

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL, NEW HARTFORD, NY ON
WEDNESDAY, OCTOBER 24, 2018, AT 6:00 P.M.**

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

TOWN BOARD MEMBERS PRESENT:

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

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Assessor Darlene Abbatecola
Codes Enforcement Officer Joseph Booth
Deputy Supervisor Anthony J. Trevisani
Director of Finance Daniel T. Dreimiller
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.

Public Presentations/Comments

New York Mills Village Mayor John Bialek confirmed that for about nine (9) years, their Village Police Department has maintained a full complement of 4 full-time Police Officers, but in the last nine (9) months has lost three (3) of the four. They have filled two (2) of the three (3) officer/vacancies and are trying to fill the third position. There is a process for bringing in new officers and the Village is waiting for the appropriate Civil Service list service list to come from Oneida County Personnel. Meeting the 4-full time officer department depends on whether the Village of New York Mills Police Department is taxed in the Town's 2019 Budget, and Town Attorney Cully explained the statute, that being whether the Village Police Department was established before January 1, 1960, or after January 1, 1960. Mayor Bialek feels this is not fair to New York Mills residents. He stated that he is present to address any questions the Town Board might have. Discussion ended at 6:39 P.M.

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PUBLIC HEARING

6:40 P.M.

2019 Preliminary Budget, including
Special Districts

At 6:40 P.M. the Town Supervisor opened the Public Hearing on the 2019 Preliminary Budget and special districts/improvement area. The Town Clerk had available the Notice of Public Hearing, Proof of Publication (October , 2018, edition of The Observer Dispatch), and Affidavit of Posting. The purpose of the Hearing was to offer the citizens an opportunity to speak for or against, or to comment upon the 2019 Preliminary Budget as a whole, or any part thereof, which included the General Fund, whole-town and part-town, Highway Department and special districts, fire protection districts and lighting districts. Copies of the 2019 Preliminary Budget were on hand for public distribution. The Town Supervisor then invited anyone present to come forth with comments on the Budget.

The following persons came forth:

- Ann Duross – Librarian, thanked the Town Board on their past support
- Jim Lawrence - the Town has one consolidated sewer district but has two (2) charges. Woodberry Sewer and Clinton Street Extension have O & M charges since 2003/2004, per Assessor Abbatecola and Finance Director Dreimiller and will have those charges until the debt is paid.
- Heather Mowat – regarding the charges to Woodberry Sewer and Clinton Street Extension, Ms. Mowat – who was Comptroller for the Town at the time, stated there was a reason for the O & M charges; namely, the Woodberry Sewer District was in disrepair, and former Supervisor Patrick Tyksinski had discussed this with the auditors. It was anticipated that the Town might have to bond.
- Heather Mowat – President of the New Hartford Public Library, extended her thanks – in behalf of the Library Trustees – for the Town’s support through two (2) years of budgeting for planned losses about \$40,000 each in 2017 and 2018. Further the Town increased their financial support when the Library re-opened on Sundays, and included the Library in the annual audit. Thanks also to Barbara Schwenzfeier (HR, Civil Service, and retirement bills), Highway Superintendent Rick Sherman and especially J.R. and Kevin Martin for changing their light bulbs, making sure their water lines work, the Parks Department for mowing their lawn, the Highway Department which plows their driveway and parking lot, and for Michael Inserra and his staff of Police Officers.

There being no further comments on the budget, the Town Supervisor declared the Public Hearing closed at 6:54 P.M.

Police Commission – 2 additional members

The method of adding how 2 additional police commission members would be chosen was then discussed, suggesting an alternating schedule of a Town Board member who would serve only a one-year term and the remaining six (6) lay members serving four (4) believe this is a Commission under Town Law Section 150, but rather an advisory Committee. He would recommend that no badges be given and that all members be subject to a background check. He moved to table this matter until the November 5, 2019 Town Board meeting. *[NOTE: It is not required to have a second on a motion to table.]*

Human Resource – Legislation

Upon recommendation of Supervisor Miscione, the following Resolution was introduced for adoption by Councilman Reynolds and seconded by Councilman Cittadino:

(RESOLUTION NO. 449 OF 2018)

WHEREAS, the New York State Department of Labor has imposed new sexual harassment laws effective October 9, 2018, and does further impose new sexual harassment training requirements to be implemented by October 2019;

NOW, THEREFORE, BE IT RESOLVED, that the New Hartford Town Board does hereby mandate that all employees of the Town of New Hartford, whether full-time or part-time, including members of boards, committees, and commissions, and employees of all departments, partake in the following courses offered by the EAP (Employee Assistance Program):

- Work place violence
- Sexual Harrassment

And that training be done by October 2019.

Upon vote by roll call, the Town Board voted as follows:

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

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

Proposed Local Law – New Hartford Public Library property

The Library Board of Trustees sought help with a situation where an individual(s) was(were) repeatedly parking overnight while in his/her vehicle, on Library property .. sometimes sleeping overnight. The Town Attorney discussed the matter with New Hartford Police Chief Michael and the Oneida County District Attorney’s Office. Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Cittadino:

(RESOLUTION NO. 450 OF 2018)

RESOLVED, that the New Hartford Town Board does hereby authorize and direct the preparation and posting of signs inside and outside the New Hartford Public Library at 2 Library Lane, New Hartford, restricting off-hours parking, as provided for in Penal Law 140.05.

Upon vote by roll call, the Town Board voted as follows:

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

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

MATTERS SUBMITTED BY TOWN SUPERVISOR

Mud Creek Basin project – Supervisor Miscione acknowledged receipt of grants for this project. The Basin (stormwater) actually begins in the Town of Kirkland. He will meet with Dunn & Sgromo, Engineers, PLLC, to gather more information, including costs related to this project.

New Hartford School tax bill – Upon request of the Town Supervisor, the following Resolution was introduced by Councilman Reynolds and duly seconded by Councilman Cittadino:

(RESOLUTION NO. 451 OF 2018)

WHEREAS, the Town Supervisor stated the Town’s payment of the New Hartford Central School taxes “got in late” on the former Gander Mountain property, now owned by the Town for its administrative offices; and

WHEREAS, the School District has notified the Town Supervisor that the Town is in the penalty phase for paying the 2018-2019 school taxes and owes the Town \$4,526.81 in penalties in addition to the original school tax bill;

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby authorize the Town Supervisor to pay \$90,538.87 for the initial School tax bill and \$4,526.81 in penalties for a total of \$95,065.81.

The Town Attorney noted that March 1st annually is the status date and the Town acquired the former Gander Mountain property after March 1, 2018. 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**.

FEMA Abstracts

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

(RESOLUTION NO. 452 OF 2018)

RESOLVED that the New Hartford Town Board does hereby authorize the payment of FEMA vouchers/abstracts that were audited by the Town Board.

A roll call vote was duly held as follows:

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

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

Training School

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

(RESOLUTION NO. 453 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 for the betterment of such municipality;

NOW, THEREFORE, BE IT RESOLVED, that the New Hartford Town Board does hereby grant permission to Assessor Darlene Abbatecola to attend a one-day educational session for Assessors in Saratoga, New York, for a cost of \$110.00 to be borne by the Town of New Hartford as budgeted.

A roll call 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**.

2019 Budget

No action was taken on the 2019 budget.

Highway Supt/Buildings & Grounds – former Gander Mountain Building Roof

Buildings and Grounds Supt. Richard Sherman asked the Town Supervisor if he wanted to do anything on the roof of the former Gander Mountain Building (proposed relocation of the Town’s administrative offices later this year). Supervisor Miscione reported that he wants to re-tar, re-seam the roof, wherever there were VAC units, so we don’t have any issues down the road. Councilman Woodland commented there were some leaks there; Supervisor Miscione acknowledged there had been a couple leaks in each of the VAC units. He submitted bids from three (3) contractors:

- Putrelo Building Enterprises \$15,500
- Padula & Sons \$12,300
- CNY Seal Coating \$14,700.

Councilman Cittadino stated that it would be commercial grade and should last a long time. The Town Supervisor said it should last for years to come. Town Board members inquired if there would be new cuts – no, there would not, just for flexing said Supervisor Miscione.

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

(RESOLUTION NO. 454 OF 2018)

RESOLVED that the New Hartford Town Board does hereby accept the low quote from Dennis Padula & Sons in the amount of \$12,300 and to furnish all materials and perform all labor necessary to complete the following repairs to the existing Gander Mountain Roof:

- Clean and remove existing ballast away from seam so work can be performed
- Cut and remove areas that have dissimilar materials and remove from site
- Install new EPDM flashings and cover tapes as needed to areas that are leaking
- All work performed will be guaranteed for one (1) year.

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**.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilman Messa and duly seconded, the meeting was adjourned at 7:34 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk