

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL, NEW HARTFORD, NY ON
WEDNESDAY, AUGUST 15, 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 Supervisor Anthony J. Trevisani
Director of Finance Daniel T. Dreimiller
Director of Senior Services M. Eileen Spellman
Highway/Sewer Superintendent Richard C. Sherman
Human Resource Department Barbara Schwenzfeier
Police Chief Michael S. Inserra
Town Attorney Herbert J. Cully
Town Clerk Gail Wolanin Young

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

MINUTES

June 6, 2018 and June 20, 2018 Town Board meetings:

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

(RESOLUTION NO. 311 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 June 6, 2018 and does further waive the reading of 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.

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

PUBLIC HEARING

6:03 P.M. Homeland Towers LLC
 Cellular Tower – Sherrillbrook Park

The Town Supervisor opened the Public Hearing at 6:03 P.M. with regard to the Homeland Towers' application for the installation and operation of a communications tower base station, including a 190' tower and related antennae, utilities and equipment on a small portion of town-owned property to be located off of New Paris (Route 12), designated as APN Tax I.D. Number 338.000-3-4. The Town Attorney noted that a resolution is being put forth regarding Homeland Towers' application; the law provides...there's case law in the matter of the County of Monroe versus the City of Rochester, and their counsel (Scott Olson) will talk to us...he's an expert on cell towers...about a balancing test and whether the Town's zoning and/or land use review is required. Ten (10) or twelve (12) different factors will be addressed, such as Site Selection Analysis. Clinton Road (NYS Route 12B) is a good location but many residents in that area don't want a tower in their area. The impact is substantially less in the New Paris Road (NYS Route 12)/Sherrillbrook Park area.

Vincent Xavier, Regional Manager with Homeland Towers, reviewed the following documents with the Board:

- Final Monroe Site Plan Resolution
- Home Rule Resolution
- Zoning drawings
- Long Environmental Assessment Form (EAF) – SEQR compliance
- Visual reports and photos, FCC Compliance Report
- FAA Report
- Structural Letter

Scott Olson, who represents Homeland Towers and Verizon Wireless, referring to color-coded maps, pointed out areas where coverage is adequate, inadequate and/or low, which is why this site and height is needed. The white area on the map has low coverage; the green area has adequate coverage. Existing regulations prohibit a cell tower over 200'; a 190' tower would cover all users not just VERIZON; there will be four carriers. Coverage here (Butler Hall/Village of New Hartford) is horrible. The Town Board needs

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to complete SEQR review. The County of Monroe standard includes nine (9) different factors to be considered. The second Resolution on Home Rule has to be alienated through the New York State Legislature, a process Vincent Xavier said Homeland Towers would bear. (Radiation) ionizing versus non-ionizing; a microwave oven produces ionizing and, if exposed to the waves, could alter DNA. Councilman Messa asked for clarification of a question he had presented at a previous meeting; specifically, about public safety. Mr. Xavier read from the FCC Compliance Report... antennae in one direction. Since 1996, as long as it can be demonstrated the company is in full compliance with FCC emissions (“which they have”), no board can consider health effects. Mr. Xavier confirmed Supervisor Miscione’s question of whether the Town had to swap land for the alienation; “yes”. The Town Supervisor stated he had the details for this swap in his office and that it involved FEMA property that had been demolished.

The Town Supervisor asked if anyone wished to speak in favor of, in opposition to, or to comment upon this matter. There having been no one who came forth, the Public Hearing was declared closed at 6:25 P.M.

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

RESOLUTION NO. 312 OF 2018
DECLARING GOVERNMENTAL IMMUNITY FROM ZONING OF
HOMELAND TOWERS, LLC, INSITE TOWERS, LLC and BELL ATLANTIC
MOBILE SYSTEMS OF ALLENTOWN, INC. d/b/a VERIZON WIRELESS

WHEREAS, the Town of New Hartford (the “Town”) is the owner of the property located off New Paris Road and designated on the tax map as (338.000-3-4) (the “Property”); and

WHEREAS, the Town desires to use a portion of the Property for the installation of a wireless communications support structure; and

WHEREAS, Homeland Tower, LLC, Insite Towers, LLC, and Bell Atlantic Mobile Systems of Allentown, Inc. d/b/a Verizon Wireless (collectively referred to as the “Applicants”) desire to construct a 190’ monopole (and associated equipment) on the Property, necessary to accommodate the wireless coverage needs of various Town Departments, in addition to providing capacity for the collocation of private-public utility wireless communication facilities in order to close significant gaps in reliable wireless service that exist in the vicinity of the Property within the Town and to provide additional network capacity relief to the existing Verizon Wireless network; and

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WHEREAS, the Town and Homeland Towers negotiated a Lease Agreement (“Agreement”) for the purpose of constructing a 190 foot tower, which provides for the collocation of commercial wireless communication facilities; and

WHEREAS, the Agreement between the Town and the Applicant is for Town property not presently being utilized by the Town and is not anticipated to be needed by the Town over the term of the Agreement and the Agreement is for fair market value and in the best interests of the Town and its residents; and

WHEREAS, the Town Board has considered whether development of the proposed communications tower facility may be afforded immunity from the Town’s zoning and land development regulations; and

WHEREAS, the Town Board has held several public meetings to discuss the proposed project including a public hearing held on August 15, 2018 during which all members of the public who wished to comment on the proposal were afforded an opportunity to do so; and

WHEREAS, the Town Board has carefully considered the “balancing of interests” test established by the New York State Court of Appeals in the 1988 case of *Matter of County of Monroe v City of Rochester*, 72 N.Y.2d 338; and

WHEREAS, for the reasons set forth below, and after careful and deliberate consideration of all information and comments provided with respect to this matter, the Town Board has determined that the Applicants’ communications tower facility project is not subject to the Town’s zoning regulations and is prepared to render a determination on the Application.

NOW THEREFORE BE IT:

RESOLVED, that the Town Board makes the following findings in accordance with the Town of New Hartford Zoning Code and New York State Law:

Section 1. Findings:

The Town Board had considered the nine (9) factors established by the *County of Monroe* case, has balanced the public interest, and makes the following findings:

- a. *The nature and scope of the instrumentality seeking immunity* - The project involves installation of a new communications tower facility on vacant, wooded property. The project will be able to accommodate the antennas and equipment of all licensed carriers in the area, thereby reducing the

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unnecessary proliferation of additional towers. The Town of New Hartford is a political subdivision of the State of New York and is tax-funded and self-governing with elected officials. The Town provides emergency response for such things as fires, accidents, medical emergencies and natural disasters and so is a governmental entity that provides an essential public service. The Town is the owner of the Property, and pursuant to New York State Town Law Section 64(2), the Town has the power to lease the Property for such purposes as the Town may deem appropriate, which in this case includes a wireless facility which has been designed to support public safety communications antennas and equipment.

- b. *The encroaching government's legislative grant of authority* – The Town of New Hartford Town Board has the power and is the appropriate agency to consider the factors set forth in *County of Monroe* and make the determination that this application is exempt from its own zoning regulations. There is no other governmental entity with a potentially greater interest in the project because the property is owned by the Town and is wholly located within the boundaries of the Town.
- c. *The kind of function or land use involved* – The construction of the proposed tower will allow for collocation opportunities from other service providers, as well as allow for collocation of Town owned equipment to improve its local wireless communications network. Overall, the proposed land use is not an intensive use and will not require municipal services as part of its general operations. The facility will serve the public interest, in that it will offer the general public a wireless communications alternative particularly well suited for responding to accidents and natural disasters and for reporting medical emergencies and other dangers such as potential criminal activity. The Town Board notes that federally licensed wireless services have been deemed to be essential public services by both New York State and Federal Courts.
- d. *The effect local land use regulation would have upon the enterprise concerned* – Local regulations, if applied, would not be more protective of Town land use policies or the environment. The project has been carefully reviewed by the Town and its representatives and the layout of the proposed site has been properly planned with regard to the safety of vehicles and pedestrians, as well as those on neighboring properties and streets. Imposing local land use

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regulations on the proposed facility would have the effect of unreasonably delaying an essential public need for immediate and effective emergency response and reliable wireless communications.

- e. *Alternative locations for the facility in less restrictive zoning areas* – The proposed facility is located on a relatively large Town owned parcel of land which is currently vacant, wooded land, adjacent to which is a municipal water storage and distribution facility (i.e., public utility/essential services). The proposed location is unique since it is ideally located to remedy a significant gap in wireless services for federally licensed carriers and emergency service entities, while causing a minimal intrusion on the community. The property upon which the tower facility is proposed is zoned low density residential and is currently located adjacent to an existing water storage facility (i.e., public utility site). Locating the communications facility at the proposed location will mitigate impacts to nearby residential neighborhoods since any potential alternative location would be closer to such neighborhoods. After careful evaluation, the Town and Applicant have determined that viable alternative locations to the proposed location are not available and/or any potential alternative would have greater impacts on the community.

- f. *The impact upon legitimate local interests* – There is no legitimate impact to local interests as the application is for a public utility and the Applicants have demonstrated a need for this facility to (i) fill significant gaps in service and/or (ii) provide capacity relief to the existing wireless network in the New Hartford area. The Town Board notes that the facility will be designed in accordance with the applicable structural requirements of the Building Code of New York State, and all other applicable local, state, and federal codes and regulations. The proposed communications tower facility will have a harmonious relationship with the existing and planned development of contiguous lands and adjacent neighborhoods and would have no material adverse effect upon the desirability of adjacent and nearby property for development. The Town recognizes that wireless communications service is essential in modern day life. With the majority of 911 emergency calls generated from wireless phones and the current trend to terminate landline telephone service in favor of wireless service, the Town desires to ensure that

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safe and appropriate wireless service exists within the town for its residents. The proposed facility will assist with achieving such goal.

- g. *Alternative methods of providing the proposed improvement* – The proposed location of the project is the most preferred alternative. After careful investigation there are no existing tall structures capable of accommodating the Verizon Wireless’ antennas at the required height. The Verizon Wireless Radio Frequency Engineer has confirmed that the adjacent water tank structure is not tall enough to provide the required service. A new tower structure is, therefore, required. With respect to the current location, it is important to note that the tower will derive certain benefits that it will not be realized from other sites. First, the Town will receive fair market value rent for leasing the land. Second, the Town will be able to utilize a portion of the tower facility for its communications needs rent free. Additionally, the land upon which the tower facility is located is currently surplus/unused land.
- h. *The extent of the public interest to be served by the improvements* – As demonstrated in the Application and supporting materials, the Applicants’ Radio Frequency (RF) Design Engineer has demonstrated that there are significant gaps in coverage and/or capacity issues in the New Hartford area and that construction of a new tower as proposed will provide safe and adequate Verizon Wireless coverage in the New Hartford Area. Moreover, the project will benefit legitimate local, state and federal interest by providing safe and adequate wireless service to the areas in question, which has become a critical component with respect to public safety/emergency response. The proposed tower will also be able to accommodate future additional wireless service providers without compromising service.
- i. *Intergovernmental participation in the project development process and an opportunity to be heard* – The Town of New Hartford has held several meetings and discussions with representatives of the Applicants in an effort to ensure the proper design and location of the proposed facility. The Town has also discussed the proposal at several meetings, all of which have been open to the public, including a public hearing held on August 15, 2018.

Section 2. SEQRA Determination:

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- a. The Proposed Action will not have a significant adverse environmental impact as a result of physical changes to the leasehold site. The project site is relatively flat and only minimal grading is required.
- b. The Proposed Action will not have a significant adverse environmental impact on unique or unusual land forms found on the site. The installation of the Project will limit the amount of tree removal to only that required to complete the installation of the Proposed Action.
- c. The Proposed Action will not have a significant adverse environmental impact on any water body designated as protected. The compound for the facility will be covered in gravel to control runoff and erosion. All necessary erosion and sediment control measures will be in place during construction. The facility is unmanned and will not require any wastewater disposal. No hazard waste will be generated. Visits to the facility will be rare, approximately one to three times per year for each carrier. Therefore, there will be no adverse impacts from the facility on the critical environmental area. Moreover, the facility will not be located in any wetlands or wetland buffer areas.
- d. The Proposed Action will not have a significant adverse environmental impact on any non-protected existing or new body of water.
- e. The Proposed Action will not have a significant adverse environmental impact on surface or groundwater quality or quantity. As noted above, all necessary erosion and sediment control measures will be implemented. Moreover, the facility will not be located in any wetlands or wetland buffer areas.
- f. The Proposed Action will not have a significant adverse environmental impact as a result of altered drainage flow or patterns, or surface water runoff.
- g. The Proposed Action will not have a significant adverse environmental impact on air quality.
- h. The Proposed Action will not have a significant adverse environmental impact on any threatened or endangered species since none are located in the area of the proposed facility. Although the project location is located in an area

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containing habitat suitable for the Northern Long-Eared Bat, a threatened species, it is recommended that tree cutting be restricted to times when the Northern Long-Eared Bat is not roosting, generally April through October.

- i. The Proposed Action will not have a significant adverse environmental impact on non-threatened or non-endangered species.
- j. The Proposed Action will not have a significant adverse environmental impact on agricultural land resources.
- k. The Proposed Action will not have a significant adverse environmental impact on aesthetic resources, as evidenced by the Visual Resource Evaluation. Although portions of the tower will be visible from adjacent properties, this is to be expected since the technology used in wireless communications is considered a “line of sight” technology. Stated differently, in order to work as designed, wireless communications antennas must be located sufficiently above existing vegetation, buildings and other structures to avoid interference with the radio signals transmitted by such antennas. Moreover, the Town has considered whether the use of stealth technology such as a “tree tower” or other stealth structure would be appropriate. Due to the required height of the tower structure, the Town finds that neither a tree tower or any other stealth structures would be appropriate to attempt to conceal the nature of the tower. For example, a tree tower greater than 190’ would look out of place in an area where native conifer trees are approximately 80-90’ tall. In addition, the antenna support structure contemplated under the proposed Lease will not require FAA lighting and or marking, and thus will not result in a significant adverse impact.
- l. The Proposed Action will not have a significant adverse environmental impact on any site or structure of historic, prehistoric or paleontological importance.
- m. The Proposed Action will not have a significant adverse environmental impact on the quantity or quality of existing or future open spaces or recreational opportunities. The Town has considered alternative locations and concluded that the proposed location was the best location available based on the large size of the parcel, the existing public water supply and

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distribution facility located adjacent to the proposed location and its increased distance to dense residential areas compared to other locations.

- n. The Proposed Action will not have a significant adverse environmental impact on the quantity or quality of a critical environmental area (CEA) established pursuant to 6 NYCRR Part 617.14(g).
- o. The Proposed Action will not have a significant adverse environmental impact on existing transportation systems.
- p. The Proposed Action will not have a significant adverse environmental impact on the community's sources of fuel or energy supply.
- q. The Proposed Action will not have a significant adverse environmental impact as a result of objectionable odors, noise, or vibration.
- r. The Proposed Action will not have a significant adverse environmental impact on the public health and safety. The Proposed Action will be designed to meet existing FCC guidelines for radio frequency exposure in accordance with Federal law.
- s. The Proposed Action will not have a significant adverse environmental impact on the character of the existing community for the reasons described above in relation to the aesthetic impact and safety impact. There are no potential adverse environmental impacts related to the proposed Lease, and there is not and there is unlikely to be public controversy related to the proposed Lease or the zoning exemption.
- t. The Town of New Hartford Town Board, acting as SEQRA Lead Agency, has relied upon the Environmental Assessment Form, a Radio Frequency Compliance Report prepared by Verizon Wireless, a Visual Analysis prepared by Saratoga Associates, LLC, a structural certification prepared by EBI confirming that the proposed tower will be designed to accommodate the intended loading, the RF Analysis Verizon Wireless regarding the need for the facility, and an FAA certification prepared by SiteSafe in preparing this document.

Section 3. Decision:

RESOLVED, that the Negative Declaration prepared in connection with the Agreement is hereby adopted; and

RESOLVED, that based upon the foregoing balancing of interests, it is not in the public interest to subject the Facility to local zoning and land use regulations; and

RESOLVED, that the Town Supervisor be and hereby is, authorized to take any and all other acts reasonably necessary to accomplish the purposes of this Resolution; and

RESOLVED, the Town of New Hartford by its Town Board, acting as Lead Agency, has determined that the Proposed Action described below will not have a significant effect on the environment and that a Draft Environmental Impact Statement will not be prepared; and

RESOLVED, based upon a review of the Environmental Assessment Form, the Visual Resource Evaluation, the RF Exposure Compliance Report, the FAA Certification, the Structural Certification, the Plans, the Lease terms, the Verizon Wireless letter, and other documents submitted and testimony at all public meetings during which the Proposed Action was discussed, the Lead Agency makes the within negative declaration of environmental significance based upon the findings set forth herein; and

RESOLVED, based on the foregoing discussion, all of the information in the record of this matter, the comments of the board members and other interested parties, the Town Board hereby determines that it would be contrary to the public interest to subject the proposed wireless facility to local zoning and land use development regulations and the Town Board hereby approves the site development plan for the Applicant's proposed communications tower facility.

Section 4. Conditions:

This approval is expressly conditioned on compliance with the following:

- a. Development of the wireless facility shall be in substantial accordance with the approved plan set;
- b. Prior to commencement of site work, Homeland Towers shall install any required erosion control measures, which may be changed or modified by order of the Town Engineer or the Town Building Inspector based upon field conditions. All required erosion control measures shall be maintained in good

repair during construction so as to avoid siltation of any existing wetlands, or on-site streams, and in compliance with local and state storm water pollution control requirements;

- c. Homeland Towers shall obtain and shall keep current all required approvals from any other regional, state, or federal agency. Furthermore, future collocations on the proposed tower shall not be subject to local zoning and land-use regulations but shall require only a building permit from the Town of New Hartford Building Department;
- d. In the event that any portion of the property to be used for the Proposed Action is determined to be parkland property, the Town and Applicant will work together to complete any necessary parkland alienation and/or conversion processes.

ROLL CALL VOTE:	Supervisor Miscione	Aye
	Councilman Messa	Aye
	Councilman Cittadino	Aye
	Councilman Reynolds	Aye
	Councilman Woodland	Aye

The Resolution was declared unanimously carried and duly adopted.

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

(RESOLUTION NO. 313 OF 2018)

**TOWN BOARD OF THE TOWN OF NEW HARTFORD
ONEIDA COUNTY, STATE OF NEW YORK**

**RESOLUTION REQUESTING THE NEW YORK STATE LEGISLATURE FOR
THE AUTHORITY TO ALIENATE A PORTION OF SHERRILL BROOK PARK
LOCATED IN THE TOWN OF NEW HARTFORD**

WHEREAS, the town of New Hartford Town Board requests authorization to lease a small portion of unused property located within Sherrill Brook Park (“Property”), in the town of New Hartford for purposes of installation and operation of a cell tower base station facility, as illustrated in the attached Exhibit “A”, and

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WHEREAS, the small portion of Sherrill Brook Park contemplated for use as the cell tower base station facility is currently unused land located adjacent to a municipal water storage tank, and

WHEREAS, the proposed cell tower base station facility constitutes critical network infrastructure which will provide wireless service to emergency personnel (including police, fire and ambulance), as well as members of the general public, including users of Sherrill Brook Park, and

WHEREAS, such proposed lease requires parkland alienation legislation by the New York State Legislature and compliance with the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the town of New Hartford Town Board has carefully considered the potential environmental impacts related to the installation and operation of the cell tower base station on at the proposed location on the Property and after conducting a public hearing and other public meetings on the subject, has confirmed that the proposed cell tower base station will not result in any significant adverse environmental impacts and, as such, has issued a Negative Declaration pursuant to the requirements of SEQRA; and

WHEREAS, to assist Members of the New York State Senate and Assembly who will be sponsoring legislation authorizing the alienation and the Office of Parks, Recreation and Historic Preservation, the Town Board has prepared the Parkland Alienation Form: Municipal Information attached hereto as Exhibit “B”.

NOW, THEREFORE BE IT:

RESOLVED, this New Hartford Town Board requests that the New York State Legislature adopt legislation authorizing the New Hartford Town Board to alienate a small portion of Sherrill Brook Park for purposes of installation and operation of a cell tower base station facility, as illustrated in the attached Exhibit “A”, and be it

FURTHER RESOLVED, that the Supervisor of the Town of New Hartford, or a duly authorized representative, is hereby empowered and directed to execute any agreement, documents, or papers as may be necessary to implement the intent and purpose of this Resolution, and be it

FURTHER RESOLVED, that the Clerk of the New Hartford Town Board in conjunction with any other duly authorized representatives is hereby directed to send a copy of this Resolution and all supporting documentation to the New York State Senator Joseph Griffo and New York State Assemblyman Brian D. Miller.

The Town Board members voted 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**.

Name of Municipality: Town of New Hartford

Name of Park: Sherrill Brook Park

Appendix 2 Parkland Alienation Form: Municipality Information

Revised 2017

The following form should be completed by the Municipality that is seeking to alienate parkland. Copies should be provided to the Members of the Senate and Assembly who will be sponsoring the legislation authorizing the alienation and to the Regional Grants Representative of the Office of Parks, Recreation and Historic Preservation.

MUNICIPAL INFORMATION FORM

Lands Being Alienated or Discontinued

1. Has the proposed alienation been analyzed under the State Environmental Quality Review Act and applicable local laws?

Yes. The Town Board of the Town of New Hartford examined the proposed project under SEQRA and issued a Negative Declaration on December 13, 2017 in connection with the proposed lease of the property to Homeland Towers, LLC. The Town Board also conducted a public hearing on August 15, 2018 during which the Town Board received comments from all members of the public who wished to

comment on the project. At the conclusion of the public hearing and after carefully considering all materials submitted for the proposal, the Town Board determined that the proposed installation and operation of the cell tower base station would not result in any significant adverse environmental impacts and, therefore, issued a Negative Declaration pursuant to the requirements of the State Environmental Quality Review Act ("SEQRA") as it relates to the installation and operation of the proposed facility.

- a. If so, and if the review documents provide the answers to the following questions, you may substitute the review documents for this questionnaire.

2. How did the Municipality acquire the parkland being alienated?

Sherrill Brook Park was purchased using funds acquired via a Grant from the NYS Conservation Department Outdoor Recreational Bond Act (Grant #69-1-50).

3. When was the parkland acquired?

Approximately 1970.

4. What is, in acres, the size of the park in which the land being alienated is located?

Sherrill Brook Park is approximately a 50 acre parcel of land. The proposed cell tower lease takes only 5,625 square feet, or 0.2% of the total park property.

5. What is its name (if not given above)? Has the park ever been called something else?

No.

6. What is the size, in acres, of the specific parcel being alienated?

Approximately 0.13 acres

7. Were State or Federal funds used in the acquisition or development of any portion of the park in which the land being alienated is located? If the answer is "Yes" please provide some details about the amount of the grant, its source, date of award and for what purpose it was used.

The Town of New Hartford received a 1965 State Outdoor Recreational Development Bond Act grant for approximately \$34, 962 for recreational facilities in the park.

8. How is the land to be alienated currently used?

The portion of the property to be used for the cell tower facility is currently wooded and unused land.

9. Are there any structures 50 years old or older on the property? Are any of the structures listed in the State or National Register of Historic Places? Does the property contain archeological resources?

No.

10. Does the property contain wetlands, streams, significant habitats, or other similar features?

Based on current information, the property is not known to contain any of the above-referenced features.

11. What is the reason the land is being alienated?

To allow for the development of a cell tower facility to provide wireless service to town residents, emergency first responders, and users of the adjacent recreational facilities.

12. Describe any alternatives which would make the alienation unnecessary and why they were rejected.

The Town and Homeland Towers have carefully considered whether potential alternatives to the proposed location exist. Based upon the information provided from Verizon Wireless' Radio Frequency ("RF") Engineer and the overall existing development within the adjacent area, all parties have confirmed that the proposed location is the most viable location for the communications facility. Any other potential locations would be located closer to existing residential areas and for that reason such locations have been determined to not be viable alternatives.

13. How will any remaining parkland be affected by the alienation?

The remaining parkland will not be adversely impacted. Moreover, no recreational facilities, including any facilities purchased with NYS funds, will be disturbed as a result of the proposed alienation. Positive benefits include new and enhanced wireless service to the surrounding area, which will benefit emergency first responders and the general public.

14. What impacts, including aesthetic, historic, environmental, social, cultural and recreational impacts, will the alienation of this parkland have on the surrounding neighborhood?

To assist the Town with its consideration of potential impacts relative to the proposed communications facility, Homeland Towers has prepared and submitted various documents and analyses, including, but not limited to a visual impact analysis including the use of computer modelling to examine potential visual impacts, a radio frequency analysis prepared by a qualified Radio Frequency Engineer, a full Environmental Assessment Form. Based upon this information as well as the knowledge of the location proposed to be used for the facility, the Town has found that the proposed facility will not result in any significant adverse impacts and has issued a Negative Declaration pursuant to the requirements of the State Environmental Quality Review Act (“SEQRA”). A copy of the SEQRA Negative Declaration is attached hereto.

15. What public facility will provide residents of the community with park or recreational facilities to take the place of those being alienated?

Not applicable – the use of the small portion of property necessary for the cell tower facility will not result in the need for additional recreational facilities. In other words, the proposed alienation will not result in the disturbance of the existing recreational facilities.

16. Will other land be dedicated for park purposes to replace the land being alienated? If so, please answer the questions on the next page.

Yes.

Please provide a survey map of the property being alienated and a map, such as a tax map or street map, showing its general location in the community.

**Lands Proposed As Replacement
(if applicable)**

1. Describe the location and setting of the land proposed as replacement in relation to the land being alienated.

Two separate properties are proposed to be used as replacement parkland property. The properties are: 6 Henderson Street, New York Mills, New York 13417 (Tax Map Parcel No.: 317.013-1-20) and 12 Henderson Street, New York Mills, New York 13417 (Tax Map Parcel No.: 317.013-1-22). Both properties adjoin the existing Pietryka Park, a local park maintained and used for baseball and softball activities.

2. Give its approximate size.

The respective size of the properties are 9,744 square feet and 7,262 square feet for a total of 17, 006 square feet. The proposed cell tower lease will involve only 5,625 square feet. The proposed replacement parkland property is approximately three times larger than the proposed cell tower lease area.

3. How is are the replacement land currently used? Who owns the land?
Describe any facilities located on the land.

The properties are currently vacant lands that were previously used as residential properties. The properties were acquired by the Town of New Hartford with the assistance of FEMA. All prior improvements on the properties have been removed. As such, the properties are vacant.

4. Has the land ever been used for park and/or recreational purposes?

No.

5. What facilities and/or uses does the Municipality plan for the replacement land?

The Town of New Hartford will maintain the properties for uses compatible with open-space and/or recreational practices. Currently, there are no plans for the installation of any facilities or improvements on the properties.

6. Describe any natural or cultural resources on the replacement land (streams, wetlands, significant habitats, historic or archeological resources).

There are no natural or cultural resources located on the properties.

7. As a best guess, is the land approximately equivalent in fair market value and potential for recreational usefulness to the land being alienated or converted?

Yes, the combined estimated value of the two properties to be used as replacement parkland exceeds the fair market value of the land proposed to be

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alienated. The properties are currently intended to be used as open spaces and parking areas to support Pietryka Park. The area proposed to be alienated, although technically part of Sherrill Brook Park, is not currently improved with park facilities or infrastructure, nor is it currently utilized for traditional park purposes due to its close proximity to the existing forty foot (40') tall municipal water storage facility. Moreover, the small portion of land proposed to be alienated has a specific and significant purpose that will benefit members of the public, including those that use Sherrill Brook Park, by providing safe, adequate and reliable wireless coverage in the surrounding area. The two replacement parkland properties could not be used for such purpose.

[See EXHIBIT A attached]

PRESENTATIONS/PUBLIC COMMENTS

The Town Supervisor inquired if anyone present wished to address the Board on any matter; those so wishing came forth:

- Mr. and Mrs. Mike Cuda – 8 Sherwood Road; stormwater problem eroding their property and threatening stability of their garage, need easement from privately owned behind them, Town only has a sewer easement. Councilman Reynolds says part of problem is behind Foxcroft Road which is overwhelmed. Town will follow up with Mr. Pierce for an easement. Much discussion ensued. Highway Department can work in road right-of-way, not in people's backyards. Councilman Messa says more research needs to be done. County Legislator James D'Onofrio suggested getting Oneida County Soil and Water involved. Town Supervisor said there are many small jobs but how to prioritize them, and where does money come from taxes and grants.
- Vincent Pasiak of Liberty Ave. Suggested the Town Board amend the Town Code to prevent neighbors from having overgrowth such as what is destroying his fence, etc., and being accountable for their property. Building debris is strewn across his neighbor's yard as well as some wild greenery, and signs with an obscene message. The Town Attorney asked Codes Enforcement Officer Joseph Booth to read some legislation adopted by a Village in New York State that is more stringent than the Town's property maintenance code. The Code Officer stated "...it's tough to enforce....don't have the manpower...one man was eliminated from (his) office this year for enforcement of signs and now I can't enforce the sign ordinance...and now you want to impose this new law....(I'm) head of five (5) departments...Planning, Zoning, Fire Marshall and Building

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Inspector. It's too much for two (2) people. What he's complaining about can be enforced through the Town's current law/code."

- Theresa Virkler Davis and her husband, James Davis – Oxford Road backyard disaster where there is a hole that's becoming deeper and is unsafe. There is a 36 inch pipe trying to carry water into an 18 inch pipe. Water from Hughes/Roman Roads cross over Oxford Road and down toward Imperial Drive. Highway Superintendent Sherman said the County owns the pipe, which is off the road row-of-way and is their responsibility but the County won't do anything. This is the same area where the Hillside Gardens complex is planning an expansion. Oneida County James D'Onofrio will check with the County for a solution. The Davis' main concern is eliminating the dangerous situation in their backyard.
- Linda Leuthauser of Kay Circle in White Tail Meadows. The Town bought the detention pond. The excavator went on to her property by about 10 to 12 feet. The survey pins are still up. The Highway Superintendent will provide the Town Attorney with a copy of the work contract for his review and see whether the contractor will mitigate the problem. The Town Attorney had mailed one letter to the contractor and has yet to receive a response.
- Linda Mundrick of Bleachery Ave – drains in road have collapsed and water lays on both sides of road; tree limbs on side of road from 2 years ago; 2 x 2 road drains reduced to size of a dinner plate; condition of 3535 Bleachery Ave (unsafe building), deteriorating, rats, bats, woodchucks, danger to children; . Zoning of property behind her owned by Mike Duffy...boats, tractor trailers, vehicles, looks like a junkyard. Codes Enforcement Booth said the zoning classification is manufacturing which means he can do about anything he wants there. Does welding. Also, private contractor plows snow up to poles at intersection of Bleachery Ave and Oneida Street, making it difficult for Bleachery Ave residents to get on to Oneida Street; have to call Highway Department which dispatches a snowplow to clear the view for motorists.
- Kim DelMedico Mitchell - she talked to County Soil and Water about the flooding of her Oneida Street property located between Red Hill Road and Grange Hill Road. ...houses built above and tree deforestation are not keeping water up the hill. The Highway Superintendent spoke with her this morning about a storm water district. People don't want to give an easement.
- Stephanie Sheehan of Merritt Place - hasn't heard that waste water, etc. is a priority. Would like Board to designate a contact person for people with these types of problems. Also, she objected to the "gag" order initiated by the Town Attorney. (Town Attorney – there is no such order. The matter is in litigation.)

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- Nancy (Gelfuso ?) – explained a problem walking her small dog (Shih Tzu) encountering a German Shepherd in her mid-afternoon walks along the Route 840 area and a question of whose jurisdiction a complaint would be – New Hartford or Whitestown . Highway Superintendent Sherman made a map of area which clearly shows the property to be in New Hartford; Police Chief Inserra stated that any dog-related complains should be directed to his office since the Animal Control is under his auspices.
- Jim Seemann – 71 Merritt Place – had stormwater issue in his basement. Said the Highway Superintendent fixed the problem but it worked only for a while. Mr. Seemann believed the Town Attorney should be helping residents get their claims filed since the Town has insurance coverage. The Town Attorney warned the Board that the matter is in litigation and shouldn't be discuss, not to comment.

The public comment period ended at 8:07 P.M.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE

Town Clerk Committee – Councilman Woodland/Messa

Deputy Clerk II Salary

Upon recommendation of the Town Clerk, Councilman Woodland introduced the following Resolution for adoption; seconded by Councilman Cittadino:

(RESOLUTION NO. 314 OF 2018)

WHEREAS, Deputy Town Clerk II, Hannah Empey, relocated out of state, creating a vacancy in that position effective the close of business on July 19, 2018; and

WHEREAS, the Town Clerk appointed Part-time Clerk Allison Adams to fill the vacancy of Deputy Town Clerk II, effective July 20, 2018;

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby establish Ms. Adams' pay rate at \$12.01 per hour, retroactive to July 20, 2018, payable bi-weekly.

A roll call vote ensued:

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

Supervisor Miscione - Aye.

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

Senior Citizen Committee – Councilmen Messa/Reynolds

Telephone service – Willowvale Fire Company

Consensus of Town Board that, with approval of Willowvale Fire Company where the Adult Dining and Activity Center is temporarily operating, the senior center use a cordless phone with a jack on the Fire Company phone.

Director of Finance

Budget adjustments - 2018

Director of Finance Daniel Dreimiller submitted several budget adjustments for approval. Councilman Reynolds moved the adoption of the following Resolution; seconded by Councilman Cittadino:

(RESOLUTION NO. 315 OF 2018)

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

General Whole-town

Expense	Current Budget	Proposed Budget	Increase (Decrease)	Explanation
Account Description	Amount	Amount		
Equipment – S250 Parks Grant; AA7110.3	\$0	\$250,000	\$250,000	equipment purchases related to \$250,000 parks grant from NYS
Revenue				
State Aid-Parks Equipment Grant; AA3897.0	\$0	\$250,000	\$250,000	equipment purchases related to 250,000 parks grant from NYS

The Town Board then voted upon roll call:

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

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

Councilman Cittadino moved the adoption of the following Resolution; seconded by Councilman Woodland:

(RESOLUTION NO. 316 OF 2018)

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

General Whole-town

Expense	Current Budget	Proposed Budget	Increase (Decrease)	Explanation
<u>Account Description</u>	<u>Amount</u>	<u>Amount</u>	<u>(Decrease)</u>	<u>Explanation</u>
Court Clerk, Part-time AA1110.16	\$ 7,500	\$0	(\$7,500)	amount not being used in 2018 per Judge Virkler; use for engineering
Engineering-Contractual AA1440.04	\$33,500	\$41,000	\$7,500	amount not being used in 2018 per Judge Virkler; use for engineering

Revenue: \$0 total revenue adjustment

The Town Board then voted upon roll call:

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

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

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

(RESOLUTION NO. 317 OF 2018)

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

Sewer

Expense	Current Budget	Proposed Budget	Increase (Decrease)	Explanation
<u>Account Description</u>	<u>Amount</u>	<u>Amount</u>	<u>(Decrease)</u>	<u>Explanation</u>

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Equipment SS8110.02	\$215,208	\$260,131	\$44,923	purchase new sewer truck vehicle** and laptop
Contractual SS8118.04	\$350,000	\$305,077	(\$44,923)	purchase new sewer truck vehicle and laptop

**4-door cab to transport employees and tools/equipment to and from job sites. Replaces an old similar truck that will not currently pass inspection.

Revenue: \$0 total revenue adjustment.

The Town Board then voted upon roll call:

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

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

Zoning (Codes) and Planning Committee – Supervisor Miscione

Update Zoning Law (solar) and Comprehensive Plan

Supervisor Miscione is working on a solar grant and the Town’s solar energy regulations are in the Zoning Law which, along with the Town’s Comprehensive Plan, would need to be amended to comply with the NYSERDA model solar energy law, with a deadline date of September 30, 2018. The Codes Enforcement Officer has been delegated the task of critiquing the language, together with the Town Attorney. Further, the Town Clerk and Town Attorney stated the Town would be working with a limited timeframe as these matters are subject to SEQR. The Town Supervisor stated if the project isn’t done by September 30, 2018, the Town loses the opportunity to submit a grant application in 2018 and would have to wait until 2019 to submit a grant application. Thereafter, Councilman Messa offered the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 318 OF 2018)

RESOLVED, that the New Hartford Town Board does hereby authorize the update of the Town’s Comprehensive Plan and Zoning Law of 2014 with regard to making those documents comply with the New York State Energy Research and Development Agency (NYSERDA) solar law.

The Board then voted upon roll call:

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

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

Public Works and Sewer Committee – Supervisor Miscione

Report on FEMA House project

Highway Superintendent Sherman reported on the asbestos removal and demolition of FEMA residences, including lot clearance and removal of any trees that looked unhealthy.

Police Chief Inserra reported on the police department (Utica and New Hartford) SWAT team experience on some of the vacant homes.

Appointment – Seasonal Laborer

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

(RESOLUTION NO. 319 OF 2018)

RESOLVED, that the Town Board of the Town of New Hartford does hereby appoint the following individuals as seasonal, temporary Laborers in the Highway Department, for the hourly wages set opposite their several names; wages to be paid bi-weekly:

- Miguel Reyes-Martinez \$10.00/hour, effective August 16, 2018
- Dustyn Mierek \$12.00/hour, CDL, effective September 2, 2018.

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

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

Public Safety and Courts Committee – Supervisor Miscione

Agreement 2018-19 School Safety Officer

Upon request of the Supervisor, the following Resolution was offered for adoption by Councilman Messa; seconded by Councilman Cittadino:

(RESOLUTION NO. 320 OF 2018)

RESOLVED, that the New Hartford Town Board does hereby authorize the Town Supervisor to enter into and to execute the 2018-19 Agreement for Services New Hartford Central School Safety Officer Agreement with New Hartford Central School, at no cost to the Town of New Hartford.

The foregoing Resolution was duly put to a vote upon roll call:

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

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

Agreement 2018-19 School Resource Officer Program

Upon request of the Supervisor, the following Resolution was offered for adoption by Councilman Messa; seconded by Councilman Cittadino:

(RESOLUTION NO. 321 OF 2018)

RESOLVED, that the New Hartford Town Board does hereby authorize the Town Supervisor to enter into and to execute the 2018-19 Agreement for Services, by and between the Town of New Hartford Police Department, New Hartford Central School District - Safe Schools/Healthy Students Initiative, at no cost to the Town of New Hartford. Said Agreement shall expire on June 26, 2019.

The foregoing Resolution was duly put to a vote upon roll call:

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

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

MATTERS SUBMITTED BY COUNCILMEN/ATTORNEY

Councilman Messa

- **Grange Hill Road Downstream Project – Phase 2.** When will work commence since this was approved in December 2017. [The necessary easement(s) have been secured. Highway Superintendent Sherman is meeting tomorrow with National Grid about their having to drop their gas line(s), which wasn't picked up in the design phase by Barton & Loguidice.]
- **Advisory Signs – Snowden Hill Road.** [Some signs have been installed. Highway Superintendent working on Children at Play signs.]
- **Ontario Street behind National Grid.** [Highway Superintendent recommended a 4-way stop at this location with Wilbur Road. Consensus with Police Chief. Town Clerk advised that Code (Vehicle and traffic) needs to be amended; hold Public Hearing, etc. Local Law needs to be prepared first; reserve as Local Law Introductory "I" of 2018.]
- **Update on unsafe buildings** (Bleachery Ave, Irvin Ave and Willowvale Ave). [Town Attorney will review the cases.]
- **Snowden Hill Road speed limit study.** [NYS DOT has acknowledged the Town's request for a lower maximum speed limit on a portion of Snowden Hill Road, but no timeframe has been mentioned.]

Councilman Woodland

Police Commission – increase membership

Councilman Woodland introduced the following legislation, Local Law Introductory "H", for the Town Board's consideration at a future Town Board meeting; co-sponsored by Councilman Cittadino:

Town of New Hartford, NY
Local Law Introductory "H" of 2018

A Local Law to amend the Code of the Town of New Hartford, Chapter 24 thereof entitled POLICE COMMISSION, by increasing the membership of the Commission, Board of Commissioners by two members

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

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SECTION 1. Board of Commissioners, Section 24.3

The New Hartford Police Commission, created under Section 150 of the Town Law on July 11, 2012, as a five (5) member Board, shall be increased by two (2) members, as follows:

(f) "Member 6" shall be appointed through December 31, 2023

(g) "Member 7" shall be appointed through December 31, 2024

SECTION 2.

All other provisions of Chapter 24 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall amend or modify.

SECTION 3.

This Local Law shall become effective immediately upon filing with the Secretary of State.

Public Hearing Scheduled – Local Law Introductory "H" of 2018

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

(RESOLUTION NO. 322 OF 2018)

RESOLVED, that the New Hartford Town Board shall conduct a Public Hearing to commence at 6:00 P.M. on Wednesday, September 5, 2018, in Butler Memorial Hall, 48 Genesee Street, New Hartford, NY 13413, to consider the adoption of Local Law Introductory "H" of 2018, which would increase the Police Commission membership by two (2) additional members.

A roll call vote ensued:

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

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

Food Truck Vendors – Sherrillbrook Park

Upon recommendation of Councilman Woodland and seconded by Councilman Cittadino, the following Resolution was offered for adoption, in accordance with Local Law No. Four, adopted July 11, 2018:

(RESOLUTION NO. 323 OF 2018)

RESOLVED that the New Hartford Town Board does hereby allow Food Truck vendors licensed through the Town Clerks Office to operate in Sherrillbrook Park on Wednesdays, August 1, August 22, August 29, September 5, September 12 and September 19, 2018.

Upon roll call, the Board voted as follows:

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

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

Town Attorney

Zone Map Amendment – Local Law Introductory “G” of 2018

[Refer to July 11, 2018 Town Board minutes for beginning of this matter, 4343 Middle Settlement Road.] Councilman Woodland introduced the following legislation for the Town Board’s consideration at a future Town Board meeting; co-sponsored by Councilman Cittadino:

Town of New Hartford NY
Local Law Introductory “G” of 2018

A Local Law to amend the Code of the Town of New Hartford, Chapter 118 thereof entitled ZONING, and map coincidental thereto, as it pertains to property fronting Middle Settlement Road (aka New York State Route 5B), a description of which is set forth in Section 2, and changing the designation of property from Institutional District (I) to Manufacturing District (M).

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

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SECTION 1. Chapter 118 of the Code of the Town of New Hartford, Section 118-17, and particularly the map coincidental thereto and made a part thereof, is hereby amended as follows:

Section 118-17. Zoning Map.
Zoning map of 2014

(Change the designation of approximately .4 acres, more or less, (100 feet by 235 feet), identified as tax Map Parcel No. 328.000-2-36, owned by Ralph and Olga Grandinette, 4343 Middle Settlement Road, New Hartford (New York State Route 5B), from Institutional District (I) to Manufacturing District (M).

SECTION 2. The boundaries and description of said district are as follows:

ALL THAT TRACT, PIECE OR PARCEL OF LAND situate within the Town of New Hartford, County of Oneida and State of New York, as shown on the map entitled "Property Map showing lands to be conveyed to Special Metals Corporation", dated June 11, 2018, prepared by Emrich Land Surveying, PLLC; said parcel more particularly described as follows:

BEGINNING at a concrete monument located at its intersection with the division line between the herein described property on the west and the property of SAES Smart Materials Inc. (reputed owners) on the east and the division line between SAES Smart Materials (reputed owner) on the north and the lands appropriated by the State of New Hartford for highway purposes (NYSDOT Map 9; Parcel 10), being the northerly highway boundary of Clinton Forks-Middle Settlement Highway (S.H. No. 54-2) a/k/a Middle Settlement Road, on the south;

Thence South 08 deg. 50'05" West, along the westerly highway boundary, a distance of 25.17 feet to a point; said point formerly marked by a concrete monument, being the southwest corner of aforementioned lands appropriated by the State of New York for highway purposes (NYSDOT Map 9; Parcel 10);

Thence South 78 deg. 18' 45" West, along said highway boundary of Clinton Forks-Middle Settlement Highway (S.H. No. 4-2) a/k/a Middle Settlement Road, a distance of 100.00 feet to a point; said point located as the intersection of the last mentioned course with the division line between the herein described property on the east and the property of Special Metals Corporation (reputed owner), as described in Deed Instrument Number 2014-002731, on the west;

Thence North 08 deg 50.' 45" East, along the last mentioned division line, a distance of 233.07 feet to a point; said point located at the intersection of the last mentioned division

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line with the aforementioned division line between the herein described property on the south and that property of Special Metals Corporation (reputed owner), on the north;

Thence South 81 deg. 09' 15" East, along the last mentioned division line, a distance of 93.61 feet to a point; said point located at the intersection of the last mentioned division line with the division line between the herein described property on the west and the property of SAES Smart Materials, Inc. (reputed owner) on the east;

Thence South 08 deg' 50' 05" West, along the last mentioned division line, a distance of 174.83 feet to the point of beginning.

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

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

SEQR – Lead Agency Status; Public Hearing Scheduled, Local Law Introductory “G” of 2018

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

(RESOLUTION NO. 324 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 Zone Map Amendment for property identified as Tax Map No. 328.000-2-36, located at 4343 Middle Settlement Road, New Hartford, formerly owned by Ralph and Olga Grandinette and now owned by Special Metals Corp., to change the zoning classification of this .4 acre lot from Institutional (I) to Manufacturing (M); and be it

FURTHER RESOLVED that the Town Board does hereby authorize and direct the Town Clerk to forward copies of said Zone Map Amendment legislation to all interested and/or involved agencies for SEQR review; and be it yet

FURTHER RESOLVED that this matter be referred to the Oneida County Planning Department in accordance with General Municipal Law, Section 239 for their review and written recommendation;

RESOLVED that the New Hartford Town Board shall conduct a Public Hearing on Wednesday, September 5, 2018, at **6:00 P.M.**, or as soon thereafter as reached in the

regular course of business, in Butler Memorial Hall, 48 Genesee Street, New Hartford to consider **Local Law Introductory “G” of 2018** which, if adopted, would amend the Code, Chapter 118 thereof entitled **ZONING** as it pertains to the zoning classification of 4343 Middle Settlement Road; and be it

FURTHER RESOLVED that the Town Board does authorize and direct the Town Clerk to publish the legal requisite Notice of Public Hearing in The Observer Dispatch.

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**.

Agreement – Police Benevolent Association

The Town Attorney confirmed that a small portion had been left out of the PBA contract with regard to spousal benefits but was amended and approval last night by the union. Thereafter, Councilman Woodland moved the adoption of the following Resolution and seconded by Councilman Cittadino:

(RESOLUTION NO. 325 OF 2018)

RESOLVED that the New Hartford Town Board does hereby approve the Joseph Corr Police Benevolent Association, Inc. contract for the period of January 2017 through December 2020, as amended with regard to spousal benefits, and does hereby authorize the Town Supervisor of sign said PBA contract.

A roll call vote followed:

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

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

Proposed Increase in birth/death certified copies

Upon recommendation of the Town Supervisor, Councilman Reynolds introduced the following Resolution for adoption, seconded by Councilman Messa:

(RESOLUTION NO. 326 OF 2018)

RESOLVED that the New Hartford Town Board does hereby authorize the Town Attorney to prepare a resolution in support of increasing the cost of certified copies of birth and death records and which resolution is to be submitted to the NYS Legislature for approval.

The Town Board vote by roll call, resulting as follows:

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

This Resolution was declared unanimously carried and duly **ADOPTED**. Supervisor Miscione stated that the Town Attorney will need to deliver the resolution to the offices of NYS Senate (Griffo) and NYS Assembly (Miller).

Refunds – Parks/Playground Program

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

(RESOLUTION NO. 327 OF 2018)

RESOLVED that the New Hartford Town Board does hereby authorize the Finance/Accounting Department to refund the sum of Fifty-five Dollars (\$55.00) to Tim and Kelly Jensen for the cost of the basketball program that conflicted with their child's Summer Playground Program in which their child was already registered.

A roll call vote was duly held:

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

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

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

(RESOLUTION NO. 328 OF 2018)

RESOLVED that the New Hartford Town Board does hereby authorize the Finance/Accounting Department to refund the sum of Two Hundred Dollars (\$200) to Raju Visarapu for his cancellation of the six-week Summer Playground Program for his child to attend, prior to start of the program .

A roll call vote was duly held:

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

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

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

(RESOLUTION NO. 329 OF 2018)

RESOLVED that the New Hartford Town Board does hereby authorize the Finance/Accounting Department to refund the sum of Forty Dollars (\$40.00) to Mrs. Martinez for a double-booked park pavilion.

A roll call vote was duly held:

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

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

Zone Text Amendment - Local Law Introductory "F" of 2018

Councilman Reynolds introduced the following legislation for the Town Board's consideration at a future Town Board meeting; co-sponsored by Councilman Cittadino:

Town of New Hartford, NY
Local Law Introductory "F" of 2018

A Local Law to amend the Code of the Town of New Hartford, Chapter 118 thereof entitled ZONING, Section 118-140 Fees, by adding new fee types and/or by increasing some existing fees.

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

SECTION 1. Chapter 118 (Zoning) of the Code of the Town of New Hartford, Section 118-140, C. Fee Schedule (1) shall be amended by adding new fee types and/or by increasing some existing fees, as follows:

- a) Residential
Add new fee and amount: Solar \$.010 per square foot of array

- b) Multifamily
Increase fee: Multifamily residences \$.60 per square foot
Certificate of Occupancy \$50 per unit

Add new fee and amount: Multifamily plan review \$.02 per square foot
Solar \$.010 per square foot of array

- c) Commercial
Increase fee: Commercial building (is any occupancy other than an R type)
\$.66 per square foot for the first 50,000 square feet of building area; \$.50 per square foot for any remaining portion of building area up to 100,000 square feet and \$.32 a square foot for any remaining portion of building area over 100,000 square feet.
Commercial plan review \$.02 per square foot
Review and/or inspection fee alterations, miscellaneous work \$200 minimum or \$.25 per square foot
Certificate of Occupancy First 1000 square feet \$200, each additional 1000 square feet or part thereof \$20
Certificate of Compliance \$50

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Add new fee and amount: Open decks; (a) Up to and including 150 Square feet:
\$25 minimum. Over 150 square feet, \$25 + \$10 for each
additional 100 square feet or part thereof.

Roofing with insulation change \$100 + \$0.02 per square
foot

Solar \$.010 per square foot of array

(2) Miscellaneous

Add new fee and amount: Zoning Compliance letter - \$100

Zoning and Building Safety Compliance Letter - \$250

SECTION 2. All other provisions of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

SECTION 3. This Local Law shall take effect immediately upon filing with the Secretary of State.

Local Law Introductory "F" of 2018; referrals; public hearing scheduled

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

(RESOLUTION NO. 330 OF 2018)

RESOLVED that the New Hartford Town Board does hereby declare itself Lead Agency in the matter of a Zone Text Amendment known as Local Law Introductory "F" of 2018, and does hereby refer this proposed legislation to various interested/involved agencies for SEQR review; and be it

FURTHER RESOLVED that the Town Board does hereby refer this Zone Text Amendment to the Town Planning Board and the Oneida County Planning Department in accordance with General Municipal Law, Section 239; and be it

FURTHER RESOLVED that the Town Board does hereby schedule a Public Hearing on this matter for September 5, 2018, at 6:00 P.M. in Butler Memorial Hall, 48 Genesee Street, New Hartford, NY, and does hereby authorize the Town Clerk to publish the legal requisite notice of public hearing.

A roll call vote was then held:

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

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

CLIMATE SMART COMMUNITY TASK FORCE

The Supervisor presented the following names for appointment to the **Climate Smart Community Task Force**, after which action was taken for nine (9) members out of ten (10) required:

Councilman Woodland moved and Councilman Cittadino seconded the following Resolution:

(RESOLUTION NO. 331 OF 2018)

RESOLVED that the New Hartford Town Board does hereby appoint Town Supervisor Miscione to a two-year term as member of the Climate Smart Community Task Force effective September 1, 2018.

A roll call vote ensued:

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

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

Councilman Woodland moved and Councilman Cittadino seconded the following Resolution:

(RESOLUTION NO. 332 OF 2018)

RESOLVED that the New Hartford Town Board does hereby appoint Personnel Director Barbara Schwenzfeier to a two-year term as member of the Climate Smart Community Task Force effective September 1, 2018. and in that position, record meeting minutes.

A roll call vote was duly held:

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

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

Councilman Cittadino moved and Councilman Woodland seconded the following Resolution:

(RESOLUTION NO. 333 OF 2018)

RESOLVED that the New Hartford Town Board does hereby appoint Roy H. Senn to a two-year term as member of the Climate Smart Community Task Force effective September 1, 2018.

A roll call vote ensued:

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

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

Councilman Reynolds moved and Councilman Cittadino seconded the following Resolution:

(RESOLUTION NO. 334 OF 2018)

RESOLVED that the New Hartford Town Board does hereby appoint Nathalie A. Nerber to a two-year term as member of the Climate Smart Community Task Force effective September 1, 2018.

A roll call vote ensued:

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

Supervisor Miscione - Aye.

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

Councilman moved and Councilman Woodland seconded the following Resolution:

(RESOLUTION NO. 335 OF 2018)

RESOLVED that the New Hartford Town Board does hereby appoint Adrienne Greer to a two-year term as member of the Climate Smart Community Task Force effective September 1, 2018.

A roll call was duly held as follows:

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

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

Councilman Cittadino moved and Councilman Woodland seconded the following Resolution:

(RESOLUTION NO. 336 OF 2018)

RESOLVED that the New Hartford Town Board does hereby appoint Frank Blake DuRoss, Jr., to a two-year term as member of the Climate Smart Community Task Force effective September 1, 2018.

A roll call vote was held as follows:

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

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

Councilman Reynolds moved and Councilman Cittadino seconded the following Resolution:

(RESOLUTION NO. 337 OF 2018)

RESOLVED that the New Hartford Town Board does hereby appoint Judith A. Jerome to a two-year term as member of the Climate Smart Community Task Force effective September 1, 2018.

A roll call vote was held:

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

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

Councilman Woodland moved and Councilman Cittadino seconded the following Resolution:

(RESOLUTION NO. 338 OF 2018)

RESOLVED that the New Hartford Town Board does hereby appoint Brian J. Hansen Town Supervisor Miscione to a two-year term as member of the Climate Smart Community Task Force effective September 1, 2018.

A roll call vote was duly held as follows:

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

This Resolution was declared unanimously carried and duly **ADOPTED**.
Councilman Reynolds moved and Councilman Cittadino seconded the following Resolution:

(RESOLUTION NO. 339 OF 2018)

RESOLVED that the New Hartford Town Board does hereby appoint Margaret Hartin Reilly to a two-year term as member of the Climate Smart Community Task Force effective September 1, 2018.

A roll call ensued:

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

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

McCraith proposal to acquire Town-owned land

Upon presentation of the Town Supervisor, the following Resolution was offered by Councilman Cittadino and seconded by Councilman Reynolds:

(RESOLUTION NO. 340 OF 2018)

RESOLVED that the New Hartford Town Board does hereby go forth with regard to the McCraith (Beverages) proposal to acquire Town property behind the current McCraith Beverage Plant, that is landlocked and is of no use to the Town or anyone else. Said land has no frontage access and is part of Tax Map No. 317.014-5-12. Further, that an appraisal be sought at no expense to the Town of New Hartford, as well as any other sale expenses related thereto, and the Town will pursue the subdivision process.

The Board voted upon roll call:

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

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

Audit – Cable TV Franchise

Upon request of the Town Supervisor, the following Resolution was introduced for adoption by Councilman Woodland; seconded by Councilman Messa:

(RESOLUTION NO. 341 OF 2018)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to sign an agreement with Troy & Banks for the cable television franchise tax audit.

A roll call ensued:

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

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

Audit – utility bills

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

(RESOLUTION NO. 342 OF 2018)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to sign an agreement with Troy & Banks for the utilities and telecommunications audit for all utility bills for the Town of New Hartford.

A roll call ensued:

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

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

Audit – Lighting Districts

Upon further request of the Town Supervisor, the following Resolution was offered for adoption by Councilman Messa and duly seconded by Councilman Cittadino:

(RESOLUTION NO. 343 OF 2018)

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RESOLVED that the New Hartford Town Board does hereby authorize the Town Supervisor to sign an agreement with Troy & Banks for the lighting district audit contract.

A roll call ensued:

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

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

Town Park renovations – August 2017 one-year contract

The Town Supervisor stated that James Bray Paving, LLC has been working on park renovations under the August 2017 one-year contract, which will expire August 27, 2018. Currently, said contractor is finishing work on the new farmers' market pavilion, the pickleball court and the food truck area paving in Sherrillbrook Park, as an extension of this contract.

Competitive Bid: Repair Work, Equipment and Operator Rental, Carpenter (1-year contract)

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

(ReSOLUTION NO. 344 OF 2018)

RESOLVED that the New Hartford Town Board shall receive sealed bids for Repair Work, Equipment and Operator Rental, Carpenter (1-year contract), in accordance with Town specifications; all bids are to be received by the Town Clerk's Office no later than 10:45 A.M. on a date to be determined by the Town Supervisor in September 2018 and then shall be publicly opened and read aloud at 11:00 A.M. on said date and in said Office; and be it

FURTHER RESOLVED that the said Town Board hereby authorize and direct the Town Clerk to publish the legal requisite Advertisement-Invitation to Bid in The Observer Dispatch.

The Town Board voted upon roll call as follows:

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

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

Appraisal – 7,600 sq.ft. road; Orchard Plaza

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

(RESOLUTION NO. 345 OF 2018)

RESOLVED that the Town Board does hereby authorize the Town Supervisor to solicit appraisals for the sale of 7,600 sq. ft. of a Town road adjacent to the Orchard Shopping Center, near the Marquee Cinema.

A roll call vote was duly held as follows:

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

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

Fingerprinting – Increase in fee

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

(RESOLUTION NO. 346 OF 2018)

RESOLVED that the New Hartford Town Board does hereby increase the fingerprinting fees conducted by the Police Department, specifically resident fingerprinting will now be Twenty-five Dollars (\$25) and non-resident fingerprinting will now be Fifty Dollars (\$50) effective immediately.

The Town Board voted upon roll call as follows:

Councilman Messa	-	Aye
Councilman Cittadino	-	Aye

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

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

Petty Cash (Highway Department)

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

(RESOLUTION NO. 347 OF 2018)

RESOLVED that the New Hartford Town Board does hereby approve to replenish the Highway Superintendent Office Petty Cash in the amount of One Hundred Eighty-four Dollars and Sixty-seven Dollars (184.67) with the receipts to substantiate various purchases.

The Town Board voted upon roll call as follows:

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

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

Middle Settlement Road Mud Creek Stormwater Migration Project

It was the Town Board consensus that Supervisor Miscione continue to keep the Town Board up-to-date on the Middle Settlement Road Mud Creek Stormwater Migration Project with Special Metals.

Declaration of Surplus (Park) Vehicles/Equipment – Authorization to Sell

Upon request of the Highway Superintendent, the following Resolution was offered for adoption by Councilman Woodland and duly seconded by Councilman Cittadino:

(RESOLUTION NO. 348 OF 2017)

RESOLVED that the Town Board of the Town of New Hartford does hereby declare as surplus the following Parks vehicles/equipment:

One (1) Brush Ox walk Behind Lawn Mower, 2600 Series, Model

No. BC2613HER, S#658

One (1) Ferris ProCut 20 walk behind Lawn Mower, S#2000336106

One (1) Ferris Hydro Drive Commercial Mower, Model No. H3227K,
S#11430

And be it

FURTHER RESOLVED that the aforesaid vehicles/equipment shall be placed for sale with Auctions International, and once sold, the Town Clerk's office shall be notified and shall arrange to terminate insurance coverage on said vehicles/equipment.

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.

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

Declaration of Surplus Vehicle (Former Police Vehicle) - Authorization to Sell

Upon request of the Highway Superintendent, the following Resolution was offered for adoption by Councilman Woodland and duly seconded by Councilman Cittadino:

(RESOLUTION NO. 349 OF 2018)

RESOLVED that the Town Board of the Town of New Hartford does hereby declare as surplus one (1) 2009 Dodge Charger 4DSD, VIN 2B3KA43V79H607964; and be it

FURTHER RESOLVED that the aforesaid vehicle shall be placed for sale with Auctions International, and once sold, the Town Clerk's office shall be notified and shall arrange to terminate insurance coverage on said vehicle.

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.

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

Establish energy benchmarking requirements

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

(RESOLUTION NO. 350 OF 2018)

**ESTABLISHING ENERGY BENCHMARKING REQUIREMENTS FOR
CERTAIN MUNICIPAL BUILDINGS**

WHEREAS, buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings – for the exact same building use; and

WHEREAS, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Town of New Hartford is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the Town of New Hartford Town Board desires to use Building Energy Benchmarking – a process of measuring a building’s energy use, tracking that use over time, and comparing performance to similar buildings – to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of New Hartford; and

WHEREAS, the Town of New Hartford Town Board desires to establish procedure or guideline for Town of New Hartford staff to conduct such Building Energy Benchmarking; and

NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED, that the following specific policies and procedures are hereby adopted;

BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES

§1. DEFINITIONS

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(A) “Benchmarking Information” shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) “Building Energy Benchmarking” shall mean the process of measuring a building’s Energy use, tracking that use over time, and comparing performance to similar buildings.

(C) “Commissioner” shall mean the head of the Department.

(4) “Covered Municipal Building” shall mean a building or facility that is owned or occupied by the Town of New Hartford that is 1,000 square feet or larger in size.

(5) “Department” shall mean the Codes Department

(6) “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) “Energy Use Intensity (EUI)” shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.

(9) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(12) “Utility” shall mean any entity that distributes and sells Energy to Covered Municipal Buildings.

(13) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

§2. APPLICABILITY

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.

(2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

(1) No later than May 1, 2017, and no later than May 1 every year thereafter, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than September 1, 2017 and by September 1 of each year thereafter for Covered Municipal Buildings; and

(2) The Departments shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:
(i) The status of compliance with the requirements of this Policy; and

(ii) The building address, primary use type, and gross floor area; and

(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all

years since annual
for said building.

reporting under this Policy has been required

§5. MAINTENANCE OF RECORDS

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

§6. ENFORCEMENT AND ADMINISTRATION

(1) The Commissioner or his or her designee from the Departments shall be the Chief Enforcement Officer of this Policy

(2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

(3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Town Board including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

§7. EFFECTIVE DATE

This policy shall be effective immediately upon passage.

§8. SEVERABILITY

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

The vote on the foregoing resolution was 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**..

Bids Received for IT Services

The Town Supervisor reported on bids he had received for IT services:

- *AS400 Migration - \$ 8,400; Integrated Strategic Systems, Inc.*
- *AS400 Migration - \$15,300; M.A. Polce*

- *Managed Services - \$2,350/month; \$28,200/year; Integrated Strategic Systems, Inc.*
- *Managed Services - \$4,300/month; M.A. Polce*

- *Infrastructure Refresh new system - \$108,603.60; M.A. Polce*
- *Server Virtualization new system - \$75,288.47; Integrated Strategic Systems, Inc.*

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

(RESOLUTION NO. 351 OF 2018)

RESOLVED, that the New Hartford Town Board does hereby accept the low bids submitted by Integrated Strategic Systems, Inc., P. O. Box 314, Whitesboro, New York 13492 for

- *AS400 Migration - \$ 8,400;*
- *Managed Services - \$2,350/month; \$28,200/year;*
- *Server Virtualization new system - \$75,288.47;*

And does hereby award the aforesaid contracts to said vendor.

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**..

Employee title change

Upon request of the Town Supervisor, the following Resolution was introduced for adoption by Councilman Cittadino and duly seconded by Councilman Messa:

(RESOLUTION NO. 352 OF 2018)

RESOLVED that the New Hartford Town Board does hereby approve and authorize that the title for Barbara Schwenzfeier be changed to Assistant Director of Personnel, effective August 16, 2018.

A roll call vote was duly held, 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**.

Benefits for elected officials

Discussion continued from the July 11, 2018 Town Board meeting, concerning a proposal to provide health insurance coverage for all elected officials, not just the three (3) full-time officials provided in the Town's employee handbook. Councilman Messa expressed the desire to review the draft resolution that the Town Attorney had prepared, while Councilman Reynolds said he took the job with its do's and don'ts and that this matter should be placed on the ballot for the town residents to consider.

Public Sale/Auction – Jerome K. Madden Justice Building

Discussion ensued about the Town advertising a listing in the Observer Dispatch for the sale of property at 32 Kellogg Road (Jerome K. Madden Justice Building); 1.84 acres, "as is, where is". This listing was published for thirty (30) consecutive days ending July 29, 2018. As a result the Town had received two (2) offers to purchase the subject property, one from Clifford Fuel and the other from Stewart's. Discussion included holding an auction on a date to be determined where the bidders could bid against each other.

Farmers' Market – Sherrillbrook Park

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

(RESOLUTION NO. 353 OF 2018)

RESOLVED that the New Hartford Town Board does hereby establish a Farmers' Market in Sherrillbrook Park.

The Board members voted upon roll call:

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

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

NYS Farmers' Market Nutrition Program

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

(RESOLUTION NO. 354 OF 2018)

RESOLVED that the New Hartford Town Board does hereby authorize the Town Supervisor to sign the NYS Farmers' Market Nutrition Program Agreement for the 2018-2019 Farmers' Market.

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**.

Waive Farmer's Market fee

Upon request of the Town Supervisor, Councilman Reynolds moved the adoption of the following resolution, duly seconded by Councilman Messa:

(RESOLUTION NO. 355 OF 2018)

RESOLVED that the New Hartford Town Board does hereby waive the fee for Farmers' Market vendors in the Sherrillbrook Park.

The Board 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*..

Increase Credit Card Amount

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

(RESOLUTION NO. 356 OF 2018)

WHEREAS, the Town of New Hartford adopted Resolution No. 59 on February 7, 2018, to establish a credit card account with the Utica Gas and Electric Credit Union, in the name of the Town of New Hartford for small purchases under Five Hundred Dollars (\$500) be it;

RESOLVED that the New Hartford Town Board does hereby authorize the Town Supervisor to increase the credit line on the aforesaid Credit Card account to a maximum of Twenty Thousand Dollars (\$20,000).

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*..

Public Recycling Program – Climate Smart Communities (CSC)

Upon request of the Town Supervisor, the following Resolution was introduced by Councilman Messa and duly seconded by Councilman Cittadino:

(RESOLUTION NO. 357 OF 2018)

RESOLVED, that the New Hartford Town Board does hereby establish a Town-wide Recycling Program to guide the kinds of recycling opportunities in public spaces and at public events, which reduces waste and disposal costs, and has the added benefit of encouraging citizens to do the same at home. Public places to set up recycling programs may include parks, public buildings, and recreation facilities, as well as seasonal events and farmers markets.

A roll call vote was duly held:

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 Situation – Chapman Road/Oneida Street Traffic Signal

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

(RESOLUTION NO. 358 OF 2018)

WHEREAS, the Town Board has determined that there existed an emergency situation at the intersection of Chapman Road and Oneida Street on June 27, 2018, which required immediate repair for the health, welfare and safety of the residents of the Town as well as other motorists traversing this busy intersection; and

WHEREAS, the traffic signal near the McDonald’s restaurant was barely functioning, which necessitated calling Power Line Constructors to make the necessary repairs;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby approve and authorize the expenditure of \$957.00 to repair the malfunctioning traffic signal at the aforesaid intersection.

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**.

Competitive Bid, Authorization – New Town Hall

Upon request of the Town Supervisor, the following Resolution was introduced by Councilman Reynolds and duly seconded by Councilman Cittadino:

(RESOLUTION NO. 359 OF 2018)

RESOLVED that the New Hartford Town Board does hereby authorize the Town Supervisor to initiate and follow through the competitive bid process for the following work for the new Town Hall at 8635 Clinton Street, New Hartford:

- General Construction
- HVAC
- Plumbing
- Electrical

And does further authorize and direct the Town Clerk to publish the legal requisite bid notices in the Observer Dispatch.

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

ARGO Grant

Upon request of the Town Supervisor, the following Resolution was introduced for adoption by Councilman Messa and seconded by Councilman Cittadino:

(RESOLUTION NO. 360 OF 2018)

RESOLVED, that the New Hartford Town Board does hereby authorize the Town Supervisor to submit to Oneida County a \$100,000 ARGO Grant application for Town Court purposes.

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**.

Sherrillbrook Park Pavilion Roof Replacement

Supervisor Miscione had obtained the following quotes for the replacement of a pavilion roof in Sherrillbrook Park:

- \$2,500 from Poncell Construction Co., Inc.
- \$2,450 from S. F. Morreale
- \$1,650 from SMZ Contracting.

The Supervisor requested approval for the pavilion roof replacement, which is not listed on the Abstract(s) for today's meeting, but will be paid next week. Councilman Messa moved and Councilman Cittadino seconded the following resolution:

(RESOLUTION NO. 361)

RESOLVED that the New Hartford Town Board does hereby accept and approve the low quotation of \$1,650 from SMZ Contracting for the roof replacement on a pavilion in the Sherrillbrook Park; and does hereby authorize the payment of same the week of August 20, 2018.

A roll call vote was duly held:

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

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

Audit of Vouchers

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

(RESOLUTION NO. 362 OF 2018)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the payment of the bills itemized on the following Abstracts, which had been duly audited by the Town Board:

Street Light-Town Abstract #8

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Vouchers SL8	\$ 7,828.36
General Fund Whole-Town Abstract #17	
Vouchers AA664-AA677	\$ 36,072.41
General Fund Whole-Town Abstract #18	
Vouchers AA678-AA816	\$ 263,160.50
General Fund Part-Town Abstract #13 – Missed At July Meeting	
Vouchers BB897-BB101	\$ 7,404.34
General Fund Part-Town Abstract #15	
Vouchers BB104-BB109	\$ 8,089.87
General Fund Part-Town Abstract #16	
Vouchers BB110-BB121	\$ 1,801.82
General Fund Part-Town Police Abstract #16	
Vouchers BP144-BP151	\$ 44,231.68
General Fund Part-Town Police Abstract #17	
Vouchers BP152-BP174	\$ 114,823.93
FEMA – Fed. – Abstract #11	
Vouchers C125-C126	\$ 34,916.00
FEMA – Fed. – Abstract #12	
Vouchers C127	\$ 2,372.00
FEMA – Fed. – Abstract #13	
Vouchers C128-C131	\$ 102,740.00
FEMA – Fed. – Abstract #14	
Vouchers C132-C133	\$ 1,997.00
FEMA – State – Abstract #9	
Vouchers C243	\$ 16,588.00
FEMA – State – Abstract #10	
Vouchers C244	\$ 1,257.00
FEMA – State – Abstract #11	
Vouchers C245	\$ 1,123.00
FEMA – State – Abstract #12	
Vouchers C246-C250	\$ 72,093.00
Highway Fund Part-Town Abstract #16	
Vouchers DB482	\$ 96.18
Highway Fund Part-Town Abstract #17	
Vouchers DB483-DB555	\$ 285,400.09
Capital Projects – Grange Hill – Abstract #5	
Vouchers HQ6-HQ9	\$ 7,993.03
Capital Projects –Town Abstract #5	
Vouchers H999-H917	\$ 482,574.63
Street Light-Town Abstract #8	
Vouchers SL8	\$ 7,828.36
Sewer Fund Abstract #16	

Vouchers SS49-SS51	\$	1,598.56
Sewer Fund Abstract #17		
Vouchers SS52-SS61	\$	50,909.24
Trust & Agency Fund Abstract #27		
Vouchers TT120-TT127	\$	8,650.75
Trust & Agency Fund Abstract #28		
Vouchers TT128-TT131	\$	12,205.29
Trust & Agency Fund Abstract #29		
Vouchers TT132-TT138	\$	10,182.11
Trust & Agency Fund Abstract #30		
Vouchers TT139-TT146	\$	8,836.57
Trust & Agency Fund Abstract #31		
Vouchers TT147-TT148	\$	6,637.14
TOTAL:		<u>\$ 1,591,582.50</u>

Upon roll call, the Board members voted as follows:

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

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

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilman Reynolds and duly seconded by Councilman Messa, the meeting was adjourned at 10:03 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk