

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT 8635 CLINTON STREET, NEW HARTFORD, NY ON
WEDNESDAY, MARCH 6, 2019, 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 Richard M. Lenart
Councilman Richard B. Woodland, Jr.
Supervisor Paul A. Miscione

ABSENT:

Councilman David M. Reynolds
Councilman James J. Messa

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Deputy Town Supervisor Anthony J. Trevisani
Finance Director Daniel Dreimiller
Assessor Darlene Abbatecola
Highway/Sewer Superintendent Richard C. Sherman
Human Resource Department Barbara Schwenzfeier
Town Attorney Herbert J. Cully
Town Clerk Gail Wolanin Young
Deputy Town Clerk II Allison Adams

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

Update on Town Hall

The Town Supervisor updated the Board on the status of the new Town Hall building project. The Town is still under budget on the project, and there is an April 1, 2019 completion date, and a May 1st for a move in date for the Courts and Police Department.

Audit of Vouchers

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

(RESOLUTION NO. 81 OF 2019)

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:

RECORD OF CLAIMS #1

#'s 145; 148; 150-151; 161; 165-250; 252-262; 264-311

RECORD OF CLAIMS

A600	\$104,969.93
B600	\$ 2,672.18
BP600	\$102,849.63
DB600	\$204,293.95
HV600	\$271,885.36
SF600	\$724,895.45
SL600	\$ 9,401.74
SS600	\$ 52,888.15
TA600	\$ 60.91

RECORD OF CLAIMS TOTAL #1 **\$1,473,917.30**

The Resolution was voted upon by roll call as follows:

Councilman Messa	-	ABSENT
Councilman Lenart	-	Aye
Councilman Reynolds	-	ABSENT
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

PRESENTATIONS/COMMENTS:

Kari Procopio – 30 Balsam Crescent: Mrs. Procopio wished to come before the Board to gain clarification that she had received from Human Resource Officer Barbara Schwenzfeier on February 13, 2019. The email stated that when Mrs. Procopio came before the Town Board at the February 6th Town Board Meeting and explained that she was a member of the Climate Smart Committee Task Force, she had in fact never been appointed as a member. The email further stated that the Town Board had set forth to only have 10 members on the Climate Smart Community Task Force and that the limit had been reached, unless there became an opening in the Task Force Mrs. Procopio would be welcome as a guest. Mrs. Procopio then responded to the email with an excerpt from the November 5, 2018 Town Board minutes, where she was voted unanimously as the 10th member of the Climate Smart Community Task Force member. Since then she had not received any response from the Board.

Supervisor Miscione clarified that due to an oversight there is currently 11 members on the Climate Smart Community Task Force; the coordinator, Joseph Booth, is listed as a member. As a result, he will be stepping down and a coordinator will be selected from the 10 members.

Mitchell Ford – 45 Wills Drive: Mr. Ford defended Mrs. Procopio and insisted that bringing this matter to the attention of the Board was not done for political reasons.

Town Clerk Committee:

Liquor License Red Samurai Steak House, Inc. – Waiver of 30-day notice

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

(RESOLUTION NO. 82 OF 2019)

WHEREAS, the State Liquor Authority law requires an applicant to wait at least thirty (30) days after notifying the appropriate municipality before the applicant can submit an application to the Liquor Authority; and

WHEREAS, Red Samurai, Inc., has requested a waiver of the 30-Day Notice;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby waive the thirty (30) day timeframe.

The Resolution was voted upon by roll call as follows:

Councilman Messa	-	ABSENT
Councilman Lenart	-	Aye
Councilman Reynolds	-	ABSENT
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

Bid Results for Electric Vehicle Charging Systems

There were no bids received for the Electric Vehicle Charging System. Councilman Lenart moved the adoption of the following Resolution; seconded by Councilman Woodland:

(RESOLUTION NO. 83 OF 2019)

RESOLVED, that the Town Board does hereby authorize the Town Supervisor to complete the Electric Vehicle Charging System project by using State Contract through the New York State Office of General Services (OGS).

The Resolution was voted upon by roll call as follows:

Councilman Messa	-	ABSENT
Councilman Lenart	-	Aye
Councilman Reynolds	-	ABSENT
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

Public Works Committee – Highway

Emergency Repairs – Highway/Sewer Department

Upon request of the Highway/Sewer Superintendent, Councilman Woodland moved the adoption of the following Resolution; seconded by Councilman Lenart:

(RESOLUTION NO. 84 OF 2019)

WHEREAS, the sewer pumps for Concord Boulevard and Estates Drive had wiring issues,

WHEREAS, an emergency was eminent and corrective action was paramount;

NOW, THEREFORE, BE IT RESOLVED, that the New Hartford Town Board does hereby declare the aforementioned situation an emergency and does herewith authorize the requisite repairs in the amount of \$3,100.00.

The Resolution was voted upon by roll call as follows:

Councilman Messa	-	ABSENT
Councilman Lenart	-	Aye
Councilman Reynolds	-	ABSENT
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

Upon further request of the Highway/Sewer Superintendent, Councilman Lenart moved the following Resolution; seconded by Councilman Woodland:

(RESOLUTION NO. 85 OF 2019)

WHEREAS, a second pump station located at Arlington Terrace, had a check valve failure; causing sewage to “backtrack” to the City of Utica; and

WHEREAS, an emergency was eminent and corrective action was paramount;

NOW, THEREFORE, BE IT RESOLVED, that the New Hartford Town Board does hereby declare the aforementioned situation an emergency and does herewith authorize the requisite repairs in the amount of \$7,975.00.

The Resolution was voted upon by roll call as follows:

Councilman Messa	-	ABSENT
Councilman Lenart	-	Aye
Councilman Reynolds	-	ABSENT
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

Training - Oneida County Association of Towns Meeting

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

(RESOLUTION NO. 86 OF 2019)

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 Highway Superintendent Richard Sherman and Chairman of the Planning Board Heather Mowat to attend the Oneida County Association of Towns Meeting on Thursday, February 21, 2019, in Rome, New York, with expenses to be borne by said Town as budgeted.

The Resolution was voted upon by roll call as follows:

Councilman Messa	-	ABSENT
Councilman Lenart	-	Aye
Councilman Reynolds	-	ABSENT
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

Councilman Woodland:

Planning Board Resignation

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

(RESOLUTION NO. 87 OF 2019)

WHEREAS, the Town Board of the Town of New Hartford does hereby accept the resignation of Elis DeLia from the Planning Board “retroactive to January 1, 2019” per his letter of resignation,

BE IT FURTHER RESOLVED, that the Town Board does hereby authorize the publication of the Planning Board vacancy.

The Resolution was voted upon by roll call as follows:

Councilman Messa	-	ABSENT
Councilman Lenart	-	Aye
Councilman Reynolds	-	ABSENT
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

Town Attorney:

Finalize Sale of Landlocked parcel #317.000-1-15

Attorney Cully informed the Board that the Town was ready to close upon the sale of the landlocked parcel of land (Tax Map Number #317.000-1-15) to McCraith Beverages. (See October 10, 2018 Town Board Minutes). Therefore, Councilman Woodland moved the following Resolution for adoption and Councilman Lenart seconded same:

(RESOLUTION NO. 88 OF 2019)

RESOLVED, that Town Attorney Herbert Cully has received the final abstract review and the Town is ready to complete the sale of the 32-acre landlocked vacant parcel.

The Resolution was voted upon by roll call as follows:

Councilman Messa	-	ABSENT
Councilman Lenart	-	Aye
Councilman Reynolds	-	ABSENT
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

Update on various unsafe properties:

Property owned by Steve Pacheco, 3623-3635 Irvin Ave - The Town of New Hartford has a standing order for demolition and has submitted the following quotes for demolition.

- *Main Street Metals* - \$7,000.
- *James Bray* - \$9,000
- *United Contractors* - \$9,800

After discussion the Town Board has decided to delay the acceptance of a quote for demolition in favor of using Shared Services with the City of Utica. Attorney Cully will be looking into the City of Utica's ability to demolish a building once it has been condemned.

Property owned by John Showalter, 4043 Oneida Street - There is an abandoned vehicle on the property, and it has not sold at the Oneida County sale. The Highway Superintendent stated that he would look into the cleanup of the property.

Property owned by the estate of Michael Kerrigan, 9240 Willowvale Ave – This property was sold at the Oneida County tax sale. The new owners will be notified of the existing demolition order.

Small Claims Defense

Upon recommendation of the Town Attorney and the Town Supervisor, Councilman Woodland moved the following Resolution for adoption and Councilman Lenart seconded same:

(RESOLUTION NO. 89 OF 2019)

RESOLVED, that the Town Board of the Town of new Hartford authorized the Town Attorney Herbert Cully to handle the defense of the small claims actions brought by James Seemann against the Town of New Hartford.

The Resolution was voted upon by roll call as follows:

Councilman Messa	-	ABSENT
Councilman Lenart	-	Aye
Councilman Reynolds	-	ABSENT
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

Agreement for Fire Protection District 1 & 2 – Village of New Hartford and Fire Department

Councilman Lenart moved the following Resolution for adoption and Councilman Woodland seconded same:

(RESOLUTION NO. 90 OF 2019)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the execution of the one-year Fire Protection Contract commencing January 1, 2019, and ending December 31, 2019, between the Town of New Hartford and District 1 and 2, Village of New Hartford and its Fire Department, in the amount of \$663,637.

The Resolution was voted upon by roll call as follows:

Councilman Messa	-	ABSENT
Councilman Lenart	-	Aye
Councilman Reynolds	-	ABSENT
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

Agreement for Fire Protection District 3 – Village of New Hartford and Fire Department

Councilman Cittadino moved the following Resolution for adoption and Councilman Reynolds seconded same:

(RESOLUTION NO. 91 OF 2019)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the execution of the one-year Fire Protection Contract commencing January 1, 2019, and ending December 31, 2019, between the Town of New Hartford and District 3, Village of New Hartford and its Fire Department, in the amount of \$56,189.

The Resolution was voted upon by roll call as follows:

Councilman Messa	-	ABSENT
Councilman Lenart	-	Aye
Councilman Reynolds	-	ABSENT
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

Agreement for Fire Protection District 5– Village of New York Mills Fire Department

Councilman Lenart moved the following Resolution for adoption and Councilman Woodland seconded same:

(RESOLUTION NO. 92 OF 2019)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the execution of the one-year Fire Protection Contract commencing January 1, 2019, and

ending December 31, 2019, between the Town of New Hartford and District 5, Village of New York Mills and its Fire Department, in the amount of \$165,500.

The Resolution was voted upon by roll call as follows:

Councilman Messa	-	ABSENT
Councilman Lenart	-	Aye
Councilman Reynolds	-	ABSENT
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

Agreement for Fire Protection District 4 - Willowvale Fire Company, Inc.

Councilman Lenart moved the following Resolution for adoption and Councilman Woodland seconded same:

(RESOLUTION NO. 93OF 2019)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the execution of the one-year Fire Protection Contract commencing January 1, 2019, and ending December 31, 2019, between the Town of New Hartford and District 4, Willowvale Fire Company, Inc., in the amount of \$326,000.

The Resolution was voted upon by roll call as follows:

Councilman Messa	-	ABSENT
Councilman Lenart	-	Aye
Councilman Reynolds	-	ABSENT
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

Replenish Petty Cash

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

(RESOLUTION NO. 94 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby replenish the Senior Center Petty Cash in the amount of One Hundred Forty Nine Dollars and Forty Two Cents (\$149.42).

The Resolution was voted upon by roll call as follows:

Councilman Messa	-	ABSENT
Councilman Lenart	-	Aye
Councilman Reynolds	-	ABSENT
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

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

Replenish Petty Cash

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

(RESOLUTION NO. 95 OF 2019)

RESOLVED, that the New Hartford Town Board does hereby replenish the Codes Department Petty Cash in the amount of One Hundred Sixty Eight Dollars and Sixty Two Cents (\$168.62).

The Resolution was voted upon by roll call as follows:

Councilman Messa	-	ABSENT
Councilman Lenart	-	Aye
Councilman Reynolds	-	ABSENT
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

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

Reimbursement from Troy Banks Group

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

RESOLUTION NO. 96 OF 2019)

WHEREAS, Councilman Woodland has been working with the Troy Banks Group to audit the utilities within the Town, and

WHEREAS, the Troy Bank Group has found discrepancies in the lighting districts,

BE IT RESOLVED, that the Town of New Hartford accepts the reimbursement of \$3,028.09 from the Troy Banks Group.

The Resolution was voted upon by roll call as follows:

Councilman Messa	-	ABSENT
Councilman Lenart	-	Aye
Councilman Reynolds	-	ABSENT

Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

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

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

RESOLUTION NO. 97 OF 2019)

WHEREAS, the Troy Banks Group has found additional discrepancies in the Town of New Hartford utility billings;

NOW, THEREFORE BE IT RESOLVED, the Town of New Hartford also accepts \$354.59 for reimbursement from the Troy Banks Group audit.

The Resolution was voted upon by roll call as follows:

Councilman Messa	-	ABSENT
Councilman Lenart	-	Aye
Councilman Reynolds	-	ABSENT
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

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

Sleigh Ride Event – Sherrillbrook Park

Supervisor Miscione wished to thank the Police Department, the Fire Department, the Parks Department and all the Volunteers that helped make the event spectacular.

Tree Planting – Sherrillbrook Park

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

(RESOLUTION NO. 98 OF 2019)

WHEREAS, Kathryn Karl a former colleague and friend has requested to plant a tree in memory of Diane Mueller. Mrs. Mueller was a former Town of New Hartford swim instructor and bus driver.

NOW THEREFORE BE IT RESOLVED, that the New Hartford Town Board does hereby grant permission to Mrs. Karl to plant a tree in Sherrillbrook Park in honor of Mrs. Muller.

The Resolution was voted upon by roll call as follows:

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Councilman Messa	-	ABSENT
Councilman Lenart	-	Aye
Councilman Reynolds	-	ABSENT
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

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

New Hartford Citizens Band

Supervisor Miscione reads from a letter from the New Hartford Citizens Band thanking the Parks Department and the Town for their assistance in providing monetary contribution toward the summer band concerts. The Town was awarded with a certificate.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilman Lenart and seconded by Councilman Woodland, the meeting was adjourned at 6:29 P.M.

Respectfully submitted,

Allison Adams
Deputy Town Clerk II