

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL, NEW HARTFORD, NY ON
WEDNESDAY, FEBRUARY 7, 2018, AT 6:00 P.M.**

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

TOWN BOARD MEMBERS PRESENT:

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

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Codes Enforcement Officer Joseph Booth
Deputy Town Supervisor Anthony J. Trevisani
Director of Finance Daniel T. Dreimiller
Director of Recreation Center John C. Cunningham
Highway/Sewer Supt 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

January 17, 2018 meeting

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

(RESOLUTION NO. 43 OF 2018)

RESOLVED that the Town Board minutes of January 17, 2018, are hereby approved with the following amendment to Resolution No. 23 so that the second paragraph shall now read as follows:

FURTHER RESOLVED, that upon return from said educational seminar, each Town Official shall substantiate their expenditures for the conference and hotel accommodations upon a Town voucher with supporting documents/receipts. Meals and travel expense shall be borne by each attendee.

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

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

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

January 22, 2018 meeting

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

(RESOLUTION NO. 44 OF 2018)

RESOLVED that the New Hartford Town Board does hereby approve as submitted the minutes of the Town Board meeting held January 22, 2018, and does further waive the reading thereof.

A roll call vote ensued:

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

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

PRESENTATIONS/COMMENTS

Cell Tower citing at Sherrillbrook Park

Cathy Lawrence addressed the Town Board with regard to the proposed citing of a 190-foot cell tower in Sherrillbrook Park near the water tank now located in the Park and which area of the Park is zoned Low Density Residential (LDR). Vincent Xavier of Homeland Towers, LLC had made a presentation at the December 2017 Town Board meeting. Through the FOIL process, she learned that this proposal had been discussed with various people, except the Councilmen, for at least a year. Ms. Lawrence recited the history of Sherrillbrook Park dating to the early 1960's, including various land purchases and grants received to develop the Park. She noted there is a 10-step process for using park land that receives state or federal funds and questioned whether any of those steps

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had been followed. To correct the zoning map designation of LDR for Sherrillbrook Park, the Town Attorney replied the Town would have to process a zone map amendment to effect the proper zoning designation of PR (Parks and Recreation).

Stormwater Drainage Districts

Chris Lawton of Barton & Loguidice gave a presentation on formation of stormwater drainage districts as a means to be proactive rather than reactive about flooding issues. He mentioned that current stormwater management is performed by the Highway Department and that O & M capital projects are financed through whole-town. Primarily only small capital projects are completed – no capital reserve fund. Services include 17 detention basins he is aware of, maintenance of collection pipes, swales and structures; receive and responds to drainage complains, emergency response to flooding, and grant applications for major capital improvements. Discussion involved the possible formation of three (3) districts; namely, Sauquoit Creek, Mud Creek area, and City.

Town Law Section 190, Article 12 provides for establishment of special improvement districts, maps, plans and reports; defines boundary, infrastructure and finances. A referendum period would be involved.

Long term benefits and goals include

- Knowledge capture/succession planning
- Tax/rate stabilization
- Capital planning
- Emergency planning and response
- Leverage grant funding
- Asset management planning

The Town Attorney approved the proposed Resolution from Bond Counsel. Thereafter, the following Resolution was offered by Councilman Messa, who moved its adoption, seconded by Councilman Cittadino, to-wit:

(RESOLUTION NO. 45 OF 2018)

RESOLUTION DATED FEBRUARY 7, 2018.

A RESOLUTION AUTHORIZING THE PREPARATION OF MAP(S) AND PLAN(S) FOR DRAINAGE IMPROVEMENTS.

BE IT RESOLVED, by the Town Board of the Town of New Hartford, Oneida County, New York, as follows:

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Section 1. \$15,000 is hereby appropriated to pay costs associated with the preparation of one or more map(s) and plan(s) providing for drainage improvements in certain portions of the Town. Such map(s) and plan(s) shall be prepared in accordance with the requirements of Section 192 of the Town Law.

Section 2. This Resolution is adopted subject to permissive referendum.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

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

The Resolution was thereupon declared duly **ADOPTED**. The presentation by Barton & Loguidice ended at 7:15 P.M.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE

Zoning (Codes) and Planning Committee – Councilmen Cittadino/Woodland

Training

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

(RESOLUTION NO. 46 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;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby grant permission to Eric Barcomb, Assistant Codes Enforcement Officer to attend required training classes sponsored by the State in Cohoes/Latham, New York on the following dates:

- February 20 – 22, 2018 8:00 AM – 4 PM
- April 17 – 19, 2018 8:00 AM – 4 PM
- June 5 – 7, 2018 8 AM – 4 PM

There is no cost for attending these State-sponsored classes. The Resolution was voted upon by roll call as follows:

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

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

Senior Citizen Committee – Councilmen Messa/Reynolds

Donations – Budget adjustments

Upon recommendation of Senior Services Director Eileen Spellman, the following Resolution was offered for adoption by Councilman Reynolds and duly seconded by Councilman Messa:

(RESOLUTION NO. 47 OF 2018)

RESOLVED that the New Hartford Town Board does hereby accept the One Hundred Dollar (\$100) donation made by Barbara Anne Wetzel in the memory of Rye King who died in a fire in December 2017, said donation to be used for the New Hartford Adult Dining & Activity Center and/or what the Town chooses to spend the money; and be it

RESOLVED that the New Hartford Town Board does hereby accept a donation totaling \$1,495 from the Capital District Physicians Health Plan to cover the following events at the New Hartford Adult Dining & Activity Center in 2018:

- Volunteer recognition program in May
- 32nd Anniversary celebration of Adult Dining & Activity Center in October
- Veterans Day meals celebration
- Thanksgiving Day dinner celebration; and be it

FURTHER RESOLVED that the Town Board does hereby authorize and direct the Finance Department to increase General Fund Whole-Town Contractual Account AA6772.4 by the sum of \$100, and increase General Fund Whole-Town Revenue Account AA2706.9 by the sum of \$100; and be it yet

FURTHER RESOLVED that the Town Board does hereby authorize and direct the Finance Department to increase General Fund Whole-Town Contractual Account

AA6772.4 by the sum of \$1,495 and increase General Fund Whole-Town Revenue Account AA2705 by the sum of \$1,495.

A roll call vote was taken and resulted as follows:

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

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

Public Works & Sewer Committee – Supervisor Miscione/Councilman Cittadino

Contracts for Drainage Improvements:

Woodberry-Oxford Road area

- The Town Attorney has reviewed the contract for the Woodberry-Oxford Road area improvements and has only one concern, that being the matter of the trees to be removed. Highway Superintendent Sherman will identify the “bat” trees and have them removed prior to the NYS Department of Environmental Conservation deadline. Attorney Cully recommended that the property owner (Adelman-Peters) be shown which trees are to be removed beforehand, and that Chris Lawton (engineer) of Barton & Loguidice supervise the work for the Town. Mr. Lawton agreed to do so. Thereafter, Councilman Reynolds moved the adoption of the following Resolution; seconded by Councilman Woodland:

(RESOLUTION NO. 48 OF 2018)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to enter into and to execute a contract between said Town and James Bray Paving for the Woodberry-Oxford Road Drainage Improvements, the Town Board having awarded said contract to James Bray Paving at the December 13, 2017, Town Board meeting.

Upon roll call, the Board voted as follows:

Councilman Messa	-	Aye
Councilman Cittadino	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye

Supervisor Miscione - Aye.

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

Contract 2 – Grange Hill Road Downstream Closed Drainage Improvements

- Town Attorney Cully had also reviewed this contract, after which Councilman Messa offered the following Resolution for adoption, seconded by Councilman Cittadino:

(RESOLUTION NO. 49 OF 2018)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to enter into and to execute a contract between said Town and James Bray Paving for the Grange Hill Road Downstream Closed Drainage Improvements, the Town Board having awarded said contract to James Bray Paving at the December 13, 2017, Town Board meeting.

The Supervisor polled the Board members who voted as follows:

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

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

Agreement for Engineering Services – Hydraulic Model, Sauquoit Creek

After being briefed by Chris Lawton of Barton & Loguidice, the following Resolution was introduced for adoption by Councilman Messa and seconded by Councilman Cittadino:

(RESOLUTION NO. 50 OF 2018)

WHEREAS, the NYS Department of Environmental Conservation has requested a model to evaluate the impacts of the drainage improvements at the Grange Hill site on the peak flows in Sauquoit Creek, and will require that the proposed drainage improvements result in no increase in water surface elevations; and

WHEREAS, Sauquoit Creek has previously been modeled by FEMA to develop the Flood Insurance Rate Maps and may be available in an archived HE-2 format which will require updating to the current industry standard HEC-RAS software;

NOW, THEREFORE, BE IT RESOLVED, that the New Hartford Town Board does hereby accept the Proposal for Engineering Services from Barton & Loguidice to complete these services for a lump sum fee of \$6,500, and does further authorize and direct the Town Supervisor to sign said Proposal and Authorization for Barton & Loguidice to proceed with the services as described in their February 6, 2018, communication.

The foregoing Resolution was put to a vote upon roll call that resulted as follows:

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

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

Zoning (Codes) & Planning Committee – Councilmen Cittadino/Woodland

Status – Unsafe Buildings

Codes Enforcement Officer Joseph Booth and the Town Attorney discussed the status of four (4) buildings that had been declared unsafe in 2017. A two-family residence at 9458-9460 Elm Street has recently been purchased and is being rehabilitated; 9240 Willowvale Ave is vacant and the owner of record is deceased. There are two properties on Bleachery Ave, 3549 and 3535, one of which was going to be owner demolished. The Town Attorney will follow up on the status of both Bleachery Ave properties.

Public Works & Sewer Committee (continued)

2016 Engineering Agreement – Grange Hill Road project; Barton & Loguidice

Chris Lawton of Barton & Loguidice initiated discussion on an August 2016 Agreement for construction, inspection and observation services for the Grange Hill Road project that Barton & Loguidice never sent a bill to the Town. The \$42,000 bill is part of the \$900,000 Bond issue. Town Attorney Cully reminded the Board that they had amended the procurement policy and he recommended doing this over again and take action at the next meeting.

Agreement for Engineering Services

After some discussion, Councilman Messa introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 51 OF 2018)

RESOLVED that the New Hartford Town Board does hereby approve **Amendment Number 3 (“Amendment”) to the Agreement dated January 1, 2015 (“Agreement”) between the Town of New Hartford (“Owner”) and Barton & Loguidice, D.P.C. (“Engineer”) for Professional Services for 2018 Town Designated Engineering (TDE) Term Services (“Project”)** and does hereby authorize and direct the Town Supervisor to enter into and to execute said Agreement/Amendments for fiscal year 2018, at a cost not to exceed Twenty Thousand Dollars (\$20,000).

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

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

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

MATTERS SUBMITTED BY COUNCILMEN / TOWN ATTORNEY

Councilman Woodland:

Employee Handbook

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

(RESOLUTION NO. 52 OF 2018)

RESOLVED, that the New Hartford Town Board does hereby establish a committee to explore updating the Employee Handbook, to include the Personnel Technician, Town Attorney, Councilman Woodland as member of the Ethics Committee, and Richard Pratt from the Human Resource private sector.

A roll call vote ensued:

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

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

Town Attorney – Term of Appointment

The following Resolution was offered for adoption by Councilman Messa and seconded by Councilman Cittadino:

(RESOLUTION NO. 53 OF 2018)

WHEREAS, it came to the attention of the Town Board that the term of office of a Town Attorney is two (2) years according to statute; and

WHEREAS, the Town Board on January 3, 2018, appointed Herbert J. Cully as Town Attorney for a one (1) year term ending December 31, 2018;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby amend Resolution No. 14 of 2018 by appointing Herbert J. Cully as Town Attorney for a two-year term retroactive to January 1, 2018, and which term shall end on December 31, 2019.

The Board members voted upon roll call:

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

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

MATTERS SUBMITTED BY TOWN SUPERVISOR

STATE – FEMA BUYOUT Program

The Town Supervisor has received five (5) original contracts from the State FEMA program, all of which have been reviewed by the Town Attorney and need to be signed by the Town. Councilman Reynolds moved the adoption of the following Resolution, which was seconded by Councilman Messa:

(RESOLUTION NO. 54 OF 2018)

RESOLVED, that the New Hartford Town Board does hereby approve the five (5) contracts recently received from the State FEMA Buyout Program and does hereby

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authorize and direct the Town Supervisor to sign each contract and return same to the State-FEMA Program.

Upon questioning from Councilman Messa, the Town Supervisor stated there were eight (8) properties involved with the State-FEMA Program, as follows:

- 3506 Oneida Street
- 3520 Oneida Street
- 3528 Oneida Street
- 3532 Oneida Street
- 3534-3536 Oneida Street
- 3562 Oneida Street
- 6 Woodberry Road
- 9264 Grange Hill Road.

A roll call vote was held as follows:

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

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

Declaration of Emergency Situations - Purchases

The Town Supervisor explained four (4) different situations that occurred recently, which he deemed to be an “emergency” and he had authorized purchases/repairs. Thereafter, Councilman Woodland moved the following Resolution for adoption; seconded by Councilman Cittadino:

(RESOLUTION NO. 54-A OF 2018)

WHEREAS, the Town’s computer hard drive in Butler Memorial Hall that links to other Town offices had suddenly stopped working and became totally disabled and not functioning;

THEREFORE, BE IT RESOLVED that the Town Board does affirm the Town Supervisor’s declaration of this matter as an emergency situation and does authorize M. A. Polce, the Town’s IT representative, to make the necessary repairs to the Town’s 2013 server in Butler Memorial Hall, the cost of which is not known at this time.

The Resolution was voted upon by roll call as follows:

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

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

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

(RESOLUTION NO. 55 OF 2018)

WHEREAS, the computer SPAM filters for the New Hartford Police Department system had expired prior to this February 7, 2018, Town Board meeting; and

WHEREAS, the SPAM filters need to be upgraded;

THEREFORE, BE IT RESOLVED that, the Town Board does hereby affirm the Town Supervisor's action to rectify the situation, which he had declared an "emergency".

The Resolution was voted upon by roll call as follows:

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

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

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

(RESOLUTION NO. 56 OF 2018)

WHEREAS, the SSL computer Certifications had expired which affected access to emails outside the Town offices;

THEREFORE, BE IT RESOLVED that, the New Hartford Town Board does hereby affirm the Supervisor’s declaration of an “emergency” situation and does hereby authorize the expenditure of \$169.00 each for renewal of two (2) Certificates.

Councilman Reynolds cautioned that the Town Board must be careful in what it is declaring an “emergency” situation; thereafter, a roll call vote was held and resulted as follows:

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

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

Last, Councilman Woodland introduced the following Resolution for adoption; seconded by Councilman Cittadino:

(RESOLUTION NO. 57 OF 2018)

WHEREAS, due to a trailer being housed at the side of the Kellogg Road Police/Court building which is used daily for Police Officers when they change work shifts; and

WHEREAS, because the Town does not have a plow truck equipped to plow the snow and remove the ice from around the Police Department building, leaving the Police/Court parking lot congested; and

WHEREAS, people visiting the Police and Court building were slipping on the snow melt floors, with people falling, including two (2) Police Officers;

THEREFORE, BE IT RESOLVED that, due to the imminent health, safety and welfare situation created by the inability to clear the parking lot of snow, the Town Board does hereby declare this matter an emergency situation, affirming the Town Supervisor’s decision to purchase a \$4,600 salter to place on the back of a pickup truck.

The Resolution was voted upon by roll call as follows:

Councilman Messa	-	Aye
Councilman Cittadino	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye

Supervisor Miscione - Aye.

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

FEMA BUYOUT PROGRAM – 3RD Appraisal; 6 Henderson Street

The first appraisal for the purchase/demolition of 6 Henderson Street was submitted to the property owner who was not satisfied with it and subsequently obtained her own appraisal (2nd), which was substantially higher by about 30% - 40%. The matter was discussed with Mr. Cowan of FEMA who advised the Town to obtain another (3rd) appraisal of the property. Donato Appraisal and Paul Liddell submitted RFP's for appraisals, \$475 from Donato and \$450 from Liddell. Councilman Reynolds moved the adoption of the following Resolution, seconded by Councilman Messa:

(RESOLUTION NO. 58 OF 2018)

RESOLVED that the New Hartford Town Board does hereby accept the low RFP from the Paul Liddell Agency to perform an appraisal of property located at 6 Henderson Street, New York Mills, at a cost of \$450.00, and to commence the appraisal work.

Upon roll call, the Town Board voted as follows:

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

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

Town Credit Card

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

(RESOLUTION NO. 59 OF 2018)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to establish a credit card account with the Utica Gas and Electric Credit Union, in the name of the Town of New Hartford, for the purpose of purchasing/paying for small transactions under Five Hundred Dollars (\$500); the Town Board further designates and authorizes the following persons to be joint owners on the credit card: Town Supervisor Paul Miscione – 1st signer; Personnel Technician Barbara Schwenzfeier – 2nd signer, in the event the Town Supervisor is not available.

The Town Board members voted as follows:

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

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

Parks and Recreation Commission, Establish – Local Law Introductory

The Town Attorney submitted proposed legislation to create a Parks and Recreation Commission – in place of a Parks and Recreation Standing Committee – and which Commission would supervise and manage various operations and programs at the Town’s three (3) parks and the Recreation Center. The Commission would have no budgetary authority. Thereafter, Councilman Woodland introduced the following legislation for the Town Board’s consideration at a future Public Hearing; co-sponsored by Councilman Cittadino:

**Town of New Hartford
Local Law Introductory “A” of 2018**

A Local Law authorizing the creation of a Parks and Recreation Commission Pursuant to General Municipal Law Section 243.

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

SECTION 1. Commission Created

The Town of New Hartford does hereby create and establish the New Hartford Parks and Recreation Commission as authorized pursuant to General Municipal Law Section 243.

SECTION 2. Legislative Intent

The intent of this Article is to create a Parks and Recreation Commission to supervise the operation of the Town Parks and Recreation Programs in the Town of New Hartford.

SECTION 3. Powers and Duties

The Commission shall supervise, oversee, manage and direct the operations of each of the Town Parks and all of the recreation programs provided at any of the playgrounds,

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parks or recreation centers by the Town of New Hartford. The Commission will have no budgetary authority.

SECTION 4. Board of Commissioners

A. The Commission shall be managed by a Board of Commissioners, consisting of five (5) members who shall serve at the pleasure of the Town Board. Each Commissioner shall be appointed by the New Hartford Town Board as follows:

(1) The initial membership of the Commission shall be made up by five (5) members for initial terms as follows:

- a. "Member 1" shall be appointed through December 31, 2018.
- b. "Member 2" shall be appointed through December 31, 2019.
- c. "Member 3" shall be appointed through December 31, 2020.
- d. "Member 4" shall be appointed through December 31, 2021.
- e. "Member 5" shall be appointed through December 31, 2022.

(2) Each Town Board member and the Supervisor shall be entitled to select one Commissioner subject to meeting all qualifications, including a background check. Should any person entitled to make a nomination fail to do so for a period of 60 days from the date a vacancy occurs, the Town Board shall have the right to make the appointment, and the Board member who was entitled to appoint shall fill the vacancy on the Commission until the appointment is made and approved.

(3) All members will be selected after review of their resumes. After the initial terms, all appointments shall be for a five-year term and end on December 31. No Commissioner shall be allowed to serve more than two full terms, except that members appointed for an initial term of less than five years shall be entitled to serve two full five-year terms after said initial appointment.

B. If a vacancy occurs, the New Hartford Town Board shall choose a replacement to serve the unexpired term.

C. Only residents of the Town of New Hartford are eligible to be members of the Board of Commissioners.

D. If a Commissioner fails to attend three consecutive regular meetings of the Board or is in violation of the Town of New Hartford Code of Ethics, there shall be a hearing before the full Board of Commissioners. If it is determined by the majority vote of the other Commissioners, that good cause for dismissal exists, a

recommendation for dismissal shall be forwarded to the New Hartford Town Board.

- E. The Town Board shall select the Chairperson for said Commission and hereafter shall select a Chairperson at the first meeting in January of each year.

SECTION 5. Effective Date

This Local Law shall become effective upon filing in the Office of the Secretary of State.

Public Hearing Scheduled – Local Law Introductory “A” of 2018; Parks and Recreation Commission

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

(RESOLUTION NO. 60 OF 2018)

RESOLVED, that the New Hartford Town Board does hereby schedule a Public Hearing to commence at 6:00 P.M., or as soon thereafter as reached in the regular course of business, on Wednesday, March 7, 2018, in Butler Memorial Hall, 48 Genesee Street, New Hartford, NY, at which time the Town Board will consider the adoption of Local Law Introductory “A” of 2018, thereby establishing a Parks and Recreation Commission.

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

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

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

Computer policy update

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

(RESOLUTION NO. 61 OF 2018)

WHEREAS, upon direction from the Town Supervisor, the Town Attorney reviewed the Town’s existing Computer Policy and offered some changes to be considered;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby approve the Town's Computer Policy with the changes recommended by the Town Attorney since the last meeting; specifically, removed the ability to use Facebook, disallows personal use of Town computers, and added information about the Town's website; said changes are on file in the Supervisor's Office/Personnel Office.

The Board members voted upon roll call, as follows:

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

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

Appointments - New Hartford Public Library Board of Trustees

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

(RESOLUTION NO. 62 OF 2018)

RESOLVED, that the New Hartford Town Board does hereby appoint Andrea Lynch as a Trustee on the New Hartford Public Library Board for a five-year term to commence on February 8, 2018, and to end on December 31, 2022.

A roll call vote ensued:

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

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

The following Resolution was then offered for adoption by Councilman Reynolds and duly seconded by Councilman Cittadino:

(RESOLUTION NO. 63 OF 2018)

RESOLVED, that the New Hartford Town Board does hereby appoint Joanne Donaruma Wade as a Trustee on the New Hartford Public Library Board for a five-year term to commence on February 8, 2018, and to end on December 31, 2022.

A roll call vote ensued:

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

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

Sub-Lease on Town's Lease: Butler Memorial Hall

The State Comptroller's Office had been consulted about the request from the New Hartford Chamber of Commerce which is looking to sub lease the vacant former Town Receiver of Taxes Office on the first floor of Butler Memorial Hall. The Chamber of Commerce would be required to pay the same rent/lease as the Town does – the Town does not own Butler Memorial Hall; the Butler Memorial Hall Association owns the building and the Village of New Hartford Board of Trustees oversees the building. The Chamber cannot pay in “in-kind” services, nor sub-lease free of charge. If the Town is paying \$1.49 per square footage, the Chamber must pay the same price. Councilman Reynolds then moved the adoption of the following Resolution; seconded by Councilman Cittadino:

(RESOLUTION NO. 64 OF 2018)

RESOLVED, that the Town Board of the Town of New Hartford does hereby authorize the Town Supervisor to communicate to the New Hartford Chamber of Commerce the monetary restrictions for sub-leasing office space on the Town's lease for Town administrative offices in Butler Memorial Hall.

The Supervisor polled the Board members who voted as follows:

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

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

Town's new website

The Town's ".gov" website is up and running. (www.townofnewhartfordny.gov)

Purchase – Gander Mountain; Proposed Town Hall

The Town Supervisor spoke with the Corporate Office of Kohl's who said they would remove the deed restriction (big box stores) and, after speaking with other businesses in The Orchard, they too were willing to do likewise.

Retain Auditor for 2017 Town audit

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

(RESOLUTION NO. 65 OF 2018)

RESOLVED, that the New Hartford Town Board does hereby accept the RFP submitted by the auditing firm of Drescher & Malecki, LLP, 3083 William Street, Suite 5, Buffalo, New York 14227, to perform the 2017 annual audit of the Town of New Hartford finance accounts (\$18,000) and the New Hartford Public Library (\$3,000), for a grand total of \$21,000.

It was noted that this firm performs the audits of the Oneida County offices. Thereafter, the Board members voted as follows:

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

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

Software Upgrade – Various offices

Supervisor Miscione reported that he had contacted a few software companies with the idea of upgrading existing software and/or purchasing new software for various Town offices, such as the Codes Department, Clerk's Office. He had invited Williamson Law Book Company to provide several demos and had invited the Bookkeeper, Director of Finance, and Personnel Technician to join him in the demonstration. There was software for payroll and the Clerk's Office, for bringing in cash and documents. The Town Clerk interjected, stating that she was never made aware that anyone was bringing in any demonstrations. The Town Clerk stated her office has a very good software program, and that she was never invited to attend the demonstrations...nothing. She was never

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consulted, and does not want to change from the BAS (Business Automation System) Town Clerk software program. With the vital records module, there are a vast number of birth/death records which could be affected in a migration to another vendor system that is a little, not quite top-notch.

The Town Clerk suggested that, since the Town Supervisor would be attending the NYS Association of Town's Meeting in New York City, NY at the end of February, that the Supervisor visit the BAS kiosk display, that BAS would be happy to speak with him, just ask for Rob. To the Supervisor's question, the Town Clerk answered "yes", that the BAS software has functionality. The Town has used BAS as a vendor since 2010. The Town Clerk noted that of the 932 Towns in New York State, over 700 use BAS for their Clerk and associated software.

The Police Chief then briefed the Board on server problems they've been experiencing at the Police Department and with the computers in the patrol cards.

Capital Project List – Approval

Thereafter, Councilman Messa offered the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. 66 OF 2018)

RESOLVED, that the New Hartford Town Board does hereby approve the Capital Project List prepared by the Town Supervisor for fiscal year 2018:

Highway Department Equipment

- Excavator CAT 308E \$107,688
(NYS OGS Contract PC67075)
- 2019 Western Star 4700SB & Heil 25 cy yd (2) \$368,615*
(Onondaga County HD Contract #7823)
- 2018Freightliner M2-106 Chassis Dual Steering 2@\$182,488 \$364,976
(NJPA Contract #041217-ODB)
- Morbark Wood Chipper \$ 36,728*
(NJPA Contract #062117-MBI)
- 2018 Mack GU713 to replace truck #93 \$118,911
(Oneida Co. Bid 1879)
- Henderson Plow Dump/Sander Equipment \$ 97,610
(Onondaga County Contract #7823)
- Lifts and tools for Garage \$ 10,200
- New software – Accounting, Payroll, Town Clerk, Codes \$103,410
- New email and Network Servers \$ 58,733
- Police Dept. – server upgrades \$ 69,643
Mobile Data Terminals \$ 50,415

TOTAL.....\$1,386,929

*Potential grant monies available after purchase is made (up to 3 years)

The Board members the voted by roll call:

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

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

EXECUTIVE SESSION

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

(RESOLUTION NO. 67 OF 2018)

RESOLVED, that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the Acquisition of real property, the tax/assessment certiorari proceeding filed against the Town by Consumer Square, and the employment history of three (3) employees.

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**. All persons present including Department Heads were then excused from the meeting at 8:40 P.M. The Town Attorney and Deputy Supervisor remained for the Executive Session.

[NOTE: The Town Attorney provided the following transcription on Thursday, February 8, 2018.]

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 68 OF 2018)

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

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 9:45 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public re-invited to attend the meeting.

Acquisition of Real Property – new Town Hall

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

(RESOLUTION NO. 69 OF 2018)

RESOLVED that the New Hartford Town Board does hereby approve and authorize the submission of a counter-offer of \$1.9 million dollars for the acquisition of property formerly known as Gander Mountain, Tax Map No. 316.020-1-11.1, in The Orchard development.

The Board voted on roll call, resulting as follows:

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

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

Promotion – Barbara Schwenzfeier

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

(RESOLUTION NO. 70 OF 2018)

RESOLVED that the Town Board of the Town of New Hartford does hereby promote Personnel Technician Barbara Schwenzfeier to the position of Human Resource Department Head with additional duties and with an increase in salary of \$3,200 per year, effective immediately.

A roll call vote ensued:

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

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

Cancelation of February 21, 2018, Town Board meeting

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

(RESOLUTION NO. 71 OF 2018)

RESOLVED that the New Hartford Town Board does hereby cancel the Town Board meeting scheduled for February 21, 2018.

A roll call vote ensued:

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

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

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilman Messa and seconded by Councilman Reynolds, the meeting was adjourned at 9:48 P.M.

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Respectfully Submitted,

Gail Wolanin Young, Town Clerk