

**REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF NEW HARTFORD, NEW YORK  
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN  
ON WEDNESDAY, AUGUST 9, 2017, AT 5:59 P.M.**

Town Supervisor Patrick Tyksinski called the meeting to order at 5:59 P.M. and led those in attendance in the Pledge of Allegiance to the American Flag. The roll was then taken with the following Town Officials and Department Heads being present during the progress of the meeting.

**TOWN BOARD MEMBERS PRESENT:**

Councilman James Messa  
Councilman Paul A. Miscione  
Councilman David M. Reynolds  
Councilman Richard B. Woodland, Jr.  
Supervisor Patrick M. Tyksinski

**OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:**

Assessor Darlene Abbatecola  
Deputy Supervisor Matthew Bohn  
Finance Director Daniel Dreimiller  
Highway/Sewer Superintendent Richard C. Sherman  
Police Chief Michael Inserra  
Town Attorney Herbert J. Cully  
Town Clerk Gail Wolanin Young

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

**MINUTES**

**June 14 and June 26, 2017 Town Board meetings:**

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

**(RESOLUTION NO. 148 OF 2017)**

**RESOLVED** that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held June 14, 2017, and the Special Town Board meeting held June 26, 2017, and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye

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Councilman Messa	-	Aye
Supervisor Tyksinski	-	Aye.

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

PUBLIC HEARING

6:00 P.M.

Local Law Introductory “G” of 2017  
Chapter 118 Zoning  
Residential Planned Development District  
Hartford Luxury Apartment

The Town Supervisor opened the Public Hearing at 6:01 P.M. with regard to the application of Hartford Luxury Apartments, LLC, for a rezoning of approximately fifteen (15) acres on Clinton Road (aka NYS Route 12B) from MU (Mixed Use) to RPDD (Residential Planned Development District). *[NOTE: The Town Clerk had available the Local Law Introductory, proof of publication in the July 28, 2017, edition of the Observer Dispatch, and Affidavit of Posting.]*

Town Attorney Cully explained that the planned development procedure provides a flexible land use and design regulation through the use of performance criteria and allows the Town Board to rezone land to a PDD , enabling site-sensitive development and innovative development techniques not possible through strict application of standard zoning and subsequent requirements. The conventional use, area, bulk and density specifications set forth by other sections of the Zoning Law are intended to be replaced through application of the planned development procedure, by an approved PDD plan, which then becomes the basis legislatively established by the Town Board for detailed design, review, control and subsequent development. It is also the intent of the PDD to encourage innovations in project content and design which accommodate demands for business development, employment, recreational, commercial, and residential development.

Attorney Cully stated that Hartford Luxury Apartments, LLC, has an application pending before the Town Board. The project is located on Clinton Road (NYS Route 12B) in the vicinity of PreswickGlen and Fawncrest Boulevard. They have already appeared before the Town Planning Board for site plan review and received approval, after which the Planning Board referred the application to the Town Board for rezoning to a PDD. Meanwhile, Attorney Cully welcomed public comment, asking that persons be concise.

**Steve Buck**, who represented Hartford Luxury Apartments, LLC, explained there will be a series of condos, residential units throughout the property, for a total of 129 units. He explained there will be three (3) stormwater detention ponds and one (1) aesthetic pond, the latter of which cannot be brought into the storm calculations because it is aesthetic.

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The NYS Department of Environmental Conservation (DEC), the NYS Department of Transportation (DOT), Barton & Loguidice (engineers for the Town), and Alan Swierczek, P.E. for the project, must agree on the storm calculations. On a 100-year flood event, like what happened on July 1, 2017, there would be a 44% decrease in flow from the subject property; and on a 10-year flood event (heavy rainfall), a 27% decrease in flow. Mr. Buck confirmed that water flow still goes into a box culvert but at a slower rate because it's being diverted – but any excess water will flow into the box culvert owned by NYS DOT. He explained the purpose/operation of a detention pond and stated that said ponds will be lined with clay to hold the water. A corrugated 24-inch pipe located near the end of the Cardinal Estates property, that is owned by the Town, will remain on site, according to the Town Highway Superintendent. The Town Attorney stated that the Town Board could approve the zoning overlay subject to conditions.

**Clifford Flickinger, 160 Clinton Road** – his property has been flooded at least two or more times a year for the past couple years with water flowing from the subject property – 4 to 6 inches of water, at times, coming over Clinton Road into his driveway.

**Harry Anderson, 5 Fawncrest Boulevard** – has experienced 3 to 4 inches of water running down his enter street from the subject property. Questioned whether a geological survey had been done of the soil. Shale would be a problem.

**Paul Dudajek, owner of property at 175 Clinton Road** – concerned with the size of the proposed development, issues of storm water, sewer and traffic. Developer worked off a traffic study more than 3 years old. Questioned why developer needed a zoning change; Town Attorney responded that current zoning would only allow residential dwellings; a zoning change to a PDD overlay would allow flexibility to make the project go and to have condos, etc. Mr. Dudajek was also concerned with flooding issues that have affected Fawncrest Boulevard and Haverhill Drive over the past years. “Don’t think you can be too careful.”

The **Town Highway Superintendent** stated that the water exiting the DOT’s box culvert flows into the backyards on Fawncrest Boulevard and into a detention pond owned by Preswick Glen, who has been put on notice to keep the detention pond clean.

In response to an inquiry, **Steve Buck** read a portion of the Summary and Recommendation from the traffic study results. No intersection improvements will be required, no site distance improvements are needed and no additional safety control devices are warranted.

**Police Chief Michael Inserra** – reviewed existing conditions; calls for police service for this area have been minimal and he’s not concerned with traffic. It’s a state highway (NYS Route 12B aka Clinton Road).

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**Kimberly Wrate, 9 Tamarack Drive** – concerned that this development could affect the woods and Sherrillbook Park which adjoin the subject property. Mr. Buck stated that a buffer could be added. The Town Supervisor remarked that this could be a condition of approval.

