

**REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF NEW HARTFORD, NEW YORK  
BUTLER MEMORIAL HALL, 48 GENESEE STREET  
SEPTEMBER 19, 2018**

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

**TOWN BOARD MEMBERS PRESENT:**

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

**OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:**

Assessor Darlene Abbatecola  
Codes Enforcement Officer Joseph Booth  
Deputy Supervisor Anthony Trevisani (Arrived 6:08 P.M.)  
Highway/Sewer Superintendent Richard C. Sherman  
Highway Working Foreman Christopher Moran  
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

(None)

PUBLIC HEARING

6:02 P.M.	Local Law Introductory "F" of 2018 Zoning text amendment (fees)
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The Town Supervisor re-opened the Public Hearing that had been tabled at the September 5, 2018 Town Board meeting with regard to the establishment of new zoning fees and increase in certain existing zoning fees.

The Town Board had now received the written recommendation of approval from the Town Planning Board and the public was invited to comment upon this matter. No one having come forth, the Public Hearing was closed at 6:04 P.M.

Thereafter, Councilman Woodland moved, and Councilman Cittadino seconded that Local Law Introductory "F" of 2018 be adopted as Local Law No. Seven of 2018 in the following format:

Local Law No. Seven of 2018  
Town of New Hartford, NY

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 Harford, 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)  
\$0.66 per square foot for the first 50,000 square feet of building area;  
\$0.50 per square foot for any remaining portion of building area up to 100,000 square feet and \$0.32 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 \$0.25 per square foot  
  
Certificate of Occupancy First 1000 square feet \$200, each additional 1000 square feet or part thereof \$20  
  
Certificate of Compliance \$50

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.

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 Local Law was declared unanimously carried and duly **ADOPTED**.

PUBLIC HEARING

6:05 P.M.

Local Law Introductory "H" of 2018  
Police Commission – Membership increase

The Town Supervisor re-opened the Public Hearing that had been tabled at the September  
5, 2018 Town Board meeting with regard to an increase of membership on the Police  
Commission.

The Town Attorney stated he needed more time to develop the selection process of the  
proposed two (2) additional Police Commission members; therefore, the Public Hearing  
remained tabled.

PUBLIC COMMENTS

There were none.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE

Town Clerk Committee

**Budget adjustment – 2018 Registrar**

Upon request of the Town Clerk-Registrar, the following Resolution was offered for adoption by Councilman Woodland and duly seconded by Councilman Reynolds:

**(RESOLUTION NO. 393 OF 2018)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Finance/Accounting Department to make the following budget adjustments for the Registrar office for the purchase of a new embosser (seal):

- Decrease Account BB4020.12 (part-time clerk) - \$2,265.10
- Increase Account BB4020.2 (equipment) - \$2,265.10.

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**.

Director of Finance

**Audit of Vouchers**

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

**(RESOLUTION NO. 394 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:

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Street Light-Town Abstract #9 Vouchers SL9	\$ 8,354.49
General Fund Whole-Town Abstract #19 Vouchers AA817-AA823	\$ 34,996.67
General Fund Whole-Town Abstract #20 Vouchers AA824-AA835	\$ 6,854.37
General Fund Whole-Town Abstract #21 Vouchers BB836-BB966	\$ 227,462.74
General Fund Part-Town Abstract #17 Vouchers BB122-BB124	\$ 7,147.12
General Fund Part-Town Abstract #18 Vouchers BB125	\$ 19.45
General Fund Part-Town Abstract #19 Vouchers BB126-BB135	\$ 10,929.37
General Fund Part-Town Police Abstract #18 Vouchers BP175-BP178	\$ 42,778.51
General Fund Part-Town Police Abstract #19 Vouchers BP179	\$ 138.00
General Fund Part-Town Police Abstract #20 Vouchers BP180-BP207	\$ 82,916.22
FEMA – State – Abstract #8 Vouchers C232-C242	\$ 218,116.00
Highway Fund Part-Town Abstract #18 Vouchers DB556-DB558	\$ 25,542.86
Highway Fund Part-Town Abstract #19 Vouchers DB559-DB648	\$ 209,588.62
Capital Projects –2018-Town Abstract #7 Vouchers H918-H919	\$ 885.25
Sewer Fund Abstract #18 Vouchers SS62	\$ 1,146.61
Sewer Fund Abstract #19 Vouchers SS63-SS64	\$ 1,753.25
Sewer Fund Abstract #20 Vouchers SS65-SS66	\$ 4,750.78
Trust & Agency Fund Abstract #32 Vouchers TT149-TT152	\$ 11,701.77
Trust & Agency Fund Abstract #33 Vouchers TT153-TT159	\$ 10,314.88
Trust & Agency Fund Abstract #34 Vouchers TT160	\$ 2,949.84
Trust & Agency Fund Abstract #35 Vouchers TT161-TT168	\$ 9,272.51

