

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL, NEW HARTFORD, NY ON
WEDNESDAY, APRIL 4, 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:

Assessor Darlene Abbatecola
Codes Enforcement Officer Joseph Booth
Deputy Supervisor Anthony J. Trevisani
Director of Finance Daniel T. Dreimiller
Highway/Sewer Superintendent Richard C. Sherman
Town Attorney Herbert J. Cully
Town Clerk Gail Wolanin Young

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

MINUTES

March 7, 2018, Town Board meeting:

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

(RESOLUTION NO. 127 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 March 7, 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

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Supervisor Miscione - Aye.

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

PRESENTATION(S)

Girl Scout Silver Award

Hannah Mahardy, a Girl Scout in Troop 20087 of NYPENN Pathways, Inc., was present to receive a Proclamation from the Town Board in recognition of her achieving the Girl Scout Silver Award, the highest honor a Girl Scout can attain. She gave 50 hours of dedicated service and hard work to the “Hamster Care Awareness” project and as part of this project, created a website and brochures on the proper care and housing of small animals, gave a presentation at the Utica Zoo, and created and donated a hamster cage to the Clinton Pet Vet Rescue Center to enable them to make hamster rescues. This project has helped to benefit the Utica and Rome ASPCA shelters, the Utica Zoo, local pet stores and veterinarian offices. The Proclamation declared April 4, 2018, as “Hannah Mahardy Day” throughout the Town of New Hartford.

5K Run/Walk

Erik Winberg, a graduate student in the doctorate program for physical therapy at Utica College and an event coordinator at the College, proposed a 5K run/walk in Sherrillbrook Park for June 2018, which he had previously discussed with the Town Supervisor. The range of the 5K run/walk would be on the participant’s capabilities, from ¼ mile to 5 miles. The course would be within the Park, and focus on fun, participation and movement. Discussion ensued with the Town Attorney and Police Chief about registration fees, insurance coverage, traffic control and EMS presence. Thereafter, Councilman Messa moved the adoption of the following Resolution, seconded by Councilman Cittadino:

(RESOLUTION NO. 127-A OF 2018)

RESOLVED that the New Hartford Town Board does hereby approve a 5K run/walk to be held within the Sherrillbrook Park on Sunday, June 3, 2018, coordinated by Erik Winberg, who is to keep in contact with the Town Supervisor and Town Police Chief throughout the planning and implementation stages of said 5K run/walk.

A roll call vote was duly held as follows:

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

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Supervisor Miscione - Aye.

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

Stormwater maintenance

Ken Driskell was present regarding stormwater maintenance done near his property and he thanked the Highway Department crew for doing a great job cleaning the creek. He interacted with Highway Superintendent Sherman, stating he would like the maintenance to continue, and asking a number of questions about stormwater maintenance so he wouldn't lose any more land. Mr. Driskell stated the end zone near the creek had been damaged over 10 years ago and was never repaired.

New Website

Mr. Driskell has sent emails to Town officials without receiving any acknowledgements. The Supervisor explained that the website is functional, and if someone clicks the "concern" button, those concerns are directed only to the Supervisor and Highway Superintendent. Other concerns are directed to department heads, such as Codes Enforcement and Police. Councilman Messa suggested that the Town add a "bounce" button to acknowledge a resident's concern/complaint; Councilman Reynolds commented that it would be helpful if the respective Councilman could be alerted also.

Town Budget – Bonding limit

Mr. Driskell inquired about the Town's outstanding bond limit. The Supervisor replied that this information has been posted to the Town's website under Finances.

Town Office(s) Consolidation

To Mr. Driskell's question about consolidation of Town offices, the Supervisor stated all administrative offices would be consolidated in the former Gander Mountain store, with the Highway Department trucks remaining at the Jedediah Sanger Public Works Garage on New Hartford Street. Discussion included whether there would be a tax increase due to this consolidation, grant monies expected to be received, and the sale of the Police/Courts property at the corner of Kellogg-Tibbitts Road.

Proposed Stormwater Districts

Mr. Driskell inquired about the status of the proposed three (3) stormwater districts that was discussed in February 2018. Supervisor Miscione stated that he, Councilman Reynolds and Highway Superintendent Sherman had met with Chris Lawton of Barton & Loguidice today on this matter and invited Mr. Driskell to attend a future in-house meeting to get answers to his questions. In the future, a public meeting will be held.

The Presentation/Comment period ended at 6:40 P.M.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE

Zoning and Planning Committee – Supervisor Miscione

Creation of Codes/Zoning Committee

After some discussion, the following Resolution was introduced for adoption and seconded by Councilman Cittadino:

(RESOLUTION NO. 128 OF 2018)

WHEREAS, the Town of New Hartford receives a variety of inquiries about land use requests, many of which are denied; and

WHEREAS, it has been nearly four (4) years since the Town updated its Comprehensive Plan and Zoning Law (*text and map*);

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby authorize the Town Supervisor to advertise in the Observer Dispatch, the Town Crier, and online that the Town is interested in creating a committee of Town residents to address codes and zoning issues, to include one representative from each of the Planning Board and the Zoning Board of Appeals.

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**.

Senior Citizen Committee – Councilman Reynolds

Budget Adjustments

Upon request of the Director of Senior Services, the following Resolution was introduced for adoption by Councilman Reynolds and duly seconded by Councilman Cittadino:

(RESOLUTION NO. 129 OF 2018)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Finance Office to make the following 2018 Budget adjustments:

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- Increase A6772.29 by \$1,660 (expenses/invoices – late Rye King)
- Increase A6772.29 by \$75 (Senior meals/invoices – late Rye King)
- Increase A2706.9 by \$1,660 (various donations in memory of the late Rye King)
- Increase A2706.9 by \$75 (from Dr./Mrs. Joseph Raj – late Rye King).

The Supervisor polled the Board 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**.

Upon further request of the Director of Senior Services, the following Resolution was introduced for adoption by Councilman Reynolds and duly seconded by Councilman Messa:

(RESOLUTION NO. 130 OF 2018)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Finance Office to make the following 2018 Budget adjustments:

- Increase A6772.4 by \$100 (expenses/invoices)
- Increase A2705.1 by \$100 (from Clinton Road Seniors to offset Senior Center rent).

The Supervisor polled the Board 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**.

Public Works & Sewer Committee – Councilman Messa

Appointments - Highway Seasonal employees

Upon motion of Councilman Messa and seconded by Councilman Reynolds, the following Resolution was presented for approval:

(RESOLUTION NO. 131 OF 2018)

RESOLVED that the New Hartford Town Board does hereby appoint the following individuals as temporary, seasonal Laborers for the Highway Department, effective Monday, April 9, 2018, at the hourly rate of Ten Dollars (\$10.), payable bi-weekly:

- Brett O’Grady
- Dustin Aiello
- Tyler Moran
- Jeffrey Kolek.

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**.

SPEDES PERMIT (NYS DEC) – Jewel Ridge Development

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

(RESOLUTION NO. 132 OF 2018)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to sign the New York State Department of Environmental Conservation SPEDES Permit with regard to the Jewell Ridge Development.

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**.

Chenango Bridge – Sauquoit Creek Scour Protection

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

(RESOLUTION NO. 133 OF 2018)

RESOLVED that the New Hartford Town Board does hereby accept the scope of services and cost proposal submitted by Lochner Engineering, P.C., to address the scour issue along the westerly side of the Chenango Road Bridge crossing of Sauquoit Creek, at a cost not-to-exceed Sixty Thousand Dollars (\$60,000).

The Resolution was put to a vote, which 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**.

Barton & Loguidice – Grange Hill Road project; lower culvert system design

At the February 7, 2018 Town Board meeting discussion was held on unpaid invoices submitted by Barton & Loguidice for Task 3 under the Grange Hill Road Drainage area project, lower culvert system design. Task 3 work was for construction inspection and administrative services not to exceed \$42,000, as described in Resolution No. 181-A, adopted on November 9, 2016, and which contract was signed by former Town Supervisor Tyksinski. With this information, Town Supervisor Miscione will pay 2016 invoices forward for work completed. The Town Attorney said no action is needed because the Board has the November 9, 2016, Resolution.

Town Clerk Committee – Councilman Woodland

NYS Liquor Authority – Waiver

The Town Clerk has received a request from PINZ at Sangertown Square Mall for a waiver of the thirty (30) day period for applying to the State Liquor Authority. After a brief discussion, the following Resolution was introduced by Councilman Woodland and duly seconded by Councilman Reynolds duly seconded same:

(RESOLUTION NO. 134 OF 2018)

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RESOLVED that the Town Board of the Town of New Hartford does hereby acknowledge notification from PINZ SANGERTOWN, LLC, of their application to the NYS Liquor Authority with regard to their license for use in their business at 8555 Seneca Turnpike, space G-14, that the Town Board has no objection to this notification and application, and that the Town Board hereby waives the 30-day advance notice requirements as may be set forth by the Alcoholic Beverage Control Law.

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**.

Raffle Consent

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

(RESOLUTION NO. 135 OF 2018)

RESOLVED that the New Hartford Town Board does hereby grant permission to the Clayville Fire Department, 2371 Main Street, Clayville, New York 13322, an organization duly granted a Games of Chance Identification Number by the New York State Racing and Wagering Board, to sell raffle tickets at the Sangertown Square Mall, New Hartford, New York, in accordance with all rules and regulations of said Racing and Wagering Board; and be it

FURTHER RESOLVED that the Town Clerk be, and she hereby is, authorized and directed to execute Form GC-RCF, Raffle Consent Form.

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**.

MATTERS SUBMITTED BY COUNCILMEN

Councilman Reynolds:

Agreement – Clark Mills Sub-contract for Fire Protection Services

Councilman Reynolds introduced the following Resolution, which was duly seconded by Councilman Woodland:

(RESOLUTION NO. 136 OF 2018)

RESOLVED that the Town Board of the Town of New Hartford (Fire Protection District No. 1 & 2) does hereby authorize the renewal of the Sub-Contract Agreement for Fire Protection between the Village of New Hartford and the Fire Commissioners of the Clark Mills Fire District, for the years 2018 through 2022, and does further authorize the New Hartford Town Board members to enter into and to sign said Sub-Contract Agreement.

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**.

Dumpster Drop-off – Jedediah Sanger Public Works Garage

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

(RESOLUTION NO. 137 OF 2018)

RESOLVED that the New Hartford Town Board does hereby eliminate the drop-off fees for Town residents who bring trash to the dumpster site at the Jedediah Sanger Public Works Garage each Monday and on the second Saturday each month from April through September, effective immediately; and be it

FURTHER RESOLVED that the Highway Superintendent present a 30-day report to the Town Board on how this program is running without any fees being collected.

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It was explained that it costs the Town more in employee overtime than the \$1,200 collected for the season. 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 Resolution was declared unanimously approved and duly **ADOPTED**.

MATTERS SUBMITTED BY THE TOWN SUPERVISOR

The Town Supervisor's March 2018 financial report will be posted to the Town's website.

Bids for \$1,386,929 BAN

The following bids were received March 27, 2018 for the \$1,386,929 Bond Anticipation Note:

- Adirondack Bank - 1.850% interest rate
- Oppenheimer & Co. - 3.000% interest rate
- Roosevelt & Cross, Inc. - 2.375% interest rate
- Greene County Commercial Bank - 2.390% interest rate
- NBT Bank, N.A. - 2.480% interest rate

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

(RESOLUTION NO. 138 OF 2018)

RESOLVED that the New Hartford Town Board does hereby accept the low bid submitted by Adirondack Bank for the \$1,386,929 Bond Anticipation Note (BAN), with the interest rate of 1.850%, for highway equipment, lift and tools for garage, and hardware and software; and does further authorize the Town Supervisor to sign the BAN documents.

The Town Board members voted as follows:

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

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Councilman Woodland - Aye
Supervisor Miscione - Aye.

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

FEMA BUYOUT Program - Appraisal

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

(RESOLUTION NO. 139 OF 2018)

WHEREAS, the Town's appraisal of the Michael White property on Oneida Street, Chadwicks, NY, was \$97,000, and the appraisal of said property by Donato was \$113,000;

BE IT RESOLVED that the Town of New Hartford, Town Board does hereby settle on an appraisal amount of \$110,000 for the Michael White property as part of the FEMA BUYOUT program; and be it further resolved that the Town Supervisor be, and he hereby is, authorized and directed to submit these figures to Mr. Cowen of the FEMA program.

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**.

FEMA – RFPs asbestos remediation before demolition

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

(RESOLUTION NO. 140 OF 2018)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to obtain Requests for Proposal (RFPs) for asbestos remediation and clean-up prior to the demolition of homes that have been approved in the FEMA BUYOUT program.

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The foregoing Resolution was duly put to a vote upon 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**.

FEMA – RFPs demolition

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

(RESOLUTION NO. 141 OF 2018)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to obtain Requests for Proposal (RFPs) for the demolition of homes that have been approved in the FEMA BUYOUT program, each demolition required to be done separately.

The foregoing Resolution was duly put to a vote upon 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**.

Parks Department – maintenance

Each of the three (3) Parks Department Working Supervisors has been designated a park to maintain and will report to the Town Supervisor. The \$11,000 spent in 2017 for security in the parks will be discontinued and the money in 2018 being earmarked for repairs, such as bathrooms and roofs on existing buildings. The Washington Mills Athletic Park is being geared toward sports teams, the Sherrillbrook Park toward an Adirondack theme, and the Donovan Memorial Park will see parking reconfiguration and repaving.

Quotes for bathroom repairs, materials only:

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- Jay-K Lumber - \$1149.00
- Cavo Builders Supply - \$1144.91
- Triton Window & Door, Inc. - \$1,052.17 but didn't quote all materials.

After some discussion, Councilman Reynolds moved the adoption of the following Resolution; seconded by Councilman Messa:

(RESOLUTION NO. 142 OF 2018)

RESOLVED, that the New Hartford Town Board does hereby accept the quote from Jay-K Lumber in the amount of \$1,149 for materials to repair a bathroom roof in Sherrillbrook Park.

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

Nuisance complaint – Flag

The Town received a letter from Attorney Mark Wolber whose client claims that the flagpole/large flag on his neighbor's Chestnut Road property is noisy, disruptive, and interferes with his sleep. While the clanging of the rope on the flagpole may be a nuisance, the Code Enforcement Officer stated there is nothing in the Town Code that regulates flagpoles. The Town Attorney will look into this matter and report at the next Town Board meeting.

Replenish Petty Cash

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

(RESOLUTION NO. 143 OF 2018)

RESOLVED, that the New Hartford Town Board does hereby replenish the Police Department Petty Cash in the amount of Two Hundred Eight Dollars and Eight Cents (\$208.08).

The foregoing Resolution was vote upon by roll call:

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

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

2017 Pavilion rental

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

(RESOLUTION NO. 144 OF 2018)

WHEREAS, in May 2017 Donna Grygiel paid Forty Dollars (\$40) for a Pavilion rental in Sherrillbrook Park; and

WHEREAS, due to an illness after reserving the Pavilion, the rental was not utilized;

NOW, THEREFORE, BE IT RESOLVED that, upon the request of Ms. Grygiel, the New Hartford Town Board does hereby approve the rental of a Pavilion on August 18, 2018, at no cost to Ms. Grygiel.

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**.

Purchase and Sale Agreement – Gander Mountain (Spirit Master Funding, LLC)

The Town Supervisor reviewed some changes that the Town Attorney made to an agreement for the purchase of the former Gander Mountain property, all in the best interest of the Town. Thereafter, Councilman Messa introduced the following Resolution for adoption; seconded by Councilman Cittadino:

(RESOLUTION NO. 145 OF 2018)

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A RESOLUTION AUTHORIZING THE TOWN OF NEW HARTFORD TO ENTER INTO A PURCHASE AND SALE AGREEMENT WITH SPIRIT MASTER FUNDING, LLC, FOR THE PURCHASE OF CERTAIN REAL PROPERTY FORMERLY KNOWN AS GANDER MOUNTAIN FOR THE PRICE OF \$1,900,000.

RESOLVED that this Resolution No. 145 is to authorize the Town Supervisor to execute a Purchase and Sale Agreement with SPIRIT MASTER FUNDING, LLC for the Purchase and Sale of certain real property located at 8635 Clinton Street, Town of New Hartford, County of Oneida, State of New York, formerly known as Gander Mountain, for the price of \$1,900,000 to be used as a Town Office Complex. This Resolution is adopted Subject to a Permissive Referendum pursuant to Town Law. If a permissive referendum is sought for this Resolution, the petition requesting a permissive referendum must be filed with the Town Clerk within 30 days from the date of this notice.

The foregoing Resolution was duly put to a vote upon 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** .

\$4,500,000 Bond Resolution

The following Resolution was offered by Councilman Reynolds, who moved its adoption; seconded by Councilman Messa, to-wit:

(RESOLUTION NO. 146 OF 2018)

BOND RESOLUTION DATED APRIL 4, 2018.

A RESOLUTION AUTHORIZING THE PURCHASE OF THE FORMER GANDER MOUNTAIN BUILDING AND RENOVATION THEREOF FOR USE AS A NEW TOWN HALL IN AND FOR THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$4,500,000 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$4,500,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

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BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of New Hartford, Oneida County, New York, as follows:

Section 1. The purchase of the former Gander Mountain Building located at 8635 Clinton Street and renovation thereof for use as a new Town Hall in and for the Town of New Hartford, Oneida County, New York, is hereby authorized, subject to permissive referendum, at a total maximum estimated cost of \$4,500,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$4,500,000 bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law to be allocated \$1,900,000 for the building purchase and \$2,600,000 for the renovation thereof.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific objects or purposes is thirty years for the purchase of the building and twenty-five years for the renovation thereof, pursuant to subdivisions 11 and 12(a)(1), respectively, of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of New Hartford, Oneida County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and

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shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in The Observer Dispatch, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **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 Messa	-	Aye
Councilman Cittadino	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Resolution was thereupon declared duly **ADOPTED**.

Authorization for Competitive Bid Process – Conversion of Gander Mountain to Town Offices

Upon request of the Town Supervisor, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Cittadino:

(RESOLUTION NO. 147 OF 2018)

RESOLVED, that the New Hartford Town Board does hereby authorize the Town Supervisor to begin the sealed, competitive bid process for the total renovation of the conversion of Gander Mountain to Town offices.

A roll call vote ensued:

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

The Resolution was thereupon declared duly **ADOPTED**.

MATTERS SUBMITTED BY TOWN ATTORNEY

SEQR – Conversion of former Gander Mountain to Town offices

The Town Attorney reported that, under SEQR, the fact that the Town is rehabbing an existing structure and creating no additional impervious area, it's considered a re-build and the Town is not required to go through a full formal SEQR process. However, the Town Attorney would like a Resolution that the Town declares itself as Lead Agency under SEQR for the purposes of SEQR as it relates to the Gander Mountain project, and he will file the short EAF. Thereafter, the following Resolution was offered for adoption by Councilman Reynolds and duly seconded by Councilman Cittadino:

(RESOLUTION NO. 148 OF 2018)

RESOLVED, that the Town Board of the Town of New Hartford does hereby declare itself as Lead Agency in the matter of the conversion of the former Gander Mountain building located at 8635 Clinton Street, New Hartford, NY, for the purpose of consolidating the various administrative Town offices into a Town office complex at that location; and be it

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FURTHER RESOLVED, that the Town Board does hereby authorize and direct the Town Clerk to forward documents relating to such matter to all interested and/or involved agencies for SEQR review.

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 thereupon declared duly **ADOPTED**.

Settlement of tax certiorari proceedings

Upon presentation of the Town Attorney, Councilman Woodland introduced the

(RESOLUTION NO. 149 OF 2018)

WHEREAS, Trahwen, LLC and BG New Hartford, LLC had filed tax certioraris against the Town of New Hartford for Consumer Square, the Rite Aid Plaza, and the Panera complex for the years 2015, 2016, and 2017, relating to the aforesaid properties; and

WHEREAS, the Town has previously discussed the settlement whereby the main parcel (Tax Map #317.013-3-23), at 4811 Commercial Drive, would be reduced from an assessment of \$25,135,000 to \$24,135,000, with no refunds for any of the three (3) back years; as well, Trahwen and BG New Hartford would withdraw any applications for assessment reductions for (Tax Map #317.013-3-22) at 4821 Commercial Drive, and for (Tax Map #317.013-3-18.4) at 4848 Commercial Drive;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby accept the foregoing settlement for the above-described parcels on the terms set forth hereinabove.

The Supervisor requested a vote upon roll call, which resulted as follows:

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

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The Resolution was thereupon declared duly *ADOPTED*. The Town Attorney and Assessor will meet to review a list of vacant parcels to determine if the properties can be combined.

Adjournment

Upon motion of Councilman Messa and seconded by Councilman Reynolds, there being no further business to come before the Board, the meeting was adjourned at 7:47 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk