

**REGULAR MEETING OF THE TOWN BOARD OF THE  
TOWN OF NEW HARTFORD, NEW YORK, HELD AT  
BUTLER MEMORIAL HALL, NEW HARTFORD, NY,  
ON WEDNESDAY, JANUARY 17, 2018, AT 6:00 P.M.**

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

**TOWN BOARD MEMBERS PRESENT:**

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

**ABSENT:**

Councilman James J. Messa

**OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:**

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

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

**PUBLIC COMMENTS**

**Senior Wellness Program**

Jim LaFountain of the All American Fitness Center expressed his concern about a phone call his wife received January 16, 2018 that the Senior Wellness Program, which has operated for twenty-two (22) years, had been cut from the Town's budget with no explanation. The program began for New Hartford resident senior citizens in 1996 and operated out of the All American Fitness Center as well as at the New Hartford Adult Dining and Activity Center. All American Fitness became certified in senior citizen/adult participants; seniors are considered a high-risk group due to health-related reasons so supervised activity is important. All American Fitness has a great relationship with health care providers, some of whom refer patients to All American Fitness for rehabilitation for hip and knee replacement and for post cardiac rehab. The key point is that it's not solely about money. More important is consideration of safety of youth and

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senior citizens. In the 22 years of operation of the Senior Wellness program, there have been no health-related incidents while participating in the program. Participants pay \$2 per session; approximately 30 seniors participate twice a week and Director of Senior Services Eileen Spellman has the records for All American visits to the Adult Dining and Activity Center for nutrition sessions and exercise classes. Mr. LaFountain requested that the Town reconsider their decision to cut the program. Supervisor Miscione acknowledged that he had initiated the phone call, but never said the program was cut, that he asked for a return phone call. He had been reviewing the Town's vendors for cost effective measures.

Dave Williams, a volunteer at the New Hartford Adult Dining and Activity Center since October 2017, was amazed at how active the seniors are with all the programs offered to them. People light up when they come to the Center, they have camaraderie; and the exercise program would be hard to keep up with. The Town Supervisor said it's not about money; it's about negotiating better terms, getting a better price. The matter will be discussed later during the meeting.

### **Lease – New Hartford Adult Dining and Activity Center/St. John the Evangelist Church**

Fr. Kevin Bunger of St. John the Evangelist Church also had been contacted on how to deal financially with a change in the Lease between the Town and the Church. Fr. Bunger stated that the fees associated with the New Hartford Adult Dining and Activity Center lease were based on research by former Trustee John Grygiel and were found to be a competitive price. He thought there might be some flexibility, perhaps some bending, leaning that the Church could do. He commented to keep in mind, cutting fat or cutting down to the bone.

## **REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE**

### **Parks & Recreation Committee – Councilman Woodland**

#### **Establishment of Parks Commission**

Councilman Woodland proposed that the Town consider establishing a Parks Commission. The Town Attorney explained two ways to achieve this; either by Resolution for said Commission to act in an advisory capacity only, or, by Local Law under Home Rule Law if the Commission were to be established otherwise. Similar to establishment of the Police Commission, there would be five (5) members with staggered terms. The Board concurred that the Town Attorney would have the Resolution (advisory capacity only) prepared for the February 7, 2018, meeting. One resume has been received to date.

## **MATTERS SUBMITTED BY COUNCILMEN AND TOWN SUPERVISOR**

Councilman Woodland:

**Training – NYS Association of Towns Conference**

The following Resolution was then introduced for adoption by Councilman Woodland and duly seconded by Councilman Reynolds:

**(RESOLUTION NO. ... OF 2018)**

**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;

**THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize the following Town Officials to attend the February 2018 New York State Association of Towns educational seminar in New York City, New York:

- Supervisor Paul Miscione
- Councilman Richard B. Woodland, Jr.
- Highway Superintendent Richard Sherman
- Town Justice Kevin Copeland
- Town Attorney Herbert J. Cully

and be it

**FURTHER RESOLVED**, that upon return from said educational seminar, each Town Official shall substantiate their expenditures upon a Town voucher with supporting documents/receipts and/or deliver any unexpended funds to the Town Bookkeeper.

The Town Board then voted upon roll call:

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

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

Supervisor Miscione

**Website domain name**

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Supervisor Miscione said the Town has been approved to be a “.gov” website domain name, “[townofnewhartfordnewyork.gov](http://townofnewhartfordnewyork.gov)”. He asked that he be authorized to pay the Four Hundred Dollar (\$400) annual fee on his personal credit card since that is the only method of payment offered, and then be reimbursed by the Town. Upon motion of Councilman Woodland and seconded by Councilman Reynolds, the following Resolution was offered for adoption:

**(RESOLUTION NO. .. OF 2018)**

**RESOLVED**, that the New Hartford Town Board does hereby authorize Town Supervisor Miscione to use his personal credit card to pay for the Town’s “.gov” domain name, being a one-time purchase charge of \$400 for fiscal year 2018, and that he be reimbursed upon substantiation of such expense on a Town voucher.

Councilman Reynolds didn’t believe anyone should use their personal credit card for Town expenses. Upon roll call, the Board voted as follows:

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

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

Miscellaneous matters that Town Supervisor is working on:

- Update old policies for electronic communications, website, computers, social media and review with Personnel Technician
- Barton & Loguidice to attend February 7, 2018 Town Board meeting
- Upgrade internet among Police Department, Butler Hall and New Harford Adult Dining and Activity Center; savings of \$435 monthly
- Spoke with Fr. Bungler regarding lease for Adult Dining and Activity Center. Propose monthly lease of \$1,500 to \$2,000, geared toward comparables. Yearly lease instead of 10-year lease. Town Attorney reviewed Letter of Intent the Supervisor drafted. Board members concurred that Supervisor send the Letter of Intent to St. John the Evangelist Church
- Met with Mr. Cowan today from the FEMA BUYOUT Program; specifically addressing the federally-approved properties. Of the four (4) properties (6, 10,

and 12 Henderson, and 3524-3526 Oneida Street), one owner is disputing the appraisal of their property. The Town must start the Bid/Request for Proposal(RFP) process for these four parcels, to include abstracts (new and/or updated), asbestos surveys, and land surveys; each category would be a separate Bid/Request for Proposal. Town Attorney Herbert Cully will represent the Town, submit a letter addressing closing costs per closing, and prepare the closing documents. [NOTE: The remaining six (6) properties have not been approved yet by the State's program.]

The following Resolution was introduced for adoption by Councilman Reynolds and seconded by Councilman Woodland:

**(RESOLUTION NO. .. OF 2018)**

**RESOLVED**, that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to commence the Bid/Request for Proposal (RFP) process as relates to the four (4) federally-approved properties identified under the federal FEMA BUYOUT program, to include land surveys, asbestos surveys, and abstracts of title (both new and updated) and that each of the categories hereinabove be treated and advertised as separate Bids/RFP), and to take whatever other steps/process that might be necessary to accomplish the purchase of these properties under the FEMA program.

Upon roll call, the Board voted as follows:

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

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

- Updating the Town's computer policy, email, etc. The Town Attorney will review the changes as he hasn't seen them yet; also, the Town Board members hadn't seen them yet. Supervisor to furnish Board members with copies
- Town payroll system 35-40 years old, Purchase Orders cumbersome. Supervisor, Personnel Technician and Director of Finance participated in a demonstration by Williamson Law Book vendor after which the Supervisor asked them to give the Town a proposal. Also has Town Clerk software (Town Clerk uses BAS software for licenses and permits, accounting, and vital records [marriages, births and deaths]).

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- Chamber of Commerce is interested in occupying the old Receiver of Taxes office with the idea of performing some shared services and helping the Town with certain matters/programs. The Town Attorney will look into the Chamber being on the Town’s lease of Butler Memorial Hall with a report at the February 2018 Town Board meeting.
- Update spending on Grange Hill project (\$422,565) and Tilden Avenue (\$332,476); Highway Superintendent successful in \$100,000 grant
- Military Leave and Training Hours – working with Personnel Technician to update and bring back to the February 2018 Town Board meeting.
- Supervisor had sent information/member responsibilities of an Audit Review Board, usually comprised of two (2) Board members and some community members. Possibly make a decision by February meeting inasmuch as the Town doesn’t have anyone to perform the town’s 2017 audit; Bonadio withdrew their RFP due to conflict with Library audit.. The Supervisor will reach out, and asked the Board member to do the same, to find a company to perform the required municipal audit.
- Agreement/All American Fitness Center/Senior Wellness program: Councilman Reynolds wants to keep the program intact, it’s a good program and geographically a good location and a huge success with thirty (30) attendees a week. Consensus of Board for Supervisor to negotiate with All American Fitness Center.

