. It would cost nothing. They said all we need is Rick to sign and approve. They were ready to start. While you're asking me to pay 25%, I already had a solution and it would have cost New Hartford nothing, cost me nothing and we would have been done and now I'm being asked to pay. So, it really pretty much sums it up. I would like to urge you all to think about the decision you made not to pay for this. A. It's the sponsors responsibility so in fact when you approve something, a grant, you've approved what that sponsorship entails. Which includes coming up with the 25%, doesn't matter how you come up with it – in-kind services, have a bake sale, it doesn't matter. That's the sponsors responsibility and now I'm being asked to cover that and I don't think its right. I don't think its fair. I am a private property owner but so are the other 7 property owners upstream from me – Cathy Newell, Williams Tool – didn't seem to be a problem with any of them. Now it's a problem. Maybe making seven people happy is more important to the Town of New Hartford than making one person happy. Ok but my property is as much frontage as all seven of those people and when I'm done with this building if I decide to move forward, I have any land, parking lot, or a gym I am willing to bet what I pay in taxes is going to far exceed those seven little houses upstream. You've left me with a decision and I'm asking you to make another decision. I was going to ask you if you had any questions but I'm not going to do that. I think I am done. Rick has the contract that outlines the responsibility of the sponsor. I have before and after pictures. I'm worried about the next storm. That's it. I appreciate

everybody's time. Thank you very much.; Councilman Messa asked to see the pictures and Christine Martin showed him the photos to pass around.; Christine Martin – I really believe you are here because you do the right thing, you were voted to be here to do the right thing for the people and I think if you knew this information maybe it would have affected the outcome of the vote. Thank you very much.; Councilman Messa – Herb, if we want to discuss it, we would go into Executive Session?; Town Attorney Herbert Cully – I would go into Executive Session, yes. You have in front of you, by the way, the Federal Legislation, that established sponsorship requirements.

- b. Allen Handleman from Conifer Realty – Regarding Woods Trail Apartments – Just want to provide an update since we were before the Board. We received the funding award for the project from New York State. We had met with some members of the public to discuss the proposed water main extension. We've begun conducting a Wetland delineation. Although that is ordinarily something that would be conducted during site land approval, a process at the Planning Board, we felt it was prudent based upon advice from some of our prospective neighbors that there were more wetlands that was originally anticipated. So, we have that in place. We wanted to validate that so we can still do what was proposed. The other thing that you may have potentially have noticed, we've reached an agreement with the property owner to only purchase the Northern portion of the site. Originally, we were going to do a subdivision and have the Northern portion be zoned and keep the Southern portion as originally zoned as Commercial but, in this case, we would only be taking down the Northern portion. I'm available for any questions and we're here to move this forward and hopeful that the Board will vote on this either today or at the next Board Meeting.; Town Attorney Herbert Cully – Allen, you mentioned something about the water, that's on Woods Highway and it doesn't extend down Woods Highway?; Allen – right now it extends basically to Arena. Our obligation would be to extend it the length of our frontage on Woods Highway based upon some discussions. We've reached out to the Water Authority and some of the neighbors and we've proposed to extend the water main to the Town Line. That would provide both Fire Protection as well as provide access to about 14 homes, access to the public water.; Town Attorney Herbert Cully – I shared with the Board a letter I got from your attorney. It was also mentioned, commitment to Veterans Housing – how does that work?; Allen – What it is – we would be providing a preference to Veterans – 11 or 12 slots that at any given time, an applicant – Applicant A who is a veteran or Applicant B who is not, the veteran would be provided a preference. It's something we've done in other locations. We are completing a complete veterans housing project in Rochester right now. It's not a discriminatory practice but it's

something we're working with the Veterans Outreach Center in Utica. They would be providing services to Veterans to the extent that they need.;

Town Attorney Herbert Cully – Do they get reduced rent?; Allen – No, they pay the same rent, they would just get a preference.;

Councilman Reynolds – when we did vote, I voted to support – the vote was to approve the zoning change and that's all we voted. I think that's the best way to control what goes in there and how its configured and everything that the new zoning would allow for it. The water main extension – is that going to tie into Whitestown or to a dead end?; Allen – it would tie into Whitestown, right now, there is a dead end at Whitestown. The nature of the water main, when we make a connection, it provides a greater level of service. So, it would benefit Whitestown as well as the neighbors along Woods Highway.;

Councilman Reynolds – the onsite maintenance – or concerns on the property – is somebody going to be on site, living there?; Allen – No, no one will be living there. We will have a community building and a leasing office staff during normal business hours. We will have a full-time maintenance person who would be available 24/7 and live in the community. Our goal is to find the best maintenance person for this site.;

Councilman Reynolds – SO they will be on site during normal working hours – yes. The Veterans, which I think is wonderful – why wasn't it brought up in the beginning? Is this something new?; Allen – It's something that emerged. One of the things that we do as we assemble our projects and seek funding – when it's a point scoring element that helped us achieve a funding award. That's something that emerged as we went through the process. It was here, close to a year ago, to initially meet with the Town Board, so its something that emerged over time.;

Councilman Messa – So would you say that who you rent to is not up to the Board – so in other words, you coming in and stating the Veterans – again, creates a great thing, but that is separate from what you are applying for, for rezoning.;

Allen – Correct.;

Councilman Messa – Tenants have no barring on the decision.;

Allen – I think it's a benefit to the community as well as this particular project is a benefit to the community.;

Councilman Messa – So you're not purchasing the entire property – how many acres are you purchasing?; Allen – I believe its 27 acres, the total parcel, just the Northern part. The westerly part of the site, we'd like to work with the Town or whatever mechanism makes sense to place a Conservation easement and just to assure that we would never seek to develop that portion.;

Councilman Messa – The Southern part – you will keep Commercial?; Allen – There was never intent to seek a rezone for that and its not something we were interested in acquiring but we were able to reach and agreement with the seller to just take down the Northern portion.;

Town Attorney Herbert Cully – Jim – one of the requirements of the PD that it have unique features such as walking trails, community center and it does talk about mixed housing available for different income levels and I believe the

Veterans would come within that portion that's its proving some unique ability to have house for specific individuals. So I think that's why we are bring it up.; Councilman Messa – but the rent is still the same?; Councilman Reynolds – if you don't mind, can you point out where the conservation might be (Allen showed a picture); Town Attorney Herbert Cully – You know a lot of residence have come out relating to serious storm water issues. If you made any changes that might address that concern.; Allen – We have not made any changes per say. The Towns engineer did the drainage study and identified where the drainage issues are. Functionally, we will be containing the drainage of the Northern portion so it can be released in a more controlled manner. There is an existing drainage ditch which has been filled in which runs along the western side of the property. We will be obtaining a drainage easement for that. That we will be able to clear that out and create better drainage along that portion. That will positively impact the drainage on Lexington and the eastern side of Caryl Blvd. There are drainage issues on the western side of Caryl Blvd. We're not impacting that negatively or positively, nor can we. The drainage issues on the eastern side of Caryl Blvd. and Lexington could very well be positively impacted.; Town Attorney Herbert Cully – did you say something about a conservation easement?; Allen – a drainage easement – there's an existing drainage along the western property line backing up to vacant lots.; Councilman Reynolds – that drains towards Rt. 5; Allen – the drainage ditch runs along there and there is a pipe that goes under Rt. 5. Right now we would be controlling that flow to a greater extent than exists now. That's where this property drains now and that's why we are retaining a drainage easement.; Councilman Reynolds – and making improvements.; Councilman Lenart – On some of the previous presentations, some of the residents had some concerns regarding the retention pond, the fencing and the acreage. Is there any consideration that that could be put underground so that they wouldn't see this and the property would look a little more better and more appealing to them?; Allen – Right now its adjacent to wetland – in the area we intended to put a retention pond, there's a wetland so we have to reconfigure that. It will be a naturalized and a fence around it. There will still be a substantial vegetative buffer as well as the wetland that would act as a buffer there as well.; Councilman Lenart – I know there was an awful lot of concern regarding the height of the fence and how big from an engineer point of view as well as an economic point of view feasible. That's what the Planning Board charges is to assure that the plans are done appropriately and those types of considerations are looked into.; Town Attorney Herbert Cully – Rick – what would happen is if the zone change is approved, then the whole thing goes to the Planning Board and the Planning Board has to do a final site plan approval where they will look at some of these things and make recommendations and I'm sure Mr. Dunkel will be involved in

that process.; Supervisor Miscione – This is referring to the Planning Board for them to make an actual....; Town Attorney Herbert Cully – No, its to grant the change and refer it back to the Planning Board for final.; Allen – My understanding, this approves the plan for residential district overlay which will allow us to go to the Planning Board and they would go through all the issues associated with the site plan approval. Thank you for your time. I appreciate it.

- c. Supervisor Miscione – would like to set something up for the next meeting and then do another vote with all the changes that occurred; Councilman Reynolds – I don't have a problem with that. I also think that based on public input that we've seen, we should publicize this again. So they can come to the next meeting – lets defer this to the next meeting.; Supervisor Miscione – requested Gail/Me to put in the paper so can revote on this. Due to COVID – Herb believes its fine to have a meeting (we are in Phase 3).; Supervisor Miscione – Gail/Mel – please notify the residents, put in the paper. If we have to, we can meet outside (June 10th) – asked Mel to send a letter to all the residents who signed in at the last meeting to notify them – asked Allen to forward any residents that came to his last meeting to send the list to Mel – also notify the Fire Chief.; Town Attorney Herbert Cully – Just to clarify one thing – I have a letter from Brian Dinato indicating that 11 of 72 apartments would be dedicated to disabled Veterans. Is that still your plan?; Allen – yes.; Supervisor Miscione – asked Councilman Woodland, since its his Ward, area, if he had anyone he wanted to notify and he responded as long as they are notified.; Town Attorney Herbert Cully – Just to go through the procedure – the matter was sent back to you by the Planning Board. You held a public hearing and after the public hearing, you deferred your decision because no vote passed but its up to your Board to either adopt or reject or adopt with modifications. Upon approval, of the zoning request by the Town Board the applicant shall submit final plans to the planning Board, consistent with the site plan. So it goes back to them and then they do a site plan approval.

II. Consideration of Matters submitted by Town Supervisor

- a. **Sky Buffet in the New Hartford Shopping Center** – gave the Town 1,000 masks, hand sanitizers, and glove and would like to thank them for that.
- b. **Planning Board Resignation** – Lis DeGironimo – she actually moved out of New Hartford, that is why she resigned from the Planning Board

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

(RESOLUTION NO. 145 OF 2020)

RESOLVED that the Town Board of the Town of New Hartford does hereby accept the resignation of Lis DeGironimo from the Planning Board.

Upon roll call, the Board members voted as follows:

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

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

- c. **Planning Board** – to finish out her team we have a replacement – Manzurul Sikder – a doctor, he is actually on the Board at Slocum Dickson – has a good business background – has some planning background also. I reached out to everyone to discuss. He wanted to be on the Planning Board before. We have had it on the website. Right now, he’s the only person we have at this time. I’d like to make a recommendation, a motion to approve him for the remaining term of Lis DeGironimo.

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

(RESOLUTION NO. 146 OF 2020)

RESOLVED that the Town Board of the Town of New Hartford does hereby accept to approve Manzurul Sikder for the remaining term of Lis DeGironimo on the Planning Board Committee.

Upon roll call, the Board members voted as follows:

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

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

- d. **Codes Department** – Busy season right now, we have about 20 building permits that need to get out. We wanted to hire a part time Codes to take care of those building permits. We had it in the budget to hire a part time Codes guy. There was a recommendation from Councilman Lenart to get George Farley. With your approval – there would be no benefits, \$18 an hour to start.

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

(RESOLUTION NO. 147 OF 2020)

RESOLVED that the Town Board of the Town of New Hartford does hereby accept to approve George Farley as the part-time Codes guy.

Upon roll call, the Board members voted as follows:

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

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

- e. **Oneida County contract for Traffic Diversion** – Chief has looked at it.

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

(RESOLUTION NO. 148 OF 2020)

RESOLVED that the Town Board of the Town of New Hartford does hereby accept to approve the Oneida County contract for Traffic Diversion.

Upon roll call, the Board members voted as follows:

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

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

- f. **IT** – they are looking for some savings – for the IT Dept. – we currently have MA Polce company, we did not sign a new contract with them at a rate of \$2,328/month – just for the Town side. The Police Dept. has MA Polce, they pay a separate amount on a monthly basis for them, they will be keeping them but on the Town side, we had another quote from Bondare Tech. for \$1,500/monthly and also our Outlook licensing is coming due. I was thinking if we move to Gmail like the school district has, that it would be easily maintained. Would be able to access from anywhere and we would just pay a monthly fee like the school does. We would get a Gov. rate for that. So, if we did that, this is mostly all our

technical issues, our email. This year would only be for our other services like our Outlook, Excel – that sort of stuff. We would save about \$800/month. This contract, they said after about six months, we can go over it again. After they switch to G Suite and everything – there will not be much technical support that will need so the price will go down and just use them on an hourly basis when they come in for problems. It would be another \$5000 savings. It would be just for email – Gmail. All our emails from the past would be archived and be put in Gmail so you'd be able to get all your emails that you had in Outlook would go to your Gmail – another benefit. The storage would be there forever with Google. Google is more secure than the site we have here. I will also ask them to match the quote.

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

(RESOLUTION NO. 149 OF 2020)

RESOLVED that the Town Board of the Town of New Hartford does hereby accept to switch from Outlook to Gmail Suite.

Upon roll call, the Board members voted as follows:

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

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

- g. **Bids** – we received bids for the front door – the broken ones for the Town Office
1. Utica Glass at \$12,000
 2. East Side Glass - \$12,500
 3. Sahl's Glass - \$12,450
 4. Peter's Glass - \$13,025

Best quote was from Utica Glass for \$12,000 for the Town Halls front doors.

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

(RESOLUTION NO. 150 OF 2020)

RESOLVED that the Town Board of the Town of New Hartford does hereby accept the bid from Utica Glass for \$12,000 to replace the front doors at the Town Hall.

Upon roll call, the Board members voted as follows:

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

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

- h. **Rec Center Bids** – Improvements – the side doors that were rotted out on the South end of the building – the four doors that were rusted out. We’re paying for this through the contractual that is through the Rec Center that is in the budget.
 - 1. East Side Glass - \$9,500
 - 2. Utica Glass - \$12,878
 - 3. Peter’s Glass - \$12,500

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

(RESOLUTION NO. 151 OF 2020)

RESOLVED that the Town Board of the Town of New Hartford does hereby accept the bid from East Side Glass for \$9,500 to replace side doors at the Rec Center.

Upon roll call, the Board members voted as follows:

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

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

- i. Insurance binder that was approved in our budget – part of our insurance packet for Tyo Berme

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

(RESOLUTION NO. 152 OF 2020)

RESOLVED that the Town Board of the Town of New Hartford does hereby give permission to sign the Insurance Binder.

Upon roll call, the Board members voted as follows:

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

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

- j. Solar – Solar farms for the Town – which includes Middle Settlement Road area, 12 ft. where the Park is, Washington Mills where the old Athletic Park was.; Town Attorney Herbert Cully – wanted to get any input from the Board – email me your comments and like to have a final version for the June meeting so that we can move forward.; Supervisor Miscione – Can we set a Public Hearing date?; Town Attorney Herbert Cully – Yeah we can but we wouldn’t do it at the June meeting.; Gail – OD needs 2-3 days ahead of time then needs to run for 10 days.; Supervisor Miscione – Can we set it in the paper to have a separate Board meeting in June (June 17th) and then we can also do the Public Hearing for that. Everyone answered yes; Councilman Reynolds – According to the March minutes – you provided us with a revision proposal.; Supervisor Miscione – everyone review everything by the 17th then we can have a public hearing to pass the zoning for that. Then we can move ahead on the Town’s end with the Solar Farm.

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

(RESOLUTION NO. 153 OF 2020)

RESOLVED that the Town Board of the Town of New Hartford does hereby approve to have a special meeting on June 17, 2020.

Upon roll call, the Board members voted as follows:

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

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

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

(RESOLUTION NO. 154 OF 2020)

RESOLVED that the Town Board of the Town of New Hartford does hereby approve to have a Public Hearing for the new Solar Zoning Change.

Upon roll call, the Board members voted as follows:

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

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

k. Liquor License Application – Creekside Café and Creamery, Inc.

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

(RESOLUTION NO. 155 OF 2020)

RESOLVED that the Town Board of the Town of New Hartford does hereby approve to accept the Liquor License application from Creekside Café and Creamery, Inc.

Upon roll call, the Board members voted as follows:

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

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

l. **Town Supervisor Miscione** – one change – transfer for the cathedral to pay the tax bills – decrease Deputy 2 account by \$2,360 and increase the tax collection account for \$2,360 for the software.

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

(RESOLUTION NO. 156 OF 2020)

RESOLVED that the Town Board of the Town of New Hartford does hereby approve to decrease the Deputy 2 account and increase the tax collection account by \$2,360.00

Upon roll call, the Board members voted as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye

Councilman Woodland - Aye
Supervisor Miscione - Aye.

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

III. Consideration of Matters submitted by Councilmen

a. Councilman Reynolds

1. Thank Rick for starting Foxcroft
2. Asked that John Dunkle look at and come back to us with some underground storage feasibility on new construction so we can make that part of the code for new subdivisions or whatever makes sense; Supervisor Miscione – Dunkle is currently finishing up some stuff on the Mud Creek project. He is also working on the Chadwicks study. He finished Rich’s proposal which he came and spoke about. He was working on the storage tank and wanted to come up with a full proposal for us.; Rick Sherman – Rayhill Trail – also brought Dunkle on board for that.
3. Audit – I had asked that our auditor do a monthly audit reckoning but I am sure with Covid we are at a halt with that.; Supervisor Miscione – he is trying to finish out audit for 2019. We should have our audit set for completion for 2019. Once we get that, then we can then we will start compiling as we go, monthly. We have opened up the new accounts for the fire districts, so totally separate, just like street light districts, etc. We are really trying to streamline all the finance so at the end of the year its easier for them.

- b. **Councilman Lenart** – asked for update on the Rec Center – Supervisor Miscione – we have completed the side wall where the soccer field was – ripped the old metal down – we’ve took care of the rusted beams – we took out the inside secondary wall that was between the bleachers and back wall so that it opened it up – gave it more room, better for handicap accessibility. Better for patrons to walk. Currently working on the back bleachers right now, on the back wall so the back wall is going to get reinsulated. Putting new windows up there that are insulated. Remove bleachers on the top deck, there’s a concrete platform. Kind of make a sky deck and heat it. Painting all the bleachers, repairing the locker rooms. Fixing broken concrete. Installing doors that were rotted out/not working properly. Those are the main things. Outside will be upgraded, inside will be opened up. Exit signs – parking lot (fix pot holes) – repaid the fence that’s on the State Highway area, make it a nice new area that people will see from the Highway – add a sign on the top of the Rec Center that will say New Hartford Rec. Center. We should have that done the end of August. The roof insulation that was done many years ago wasn’t done correctly to begin with. They coded the roof, sealed it to make it more energy efficient in the summer time but the

problem that we are having is there was an overlay with the roof top. He can coat the roof. It might last six months, a year or two years but the issue is still there. There are two things we can look at. We can take the metal that is on the top end of the roof, we fabric the same kind of metal for the bottom and we elevate the roof with metal that's underneath. We put installation underneath so there equal, so it doesn't leak in and the snow melts again and go in the roof. We can fix that or have them come seal it again and hope for the best. My thing is if we fix that lower end of the roof and elevate it now, I think it will fix it for many year to come. The top roof is not bad. He would do it under warranty. It would buy use some time until next year. It will not leak in the wall. It is all part of the \$90,000 Bond, Rec Center budget for Improvements.; Councilman Reynolds – How are we accommodating the lose of the soccer field? I had a parent comment on that.; Supervisor Miscione – we would like to put that additional soccer field at the New Hartford soccer field park that we did over by Rick's office at the DPW building so they are all in one location.

c. **Councilman Messa**

- 1.Had a resident call – Mr. Snyder's shed got washed away from the storm. He had mentioned someone was going to call back with maybe some stone. Maybe take a look at that.
- 2.Minutes – April 15th – reviewing the budget and sales tax but it wasn't an option in there minutes

d. **Highway Superintendent Richard Sherman** – 1. the pumpstation on Concord Blvd. is finished; next one – Estates Drive. Got a quote from Dunkle that is in budget for this year – will talk to the Homeowners Association first to let them know what is going on first. Hoping to get quotes on the 16th to award on the 17th. Just asking for permission to go out for bid.

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

(RESOLUTION NO. 157 OF 2020)

RESOLVED that the Town Board of the Town of New Hartford does hereby approve to go out for bid for the pumpstation on Concord Blvd.

Upon roll call, the Board members voted as follows:

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

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

2. Trash Program starts June 1st; Flashing light on Tibbits Road – Cty. Legislator – accident (hit and run). Ordered new basin, light worked until the battery died because its solar panel wasn't working. It came in, its working. Cty. Legislator would take it over, so its their responsibility
3. Oneida Street Paving – got a call from the DOT – they are doing bridge work on Elm Street/Rt. 8 and down to Pinnacle. The detours are going to run on Oneida Street. Town/DOT didn't know what each was doing. Don't want tractor trailers, etc. on new pavement. Rick working on a detour
4. Infrastructure from Kellogg Road to City line is six storm water pipes that run under Oneida Street. Waiting for a quote so can change it or get it done
5. Paving – Paris Road – high top it; Foxcroft Road, did an area on Silver Birch and Westminster off Oneida Street – by Tuesday our first phase of paving should be done.
6. The County has \$1 million for storm water (grants) – retention ponds. The money for Foxcroft and Middle Settlement is still there.
7. Supervisor Miscione – What do you think if we apply for all three – near Bogners, Lower Woods and Henderson.

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

(RESOLUTION NO. 158 OF 2020)

RESOLVED that the Town Board of the Town of New Hartford does hereby approve the three site locations to put in for the County grant.

Upon roll call, the Board members voted as follows:

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

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

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

(RESOLUTION NO. 159 OF 2020)

RESOLVED that the Town Board of the Town of New Hartford does hereby approve to go into Executive Session to discuss pending of prospective litigation.

Upon roll call, the Board members voted as follows:

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

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

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

(RESOLUTION NO. 160 OF 2020)

RESOLVED that the Town Board of the Town of New Hartford does hereby approve to come out of Executive Session.

Upon roll call, the Board members voted as follows:

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

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

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilman Lenart and seconded by Councilman Woodland, the meeting was adjourned at 7:41 P.M.

Respectfully submitted,

Cheryl A. Jassak-Huther

6/4/2021