**Meg Cardamone, Executive Director of Preswick Glen** – what type of complex, senior citizen? Mr. Buck responded – for “down sizers,” 55 years and older with no children at home, estimating about 40% would-be retirees. Concerned with traffic (safety issue) and also, flooding when it rains.

**David Maier, 9293 Mallory Road** – who will be responsible for maintaining the storm water structures on the property? The Town Supervisor stated the developer/property owner would be responsible.

**Jonas Kelly of Jay-K Lumber Co.** – referred to the drainage study for the Mud Creek basin that has recommendations pertaining to retention ponds. He encouraged the Town Board to be prudent to come up with a solution to control the water, which will end up in Mud Creek. He said that diligence is being done by the developer and he asked that the Town be sensitive to do their best by putting in robust systems to control the water.

**Gary Holeck, 180 Clinton Road** – concern was mainly storm water, referring to the flood from Hurricane Irene (2011) and the July 1, 2017, storm that was worse than Irene. He believed the cutting of trees and paving in developments contributed to the flooding.

**Peter Bolos of Big Apple Music, Seneca Turnpike** – maintenance of ponds; something in place to ensure continued upkeep? The Town Supervisor stated that developers are required to post a bond covering a certain period in a minimum amount of \$250,000 and the Town Board “polices” this. The Town can use this bond if the developer fails to do his part.

Following discussion among Board members, the Public Hearing was declared closed at 7:07 P.M.

**Adoption of Local Law Introductory “G” of 2017 as Local Law No. Six of 2017, with conditions**

Councilman Woodland then introduced the following Resolution for adoption; seconded by Councilman Miscione:

**(RESOLUTION NO. 149 2017)**

**RESOLVED**, that the New Hartford Town Board does hereby adopt Local Law Introductory “G” of 2017 as Local Law No. Six of 2017, incorporated herewith, thereby

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creating a Residential Planned Development District (RPDD) overlay for the Hartford Luxury Apartments development, subject to the following conditions:

- That the developer will be required to post a storm water bond covering a period of ten (10) years
- That all detention facilities as shown on the approved plan are to be constructed prior to the commencement of construction of any buildings
- The developer is to enter into a maintenance schedule agreement which would be approved by the Town Highway Superintendent or such other official in charge of maintenance of detention ponds

**Town of New Hartford, New York  
Local Law No. Six of 2017**

A Local Law to amend the Code of the Town of New Hartford, Chapter 118 thereof entitled ZONING, and map coincidental thereto, as it pertains to property located on Clinton Road (aka NYS Route 12B), a description of which is set forth in Section 2, and changing the designation of property from Mixed Use (MU) to Residential Planned Development District (RPDD).

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

Section 1. Chapter 118 of the Code of the Town of New Hartford, Section 118-17, and particularly the map coincidental thereto and made a part thereof, is hereby amended as follows:

Section 118-17. Zoning Map.

[Change the designation of Tax Map Parcel No. 328.000-2-78, No. 328.000-2-80, and No. 328.000-2-81, owned by Hartford Luxury Apartments, LLC, from Mixed Use (MU) to Residential Planned Development District (RPDD).]

Section 2. The boundaries and description of said district are as follows:

**SCHEDULE “A”**

*ALL THAT TRACT OR PARCEL OF LAND situate in the Town of New Hartford, Oneida County, New York, being part of the Farm known as the “Moreland Farm”, lying on the southerly side of the road, leading from New Hartford to Clinton, known as New York State Route No. 12B and more particularly described as follows: Beginning at a point in*

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*the division line between said "Moreland Farms" and the Harold Thomas Farm and at the northwesterly corner of said "Moreland Farm" (said point of beginning is also in the southerly line of property formerly owned by the New York State Railways); running thence easterly along the northerly line of the aforesaid "Moreland Farm" (being also the southerly line of property formerly owned by the New York State Railways aforesaid), a distance of 95.00 feet to a point; thence southerly parallel to the property division line between the Moreland Farm and Harold Thomas farm aforesaid, a distance of 210.00 feet to a point; thence westerly parallel to the first course a distance of 95.00 feet to a point in the last mentioned farm division line; thence northerly along the Moreland Farm-Harold Thomas property division line, aforesaid, a distance of 210.00 feet to the place of beginning.*

ALSO included in this conveyance is the right of ingress and egress upon, over and across a 30 foot right of way to run from the aforementioned public highway running from New Hartford to Clinton, known as N.Y.S. Route No. 12B to the northerly line of the parcel of land hereinabove described. This right of way shall be permanent until a suitable public highway shall be provided making such right of way unnecessary.

BEING the same premises conveyed by Warranty Deed dated November 3, 2005 and recorded on December 21, 2005 in the Oneida County Clerk's office as Instrument No. 2005-026961.

ALSO CONVEYING,

All that tract or parcel of land in Lot No. 68 of Grand Division of Coxe's Patent formerly known as the Hughes Farm in the Towns of New Hartford and Kirkland, Oneida County, New York, except that part of said farm which lies north of the center of the highway formerly known as the Waterville and Utica Plank Road; and also excepting a strip of land now in possession of the Utica, Clinton and Binghamton Railroad Co.; and also excepting a strip of land now in possession of the New York State Railways formerly the Utica Suburban Railway Co. The land hereby conveyed consists of two parcels and is more particularly described as follows, viz:

*Parcel No. 1. Beginning in the center of said highway one hundred fifteen and five-tenths feet easterly from the southwest corner of that part of said Hughes farm which is north of said highway and at an northeast corner of Owen Thomas' land and running thence by the magnetic needle (declination 11 deg. 00' W.) S. 84 deg. 32' E 1166.7 ft. along the center of said highway to the west line of lands now or formerly owned by William M. Osborn; thence S. 4 deg. 16' 30" W. 130.55 ft. to a point marked by an iron pipe driven into the ground in the north line of the Utica, Clinton and Binghamton Railroad and in the east line of said Hughes Farm; thence N. 85 deg. 34' 30" W. 1166.3 ft. along the north line of said railroad to an iron pipe in the east line of said Thomas' land; thence N.*

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*4 deg. 54' E. 153.7 ft. along said Thomas' east line to the place of beginning; containing 3.808 acres. This parcel includes all of the abandoned Chenango Canal land, which was taken from this farm, except a narrow strip along the southerly edge of said canal now in possession of said Utica, Clinton and Binghamton Railroad Co.*

*Parcel No. II. Beginning at a point marked by an iron pipe driven into the ground on the southerly line of land belonging to the New York State Railways, formerly Utica Suburban Railway Co. and in the east line of said Thomas' farm and running thence S. 85 deg. 55' E. 388.1 ft. along the south line of the New York State Railways right of way; thence S. 86 deg. 40' E. 102.3 ft. along the southerly line of said New York State Railways; thence S. 86 deg. 03' E. 676.5 ft. along the southerly line of said New York State Railways to an iron pipe in the west line of land belonging to the Humphreys Owens Estate; thence S. 4 deg. 16' 30" W. 2192 ft. along said Owens' west line to a stake; thence S. 84 deg. 50' E. 883 ft. along south line of said Owens' land to a point marked by a small boulder; thence S. 4 deg. 39' W. 1429 ft. along the west line of said Owens' land to the north line of J. Pylman's formerly Albert Tibbitt's land to a fence corner; thence N. 84 deg. 57' 30" W. 2080 ft. along the north line of said Pylman's land and land belonging to Guller, formerly the Griffiths farm to the remains of a beech tree marked "R.W." at the southwest corner of said lot 68, and at the southeast corner of said Thomas' land; thence N. 4 deg. 54' E. 3600½ ft. along said Thomas' east line to the place of beginning; containing 127.199 acres. This parcel includes the ten acres lot specified in the second descriptive clause in the deed from Emma M. Hughes and Albert G. Hughes, her husband, to Hugh Hughes, dated Jan. 24, 1902.*

A more detailed description of the premises hereby conveyed is shown by a survey and map of the premises made by A. M. Scripture C. E. in April 1914, and which said map is filed in Oneida County Clerk's Office and is hereby made a part of this description. It is also intended by these presents to convey the right of way across the railroad property and tracks at a point west of the house on the above described second parcel and along the east line of said Thomas' land.

Excepting and reserving therefrom the premises conveyed to Utica Construction Company, Inc. by deed of F. Belle and Lena D. Moore dated Dec. 3, 1927 and recorded in Liber No. 881 of Deeds at page 485, containing 63239.8 ft. to which deed reference is hereby made for a more particular description.

Also excepting and reserving therefrom the premises conveyed to The Southern Oil Company of New York, Inc. by deed of Moreland Farms Incorporated dated May 15, 1928 and recorded in Liber No. 884 at page 426 of Deeds, to which deed reference is hereby made for a more particular description.

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Also excepting and reserving therefrom the premises conveyed to the County of Oneida by deed of Moreland Farms, Inc. dated Mar. 21, 1928 and recorded in Liber No. 889 at page 121 of Deeds, containing .11 acres to which deed reference is hereby made for a more particular description.

Also excepting a wood lot on the southeast corner of the farm, contracted to be sold to the Town of New Hartford, as described in a land contract recorded in the Oneida County Clerk's Office in Book of Deeds No. 1707, at page 23.

Also excepting premises conveyed by the parties of the first part to Lawrence and Carole Van Slyke by Warranty Deed dated August 11, 1966 and recorded in the Oneida County Clerk's Office June 15, 1967 in Book 1858 of Deeds at Page 771 to which deed reference is hereby made for a more particular description.

Also excepting the southeast corner of the land to be conveyed known as Rock City, which the parties of the first part have conveyed by Warranty Deed to the Town of New Hartford, which deed was dated January 25, 1968 and recorded in the Oneida County Clerk's Office in Book of Deeds 1872 at Page 176 to which deed reference is hereby made for a more particular description.

Also excepting premises conveyed by the parties of the first part to Jim G. Brock by Warranty Deed February 6, 1968 and recorded May 1, 1968 in the Oneida County Clerk's Office in Book of Deeds 1874 at Page 723 to which deed reference is hereby made for a more particular description.

ALSO CONVEYING,

1. The premises described in the last exception and reservation set forth in a Warranty Deed from Emma M. Hughes and Albert G. Hughes, her husband to Hugh Hughes, recorded in the Oneida County Clerk's Office January 29, 1902 in Book 570 of Deeds at Page 470.

a. Except changes in courses noted in the Warranty Deed from John H. Finen to the parties of the first part; said deed having been recorded December 27, 1961 in the Oneida County Clerk's Office in Book of Deeds 1709 at Page 223.

SUBJECT TO:

1. An easement and right of way conveyed by an instrument from F. Belle Moore and Lena D. Moore to Niagara Mohawk Power Corporation described and recorded in the Oneida County Clerk's Office Jan. 22, 1953 in Book 1387 of Deeds at Page 387.



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BEING the same premises conveyed to Jeanette A. Roberts by executors deed dated May 12, 1987 and recorded in the Oneida County Clerk's Office on May 28, 1987 in Book 2341 of deeds at page 136.

The foregoing premises being more modernly described as Parcel "A" as shown on Survey Map prepared by Bruce W. Snyder, LS# 050195, entitled "Topographic and Boundary Survey" "Lands of Jeanette A. Roberts and David S. Barron" dated December 3, 2015, revised May 3, 2016, to be filed concurrently herewith, and described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of New Hartford, County of Oneida and State of New York, bounded and described as follows:

Beginning at an iron pin on the southerly highway boundary of Clinton Road (Utica-Oneida Castle, Pt. 1 S.H. No. 250) (New York State Route #12B), said iron pin standing at the intersection of the southerly highway boundary of Clinton Road with the easterly boundary of Paul Dudajek, Susan Dudajek and Philip W. Dudajek, Trustees of the Paul Dudajek and Susan Dudajek Irrevocable Trust dated March 21, 2007 (Now or Formerly), as described in a Quit Claim Deed dated July 6, 2007 and filed in the Oneida County Clerk's Office in Instrument Number 2007-014184; thence **N83°12'18"E 251.45 feet** along the southerly highway boundary of Clinton Road to an iron rod standing on the westerly boundary of David S. Barron (Now or Formerly); thence **S06°54'13"E 106.01 feet** along the westerly boundary of David S. Barron to an iron rod standing on the southerly boundary of David S. Barron; the southerly boundary of David S. Barron being further described as the northerly line of the former New York, Ontario and Western Railroad; thence **N82°01'28"E 913.30 feet** along the southerly boundary of David S. Barron and then along the southerly boundary of Homestead Enterprises, LLC (Now or Formerly) to a concrete monument standing on the westerly boundary of the lands of the People of the State of New York (Now or Formerly); thence **S07°55'56"E 525.46 feet** along the westerly boundary of the lands of the People of the State of New York, the westerly boundary of John M. McKennan and Joanne G. McKennan (Now or Formerly), the westerly boundary of Ronald T. Sierak and Janice M. Sierak (Now or Formerly) and then along the westerly boundary of John Kolczynski and Susan Kolczynski (Now or Formerly) to an iron rod standing on the northerly boundary of the lands of the Clintonview Farms, LLC (Now or Formerly); thence **S82°38'40"W 1,169.71 feet** along the northerly boundary of the lands of the Clintonview Farms, LLC to an iron rod standing on the easterly boundary of other lands of Paul Dudajek, Susan Dudajek and Philip W. Dudajek, Trustees of the Paul Dudajek and Susan Dudajek Irrevocable Trust dated March 21, 2007; thence **N07°18'13"W 624.02 feet** along the easterly boundary of other lands of Paul Dudajek, Susan Dudajek and Philip W. Dudajek, Trustees of the Paul Dudajek and Susan Dudajek Irrevocable Trust dated March 21, 2007, the easterly boundary of the lands of the State of New York (**Now** or Formerly) and then along the easterly boundary of Paul Dudajek, Susan Dudajek and Philip W. Dudajek, Trustees of

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the Paul Dudajek and Susan Dudajek Irrevocable Trust dated March 21, 2007 to the **point and place of beginning.**

*The above described parcel containing 14.532 acres (633,029.8 sq. ft.) of land, more or less.*

***SCHEDULE “B”***

***ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN OF NEW HARTFORD, COUNTY OF ONEIDA AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:***

***Beginning*** at an iron pin on the southerly highway boundary of Clinton Road (Utica – Oneida Castle, Pt. 1 S.H. No. 250) (New York State Route #12B), said iron pin standing at the intersection of the southerly highway boundary of Clinton Road with the easterly boundary of Jeanette A. Roberts (Now or Formerly), as described in an Executor’s Deed dated May 12, 1987 and filed in the Oneida County Clerk’s Office in Liber 2341 of Deeds at Page 136; thence ***N83°05’48”E 305.07 feet*** along the southerly highway boundary of Clinton Road to an iron rod standing on the westerly boundary of Homestead Enterprises, LLC (Now or Formerly); thence ***S07°24’34”E 100.29 feet*** along the westerly boundary of Homestead Enterprises, LLC to a point standing on the northerly boundary of Jeanette A. Roberts; the northerly boundary of Jeanette A. Roberts being further described as the northerly line of the former New York, Ontario and Western Railroad; thence ***S82°01’28”W 306.00 feet*** along the northerly boundary of Jeanette A. Roberts to an iron rod standing on the easterly boundary of Jeanette A. Roberts; thence ***N06°54’13”W 106.01 feet*** along the easterly boundary of Jeanette A. Roberts to the ***point and place of beginning.***

*The above described parcel containing 0.723 acre (31,512.4 sq. ft.) of land, more or less.*

***Subject to*** any easements, covenants or restrictions of record.

Section 3. All other provisions of Chapter 118 of the Code of the Town of New Hartford and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

Section 4. This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State.

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

Councilman Miscione                      -                      Aye

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Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	Aye
Supervisor Tyksinski	-	Aye.

The Resolution and Local Law were declared unanimously carried and duly ***ADOPTED***.

Upon advice of the Town Attorney, the following Resolution was then offered for adoption by Councilman Woodland and duly seconded by Councilman Miscione:

**(RESOLUTION NO. 150 OF 2017)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby refer the application of Hartford Luxury Apartments, LLC, (Local Law No. Six of 2017), to the Town Planning Board for final site plan approval.

A roll call vote was duly held and resulted as follows:

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

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

PUBLIC HEARING

7:10 P.M.

Local Law Introductory "H" of 2017  
Chapter 113 Vehicle and Traffic  
Stop and Through Streets

Supervisor Tyksinski opened the Public Hearing at 7:09 P.M. with regard to amending Chapter 113 (Vehicle and Traffic) of the Town's Code, relating to stop and through streets. In response to a resident request, this legislation proposes that Narla Lane be designated a stop street at its intersection with Sylvan Glen Road and Beckwith Circle, and that Sylvan Glen Road and Beckwith Circle be designated as through streets at their respective intersections with Narla Lane. *[NOTE: The Town Clerk had available the Local Law Introductory, proof of publication in the July 28, 2017 edition of the Observer Dispatch, and Affidavit of Posting.]*

Police Chief Inserra confirmed that he had reviewed the proposal recommended by Councilman Miscione.

No one was present to comment upon the legislation; therefore the Public Hearing was declared closed at 7:11 P.M. Councilman Miscione then offered that Local Law Introductory "H" of 2017 be adopted as Local Law No. Seven of 2017, seconded by Councilman Reynolds, as follows:

**TOWN OF NEW HARTFORD, NEW YORK  
LOCAL LAW NO. SEVEN OF 2017**

A Local Law to amend the Code of the Town of New Hartford, Chapter 113 thereof entitled **VEHICLES AND TRAFFIC**, by establishing additional Through Streets (Section 113-40) and an additional Stop Street (Section 113-41).

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

**SECTION 1.** Chapter 113 of the Code of the Town of New Hartford, Section 113-40, is hereby amended to include the following:

Section 113-40. Schedule VI: Through Streets.

<i>NAME OF THROUGH STREET</i>	<i>NAME OF ENTRANCE STREET</i>	<i>DIRECTION FROM WHICH ENTERING</i>	<i>TRAFFIC CONTROL DEVICE</i>
Sylvan Glen Road	Narla Lane	Southwest	Stop sign
Beckwith Circle	Narla Lane	Westerly	Stop sign

**SECTION 2.** Chapter 113 of the Code of the Town of New Hartford, Section 113-41, is hereby amended to include the following:

Section 113-41. Schedule VII: Stop Intersections.

<i>STOP SIGN ON</i>	<i>DIRECTION OF TRAVEL</i>	<i>AT INTERSECTION OF</i>
Narla Lane Circle	Northeast	Sylvan Glen Road & Beckwith

**SECTION 3.** All other provisions of Chapter 113 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

**SECTION 4.** This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State.

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The Board members were polled individually and voted as follows:

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

Thereafter, the Supervisor declared Local Law Introductory “H” of 2017 unanimously carried and duly adopted as Local Law No. Seven of 2017.

**FEMA Buy-Out Program**

Deborah Geary, who owns 10 Henderson Street and 12 Henderson Street, New York Mills, and friend Kim who resides at 22 Henderson Street, stated that in the thirty (30) years Ms. Geary lived at 10 Henderson Street, she experienced seven (7) floods. She had submitted an application three (3) years ago for the Governor’s Storm Program/FEMA buy-out, but was denied. She was hoping the Town Board would consider extending the buy-out that was available two (2) years ago and has been in communication with the Homeland Security offices. The grant offered two (2) years ago was a rare grant for approved property owners, she said. Councilman Miscione had contacted FEMA about reinstating the original fourteen (14) properties but the deadline to do so is August 14, 2017. Ms. Geary said her properties back up to a New York Mills Village Park. Discussion ensued about reinstating the fourteen (14) properties and what happens when the Town owns the property, such as:

- Removal of properties from assessment/tax rolls
- Town has ownership “forever”
- No structures can be built upon said properties
- Town must maintain the properties (mowing, maintaining the concrete wall along a creek, etc.)

It was noted that the Oneida Street, Chadwicks properties back up to a creek. Councilman Reynolds wanted the Board to ask for an extension of time to revisit this matter. Thereafter, Councilman Miscione introduced the following Resolution for adoption; seconded by Councilman Messa:

**(RESOLUTION NO. 151 OF 2017)**

**2013 Mohawk Valley-Upstate Flooding Program; Acquire 14 Flood-prone properties at 100%**

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**WHEREAS**, in 2015, numerous properties in the Town of New Hartford had been preliminarily approved for acquisition by using FEMA and Division of Homeland Security & Emergency Services (DHSES) funds under the 2013 Mohawk Valley-Upstate Flooding Program (aka referred to as the Governor's Storm Water Project buy-out program) but subsequently turned down certain applications for this Project; and

**WHEREAS**, the New Hartford Town Board has revisited their original action;

**NOW, THEREFORE, BE IT RESOLVED** that said Town Board does hereby recommend and does hereby support the following action:

- The Town Board had previously voted to accept acquisition by FEMA of the Diefenbacher home at 3506 Oneida Street, Tax Map No. 349.016-1-7, and that support remains unchanged
- The Town Board now supports the acquisition by FEMA of the remaining 13 residential properties, as follows:

<u>Property Owner</u>	<u>Address</u>	<u>Tax Map Number</u>
Richard Catalone	3528 Oneida Street	349.012-1-63
Thomas Ruhnnow	3532 Oneida Street	349.012-1-61
Robert & Cindy Corr	3534 – 3536 Oneida Street	349.012-1-60
Donna Bullen	3562 Oneida Street	349.012-1-34
Edward DeSanctis	6 Woodberry Road	339.007-5-34
Anthony DeCarolis	9264 Grange Hill Road	349.020-1-71
Hilary Snogles	3520 Oneida Street	349.016-1-4
Fred Jones	1 Mapledale Road	328.011-2-6.2
Donald & Deborah Geary	10 Henderson Street	317.013-1-22
Donald & Deborah Geary	12 Henderson Street	317.013-1-23
Rosalie Briggs	6 Henderson Street	317.013-1-20
Anthony Voce, Jr.	3524 – 3526 Oneida Street	349.012-1-64
Colleen Sisson	3550 Oneida Street	349.012-1-38

- The Town Board does not support the acquisition of the commercial property at 8448 Seneca Turnpike.

Upon roll call, the Board voted as follows:

Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	Aye

Supervisor Tyksinski - Aye.

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

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE

Parks and Recreation Committee – Councilman Reynolds

**Appointment – Seasonal Employee**

Upon recommendation of Director of Recreation Center John C. Cunningham, the following Resolution was introduced for adoption by Councilman Reynolds and duly seconded by Councilman Messa:

**(RESOLUTION NO. 152 OF 2017)**

**RESOLVED** that the New Hartford Town Board does hereby appoint the following individual to the part-time seasonal position and for the hourly wage set forth, for the Parks and Recreation Department, commencing August 28, 2017, and ending September 4, 2017; wages to be paid bi-weekly:

<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
Louisa Pandolfo	Splash Pad Attendant Substitute	\$9.00 per hour.

