

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL, NEW HARTFORD, NY ON
WEDNESDAY, MAY 2, 2018, AT 6:00 P.M.**

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

TOWN BOARD MEMBERS PRESENT:

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

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

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

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

MINUTES

April 4, 2018 Town Board meeting:

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

(RESOLUTION NO. 177 OF 2018)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held April 4, 2018 and does further waive the reading of same.

Upon roll call, the Board members voted as follows:

Councilman Messa - Aye

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

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

PRESENTATIONS/COMMENTS

The Town Supervisor inquired if anyone present wished to comment on any matters. Thomas Roberts of Chadwicks indicated to the Highway Superintendent that more stone is needed near his property (stormwater issue) in the area of Kay Circle, and thanked the Highway Department for their great work.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE

Zoning (Codes) and Planning – (Councilman Messa)

Sherrillbrook Park rezoning – Local Law Introductory “B” of 2018

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

(RESOLUTION NO. 178 OF 2018)

WHEREAS, Local Law Introductory “B” of 2018 had been introduced at the March 7, 2018 Town Board meeting, to correct an apparent error in the Zoning Map and Law adopted in 2014; and

WHEREAS, on March 7, 2018, the Town Board declared itself as Lead Agency in this matter to correct the zoning classification of Sherrillbrook Park from PR (Parks and Recreation) and LDR (Low Density Residential) so that the entire Park is zoned PR; and

WHEREAS, on March 7, 2018, the Town Board referred this zoning matter to the Town Planning Board, Oneida County Planning Department, and involved/interested agencies for GM-239 review and SEQR review and comment; and

WHEREAS, the Town has received various comments from the aforesaid Departments and involved/interested agencies;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby schedule a Public Hearing upon Local Law Introductory “B” of 2018 to convene at 6:00 P.M., or as soon thereafter as reached in the regular course of business, on Wednesday, June 6, 2018, in Butler Memorial Hall, New Hartford, New York.

Upon roll call, the Board members voted as follows:

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

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

Subdivision and Site Plan review procedures

The Town Supervisor reviewed proposed changes to the Town's Code, specifically for Subdivision and Site Plan Review, which he said would save the Town thousands of dollars yearly. Going forward, when a developer meets with the Codes Enforcement Officer for the first time to review plans, the developer would enter into a contract with the Town and start paying for engineering fees. Codes Enforcement Officer Booth has drafted legislation which has been reviewed by the Town Attorney. Codes Officer Booth clarified that the new procedure would apply to commercial projects, large subdivisions, but not for the typical homeowner.

Public Works and Sewer Committee – Supervisor Miscione

Chenango Bridge – Sauquoit Creek Scour Protection

On April 4, 2018, the Town Board adopted Resolution No. 133, accepting the proposal of Lochner Engineering, P.C. for the Chenango Bridge Sauquoit Creek Scour Protection project. Upon motion of Councilman Messa and seconded by Councilman Cittadino, the following Resolution was offered for adoption:

(RESOLUTION NO. 179 OF 2018)

RESOLVED, that the New Hartford Town Board does hereby authorize the Town Supervisor to sign the Chenango Road – Sauquoit Creek Scour Protection agreement between the Town of New Hartford and Lochner Engineering, P.C., to address the scour issue along the westerly side of the Chenango Road Bridge crossing of Sauquoit Creek.

The Town Board voted as follows:

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

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

Sale of 2010 Mack truck

Upon recommendation of the Highway Superintendent, the following Resolution was introduced for adoption by Councilman Reynolds and seconded by Councilman Cittadino:

(RESOLUTION NO. 180 OF 2018)

RESOLVED, that the New Hartford Town Board does hereby accept and approve the sale of one (1) 2010 Mack Model GU713 with a 14' ELP dump box; Viking 11' plow and 11' Viking wing, to the Town of West Almond for One Hundred Ten Thousand Dollars (\$110,000.00). The VIN for the 2010 Mack (Truck #93) is 1M2AX09C3AM008774.

The Supervisor polled the Board who voted as follows:

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

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

Declaration of Surplus Vehicle – Authorization to Sell

Upon request of the Highway Superintendent, the following Resolution was offered for adoption by Councilman Reynolds and duly seconded by Councilman Woodland:

(RESOLUTION NO. 181 OF 2018)

RESOLVED that the Town Board of the Town of New Hartford does hereby declare as surplus one (1) 2001 Freightliner Brush truck with Cab & Chassis and Brush box, VIN 1FV6HJBB61HH40069;

And be it

FURTHER RESOLVED that the aforesaid vehicle shall be placed for sale with Auctions International and once sold, the Town Clerk's office shall be notified and shall arrange to terminate insurance coverage on said vehicles.

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

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

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

Appointments – Part-time Seasonal

Upon recommendation of the Highway Superintendent, the following Resolution was introduced for adoption by Councilman Messa and duly seconded by Councilman Cittadino:

(RESOLUTION NO. 182 OF 2018)

RESOLVED, that the Town Board of the Town of New Hartford does hereby appoint Robert Walker as a part-time seasonal Laborer, and Augustus Pfisterer as a temporary seasonal Laborer, for the Highway Department at the hourly wage of Ten Dollars (\$10.00), payable bi-weekly, said appointments effective Monday, May 7, 2018.

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

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

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

MATTERS SUBMITTED BY TOWN SUPERVISOR

FEMA BUYOUT – Asbestos abatement monitoring

Supervisor Miscione reviewed the four (4) Requests for Proposal that were received for the asbestos abatement program under the FEMA project. Companies who submitted quotes were GYMO of Watertown, NY; ENVOY of Rochester, NY; AEG Environmental Group of Camillus, NY; and HNY Environmental Services, Inc. of Utica, NY, the latter of whom submitted the lowest proposal. Councilman Reynolds then offered the following Resolution for adoption; seconded by Councilman Messa:

(RESOLUTION NO. 183 OF 2018)

TOWN BOARD MEETING

May 2, 2018

Page 6 of 13

RESOLVED, that the New Hartford Town Board does hereby accept the low bid (RFP) submitted by HNY Environmental Services, Inc., Utica, New York, for the FEMA BUYOUT Program, Abatement Project Monitoring/Air Monitoring in accordance with the following Fee Schedule:

- Project monitoring - \$360/9 hour day
- Overtime rate - \$60.00/hour
- Asbestos Sampling – PCM \$7.00/Sample (24 hour turn around)
PCM \$7.00/Sample (RUSH = 2 hour turn around)
- Travel time & mileage \$0
- Freight charge \$0
- Generator \$25.00/day
- Final Report \$100.00

and does hereby authorize the Town Supervisor to execute any required agreement/contract related thereto.

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

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

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

Reading along the Rayhill Trail

The Town Supervisor received a letter in behalf of the Tree House Reading and Arts Center in New York Mills whose membership includes 8 to 9-year old children. Permission was sought to read along the Philip Rayhill Memorial Trail and post pictures along the way. No resolution was needed; the Town Supervisor will contact this group with the Town's blessing.

Electric Infrastructure for vehicles

The Town Supervisor discussed a Department of Environmental Conservation (DEC) grant application he is pursuing for electric charging stations for electric vehicles for zero emissions. Sites for charging stations include Sherrillbrook Park on Route 12, the area of the Jedediah Sanger Building property at 111 New Hartford Street, the Gander Mountain property if the Town moves to that location, possibly the Washington Mills Athletic Park.

Volunteers – Washington Mills Athletic Park

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

(RESOLUTION NO. 184 OF 2018)

RESOLVED, that the New Hartford Town Board does hereby grant permission to fifteen (15) Key Bank employees to perform volunteer work on Wednesday, May 23, 2018, in the Washington Mills Athletic Park, specifically paint the fishing docks and the floor(s) of the pavilion(s).

The Town Attorney suggested that the Town Supervisor address insurance liability with Key Bank prior to the employees' volunteer day. Thereafter, the Board members voted as follows:

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

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

Shared Services Agreement – Stationery products

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

(RESOLUTION NO. 185 OF 2018)

RESOLVED, that the New Hartford Town Board does hereby authorize the Town Supervisor to enter into and to execute a Shared Services Agreement with the County of Oneida Printing Department whereby said County will be the sole provider for the Town's business cards and stationery.

A roll call vote ensued:

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

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

Lease – Cellular Tower-Homeland Towers

Resolution No. 90, adopted at the March 7, 2018, Town Board meeting, needs to be re-adopted to begin the permissive referendum period due to posting of the Resolution that was not made known. Councilman Reynolds then offered the following Resolution for adoption; seconded by Councilman Messa:

(RESOLUTION NO. 186 OF 2018)

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF NEW HARTFORD
AUTHORIZING THE LEASE OF REAL PROPERTY LOCATED OFF OF NEW
PARIS ROAD (ROUTE 12) AND ISSUING A NEGATIVE DECLARATION
PURSUANT TO THE NEW YORK STATE ENVIRONMENTAL QUALITY
REVIEW ACT (“SEQRA”)**

WHEREAS, the Town was presented with an offer from Homeland Towers, LLC (“Lessee”) to enter into an Option and Ground Lease Agreement for a portion of the real property located off of New Paris Road (Route 12), in the Town of New Hartford, designated as APN Tax I.D. Number 338.000-3-4 (the “Property”), for the placement of equipment, building(s) and a tower for the purpose of constructing, establishing and maintaining a “cellular” transmission tower facility for Lessee’s use and that of its subtenants, licensees and customers; and

WHEREAS, the Town Board has determined to lease the Property for adequate consideration of no less than fair market value without the services of a real estate broker; and

WHEREAS, in exchange for granting Lessee a 12 month option to lease the Property, Lessee shall pay the Town and Option fee equal to \$2,000.00; and

WHEREAS, Lessee shall have the right to extend the option for One (1) additional twelve (12) month period by providing the Town with written notice of its intent to extend the option, which notice will be accompanied by an additional option fee payment of \$100.00; and

WHEREAS, LESSEE shall also have the right to request to extend the Option for one (1) additional twelve (12) month period (“Second Extension Period”) with LESSOR consent, which consent shall not be unreasonably denied. LESSEE must give written request for the Second Extension Period prior to the end of the then-current Option Period, accompanied by an additional option fee payment of One Thousand and 00/100 Dollars (\$1000.00) (the “Second Additional Option Fee”)

TOWN BOARD MEETING

May 2, 2018

Page 9 of 13

WHEREAS, the base rent for the Property shall be \$1,400.00 per month or twenty percent (20%) of the gross income derived by Lessee from its subtenants, licensees and customers using the telecommunications facility, whichever is greater, for an initial term of 10 years; and

WHEREAS, the Town Board believes that the lease of the real property is in the public interest of the residents of the Town, particularly since the end result will be more efficient cellular telephone communications within the Town; and

WHEREAS, the Town Board preliminary classifies this action as an unlisted action under SEQRA , and determines that it will act as the Lead Agency with respect to the environmental review of the proposed lease of the Property in accordance with SEQRA and Part 617 of the regulations implementing SEQRA; and

WHEREAS, the execution of the Option and Ground Lease Agreement for the Property is subject to: (1) a permissive referendum pursuant to Section 64, Subdivision 2 of the New York State Town Law; (2) the issuance of a negative declaration pursuant to SEQRA, and (3) the review and approval of the Option and Ground Lease Agreement as to form and content by the Attorney for the Town; and

WHEREAS, the Town Board has reviewed the Short Form Environmental Assessment Form (“EAF”) prepared for this action;

NOW, THEREFORE, BE IT HEREBY

RESOLVED, that the Town Board of the Town of New Hartford hereby determines that the project is an unlisted action pursuant to Part 617 of the regulations implementing SEQRA and that the Town Board shall act as Lead Agency for the required environmental review; and it is further

RESOLVED, that the Town Board determines that the Option and Ground Lease Agreement and the construction and operation of the communications tower and related facilities will have no significant adverse impacts on the environment, and hereby issues a negative declaration for the proposed Project and authorizes the Supervisor of the Town of New Hartford to execute Pages 3 and 4 of the EAF; and it is further

RESOLVED, that pursuant to the provisions of Section 64, Subdivision 2 of the Town Law of the State of New York, the Town Board does adopt this Resolution agreeing to enter into an Option and Ground Lease Agreement for the Property for not less than its fair market value; and it is further

RESOLVED, that this Resolution is adopted subject to a permissive referendum and that the Town Clerk is directed to publish and post the notice of adoption of this Resolution in accordance with Article 7 of the Town Law; and it is further

RESOLVED, that upon the expiration of the permissive referendum period, the Town Supervisor is authorized to execute all documents required to complete the Option and Ground Lease Agreement subject to the review and approval of the Town Attorney for the Town as to form and content.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF NEW HARTFORD, NEW YORK.

Upon roll call, the Board members voted as follows:

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

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

ORRICK Bill –The Town Supervisor recently received a July 2017 bill for \$1,090 from Orrick, Herrington & Sutcliff for a bond issue; he and or the Director of Finance will look into how to pay this late bill.

Grass and weed control

Upon recommendation of the Town Supervisor who had received bids, the following Resolution was offered for adoption by Councilman Woodland and duly seconded by Councilman Cittadino:

(RESOLUTION NO. 187 OF 2018)

RESOLVED, that the Town Board of the Town of New Hartford does hereby accept the low bid submitted by, and award a contract to Care Free Lawn Services, for a one-year lawn maintenance contract for the Veterans Memorial Park, Donovan Memorial Park and Washington Mills Athletic Park; the project will involve the entrances to each Park and walking trails for the sum of Seven Hundred Ninety Dollars (\$790.00).

The other bid was received from High Point for Eight Hundred Seventy-two Dollars (\$872.00). Thereafter, the Board voted as follows:

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

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

Sewer Fund Payback Schedule

In November 2016 the Town Board voted to pay back the Sewer Fund \$75,000 per year for a ten (10) year period and made one (1) \$75,000 payment in 2017. Discussion now ensued whether to adjust the payback amount with Councilman Messa introducing the following Resolution; seconded by Councilman Cittadino:

(RESOLUTION NO. 188 OF 2018)

WHEREAS, on November 9, 2016, the New Hartford Town Board adopted Resolution No. 181-B to establish a plan to reimburse the Sewer Fund for monies owed and that said plan shall be annual payments of \$75,000 over a ten (10) year period, during the first quarter of each year beginning January 1, 2017;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby adjust the Sewer Fund Payback Schedule established in November 2016 so that effective in 2018 the payback will be Twenty-five Thousand Dollars (\$25,000) per year; further, the Town Board shall review this schedule from time to time for possible increase in payments.

The Town Board voted as follows:

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

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

Speed limit reduction – Status; Snowden Hill Road

Councilman Messa questioned the status of his December 2017 inquiry for a lower speed limit along a section of Snowden Hill Road. [Note: At the December 13, 2017 Town Board meeting, the Police Chief stated that a traffic study would need to be done by the NYS Department of Transportation, and that he would request the traffic study.] The

TOWN BOARD MEETING

May 2, 2018
Page 12 of 13

Town Clerk recalled that a particular form is necessary to initiate the study (TE 9a) jointly with the Oneida County Department of Public Works. With regard to School Bus signs, the Highway Superintendent informed Councilman Messa that he could help in the proper placement of such signs.

Street Lights – Routes 5 – 8- 12- 840

Councilman Reynolds initiated discussion on the issue of lights at the Routes 5, 8, 12, and 840 interchange, and more particularly the lack of lights. Those lights have been out for an extended period of time, and he thought at one time the City of Utica did not want to pay for the lights anymore and had them shut off. Although he is aware the lights are owned by the City, the City’s action affects the Town of New Hartford. Councilman Reynolds believes the Town should petition the City to activate the lights because this is a high traffic area and a high accident area.

The Highway Superintendent provided information that the NYS Department of Transportation would be making changes in that specific interchange, including lighting, in next year’s projects.

Reschedule May 16, 2018 Town Board meeting

Upon motion of Councilman Reynolds, seconded by Councilman Messa, the following Resolution was introduced for adoption:

(RESOLUTION NO. 189 OF 2018)

WHEREAS, two members of the Town Board will be unable to attend the previously scheduled May 16, 2018 Town Board meeting;

NOW, THEREFORE BE IT RESOLVED that the New Hartford Town Board does hereby cancel the May 16, 2018, Town Board meeting and does hereby reschedule said meeting to Wednesday, May 23, 2018.

The Board voted upon roll call:

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

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

ADJOURNMENT

TOWN BOARD MEETING

May 2, 2018

Page 13 of 13

There being no further business to come before the Board, upon motion of Councilman Reynolds and seconded by Councilman Messa, the meeting was adjourned at 6:54 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk