

REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT THE TOWN HALL, 8635 CLINTON STREET
IN SAID TOWN ON WEDNESDAY, DECEMBER 18, 2019,
AT 6:00 P.M.

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

Councilman Richard M. Lenart
Councilman David M. Reynolds
Councilman Richard Woodland, Jr.
Supervisor Paul A. Miscione

Finance Director Daniel Dreimiller
Highway/Sewer Supt. Richard C. Sherman
Town Attorney Herbert Cully
Town Clerk Gail Wolanin Young
Deputy Clerk Allison K. Adams
Deputy Supervisor Anthony Trevisani
Asst. Director of Personnel Barbara Schwenzfeier
Police Chief Michael S. Inserra

Absent: Councilman Messa

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

MINUTES: October 16, 2019:

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

(RESOLUTION NO. OF 2019)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held October 16, 2020 and does further waive the reading of same.

Upon roll call, the Board members voted as follows:

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

Supervisor Miscione - Aye.

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

PUBLIC HEARINGS:

Zone Map Amendment – Seneca Turnpike/Woods Highway - Conifer Reality:

1st re-zoning amendment in connection rezoning C1 to RPDD.

Town Attorney Cully explained the Town Board was presented with an overlay application which is a Zone Map Amendment for the re-zoning of 27 acres of a 48.6 acre parcel on Seneca Turnpike and Woods Highway by Conifer Reality. They are proposing a re-zoning from C1 (general commercial) to RPDD (Residential Plan Development). The Town Board already received and reviewed the application and the matter was referred to the Town Planning Board as required by statute. The Planning Board submitted a written report to the Town Board dated October 15, 2019 with findings as it relates to the criteria preserving the natural habitat, trees and incorporating existing nature man-made environment accomplishing purposes beneficial to the Town. The Planning Board's recommendation was to approve the application providing additional information and would like to discuss traffic issues in further length. Town Attorney Cully then introduced the representatives from Conifer Reality for their presentation to the Town Board.

APPLICANT REPRESENTATIVES: Michael Murphy, Project Director with Conifer Reality, Matt Donaldson, Civil Engineer, Jerry Goldman, Land Use Attorney and Allen Handelman, Vice President of Conifer Realty.

Conifer Reality Presentation:

Conifer is a full service real-estate development company who develops and manages affordable housing throughout New York State, New Jersey, Pennsylvania and Maryland. They have been in business for 45 years. Conifer Realty is a long term company with any project they develop. They develop 72 unit apartment complexes mixed with 1, 2 & 3 bedrooms.

Attorney Jerry Gold from Rochester stated Conifer is looking for a re-zoning from C1 (commercial district) to the RPDD (residential plan development district) for property on Woods Highway and North of Seneca Turnpike.

He stated the steps that have occurred to date: The New Hartford Town Board declared itself lead agency with SEQR; The State Environment Quality Review Process which was consented to by all agencies that have approval authority. He then discussed a number of comments received from said agencies which Conifer found to be very valuable. He stated the County Planning department recommended approval with no further comments. The Oneida County Department of Public Works wanted to confirm they had adequate site distance and no adverse impact on highway drainage or drainage to adjacent properties. He stated Conifer will address their drainage pattern which will be controlled on site. He explained all development will be in the eastern part adjacent to Woods Highway and there will be no development in the western part of the site and residents in this area will not be affected by the development in terms of drainage. The New Hartford Police Department & New York State Homes & Community Renewal Agency commented. The MVWA (Mohawk Valley Water Authority), Herkimer Solid waste Authority, the Health Department, The Parks Department, The New Hartford Fire Department, DEC (Department of Environmental Control), ConMed, the Sewer Department, The New

York State Department of Transportation all commented but no department had any issues that couldn't be addressed by Conifer reality.

Attorney Gold continued to say if this application is approved by The New Hartford Town Board the next step is the Final Site Plan approval by the New Hartford Planning Board but tonight's issue is discussion if this piece of property which is bounded on the west by residents is better zoned for commercial use or some sort of transitional residential use and Conifer believes the transitional residential use would be most appropriate.

Civil Engineer Matt Donaldson stated they will walk through the site plan and some of the issues they have heard about. They will sit down and listen to the public comments and take notes and they will address comments and/or concerns. He then presented the complete overview of the site.

Town Attorney Cully stated the Town of New Hartford has had a lot of stormwater issues due to storms and a number of residents have come to the board with serious concerns about water issues that their saying is all new. Residents have not had the quantity of water to deal with so some residents would be very appreciative as to what impact the Civil Engineer feels if any the project would have on stormwater?

Civil Engineer Matt Donaldson explained they are building an apartment building with 72 units; each building would have 8 units with a total of 9 apartment buildings, one community building, a playground and an associated infrastructure including all utilities, lighting, landscaping, proposed trails, sidewalks and pedestrian connection. He stated the site has a single access for the site with potential if future development happens to the south which will remain commercial and would be sold in the future to another developer. He explained that Conifer has spent quite a bit of time designing the plan to ensure that the development area is efficient, friendly to the environment meaning they are limited to clearing on the 27 acre parcel. He explained the development area is approximately 12 ½ acres and the remainder site will remain wooded. He continued to explain that they will maintain significant buffers with the existing vegetation to the exterior of the property which will help with many different things such as noise, light levels, light spills and traffic.

An unidentified representative from Conifer explained they have received comments relative to traffic and they are working with GTS Consulting to provide a tripagen letter as well as observations of speeds and calculated vehicle trips which all were provided to the Board. He continued to say basically resulting in a net add of approximately 20 vehicles per peak hour in the morning and evening and the summary is that there is no impact from the traffic prospective to the existing roadway.

He went on to speak on the stormwater issue saying any project that disturbs over an acre of ground is required to prepare what is called a Stormwater Pollution Prevention Plan that gets reviewed by the municipality, the Town engineer as well as DEC (Department of Environmental Conservation).

Civil Engineer Matt Donaldson stated that as the design engineers they are required for any type of drainage improvements on a sit to limit what flows off their site to less than or equal to the existing conditions so there's all types of information, formulas on the soils, the ground cover that's on that parcel of land to calculate how much water comes off in all kinds of storm events that's the average storm up to the 100 year storm event which is catastrophic or remnants of a hurricane or whatever it

may be after they calculate each of those. They then size their stormwater management facility to accommodate storing the extra volume and reducing the rate where it runs off the site. He explained to the Town Board they can't change where the rain falls on the site but they can collect the water and convey it to a storage area which in this case is a pond and then limit the outfall by sizing the pipes and the outlet control structures to limit the rate. He stated right now they are looking at the topography and the preliminary engineering that they did and there's a high point through the site where west of that point it all drains towards federal wetlands to the north & west and to the rear of some properties within the development area but all of it drains to the south ultimately to a culvert underneath the parkway and so the area to the west outside of the development area they are not changing anything. They will put some trails in but they are not clearing the woods or grading that area. They are not adding storm sewer systems so they will be with in the development site collecting all the water and routing it through the pond in accordance with all DEC (Department of Conservation) requirements.

Town Attorney Cully inquired about the residents on Lexington Blvd. and Lincoln Drive as to how will this project impacts those areas?

Civil Engineer Matt Donaldson replied that the discharge from the site is going to be collected in a swale that runs along the west point of the property line and said again, the rate that the stormwater will be discharged from their site will be less than what is discharged from the site currently. He said the storage is in the stormwater management facility. The water still has to go where it goes today but at a lesser rate so it will have less impact to anything downstream.

Town Attorney Cully verified that the stormwater impacts will be reduced.

Unidentified Resident: An unidentified resident asked how they determine that the stormwater is being reduced.

Civil Engineer Matt Donaldson replied by saying all question raised will be reviewed and answered after everything is reviewed and everything has to be approved by DEC (Department of Conservation) and they have to follow all State requirements for stormwater.

Councilman Reynolds asked if Conifer is taking care of the runoff of that developed property because as he understands it with the retention area, the westerly portion is not being addressed except to say there's an existing drainage there as it approaches that high point, that drains and will drain as it always has.

Civil Engineer Matt Donaldson said Councilman Reynolds is correct.

Councilman Reynolds said Civil Engineer Matt Donaldson is now indicating trails in there and asked how would he describe the land in their along with growth.

Civil Engineer Matt Donaldson explained that the land generally slopes from the north to the south and slightly to the west. He said as far as the growth that is underbrush with some mature trees and most of it is regrowth from the last 20 years.

Councilman Reynolds questioned if it's dry in there?

Civil Engineer Matt Donaldson stated there is evidence on the State wetland map & the National wetland inventory further to the west that there is a wetland over in there.

Councilman Reynolds stated that the Civil Engineer Matt Donaldson is saying Conifer is not going to disturb that portion of the site on one hand yet on the other hand Mr. Donaldson says Conifer is going to put trails in and Councilman Reynolds said that is a disturbance in itself and he questions that its wet in there all the time and said basically it floods the streets. So as Conifer changes and develops the property, they are going to impact that undeveloped property in terms of drainage and he points out that Town Counsel said the Town needs to do something about the drainage systems and it has to start with each development and he's not convinced that the Conifer is addressing the drainage in the property that they are not going to develop but because they would own it they could develop at some point. He asked what the trails will be used for and how the representatives would be sure that's all they will be used for opposed to a snowmobile or four wheeler trail.

Civil Engineer Matt Donaldson replied the trails will just be walking trails and Conifer will have acting management on site. He said Conifer owns and maintains their property. He also said there is no future development on the western portion of the site.

Councilman Reynolds replied by saying today.

Attorney Goldman said Conifer is prepared to do a conservation easement or anything along those lines regarding the western portion of the site so there's no plans to develop that land.

Councilman Reynolds asked if a conservation easement would eliminate the trails.

Attorney Goldman replied no, that he doesn't think so. Recreation can be allowed within a conservation easement it would just preclude any future development and the clearing of trees but said that language can be worked out with the New Hartford Town Attorney.

Councilman Reynolds said he would think that would be very important and questioned Civil Engineer Matt Donaldson as to what type of buffer they were talking about when he mentioned the buffer zone?

Civil Engineer Matt Donaldson replied by saying the existing vegetation that there leaving on the outside and all the remaining western portion of the site.

Councilman Reynolds asked if Conifer would consider adding a buffer zone to include pines or some sort of trees or whatever on that property line to act as a further buffer. He's concerned with the properties that about the line and are within 100 feet of the line. Councilman Reynolds thinks it makes sense and that it would be a nice addition to put a buffer along that line.

Civil Engineer Matt Donaldson said Conifer has no development or clearing or anything else other than some paths and walking trails. He said they have not decided the surface of it yet butt that it could be wood chips or stone but reiterated again that there is no clearing within 400 feet of any existing residences so adding pine trees or something that's 400 feet of existing woods in his opinion he does not believe it would help.

Councilman Reynolds clarified he was referring to the line along the property and he would like to see some sort of buffer there.

Civil Engineer Matt Donaldson replied that they would have to cut down trees to plant trees in that area and they already have a full landscaping plan ready when they go in front of the Town Planning Board.

Town Attorney Cully said the components of the trails are part of the Towns ordinances which allows unique development which a lot of people put in a recreation facility, walking trails or in fact whatever.

Councilman Reynolds stated he wants to be sure they are in fact just walking trails.

Supervisor Miscione said there are trees on both sides of the Woods Road and its completely dense.

Councilman Reynolds said clarified not referring to the line on Woods Road that he's referring to the line on Lincoln Drive and Lexington Blvd.

Unknown Conifer Representative said Conifer would be happy to walk the site with the adjoining property owners.

Councilman Reynolds said there is considerable wildlife in there and not just squirrels & chipmunks but deer, turkey & coyotes.

Civil Engineer Matt Donaldson explained further of the proposal. He said Conifer is only developing 12 ½ acres of 48 acres with the DEC (Department of Environment Conservation) easement to include passive low trails but that the rest of the site is not being developed. He said from a development standpoint if this was developed as commercial which its currently zoned then 24 of the 28 aces could be developed and still would be in compliance. He believes this has much less impact environmentally and from a drainage perspective which would not be needed and would not have come before this Board for approval.

Supervisor Miscione confirmed the site is a total of 48 acres with more land that's not being developed.

Councilman Reynolds questioned where the retention pond drain will drain to?

Civil Engineer Matt Donaldson replied that the proposed retention pond will continue to discharge to the south just like the existing portion does. He said Conifer will be restricting the out flow from that pond and it will eventually flow to a culvert underneath the parkway right in line with the property line.

Councilman Reynolds questioned the flows and if it goes to some culverts at the western bridge?

Civil Engineer Matt Donaldson replied "no, it is not." He continued to say the western drainage goes towards the wetlands but he's not sure where it ultimately ends up after it reaches the wetlands.

Town Attorney Cully asked Civil Engineer Matt Donaldson to point out where the wetlands were on the proposal diagram.

Civil Engineer Matt Donaldson stated the wetlands are about 1000 feet of the western portion of the property.

Unknown Conifer Representative said it is also less than 1000 feet of the DEC (Department of Environmental Conservation) wetland conservation.

Councilman Reynolds asked if the flow is west to east in the undeveloped area.

Civil Engineer Matt Donaldson replied the flow is from east to west.

Councilman Reynolds does not believe that fact is so and said that Conifer has provided a topographical map to the Town Board.

Unknown Conifer Representative pointed out on a diagram (unable to view on camera) and said that this whole development portion & everything up to the highlands all comes down through this area north to south but west of here (unable to view on camera) and goes towards the wetlands.

Many unidentified residents all responded at once staying “no it does not” one resident stated to trust him as he has the river in his yard and Councilman Reynolds agreed.

PUBLIC HEARING:

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

(RESOLUTION NO. OF 2019)

RESOLVED that the New Hartford Town Board does hereby authorize a Public Hearing and opens the floor to residents wishing to speak in regards to the Conifer proposal that was presented. Public Hearing sign in sheet is attached as attachment “A” of these minutes.

Upon roll call, the Board members voted as follows:

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

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

THOSE WISHING TO SPEAK:

Linda Oyer – 13 Caryl Blvd. – Told the Town Board she lives on wetlands with no drainage and showed a picture to the Town Board of her backyard (unable to view on camera). She said her back yard looks like this today and every time it rains her backyard floods. She pointed to Conifer’s diagram (unable to view

on camera) and said this retention pond is 400 feet from this point and asked if the retention pond is open space and then pointed out that space looks very close to the proximity to several residents. She then showed her backyard picture again and said she's very concerned with mosquito infests but also she can't use her backyard now and at times not until August due to the existing mosquitos. She said a big concern for her is the grade and asked Conifer how it would flow in a certain direction (again pointing to Conifer's diagram that is unable to view on camera). She said she's concerned if the water flows down it will eliminate her backyard completely, especially with no drainage. She also questioned what the proximity of the playground & trails are. She pointed out they are close to an undisclosed location on the diagram and said they will also be dealing with infests and also it's very close to another point and said now kids will be effected and that they are very close to her property. She continues to say the drainage is probably one of the main concerns and asked if Conifer is building a drainage system or using a drainage existing system?

Town Attorney Cully stated the developer would be responsible for a SWIPT (inaudible) & for stormwater maintenance.

Linda Oyer asked the Town if they have no responsibility for maintenance then how a resident has no recourse if it floods their property.

Town Attorney Cully replied the law requires them to post a bond to ensure it performs adequately.

Linda Oyer told the Town Board that if they have a retention pond and it overflows due to rain, melted snow etc. then it will happen every time and her concern is it won't have enough drainage and flood Caryl Blvd. every time. She also questioned Conifer wanting to know if a management office will be on site with someone available and the security plan.

Supervisor Miscione said he believes so and that's what they were told.

Unidentified Conifer Representative stated "yes, that is correct." He continued to say the site will only have security cameras and they will have on-site maintenance during the day and a property community manager along with staff.

Linda Oyer asked the Town Board if any additional officers will be added to the New Hartford Police Department.

Supervisor Miscione replied "No."

Linda Oyer stated that is another concern for her because the Town is allowing the building of this apartment complex but that other apartments in other locations have had serious issues and are falling to disrepair and decaying. She said the interior of some apartments are becoming unsafe and they attract drug activity. She said needles are found on the ground in some complexes. She told the Board she chooses to live in New Hartford and choose to pay a higher price for her real-estate and taxes to avoid these issues. She continued to say safety is a big issue for her and she hopes the Board considers her concerns and votes NO on this project. She said she is very vehemently opposed to the change of the re-zoning from commercial to residential and the impact it will have on every resident and the Town streets.

Peter Obernesser – 2 Lexington Blvd. – Said his property borders the west portion of the site and he has issues with the drainage. He told the Board as of right now it is wet up there all year & it does not drain. He points out where the drainage pond is on the Conifer diagram (unable to view on camera) and said it's about 100 feet from his property line. He said as to existing ditches, there is no irrigation ditch.

Unidentified Conifer Representative asked Mr. Obernesser to direct his comments to the Town Board not to them.

Town Attorney Cully explained that the residents to express their opinions & concerns to the Town Board.

Mr. Obernesser continued to say that it is all overgrown with a barbed wire fence which will show on the survey and the existing old irrigation ditch goes all the way to Route 5. He said he owns half of it and it is the only drainage. He feels it is too wet to dig a pond in that area. He told the Board he walked the property yesterday and his boots were two feet deep in water. He points out his property line on the Conifer diagram (unable to view on camera) and said the ditch that goes along the line facing the Business Park called the "Old Drainage Ditch" does not drain this way. He continued to say the water just sits there and it stays wet. He said the Town does not maintain the ditch because he maintains the ditch. He said his house is not all that close to the site but his property is and he can't see the pond getting rid of any water unless they raise it and bring in a lot of fill. He feels from a topographic standpoint he thinks it's close to a 50 foot drop between this point and Route 5 (he points to Conifer's diagram which is not viewable on camera).

Town Attorney Cully stated the length of the drop is unknown.

Mr. Obernesser said he knows and so does everyone else they cannot use their backyards until July or August and he's concerned if the water is truly going to stay there then there's no problem but its low there already and he doesn't see that happening. He also stated to dig a pond that's already in standing water and lasts all summer & questioned if anything was going to be fenced at all?

Town Attorney Cully clarified what Mr. Obernesser is concerned with which is he doesn't feel the drainage pond will be functional because there is already so much water there.

Mr. Obernesser replied to Town Attorney Cully "yes" and continued to say the culvert that goes under Route 5 to the ditch is his according to the survey he has and he doesn't want to be responsible for other people's water.

Donna Cichon – Concord Blvd. – Stated she also floods and questioned if the sewage will be running when they pump it?

Highway Superintendent Sherman replied there is a manhole in front of this project on Woods Highway so all sewage would go to that manhole which goes down to Seneca Turnpike to Jay-K Lumber.

Mrs. Cichon continued to say they state all roads will be built & privately taken care of by Conifer, she questioned the Town Board if the roads will eventually be turned over to the Town and become an

additional expense for the taxpayers and is there going to be an environmental impact study done before construction begins and can it be provided to the residents? She continues to say in googling Conifer properties that they have poor so what would make this project different than others in Rochester, Syracuse & Albany? She questioned if the trails will be lit all night long and disturbs area residents only a few feet away? Lastly she asked the Board when they do violations, what happens when they violate the things they say they won't do?

Scott Gaffney of 10 Caryl Blvd. told the Town Board his concern is flooding and he doesn't feel the clearing of wetlands has been mastered and he's also concerned with apartment buildings & asked the Town Board if this type of residential they want in their community. He then told the Town Board to look at other apartment buildings and mentioned Cardinal Estates, Swill Garden Apartments, Hillside Garden Apartments which are all managed apartment buildings and some are not good quality and the type of residents these types of apartment buildings attracts. He continued to say he received a letter that stated that approximately 40 school aged children would live there and New Hartford has an image and it would be obvious people come for the quality of the school and he asked the Town Board if they want mid to lower income to come in with the problems they bring. He commented the world is rough and we need to be concerned with the type of people that would be drawn to our community. He continued to say another consideration is these people working for Conifer won't live in New Hartford & what's the income level as a professional with Conifer because there's a difference in 100 grand and 20 grand per year & what would the management commitment be and what type of people would he be renting to and would be coming to our neighborhood. He said he has a big issue with safety in our community, our neighborhoods and our schools also the condition & maintenance of the buildings because they worry they could get run down & not being well maintained. He worries about the neighbor's property values being affected.

Unidentified Resident of Caryl Blvd. –Asked the Town Board what “transitional housing” exactly means and the definition?

Mary Tupaj of 8257-8263 Seneca Turnpike told the Town Board the water issues are her concern and she's been at the site many times. She stated her grandfather built her house in the 1940's and he used to dig ditches all across the property to catch some water but the problem has gotten worse over the years. She said up until the 70's the land was still farmed but she can't understand why it's so wet up there. She's lost a lot of trees. She Told the Town is more than a Town problem. She said she has addressed the Town Board for help many years prior and nothing. She asked again when her taxes went up in another part of Town for drainage issues and asked what about they and she got nothing. She told the Town Board her real concern and she's saying with very delicately is it's interesting to be able to rent an apartment in Kennedy Plaza for \$650 a month so she's worried how Conifer was going to charge \$500.00 a month. She also asked the Town Board where anymore could anyone get an apartment for \$500.00 a month in today's economy and it seems very low to her. She commented on a positive note that she would rather have apartments than a BJ's Wholesale Club, which it could have been as long as it was done safely. She also told the Town Board that she's a friend of the wildlife that visits her property all the time and that was another concern of hers, she wants to be sure the animals still have some space.

Ronald Merritt Sr. of 11 Concord Blvd told the Town Board he's concerned with the height of the buildings and asked if they are going to be two stories or three? He said he would hate to see the top of

apartment complexes. He told the Town Board he built his house in 1971, he firstly talked with his neighbors. They had a water sulfur issues so he had a "Perk Test" done which took five days for one inch of water to see where it runs down. He researched the property and the potato farms which all turned to clay down below which is why water is staying on all the properties. He built his home on a slab 12" above road level and his backyard will still flood until August because of the clay. He also questioned the trails and said he would like it left to the wildlife. He said the Town already has a beautiful trail that people come for miles to walk and it's maintained by the Town. He urged the Town Board to stop disturbing the wildlife. He also agrees with Councilman Reynolds about the buffer to assist with noise levels. He says he knows what 40 kids could sound like. He also said he would like to see pine trees because they suck up a lot of water. He wants to know a total square foot of these apartments and asked will these be apartment rentals or condo's where people own them?

Kathy Maine of 8283 Seneca Turnpike told the Town Board her concern was water and the development of the southern portion and asked how long will it be before it is developed? She said they have worked for 20 years to avoid water issues in her basement and does not want it now due to this project. She said the Conifer representatives commented adequate this and adequate that, the formulas they use for this and that but that does not account for the torrential annual rains they have had the past three to four years. She asked the Town Board what recourse the residents have to go back on them if there drainage system does not work. She said Conifer should be required to over build the drainage due to existing issues. She said her other concern is noise & safety. She said right now it is a quiet place and asked what the tenant screening process will be and what the income levels will be & what references are needed to help keep neighborhoods safe? She said 12 & 13 acres is a lot to disturb and she doesn't feel one pond & drain is adequate. She told the Town Board drainage needs to be addressed for Seneca Turnpike because it is a river down her driveway. She said she has ice issues in the winter and the mosquitos are awful.

Lisa Britt of Lincoln Drive told the Town Board she has issues with the way they got to this Public Hearing. She said part of that process was a Town Board vote on September 4, 2019 to review the process by the Planning Board then this public hearing and a possible vote tonight. She believes the Town violated their own zoning laws. She commented in order to get a PDD, it needs to be submitted by the owner and she does not believe Conifer owns the property. She said her next big problem is why the Planning Board (and she referred them as the "rubber stampers") went through the approval process and made a report which apparently probably was copied and pasted from the minutes but they were required to hire one or more independent, New York State licensed professionals such as an Engineer, an Architect, a Landscape Architect or a Professional Planner with the cost being borne by the applicant, the owner of the property should be the applicant. She continued to say in all observations these recommendations are to be submitted to the Planning Board as part of the review process and this was not done. She said as part of the review process a written report from the Planning Board to the Town Board is required and the process was not followed which would be Town Code 118-40. She said now after the Planning Board does a written report and SEQR recommendations to the Town Board to review the findings. Then the Town Board should set a public hearing date. She said there has been no report other than copied & pasted minutes from the Planning Board to the Town Board so this whole process has been done illegally. She told Councilman Reynolds she smelled something when they did there walk about but she's not sure how a public vote by the Town Board could be held when they got here illegally or with Town Code violations.

Catherine Dougherty of Lincoln Drive would like the comments from the November 20, 2019 Town Board meeting re-entered for the records regarding flooding in the Town and she wants the Town Board to know she's against the apartment complex. She said at that meeting it was the first time she ever heard about the prospective apartment complex. She thought the new owners would be a church, which at that time she said lord knows we could use another church in the Town where they can pray for us with all the climate change & flooding caused by all the corporations & governments who allow the development of land that is not suitable. She continued to say she was stunned to hear an apartment complex was proposed in a Federal wetland area, a swamp area that floods with no infrastructure to support that many people living there also, there is no public transportation for low income housing that is being proposed behind her residence. She said as one of the last large green areas in Ward 4, there are many sensitive and endangered species living in those woods. Any development there will exasperate flooding and diminish the existing residential quality of life. She also said she's referring to the tax paying residents. She went on to recap the November 4, 2019 Town Board meeting where the application made by Conifer Reality LLC on August 28, 2019 is not legal and does not follow Federal, State, County & Town laws, regulations & codes. She said Conifer LLC according to records is not the owner of the property and should not be requesting a zoning change. The application should be denied because it was not made by the property owners. She also asked the Town Board why this project is being pushed through the Planning Board and the Town Board so quickly without public scrutiny as the process is barley been three months since the letter went out by the Town Supervisor to the residents. She said the Town Board has had a history of approving undesirable projects and not holding developers to plans submitted which is allowing a negative impact to residents as in this case they will have more flooding and decimation to property values. She also said the Town Business Park Development is a good example of a developer who made many promises and she's here tonight to say they did not deliver with any consequences by the Town Board. The Developer promised walking trails in the Park and there is no Park in Ward 4. She commented there are two hotels, an insurance company and two safe facilities in the Business Park now and she believes the infrastructure promised to the Woods Highway residents is not completed to date.

Unidentified Resident spoke on the walking trails that were supposed to be in the Business Park also.

Jim Marsh of 8361 Woods Highway said he's on the other side of development and he's lived in his home for 40 years and his wife lived there her whole life. He heard facts tonight he was unaware of but said it helps explain a lot of things. He told the Town Board his experience of when development occurred on his side of the road with his well He attended a Town Board Meeting back in the early 2000's and the people had good intensions and also said he likes development. He asked the Town Board if a hydrologic Study is being done (The Town Board was unsure and one unidentified member said no). Mr. Marsh told the Town Board in June upon arriving home after they dug along the new road to put in the sewer lines & other things that his water was brown. He had the water tested and it was infested with e-coli. He said his wife and 2 children had to bathe in filthy water until November of that year. He thanked the School Board and the few Town Board members who heard his cry & plea and he was able to connect to the water line that came up his road at a cost of \$2,000.00 and he never got an apology or a cent. He told the Town Board that is no way to treat residents. He said he is not a hydraulic but they only dug down about 6 feet & you're already talking about a shallow table so just wait until it concentrates the bedrock to put the sewer lines in. He said the Board not only should be concerned with too much water but it changes water quality and introduces new things. He said who knows but he's saying to this Board to please consider that fact and also he would have liked it if someone reimbursed

him the \$2,000.00 it cost him to connect to a water line that he did not need until his water was permanently polluted. He told the Town Board that promises were made and broken and that's no way to treat residents. He continued to say that New Hartford is a residential community first and foremost and if the Town Board is going to change the zoning laws and everything then please stop flip flopping and just make a decision and stick with it as far as the zoning is concerned. He said it is more audacious to have a housing development in there but maybe the Board should have been considered year's ago. He told the Town Board he's concerned with his property value and the other 20 acres because he understands how business works. He said if there is a full piece of land and an opportunity then people will take advantage. He said the unknown scares residents and they just want to live their lives. He continued to say there's an intersection 80 feet from his house on Ariana Lane and then they put the driveway across the road from that, he's now retired and the traffic is 40 MPH and it is not controlled enough and it is dangerous. Children live & play there and that's a bad thing in the Town. He said if these changes are being made he then asks the Town Board to drop the speed limit to 30 MPH with strict enforcement and he feels that's really important. He also asked the Town Board how many acres of pavement and buildings will be in this development because he feels once pavement & buildings are constructed, again he is no hydraulic but he says that water has to go somewhere and when a mature forest is there, which he went to college for so he knows a bit something about it. He said the way it is right now, Mother Nature is doing its level headed best to drain what water comes naturally there and there's already existing water problems. He said it doesn't take a degree to figure out that there could be further impact no matter what formulas are utilized. He told the Town Board he's concerned with this facility with security and that no one will be patrolling or paying attention and he is not very impressed with security cameras. He also said cameras are everywhere and do not deter people who are up to no good. He told the Town Board he is worried about his property value and after speaking with reasonable developers. If this was developed then what will the next changes be and will it be zoned something different? He is also concerned with the 153 cars in the complex. So he told the Town Board they can't say there won't be an impact driving on Woods Highway. He asked the Town Board if a 4 way traffic stop sign will be added or a traffic light as these are things that need to be considered. He inquired about the water pressure and asked if it will be affected. He told the Town Board some residents on woods Highway still have wells so if the ground is disturbed in any way then good intensions can end up with dirty water and he's a good example of that. He said his family went through hell and they were not even offered a bottle of water from the Town. He talked about the proposed trails and asked if the surrounding residents will have access to use them or will they be private and he also asked what is in this project for the surrounding residents and not hearing a whole lot which he finds very disappointing.

Bill Snyder of Oneida Street told the Town Board he has no steak in this project as he does not live anywhere near it but he is a victim of the floods and one of the biggest things everyone here has talked about if flooding & development. He said the story has been heard over & over and also the wetlands is lost within the Town. He continued to say that after the Board develops this property the poor people that live there will then be a victim just like himself. The Town Board will come back from the next flood with all of Chadwicks but also with all these new people. He urged the Town Board to consider more flooding & more problems to fix. He said the Board is trying to do a water study in his area but at some point the water will be in their area. He also said with more development then it is fewer places for the water to go especially with pavement & concrete. He asked the Town Board to consider these people and not make them victims like the rest of them.

Lori Wojtanowski of 17 Caryl Blvd. told the Town Board her biggest concern is the Police Department & the Fire Department. She herself has had to call both Department's for personal reasons and said it takes 12 to 15 minutes for them to arrive and now with additional people living in that area they will also require those services. She said another concern is the proposed trails. She said she owns a certain amount of land and asked if they will be able to walk onto their property and asked where the trails will end. She said she does a lot of street walking and looks out for her neighbors and she witnessed one of her neighbor's ex-husband using a screwdriver to get into her house and as she approached she asked why he was at that house. They all look out for each other and she asked the Town Board who was going to watch out for them with all these additional new people. She is concerned the people will not stop at the end of the trails and will flow onto her property. She told the Town Board her husband walks the trails every day and there privately owned. All the residents here have covered the water issues with the re-zoning but they will need more Police & Fire available and they have to respond quicker and that will not happen with additional residents requiring their services.

Unknown Resident who Already Spoke – She presented the Town Board with a picture of the only wetlands that was left in the Town & said if Mr. Adler did not buy the swamp then it is not buildable. She asked the Town Board if Conifer is not keeping the 20 acres after they buy it then how are they going to maintain the stormwater system that drains down to Seneca Turnpike and asked if an easement is needed or will the 20 acres join up with the 2 acre lake? She also asked if Conifer is planning for the traditional 100 year flood. She said she's been attending the Climate Smart Committee meetings where they said they should be planning for the 500 year flood but because that area already floods then maybe it should be the 1000 year flood. She also told the Town Board Conifer's stormwater management plan described in the application pretty much does not comply with the Town Code Chapter 67.1 and there are other things in there that will affect other properties. She told the Town Board that there is a wetland overlay district over behind Applewood where the wetland portion shown on the map to the Town Board was not fully filled out. She finds that under project operations Conifer only checked one box and informed the Town Board it was no from "A" all the way to "C". She can't understand how they can build a two acre pond and not think that's something other than normal. She continues to say the Site Plan preparations is aiding or the installation of foundations or utilities and it does not conclude any excavating. She then says she's not sure how to build a pond without any excavating. She pointed out the application is only half way filled out and there proposed actions will disturb only one acre with buildings and then they are going to drain it to the onsite wetlands per what they said so their draining there water this way because the wetlands are over here (pointing to Conifer's diagram that is not visible on camera) as she continues to point out what Conifers application says she continues to ask will the stormwater runoff flow to the adjacent properties and answers "yes" then continued to say they wonder why all these residents are here. She said they don't need more water and then moved on to another issue which for her is traffic. She said while building this there is going to be more traffic in the A.M. and in the evening and she does not think they will build it in the evening unless they want her yelling at them. She said she's unsure of the facts but said that there were 2000 feet of a New York State DEC (Department of Conservation) Site Environmental Remediation which she thinks has to do with Special Metals but continues to say that above it they say there is a facility serving children, adults and elderly and that the schools, hospitals, daycare centers that falls within 1500 feet will be effected. She went on to say that if they are going to include the Brownfield clean up at Special Metals then they should include BOCES which is a mile away because it is closer. She went on to speak on Natural Resources and said everyone obviously knows the soil drains poor and said the wildlife species (commented that rodents were just field mice, according to Conifer) and said any animal is a

special concern and they may not be designated as such but when you live in the woods, you know what is also living in the woods. She said there are Cooper Hawks and another special birds that are special concerns to New York State DEC (Department of Environmental Conservation) and she has 17 years of pictures to document the species. She said salamanders, frogs, toads and she's sure she can come up with a few from other lists. She then said they put only 3.5 acres of agricultural land with highly productive soils and she does not think that is correct because the soil they stated that is on the property is good growing stuff but said she may be wrong, but she thinks the gentlemen that completed the application did not leave his office desk and did most of it with maps. She said she does not think he walked the land because she said if he had he would know the water runs this way and continued to say so in order to pump back to the wetlands they would need a pump and does not exactly know where the little rise that separates the water is because she could not see from the back but would like that clarified.

Unidentified Conifer Representative: Pointed to the map and said right through this area there's a drainage divide where this comes to the south and ultimately goes west, not north. (Unable to view map from camera).

Unidentified Resident – Said because she lives right here she can safely tell the Board this fact and she can watch the water go by that way. She asked the Town Board for a serious “No Vote” and said things need to be corrected from the beginning of the Code and everything that was violated in order to get to this point. She told the Town Board it only took 29 days to push this through and she did a calculation of how many rough senior apartments are located in the Town of New Hartford and she counted 16 apartment complexes. She said she also feels a “No Vote” is in order because they need to own the property before they can apply for a zone change and the Planning Board can't act on it.

Town Attorney Cully stated he was present at the Town Planning Board Meeting where this application was reviewed and all Planning Board Members took the application very seriously. He told the residents he takes offense to the “rubber stamper and the cut & paste” comment. He continued to say Brian Maggon was the Towns Engineer and it is very common for the owner of a property to give written authorization to a developer to go forward on their behalf as the applicant and that process was done in this case. He hopes in response and although he is not a voting member he hopes someone talks about the clay because he said obviously there is a huge water issue and standing water issue so the though there is clay under a dug pond will immediately fill up and just hold water which is a serious concern to him.

Attorney Goldberg spoke and said they appreciate the public and their participation & comments and Conifer understand there dealing with an existing drainage issue. There efforts are not to make things worse but to make it better in conjunction with what State & Local regulations require. He said at the end of the day, the drainage is fully developed by the Engineers and the Engineer Matt Donaldson will speak on that and the drainage comments a little more. He said all will be reviewed by the Town Engineer and all that has to still occur. He addressed some of the comments from residents tonight such as management. He said Conifer will have a management office on site and they will provide security if necessary and that Conifer has been doing this for a long time so they do understand the dynamics of the screening process and controlled tenancy and everything else on their sites. He said with regards to Police & Fire that both Departments did submit comments. He said the Police Department indicated that the project will have a marginal impact on the ability to deliver Police services and the Fire Department

said the additional development may have an accumulative impact but this project will not result in the major increase in calls. He said he can't speak for other departments with other projects in the Town but he does know the Conifer developer and said he heard a lot of concerns about drainage and some discussion with regards to sewers and Conifer did the review with the County and the Town and they did resolve in the method of sewage removal. He said the dedication of roads is not necessary and they will not be designed to be dedicated. He also said the Environmental Assessment form was provided and subject for public review before a final decision. Conifer is also familiar with lighting and it will be controlled on the site. He addressed the concern about violations and said if there were any that would be an enforcement issue but they are not anticipating any violations. He said with regards to safety issues & lighting they talked about Police & Fire and open management. He clarified when he mentions transitional zoning he said he did not say Transitional housing but Transitional zoning which is generally going from a single family to a multiple family and before you get to commercial and that is what this project is talking about doing. It is creating that type of buffer between the various types and as far as one speaker's concern with making sure things are done right he says that's obvious Conifer's intentions as well. He addressed the building height question by saying all buildings will be two stories and he pointed out his plan which shows what a typical building would look like. He addressed the trails and said they will be private so Conifer can maintain that degree of control and if there were to be a desire for Town participation then they would have to cover insurance and things like that at a later date. He said with regards to wetlands that they are not developing in a wetland. He said there is a Federal wetland located in the north western portion of the site which is not being developed and they are talking about putting the 14 acres in the Conservation Easement. He said with regards to the process that the Town Attorney Cully already spoke to that and the Town Code is very explicit on the process. He said as far as the approval process in Town Code 118.40 they did follow each of those steps. He said they went to the Town Board first then the Planning Board and it is not a 29 day process and that the application was filed in August and it is now December.

Unidentified Resident spoke but was inaudible on camera.

Attorney Goldberg said Conifer made the application and went to the Town Planning Board and had a discussion and made their findings and issued a report which was submitted to the New Hartford Town Board per the Town Code. He said as Town Attorney Cully pointed out the property owner authorized the application which is typically how developers do the process and that was done in this case. He said with regards to species on the property that they do a check to see if anything is on a particular list and they did not find anything with regards to this particular site.

The New Hartford Town Board asked the residents not to interrupt the speaker.

Attorney Goldberg continued to say that he is trying to go through some of the questions and concerns that were brought here tonight. He said the impervious area or the area being developed again is contained and the drainage is studied relative to what the impact would be and again, anything they can do they will be looking at to control the drainage that comes from this particular site & property. He said he feels most the questions and concerns are pretty much about drainage. He also wants to point out that in regards to traffic and that concern that Conifer did receive comments from the New York State Department of Transportation and they said they did not have any issues. The Department of Public Works also looked at the traffic and based on the traffic numbers on Woods Highway they are still maintaining levels of service on that particular site.

Civil Engineer Matt Donaldson said a couple engineering questions relative to water pressure drop needs to be addressed and he said there will be no drop as they will be coordinating with MVWA and they will be working very close with them to ensure residents have no problems with domestic water or fire water services for this project. He said the EAF that was mentioned is relative to DEC (Department of Environmental Conservation) spills and notifications management are all populated through DEC's data base which keeps Engineers and anyone else from checking. He said from checking no on the form when there really is a yes, so those are all items filled in through the appropriate agencies that they coordinate with. He said specific to drainage he wants to make it clear they still need to go back to the Planning Board for final approval which includes the review of this SWIFT, drainage, landscaping and all those items. He said Conifer takes to a certain level so they can identify impacts for the Towns consideration as part of the re-zoning process. He said this impervious (using the map that is not viewable to the camera) represents approximately 20% of the total acres of the site instead of 7 acres of the site which would be impervious and that would obviously have a much larger impact to drainage. He said the drainage needs to be resolved regardless of what gets developed on this site and it sound like it is something the neighbors would like to get resolved. He said obviously if the site does not get developed the development team can't help to address or alleviate some of those issues. He thinks that through the final design and working with the Town Engineer and staff they can potentially improve the drainage situation and that will be something with continued conservation. He said relative to the soils, the clay soils are saturated sands and they did the GEO Teck Report and found bedrock down between 5 to 8 feet in certain areas. He said Conifer has this with relative shallow utilities which all will be private. He said the stromwater management facility is where the water sits and where water drains naturally and they will not be pumping any stormwater and that all of the development area sits up quite a bit from where the pond is. He continued to say that again, it allows them to collect the stormwater and manage it in a way that will be the most efficient for their development and for regulating down stream flow from their property specifically. He said the outside areas of the development area that flows to properties currently that there is only so much that they can do as it is outside the scope of the project. He did say again, Conifer will do everything they can to help with that issue. He said relative to the clay and concerns with stormwater sitting as well as the downstream swale that they will have to work with the Town Engineer on this issue of the off-site drainage especially if a swale in on neighboring property. He said they will have further coordination with adjacent property owners if there is discharge from the proposed development. He continued to say relative to the actual soils the stormwater management facility will be excavated in the clay and there will be normal water elevation which will normalize at the ground water and then what they are required to do is to provide storage above that volume for any type of rain event so the presence of the clay soil is the presence of high ground water and all of those lean into the calculations of how they put the drainage point together in order to satisfy the requirements of the DEC (Department of Environmental Conservation) along with the Town requirements.

Town Attorney Cully said the impression he gets was as they dig the pond it is just going to fill up.

Civil Engineer Matt Donaldson replied "absolutely".

Town Attorney Cully stated it won't be effective because it is going to be full from the existing water and so if there is a storm then where does the water go?

Civil Engineer Matt Donaldson said Conifer will create storage above the pond within the banks.

Town Attorney Cully said so you build up?

Civil Engineer Matt Donaldson replied there would be an embankment as well as excavation down.

Town Attorney Cully asked how deep the pond would be.

Civil Engineer Matt Donaldson replied that typically DEC (Department of Environmental Conservation) requires the pond to be between 4 to 6 feet of normal water and then there is storage above that but he said again it is not all stored behind the bank that it is excavated down and the water will normalize to where they set the outlet for the storm water management facility.

Town Attorney Cully questioned how it is pumped out and where it is pumped into?

Civil Engineer Matt Donaldson replied there is no pumping but again that's fairly typical for any type of development (commercial/residential).

Unidentified Conifer Representative: So the net result is that the water is retained and the ponds have the benefit of regulating the flow. He continued to say instead of the unavailable drainage that everything goes this way, the water is regulated along with the amount of the flow, and it is detained for a period of time and the rate is established and it is typically less than what the current rate would be and it is required to be less than the typical rate.

Unidentified Resident asked how Conifer will have control over the property after they sell the 20 acres down to Seneca Turnpike and inquired if there will be an easement.

Unidentified Conifer Representative: Stated that's similar to how they are required with uphill property that they are not allowed to build a dam or berm or anything that would impinge or impact that property from draining across that property the way that it does now. He said they are required to take what comes upon them and manage it just like existing patterns and any buyer of that property will be required to do the same thing. If easements were necessary for infrastructure impervious for the design then they would absolutely obtain the necessary easements as to preserve the right to development.

Unidentified Resident: Asked how they were going to control a mosquito problem as two acres is a lot of land.

Unidentified Conifer Representative: Asked all questions be directed to the Town Board and not them. But then he answered the mosquito question as Supervisor Miscione had asked also. He said from a Mosquito standpoint, as it sounds like there is a lot of standing water in that area already, he then asked how to define which mosquitos come from his property opposed to standing water on other residents property and said that would be difficult and continued to say as far as pest management on the pond that Conifer would do everything normal of an apartment complex. He then asked the Town Board if they have anything they do with apartments such as any programs or anything. He said they don't have an active plan for mosquitos or anything else and some of these questions can be asked at the Planning

Board level. He also said that in his experience with standing water that is they are more attractive than with open water and that is his response.

Councilman Reynolds clarified that Conifer is not building on wetlands and pointed out that this is actually a wetland.

Unidentified Conifer Representative stated he understands the lands are wet and they will be taking that factor into account but its not State wetlands by definition.

Councilman Reynolds then asked the Board what possibly could be built there if not this complex with the land as it is.

Attorney Cully & Supervisor Miscione replied anything permitted by C1, such as stores, a BJ's a mall anything and Attorney Cully clarified the Board could not regulate it. The only thing the Board could do and the purpose of the RPDD is it gives the Town & Planning Board more control and he says if somebody comes in with the big commercial store or plaza that it is a permitted use unless the Planning Board says no then the Town can be sewed for the taking of private land and he says clearly any C1 use can go in there with no public hearing as they would just go in front of the Planning Board for a Site plan.

Councilman Reynolds stated the RPPD gives the Town much more control as to what goes in there and how it goes in there and it is over incumbent on the Town to make sure it is done right. He further states that this is a wetland and what the Board does will affect a lot of properties and he reiterates that it is on the Town Board and the Planning Board to make sure everything is addressed and Town Attorney Cully agreed. Councilman Reynolds said that this is the best avenue and the Town can also stop development if it effects properties and he further states that it is imperative that the Town and Planning Board get into the wetland area, or whatever it is called but that it drains into the Mud Creek, and the Sauquoit Creek and into New York Mills and this is a major opportunity to make major improvements into the way they approach development in a particular wetland area.

Town Attorney Cully further states that if this is approved by the Town Board then it goes back to the Planning Board for the final Site Plan Review and he says he thinks one comment made by Mr. Boulder is that this is a transitional zone, which someone called a transitional housing. He says it's a transitional zone and what could go in there is kind of less harsh in terms of residential housing project rather than a BJ's or some commercial store.

Unidentified Conifer Representative stated they are more than a BJ's and the typical rule of thumb is with the development with a project like this is that 10,000 sq. ft. per acre is roughly what's expected to yield and in this case they are talking about over 250 thousand square feet and more than half of it is covered by conservation which is nearest to the Homes on Lincoln Drive and the residential areas to the West of the site.

Town Attorney Cully asked Attorney Jerold Goldman where the conservation easement would be and Attorney Jerry Goldman replied it would be in the western portion of the site and said it would basically be in the portion of the map (unidentified by camera). Attorney Cully asked what restrictions the conservation easement would have and Attorney Goldman replied it is something topically discussed

between the municipality and the developer in terms of what would be wanted to have happen. He mentioned the interest with trails and said they are allowed within the conservation easement. He spoke on all terms being spelled out within the conservation easement and motorized vehicles on trails, etc. but also pointed out that with most conservation easements, although approved and reviewed by the Town would not have any major structures on the site but said it could be developed in the future.

Town Attorney Cully asked about the trails and Conifer putting them in based on the Towns ordinance requiring recreational facilities.

Attorney Goldman replied he is not sure they are fully developed but if the Town looks at them that Conifer is focusing more in the eastern end the western end which looks to be free of any of it. He said it was confirmed the trails are within the conservation easement portion. Attorney Goldman pointed out that there is more land that continues to go up beyond but also pointed out that the conservation easement being filed is a legal document and the developer could can't just change their mind and the Town is the signee or the other party and it would require Town approval to change that at any point in the future. He further states it is the Town Board that would have the right with the easements itself.

Town Supervisor Miscione stated they just did a conservational easement on Middle Settlement Road so they could not build anymore.

Town Councilman Reynolds pointed out it was the Towns second conservational easement.

Unidentified Resident asked on how many fire hydrants would be within the development and inquired if there will be a fence around the retaining pond?

Unidentified Conifer Representative said fire hydrants would be approximately every 500 feet and they would be coordinated with the Fire Department and there will be a fence with a maintenance gate around the retaining pond.

Unidentified Resident asked if there will be a fence around the pond or a fire hydrant attached.

Unidentified Conifer Representative said there is a public hydrant with water available.

Unidentified Resident spoke on the traffic on Woods Highway which has already doubled due to the new 840 right now.

Unidentified Conifer Representative replied that traffic from this project is incremental and is very small. He also said the buildings will be fully sprinkled besides the fire hydrant.

Councilman Lenart asked about the monthly amounts of rents that they arrived at and the people renting.

Unidentified Conifer Representative said the monthly rents are based on the individual's income. On the low end they are around a \$487 s a month for a one bedroom and that goes up to \$970 for a three bedroom. He said these rents are regulated by New York State (inaudible). He then spoke on the screening process where all residents will have to pass a credit check, a criminal background check and

landlord references. He said Conifer has the highest motivation for the best quality residents which makes management easier and their relationship with the community easier.

Councilman Lenart asked if it was subsidized housing and the range of income from low to high.

Unidentified Conifer Representative said no, it is not subsidized housing that it is financed through the low income housing tax credit. He said his residents will be between 30 and 90 percent of the average medium income which is \$70,400. He said there are 16 one bed rooms, 32 two bed room and 24 three bedroom apartments. He said the utilities are planning on being gas and electric and they are working with National Grid to confirm that gas is available but if it is not then they will be going to all electric and utilizing electric heat pumps. He stated utilities are extra above the rent.

Councilman Lenart asked if Conifer will have a car limit per unit.

Unidentified Conifer Representative said they typically see one car per unit so they have never had a need to regulate the number of cars per unit. The Town Code regulates two to one parking which addresses guest parking as well. However, the parking is not intended to store vehicles and all vehicles have to be maintained and in good working order.

Unidentified Resident asked if the management & contractors will be brought in by Conifer or hired locally.

Unidentified Conifer Representative replied typically they hire local for their individual community managers but they do have centralized and regional management available. The onsite community manager will be available from 9:00 AM to 5:00 PM and on weekends along with maintenance. They also have a 24 hour community line to help assist residents. He also said they partner with (inaudible) Construction Company and they can peek out from there.

CLOSE PUBLIC HEARING:

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

(RESOLUTION NO. OF 2019)

RESOLVED that the New Hartford Town Board does hereby authorize to close the public hearing in regards to the Conifer proposal that was presented.

Upon roll call, the Board members voted as follows:

Supervisor Miscione	-	ABSTAINED (conflict of interest)
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	ABSENT
Councilman Lenart	-	Aye.

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

Town Attorney Cully explained to the Town Board that as it relates to any local law the Board can adopt, reject or defer action and explained that in this instance they are down one Board Member so it might be a better alternative to defer action so Councilman Messa has time to review the tape of the Public Hearing and the Board can vote at the first meeting in January 2020.

DEFER VOTE:

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

(RESOLUTION NO. OF 2019)

RESOLVED that the New Hartford Town Board does hereby authorize to defer the vote in regards to the Conifer proposal that was presented.

Upon roll call, the Board members voted as follows:

Supervisor Miscione	-	ABSTAINED (conflict of interest)
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	ABSENT
Councilman Lenart	-	Aye.

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

Stormwater Discussion:

Supervisor Miscione said he has heard a lot of concerns regarding stormwater issues they have in their areas and he said the Board did a study for the first and second ward. He said they are working with the Town Engineers to come up with a \$120,000.00 grant from the State and he would like an additional study done (which is how the Town gets project funding & grant money from the State or Federal Government). He said once the study is done (a study can take two to three months to complete) it will show the major impact areas and what will help these areas which has helped the Town in the past two years to get projects done. He's requesting a motion for Concord Boulevard, Lincoln Drive, Seneca Turnpike and Caryl Boulevard, Homestead Road.

COMPREHENSIVE WATER MANAGEMENT STUDY:

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

(RESOLUTION NO. OF 2019)

RESOLVED that the New Hartford Town Board does hereby authorize Dunn & Sgromo to do a Comprehensive Water Management Study to be done in the general area of the 4th Ward and to include Concord Boulevard, Lincoln Drive, Caryl Boulevard, Homestead Road and Seneca Turnpike.

Upon roll call, the Board members voted as follows:

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

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

Unidentified Resident said everyone is here tonight because they are against the Conifer Project which will change the whole dynamic of that area and this study will not help them.

Councilman Miscione replied to her by saying he understands but that these are two separate issues and the water problems exist in that area regardless if the project goes through or not and residents deserve nice backyards and some flood relief. He feels the study is a way to tackle the water issues and improve the issues on a bigger scale. He did say that maybe these guys will not build but at some point the land that is zoned commercial will be developed. He said the Board can't stop people from building because all they will do is sue the Town and the Town will not win so he said he's for getting these studies done to improve the general area.

An Unidentified Resident asked if subsidized housing is really building smart.

Supervisor Miscione said again it is two separate issues and the study is not about subsidized housing it is about stormwater management. He said he can help the residents with grant monies and relief. He said the Mud Creek Study worked with flooding in that area.

Bill Snyder asked if they were going to have a Public Hearing about the findings in the Chadwicks area Study now that it is almost completed.

Supervisor Miscione replied they will have a Public Hearing with the Town Engineers on that issue and it will be posted in the Town Crier and facts will be presented. He said there are also things residents can do to protect their land from flooding also but they will go over everything.

Unidentified Resident asked what the process is with the Conifer Project after the Town Board votes on it.

Supervisor Miscione replied that what happens is the developer puts in the application for a RPDD Overlay which comes to the Board, they give residents the opportunity to speak, and they then go to the Planning Board which reviews everything with the Town Engineer which is paid for by the applicant. After this they have another Public Hearing which comes back to the Town Board. After they get all the information from the Planning Board, the Town Board then makes a decision to go forward. Then they have to go back to the Planning Board to go through the whole process of building permits, Codes and all that stuff such as stormwater management, predevelopment agreement, it will cost them hundreds of thousands of dollars in mitigation fees, they get bonded, He said it's a long, long process and this tonight was just the first step. He further stated that the January 8, 2020 Town Board Meeting will be set to vote on the Conifer Project because all the Board Members will have time to review all the materials

and all residents will be notified. The only thing the Town Board is approving at this time is the zoning change only which has nothing to do with the project as that decision is up to the Planning Board.

The Board did explain that if the parcel remains a C1 Commercial then a developer does not have to go through this process; all they need is a building permit to build as its zoned now. The Board has no authority to stop development if they are zoned properly.

FIVE MINUTE RECESS WAS CALLED:

PUBLIC HEARING-ATM PROPOSAL:

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

(RESOLUTION NO. OF 2019)

RESOLVED that the New Hartford Town Board does hereby open the Public Hearing to consider the installation of an ATM (Automated Teller Machine) in the Municipal Building at 8635 Clinton Street, New Hartford. The floor was opened to residents wishing to speak in regards to the ATM proposal that was presented.

Upon roll call, the Board members voted as follows:

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

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

CLOSE PUBLIC HEARING-ATM PROPOSAL:

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

(RESOLUTION NO. OF 2019)

RESOLVED that the New Hartford Town Board does hereby authorize the closing of the Public hearing as no residents wished to speak in regards to the ATM proposal that was presented.

Upon roll call, the Board members voted as follows:

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

Councilman Lenart - Aye.

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

DISCUSSION:

Town Attorney Cully said if the Board wishes to move forward the ATM Proposal then the Board needs the details as they have nothing right now. The Board does feel an ATM in the Municipal Building is a good idea.

ATM Approval:

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

(RESOLUTION NO. OF 2019)

RESOLVED that the New Hartford Town Board does hereby authorize the ATM Proposal which allows an ATM Machine to be installed in the Municipal Building for the publics use.

Upon roll call, the Board members voted as follows:

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

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

BUDGET TRANSFERS:

Finance Director Dan Dreimiller asked the Town Board to transfer funds as follows:

Police Part-Town Fund \$25,000 from Police Overtime to Police Contractual

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

(RESOLUTION NO. OF 2019)

RESOLVED that the New Hartford Town Board does hereby authorize the transfer of funds from Police Overtime account to Police Contractual Fund in the amount of \$25,000.00.

Upon roll call, the Board members voted as follows:

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

Councilman Lenart - Aye.

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

AUDIT OF VOUCHERS:

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

(RESOLUTION NO. OF 2019)

RECORD OF CLAIMS #1

#'S 2224

A600	\$ 1,231.30
TOTAL RECORD OF CLAIMS TOTAL #1	\$ 1,231.30

RECORD OF CLAIMS #2

#'S 2227-2239

A600	\$ 4,083.52
B600	\$ 19.45
DP600	\$ 142.60
DB600	\$ 29,055.97
SL600	\$ 9,582.72
SS600	\$ 3,063.84
TA600	\$ 5,841.72
TOTAL RECORD OF CLAIMS TOTAL #2	\$ 51,789.82

RECORD OF CLAIMS #3

#'S 2240-2374

A600	\$ 48,311.03
B600	\$ 2,803.93
BP600	\$ 11,145.83
DB600	\$ 43,248.39
HQ600	\$ 110.00
HWD600	\$ 4,165.35
SS600	\$ 14,209.20
TA600	\$ 1,628.92
SS600	\$ 88,083.41
TA600	\$ 2,345.05
TOTAL RECORD OF CLAIMS TOTAL #3	\$ 125,622.65

RECORD OF CLAIMS #4

#'S 2375

HEP600	\$ 37,706.00
TOTAL RECORD OF CLAIMS TOTAL #4	\$ 37,706.00

RECORD OF CLAIMS #5

#'S 2376-2378

A600 \$ 8,666.58

SS600 \$ 479.12

TOTAL RECORD OF CLAIMS TOTAL #5 \$ 9,163.70

TOTAL RECOD OF CLAIMS 1-5 \$225,513.47

RESOLVED that the New Hartford Town Board does hereby authorize the payment of vouchers presented.

Upon roll call, the Board members voted as follows:

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

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

2020 TOWN BOARD ORGANIZATIONAL MEETING:

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

(RESOLUTION NO. OF 2019)

RESOLVED that the New Hartford Town Board does hereby authorize the 2020 Town Board Organizational Meeting on Thursday, January 2, 2020.

Upon roll call, the Board members voted as follows:

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

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

SURPLUS PARKS TRUCK & VARIOUS COMPUTER COMPONENTS:

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

(RESOLUTION NO. OF 2019)

Upon direction of Town Attorney Cully Councilman Woodland introduced the following Resolution for adoption, seconded by Councilman Lenart:

(RESOLUTION NO. OF 2019)

RESOLVED that the New Hartford Town Board does hereby authorize the Town Board to rescind the prior resolution authorizing said Bonding at the November 20, 2019 Town Board Meeting

Upon roll call, the Board members voted as follows:

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

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

Town Attorney Cully explained that all the following Bond resolutions provide for the publication and all except one are subject to permissive referendum and each Bond authorizes the Town Supervisor Miscione to go forward and to have BANS initially that will convert to Bonds as the Town always does.

BOND RESOLUTION- AUTHORIZE THE PURCHASE OF TRUCKS & HEAVY EQUIPMENT:

The following resolution was offered by Councilman Woodland who moved its adoption, seconded by Councilman Lenart, to-wit"

**BOND RESOLUTION NO:
(SUBJECT TO PERMISSIVE REFERENDUM)**

BOND RESOLUTION DATED DECEMBER 18, 2019.

A RESOLUTION AUTHORIZING THE PURCHASE OF TRUCKS AND HEAVY EQUIPMENT IN AND FOR THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$1,718,600 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$1,718,600 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of New Hartford, Oneida County, New York, as follows:

Section 1. The purchase of trucks and heavy equipment in and for the Town of New Hartford, Oneida County, New York, is hereby authorized, subject to permissive referendum, at a total maximum estimated cost of \$1,718,600.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$1,718,600 bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of New Hartford, Oneida County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in The Observer Dispatch, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

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

BOND RESOLUTION- RECONSTRUCTION & RESURFACING OF ROADS:

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

**BOND RESOLUTION NO:
(SUBJECT TO PERMISSIVE REFERENDUM)**

BOND RESOLUTION DATED DECEMBER 18, 2019.

A RESOLUTION AUTHORIZING THE RECONSTRUCTION AND RESURFACING OF ROADS IN AND FOR THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$700,000 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$700,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of New Hartford, Oneida County, New York, as follows:

Section 1. The reconstruction and resurfacing of roads, including sidewalks, curbs, gutters, drainage, landscaping and other incidental improvements, in and for the Town of New Hartford, Oneida County, New York, is hereby authorized, subject to permissive referendum, at a total maximum estimated cost of \$700,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$700,000 bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of New Hartford, Oneida County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required. by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in The Observer Dispatch, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

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

BOND RESOLUTION- REPLACEMENT OF TOWN MUNICIPAL ROOF:

The following resolution was offered by Councilman Lenart who moved its adoption, seconded by Councilman Woodland, to-wit”

**BOND RESOLUTION NO:
(SUBJECT TO PERMISSIVE REFERENDUM)**

BOND RESOLUTION DATED DECEMBER 18, 2019.

A RESOLUTION AUTHORIZING THE REPLACEMENT OF THE ROOF AT THE MUNICIPAL HALL, 8635 CLINTON STREET, IN AND FOR THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$375,580 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$375,580 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of New Hartford, Oneida County, New York, as follows:

Section 1. The replacement of the roof at Municipal Hall, 8635 Clinton Street, in and for the Town of New Hartford, Oneida County, New York, is hereby authorized, subject to permissive referendum, at a total maximum estimated cost of \$375,580.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$375,580 bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty-five years, pursuant to subdivision 12(1)(1) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of New Hartford, Oneida County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also

the ability to issue with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in The Observer Dispatch, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

The resolution was thereupon declared duly adopted.

BOND RESOLUTION- IMPROVEMENTS TO RECREATION CENTER:

The following resolution was offered by Councilman Reynolds who moved its adoption, seconded by Councilman Woodland, to-wit:

**BOND RESOLUTION No:
(SUBJECT TO PERMISSIVE REFERENDUM)**

BOND RESOLUTION DATED DECEMBER 18, 2019.

A RESOLUTION AUTHORIZING THE IMPROVEMENTS AT THE RECREATION CENTER IN AND FOR THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$90,000 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$90,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of New Hartford, Oneida County, New York, as follows:

Section 1. Improvements at the recreation center in and for the Town of New Hartford, Oneida County, New York, is hereby authorized, subject to permissive referendum, at a total maximum estimated cost of \$90,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$90,000 bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty-five years, pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of New Hartford, Oneida County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in The Observer Dispatch, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

The resolution was thereupon declared duly adopted.

BOND RESOLUTION- VARIOUS ITEMS:

The following resolution was offered by Councilman Reynolds who moved its adoption, seconded by Councilman Lenart, to-wit:

**BOND RESOLUTION NO:
(Effective immediately)**

BOND RESOLUTION DATED DECEMBER 18, 2019.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$407,582 BONDS OF THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK, TO PAY THE COST OF VARIOUS PURPOSES IN AND FOR SAID TOWN.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town of New Hartford, Oneida County, New York, as follows:

Section 1. The following are hereby authorized in and for the Town of New Hartford, Oneida County, New York:

- a) Purchase of a building sign, at a maximum estimated cost of \$16,175, being a specific object or purpose having a period of probable usefulness of five years pursuant to subdivision 32 of paragraph a of Section 11.00 of the Local Finance Law;
- b) Purchase of a flag pole, at a maximum estimated cost of \$17,407, being a specific object or purpose having a period of probable usefulness of five years pursuant to subdivision 32 of paragraph a of Section 11.00 of the Local Finance Law.
- c) Comprehensive plan for flood mitigation, at a maximum estimated cost of \$150,000 being a specific object or purpose having a period of probable usefulness of five years pursuant to subdivision 62 of paragraph a of Section 11.00 of the Local Finance Law;
- d) Purchase of plows, at a maximum estimated cost of \$18,000, being a class of objects or purposes having a period of probable usefulness of five years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law;
- e) Purchase of court furniture, at a maximum estimated cost of \$56,000, being a class of objects or purposes having a period of probable usefulness of five years pursuant to subdivision 32 of paragraph a of Section 11.00 of the Local Finance Law;
- f) Police IT improvements, at a maximum estimated cost of \$95,000, being a class of objects or purposes having a period of probable usefulness of five years pursuant to subdivision 32 of paragraph a of Section 11.00 of the Local Finance Law;
- g) Purchase of a dump body, at a maximum estimated cost of \$25,000, being a specific object or purpose having a period of probable usefulness of five years pursuant to subdivision 32 of paragraph a of Section 11.00 of the Local Finance Law; and
- h) Purchase of barricades, at a maximum estimated cost of \$30,000, being a class of objects or purposes having a period of probable usefulness of five years pursuant to subdivision 32 of paragraph a of Section 11.00 of the Local Finance Law.

Section 2. The total maximum estimated cost of the aforesaid objects or purposes is \$407,582, and the plan for the financing thereof is by the issuance of \$407,582 bonds of said Town hereby authorized to be issued therefor pursuant to the Local Finance Law, to be allocated in accordance with the maximum estimated costs set forth in Section 1 hereof.

Section 3. It is hereby further determined that the maximum maturity of the bonds herein authorized will not exceed five years.

Section 4. The faith and credit of said Town of New Hartford, Oneida County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in the Observer Dispatch, which is hereby designated as the official newspaper for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which Resulted as follows:

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

The resolution was thereupon declared duly adopted.

Town Attorney Cully confirmed the Town Clerk Gail Wolanin Young has the notices that have to be posted and the Notice of Publication that has to occur within 10 days as provided in the resolutions.

DISCUSSION/COMMENTS:

Jim Lawrence commented that a Study is only being financed for 5 years.

SIGN AGREEMENT FOR TOWN HALL TO RECEIVE FUNDS:

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

(RESOLUTION NO. OF 2019)

RESOLVED that the New Hartford Town Board does hereby authorize the Town Supervisor to sign the Agreement with Oneida County for the Town Hall for the Primary Site and to receive the Town funds.

Upon roll call, the Board members voted as follows:

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

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

ONEIDA COUNTY AGREEMENT – BUS TRANSPORTATION:

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

(RESOLUTION NO. OF 2019)

RESOLVED that the New Hartford Town Board does hereby authorize the Town Supervisor Miscione to sign the Agreement with Oneida County for the bus transportation with no changes in pricing from last year.

Upon roll call, the Board members voted as follows:

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

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

STREET LIGHT ACQUISITION:

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

(RESOLUTION NO. OF 2019)

RESOLVED that the New Hartford Town Board does authorize the Town Supervisor to sign the agreement and does hereby accept the price from National Grid to buy back the LED Lighting for the Town.

Upon roll call, the Board members voted as follows:

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

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

SAUQUOIT CREEK CHANNEL FLOODPLAIN RESTORATION PROJECT-GRANT:

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

(RESOLUTION NO. OF 2019)

RESOLVED that the New Hartford Town Board does approve the Sauquoit Creek Channel Floodplain Restoration Project Grant to pay for the Study for the 1st and 2nd Ward.

Upon roll call, the Board members voted as follows:

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

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

TOWN ASSOCIATION CONFERENCE-2020:

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

(RESOLUTION NO. OF 2019)

RESOLVED that the New Hartford Town Board does hereby authorize the attendance for the Town Board and various Town Employees for the 2020 Town Association Conference with all expenses to be borne by the Town. Councilman Lenart, Councilman Woodland, Town Supervisor Miscione, Town Attorney Cully, Personnel Director Barbara Schwenzfeier, Highway Superintendent Richard Sherman, Planning Board Member Heather Mowat.

Upon roll call, the Board members voted as follows:

Supervisor Miscione	-	Aye
Councilman Reynolds	-	Aye

Councilman Woodland	-	Aye
Councilman Messa	-	ABSENT
Councilman Lenart	-	Aye.

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

CHURCH CELEBRATION:

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

(RESOLUTION NO. OF 2019)

RESOLVED that the New Hartford Town Board does hereby authorize the community church celebration (the lighting of the minora) to be opened by all different religions to be held in the Sherrill Brook Park before Hanukkah with the Church providing property insurance and Town Attorney Cully verifying with the Association of Towns that this type of celebration does not violate any type of constitutional provisions as it relates to the separation of Church & State.

Upon roll call, the Board members voted as follows:

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

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

CODE VEHICLE – USED FOR NIGHT EMERGENCIES:

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

(RESOLUTION NO. OF 2019)

RESOLVED that the New Hartford Town Board does hereby authorize the Codes Officer Lary Gell to take the Codes vehicle home at night to use for emergency calls that happen at night and on the weekends.

Upon roll call, the Board members voted as follows:

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

Councilman Lenart - Aye.

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

Agreement – 2018 Animal Sheltering/SSHS

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

(RESOLUTION NO. 240 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 Stevens-Swan Humane Society of Oneida County, Inc., for fiscal year 2020, wherein said Humane Society will provide sheltering only for dogs and cats which are picked up within the boundaries of the Town of New Hartford, in accordance with the terms and conditions set forth therein.

Upon roll call, the Board members voted as follows:

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

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

SAUQUOIT CREEK BASIN MEETING:

Supervisor Miscione updated the Board saying he attended the last Sauquoit Creek Basin Meeting and they are going to assist the Town in obtaining two State Grants, a County Grant and a Grant from DEC for Town projects.

BUILDING RETAINER:

The Town has leftover retainers from the building and Supervisor Miscione is working to fix flooring and plumbing issues. They are willing to pay \$30,000.00 for 13,000 square foot of flooring if the Town installs it. Supervisor Miscione would like to extend the flooring throughout the Town Hall, the Police area and the storage area. The Plummer's also gave the Town a \$9,000.00 credit for hitting the outside lights.

ELECTRICAL BID DISCREPANCIES:

Town Supervisor Miscione spoke on the discrepancy is what he put in the Bid packet that he wanted all the lights to be DLC compliant and because they weren't the Town lost grant money so the Electrical Contractor. Knapp Electrical will compensate the Town the amount the Town lost with the grant. Another issue is some change orders he never approved or signed with Knapp Electrical, the Contractor wants the Town to pay for them but Supervisor Miscione was unaware they even had them. They are fixing there ongoing list and they did fix the heater/furnace they installed and did not go through the

REGULAR TOWN BOARD MEETING

December 18, 2019

Page **43** of **43**

manufacture specifications or Codes. The Town has not returned any retainage to date. Supervisor Miscione wants the unit installed right and is going back & forth with Knapp Electrical.

PARKS PORT A POTTY:

They are all set to install a port-a- potty in the Town Parks and Supervisor Miscione will have Personnel Director Schwenzfeier follow up on it.

ADJOURNMENT:

There being no further business to come before the Town Board, upon motion of Councilman Reynolds and seconded by Councilman Woodland, the meeting was adjourned at 8:55 P.M.

(RESOLUTION NO. OF 2019)

Upon roll call, the Board members voted as follows:

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

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

Respectfully submitted,

Melody K. Fancett
Deputy Clerk 1