Whereupon, the Town Board voted upon roll call:

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

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

**Ice Rates for Recreation Center 2017-2018**

Upon recommendation of the Recreation Center Manager, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Miscione:

**(RESOLUTION NO. 153 OF 2017)**

**RESOLVED** that the New Hartford Town Board does hereby approve a three percent (3%) raise in the 2017-2018 ice rental rates and does further approve the following ice rental categories:

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- Prime - \$155.00 per hour
- Non-Prime - \$124.00 per hour
- After Midnight - \$115.00 per hour
- Locker Room - \$ 20.00 per hour
- Special Interest - \$117.50 per hour.

Whereupon, the Town Board voted upon roll call:

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

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

Zoning (Codes) and Planning Committee – Councilman Messa

**Unsafe Buildings – Willowvale Ave and Elm Street**

Councilman Messa reported that during a flood inspection it was noticed that a residence at 9240 Willowvale Ave appears not to have been maintained in several years – an empty house, door boarded up and a hole in the roof. Also, at the unoccupied residence at 9458 Elm Street, Chadwicks, a large tree is down in the backyard and a hole is in a window; the roof appears to be okay.

The Codes Department will need to perform an inspection, starting from scratch under the Unsafe Buildings legislation.

Public Works and Sewer Committee – Councilman Miscione

**Competitive Bid Award – Emergency Response Contract, July 2017 Storm Damage**

Bids were received on July 24, 2017, for a two-year contract relating to clean up due to the July 1, 2017, storm damage. The lowest bidder was Yanuk Excavating, second lowest was John Spinella, and third lowest was James Bray Paving. This bid project was a narrow version. The Highway Superintendent now has an expanded version but for a one-year period, entitled Repair work, Equipment/operator rental. The Town Supervisor recommended that an award be made for the project bids received July 24, 2017, for some of the clean-up and still go out to bid for the expanded version of work, but for a one-year period.

Councilman Miscione introduced the following Resolution for adoption; seconded by Councilman Messa:



**(RESOLUTION NO. 154 OF 2017)**

**RESOLVED** that the New Hartford Town Board does hereby accept the low, compliant bid submitted by Yanuk Excavating, 3241 Southside Road, Frankfort, New York 13413, and does hereby award the two-year contract entitled “Emergency Response Contract – July 2017 Storm Damage” to said Yanuk Excavating. Return of bid security for all unsuccessful bidders is hereby authorized to the Finance Department (certified checks) and to the Town Clerk’s Office (Bid Bonds).

Upon roll call, the Board members voted as follows:

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

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

**Competitive Bid Authorization – “Repair Work, Equipment & Operator Rental – 1-Year Contract”**

Upon request of the Highway Superintendent, Councilman Reynolds moved the adoption of the following Resolution; seconded by Councilman Miscione:

**(RESOLUTION NO. 155 OF 2017)**

**RESOLVED** that the New Hartford Town Board shall receive sealed bids for “*Repair Work, Equipment & Operator Rental – 1-year Contract*”, in accordance with Town specifications; all bids are to be received by the Town Clerk’s Office no later than 10:45 A.M. on Thursday, August 24, 2017, and then shall be publicly opened and read aloud at 11:00 A.M. on said date and in said Office; and be it

**FURTHER RESOLVED** that the said Town Board does hereby authorize and direct the Town Clerk to publish the legal requisite Advertisement-Invitation to Bid in The Observer Dispatch.

Upon questioning by Councilman Reynolds, the Highway Superintendent estimated there may be fifty (50) “spots” that need to be cleaned in addition to the normal Highway Department work; paving roads, plowing, leaf pick-up, brush pick-up, stream cleaning, catch basin repairs and so forth. Thereafter, Town Board voted upon roll call as follows:

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

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

**Alarm Systems – excessive false alarms**

Councilman Miscione cited a situation where the vacant Gander Mountain building's alarm system kept going off for about a week, being a nuisance to the neighboring properties. Attempts had been made to contact the company to no avail and Councilman Miscione questioned what could be done in such cases. Councilman Reynolds stated that the Town has legislation to regulate alarm systems and provides that "...where an alarm system actuates excessive false alarms and thereby constitutes a public nuisance," this condition is grounds for suspension/revocation, and fines. The Town Supervisor confirmed that the Police Department had made an on-site inspection and was able to have the alarm shut off.

**Town Clerk Committee – Councilman Woodland**

**Liquor License Renewal – Valentino's Banquet Hall**

Councilman Woodland introduced the following Resolution for adopted; seconded by Councilman Messa:

**(RESOLUTION NO. 156 OF 2017)**

**RESOLVED**, that the Town Board of the Town of New Hartford does hereby acknowledge receipt of the Liquor License Renewal Application/Notice to municipality from Valentino's Banquet Hall, 3899 Oneida Street, New Hartford, NY; and whereas, the Town Police Department has not received any complaints about said establishment, the Town Board does not object to the State renewing said Application.

The Resolution was voted upon by roll call, as follows:

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

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

**Liquor License Renewal – Killabrew Saloon**

Councilman Woodland introduced the following Resolution for adopted; seconded by Councilman Reynolds:

**(RESOLUTION NO. 157 OF 2017)**

**RESOLVED**, that the Town Board of the Town of New Hartford does hereby acknowledge receipt of the Liquor License Renewal Application/Notice to municipality from Killabrew Saloon, 10 Clinton Road, New Hartford, NY; and whereas, the Town Police Department has not received any complaints about said establishment, the Town Board does not object to the State renewing said Application.

The Resolution was voted upon by roll call, as follows:

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

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

**Raffle Consent**

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

**(RESOLUTION NO. 158... OF 2017)**

**RESOLVED** that the New Hartford Town Board does hereby grant permission to the Women's Employment and Resource Center, Inc., 502 Court Street, Utica, NY, an organization duly granted a Games of Chance Identification Number by the New York State Racing and Wagering Board, to sell raffle tickets in the Town of New Hartford, New York, in accordance with all rules and regulations of said Racing and Wagering Board; and be it

**FURTHER RESOLVED** that the Town Clerk be, and she hereby is, authorized and directed to execute Form GC-RCF, Raffle Consent Form.

Upon roll call, the Town Board voted as follows:

Councilman Miscione	-	Aye
Councilman Messa	-	Aye

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Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Tyksinski	-	Aye.

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

MATTERS SUBMITTED BY COUNCILMEN/TOWN ATTORNEY

Councilman Reynolds

**Authorize storm water retention study – Barton & Loguidice**

Councilman Reynolds believed that storm water retention areas are very important and do work; although not 100%, they have made a huge improvement. Each time the Town sees a new development, storm water retention is part of the consideration, such as the Hartford Luxury Apartment complex in tonight's Public Hearing. After some discussion, Councilman Reynolds moved the adoption of the following Resolution; seconded by Councilman Miscione:

**(RESOLUTION NO. 159 OF 2017)**

**WHEREAS**, the area including Foxcroft Road, Hubbardton Road, Gilbert Road, Wildwood Road, Tanglewood Road, Partridge Road, Wedgewood Road, Pippin Hill, Paris Road, Compton Road, Wayside Lane, Jordan Road, Genesee Street and Wilbur Road are all impacted by water that collects behind Foxcroft Road and Hubbardton Road; and

**WHEREAS**, in July 2017, that water actually came down and overwhelmed the work that the Town had accomplished, crossing over Oxford Road and then flooded Sherrill Lane, changing the direction of the adjacent creek, as well as Mallard Brook Lane;

**BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Highway Superintendent to contact Barton & Loguidice to begin a study and determine what it takes to develop a retention area for the aforementioned area, with monthly status reports by Barton & Loguidice to the Town Board.

A roll call vote ensued:

Councilman Miscione	-	Aye
Councilman Messa	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye

Supervisor Tyksinski - Aye.

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

**Proposed Zoning Text Change – Solar energy systems**

Councilman Reynolds distributed a re-write of the Town's Solar energy systems included in the Town's Zoning Law and asked that a public hearing be scheduled for September 2017. He acknowledged that the Board members haven't reviewed the proposal yet. The re-write would allow 25 kilowatt systems, up from 10 kilowatts, among other changes. The Town Clerk stated that the changes need to be put in local law format and she hasn't received a copy of the proposal. Councilman Reynolds moved that the Town Board schedule the public hearing for September 13, 2017, on the proposed local law; seconded by Councilman Messa, all in favor.

Councilman Woodland:

**Bid advertisement – 2017 audit**

Councilman Woodland inquired about advertising for the audit of the 2017 financial documents. The Town Supervisor confirmed that Finance Director Dreimiller had mailed out seven (7) Requests For Proposal in mid-July 2017.

**Police Commissioner Resignation – Fill Vacancy**

Councilman Woodland offered the following Resolution for adoption, seconded by Councilman Miscione:

**(RESOLUTION NO. 160 OF 2017)**

**WHEREAS**, Councilman Woodland has received the resignation of James Brown as a Police Commissioner thereby creating a vacancy in the term of office which would expire on December 31, 2019; and

**WHEREAS**, Councilman Woodland does hereby nominate Richard D. Pratt to fill the unexpired term of office of Commissioner Brown;

**NOW, THEREFORE BE IT RESOLVED** that the New Hartford Town Board does hereby appoint Richard D. Pratt as Police Commissioner to fill the unexpired term of office of James Brown, effective August 10, 2017.

Upon roll call, the Town Board members voted as follows:

Councilman Miscione - Aye  
Councilman Messa - Aye

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Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Tyksinski	-	Aye.

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

**Finance Director – July 2017 Reports**

None of the Town Board members had questions relating to the July 2017 monthly financial reports that the Finance Director had emailed them.

**Audit of Vouchers/Bills**

Councilman Messa introduced the following Resolution for adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. 161 OF 2017)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the payment of the bills itemized on the following Abstracts, which had been duly audited by the Town Board:

Street Lighting Abstract #8	
Vouchers SL8	\$ 7,638.34
Capital Project-Woods Highway Paving Abstract #1	
Vouchers HY1-HY3	\$ 29,279.20
Capital Project-Tilden Ave Paving Abstract #2	
Vouchers H34-H35	\$ 6,342.98
Highway Fund Part-Town Abstract #13	
Vouchers DB513	\$ 98.61
Highway Fund Part-Town Abstract #14	
Vouchers DB514-DB571	\$ 372,736.58
General Fund Part-Town Abstract #15	
Vouchers BB96-BB99	\$ 6,652.63
General Fund Part-Town Abstract #16	
Vouchers BB100-BB113	\$ 1,753.18
General Fund Part-Town Police Abstract #17	
Vouchers BP194-BP196	\$ 3,994.31
General Fund Part-Town Police Abstract #17A	
Vouchers BP197	\$ 804.99
General Fund Part-Town Police Abstract #18	
Vouchers BP198-BP205	\$ 28,848.94
Trust & Agency Fund Abstract #29	
Vouchers TT140-TT147	\$ 7,832.17

Trust & Agency Fund Abstract #30	
Vouchers TT148-TT151	\$ 6,259.79
Trust & Agency Fund Abstract #31	
Vouchers TT152-TT158	\$ 9,154.61
Trust & Agency Fund Abstract #32	
Vouchers TT159	\$ 1,715.18
General Fund Whole-Town Abstract #16	
Vouchers AA712	\$ 15,000.00
General Fund Whole -Town Abstract #17	
Vouchers AA713-AA722	\$ 36,104.15
General Fund Whole -Town Abstract #18	
Vouchers AA723-AA795	\$ 44,531.45
Sewer Fund Abstract #16	
Vouchers SS46-SS47	\$ 1,887.06
Sewer Fund Abstract #17	
Vouchers SS48-SS52	<u>\$ 33,330.13</u>
<b>TOTAL:</b>	<b>\$ 613,964.30</b>

Upon roll call, the Board members voted as follows:

Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	Aye
Supervisor Tyksinski	-	Aye for all bills, EXCEPT

the invoices listed on Purchase Order No. 101628, Purchase Order No. 101640, and Purchase Order No. 101642 submitted by Humpf Sanitation Service LLC, d/b/a/ James Bray Paving. The Town Supervisor felt these invoices did not meet the criteria for an “emergency” situation; a storm does not constitute an emergency but an event that immediately affects the lives of people or property does.

