

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, JUNE 14, 2017, AT 6:15 P.M.**

Town Supervisor Patrick Tyksinski called the meeting to order at 6:15 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 Paul A. Miscione
Councilman David M. Reynolds
Councilman Richard B. Woodland, Jr.
Supervisor Patrick M. Tyksinski

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Assessor Darlene Abbatecola
Codes Enforcement Officer Joseph A. Booth
Deputy Supervisor Matthew Bohn III
Director of Finance Daniel Dreimiller
Director of Recreation Center John C. Cunningham
Highway/Sewer Superintendent Richard C. Sherman
Police Chief Michael Inserra
Town Attorney Herbert J. Cully
Town Clerk Gail Wolanin Young

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

MINUTES

April 12, 2017, Town Board meeting

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

(RESOLUTION NO. 103 OF 2017)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held April 12, 2017, and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye

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Councilman Messa	-	Aye
Councilman Woodland	-	Aye
Supervisor Tyksinski	-	Aye.

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

PRESENTATIONS/COMMENTS

Andrew Kennedy – flooding issue

Mr. Kennedy stated he has had about 7 or 8 flooding issues since he purchased his property on Esmeralda Ave in 2012; and as a result, has lost items in his home, lawn equipment, etc. He displayed photos showing water over his entire lawn. Highway Superintendent Sherman noted that the Susquehanna Railroad is responsible for the pipe that was plugged, with water flowing over the railroad tracks. Codes Enforcement Officer Booth had contacted the Susquehanna Railroad who will perform a hydraulic study to make any adjustments necessary. Town Supervisor Tyksinski, Highway Superintendent Sherman and Councilman Reynolds will make an on-site inspection on Monday, June 19, 2017.

Paul Dudajek – New Hartford Luxury Apartments

Mr. Dudajek owns property on NYS Route 12B/Clinton Road, to the west of the parcel where the New Hartford Luxury Apartments are planned for construction. He attended the last Planning Board meeting when it was discussed turning over SEQR to the Town Board. He expressed his concern about increased traffic on an already busy road with numerous streets intersecting the area. Also, Mr. Dudajek was concerned with flooding which has been a problem for years – the latest of which occurred 2 weeks ago. He asked the Town Board to consider his concerns with this development.

Judy Jerome - Solar power

Ms. Jerome and her husband had researched solar power for about two (2) years for their home, saving their money and selecting an installer, only to learn that the Town's Zoning Law limited solar power to 10 kilowatts (kW). Their main reason to install solar power is because it is the right thing to do for the environment, and reducing their carbon footprint. Further, there is a financial incentive of a 30% federal tax rebate as well as a rebate from the NYS Energy and Development Authority. Ms. Jerome requested that the Town Board authorize a waiver of the 10 kW limit. The Town Attorney suggested that Ms. Jerome apply for a zoning variance before the Zoning Board of Appeals. He also noted that Councilman Reynolds and Codes Enforcement Officer Joseph Booth are working on some changes to the Zoning Law (solar power). Councilman Reynolds stated that it takes a little time, and that a public hearing will be held and that Ms. Jerome's timing is perfect.

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PUBLIC HEARING(S)

6:24 P.M. Local Law Introductory “B” of 2017
 Local Law Introductory “C” of 2017
 Local Law Introductory “D” of 2017
 Local Law Introductory “E” of 2017
 Amend Code, Chapter 118, Zoning

The Town Supervisor opened the Public Hearings at 6:24 P.M. with regard to four (4) Local Laws that would amend the Zoning Law that had been adopted in June 2014. *[NOTE: The Town Clerk had available the Local Laws Introductory “B”, “C”, “D” and “E”; proof of publication in the June 1, 2017 edition of the Observer Dispatch, Affidavit of Posting, and the recommendations from the Town Planning Board and Oneida County Planning Department, the latter of whom recommended approval on all local laws introductory.]*

The Town Attorney explained that the Code (Zoning Law) Chapter 118-22. Permitted Uses. Subparagraph F. reads as follows: ‘One dwelling structure per lot. No lot in any A, RA, or LDR District shall be used for more than one dwelling structure, except that housing for a farm workhouse may be permitted where agriculture is the principal use of the property.’ Local Law Introductory “B” would amend Subparagraph F. by adding the following sentence: The required minimum frontage shall be provided for each dwelling. The Town Supervisor asked if anyone present wished to comment on this proposed amendment; no one came forward to speak. The hearing was held open for persons who might join the meeting.

The Town Attorney then explained that the Zoning Law, Chapter 118-69A presently reads as follows – Raising of livestock; husbandry “A minimum lot size of three acres shall be required.” Local Law Introductory “C” would amend Chapter 118-69A by adding the following to the existing sentence: and the property shall be located in an A or RA zone. It was noted that the Town Planning Board had issued a negative recommendation on this proposal. Brymer Humphreys was concerned with this proposal because “..it depends on how you define livestock.” Domestic animals could include rabbits, small dogs and cats, and people are known to raise chickens. He feels this should be clarified further. Codes Enforcement Officer Booth and the Town Attorney explained that animal husbandry in the Town’s Zoning Law is “...the keeping of any domestic animals other than customary household pets, including but not limited to livestock, horses, rabbits, llamas, alpacas, chickens, ducks and turkeys and other similar animals.” Prior to the adoption of the current Zoning Law in 2014, these types of animals were limited to agriculturally zoned properties and adding A and RA zones would restore that limitation.

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The Town Attorney explained that Local Law Introductory "D" would amend Chapter 118, Attachment 3:3 by adding a "P" in the PR Column for Accessory use, customary structure or use. No one came forth to speak in this matter and the Hearing was held open for persons who might join the meeting.

The Town Attorney explained that Chapter 118-82 Off-street parking and loading, Schedule D would be amended by Local Law Introductory "E" which would increase the width and length for off-street parking and loading such as shopping centers/public areas. Existing parking areas would be grandfathered in. No one came forth to speak in this matter; the Hearing was left open for persons who might join the meeting.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE

Parks and Recreation Committee – Councilman Reynolds

New York State Power Authority Energy Audit Report

Director of Recreation Center John Cunningham inquired whether the Town Board would pursue any recommendations in the Energy Audit Report that had been discussed at the February 8, 2017, Town Board meeting. Of the eleven recommendations in the audit, the Town could accomplish six (6) in-house. Director Cunningham will obtain an invoice from the contractor so that payment for the study can be made. If the Town were to accept the recommendations, work would have to begin in March 2018 so as not to interrupt the 2017-18 ice season at the Recreation Center; discussion also included the financing of improvements.

Appointments - Seasonal employees

Upon recommendation of the Director of Recreation Center Cunningham, the following Resolution was introduced for adoption by Councilman Reynolds and duly seconded by Councilman Messa:

(RESOLUTION NO. 104 OF 2017)

RESOLVED that the New Hartford Town Board does hereby appoint the following individuals to the various part-time seasonal positions and for the hourly wages set opposite their several names, for the Parks and Recreation Department, commencing on the dates herein below, to be paid bi-weekly:

Playgrounds: A 7140.11

Start Date 6/27/17 – 8/11/17

Name:

Erica Pendrak

Position:

Director

Rate of Pay:

\$13.00 per hour

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Matthew Vedete	Director	\$13.00 per hour
Heather Badger	Director	\$13.00 per hour
Katie Klimacek	Director	\$13.00 per hour
Amanda Tucciarone	Assistant Director	\$10.25 per hour
Lauren Vedete	Assistant Director	\$10.25 per hour
Emily Butler	Assistant Director	\$10.25 per hour
Allison Kobielski	Assistant Director	\$10.25 per hour
Mary Alessandrini	Rec Attendant I	\$ 9.00 per hour
Katie Smith	Rec Attendant I	\$ 9.00 per hour
Ashley Tremblay	Rec Attendant II	\$ 9.25 per hour
Dana Del Genio	Rec Attendant II	\$ 9.25 per hour
Francesca D'Ambro	Rec Attendant II	\$ 9.25 per hour
Nicholas Suits	Rec Attendant II	\$ 9.25 per hour
Shannon Baker	Rec Attendant II	\$ 9.25 per hour
Samantha Decker	Rec Attendant II	\$ 9.25 per hour
Matt Crumrine	Rec Attendant II	\$ 9.25 per hour
Aiden Halpin	Rec Attendant II	\$ 9.25 per hour
Emily Acquaviva	Rec Attendant II	\$ 9.25 per hour
Tessa Canales	Rec Attendant II	\$ 9.25 per hour
Brandon Mahaffy	Rec Attendant II	\$ 9.25 per hour
Robin Wheatley	Head Bus Driver	\$14.75 per hour
Kirstin Abbe	Bus Driver	\$13.75 per hour
Amy Stappenbeck	Bus Driver	\$13.75 per hour
Brenda Eccleston	Bus Driver Sub	\$13.40 per hour
Adam Zogby	Basketball Director	\$12.00 per hour
Sam Ward	Basketball Attendant	\$ 9.25 per hour
Ryan Faro	Basketball Attendant	\$ 9.25 per hour
Harold Kaffka	Adult Basketball Director	\$15.25 per hour
Lisa Meyers	STEAM Camp Instructor	\$40.00 per hour
Kathy Donovan	STEAM Camp Instructor	\$40.00 per hour

Swim A 7230.01

Start Date 6/27/17 – 9/4/17

John Lamb	Splash Pad Attendant	\$ 9.25 per hour
Cassandra Keady	Splash Pad Attendant	\$ 9.25 per hour
Shaye Gardinier	Splash Pad Attendant	\$ 9.00 per hour
Jack Engdahl	Splash Pad Attendant	\$ 9.00 per hour

A roll call vote was duly held and resulted as follows:

Councilman Miscione - Aye

Councilman Reynolds - Aye
Councilman Woodland - Aye
Councilman Messa - Aye
Supervisor Tyksinski - Aye.

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

Zoning (Codes) & Planning Committee – Councilman Messa

Training

Upon request of the Codes Enforcement Officer, the following Resolution was introduced for adoption by Councilman Messa and duly seconded by Councilman Miscione:

(RESOLUTION NO. 105 OF 2017)

WHEREAS, Section 77-b of the General Municipal Law allows the governing board of municipalities to authorize any officer or employee to attend a convention, conference or school conducted for the betterment of such municipality;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby grant permission to Codes Enforcement Officer Joseph Booth and Codes Enforcement Officer Part-time Anthony Klimek to attend the Manufactured Home training on June 20, 2017, in the Lowville Town Hall; there is no cost associated with this training, for which they each will receive two (2) hours of training credit.

The Resolution was voted upon by roll call as follows:

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

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

Boy Scout Troop

The Town Supervisor recognized and welcomed Boy Scout Troop No. 4, New Hartford, accompanied by their Scout Master. The Troop is working on a communications merit badge and citizenship badge.

Increase workweek hours

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

(RESOLUTION NO. 106 OF 2017)

RESOLVED, that the Town Board of the Town of New Hartford does hereby authorize Anthony Klimek, Codes Enforcement Officer Part-time, to work an additional ten (10) to twenty (20) hours per week, on an as-needed basis, to cover when the Codes Enforcement Office is short-handed. This Resolution shall take effect immediately.

Upon roll call, the Board members voted as follows:

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

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

Public Works and Sewer Committee – Councilman Miscione

Agreement to Spend Town Highway Funds

The proposal to amend the Agreement to Spend Town Highway Funds (Highway Law, Section 284) to include Paris Road, Ealy Ave and Phelps Ave was put on hold and may be addressed when financing of highway equipment is settled.

Declaration of Surplus Vehicle – Authorization to Sell

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

(RESOLUTION NO. 107 OF 2017)

RESOLVED that the Town Board of the Town of New Hartford does hereby declare as surplus one (1) Model S630 T4, Skid Steer Loader, PIN/Serial No. AHGL11776, (AHGL1177603132015) and does hereby authorize the Highway Superintendent to sell the said Skid Steer Loader through Auctions International; and once sold, the Town Clerk's Office shall be notified and shall arrange to terminate insurance coverage on said vehicle; and be it

FURTHER RESOLVED, that should the Town realize sufficient monies from the sale of the aforementioned vehicle to cover the cost of a new loader, the Highway Superintendent is hereby authorized to purchase a new loader.

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

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

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

Town Clerk Committee – Councilman Woodland

Fireworks Display Permit

Upon presentation by the Town Clerk, Councilman Woodland introduced the following Resolution for adoption; seconded by Councilman Miscione:

(RESOLUTION NO. 108 OF 2017)

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, 2017, at approximately 9:30 P.M., in accordance with the State Penal Law and regulations set forth in said Permit.

Upon roll call, the Town Board voted as follows:

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

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

Notification of Whitestown Zoning Change

The Town Clerk had received notification from the Town of Whitestown about a proposed zone change on Henderson Street and Commercial Drive, in close proximity to the Town of New Hartford. The site is near Panella's Collision and the area has experienced flooding in the past. The Town Board authorized Town Attorney Cully to send a letter to the Town of Whitestown expressing the Town Board's concern over flooding.

NYS Liquor Authority – Waiver

The Town Clerk has received a request in behalf of Future Days, Inc. for a waiver of the thirty (30) day period for applying to the State Liquor Authority to obtain a new license. The following Resolution was introduced by Councilman Woodland and duly seconded by Councilman Miscione duly seconded same:

(RESOLUTION NO. 109 OF 2017)

WHEREAS, New York State Liquor Authority law requires applicant to wait at least thirty (30) days after notifying a municipality before the applicant can submit an application to the Liquor Authority;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby waive the thirty (30) day timeframe, having been notified on June 12, 2017, that Future Days, Inc. (formerly Piggy Pat's BBQ) was applying for their liquor license.

The Resolution was voted upon by roll call as follows:

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

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

NYS Liquor Authority – Waiver

The Town Clerk has received a request from the MacDowell Law Group for a waiver of the thirty (30) day period for Café Wasabi to apply to the State Liquor Authority for a new license to operate at Sangertown Square Mall. The following Resolution was introduced by Councilman Woodland and duly seconded by Councilman Miscione duly seconded same:

(RESOLUTION NO. 110 OF 2017)

WHEREAS, New York State Liquor Authority law requires applicants to wait at least thirty (30) days after notifying the municipality before the applicant can submit an application to the Liquor Authority;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby waive the thirty (30) day timeframe, having been notified on June 13, 2017, that Café Wasabi was applying for their liquor license.

The Resolution was voted upon by roll call as follows:

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

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

Public Safety & Court Committee – Councilman Reynolds

Police Department commendations

Councilman Reynolds noted that the New Hartford Police Department, in conjunction with Peace Officers Memorial Day, were recognized for going above and beyond their duties in serving the Town during 2016. The Police Officers who had received the awards have exhibited exceptional investigative skills and professionalism. Eight commendations were awarded to six (6) officers for criminal investigations during 2016. The commendations were in regards to burglary, robbery, assault, sex offenses and narcotics:

- Lieutenant O’Neill – 1
- Sergeant Colburn – 2
- Sergeant Sica – 1
- Investigator Pietryka – 1
- Officer Shane Yoxall – 2
- Officer Peter Allen – 1.

Also, the New Hartford Town Police SWAT team has been recertified along with the Utica Police Department SWAT team, both of which work closely together. There are one hundred (100) SWAT teams in New York State and only nine (9) received recertification.

Proposed Hartford Luxury Apartments

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Steve Buck and his engineer, Alan Swierczek, P.E., were present regarding property that Mr. Buck had purchased at 167 Clinton Road (aka NYS Route 12B). The subject property is currently zoned Mixed Use and Mr. Buck would like the zoning to be changed to residential planned development. *[NOTE: This project had been initially presented to the Town in the Spring of 2016 as Hartford Luxury Apartments.]* Mr. Swierczek explained that Mr. Buck had appeared before the Town Planning Board with the intent to construct nine (9) buildings including 129 multi-family units. He stated that on May 8, 2017, the project received approval from the Planning Board after it had been determined the proposed project would have no significant impact/SEQR on the environment. The Town Attorney interjected that this is not a zone change but rather, a planned development overlay, from what he understands. “It’s up to this Board,” the Town Attorney said whether the overlay would be approved, noting that one person spoke tonight about traffic along Clinton Road, which is something the Town Board must consider at a public hearing. The Town Attorney stated he had sent a letter to Mr. Buck about two months ago whether he had a feasibility study done about the likelihood of these units being built and not being occupied. Was it considered economically whether there’s a demand for this type of housing? Mr. Buck answered that this response had been sent to the Planning Board Secretary. The Town Attorney noted that the feasibility study is a concern of the Town Board and Board members might bring this up at a public hearing. Mr. Buck stated that he is not building out 129 units at the same time; it is planned to build thirty-six (36) the first year. At the request of the Town Attorney, Codes Enforcement Officer Joseph Booth explained that the current zoning of the subject property does not allow this type of use. The only way to accommodate this was to apply for an overlay – which the Town had incorporated in its 2014 Zoning Law – not a zoning change and this particular overlay lends itself to residential development...a little more creative...walking trails, maintaining fauna, etc. Alan Swierczyk displayed conceptual plans for the Town Board and he agreed to prepare an abridged set of reduced plans for the Town Board, to be delivered to the Town Clerk for distribution.

The Town Supervisor inquired if there was enough time to schedule a public hearing on the Hartford Luxury Apartments project at the next Town Board meeting. The Town Clerk said there was “...providing the Town Attorney wants to help draft the wording for the local law,” to which he replied “..sure, I’m always willing to help”. Thereafter, Councilman Woodland moved that the Town Board schedule a Public Hearing at its next meeting on July 12, 2017, to consider the application of Hartford Luxury Apartments for an overlay district for property on NYS 12B (Clinton Road) where they plan to construct a number of residential units. The motion was seconded by Councilman Miscione and voted upon by roll call, as follows:

Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland		Aye

Councilman Messa - Aye
Supervisor Tyksinski - Aye.

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

Public Safety and Courts Committee – Supervisor Tyksinski

Appointment to fill Police Officer vacancy

Upon recommendation of the Police Chief, the following Resolution was introduced by Councilman Miscione and seconded by Councilman Messa:

(RESOLUTION NO. 111 OF 2017)

WHEREAS, Brad M. Pietryka has retired as a full-time Investigator for the Town of New Hartford Police Department, thereby creating a vacancy in that position effective April 28, 2017;

BE IT REOLVED that the New Hartford Town Board does hereby promote Shane Yoxall to fill the vacancy of Investigator created by the retirement of Investigator Brad Pietryka; said appointment is effective June 25, 2017 at an hourly rate of \$33.26, payable bi-weekly.

A roll call vote was duly held and resulted as follows:

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

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

Declaration of Surplus Vehicle – Transfer to Parks Department

Upon request of the Police Chief, the following Resolution was offered for adoption by Councilman Messa and duly seconded by Councilman Miscione:

(RESOLUTION NO. 112 OF 2017)

RESOLVED that the Town Board of the Town of New Hartford does hereby declare as surplus one (1) Police Department vehicle, a 2009 Dodge Charger, VIN 2B3KA43V79H607964, and does further authorize the transfer of said surplus Police

vehicle to the Parks and Recreation Department for use as a Parks patrol vehicle; and be it

FURTHER RESOLVED, that the aforesaid vehicle shall remain on the Town's insurance policy.

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

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

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

Insurance Policies Renewal

The Town Supervisor acknowledged receipt of a quote from Haylor, Freyer & Coon for renewal of the Town's insurance policies. Councilman Miscione then introduced the following Resolution for adoption; Councilman Messa seconded same:

(RESOLUTION NO. 113 OF 2017)

RESOLVED that the New Hartford Town Board does hereby accept the Request for Proposal submitted by ***Haylor, Freyer & Coon*** and does hereby award the contract to said agency for the following Town insurance policies for the period June 30, 2017 – June 30, 2018:

<u>Coverage</u>	<u>Renewal Rate</u>
• Property	\$ 12,833
• New York Fire Fee	\$ 71
• Inland Marine	\$ 4,299
• General Liability	\$ 35,599
• Employee Benefit Plans Liability	\$ 381
• Law Enforcement	\$ 28,662
• Public Entity Management Liability	\$ 6,483
• Public Entity Employment Practices Liability	\$ 15,094
• Automobile	\$ 43,168
• NY Motor Vehicle Fee	\$ 520
• Umbrella	\$ 18,252
• OCP – People of the State of New Hartford	\$ 750
• Crime (3 year @ \$3,275 per year)	\$ 3,315

• Pollution (Storage Tanks)	\$ 1,918
• Law Enforcement Accidental Death Coverage	
○ (3 year @ \$2,256 each year)	\$ 2,256
• Russell Bond Excess Employers' Liability	\$ <u>1,724</u>
	\$175,325 TOTAL

The Town Supervisor polled the Board members who voted as follows:

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

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

Proposed Action: Grange Hill Road Drainage System Improvements Project

The Town Attorney referred to the attachments to the meeting Agenda and specifically the full Environmental Assessment Form (EAF) and SEQR Resolution for the Grange Hill Road drainage project. No adverse impact on the environment for this project had been determined. Adoption of the SEQR Resolution would allow the project to go forward.

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

(RESOLUTION NO. 114 OF 2017)

RESOLUTION DETERMINING THAT THE PROPOSED GRANGE HILL ROAD DRAINAGE SYSTEM IMPROVEMENTS PROJECT IS A TYPE 1 ACTION AND WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT

WHEREAS, the Town of New Hartford (Town) is proposing the Grange Hill Road Drainage System Improvements Project (Project), located in the Town of New Hartford, Oneida County, New York; and

WHEREAS, the Project has been classified as a "Type I Action" as defined by the State Environmental Quality Review Act (SEQRA) in 6 NYCRR Part 617.4; and

WHEREAS, the Town sent a letter and Part 1 of a Full Environmental Assessment Form (FEAF) to be sent to other potentially "Interested" and "Involved Agencies" (as this term

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is defined in the SEQRA Regulations found at 6 NYCRR Part 617), indicating the Town's desire to serve as the "Lead Agency" (as this quoted term is defined in the SEQRA Regulations) and to complete a coordinated review of the Project (in accordance with 6 NYCRR Part 617.6); and

WHEREAS, a minimum of 30 calendar days were provided, and each of the potentially Interested and Involved Agencies has agreed to, or raised no objections to, the Town of New Hartford Town Board serving as Lead Agency for the Project; and

WHEREAS, pursuant to the SEQRA Regulations, the Town of New Hartford Town Board has considered the significance of the potential environmental impacts of the Project by (a) using the criteria specified in Section 617.7 of the SEQRA Regulations, and (b) examining the FEAF for the Project, including the facts and conclusions in Parts 1, 2 and 3 of the FEAF, together with other available supporting information, to identify the relevant areas of environmental concern:

NOW, THEREFORE, BE IT

RESOLVED that, the Town of New Hartford Town Board hereby establishes itself as Lead Agency for the Project; and

BE IT FURTHER RESOLVED, that based upon an examination of the FEAF and other available supporting information, and considering both the magnitude and importance of each relevant area of environmental concern, and based further upon the Town's knowledge of the area surrounding the Project, the Town of New Hartford Town Board makes the determination that the Project will not have a significant adverse environmental impact and that the Project will not require the preparation of a Draft Environmental Impact Statement; and

BE IT FURTHER RESOLVED, that as a consequence of such findings and declaration, and in compliance with the requirements of SEQRA, the Town of New Hartford Town Board, as Lead Agency, hereby directs the Town of New Hartford Town Supervisor to sign the FEAF Part 3 – Determination of Significance indicating that a Negative Declaration has been issued for the Project; this Resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote, and upon roll call, the vote was as follows:

Supervisor Tyksinski	-	Aye
Councilman Messa	-	Aye
Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye

Councilman Woodland - Aye

The foregoing resolution was thereupon declared duly adopted

New Hartford Central Dispatcher's Benevolent Association

The Town Attorney presented the following Resolution that was offered for adoption by Councilman Reynolds and duly seconded by Councilman Woodland:

(RESOLUTION NO. 115 OF 2017)

WHEREAS, the TOWN OF NEW HARTFORD is planning to enter into an agreement with THE NEW HARTFORD CENTRAL DISPATCHER'S BENEVOLENT ASSOCIATION, INC. setting forth terms and conditions of employment for the period of January 1, 2017, through December 31, 2019, and

WHEREAS, said Agreement makes reference in Article 16-HEALTH CARE COVERAGES to the "Town Plan" for employees health care coverage, it is agreed as follows:

1. The term "Town Plan" is intended to mean the Excellus Blue Cross Blue Shield Simply Gold 6 Plan along with the Prescription, Dental, Optical and disability riders.

Upon roll call, the Town Board members voted as follows:

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

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

Audit of Vouchers

On recommendation of the Town Supervisor, Councilman Reynolds presented the following Resolution for adoption; seconded by Councilman Messa:

(RESOLUTION NO. 116 OF 2017)

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:

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General Fund Whole-Town #11 Vouchers AA480-AA487	\$ 27,859.40
General Fund Whole-Town #12 Vouchers AA488-AA499	\$ 10,988.54
General Fund Whole-Town #13 Vouchers AA500-AA611	\$ 147,718.53
General Fund Part-Town #10 Vouchers BB66-BB67	\$ 6,189.53
General Fund Part-Town #11 Vouchers BB68-BB69	\$ 463.00
General Fund Part-Town #12 Vouchers BB70-BB79	\$ 2,834.47
Police Abstract #12 Vouchers BP128-BP130	\$ 50,048.26
Police Abstract #13 Voucher BP131	\$ 3,511.18
Police Abstract #14 Vouchers BP132-BP156	\$ 104,368.86
Highway Part-Town Abstract #9 Vouchers DB360-DB362	\$ 27,941.54
Highway Part-Town Abstract #10 Vouchers DB363-DB428	\$ 40,557.10
Fire District Abstract #5a Vouchers SF9-SF10	\$ 36,063.98
Fire District Abstract #6 Voucher SF11	\$ 631.35
Street Light Abstract #6 Vouchers SL6-001 – SL6-036	\$ 8,088.45
Sewer Abstract #11 Vouchers SS34-001 – SS34-005	\$ 1,009.11
Sewer Abstract #12 Vouchers SS35-SS37	\$ 2,252.77
Sewer Abstract #13 Vouchers SS38-SS41	\$ 4,017.25
Capital Grange Hill Abstract #4 Vouchers HQ12	\$ 35,750.00
Trust & Agency Abstract #21 Vouchers TT102-TT104	\$ 12,420.66
Trust & Agency Abstract #22 Vouchers TT105-TT111	\$ 9,001.97
Trust & Agency Abstract #23 Vouchers TT112-TT114	\$ 21,730.93
Trust & Agency Abstract #24 Vouchers TT115-TT122	\$ <u>7,613.37</u>
TOTAL:	\$ 561,060.25

Upon roll call, the Board members voted as follows:

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

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

Salary Increase – Anthony Klimek/Codes Department

Upon recommendation of Codes Enforcement Officer Joseph Booth, Councilman Reynolds offered the following Resolution for adoption; seconded by Councilman Messa:

(RESOLUTION NO. 117 OF 2017)

WHEREAS, the Town Board of the Town of New Hartford had increased the work hours for Anthony Klimek, Codes Enforcement Officer, Part-time, on an as-needed basis, by Resolution No. 106, adopted on June 14, 2017;

BE IT RESOLVED that the Town Board does hereby increase the hourly wage for Mr. Klimek to Twenty-three Dollars (\$23), payable bi-weekly, while he covers the Codes Enforcement Office when it is short-handed. This Resolution shall take effect immediately.

The Town Board was polled and voted as follows:

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

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

Budget adjustments – Highway Fund, Part-Town

At the May 2017 Town Board meeting, discussion was had about whether to bond for new highway equipment or try to identify monies in the budget to purchase a rotary mobile lift and a bucket truck. Since that meeting, additional monies received under the CHIPS program and a savings under the health insurance will allow equipment to be purchased under the current year's budget rather than bonding for the purchases as well as to provide funding for paving of a portion of Paris Road, Ealy Ave and Phelps Ave.

The Finance Director had furnished Board members with the May 2017 financial reports; no Board members raised any questions in regard thereto.

Upon recommendation of the Finance Director, Councilman Woodland introduced the following Resolution for adoption; seconded by Councilman Miscione:

(RESOLUTION NO. 118 OF 2017)

RESOLVED, that the Town Board of the Town of New Hartford does hereby approve and authorize the Accounting/Finance Department to make the following 2017 Budget adjustments for the accounts listed hereunder:

Highway Part-Town <u>Contractual</u>	<u>Account No.</u>	<u>Current Budget Amt</u>	<u>Proposed Budget Amt</u>	<u>Increase (Decrease)</u>
Purchase new equipment	DB5130.02	\$ 0	\$ 70,107	\$ 70,107*
	<i>*purpose: Rotary Mobile Lift \$54,107; Bucket Truck \$16,000</i>			
Paving Roads	DB5112.04	\$566,897.	\$ 626,897	\$ 60,000**
	<i>**purpose: Add section of Paris Road to 2017 paving</i>			
Hospital, Medical Insurance	DB9060.08	\$616,720	\$ 486,613	(\$130,107)***
	<i>***purpose: For above equipment purchases and additional paving</i>			

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

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

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

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

(RESOLUTION NO. 119 OF 2017)

RESOLVED, that the Town Board of the Town of New Hartford does hereby approve and authorize the Accounting/Finance Department to make the following 2017 Budget adjustments for the accounts listed hereunder:

Highway Part-Town <u>Expense</u>	<u>Account No.</u>	<u>Current Budget Amt</u>	<u>Proposed Budget Amt</u>	<u>Increase (Decrease)</u>
Paving Roads	DB5112.04	\$500,000	\$566,897	\$ 66,897*
	<i>* additional PAVE NY balance of \$36,773.16; additional EWR</i>			

(Extreme Winter Recovery)balance of \$30,123.82

Highway Part-Town Revenue	Account No.	Current Budget Amt	Proposed Budget Amt	Increase (Decrease)
Consolidated Highway (CHIPS)	DB3501.0	\$161,084	\$227,981	\$ 66,897**
	** <u>additional PAVE NY balance of \$36,773.16; additional EWR (Extreme Winter Recovery) balance of \$30,123.82</u>			

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

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

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

Agreement to Spend Highway Funds, Amended – Highway Law, Section 284

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

(RESOLUTION NO. 120 OF 2017)

RESOLVED that the New Hartford Town Board does hereby amend Resolution No. 83 of 2017, adopted May 10, 2017, pursuant to Highway Law, Section 284, that monies are hereby allocated for the improvement of Town Highways, as follows:

- A portion of Paris Road
- Ealy Ave
- Phelps Ave

The approximate sum totals \$94,000.

Thereafter, the Town Board members voted upon roll call, as follows:

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

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

Authorization to Purchase

Upon recommendation of the Town Supervisor, Councilman Messa introduced the following Resolution for adoption that was seconded by Councilman Miscione:

(RESOLUTION NO. 121 OF 2017)

RESOLVED that the New Hartford Town Board does hereby authorize the Highway Superintendent to purchase a rotary mobile lift and bucket truck from the 2017 Budget, as adjusted.

A roll call vote ensued:

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

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

Sales Tax Revenue Comparison

In response to Councilman Messa's request at the May 2017 Town Board meeting, Director of Finance Dreimiller reported that during the first quarter of 2017, the Town received a sales tax revenue check for \$1,310,469, that figure being \$54,000 higher than the same quarter in 2016.

Independent Audit – Financial Statements for 2016

Councilman Woodland inquired about the status of the 2016 independent audit/financial. The Town Supervisor had been informed that the financial documents would be sent over "this week," after which the Finance Director will review the documents for possible errors.

Hartford Luxury Apartments - SEQR

Codes Enforcement Officer Joseph Booth stated that Steve Buck would like the Town Board to close the SEQR process tonight on the Hartford Luxury Apartments project planned for 167 Clinton Road (aka NYS Route 12B).

The Town Attorney thought the Town Board could wait to receive any comments; further, the Town Planning Board had already reviewed SEQR and completed SEQR so he didn't have a problem with that. However, he cautioned that once the Town Board closes SEQR, if any additional issues are raised, like traffic, stormwater or something like that, "...we're stuck". Attorney Cully didn't think the Town Board could close SEQR

right now, that the Town Board needs to hear the public comment period and then close SEQR. Directing his comments to developer Steve Buck, Attorney Cully said all that the Planning Board does is review your site plan and then make recommendations to the Town Board to grant the PDD overlay; the Planning Board does not hold a Public Hearing. It then becomes the Town Board's function to go forward as Lead Agency to receive the public comments in the Public Hearing portion and then make a determination if there are any outstanding or new SEQR issues. While SEQR is open, the Town Board can request additional responses from the developer. The Board agreed not to close SEQR until after the Public Hearing, which is scheduled for August 9, 2017.

Declaration of Surplus Vehicle – Authorization to Sell

Highway/Sewer Superintendent Sherman requested to sell a Mack truck that is approximately eight (8) years old and to finance same through the Sewer Fund. Thereafter, the following Resolution was offered for adoption by Councilman Woodland and duly seconded by Councilman Messa:

(RESOLUTION NO. 122 OF 2017)

RESOLVED that the Town Board of the Town of New Hartford does hereby declare as surplus one 2010 Mack truck, VIN 1M2AX18C7AM012009, Town identification #94; and be it

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

FURTHER RESOLVED, that the Highway/Sewer Superintendent be authorized to purchase a new truck replacement on a 5-year lease at 2.9% interest.

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

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

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

Public Hearings Closed – Local Laws Introductory “B”, “C”, “D” and “E”

At 7:39 P.M., there being no one further to speak in the matters of Local Laws Introductory “B”, “C”, “D”, and “E”, the Hearings were declared closed.

Adoption of Local Law Introductory “B” of 2017 as Local Law No. Two of 2017

Thereafter, Councilman Messa moved that Local Law Introductory “B” of 2017 be adopted as Local Law No. Two of 2017 in the following format; seconded by Councilman Miscione:

**TOWN OF NEW HARTFORD, NEW YORK
LOCAL LAW NO. TWO OF 2017**

A LOCAL LAW to amend Chapter 118-22F of the Code of the Town of New Hartford entitled “Permitted Uses”.

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

SECTION 1. Chapter 118-22 F shall be amended as follows:

F. One principal dwelling structure per lot. No lot in any A, RA or LDR District shall be used for more than one dwelling structure, except that housing for a farm workforce may be permitted where agriculture is the principal use of the property. The required minimum frontage shall be provided for each dwelling.

SECTION 2. All other provisions of Chapter 118-22 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this local law shall amend or modify.

SECTION 3. This Local Law shall become effective immediately upon filing with the Secretary of State.

Upon roll call, the Board members voted as follows:

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

The Town Supervisor declared Local Law Introductory “B” of 2017 unanimously carried and duly **ADOPTED** as Local Law No. Two of 2017.

Adoption of Local Law Introductory “C” of 2017 as Local Law No. Three of 2017

Councilman Messa then moved that Local Law Introductory “C” of 2017 be adopted as Local Law No Three of 2017 in the following format; seconded by Councilman Woodland:

**TOWN OF NEW HARTFORD, NEW YORK
LOCAL LAW NO. THREE OF 2017**

A LOCAL LAW to amend Chapter 118-69A of the Code of the Town of New Hartford entitled "Raising of Livestock", - Animal Husbandry.

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

SECTION 1. Chapter 118-69A shall be amended as follows:

A. A minimum lot size of three acres shall be required and the property shall be located in an A or RA zone.

SECTION 2. All other provisions of Chapter 118-69A of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this local law shall amend or modify.

SECTION 3. This Local Law shall become effective immediately upon filing with the Secretary of State.

The Town Supervisor polled the Board members, resulting as follows:

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

The Town Supervisor declared Local Law Introductory "C" of 2017 unanimously carried and duly **ADOPTED** as Local Law No. Three of 2017.

Adoption of Local Law Introductory "D" of 2017 as Local Law No. Four of 2017

Councilman Messa moved that Local Law Introductory "D" of 2017 be adopted as Local Law No. Four of 2017 in the following format; seconded by Councilman Miscione:

**TOWN OF NEW HARTFORD, NEW YORK
LOCAL LAW NO. FOUR OF 2017**

A LOCAL LAW to amend Chapter 118 Attachment 3.3 of the Code of the Town of New Hartford entitled Schedule A Permitted uses:

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

SECTION 1. Chapter 118 Attachment 3.3 shall be amended as follows:
The schedule in the portion entitled “Accessory use, customary structure or use” shall now include the letter “P” in the PR column.

SECTION 2. All other provisions of Chapter 118 Attachment 3.3 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this local law shall amend or modify.

SECTION 3. This Local Law shall become effective immediately upon filing with the Secretary of State.

The Town Board members voted as follows:

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

The Town Supervisor declared Local Law Introductory “D” of 2017 unanimously carried and duly **ADOPTED** as Local Law No. Four of 2017.

Adoption of Local Law Introductory “E” of 2017 as Local Law No. Five of 2017

Thereafter, Councilman Messa moved that Local Law Introductory “E” of 2017 be adopted as Local Law No. Five of 2017 in the following format; seconded by Councilman Reynolds:

**TOWN OF NEW HARTFORD, NEW YORK
LOCAL LAW NO. FIVE OF 2017**

A LOCAL LAW TO AMEND Chapter 118-82 Schedule D of the Code of the Town of New Hartford entitled Off-Street Parking Aisle Stall Dimensions.

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

SECTION 1. Chapter 118-82, Schedule D in Section E relating to design and development standards for off-street parking shall be amended as follows:

<u>Parking Angle</u>	<u>Stall Length</u>	<u>Stall Width</u>	<u>Aisle Width</u> (one-way)	<u>Aisle Width</u> (two-way)
90°	18 feet	10 feet	24 feet	24 feet

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60°	21 feet	11.5 feet	18 feet	24 feet
45°	19 feet 10"	14 feet	13 feet	24 feet

SECTION 2. All other provisions of Chapter 118-82 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this local law shall amend or modify.

SECTION 3. This Local Law shall become effective immediately upon filing with the Secretary of State.

A roll call vote ensued:

Councilman Miscione	-	Aye
Councilman Woodland	-	Nay
Councilman Messa	-	Aye
Councilman Reynolds	-	Aye
Supervisor Tyksinski	-	Nay.

The Town Supervisor declared Local Law Introductory “E” of 2017 carried and duly **ADOPTED** as Local Law No. Five of 2017.

EXECUTIVE SESSION

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

(RESOLUTION NO. 123 OF 2017)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the Town’s strategy in union negotiations with the Police Benevolent Association (PBA).

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**. All persons present, including the news media and Department Heads, were then excused

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from the meeting at 7:43 P.M. The Town Attorney and Deputy Supervisor remained for the Executive Session.

[NOTE: The Town Supervisor provided the following transcription on Wednesday, July 12, 2017.]

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

(RESOLUTION NO. 124 OF 2017)

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 Board members voted upon roll call that resulted as follows:

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

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 7:53 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public re-invited to join the meeting.

Approval – Joseph Corr Police Benevolent Association, Inc. union contract

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

(RESOLUTION NO. 125 OF 2017)

RESOLVED that the Town Board of the Town of New Hartford does hereby approve the new Joseph Corr Police Benevolent Association union contract covering the period beginning January 1, 2017, through December 31, 2020, and does further authorize and direct the Town Supervisor to enter into and to execute said union contract.

Upon roll call, the Board members voted as follows:

Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye

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Councilman Messa - Aye
Supervisor Tyksinski - Aye.

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

ADJOURMENT

There being no further business to come before the Town Board, upon motion of Councilman Reynolds and seconded by Councilman Miscione, the meeting was adjourned at 7:55 P.M.

Respectfully submitted,

Gail Wolanin Young,
Town Clerk