

**REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF NEW HARTFORD, NEW YORK  
HELD AT 8635 CLINTON STREET, NEW HARTFORD, NY ON  
WEDNESDAY, JUNE 12, 2019, 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 M. Lenart  
Councilman David M. Reynolds  
Councilman Richard B. Woodland, Jr.  
Supervisor Paul A. Miscione

**OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:**

Deputy Supervisor Anthony Trevisani  
Assessor Darlene Abbatecola  
Codes Enforcement Officer Joseph Booth  
Codes Enforcement Officer Lawrence "Lary" Gell  
Bookkeeper Lisa Smigle  
Highway/Sewer Superintendent Richard C. Sherman  
Human Resource Department Barbara Schwenzfeier  
Police Chief Michael S. Inserra  
Town Attorney Herbert J. Cully  
Town Clerk Gail Wolanin Young  
Deputy Town Clerk II Allison K. Adams

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

**MINUTES**

**March 6, 2019 Town Board meeting**

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

**(RESOLUTION NO. 185 OF 2019)**

**RESOLVED** that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held March 6, 2019 and does further waive the reading of same.

Upon roll call, the Board members voted as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye

REGULAR TOWN BOARD MEETING

June 12, 2019

Page 2 of 21

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

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

**April 24, 2019 Town Board meeting**

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

**(RESOLUTION NO. 186 OF 2019)**

**RESOLVED** that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held April 24, 2019 and does further waive the reading of same.

Upon roll call, the Board members voted as follows:

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

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

**May 21, 2019 Town Board meeting**

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

**(RESOLUTION NO. 187 OF 2019)**

**RESOLVED** that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held May 21, 2019 and does further waive the reading of same.

Upon roll call, the Board members voted as follows:

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

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

REGULAR TOWN BOARD MEETING

June 12, 2019

Page 3 of 21

PRESENTATIONS/COMMENTS

*Wendy Seifried - 2 Marks Place:* Ms. Seifried addressed the Town Board in support of professionally finishing the pickleball courts at Sherrillbrook Park. She stressed the appeal of a sport that does not require extreme athletic abilities and that does not require expensive equipment. Ms. Seifried also explained the advantages of having pickleball courts at Sherrillbrook Park, holding tournaments would bring business to our local restaurants and shops. She spoke of the possibility of holding demonstrations at the “*Picnic in the Park*” on Tuesday nights during the summer. The local pickleball group would also advertise the new courts in their newsletter, the Town Crier and the Utica OD as well as local media outlets and on the official USA Pickleball Associations’ website.

Councilman Reynolds asked for a rough estimate of pickleball players in the local area. Mrs. Seifried answered that there were 90 players currently on an email newsletter and more were being added weekly.

Attorney Cully questions if the players are covered by insurance in case of injury, Ms. Seifried responds that the Jewish Community Center and the Parkway both required waivers to be signed.

Councilman Messa inquired who supplied the equipment that was needed for play. The answer was that the JCC and Parkway supply the balls but most players have their own paddles and they usually have some on hand for new players.

*Robert Byrd – 9479 Chapman Road –* Mr. Byrd is the facilitator at the Memorial Parkway, he states that the he feels the only reason there are no younger players because there is no place for players who work during the week to play.

**Pickleball Court Surfacing**

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

**(RESOLUTION NO. 188 OF 2019)**

**WHEREAS**, the Town Supervisor has received the following quotes for painting and posts to be installed at the pickleball court in Sherrillbrook Park; and

- Nagle Athletic Surfaces
  - \$17,500 paint and line
  - \$5,800 post installation (subcontracted)
  - TOTAL: \$23,300**
- Okie Court Systems
  - TOTAL: \$21,720 for paint, lines, and post installation**
- Super Seal Seal Coating Company
  - \$17,700 paint and lines
  - \$5.800 post installation (sub contracted)
  - TOTAL: \$23,500**

REGULAR TOWN BOARD MEETING

June 12, 2019

Page 4 of 21

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby accept the low quotation of \$21,720 from Okie Court Systems for painting, lines and posts to be installed in Sherrillbrook Park’s new pickleball courts.

The Supervisor polled the Board members who 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**.

**Insurance Renewal**

William Cole of Gates-Cole Insurance came before the board and updated the Town Board with a summary of the Town’s premium insurance coverage. Therefore Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Messa:

**(RESOLUTION NO. 189 OF 2019)**

**RESOLVED** that the New Hartford Town Board does hereby approve the insurance policies for the 2019-2020 period for a total of \$160,702.49, with a total savings of \$730.53.

<u>Coverage</u>	<u>Rate</u>
• Property	\$ 17,202.49
• Inland Marine	\$ 6,171.00
• General Liability	\$ 30,943.00
• Employee Benefit Plans Liability	\$ 109.00
• Law Enforcement	\$ 24,268.00
• Public Entity Management Liability	\$ 8,273.00
• Public Entity Employment Practices Liability	\$ 10,970.00
• Automobile	\$ 41,303.00
• Umbrella	\$ 20,963.00
• OCP – People of the State of New Hartford	\$ 500.00

And be it

**FURTHER RESOLVED** that the Law Enforcement Accident Policy; in the amount of \$6,276.00, also be approved for the 2019-2020 period.

Upon roll call, the Board members voted as follows:

REGULAR TOWN BOARD MEETING

June 12, 2019

Page 5 of 21

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

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

**HCC-Public Risk**

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

**(RESOLUTION NO. 190 OF 2019)**

**RESOLVED** that the New Hartford Town Board does hereby authorize the Town Supervisor to sign the HCC- Public Risk APPLICATION DECLARATION as same relates to Tokio MARINE, application number T008040004804.

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**.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE

Assessor Committee:

**Vacancy Board of Assessment Review**

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

**(RESOLUTION NO. 191 OF 2019)**

**WHEREAS**, Board of Assessment Review term of Jonathan Purdy expires September 30, 2019;

**BE IT RESOLVED**, that the Town Board does hereby authorize Director of Personnel Barbara Schwenzfeier to advertise the vacancy on the Board of Assessment Review on the Town's website.

[Note: The Town Clerk has posted this vacancy on the Town Clerk Bulletin Board since March 18, 2019]

REGULAR TOWN BOARD MEETING

June 12, 2019

Page 6 of 21

The Resolution was voted upon by roll call as follows:

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

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

**Vacancy Zoning Board**

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

**(RESOLUTION NO. 192 OF 2019)**

**WHEREAS**, Zoning Board term of Karen Stanislaus expired June 09, 2019;

**BE IT RESOLVED**, that the Town Board does hereby authorize Director of Personnel Barbara Schwenzfeier to advertise the vacancy on the Zoning Board on the Town's website.

[Note: The Town Clerk has posted this vacancy on the Town Clerk Bulletin Board since March 18, 2019]

The Resolution was voted upon by roll call as follows:

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

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

**Audit of Vouchers**

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

**(RESOLUTION NO. 193 OF 2019)**

**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:

RECORD OF CLAIMS #1

REGULAR TOWN BOARD MEETING

June 12, 2019

Page 7 of 21

#'s 845-852

A600	\$ 2,341.82
BP600	\$ 889.06
SF600	\$39,580.63
TA600	\$ 156.44

**RECORD OF CLAIMS TOTAL #1 \$42,967.95**

RECORD OF CLAIMS #2

#'s 853-960; 962-1053

A600	\$ 84,343.17
B600	\$ 8,263.06
BP600	\$ 58,716.79
CF600	\$ 400.00
DA600	\$ 8,538.42
DB600	\$175,518.68
HPE600	\$ 1,237.50
HV600	\$111,592.49
SL600	\$ 8,390.72
SS600	\$ 7,629.97
TA600	\$ 15,527.22

**RECORD OF CLAIMS TOTAL #2 \$480,158.02**

**GRAND TOTAL #1 & 2 \$523,125.97**

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**.

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

Highway Superintendent Richard Sherman presented the 2019 MS4 Annual Report that he had prepared and is now available for public review. The purpose of the MS4 program, which has been in place since 2003, starting with the Environmental Protection Agency (EPA) – Clean Water Act adopted in the late 1990's, is a mandate that municipalities control the quality of stormwater by eliminating all kinds of debris (salt, sand, litter, etc.) from being dumped into the storm sewer facility within their territorial boundary, so that unfiltered stormwater does not flow

REGULAR TOWN BOARD MEETING

June 12, 2019

Page 8 of 21

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

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

The annual report requires the Town Supervisor's signature, after which the Annual Report will be posted on the Town's web site. The public can read the report and offer comments. This public (Town Board) meeting and the Town's web site will suffice for a public hearing. The Annual Report must be filed with the New York State Department of Environmental Conservation by June 1, 2019. Thereafter, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Messa:

**(RESOLUTION NO. 194 OF 2019)**

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

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

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

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

**WHEREAS**, the Annual Report must be submitted to the New York State Department of Environmental Conservation offices in Albany, NY, by June 1, 2019;

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

Upon roll call, the Board members voted as follows:

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



Supervisor Miscione - Aye.

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

**Proposal for Engineering Services-Woodberry Detention Basin**

Upon request of the Highway Superintendent, the following Resolution was offered for adoption by Councilman Reynolds, seconded by Councilman Lenart.

**(RESOLUTION NO. 195 OF 2019)**

**WHEREAS**, the Town Board does hereby authorize the Town Supervisor to enter into and to execute a contract with Dunn & Sgromo Engineers, PLLC, for the engineering services for the Woodberry Detention Basin project, which scope shall include the Preliminary Design Phase at an anticipated cost of \$25,000, and the Final Design Phase at an anticipated cost of \$10,000.

[This will be covered under a grant received from Oneida County.]

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**.

**Easement for Pearce Property**

The following Resolution was offered for adoption by Councilman Reynolds, seconded by Councilman Lenart.

**(RESOLUTION NO. 196 OF 2019)**

**WHERAS**, the Town Board hereby authorizes the Town Supervisor to enter into and sign the Stormwater Easement Agreement between the Town of New Hartford and the Pearce Family Land Trust, Tax Map Number 339.000-1-21.1, 8855 Tibbitts Road, New Hartford. As it relates to the Woodberry Detention Basin project.

Upon roll call, the Board members voted as follows:

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

REGULAR TOWN BOARD MEETING

June 12, 2019

Page 10 of 21

Councilman Woodland - Aye  
Supervisor Miscione - Aye.

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

**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. 197 OF 2019)**

**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 2019 Summer Playground/Recreation Center;

**Hughes**

Samantha Decker \$13.00 Laborer/Director  
Nicholas Cooke \$11.50 Laborer/Assistant Director  
Colette Bertrand \$10.00 Laborer  
Aubree Grates \$10.00 Laborer  
Ethan Kane \$10.00 Laborer  
Daniel Owen \$10.00 Laborer

**Perry**

Matthew Crumrine \$13.00 Laborer/Director  
John Friedel \$11.50 Laborer/Assistant Director  
Lucas Kosuda \$10.50 Laborer  
Sarah Mineo \$10.50 Laborer  
Brianna Wheelock \$10.50 Laborer  
Suzanne D'Amore \$10.50 Laborer  
Natalie D'Amore \$10.50 Laborer  
Robert Talerico \$10.50 Laborer

**Myles**

Nicolas Suits \$13.00 Laborer/Director  
Dana DelGenio \$11.50 Laborer/Assistant Director  
Sydney Kogut \$10.50 Laborer  
Madeline Kattato \$10.50 Laborer  
Tori Wadsworth \$10.50 Laborer  
Zachary Nordstrom \$10.50 Laborer

**Recreation Center**

Emilie Butler \$13.00 Laborer/Director

REGULAR TOWN BOARD MEETING

June 12, 2019

Page 11 of 21

Christina D'Ambro	\$11.50 Laborer/Assistant Director
Savanah Wehrle	\$10.50 Laborer
Thomas Bateson	\$10.50 Laborer
Stephen Malenowski	\$10.50 Laborer
Jacob Anweiler	\$10.50 Laborer
Caroline Bonneville	\$10.50 Laborer
Shaye Gardinier	\$10.50 Laborer

**Splash Pad**

Jordan Gardinier	\$10.00 Laborer
Sam Abbadessa	\$10.00 Laborer
Jack Lamb	\$10.00 Laborer
Olivia Sprague	\$10.00 Laborer

**Basketball**

Colin Oczkowski	\$10.00 Laborer
Joshua Farmer	\$10.00 Laborer

**Parks**

Aiden Joy	\$11.00 Laborer
Augustus Pfisterer	\$11.00 Laborer
Dustin Aiello	\$11.00 Laborer
Daniel Owen	\$11.00 Laborer
Noah German	\$11.00 Laborer
Cullen Moran	\$11.00 Laborer

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

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

The Town Supervisor declared the Resolution unanimously carried and duly ***ADOPTED***.

**Seasonal appointment – Highway Department**

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

**(RESOLUTION NO. 198 OF 2019)**

REGULAR TOWN BOARD MEETING

June 12, 2019

Page 12 of 21

**RESOLVED**, that the New Hartford Town Board does hereby appoint the following persons as seasonal, temporary laborers in the Highway Department at the hourly rate of Ten Dollars (10.00), payable bi-weekly, said appointments to commence June 13, 2019:

- Jayden Angleton
- Sam Williams
- Fox Humphrey
- Tyler Penree

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

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

The Town Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

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

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

**(RESOLUTION NO. 199 OF 2019)**

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

- Leafer #1 Vac, 2009 Old Dominion Brush, Brush Trailer Leaf VIN: 1Z9PL1616AR168144
- Leafer #2 Vac, 2011 Old Dominion Brush, Brush Trailer Leaf, VIN: 1Z9PL1618AR168132
- Leafer #4 Vac, 2011 Old Dominion Brush, Brush Trailer Leaf, VIN: 1Z9PL1618AR168134
- One (1) 20 ft long, 7ft diameter galvanized pipe.

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

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

REGULAR TOWN BOARD MEETING

June 12, 2019

Page 13 of 21

Councilman Woodland - Aye  
Supervisor Miscione - Aye.

The Town Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

**Resignation of Climate Smart Committee Member**

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

**(RESOLUTION NO. 200 OF 2019)**

**BE IT RESOLVED**, that the Town Board does hereby accept the resignation of Barbara Schwenzfeier from the Climate Smart Committee. Mrs. Schwenzfeier's two-year term would have expired on August 31, 2020.

The Resolution was voted upon by roll call as follows:

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

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

**Appointment of Climate Smart Committee Member**

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

**(RESOLUTION NO. 201 OF 2019)**

**BE IT RESOLVED**, that the Town Board does hereby appoint Lisa Smigle to fill the unexpired term of Barbara Schwenzfeier on the Climate Smart Committee, said appointment to expire on August 31, 2020.

The Resolution was voted upon by roll call as follows:

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

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

**Resignation of Climate Smart Committee Member**

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

**(RESOLUTION NO. 202 OF 2019)**

**BE IT RESOLVED**, that the Town Board does hereby accept the resignation of Joseph Booth as Coordinator and unpaid volunteer for the Climate Smart Committee, effective immediately.

The Resolution was voted upon by roll call as follows:

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

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

**Standard Work Day and reporting Resolution for Elected and Appointed Officials**

Upon motion of Councilman Reynolds and seconded by Councilman Lenart, the following Resolution was put forth for adoption:

**(RESOLUTION NO. 203 OF 2019)**

**BE IT RESOLVED**, that the Town of New Hartford, Location Code 30071, hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on their record of activities:

Director of Finance Daniel Dreimiller xxx-xx-xxxx  
Reg No. 50321306  
Standard Workday- 6  
Record of Activities Result: 17.84 days

The Board voted upon roll call, resulting as follows:

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

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

**Fireworks Display Permit**

REGULAR TOWN BOARD MEETING

June 12, 2019

Page 15 of 21

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

**(RESOLUTION NO. 204 of 2019)**

**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, 2019 at approximately 9:30 P.M., in accordance with the State Penal Law and regulations set forth in said Permit.

The Board voted upon roll call, resulting as follows:

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

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

**Local Law Introductory "K" of 2018**

At the November 19, 2018, Town Board meeting, the Town Board introduced a Local Law to amend Chapter 118 ZONING, to correct several errors which Codes Enforcement Officer Booth explained. The Town Planning Board has recommended approval, and it is expected that the Oneida County Planning Department's will follow soon. Therefore Councilman Woodland moved the adoption of the following resolution, seconded by Councilman Messa:

**(RESOLUTION NO. 205 OF 2019)**

**RESOLVED**, that the New Hartford Town Board does hereby schedule a Public Hearing to commence at 6:00 P.M. on Wednesday, July 17, 2019 in the Town Hall, 8635 Clinton Street, New Hartford, at which time the Town Board will consider adoption of Local Law Introductory "K" which had initially been presented on November 19, 2018,

**FURTHER RESOLVED** that the Town Clerk be, and she hereby is, directed to publish the legal requisite Notice of Public Hearing in the Observer Dispatch.

The Resolution was voted upon by roll call as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye

REGULAR TOWN BOARD MEETING

June 12, 2019

Page 16 of 21

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

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**.

**Smoke Free Parks**

The Town Supervisor proposed the possibility of forming a Local Law to prohibit smoking in the Town Parks and other Town Buildings. If there is currently a Local Law the Town Supervisor would like to purchase signage for the Town Park's playgrounds and trails.

**Franchise Audit of Cable Company (Time Warner Cable)**

The Town Supervisor brought before the Board the franchise audit of the cable television company the Town is expected to receive \$110,370.00 for fees miscalculated by the franchise company via Troy and Banks.

**Union negotiations for Parks**

The Union negotiations for the Parks Department should be completed in December 2019, the Town Supervisor requests that any input the Town Board has be sent to him. Councilman Lenart requests a copy of the current contract.

**Exit Contracts for Employees**

The Town Supervisor proposes having an Exit Contract for employees leaving service for the Town of New Hartford. This would protect the Town from former employees returning to the Town to get additional benefits that may be installed within the handbook at a later date. This contract would be beneficial for both the Town and the exiting employee.

Upon recommendation of the Town Supervisor, Councilman Lenart and Councilman Messa moved and seconded, respectively, the following Resolution:

**(RESOLUTION NO. 206 OF 2019)**

**RESOLVED**, that the Town Board does hereby authorize an exit contract be formed and signed for all employees after Retirement.

The Resolution was voted upon by roll call as follows:

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

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**.



REGULAR TOWN BOARD MEETING

June 12, 2019

Page 17 of 21

**Smoke Free Parks (cont.)**

Attorney Cully reads aloud the Town of New Harford's current smoking policy that was established in 1990, and was found to be outdated. Thereafter, Councilman Woodland and Councilman Messa moved and seconded, respectively, the following Resolution:

**(RESOLUTION NO. 207 OF 2019)**

**RESOLVED**, that the Town Board of the Town of New Hartford does hereby authorize Town Attorney Herb Cully to begin drafting a Local Law that would prohibit smoking in the Town Parks and near Town Buildings.

The Resolution was voted upon by roll call as follows:

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

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**.

**Rescind Resolution from April 24, 2019 Town Board meeting**

After discussions between the Town Board, the Town Attorney and the Codes Enforcement Officer Joe Booth; Councilman Woodland introduced the following Resolution for adoption; seconded by Councilman Lenart:

**(RESOLUTION NO. 208 OF 2019)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby rescind Resolution No. 140, adopted at the April 24, 2019, Town Board meeting relative to the issuance of a Temporary Certificate of Occupancy for Hartford Luxury Apartments.

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

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

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

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

**(RESOLUTION NO. 209 OF 2019)**

**RESOLVED**, the Town Board of the Town of New Hartford does hereby grant Heartford Luxury Apartments a Temporary Certificate of Occupancy for the existing 36 residential units, and within one (1) year is required to return to the Planning Board for an amendment to final and/or a phasing of the remaining construction. No Certificate of Occupancy is to be issued on the other buildings that are currently under construction unless granted by the Town Board hereafter.

The Town Board then voted upon roll call:

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

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

**Clerk of the Works**

Councilman Reynolds proposes that a Clerk of the Works be brought in whose pay is borne by the contractor/developer, for the sole purpose of supervising, inspecting and keeping the Town Board up to date on projects. This would guarantee that developers and contractors are following through with storm water agreements etc.

**RFP On-line Bidding – Lawn Maintenance/Abandoned properties**

The Town Supervisor performed the first on-line bidding for the lawn maintenance of abandoned properties. The following bids were opened on the morning of Wednesday, June 12, 2019:

<u>Bidder</u>	<u>Initial Cutting*</u>	<u>Maintenance Cuttings</u>
Thomas Aceti	4.0 cents/sq.ft.	2.0 cents/sq.ft.

\*lawn totally overgrown (10 inches or higher).

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

**(RESOLUTION NO. 210 OF 2019)**

**RESOLVED**, that the New Hartford Town Board does hereby accept the sole bid submitted by Thomas Aceti (Aceti’s Classic Gardens, Inc.), 47 Clinton Road, New Hartford, NY 13413, for lawn maintenance of abandoned properties for calendar year 2019 and does hereby award the contract for said services to Mr. Aceti.

REGULAR TOWN BOARD MEETING

June 12, 2019

Page 19 of 21

The Town Board then voted upon roll call:

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

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

**Unsafe Building/ Mowing**

Councilman Messa requests the possibility of someone mowing the unsafe building on Irvin Ave, due to the unworkable conditions it is currently in pending demolition. Supervisor Miscione will have the matter completed by the Parks employees while they are tending to cul-de-sacs.

**Retirement of Director of Senior Services**

Supervisor Miscione makes the announcement that after 20 years of service Director of Senior Services Eileen Spellman will be retiring. Therefore Councilman Reynolds introduces the following Resolution, seconded by Councilman Lenart.

**(RESOLUTION NO. 211 OF 2019)**

**RESOLVED**, that the Town Board of the Town of New Hartford does hereby accept the Retirement of Director of Senior Services Eileen Spellman. Mrs. Spellman will also sign an Exit Contract upon her leaving employment with the Town.

The Town Board then voted upon roll call:

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

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

**Grand Opening**

Supervisor Miscione proposes a Grand Opening of the new municipal building for the fall, the Councilmen and Departments heads will choose a date at the next meeting.

**Updates from the Highway Superintendent**

The Highway Superintendent updated the Town Board on several matters including the progress of the Chenango Road Bridge repair; the Highway Superintendent is working closely with the Town Clerk's Office and Lochner Engineering to put together bids. He also brings up a press release scheduled for June 20, 2019 for Middle Settlement Road Improvements/reconstruction

REGULAR TOWN BOARD MEETING

June 12, 2019

Page 20 of 21

put on by Oneida County Engineer Tim Decker, and Lochner Engineering. The reconstruction would carry from the Lowe's intersection to Route 5. The Highway Superintendent is hoping for the addition of sidewalks as well.

**EXECUTIVE SESSION**

Councilman Reynolds introduced the following Resolution for adoption and Councilman Messa seconded same:

**(RESOLUTION NO. 212 OF 2019)**

**RESOLVED** that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss pending litigation to include the Edmund Wiatr and Jason Champion lawsuits.

The Resolution was voted upon by roll call as follows:

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

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**. The Town Board then excused themselves to convene in a private meeting room at 8:00 P.M. The Town Attorney joined the Town Board for the Executive Session.

[ Note: The following transcription was furnished to the Town Clerk by the Town Attorney on Thursday, June 13, 2019.]

**END OF EXECUTIVE SESSION**

Councilman Woodland then offered the following Resolution for adoption and Councilman Messa seconded same:

**(RESOLUTION NO. 213 OF 2019)**

**RESOLVED** that the New Hartford Town Board does hereby move to end its Executive Session and to reconvene the regular portion of the Town Board meeting.

The Resolution was voted upon by roll call as follows:

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

REGULAR TOWN BOARD MEETING

June 12, 2019

Page 21 of 21

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 8:15 P.M. The regular portion of the Town Board meeting was immediately reconvened and the Town Board took their places at the Board table.

**Litigation Settlement Agreement**

Councilman Woodland then offered the following Resolution for adoption and Councilman Messa seconded same:

**(RESOLUTION NO. 214 OF 2019)**

**RESOLVED**, that the Town Board does hereby authorize the Town Supervisor to sign the settlement agreement involving the Edmund Wiatr and Jason Champion lawsuits.

The Resolution was voted upon by roll call as follows:

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

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**

**ADJOURNMENT**

There being no further business to come before the Town Board, upon motion of Councilman Reynolds and seconded by Councilman Messa, the meeting was adjourned at 8:18 P.M.

Respectfully submitted,

Allison K. Adams  
Deputy Town Clerk II