

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL, NEW HARTFORD, NY ON
WEDNESDAY, MARCH 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 Recreation Center John C. Cunningham
Highway/Sewer Superintendent Richard C. Sherman
Human Resource Officer Barbara Schwenzfeier
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.

MINUTES

January 3, 2018, Town Board meeting:

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

(RESOLUTION NO. 88 OF 2018)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held January 3, 2018, and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

REGULAR TOWN BOARD MEETING

March 7, 2018

Page 2 of 25

Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

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

MINUTES

February 15, 2018, Town Board meeting:

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

(RESOLUTION NO. 89 OF 2018)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Special Town Board meeting held February 15, 2018, and does further waive the reading of the same.

Upon roll call, 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**.

PRESENTATIONS/COMMENTS

New York Mills Village Seniors

New York Mills Mayor John Bialek was present in behalf of the New York Mills Village Seniors organization comprised of approximately 250 members from the Town of New Hartford, New York Mills, Utica, and Whitestown/Whitesboro. The Mayor stated that the primary sponsor of the New York Mills senior group is the Village of New York Mills, which contributes about \$14,000 annually; the Town of Whitestown budgets \$6,800 while the Town of New Hartford in past years contributed \$2,000 for bus trips. However, due to a misunderstanding and/or confusion over funding, the revenue from the Town of New Hartford stopped. Mayor Bialek approves expenditures for the New York Mills senior group and would like to see New Hartford reinstate their contribution and possibly increase their contribution in future years; and if the Town did not want to sponsor "Casino" bus trips that are viewed as gambling, that could be worked out.

REGULAR TOWN BOARD MEETING

March 7, 2018

Page 3 of 25

Supervisor Miscione did not believe that Town taxpayer dollars should go toward gambling trips. Discussion was held with no action being taken at this time.

Lease – Cellular tower

Vincent Xavier of Homeland Towers, LLC, who gave a presentation at the December 2017 Town Board meeting, about leasing a portion of Sherrillbrook Park by VERIZON for the purpose of a cellular tower on said real property, reviewed changes in the proposed lease since the December presentation:

- the initial option fee has been raised from \$100 to \$2,000
- all future publication costs shall be borne by Homeland Towers company
- Homeland Towers attorney(s) will prepare all legal documents at no cost to the Town

The 190-foot tower is proposed for an area in Sherrillbrook Park where it is currently zoned as Low Density Residential (LDR) and needs to be rezoned to Parks and Recreation (PR) as is the remaining portion of the Park. The Town Attorney stated that a local law will be presented to initiate the zone map amendment, an apparent map error when the Zoning Law was adopted in 2014, and that the applicant will still have to go through abandonment procedures with the State if the site area is part of the Park. Further, the Town's signing the lease is based on Homewood Towers securing all the required approvals. Attorney Cully stated that Mr. Xavier would like to start the clock running on the permissive referendum process so that he can move forward. The Town Clerk reviewed the zone map amendment and related SEQR procedure that would be necessary. The Town Supervisor said that he had asked Mr. Xavier to give another presentation for transparency reasons and to review the changes made in the lease since December 2017. Mr. Xavier then turned to the audience and gave the history of his proposal. If there is a documented need, there will be some kind of tower in this area to fulfill that need. The Town Supervisor explained that the Town would be receiving monthly payments under the lease and which money can be expended only for park functions and parks/recreation programs. The area to be leased is 75' by 75' and the Town would have control over what goes on at the site, which will be leased for 55 years. The applicant still needs to go through the review process before the Town Board which will act as Lead Agency/SEQR.

Stormwater Drainage

Ken Driskell, Oneida St., Chadwicks thanked the Town Board, Highway Superintendent and others who helped start cleaning out the creek bordering his property. He also expressed concern that if the downstream issues and the capacity of this system are not addressed that the residents will continue to see problems in this area, for example:

REGULAR TOWN BOARD MEETING

March 7, 2018

Page 4 of 25

- The vertical cattle gate currently being used to block trash gets blocked and directs the run-off out onto Oneida Street
- The end zone entrance to the culvert needs to be repaired so as to better direct the flow downstream (end zone was damaged around 2003 when the Whitetail Meadows development was allowed to connect to the current sewer system) and has never been addressed or repaired. Repair should be funded by any development bond.
- Current downstream flow capacity needs to be analyzed and if it is found to be underrated, as is evidenced by the overflow into Oneida Street, then this needs to be enlarged for increased capacity.

Proposed creation of Stormwater Drainage Districts

Ken Driskell, Philip Brockway, Mitch Ford, Michael White, Len LaSalla and Jean Driskell were present about the proposed creation of three (3) Stormwater Drainage Districts that were discussed at the February 7, 2018, Town Board meeting. The presentation was made by Chris Lawton of the engineering firm, Barton and Loguidice. Residents' concerns/questions involved:

- Current budget line item amount for stormwater maintenance and repair
- Cost to property owners if three districts are created
- Anticipated increase/decrease in current tax structure
- Assurance that stormwater monies won't be expended on other issues
- Would districts cover entire Town, or just those with flooding conditions
- User fees – the same across the board(?), or adjusted, how determined
- Responsibilities of Barton and Loguidice in creating districts/identify costs
- Reluctance to pay for stormwater problems that some believed the Town and developers created.

Debbie Geary of New York Mills thanked the Town Supervisor for his efforts and following through her application to participate in the FEMA BUYOUT Program; she also thanked the Supervisor's secretary, Carol Ryan, and Town Clerk Gail Wolanin Young for their assistance along the way.

Highway Superintendent Richard Sherman noted that the Town experienced storms in 2011, 2013, 2015, and 2017, and "ran out of money"; there are still about 15 creeks that need cleaning. Creation of stormwater districts will help because the money will be there. Preventative maintenance must be done.

REGULAR TOWN BOARD MEETING

March 7, 2018

Page 5 of 25

Councilman Messa thanked the Highway Superintendent, the Police Department, New Hartford Fire Department and Willowvale Fire Company for their efforts with last Friday's nor'easter that carried wet, wet snow that turned to ice.

Lease – Cellular Tower-Homeland Towers

After the Town Attorney read aloud the Resolution presented by Vincent Xavier of Homeland Towers, Councilman Messa offered said Resolution for adoption, seconded by Councilman Reynolds:

(RESOLUTION NO. 90 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 \$2,000.00; 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

WHEREAS, LESSEE shall also have the right to request to extend the Option for one (1) additional twelve (12) month period ("Second Extension Period") with LESSOR consent, which consent shall not be unreasonably denied. LESSEE must give written request for the Second Extension Period prior to the end of the then-current Option

REGULAR TOWN BOARD MEETING

March 7, 2018

Page 6 of 25

Period, accompanied by an additional option fee payment of One Thousand and 00/100 Dollars (\$1000.00) (the “Second Additional Option Fee”)

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

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 617 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 Short Form 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

REGULAR TOWN BOARD MEETING

March 7, 2018

Page 7 of 25

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; 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.

Upon roll call, 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**.

PUBLIC HEARING

7:29 P.M. Local Law Introductory "A" of 2018
Park and Recreation Commission

The Town Supervisor opened the Public Hearing at 7:33 P.M. with regard to Local Law Introductory "A" of 2018, which, if adopted would create a Parks and Recreation Commission to oversee and manage the Town's three (3) parks and the Recreation Center. [NOTE: The Town Clerk had available copies of the proposed local law, the Affidavit of posting, and Proof of Publication in The Observer Dispatch.]

Catherine Dougherty, resident of the 4th Ward in Town, thanked the Town Supervisor, saying she was impressed with the direction in which the Town was headed, that when she had an issue, he called her right away.

Ms. Dougherty questioned why the Town was forming a Parks Commission. It was explained that the Commissioners would do "walk throughs" of the Donovan Memorial

REGULAR TOWN BOARD MEETING

March 7, 2018

Page 8 of 25

Park, Sherrillbrook Park and Washington Mills Athletic Field, talk with residents to see what they'd like in the parks, i.e., music, farmers markets, etc., make suggestions for improvements, programs. The Commissioners would not have any budget authority.

There being no one further to speak in the matter, the Hearing was declared closed at 7:52 P.M. Thereafter, Councilman Reynolds moved that Local Law Introductory "A" of 2018 be adopted as Local Law No. One of 2018 in the following format:

**Town of New Hartford
Local Law No. One 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, 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

REGULAR TOWN BOARD MEETING

March 7, 2018

Page 9 of 25

- 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.

The Town Board members then voted by roll call:

Councilman Messa - Aye

REGULAR TOWN BOARD MEETING

March 7, 2018

Page 10 of 25

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

Thereafter, Local Law Introductory “A” of 2018 was declared unanimously carried and duly **ADOPTED** as Local Law No. One of 2018.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE

Zoning (Codes) and Planning Committee

Local Law Introductory “B” of 2017

Whereas it had come to the attention of the Town Board that Sherrillbrook Park had been zoned for PR (Parks and Recreation) and LDR (Low Density Residential), an apparent error/oversight when the 2014 Zoning Law/Map had been adopted, the Town Attorney prepared a local law to be introduced to correct the zoning classification so that the entire Park would be zoned PR. Thereafter, Councilman Woodland introduced the following legislation to be considered by the Town Board at a future Public Hearing, co-sponsored by Councilman Reynolds:

Town of New Hartford, New York
Local Law Introductory “B” of 2018

A Local Law to Amend the Code of the Town of New Hartford, Chapter 118 thereof entitled ZONING, and the map coincidental thereto as Attachment 1, as it pertains to the Sherrillbrook Town Park, to designate the entire Park parcel as PR (Parks and Recreation).

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

Section 1. Amendments to the Zoning Map are authorized by Chapter 118-131 of the Code of the Town of New Hartford.

Section 2. Chapter 118-17 Zoning Map and Attachment 1 are amended to reclassify a portion of the Sherrillbrook Park parcel on New York State Route 12, currently zoned LDR (Low Density Residential), to PR (Parks and Recreation) in conformity with the remaining portion of said Park. It is the intent of this Local Law to correct an apparent error in the Zoning Map such that the entire park parcel shall be designated PR.

Section 3. All other provisions of Chapter 118 of the Code of the Town of New Hartford and all amendments thereto are hereby affirmed except as modified herein.

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

Local Law Introductory “B” of 2018; SEQR – Lead Agency Status; 239 Review

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

(RESOLUTION NO. 91 OF 2018)

RESOLVED that the Town Board of the Town of New Hartford does hereby declare itself as Lead Agency in the matter of Local Law Introductory “B” of 2018, a Zone Map Amendment initiated by the Town Board in accordance with Chapter 118, Zoning, of the Town Code, to correct an apparent zoning map error on Sherrillbrook Park, New York State Route 12 (New Paris Road), New Hartford, NY; and be it

FURTHER RESOLVED that the Town Board does hereby authorize and direct the Town Clerk to refer said Local Law Introductory “B” to the Oneida County Planning Department and to the Town Planning Board for their review and recommendation in accordance with General Municipal Law and the Town Zoning Law, and to refer said matter to all interested and/or involved agencies for SEQR review.

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 Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.
[NOTE: A public hearing will be scheduled once the Town receives responses from the Town Planning Board, County Planning Department and interested/involved agencies under SEQR.]

RFPs for Mowing of abandoned properties

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

(RESOLUTION NO. 92 OF 2018)

RESOLVED, that the New Hartford Town Board does hereby authorize and direct Codes Enforcement Officer Joseph Booth to solicit Requests for Proposal (RFP) for the mowing

REGULAR TOWN BOARD MEETING

March 7, 2018

Page 12 of 25

of abandoned properties during calendar year 2018, seeking a minimum of three (3) proposals, and posting on the Town's website.

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

Public Safety and Courts Committee – Councilman Reynolds

Agreement – Oneida County Selective STOP-DWI Crackdown Patrols

The Police Chief, Town Attorney and Town Supervisor had reviewed the proposed STOP-DWI Crackdown Patrols Agreement from Oneida County and found the Agreement to be in order. Thereafter, Councilman Reynolds moved the following Resolution for adoption; seconded by Councilman Messa:

(RESOLUTION NO. 93 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/Town Police Department and the County of Oneida for the Oneida County Selective STOP-DWI Crackdown Patrols commencing December 15, 2017 through September 30, 2018, and as more fully described in said Agreement, a copy of which shall be filed in the Town Clerk's Office.

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**.

Human Resource Committee – Councilman Woodland

Appointment to fill vacancy at Senior Center

Upon recommendation of Human Resource Technician Schwenzfier, Councilman Woodland introduced the following Resolution for adoption, seconded by Councilman Reynolds:

(RESOLUTION NO. 94 OF 2018)

WHEREAS, a vacancy has existed since February 19, 2018, in the position of Food Service Helper at the New Hartford Adult Dining and Activity Center, said vacancy created when Cheryl Kupiec was no longer available to work;

BE IT RESOLVED, that the Town Board of the Town of New Hartford does hereby appoint Marlene Little to fill the vacancy of Food Service Helper effective March 8, 2018, at an hourly wage of Eight Dollars and Ninety-eight Cents (\$8.98), payable bi-weekly.

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

Senior Citizen Committee – Councilman Messa

Budget adjustment – New Hartford Adult Dining and Activity Center

Upon request of the Director of Senior Services, Councilman Reynolds moved the adoption of the following Resolution, seconded by Councilman Messa:

(RESOLUTION NO. 95 OF 2018)

RESOLVED, that the New Hartford Town Board does hereby authorize and direct the Finance Department to make the following 2018 budget adjustment:

- AA2705.1 (Donations) – increase by \$164
- AA6772.4 (Contractual) – increase by \$164.

A roll call vote was then duly held:

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**.

Town Clerk Committee – Councilman Woodland

Reappointment – Police Commission Chairman

On January 3, 2018 the Town Board had re-appointed Patrick Cardinale to a one-year term as Chairman of the Police Commission; because Mr. Cardinale was out of state at that time, his Oath of Office had not been administered so the appointment becomes null and void and the position vacant. Since Dr. Cardinale is interested in reappointment as Chairman, the following Resolution was introduced by Councilman Woodland and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 96 OF 2018)

RESOLVED that the New Hartford Town Board does hereby reappoint Patrick J. Cardinale as Chairman of the Police Commission, effective March 8, 2018, and terminating on December 31, 2018.

The Resolution was subject to a vote upon roll call , 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**.

Claim – Automobile damage

The Town Board discussed a pending claim submitted by Eric Szatko who alleged that in July 2017, while he was making a turn off Oneida Street into a parking lot, that he hit a pothole damaging his vehicle to the sum of \$292.71. After some discussion with the Highway Superintendent, it was the Board’s consensus that the Town had no prior notice of defect and declined to reimburse Mr. Szatko, nor submit the claim to the Town’s insurance agent.

Public Works & Sewer Committee – Councilman Messa

Disposal of surplus equipment/vehicles

Councilman Messa reported that the Highway Superintendent would like the Town Board to declare a 2010 Mack Snow Plow, VIN 1M2AX09C3AM008774 as surplus and sell the vehicle, the proceeds of which will pay for a 2018 Mack Truck GU713, VIN 1M2AX07C6JM039553. The Highway Superintendent would like to auction the 2010 vehicle in the Highway Superintendent Profile, a monthly magazine. After some discussion, the following Resolution was introduced for adoption; seconded by Councilman Cittadino:

(RESOLUTION NO. 97 OF 2018)

RESOLVED, that the New Hartford Town Board does hereby declare a 2010 Mack Snow Plow, VIN 1M2AX09C3AM008774, as surplus and does further authorize the Highway Superintendent to offer said surplus vehicle for auction simultaneously through Auctions International, and the monthly Highway Superintendent Profile magazine, and accept the higher sale price provided that the advertisement/auction meets the New York State Comptroller's rules.

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

FEMA BUYOUT PROGRAM: 10-12 Henderson Street, 3rd Appraisal

The Town Supervisor presented the following Resolution for adoption, moved by Councilman Reynolds and seconded by Councilman Messa:

(RESOLUTION NO. 98 OF 2018)

WHEREAS, the third appraisal for property owned by Donald and Deborah Geary has been received and is substantially higher than the first appraisal obtained with regard to the FEMA BUYOUT PROGRAM: be it

REGULAR TOWN BOARD MEETING

March 7, 2018

Page 16 of 25

RESOLVED, that the New Hartford Town Board does hereby grant approval to the Town Supervisor to accept the appraisal and to submit said third appraisal to New York State for the aforesaid FEMA BUYOUT PROGRAM.

A roll call vote was duly held and 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**.

Request that the Town of New Hartford authorize a PILOT in the amount of \$200 per unit to support the Phase 2 of the Redevelopment of the Meadows at Middle Settlement

This project involves the second and final stage of the redevelopment of the affordable senior housing project, commonly known as The Meadows at Middle Settlement, and originally constructed in 1970 under the New York State Mitchell Lama Housing Program (“Property”).

The original project contained 149 apartments in 39 buildings, many of which are situated in or adjacent to the Mud Creek flood plains. Throughout the life of the project, and as recently as July 1, 2017, Mud Creek has flooded portions of the property, causing the senior residents – many of which are frail elderly – to be evacuated from their housing.

In order to mitigate the damaging and disruptive effects due to the flooding caused by Mud Creek, the original Owner, Meadows at Middle Settlement, Inc. entered into an agreement to redevelop the property with the goal of demolishing the existing buildings and replacing the 1970s era housing with new apartment buildings constructed outside the Mud Creek flood plain.

On November 9, 2015, at a meeting of the Town of New Hartford Planning Board, the Planning Board approved the proposed Final Site Plan for the redevelopment of the Property (the “Redevelopment”), which envisioned the Property to be developed in two (2) phases.

The Redevelopment was designed to provide new, safe, decent affordable housing for seniors, and provide a permanent solution for this flood-threatened property by: a) providing new housing constructed away from the flood-threatened portion of the site, b) removing all of the structures located in and adjacent to Mud Creek, and c) creating a

REGULAR TOWN BOARD MEETING

March 7, 2018

Page 17 of 25

flood plain mitigation area at the south-east corner of the property that would benefit areas downstream from the Property.

To show support for the Redevelopment, on February 11, 2015, the Town of New Hartford passed a Board Resolution authorizing the Town Supervisor to issue a letter of support for Redevelopment, and to enter into a PILOT Agreement in the amount of \$18,000 for Phase 1, and \$11,000 for Phase 2.

As a result of this strong demonstration of support from the Town of New Hartford, Phase 1 of the Redevelopment was successful in receiving an award of \$28M in funding from various NYS agencies (including \$7M from the NYS Governor's Office of Storm Recovery – GOSR.)

Subsequent to the Phase 1 funding award, the Town of New Hartford entered into a \$200/unit Phase 1 PILOT Agreement with the following Ownership entities: a) Fee Title Owner: Meadows Phase I Housing Development Fund Company, Inc. b) Beneficial Owner: Meadows Senior Living L. P. Construction on Phase 1 began on June 26, 2017, and the first two buildings will be placed into service in June 2018.

In February 2018, GOSR issued a new Request for Proposal (RFP) offering an additional \$5M to fund reconstruction activities in the certain NYS storm damaged counties. Entities affiliated with the Phase 1 Owners will submit an application in response to this GOSR RFP, and will seek \$18M in total to allow Phase 2 of the Property to commence.

This application will be materially strengthened if it includes a statement of support from the Town of New Hartford, and a reaffirmation of the authorization to enter into a PILOT for Phase 2 of the Redevelopment.

The prospective Phase 2 PILOT would be in the amount of \$200/unit, and between the Town of New Hartford and the following to-be-formed Owner entities a) Fee Title Owner: Meadows Phase 2 Housing Development Fund Company, Inc. b) Beneficial Owner: Meadows Senior Living 2 L.P.

Based on the previous February 11, 2015 Board Resolution, and the Town of New Hartford continuing support for the Redevelopment of the Meadows at Middle Settlement, Councilman Woodland introduced the following Resolution, which Councilman Cittadino seconded:

(RESOLUTION NO. 99 OF 2018)

RESOLVED, that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to sign a letter to the New York State Homes and

Community Renewal in support of the Meadows at Middle Settlement Phase 2 under the Private Housing Finance law, that the project expeditiously go forward, and that the Town Board does hereby approve the PILOT under the terms as provided.

Whereupon, the Board Members voted 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**.

Property Damage (additional) – Jedediah Sanger Public Works Garage

At the January 22, 2018, Special Town Board meeting, it was reported that an accident occurred on January 17, 2018, causing damage to the Public Works Garage and Resolution No. 42 of 2018 was adopted authorizing emergency repairs. The following Resolution was then offered for adoption by Councilman Woodland and seconded by Councilman Reynolds:

(RESOLUTION NO. 100 OF 2018)

WHEREAS, additional emergency repairs were necessitated due to the harsh winter weather that could cause further damage to the interior of the Jedediah Sanger Public Works Garage;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby declare the January 17, 2018, accident as having caused additional damage creating further emergency situation to exist at the aforesaid location, and does hereby authorize and direct the payment of \$7,855 to J M Door to replace the existing damaged overhead door.

A roll call vote was duly held 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**.

Best Value Bid(s)

If the Town Board wishes to accept “best value” as part of its bidding process, a local law would need to be established. The Town Attorney will check to determine whether the Town had already incorporated “best value” in its procurement policy and report at the next Town Board meeting. “Best value” is not necessarily the lowest bidder.

Refund of Tax Penalty

Upon presentation of the Town Supervisor, Councilman Reynolds moved the adoption of the following Resolution), seconded by Councilman Cittadino:

(RESOLUTION NO. 101 of 2018)

RESOLVED that, due to a Bank error that caused a taxpayer to incur the February 2018 penalty during the 2018 Town and County collection period, the Town Board of the Town of New Hartford does hereby authorize the refund of that penalty amount (\$23.31) to Nicoletta Fiorentino, Bill No 5411.

The Town Supervisor polled the Board who voted 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**.

Additional Sales Tax Revenue – 2017 Fiscal year

Upon presentation by the Town Supervisor, the following Resolution was introduced for adoption by Councilman Reynolds and seconded by Councilman Cittadino:

(RESOLUTION NO. 102 OF 2018)

WHEREAS, the Town of New Hartford received higher sales tax revenue in 2017 in the amount of approximately \$436,708; and

WHEREAS, the Highway Part-Town Fund at the end of 2017 had a negative balance due to storm damages;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the additional sales tax revenue to be deposited into the Highway Part-Town Fund.

The foregoing Resolution was voted upon by roll call:

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**.

Quote – Computer infrastructure

The Town Supervisor has discussed computer hardware with M A. Polce, and software upgrades; he distributed Polce’s quote to the Board members for their review. This matter will be discussed at a future meeting

Schedule of Holidays changed

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

(RESOLUTION NO. 103 OF 2018)

RESOLVED that the New Hartford Town Board does hereby amend the Non-Union Benefits and Compensation Document, and specifically the recognized holidays, so that Columbus Day is no longer a recognized holiday but adds the day after Thanksgiving as a recognized day off; these changes are effective March 7, 2018.

The Town Supervisor stated that these holidays now mirror the Oneida County offices. The Board then voted upon 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**.

Inter-municipal Agreement – Clinton Street bridge

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

(RESOLUTION NO. 104 OF 2018)

RESOLVED, that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Inter-municipal Agreement between the Town of New Hartford and the County of Oneida to rehabilitate the Clinton Street Bridge over the Sauquoit Creek, Bridge Identification Number 2206280, located in said Town.

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**.

Acquisition of Gander Mountain property

The Town Supervisor expects to have an answer next week whether the owners of Gander Mountain will accept the Town's counter-offer to purchase their land/building.

Supervisor's Monthly financial report

This item is on the Town's website.

Procurement policy update

The Town Supervisor noted that, after speaking with State Comptroller staff at the Association of Towns Meeting in New York in February 2018, the Town's website can only be used for Requests for Proposal under \$20,000. Supplies and equipment over \$20,000 - \$35,000 must go through the competitive bid process, not through the internet. Thereafter, Councilman Messa introduced the following Resolution for adoption; seconded by Councilman Cittadino:

(RESOLUTION NO. 105 OF 2018)

RESOLVED that the New Hartford Town Board does hereby amend its Procurement Policy, revised Guidelines 10 to allow Requests for Proposal for purchases under \$20,000.

The Board members then voted upon roll call:

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**.

Parks software

The Supervisor has obtained quotes for Parks software, to include rental of pavilions and the gazebo, dog runs, programs and forms will be generated online.

EXECUTIVE SESSION

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

(RESOLUTION NO. 106 OF 2018)

RESOLVED, that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the employment history of a particular employee.

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 the news media and Department Heads, were then excused from the meeting at 8:17 P.M. The Town Attorney and Deputy Supervisor remained for the Executive Session.

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

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 107 OF 2018)

REGULAR TOWN BOARD MEETING

March 7, 2018

Page 23 of 25

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 8:28 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public re-invited to the meeting.

Retirement – Director of Recreation Center

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

(RESOLUTION NO. 108 OF 2018)

RESOLVED, that the New Hartford Town Board does hereby accept the retirement of John C. Cunningham as Director of Recreation Center effective March 31, 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**.

Create – Recreation Center Coordinator, Part-time

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

(RESOLUTION NO. 109 OF 2018)

RESOLVED, that the New Hartford Town Board does hereby create the position of Recreation Center Coordinator, Part-time, to work 20 hours per week at the hourly wage

REGULAR TOWN BOARD MEETING

March 7, 2018

Page 24 of 25

of Fourteen Dollars (\$14.00), payable bi-weekly, with no benefits, effective April 2, 2018, all pending Human Resource review.

The Town Supervisor said he would take over the Parks Department for the summer. Thereafter, 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***

BAS Parks/Recreation Software

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

(RESOLUTION NO. 110 OF 2018)

RESOLVED, that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to procure Business Automation Services (BAS) Parks and Recreation software program in the amount of Eleven Thousand Eight Hundred Dollars (\$11,800.00).

A vote upon roll call followed:

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 duly made and seconded, the meeting was adjourned at 8:35 P.M.

Respectfully submitted,

REGULAR TOWN BOARD MEETING
March 7, 2018
Page 25 of 25

Gail Wolanin Young, Town Clerk