Audit of Vouchers

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

**(RESOLUTION NO. ... OF 2018)**

**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 #1	
Vouchers SL1	\$ 9,471.72
Capital Project - Tilden Ave- Abstract #1	
Vouchers H31-H32	\$ 32,927.28
Capital Project – Grange Hill- Abstract #1	
Vouchers HQ1	\$ 148,500.00

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Highway Fund Part-Town Abstract #23 Vouchers DB956-DB958	\$ 35,871.09
Highway Fund Part-Town Abstract #1 Vouchers DB1-DB57	\$ 236,851.01
General Fund Part-Town Abstract #26 Vouchers BB169-BB171	\$ 4,929.47
General Fund Part-Town Abstract #1 Vouchers BB1-BB23	\$ 8,754.67
General Fund Part-Town Police Abstract #29 Vouchers BP295-BP299	\$ 44,198.87
General Fund Part-Town Police Abstract #1 Vouchers BP1-BP17	\$ 79,440.11
Trust & Agency Fund Abstract #51 Vouchers TT247-TT253	\$ 7,924.21
Trust & Agency Fund Abstract #52 Vouchers TT254-TT258	\$ 14,492.09
Trust & Agency Fund Abstract #53 Vouchers TT259-TT264	\$ 9,486.84
Trust & Agency Fund Abstract #1 Vouchers TT1-TT7	\$ 8,429.80
Trust & Agency Fund Abstract #2 Vouchers TT8-TT10	\$ 77,514.79
General Fund Whole-Town Abstract #29 Vouchers AA1200-AA1212	\$ 47,876.77
General Fund Whole -Town Abstract #1 Vouchers AA1-AA100	\$ 111,875.18
Sewer Fund Abstract #26 Vouchers SS87-SS88	\$ 3,988.59
Sewer Fund Abstract #1 Vouchers SS1-SS8	\$ 247,531.99
<b>TOTAL:</b>	<b>\$ 1,130,064.48</b>

Upon roll call, the Board members voted as follows:

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

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

Fire Protection District contracts

Councilman Cittadino moved the following Resolution for adoption and Councilman Reynolds seconded same:

**(RESOLUTION NO. .. OF 2018)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the execution of the one-year Fire Protection Contract commencing January 1, 2018, and ending December 31, 2018, between the Town of New Hartford and District 1 and 2, Village of New Hartford and its Fire Department, in the amount of \$641,637.

Upon roll call, the Board members voted as follows:

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

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

**Agreement for Fire Protection District 3 – Village of New Hartford and Fire Department**

Councilman Cittadino moved the following Resolution for adoption and Councilman Reynolds seconded same:

**(RESOLUTION NO. .. OF 2018)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the execution of the one-year Fire Protection Contract commencing January 1, 2018, and ending December 31, 2018, between the Town of New Hartford and District 3, Village of New Hartford and its Fire Department, in the amount of \$55,087.

Upon roll call, the Board members voted as follows:

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

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

**Agreement for Fire Protection District 4 - Willowvale Fire Company, Inc.**

Councilman Woodland moved the following Resolution for adoption and Councilman Reynolds seconded same:

**(RESOLUTION NO. .. OF 2018)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the execution of the one-year Fire Protection Contract commencing January 1, 2018, and ending December 31, 2018, between the Town of New Hartford and District 4, Willowvale Fire Company, Inc., in the amount of \$320,908.

Upon roll call, the Board members voted as follows:

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

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

**Agreement for Fire Protection District 5– Village of New York Mills Fire Department**

Councilman Reynolds moved the following Resolution for adoption and Councilman Woodland seconded same:

**(RESOLUTION NO. .. OF 2018)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the execution of the one-year Fire Protection Contract commencing January 1, 2018, and ending December 31, 2018, between the Town of New Hartford and District 5, Village of New York Mills and its Fire Department., in the amount of \$160,631.

Upon roll call, the Board members voted as follows:

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

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

**Signatories – Town Accounts at NBT Bank, NA**

Director of Finance Dreimiller stated that NBT Bank, NA has requested authorization to change signatories on the Town accounts at their Bank; thereafter, Councilman Woodland moved the adoption of the following Resolution, seconded by Councilman Reynolds:

**(RESOLUTION NO. .. OF 2018)**

The New Hartford Town Board **RESOLVES** that:

- (1) The NBT Bank, NA (Financial Institution) is designated as a depository for the funds of the Town of New Hartford (Corporation) and to provide other financial accommodations indicated in this resolution.
- (2) This resolution shall continue to have effect until express written notice of its rescission or modification has been received and recorded by the Financial Institution. Any and all prior resolutions adopted by the Board of Directors of the Corporation and certified to the Financial Institution as governing the operation of this corporation's account(s), are in full force and effect, until the Financial Institution receives and acknowledges an express written notice of its revocation, modification or replacement. Any revocation, modification or replacement of a resolution must be accompanied by documentation, satisfactory to the Financial Institution, establishing the authority for the changes.
- (3) The signature of an Agent on this resolution is conclusive evidence of their authority to act on behalf of the Corporation. Any Agent, so long as they act in a representative capacity as an Agent of the Corporation, is authorized to make any and all other contracts, agreements, stipulations and orders which they may deem advisable for the effective exercise of the powers indicated on page one, from time to time with the Financial Institution, subject to any restrictions on this resolution or otherwise agreed to in writing.
- (4) All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of the Corporation with the Financial Institution prior to the adoption of this resolution are hereby ratified, approved and confirmed.
- (5) The Corporation agrees to the terms and conditions of any account agreement, properly opened by any Agent of the Corporation. The Corporation authorizes the Financial Institution, at any time, to charge the Corporation for all checks, drafts, or other orders, for the payment of money, that are drawn on the Financial Institution, so long as they contain the required number of signatures for this purpose.
- (6) The Corporation acknowledges and agrees that the Financial Institution may furnish at its discretion automated access devices to Agents of the Corporation to facilitate those powers authorized by this resolution or other resolutions in effect

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at the time of issuance. The term “automated access device” includes, but is not limited to, credit cards, automated teller machines (ATM), and debit cards.

- (7) The Corporation acknowledges and agrees that the Financial Institution may rely on alternative signature and verification codes issued to or obtained from the Agent named on this resolution. The term “alternative signature and verification codes” includes, but is not limited to, facsimile signatures on file with the Financial Institution, personal identification numbers (PIN), and digital signatures. If a facsimile signature specimen has been provided on this resolution, (or that are filed separately by the Corporation with the Financial Institution from time to time) the Financial Institution is authorized to treat the facsimile signature as the signature of the Agent(s) regardless of by whom or by what means the facsimile signature may have been affixed so long as it resembles the facsimile signature specimen on file. The Corporation authorizes each Agent to have custody of the Corporation’s private key used to create a digital signature and to request issuance of a certificate listing the corresponding public key. The Financial Institution shall have no responsibility or liability for unauthorized use of alternative signature and verification codes unless otherwise agreed in writing.

**FURTHER**, the Town Board of the Corporation has, and at the time of adoption of this resolution had, full power and lawful authority to adopt the Resolutions and to confer the powers granted above to the following persons named who have full power and lawful authority to exercise the same:

- Paul A. Miscione, Town Supervisor
- Anthony J. Trevisani, Deputy Town Supervisor.

The Town Board members voted upon roll call, resulting as follows:

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

The Resolution was declared unanimously carried, duly **ADOPTED**, and supersedes Resolution dated January 1, 2010.

ADJOURNMENT

There being no further business to come before the Board, upon motion of Councilman Reynolds and seconded by Councilman Woodland, the meeting was adjourned at 7:04 P.M.

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Respectfully submitted,

Gail Wolanin Young  
Town Clerk