

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, DECEMBER 13, 2017, AT 6:00 P.M.**

Town Supervisor Patrick Tyksinski 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 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 Booth
Deputy Town Supervisor Matthew Bohn III
Director of Recreation Center John C. Cunningham
Finance Director Daniel Dreimiller
Highway 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

November 8, 2017 Town Board meeting:

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

(RESOLUTION NO. 232 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 November 8, 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
Councilman Woodland	-	Aye
Councilman Messa	-	Aye
Supervisor Tyksinski	-	Aye.

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

PUBLIC HEARING

6:01 P.M. Local Law Introductory “I” of 2017
Town Code, Chapter 118-74
ZONING/Solar Energy Systems

Supervisor Tyksinski opened the Public Hearing at 6:01 P.M. with regard to repealing Chapter 118-74 Solar Energy Systems (adopted on June 11, 2014) and replacing it with new text. The Town Attorney explained that the Town Board is considering expanding allowances for solar energy systems; specifically, there is now a definition for roof-top and building-mounted systems with height restrictions, small scale solar energy systems is now defined as up to 25 kilowatts (kW) per hour (formerly limited to 10 (kW). The solar energy system is for owner occupied use, and roof-top and building-mounted systems are permitted as of right in all zoning districts with issuance of a building permit and located on an existing structure. Free-standing or ground-mounted systems will be permitted only on lots greater than 1.5 acres in size subject to a Special Permit review by the Town Planning Board and grant of a special use permit. Also, reasonable costs incurred by the Town Planning Board shall be charged to the applicant.

[NOTE: The Town Clerk had available the Local Law Introductory, proof of publication in the December 1, 2017, edition of the Observer Dispatch, and Affidavit of Posting. Also available were the Notice of Oneida County Planning Department recommendation, *No Recommendation as to final action*, and the Town Planning Board’s recommendation to approve the zone text amendment as presented.]

Supervisor Tyksinski invited persons present who wished to speak in the matter, to come forth. Those speaking were:

- Justin Reaves – asked for clarification of kilowatt hours for Small-scale solar energy system/collectors. The Town Attorney stated the kilowatt hours was increased from 10kW to 25 kW and that any installation exceeding 25 kW would need a special permit

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- Judy Jerome – thanked the Town Board for considering to change the kilowatt installations from 10 kW to 25 kW. Suggested the following changes be considered in the future:
 - A. Purpose – replace the word “accommodate” with “encourage”
 - C. Applicability (4) – limits applicants to 25 kW, the size of a small-scale solar energy system. There may be situations where a larger installation is needed, such as a farm. Make it easier to file a variance
 - D.2(b) – Permitting – mention of “minimizing aesthetic impacts.” One person’s eyesore is another person’s aesthetic. Difficult to judge. Remove this phrase.
 - D.4 – Reasonable costs, Planning Board – reimbursable costs to be paid by the applicant. Ms. Jerome objected to that...take it out.
 - E.3 – Additional accessory use development exemptions and standards. She found this too stringent screening and 75 feet from the side/rear.

- Peggy Riley – she supported the Town’s position to go to 25 kW, which is matching NYS standards at this time. A Town resident and an engineer that believes we must go to clean energy to use less fossil fuel in order to combat climate change. The Town of New Hartford could be good example not only for the County but also the State, in becoming 100% renewable. She thanked the Town Board for raising the kilowatts from 10 to 25, and suggested that the Town could consider its own municipal buildings for renewable energy.

- Deborah Wilson-Allard – commended the Town Board for their action to raise the 10 kW per hour to 25 kW, definitely a step in the right direction, and would like to see the 25 kW lifted in the future. An extensive process for the property owner but would save the taxpayer money. She would like to see further changes in the legislation.

- Nathaniel Gould - the legislation is very good for residential but doesn’t address commercial uses such as Slocum Dickson Medical Group where he is a physician, or Sangertown Square Mall. Regarding the 75 foot setback for screening, he noted that many properties have sheds that are closer to the main structure. He would like to see change to allow for more commercial use.

- Jacob Smith – what is written in this legislation is progress but not near the State’s goal. Regarding small-scale solar systems, there is a difference between 25 kWh and 25kW. The State regulates 25kW, whereas 25kWh is hours and how the property owner’s bill is made. If the Town is going to regulate it, it needs to be on the right terms....it’s just kW (system size)...eliminate the words “per hour” in the definition of small-scale energy system/collectors.

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There being no one further who came forth to speak in favor of, in opposition to, or to comment on the matter, the Supervisor declared the Public Hearing closed at 6:25 P.M.

Adoption of Local Law Introductory "I" of 2017 as Local Law No. Eight of 2017

After some discussion, Councilman Reynolds moved the adoption of Local Law Introductory "I" of 2017, as Local Law No. Eight of 2017, as follows:

Town of New Hartford, New York
Local Law No. Eight of 2017

A Local Law to Amend the Code of the Town of New Hartford, Chapter 118 thereof entitled ZONING, Section 118-74 Solar energy systems, and Attachment 3.3 Schedule A, Permitted uses

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

Section 1. Chapter 118 (Zoning) of the Code of the Town of New Hartford, particularly Section 118-74, Solar energy systems, is hereby repealed and replaced by the following text:

§ 118-74 Solar energy systems.

A. Purpose. The use of solar energy systems/collectors, storage facilities, and distribution components for space heating and cooling, the heating of water, use in industrial, commercial or agricultural processes, and the generation of electricity are recognized as a renewable and nonpolluting energy resource. The purpose of this section is to accommodate solar energy systems/collectors as accessory uses while ensuring that such systems are appropriately located and installed.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

FLUSH-MOUNTED SOLAR PANELS/COLLECTORS - Photovoltaic panels and tiles that are installed flush to the surface of a roof and which cannot be angled or raised.

FREESTANDING OR GROUND-MOUNTED SOLAR ENERGY SYSTEM/COLLECTORS - A solar energy system that is directly installed in the ground and is not attached or affixed to an existing structure.

NET METERING - A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

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ROOFTOP MOUNTED OR BUILDING MOUNTED - A solar power energy system/collectors in which solar panels are mounted on top of the structure of a roof either as a flush-mounted system or modules fixed to frames which can be tilted toward the south at an optimal angle, but not more than 25° above plane of roof.

SMALL-SCALE SOLAR ENERGY SYSTEM/COLLECTORS - For purposes of this chapter, the term "small-scale solar" refers to solar photovoltaic systems rated up to 25 kilowatts (kW) of energy or solar thermal systems which serve the building to which they are attached.

SOLAR COLLECTOR - A solar photovoltaic cell, panel or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

C. Applicability.

(1) This section applies to all types of solar energy systems/collectors that are accessory to a principal use modified or installed after the effective date of this chapter, unless a building permit was properly issued prior to the effective date of this chapter.

(2) All solar energy systems/collectors shall be designed, erected and installed in accordance with all applicable codes, regulations and standards.

(3) Solar energy systems/collectors shall be permitted only to provide power for use by owners, lessees, tenants, residents or other occupants of the premises on which they are erected and only as an accessory use. Nothing contained in this provision shall be construed to prohibit collective solar installations or the sale of excess power through a net billing or net metering arrangement in accordance with New York Public Service Law, § 66-j, or similar state or federal statutes.

(4) No solar energy system/collectors installed shall exceed the size of a small-scale solar energy system.

D. Permitting.

(1) Rooftop- and building-mounted solar energy systems/collectors shall be permitted as of right in all zoning districts with issuance of a building permit and only located on an existing structure.

(2) Freestanding or ground-mounted solar energy systems only on lots greater than 1.5 acres in size.

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(a) Freestanding or ground-mounted solar energy systems shall be permitted in all zoning districts but shall require a Special Permit review from the Town of New Hartford Planning Board and may be subject to additional requirements as prescribed in this section. Once the special permit is granted a building permit shall be required.

(b) Upon receipt of a complete Special Permit application (including the payment of a fee), the Code Enforcement Officer shall submit a copy of the application to the Planning Board for review at the next Planning Board meeting. The Planning Board is to ensure that there is appropriate solar access with regard to neighboring properties to avoid future solar access conflicts and that the collectors are located to minimize aesthetic impacts.

(c) The Planning Board shall review the application and provide a recommendation for approval, disapproval or approval with conditions within 45 days of receipt of the application.

(3) Solar-thermal systems. Solar-thermal systems are permitted in all zoning districts and subject to the same standards as solar energy collectors.

(4) Reasonable costs incurred by the Planning Board for private consultation fees or other expenses in connection with the review of a proposed site plan shall be charged to the applicant. Such reimbursable costs shall be in addition to the fees required in § 118-140, Fees.

E. Additional accessory use development exemptions and standards.

(1) Solar energy systems/collectors and equipment shall be permitted only if they are determined by the Town of New Hartford not to present any unreasonable safety risks, including, but not limited to, the following:

(a) Weight load.

(b) Wind resistance.

(c) Ingress and egress in the event of fire or other emergency.

(d) Maximum height measured to the highest point shall not exceed 15 feet.

(2) For purposes of this chapter, freestanding or ground-mounted energy systems are Special Permit uses in all districts. They shall be exempt from being counted toward the maximum number of accessory structures and square footage of accessory structures.

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(3) All freestanding or ground-mounted energy systems/collectors shall be permitted in all zoning districts with the issuance of a Special Permit and Building Permit. Installations shall be screened from view and located at least 75 feet from the side and rear lot lines measured from the corresponding side of the solar panel. Screening shall be achieved by the use of architectural features, earth berms or landscaping. In no case shall a system be installed in a front yard.

Section 2. Chapter 118 Attachment 3.3 Schedule A Permitted uses shall be amended as follows:

Change “Solar Energy System, Small Scale” to read “Solar Energy Systems/Collectors, Small Scale”

Add the letter “P” in the PR zone for this use

Add “Ground Mounted, Free standing Energy System/Collectors” in Use Category

Add the letters “SP” for this use, in all zones.

Section 3. All other provisions of Chapter 118 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

Section 4. This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State.

The Town Board was polled and voted as follows:

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

The Supervisor declared Local Law Introductory “I” of 2017 unanimously carried and duly adopted as Local Law No. Eight of 2017.

PRESENTATIONS/COMMENTS

The Town Supervisor inquired if anyone present wished to address the Town Board; those who came forth were:

Vincent Xavier of Homeland Towers, LLC, gave a presentation about leasing a portion of Sherrillbrook Park by VERIZON for the purpose of placing a cellular tower on said real property. Thereafter, Councilman Miscione introduced the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 233 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 \$100.00; 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 a third one (1) year option if approved by the Town; and

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

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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 167 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 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 within ten (10) days; 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

A roll call vote ensued:

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

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

Notice of Claim – Summons to Answer/Drainage

James Seeman and Stephanie Sheehan were present to summons an answer to their complaint (Notice of Claim) with regard to alleged drainage damage to their property at 71 Merritt Place; copies were given to the Town Clerk, Councilman Woodland and Supervisor Tyksinski, and will be forwarded to the Town's insurance carrier.

William Rankin - came forth to thank the members of the Town Board for their service in 2017, and to wish the Board members and all attending the meeting a very Merry Christmas, a Happy New Year, and a Happy Hanukkah. Prayers and best wishes to Board members in whatever endeavors they try...some leaving and some staying. He hopes suggestions he made at the November 2017 meeting will be carried out.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE

Parks and Recreation Committee – Councilman Reynolds

Appointment – Seasonal

Upon recommendation of the Director of Recreation Center, Councilman Reynolds offered the following Resolution for adoption; seconded by Councilman Miscione:

(RESOLUTION NO. 234 OF 2017)

RESOLVED, that the New Hartford Town Board does hereby appoint Dennis Philipkoski as an Adult Basketball Director for the 2018 Winter Recreation Program, effective January 8, 2018 and ending March 26, 2018, at the hourly rate of Eleven Dollars and Twenty-five Cents (\$11.25), payable bi-weekly.

The Board members voted as follows:

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

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

Zoning (Codes) and Planning Committee – Councilman Messa

Appointments to fill vacancies –Codes Department

The following Resolution was introduced for adoption by Councilman Messa and duly seconded by Councilman Miscione:

(RESOLUTION NO. 235 OF 2017)

WHEREAS, a vacancy exists for a full-time Assistant Codes Enforcement Officer, said position formerly held by Thomas Rowlands, who submitted his resignation;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby appoint Eric Barcomb to fill the vacancy of Assistant Codes Enforcement Officer, effective January 3, 2018, at an annual salary of Forty-two Thousand Dollars (\$42,000), payable bi-weekly.

Upon roll call, the Board voted as follows:

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

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

The following Resolution was introduced for adoption by Councilman Messa and duly seconded by Councilman Miscione:

(RESOLUTION NO. 236 OF 2017)

WHEREAS, a vacancy exists for a part-time Assistant Codes Enforcement Officer, said position formerly held by Anthony Klimek, who has retired effective December 31, 2017;

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NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby appoint Carmen Luppino to fill the vacancy of part-time Assistant Codes Enforcement Officer, effective January 3, 2018, at an annual salary of Thirty Thousand Dollars (\$30,000), payable bi-weekly.

Upon roll call, the Board voted as follows:

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

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

Public Works and Sewer Committee – Councilman Miscione

Road Dedication – Glendale Ave Extension

The Town Attorney having confirmed his review of the legal documents for road dedication, Councilman Miscione introduced the following Resolution for adoption; seconded by Councilman Messa:

(RESOLUTION NO. 237 OF 2017)

WHEREAS, the following documents have been received by the Town Highway Superintendent and Town Attorney for the dedication of Glendale Avenue Extension:

- Certification by Developer's engineer
- Letter of approval by Highway Superintendent
- Letter of approval by the Town's Engineer (Barton & Loguidice)
- Warranty deed describing the Glendale Avenue Extension
- Warranty deed for sewer easement
- Warranty deed for stormwater easement
- Letter of approval by the Attorney for the Town
- Copies of final approved plans
- Copies of as-built drawings to date, without completion of top course;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby accept and dedicate as a public highway that section of Glendale Avenue Extension (20 feet wide, 0.12 in length), as fully described in a Warranty Deed, with the understanding that the Developer must install the top course of Glendale Avenue Extension; and be it

YET FURTHER RESOLVED that the Town Attorney be, and he hereby is, authorized and directed to record the necessary documents relating to public dedication of the aforesaid highway and easements in the Office of the Oneida County Clerk.

Upon roll call, the Town Board voted as follows:

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

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

Competitive Bid Opening Results & Award – Woodberry-Oxford Road Drainage Improvements

The following bids were received on Tuesday, December 12, 2017, for the Woodberry-Oxford Road Improvements project:

- James Bray Paving - \$ 36,995.00
4456 Commercial Drive
New Hartford, NY 13413
- FP Kane Construction, Inc. - \$111,000.00
241 Front Street
Vestal, NY 13850
- Central Paving, Inc. - \$ 65,300.00
4247 Acme Road
Frankfort, NY 13340
- Borderline Excavation & Fence \$ 61,750.00
149 Thumb Road
St. Johnsville, NY 13452

The following Resolution was introduced by Councilman Miscione and duly seconded by Councilman Messa:

(RESOLUTION NO. 238 OF 2017)

RESOLVED that the New Hartford Town Board does hereby accept the low bid submitted by James Bray Paving for the *Woodberry-Oxford Road Area Drainage*

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Improvements project and does hereby award the contract for said project to James Bray Paving in the amount of Thirty-six Thousand Nine Hundred Ninety-five Dollars (\$36,995); and be it

FURTHER RESOLVED that the said Town Board does hereby authorize and direct the Town Clerk's Office to release the bid security (Bid Bonds) received from the unsuccessful bidders, and that the Bid Bond received from the successful bidder shall be held until the contract ends.

Councilman Reynolds reiterated his concern, previously mentioned at the November 8, 2017, Town Board meeting, that trees in the area of the project must be removed as they would fall on Town property/right-of-way; Highway Superintendent Sherman agreed with Councilman Reynolds. Thereafter, the Board members voted by roll call:

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

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

**Competitive Bid Opening Results & Award – Contract 2 – Grange Hill Road
Downstream Closed Drainage Improvements**

The following bids were received Tuesday, November 21, 2017, in the Town Clerk's Office for the above-referenced project:

Central Paving, Inc.	-	\$452,980.00 (Item 1 – Total lump sum
4247 Acme Road		for all work less water main relocation);
Frankfort, NY 13340		<u>\$ 26,500.00</u> (Item 2 – water main relocation)
TOTAL BID		\$479,480.00

James Bray Paving	-	\$300,000.00 (Item 1 – Total lump sum
4456 Commercial Drive		for all work less water main relocation);
New Hartford, NY 13413		<u>\$110,000.00</u> (Item 2 – water main relocation)
TOTAL BID		\$410,000.00

J.E.Sheehan Contracting	-	\$553,000.00 (Item 1 – Total lump sum
208 Sissonville Road		for all work less water main relocation);
Potsdam, NY 13676	-	<u>\$ 21,000.00</u> (Item 2 – water main relocation)
TOTAL BID		\$574,000.00

The following Resolution was introduced by Councilman Miscione and duly seconded by Councilman Messa:

(RESOLUTION NO. 238 OF 2017)

RESOLVED that the New Hartford Town Board does hereby accept the low bid submitted by James Bray Paving for the *Contract No. 2 –Grange Hill Road Downstream Closed Drainage Improvements* project and does hereby award the contract for said project to James Bray Paving in the amount not to exceed Four Hundred Ten Thousand Dollars (\$410,000); and be it

FURTHER RESOLVED that the said Town Board does hereby authorize and direct the Town Clerk's Office to release the bid security (Bid Bonds) received from the unsuccessful bidders, and that the Bid Bond received from the successful bidder shall be held until the contract ends.

The Supervisor polled the Board members who voted as follows:

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

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

Public Safety & Courts Committee – Supervisor Tyksinski

Agreement – 2018 Animal Sheltering/SSHS

Upon recommendation of the Police Chief, Councilman Reynolds offered the following Resolution for adoption; seconded by Councilman Messa:

(RESOLUTION NO. 240 OF 2018)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement between the Town of New Hartford and the Stevens-Swan Humane Society of Oneida County, Inc., for fiscal year 2018, wherein said Humane Society will provide sheltering only for dogs and cats which are picked up within the boundaries of the Town of New Hartford, in accordance with the terms and conditions set forth therein.

A roll call vote ensued:

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

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

Outside Employment of Police Officers – Rates and Charges

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

(RESOLUTION NO. 241 OF 2017)

WHEREAS, the Town Code, Chapter 25 (Police Department), Section 25-1, had determined that the rendering of outside employment of officers upon a shopping center and a hospital were within the purview of police protection to the Town of New Hartford; and

WHEREAS, the New Hartford Town Board had permitted and entitled (Section 25-2) Town Police officers to patrol upon private property open to the public and within the Town of New Hartford; namely, Sangertown Square Mall property and St. Luke’s-Memorial Hospital Center campus; and

WHEREAS, the Town of New Hartford initially established an hourly rate of Twenty-two Dollars (\$22) for services rendered by the Town Police Department upon said Sangertown Square Mall and St. Luke’s-Memorial Hospital Center campus (Section 25-4), with any future rate change to be renegotiated and adopted by resolution;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby establish the rate for said police services to be Sixty Dollars (\$60) per hour effective immediately, an increase of Ten Dollars (\$10) over the current hourly rate.

A roll call vote ensued:

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

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

Appointment – Court Bailiff

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

(RESOLUTION NO. 242 OF 2017)

RESOLVED, that the New Hartford Town Board does hereby appoint John V. Abounader to fill the vacant bailiff position for the Town Court effective December 13, 2017, at an hourly rate of Thirty-three Dollars and Two Cents (\$33.02), payable bi-weekly.

A roll call vote ensued:

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

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

Police Commissioner vacancy

Action to fill the vacancy of Police Commissioner created by the death of Patrick Kress whose term would expire December 31, 2017, will be addressed in January 2018.

Assessor Committee – Councilman Miscione

Board of Assessment Review vacancy

A vacancy exists on the Board of Assessment Review since Krista Pembroke moved out of the area; Councilmen Miscione and Messa will advertise the vacancy for action in 2018.

MATTERS SUBMITTED BY COUNCILMEN/TOWN ATTORNEY

Councilman Messa:

Speed Limit, signs – Snowden Hill Road

Councilman Messa relayed a number of complaints about vehicular speed along a stretch of Snowden Hill Road and recommended a lower speed limit. Police Chief Inserra said the NYS Department of Transportation would need to perform a study along the ½ mile section. He has seen a lot of new development along that area over the past 8 or 10 years

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and would recommend lowering the 55 mile per hour speed limit. The Police Chief will request the traffic study.

The Highway Superintendent said the Town would have to purchase the Children At Play and the School Bus Loading signs and suggested that the residents be contacted as to the best location as some property owners may not want signs on their property.

Proposed Lighting district – Thurston Boulevard

Some Thurston Boulevard residents have requested a lighting district for their street but have not submitted a Petition yet. National Grid would need to perform a survey based upon the number of lights, wattage and style, which would determine the rates; also, a legal description would need to be prepared.

Town Attorney

Pritchard litigation

The Town Attorney reported that the Town was successful in federal court in the matter of Neil Pritchard vs. the Town of New Hartford. Mr. Pritchard's appeal was denied. Travelers Insurance represented the Town.

Settlement of Tax Certiorari – Special Metals Corporation

After a report by the Town Attorney, the following Resolution was introduced by Councilman Miscione and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 243 OF 2017)

WHEREAS, the New Hartford Central School Board has adopted a Resolution approving the value as indicated on the Town's assessment roll for the years 2014 through 2016 inclusive, for Special Metals Corporation, which will not affect the sales tax revenue; and

WHEREAS, a PILOT Agreement (payment in lieu of taxes) is to be granted based upon the value of Thirteen Dollars (\$13) per square foot, which is consistent with the Town's appraisal, and Special Metals is waiving three (3) years of refunds that amount to approximately \$800,000 to the County, the School District and the Town;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby accept the settlement of the Special Metals Corporation certiorari, Tax Map Number 328.000-2-25, as reported by the Town Attorney.

Town Attorney Cully noted that the Town did not incur any legal or appraisal fees. A roll call vote then ensued:

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

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

MATTERS SUBMITTED BY TOWN SUPERVISOR

Finance:

Annual Justice Court Review

In accordance with Section 2019-a of the Uniform Justice Court Act, which requires the review of the Town's Justice Court funds and accounts, Director of Finance Dreimiller stated that he has examined the Town of New Hartford's Justice Court records for the year 2016. In conducting this review/examination, he followed the program prescribed by the NYS Comptroller's Office in Appendix 10 of the Justice Court Handbook. The following areas were reviewed and/or examined for the year 2016:

- Cash Receipts Book, including deposit testing and reconciliations
- Cash Disbursement Book, including check testing
- Review of Monthly Bank Reconciliations
- Review of Dockets and Case Files
- Reporting to the Division of Criminal Justice Services
- Reporting to the Justice Court Fund
- Reporting to the Department of Motor Vehicles – TSLED Program.

No major exceptions or issues were noted during the review/examination of the above areas for the year 2016. In conclusion, the Town of New Hartford's Justice Court System appears to be in compliance with the NYS Comptroller's Justice Court Handbook and appears to be operating effectively and efficiently for the year reviewed.

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

(RESOLUTION NO. 244 OF 2017)

RESOLVED, that the Town Board of the Town of New Hartford does hereby accept and approve the findings of Director Dreimiller's review/examination of the Town's Justice Court funds and accounts for the year 2016, performed in accordance with Section 2019-a of the Uniform Justice Court Act.

The Supervisor polled the Board members who voted as follows:

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

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

Change of Signatories – Adirondack Bank

Adirondack Bank has requested a Resolution with regard to authorized signatories as of January 1, 2018. Upon motion of Councilman Messa and seconded by Councilman Woodland, the following Resolution was offered for adoption:

(RESOLUTION NO. 245 OF 2017)

WHEREAS, the terms of office of Patrick M. Tyksinski as Town Supervisor and Matthew Bohn III as Deputy Town Supervisor will expire on December 31, 2017;

NOW, THEREFORE BE IT RESOLVED that the New Hartford Town Board does hereby authorize the removal of the Messrs. Tyksinski and Bohn as signatories on financial accounts at the Adirondack Bank effective December 31, 2017; and be it

FURTHER RESOLVED that the New Hartford Town Board does hereby authorize that Paul A. Miscione, as Town Supervisor, and Anthony J. Trevisani, as Deputy Supervisor, be added as designated signatories on all Town of New Hartford accounts at Adirondack Bank, effective January 1, 2018.

The Director of Finance noted that NBT Bank has not requested such Resolution. Thereafter, 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.

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

Requests for Proposal (RFP) – Professional Audit Services for Fiscal Year 2017, Status

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The Director of Finance reported that the low bidder, the Bonadio Group of New Hartford, NY, has withdrawn their proposal to perform the Town’s audit. Further, Director Dreimiller noted that the EFPR Group, Williamsville, NY, has some issues, and he would not recommend accepting their proposal. This leaves the proposal submitted by the D’Arcangelo & Co. LLP, which has performed the Town’s audit for a number of years. He expressed concern about the appointment of an audit firm, a process that began in July 2017 with only one out of six audit firms responding at all, then soliciting RFP’s again in October 2017, and now it’s mid-December and the Town has not made an appointment. After some discussion, it was consensus of the Town Board that Director Dreimiller again solicit auditing firms.

2017 Budget Adjustments

Upon recommendation of the Director of Finance, the following Resolution was offered for adoption by Councilman Messa and duly seconded by Councilman Miscione:

(RESOLUTION NO. 246 OF 2017)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Accounting/Finance Department to make the following budget adjustments for fiscal year 2017:

GENERAL WHOLETOWN

Account Description/No. <u>Expense</u>	Current Budget Amount	Proposed Budget Amount	Increase (Decrease)	<u>Explanation</u>
Contractual Supervisor AA1220.04	\$ 5,000	\$ 5,796	\$796	overbudget account
Equipment AA1220.02	\$ 500	\$ 0	(\$500)	
Clerk Part time AA1220.13	\$ 1,500	\$ 1,204	(\$296)	
Contractual Finance Audit AA1320.04	\$20,500	\$21,300	\$800	overbudget account
Bond Rating Fees AA1315.43	\$ 2,500	\$ 1,700	(800)	
Contract Centr Comm AA1650.04	\$50,000	\$55,397	\$5,397	overbudget account
Contractual Attorney AA1420.04	\$50,000	\$44,603	(\$5,397)	
Judgements & Claims AA1930.40	\$ 0	\$37,527	\$37,527	overbudget account
Hospital Medical Ins. AA9060.08	\$502,069	\$464,542	(\$37,527)	
Clerk PT – Highway Supt AA5010.12	\$ 500	\$ 735	\$235	overbudget account
Highway Clerk OT AA5010.15	\$ 0	\$ 18	\$18	overbudget account
Contractual AA5010.04	\$ 6,250	\$ 5,997	(\$253)	
Street Lighting AA5182.04	\$ 13,000	\$ 16,846	\$3,846	overbudget account
Contractual ACO AA3510.04	\$ 13,000	\$ 9,154	(\$3,846)	
Contractual Rec Center AA7020.04	\$ 26,722	\$ 27,902	\$1,180	overbudget account
Seasonal Employees Parks AA7110.14	\$ 25,000	\$ 29,537	\$4,537	overbudget account
Personal Svs Swim Prgm AA7230.01	\$ 20,766	\$ 15,049	(\$5,717)	
Contractual Drainage AA8540.04	\$ 25,000	\$ 30,580	\$5,580	overbudget account
Woodberry Tax AA8540.41	\$ 500	\$ 0	(\$500)	
Contractual Stormwater AA8541.04	\$ 5,000	\$ 0	(\$5,000)	
Contractual AA5010.04	\$ 5,997	\$ 5,917	(\$80)	

Total Expense Adjustment: \$0

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Total Revenue Adjustment: \$0

GENERAL PARTTOWN

Account Description/No. <u>Expense</u>	Current Budget <u>Amount</u>	Proposed Budget <u>Amount</u>	Increase <u>(Decrease)</u>	<u>Explanation</u>
Secretary PT Zoning BB8011.01	\$ 15,450	\$ 18,710	\$3,260	overbudget account
Cont. Refuse & Garbage BB8160.04	\$ 15,000	\$ 15,132	\$132	overbudget account
Hospital & Medical BB9060.08	\$115,430	\$112,038	(\$3,392)	

Total Expense Adjustment: \$0

Total Revenue Adjustment: \$0

SEWER

Account Description/No. <u>Expense</u>	Current Budget <u>Amount</u>	Proposed Budget <u>Amount</u>	Increase <u>(Decrease)</u>	<u>Explanation</u>
Judgement & Claims SS1930.40	\$ 0	\$ 8,498	\$8,498	overbudget account
Foreman Salary SS8110.11	\$ 12,678	\$ 19,171	\$6,493	overbudget account
Engineering Contr. SS8110.41	\$ 10,000	\$ 15,569	\$5,569	overbudget account
Laborer & Operators SS8110.13	\$ 97,036	\$ 90,543	(\$6,493)	
Contractual SS8110.04	\$350,000	\$335,933	(\$14,067)	

Total Expense Adjustment: \$0

Total Revenue Adjustment: \$0

HIGHWAY PARTTOWN

Account Description/No. <u>Expense</u>	Current Budget <u>Amount</u>	Proposed Budget <u>Amount</u>	Increase <u>(Decrease)</u>	<u>Explanation</u>
Storm Disaster Expenses-2017 DB1991.04	\$250,000	\$835,000	\$585,000	overbudget account
Health Insurance DB9060.08	\$486,613	\$361,613	(\$125,000)	

Total Expense Adjustment: \$460,000

Revenue

Oneida County reimbursement DB3506.0 (New account)	\$ 0	\$330,000	\$330,000	
Fund Balance DB5999	\$250,000	\$380,000	\$130,000	

Total Revenue Adjustment: \$460,000

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

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

Supervisor Tyksinski - Nay.

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

Agreement – Ice Control/New Hartford Central School

Upon recommendation of the Highway Superintendent, Councilman Miscione offered the following Resolution for adoption; seconded by Councilman Messa:

(RESOLUTION NO. 247 OF 2017)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement between the Town of New Hartford and the New Hartford Central School District, wherein said Town will provide pure salt on an “as-needed” basis to said School District for its utilization on its property and said entity will pay Fifty-two Dollars and Sixty-eight (\$52.68) per ton, as provided and as delivered to a stockpile location within said entity’s jurisdiction; said Agreement shall be for a period commencing on the 1st day of November 2017 and terminate on the last day of October 2018, unless sooner terminated for cause as more fully defined in the Agreement.

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

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

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

Abolishment of clerical position

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

(RESOLUTION NO. 248 OF 2017)

WHEREAS, the Oneida County Personnel Department has been reviewing their records and has identified one (1) full-time, competitive Office Specialist I position that has been vacant since Delores B. Shaw retired on November 26, 2010; and

WHEREAS, said County Personnel Department has recommended that, unless the Town intends to fill this position, #PTNH-212, that the Town Board abolish it;

NOW, THEREFORE, BE IT RESOLVED that, upon recommendation of the Oneida County Personnel Department, the New Hartford Town Board does hereby abolish the Office Specialist I position, #PTNH-212, because the Town has no intention of filling the position on a full-time basis; the effective date of this Resolution shall be December 13, 2017.

The Town Board members voted upon 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**.

Veterans Cold War Exemption

The Town Supervisor was in receipt of legislation that the Town had enacted in 2009 addressing cold war veteran exemptions and the suggestion that the exemptions, only valid for ten (10) years, be changed to “infinity”. The Town Attorney recommended that no action be taken until research in the matter can be performed.

Date Set – First meeting in 2018

It was consensus of the Town Board to hold the first Town Board meeting for the New Year, on Wednesday, January 3, 2018.

Audit of Vouchers

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

(RESOLUTION NO. 249 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:

Street Lighting Abstract #13		
Vouchers SL13	\$	234.67
Street Lighting Abstract #14		
Vouchers SL14	\$	9,739.87
Capital Project - Tilden Ave- Abstract #5		

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Vouchers H316-H329	\$ 39,090.94
Capital Project - Tilden Ave- Abstract #6	
Vouchers H329	\$ 3,780.00
Capital Project – Grange Hill- Abstract #6	
Vouchers HQ17	\$ 148,500.00
Highway Fund Part-Town Abstract #19	
Vouchers DB872	\$ 22,173.47
Highway Fund Part-Town Abstract #20	
Vouchers DB873	\$ 98.61
Highway Fund Part-Town Abstract #21	
Vouchers DB874-DB945	\$ 113,819.63
Highway Fund Part-Town Abstract #22	
Vouchers DB946-DB955	\$ 252,100.23
General Fund Part-Town Abstract #23	
Vouchers BB157-BB158	\$ 3,552.91
General Fund Part-Town Abstract #24	
Vouchers BB159	\$ 23.26
General Fund Part-Town Abstract #25	
Vouchers BB160-BB168	\$ 1,793.51
General Fund Part-Town Police Abstract #26	
Vouchers BP281-BP283	\$ 37,591.13
General Fund Part-Town Police Abstract #27	
Vouchers BP284-BP285	\$ 3,614.31
General Fund Part-Town Police Abstract #28	
Vouchers BP286-BP294	\$ 12,125.31
Trust & Agency Fund Abstract #46	
Vouchers TT229-TT233	\$ 13,495.25
Trust & Agency Fund Abstract #47	
Vouchers TT234-TT239	\$ 9,396.30
Trust & Agency Fund Abstract #48	
Vouchers TT240-TT241	\$ 1,959.91
Trust & Agency Fund Abstract #49	
Vouchers TT242-TT245	\$ 6,466.20
Trust & Agency Fund Abstract #50	
Vouchers TT246	\$ 1,342.90
General Fund Whole-Town Abstract #25	
Vouchers AA1083	\$ 164.50
General Fund Whole -Town Abstract #26	
Vouchers AA1084-AA1090	\$ 36,414.68
General Fund Whole -Town Abstract #27	
Vouchers AA1091-AA1098	\$ 9,503.60
General Fund Whole -Town Abstract #28	

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Vouchers AA1099-AA1199	\$ 122,058.72
Sewer Fund Abstract #23	
Vouchers SS81-SS82	\$ 3,824.66
Sewer Fund Abstract #24	
Vouchers SS83	\$ 7.08
Sewer Fund Abstract #25	
Vouchers SS84-SS86	<u>\$ 13,063.70</u>
TOTAL:	\$ 865,935.35

Upon roll call, the Board members voted as follows:

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

This Resolution was declared carried and duly *ADOPTED*.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made and seconded, the meeting was adjourned at 7:30 P.M.

Respectfully submitted,

Gail Wolanin Young
Town Clerk