

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL, NEW HARTFORD, NY, ON MONDAY,
NOVEMBER 5, 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 Official 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:

Director of Finance Daniel T. Dreimiller
Assessor Darlene Abbatecola
Highway/Sewer Superintendent Richard C. Sherman
Human Resource Officer Barbara Schwenzfeier
Police Chief Michael S. Inserra
Town Attorney Herbert J. Cully
Town Clerk Gail Wolanin Young

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

MINUTES:

August 15, 2018 Town Board meeting (With Supplement)

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

(RESOLUTION NO. 455 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 Wednesday, August 15, 2018 and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

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

September 5, 2018 Town Board meeting

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

(RESOLUTION NO. 456 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 Wednesday, September 5, 2018 and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

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

PUBLIC HEARING

6:03 P.M.

Local Law Introductory "H" of 2018
Police Commission Membership Increase

The Town Supervisor then re-opened the Public Hearing at 6:03 P.M., in the matter of Local Law Introductory "H" of 2018 that had been tabled since the September 5, 2018 Town Board Meeting; calling for an increase in the membership of the Police Commission.

After lengthy discussion on the verbiage of the term "Commission" as opposed to "Advisory Committee", and how the extra members would be selected; Councilman Woodland submitted the following resolution, seconded by Councilman Messa:

(RESOLUTION NO. 457 OF 2018)

RESOLVED that the New Hartford Town Board does hereby deny the passage of Local Law Introductory "H" of 2018.

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 and Local Law Introductory “H” was declared unanimously carried and duly ***DENIED***.

2019 Preliminary Budget:

PUBLIC HEARING

6:16 P.M.

2019 Preliminary Budget

Town Supervisor Miscione opened the Public Hearing at 6:16 P.M., in the matter of the 2019 Preliminary Budget. Councilman Messa queried about the status of the New York Mills Police Department. New York Mills Mayor Bialek has submitted a letter to the Town Board stating that New York Mills Village Police Department has four (4) Full Time Officers along with seven (7) part-time police officers. Councilman Cittadino remarked whether the Police Chief can be counted as a Full Time Police Officer. New York Mills Mayor Bialek says that he is within compliance of Town Law 150 which required the village to maintain four (4) Full Time Officers. He also hopes to fill a fifth position in the next few weeks. Police Chief Michael Inserra made remarks about the Police Chief retiring, and Civil Service Law. Councilman Messa is concerned about Police Protection in New Hartford neighborhoods. Supervisor Miscione does not want to tax the residents of New York Mills unfairly.

Comment/Question from the audience (Jim Lawrence) that if New York Mills decides to abolish their Police Department then will the Town be responsible for the addition of police officers to cover. Police Chief Inserra, “We would have to respond to any calls for service since the area is in the Town of New Hartford, it would be up to the Town Board if they wanted to increase the department.”

The Town Supervisor tabled the discussion to come back to later in the meeting...

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE

Town Clerk Committee – Councilman Woodland

TAXLOOKUP.NET

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

RESOLUTION NO. 458 OF 2018

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Clerk to notify EVO Payments International that the Town is cancelling its Account/Contract, merchant ID #0000271507647292, effective immediately. The Town Board does hereby authorize and direct the Town clerk to enter into and to execute an Agreement between the Town of New Hartford and PayPal, wherein PayPal will take over the contract for credit card payments on the website www.taxlookup.net.

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 Safety and Courts:

Agreement – 2019 Animal Control Service/Kirkland

Upon recommendation of the Police Chief, Councilman Messa offered the following Resolution for adoption; seconded by Councilman Cittadino:

(RESOLUTION NO. 459 OF 2018)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement between the Town of New Hartford and the Town of Kirkland, wherein the Town of New Hartford will provide animal control services to the Town of Kirkland during calendar year 2019, in accordance with the terms and conditions set forth therein.

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.

Declaration of Surplus Vehicle – Authorization to Sell

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

(RESOLUTION NO. 460 OF 2018)

RESOLVED that the Town Board of the Town of New Hartford does hereby declare as surplus one 2009 Dodge Durango, VIN 1D8HB38P89F12705, a former Police Department vehicle; and be it

FURTHER RESOLVED that the aforesaid vehicle shall be placed for sale through 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.

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

Zoning (Codes) and Planning

Training

Upon request of the Codes Department, the following Resolution was introduced for adoption by Councilman Woodland and duly seconded by Councilman Cittadino:

(RESOLUTION NO. 461 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 Zoning Board of Appeal Members John Montrose, and Karen Stanislaus to attend a SEQR Incubator training session, sponsored by Oneida County Planning on Thursday, November 29, 2018, at 329 Broad Street, Utica, New York, with the registration fee per person to be borne by said Town as budgeted.

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**.

Councilman Woodland

2018- Snow and Ice Agreement

Upon recommendation of the Highway Superintendent, the following Resolution was introduced by Councilman Woodland and duly seconded by Councilman Messa:

(RESOLUTION NO. 462 OF 2018)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Superintendent of Highways and the Town Supervisor to enter into and to execute an Agreement with the County of Oneida, New York, for the snow and ice control and removal on the improved County road system located within the geographical boundaries of the Town of New Hartford for the term from November 1, 2018 to April 30, 2020, to include “snow seasons”, and as more fully set forth in an Agreement to be filed in the New Hartford Town Clerk’s Office.

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

New Hartford Library

Councilman Woodland and Town Attorney Herb Cully are working together with Police Chief Michael Inserra on verbiage for a “No Trespassing” sign for the New Hartford Library.

Councilman Cittadino

27 Benton Circle.

The Town Attorney sent formal notice that Board unanimously voted that the property at 27 Benton Circle is declared an unsafe structure (*See July 11, 2018 Minutes*), according to the Town’s Code. Donna M. Spriggs has 30 days to commence demolition, if she doesn’t she is in violation and the Board can bring action to demolish the structure. Neighbors express concerns, has not seen any activity or effort to demolish. Attorney has never received communications from Mrs. Spriggs other than the Board Meetings.

Various Unsafe Residences

The Town Attorney also gave updates on the other unsafe properties at 4043 Oneida Street and, 3623-3625 Irvin Avenue. He stated that the Property Owners have been served and the Town is ready to bring motions, the property owners have 30 days to respond.

Stormwater Issue

Councilman Reynolds has a meeting with Mr. Pearce on Foxcroft Road to discuss a Retention Pond.

Councilman Cittadino

Linda Leuthauser – 105 Kay Circle

Town Attorney Herb Cully verified with Chris Moran that there was no contract. The Town Attorney will look into how to proceed with an Absent Contract.

Town Supervisor Miscione:

CLIMATE SMART COMMUNITY TASK FORCE

The Supervisor presented the following name for appointment to the **Climate Smart Community Task Force**, after which will meet the 10 required members:

Councilman Reynolds moved and Councilman Cittadino seconded the following Resolution:

(RESOLUTION NO. 463 OF 2018)

RESOLVED that the New Hartford Town Board does hereby appoint Kari Procopio to a two-year term as member of the Climate Smart Community Task Force effective November 5, 2018.

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

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

The Town Supervisor also commended the Climate Smart Committee on the great job that they have been doing. The Committee has started a website www.climatesmartnh.com as well as a Facebook Page “Town of New Hartford Climate Smart Committee”.

Annual Membership Dues: Climate Smart Committee

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

(RESOLUTION NO. 464 OF 2018)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the payment of the I. C. L. E. I. – Local Government for Sustainability, 1536 Wynkoop Street, Denver CO 80202, dues at the cost of \$600.00 for the Climate Smart Committee for calendar year 2019:

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**.

Supervisor Miscione

2019 Budget Continued...

The Supervisor does not believe that the New York Mills Mayor is able to use the New York Mills Police Chief as a full time member of the Police Department. He does not want to charge for the tax, if they are being additionally taxed by the Village of New York Mills. Re- stated that the New York Mills Mayor has not had 4 full time officers in three (3) years. Councilman Reynolds says that the Mayor of New York Mills has gone on record stating that he has four full time members. Chief says New York Mills has been stepping up to cover their own calls and have really been trying to not be a burden to the New Hartford Police Department.

Purchasing Policy

The Town Supervisor, in the interest of working with the Climate Smart Committee; is proposing that the Town's Purchasing Policy reflects the Town's desire to become a "Green Community". Councilman Woodland offered the following Resolution for adoption; seconded by Councilman Cittadino:

(RESOLUTION NO. 465 OF 2018)

WHEREAS, the Town of New Hartford is dedicated to simultaneous pursuit of environmental quality, sound public health, economic prosperity and social well-being, and

WHEREAS, the production, use and disposal of materials, and the generation and use of energy, can have significant impacts on environmental quality and public health; and

WHEREAS, the Town Government is a major consumer of materials and energy; and

WHEREAS, the Town's policies include conserving, improving and protecting natural resources and the environment; preventing water, air and land pollution; and enhancing the health, safety and welfare of Town residents and their overall economic and social well- being; and

WHEREAS, it is the Town's policy to promote cost effective methods to reduce energy and resource consumption, and reduce or eliminate the use of hazardous substances and the generation of hazardous substances, pollution and waste at the source; and

WHEREAS, by making sound choices in the course of their daily activities, such as the commodities, services and technology they consume, and the amount of waste they generate, Town Departments can minimize the potential environmental health impacts of their activities; and

WHEREAS, the Town’s procurement of commodities, services and technology can be enhanced through Town’s choices that minimize the potential environmental and health impacts of their activities; and

WHEREAS, Town government can be a leader in environmental stewardship through the use of green procurement and sustainable management practices;

BE IT RESOLVED, that included in said Purchasing Policies and Procedural Manual (at page 12) shall be paragraphs recommending the purchase of products through Green Procurement and decision to purchase (on page 13) recommending efforts to procure Green products.

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**.

Councilman Woodland

Positive Comment Letter:

New Hartford Historical Society thanks the Town and Board Members for the continued support. The Historical Society continues to grow and collect items for the museum and to support the Town and Village in archiving items.

Highway Superintendent: Richard Sherman

Positive calls and comments about the Town’s leaf collection effort. The new machines are much faster and safer.

Audit of Bills

Began to review the Bills while engaging in unrelated matters and overlooked voting upon them.

Signage for New Town Office Building

Supervisor Miscione brought to the attention of the Board his ideas for the addition of the Town’s Crest to be placed in the spots where the former “Gander Mountain” logos were on the new Town Office building. Motion by Councilman Cittadino and seconded by Councilman Reynolds

(RESOLUTION NO. 466 of 2018)

BE IT RESOLVED that the Town Board approves Town Supervisor Miscione to begin the paperwork for an Incentive from National Grid for the installation of LED Lighting in the Town Office Building.

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**.

Recreation Center Upgrades

Town Supervisor Miscione brought to the attention of the Town Board that he is meeting with people at the Recreation Center to see about updating to a High Efficiency ice machine and chiller. The Supervisor also mentioned the cost savings associated with upgrading the machinery.

2019 Preliminary Budget ... Cont.

Supervisor Miscione suggested that the discussion on the 2019 Preliminary Budget be revisited.

Councilman Reynolds brought to the attention of the Town Board that Fire Protection District 3 was not increased 2 % in the 2019 Budget, to match Fire Protection Districts 1 and 2.

Councilman Messa questioned Finance Director Daniel Dreimiller as to how much the final tax increase would be to the residents. The Finance Director stated that the overall tax levy increase would be 3.7%; however it is not over the tax cap.

2019 Annual Budget - Adoption

After a lengthy discussion, Councilman Woodland moved the adoption of the following Resolution; seconded by Councilman Reynolds:

(RESOLUTION NO. 467 OF 2018)

WHEREAS, the Town Board of the Town of New Hartford held a Public Hearing on November 5, 2018, to consider the special assessment rolls of said Town for fiscal year 2019, and to consider the adoption of the 2019 Preliminary Budget as the 2019 Annual Budget, including special district rates;

NOW, THEREFORE, BE IT RESOLVED that said Town Board does hereby approve the special assessment rolls of said Town for fiscal year 2019 and does further adopt the 2019 Preliminary Budget, contingent on the accuracy of the letter received from New York Mills Mayor John Bialek, along with the addition to the contract for Fire Protection District 3.

The Resolution was voted upon by roll call as follows:

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

Supervisor Miscione - Nay.

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

EXECUTIVE SESSION

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

(RESOLUTION NO. 468 OF 2018)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the employment history of two (2) particular employees.

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.

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**. All persons present, including the news media and Department Heads, were then excused from the meeting at 7:33 P.M. The Town Attorney and Human Resource Officer Barbara Schwenzfeier remained for the Executive Session.

END OF EXECUTIVE SESSION

Councilman Messa then offered the following Resolution for adoption and Councilman Cittadino seconded same:

(RESOLUTION NO. 469 OF 2018)

RESOLVED that the New Hartford Town Board does hereby move to end its Executive Session and to reconvene the regular portion of the Town Board meeting.

The Resolution was voted upon by roll call as follows:

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

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 8:02 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public was re-invited to attend the Board meeting.

Councilman Messa then offered the following Resolution for adoption and Councilman Cittadino seconded same:

(RESOLUTION NO. 470 OF 2018)

RESOLVED that the New Hartford Town Board does hereby appoint Supervisor Paul Miscione to act as the Parks Director and handle the day to day operation of the Parks Department.

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.

Town Board Meeting: November 21, 2018

The Town Board, being advised by the Town Clerk, that the final budget needs to be adopted on or before November 20, 2018, has rescheduled the Town Board meeting previously for Wednesday, November 21, 2019 to Monday, November 19, 2018 at 6:30 PM.

Retirement of Amy Topor:

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

(RESOLUTION NO. 471 OF 2018)

RESOLVED that the New Hartford Town Board does hereby accept the retirement of Amy Topor; Senior Clerk for the New Hartford Police Department effective November 23, 2018.

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.

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

ADJOURNMENT

REGULAR TOWN BOARD MEETING

November 5, 2018

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There being no further business to come before the Town Board, upon motion of Councilman
Messa and seconded by Councilman Cittadino, the meeting was adjourned at 8:05 P.M.

Respectfully submitted,
Office of Town Clerk
Gail Wolanin Young

Allison Adams
Deputy Town Clerk II