Trust & Agency Fund Abstract #36 Vouchers TT169-TT171	\$ 13,222.08
<b>TOTAL:</b>	<b>\$ 930,841.39</b>

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**.

**Budget adjustments – 2018**

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

**(RESOLUTION NO. 395 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 for the various accounts noted, to adjust for over budget accounts:

**General whole-town**

**Expense**

Account Description Account Number	Current Budget Amount	Proposed Budget Amount	Increase (Decrease)
Court Clerk Comp time AA1110.17	\$ 0	\$ 313	\$313
Courts Contractual AA1110.04	\$20,870	\$20,557	(\$313)
Bond Counsel/Orrick AA1315.41	\$ 4,000	\$ 8,135	\$4,135
Equipment AA1315.02	\$ 500	\$ 250	(\$250)
Contractual AA1315.04	\$ 4,000	\$ 3,415	(\$585)
Bond Rating fees	\$ 2,500	\$ 200	(\$2,300)

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AA1315.43 GASB 45 update	\$ 2,000	\$ 1,000	(\$1,000)
AA1315.45 Central data prog/website	\$ 0	\$ 400	\$400
AA1680.42 Central data programming	\$ 1,000	\$ 600	(\$400)
AA1670.41 Vacated house mowing	\$12,000	\$25,841	\$13,841
AA1950.04 Parks overtime	\$ 0	\$ 2,313	\$ 2,313
AA7110.16 Veterans Mem Park Contr	\$ 1,500	\$ 1,804	\$304
AA7110.41 Contingent Account	\$ 8,050	\$ 5,433	(\$2,617)
AA1990.04			
<b><u>Total expense adjustment.....</u></b>			<b><u>\$13,841</u></b>

**Revenue**

Vacated house mowing AA1001.1	\$12,000	\$25,841	\$13,841
<b><u>Total revenue adjustment.....</u></b>			<b><u>\$13,841.</u></b>

**Unsafe Building – 27 Benton Circle**

The Town Attorney suggested the matter of the fire-damaged residence at 27 Benton Circle be brought back to the table, the event having occurred in late June 2018 and no obvious action being taken to demolish the structure. Owner Donna Spriggs attended a Hearing in August before the Town Board, indicating she was working with her insurance company on settling a claim with intention of demolishing the structure. Her home is listed on the Oneida County tax sale records for back taxes. An insurance adjustor informed the Town Attorney that Ms. Spriggs had been paid in full on the claim. It was understood that Ms. Spriggs has contacted a demolition company. The Town Board concurred that this matter will be on the October 2018 Town Board Agenda to see what progress has been made.

**Unsafe Buildings (Various)**

Councilman Messa expressed concern about several unsafe residences in the Chadwicks area; namely, 4043 Oneida Street, 9240 Willowvale Ave, 3535 Bleachery Ave, and Irvin Avenue. Since the Town has held Hearings regarding these unsafe buildings, the Town Board concurred that the Town Attorney will proceed in serving the property owners, who will have 20 days to respond. The property at 9458-9460 has been sold and is being rehabilitated.

**Training**

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

**(RESOLUTION NO. 396 OF 2018)**

**WHEREAS**, Section 77-b of the General Municipal Law allows the governing board of municipalities to authorize any officer or employee to attend a convention, conference or school conducted for the betterment of such municipality;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby grant permission to Joseph Booth, Codes Enforcement Officer, to attend the mandatory training for his position on October 12 and November 9, 2018, in Rome, New York with any expenses to be borne by the Town as budgeted; the training session is sponsored by the New York State Building Officials organization.

The Resolution was voted upon by roll call as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Public Works and Sewer Committee

**Bid Opening – Repair work, equipment & operator rental & carpenter**

Highway Supt. Sherman reported that only one (1) company submitted a bid on the One-year repair work, equipment & operator rental & carpenter program. James Bray Paving, LLC picked up a specification book and submitted his bid on September 18, 2018 as advertised. Superintendent Sherman acknowledged Bray's rates were reasonable; thereafter, Councilman Messa offered the following Resolution for adoption, seconded by Councilman Reynolds:

**(RESOLUTION NO. 397 OF 2018)**

**RESOLVED** that the New Hartford Town Board does hereby accept the sole bid submitted by James Bray Paving, LLC and does hereby award the contract to said James Bray Paving for Repair Work, Equipment & Operator Rental & Carpenter, pursuant to



his bid submitted with itemized hourly rates for operators and machinery, subject to the submission of all insurance, bonding and items required in the bid specification packets.

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.

**Grange Hill Road Drainage project**

Councilman Messa inquired about the status of the Grange Hill Road drainage project. Highway Superintendent Sherman responded that the issue with National Grid has been resolved; however, the Town is waiting for some concrete infrastructure to be delivered.

**Stormwater issue – Cuda, Sherwood Road**

As a follow-up to Mr. Cuda's stormwater issue discussed at the August 15, 2018, and September 5, 2018 Town Board meetings, Councilman Reynolds asked that the Town Attorney contact Mr. Pierce with regard to a potential easement that would help alleviate this problem. Some of the Foxcroft Road property owners have expressed interest in a meeting for this matter. Town Attorney Herbert Cully will contact Mr. Pierce by mail.

**Oneida County Association of Towns meeting**

There was no interest in attending the quarterly dinner meeting of the Oneida County Association of Towns, which would include a tour of the Oneida County Sheriff's facility.

**Town Board meeting date changes**

The Town Board concurred to reschedule the October 3, 2018, Town Board meeting so that the first meeting in October would be Friday, October 5, 2018, at 6:00 P.M. at which time the Town Board would review bids to be received for the FEMA project (asbestos abatement), bids on the renovation of the former Gander Mountain property (new town Hall), and review the 2019 Tentative Budget.

Also, the Town Board concurred to reschedule the October 17, 2018, Town Board meeting so that the second meeting in October would be Wednesday, October 10, 2018, at 6:00 P.M.

**Local Laws Introductory "I" and "J" of 2018**

Councilman Woodland introduced the following legislation for the Town Board's consideration at a future Town Board meeting:

**TOWN OF NEW HARTFORD, NEW YORK  
LOCAL LAW INTRODUCTORY "I" OF 2018**

A Local Law to amend the Code of the Town of New Hartford, Chapter 113 thereof entitled **VEHICLES AND TRAFFIC**, by establishing an additional Stop Street (Section 113-41) in the vicinity of Ontario Avenue and Wilbur Road.

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

**SECTION 1.** Chapter 113 of the Code of the Town of New Hartford, Section 113-41, is hereby amended to include the following:

Section 113-41. Schedule VII: Stop Intersections.

<u>STOP SIGN ON</u> Ontario Avenue	<u>DIRECTION OF TRAVEL</u> Both	<u>AT INTERSECTION OF</u> Wilbur Road
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**SECTION 2.** All other provisions of Chapter 113 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 become effective immediately upon its filing in the Office of the Secretary of State.

**Town of New Hartford, NY  
Local Law Introductory "J" of 2018**

A Local Law to amend the Code of the Town of New Hartford, Chapter 25 thereof entitled **POLICE DEPARTMENT**, by increasing the charges for fingerprinting services.

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

**SECTION 1.** Section 25.9 Charges. is hereby amended as follows:

The cost for fingerprinting for each Town of New Hartford resident applicant is Twenty-five Dollars (\$25).

The cost for fingerprinting for each out-of-town resident applicant is Fifty Dollars (\$50).

**SECTION 2.**

The Town Board may, by Resolution in any year, authorize a change to these fingerprinting fees.

**SECTION 3.**

All other provisions of Chapter 25 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.

**Public Hearings – Local Laws Introductory “I” and “J” of 2018**

Thereafter, Councilman Woodland and Councilman Messa moved and seconded, respectively, the following Resolution:

**(RESOLUTION NO. 398 OF 2018)**

**RESOLVED** that the New Hartford Town Board does hereby schedule Public Hearings to consider the adoption of Local Law Introductory “I” of 2018 (VEHICLES AND TRAFFIC) by establishing an additional Stop Street in the vicinity of Ontario Avenue and Wilbur Road, and to consider the adoption of Local Law Introductory “J” of 2018 (POLICE DEPARTMENT) by increasing the fingerprinting fees for residents and non-residents. Said Public Hearings shall be held on October 10, 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, NY; and be it

**FURTHER RESOLVED** that the Town Clerk be, and she hereby is, directed to publish the legal requisite Notice of Public Hearing in the Observer Dispatch.

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.

**DASNY - Grant**

The Town Supervisor acknowledged the hard work that Highway Superintendent Sherman devoted to submitting a grant for the Grange Hill Road drainage project. Thereafter, Councilman Messa moved the adoption of the following Resolution; duly seconded by Councilman Cittadino:

**(RESOLUTION NO. 399 OF 2018)**

**RESOLVED** that the New Hartford Town Board does hereby accept the \$100,000 DASNY Grant awarded to the Town of New Hartford for the Grange Hill Road drainage project.

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

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

The Resolution was declared unanimously carried and duly adopted.

**LED Lights**

The Town Supervisor obtained quotes for LED street lighting that would replace about 50 lights around the Utica National vicinity and asked the Board members to review the information and another 50 lights elsewhere in the Town including Route 840. A grant would be available in 2019 for the light conversion.

The Board also reviewed two (2) quotes for LED lights for the Recreation Center.

**Kay Circle Detention Pond (White Tail Meadows)**

[August 15, 2018 Town Board meeting.] The Town Attorney had communicated with Linda Leuthauser of 105 Kay Circle involving a detention pond the Town had bought; It was learned that the contractor did not have a written contract when he trespassed upon her property, more than verbally agreed, no contract per Highway Superintendent Sherman and Working Foreman Christopher Moran, and no performance bond posted for the work performed. Also, there was no stake-out of the property lines. The Town Attorney will follow up on this matter.

**Change Drainage Permit Legislation**

Discussion ensued about changing the Town’s legislation for drainage pipe installation and whether to engage the services of a contractor to be “on call” for times when the Highway Department is backed up with their regular duties. Councilman Messa offered the following Resolution for adoption; seconded by Councilman Cittadino:

**(RESOLUTION NO. 400 OF 2018)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Highway Superintendent to develop specifications for “on call” contractor services, particularly for drainage/scope of work, where after the Town Clerk is authorized to proceed with the bid process.

A roll call vote ensued:

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

The Resolution was declared unanimously carried and duly adopted.

**Town Database – Sewers**

The Town Supervisor reported that staff had bound 191 properties in the Town’s database that have not been charged for sewers. He would like to ensure that the right people are paying the right rate and get this done for next year at this time. He is looking for Councilmen and others to form a committee including Assessor Abbatecola.

**ADJOURNMENT**

There being no further business to come before the Town Board, upon motion of Councilman Messa and seconded by Councilman Reynolds, the meeting was adjourned at 7:11 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk