

**TOWN OF NEW HARTFORD
PLANNING BOARD MINUTES
RODGER REYNOLDS MEETING ROOM
DECEMBER 10, 2018**

The Regular Meeting was called to order by Chairman Elis DeLia at 5:30 P.M. at which time the Pledge of Allegiance was recited. In attendance were Board Members Lis DeGironimo, G. Brymer Humphreys, Heather Mowat, William Morris, and Peggy Rotton. Board Member absent: Julius V. Fuks, Jr. Also in attendance: Councilman David Reynolds; Town Attorney Herbert Cully; Code Officer Joseph Booth; Highway Superintendent Richard Sherman; and Dolores Shaw, Secretary.

Draft minutes of the November 13, 2018 Planning Board meeting were reviewed by each Board Member. Motion was made by Board Member Peggy Rotton to approve these minutes; seconded by Board Member Brymer Humphreys. All in favor.

Special Use Permit for the **House of the Good Shepherd, 1550 Champlin Avenue, Utica, New York (Town of New Hartford)**, to install a 8'± fence around building. Tax Map #317.000-2-1.1; Zoning: Institutional. Mr. Brian McKee, CEO of The House of the Good Shepherd and Mr. Clinton Lanckton, Director of Maintenance, appeared before the Board.

Mr. Lanckton explained that the vinyl-coated fence will be 8' high around the furthest most part of their building and have gates to allow access for pedestrians and minor equipment (one building to be fenced).

Town Attorney Cully explained why this fence requires a Special Use Permit, and the consideration for public health, safety and general welfare and convenience of the public and not to have a negative effect on the neighboring area.

Mr. McKee explained they are making a change in programming. They have been asked to design a program, i.e. address the risk of abscondion and community safety and any safety risks. They have issues with gang use and this fence allows the public safety and to stop kids that may abscond and keep other people out of the residence. He was asked if he was taking OCSF kids – Mr. McKee said no.

Town Attorney Cully referred to children placed and put into secure detention – are you going to be a secure facility and that is the reason for the fence – Mr. McKee said no, this is not a secured facility. Attorney Cully said the fencing is something new and to prevent kids from running? Yes. There is a mechanical lock with a key and exterior and interior cameras. Mr. McKee referred to family services,

This program he is presenting is to staff the program higher and be given the authority to stop children to abscond. That is their only condition. Fences in the past have been very difficult to get approvals from OCSF (NYS Office of Children and Family Services).

Chairman DeLia opened the Public Hearing at approximately 5:40 P.M.

-Mrs. Christine Cirasulo, 316 Winchester Drive. She presented pictures of her property and also gave a history of what has transpired over the years between the children at this facility and staff. She's had trouble with children terrorizing their property. Also, there is staff who smoke and leave butts around the property. They put up a fence and also cameras. She referred to the dumpsters behind her home and how trash is picked up very early in the morning. When these kids run, they go into her yard and it disrupts their family life. Also, there are evergreen trees to block their view but every summer staff cuts all the limbs and they don't know why. She is also concerned about property values.

Attorney Cully asked if they think the fence would be an improvement – they want the entire property line to be fenced. They have problems with children and employees.

-Mr. Fernando Sortino, 314 Winchester Drive. He'd like to see a fence along everyone's property line. He asked about the age of the children and is there a level of violence associated with them. He wants to know what they need to do to protect themselves. A view of their land is lower than his. He wanted to know if the fence surrounds the basketball court. He has also had problems with staff.

-Mrs. Martin, 302 Winchester Drive & Davis Place. Her concern is the quality of the kids and why they need a fence. Do they need this to secure these recent children or are they getting 16-17 year olds that are in adult prisons now.

-Mr. Gary Kostera, corner of Winchester & Shepard. He has watched this facility grow. In the past ten years, he has experienced kids causing problems and he had one arrested. He understands kids and second chances but the problem he sees is bigger than the fence. He feels staff has their hands tied, especially with State regulations. He has caught kids in his treehouse. Kids threaten people in the neighborhood – things are getting worse. You have to start watching out for the people in the neighborhood. He doesn't think the fence does anything – it doesn't solve the big problem.

-301 Washington Drive: She wasn't notified of this meeting and asked how residents were chosen to be notified. It was explained to her the Town's procedure. Also, a legal notice is placed in the Observer Dispatch.

It was mentioned by several residents that originally a fence was supposed to be erected around the whole property and it was stated back in 1999.

There being no further input, the Public Hearing ended at approximately 5:50 P.M.

Chairman DeLia asked Mr. McKee if he was aware that a fence was supposed to be around the whole property – Mr. McKee said no. Mr. Lanckton stated he has been with the House of the Good Shepherd a long time and he doesn't remember anything like this. Mr. McKee stated he couldn't afford to do this if it is the case.

Mr. McKee stated that this doesn't have to be the last conversation. He will work with residents and Town Staff, and also address his staff about concerns. These kids are the same kids that have been in other facilities that are now closed. He explained they don't have the resources and Staff to do what they need to do. He explained the nature of some of the children. Their ability to maintain supervision of

these kids is through staff ratios. They are redesigning this program. We don't want them to be here for a long time. It is no different from many other juvenile delinquents.

The age of these kids are 16. The State is giving them some regulatory relief. They only have the authority to fence this one building. If they fence all of it, it may serve the public but not his facility. He doesn't want kids AWOL-ing. Mr. McKee also stated there is no law that requires to call immediately when a kid gets off the property. The reason they delay is they get them to come back. There is a period of time we expect their Staff to recognize and use good judgement. He referred to the split in townships. Regarding the level of violence, he doesn't see anything different as far as violations. They will be able to serve 17 year olds in the event more beds are needed. The State of New York said they have to be 16 years old or older when they commit a crime.

Board Member DeGironimo asked if this group will be a new population – will the situation improve over what is there right now? Mr. McKee said yes. The fence isn't for containment. It is to slow them down.

Board Member Mowat asked if we had the original plans from 1999 for this facility. She would like to find out if they are in violation if a fence around the whole facility was approved. She feels dumpster locations, landscaping, vegetation, etc. should also be checked on those plans. She asked Mr. McKee if he was aware of the dumpster problems regarding 4:00 AM pickup – he was not but he would address this. He also wants to make sure the trees grow. Further, he wants his Staff to be courteous at all times. If there is a way to remediate some concerns, he would like to do so.

Town Attorney Cully said he would look into this also.

Chairman DeLia said if it is not part of the original plan, we can make it part of this application. The only application now is around this one building.

Chairman DeLia said his recommendation is that we are going to research this to see if there is an obligation to put the fence in around the property. He will then reconvene the Public Hearing hopefully prior to the next meeting. There will be an opportunity to address these issues and what was required. The residents can speak at that time also. Residents will again be notified of when this meeting will take place.

A question arose again about who got notified of this Public Hearing. Our procedure was explained.

Board Member Humphreys asked Mr. McKee if he felt this fence would help control the youngsters – Mr. McKee said yes. It is also protection for them. Some kids come into their campus that don't belong there.

Mr. McKee reminded everyone to contact him with any questions.

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This application is postponed until the next meeting.

Chairman DeLia thanked Planning Board Member Peggy Rotton for all her years of service to the Town. It is her last meeting this evening.

There being no further business, the meeting adjourned at approximately 6:10 P.M.

Respectfully submitted,

Dolores Shaw, Secretary
Planning Board/Town of New Hartford

dbb