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

**Bids - July 24, 2017 Emergency Response Contract – Storm damage -Nullify Award**

The Town Attorney and Board members revisited the contract award to Yanuk Excavating earlier in the meeting, discussing the complexity of the bid specifications prepared by Barton & Loguidice. The Highway Superintendent stated he was out of the country when Barton & Loguidice finished and submitted the specifications to the Town offices for distribution. Bidders didn’t complete some areas of the specifications, others added attachments and didn’t complete the required areas on the specifications. It was difficult to determine how the bids were calculated (1/2 days, full days, type of

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machines). Because the bid packages were not clear as they could have been and bids submitted were “not apples to apples”, the Highway Superintendent recommended that the Town reject the bids received July 24, 2017. Thereafter, Councilman Reynolds introduced the following Resolution, which was seconded by Councilman Woodland:

### **(RESOLUTION NO. 162 OF 2017)**

**RESOLVED**, that the Town Board does hereby nullify Resolution No. 154, adopted earlier in this August 9, 2017 Town Board meeting, awarding the Emergency Response Control – July 2017 Storm Damage contract to Yanuk Excavating, Frankfort, NY, and does further reject all bids received on this project, authorizing the Finance Department and Town Clerk’s Office to release the bidders’ security (checks, Bid Bonds) enclosed with their several bids.

A roll call vote ensued:

Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	Nay
Supervisor Tyksinski	-	Aye.

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

Supervisor Tyksinski stated he is scheduling a Special Town Board meeting for Thursday, August 24, 2017, to commence at 5:00 P.M. in Butler Memorial Hall, for the purpose of reviewing bids to be received on August 24, 2017 and to possibly take action on those bids for the “*Repair work – Equipment & Operator Rental – 1-year Contract*”.

### **MATTERS SUBMITTED BY TOWN SUPERVISOR**

#### **Storm water**

The Town Supervisor noted that over the last 30 years, or more, the Town has taken upon itself to correct storm water problems. We’ve done a number of projects either in-house or subbed out with contractors....spent millions of dollars. As was said earlier tonight, we can’t control the rain. We still find that there are storm water issues that are out there. The Town Supervisor recommended that the Town create a position to basically take care/focus on these issues we heard tonight. First, locate and identify detention ponds, creeks, rivers, streams, tributaries that create storm water in the Town, including water ways that flow through the Town....to actually look at them, photograph them, walk them, and index them. Determine if they are privately owned, if the Town owns, the County owns, or the State owns and catalogue them. Also include storm sewer systems,



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their location and owner. Come up with procedural standards as to what the retention ponds are going to look like, specifications, before something develops instead of after the fact. Get a basis for how the ponds should be performing and are they doing it. Set performance and design standards and look at undeveloped land in the Town, identify any storm water problems on undeveloped lands; this could tie into new construction (pre-development locations).

The individual would answer directly to the Town Board and work closely with the Highway Superintendent and Town's engineers, with semi-annual or quarterly reports to the Town Board and ensuring that a maintenance schedule is followed. This will be a "work in progress," said the Town Supervisor. Board discussion then included start-up costs, whether the individual would be full time, year-round. Supervisor Tyksinski asked that a Request for Proposal be drafted and submitted at the August 24, 2017, Special Town Board meeting for review and possible action. Supervisor Tyksinski stated that he walked a ravine (The Glen) in Chadwicks and as a result, has serious concerns about the ponds; rocks have been eroded away that hold the three (3) dams (Note: at one time were owned and operated by the Bleachery Mill). Upon suggestion by a person (structural engineer) who grew up in the area and walked the ravine with the Town Supervisor, Highway Foreman Chris Moran, and others, Barton and Loguidice should be contacted to walk the site.

Councilman Messa then moved the adoption of the following Resolution; seconded by Councilman Miscione:

### **(RESOLUTION NO. 163 OF 2017)**

**RESOLVED** that the Town Board does hereby authorize and direct the Town Attorney to prepare a Request for Proposal (RFP) to hire an individual, or firm, to catalog various water ways in the Town of New Hartford as described in the Town Board discussion immediately prior to the adoption of this Resolution, storm water, maintenance schedules, etc. and does further authorize and direct that Barton & Loguidice be contacted to perform an on-site inspection of such water ways.

The Town Board voted upon roll call, resulting as follows:

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

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

**Word of Life Christian Church - Update**

A private developer has a pending sale for the Word of Life Christian Church located at 3354 Oneida Street, Chadwicks.

**Unsafe Building Update – McEaney, 11 Rosedale Court**

This property is being purchased through a private sale and will be used as a residence.

**Oneida County Contract #1840 - Tree Removal Service**

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

**(RESOLUTION NO. 164 OF 2017)**

**RESOLVED** that the New Hartford Town Board does hereby authorize the Highway Superintendent to “piggy-back” on Oneida County Contract #1840, through successful bidder Rick Turk Tree Service, 8333 New Floyd Road, Rome NY 13440, to remove three (3) trees that fell as a result of the July 1, 2017 storm.

A roll call vote ensued:

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

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

**EXECUTIVE SESSION**

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

**(RESOLUTION NO. 165 OF 2017)**

**RESOLVED** that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the Town’s strategy in the tax assessment certiorari proceedings brought against the Town of New Hartford by the Yahnundasis Golf Club (Tax Map No. 329.009-1-1) and Preswick Glen (Tax Map No. 328.000-62.1 and 328.000-62.4).

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly ***ADOPTED***. All persons present, including the news media and Department Heads, were then excused from the meeting at 8:56 P.M. The Town Attorney and Deputy Supervisor remained for the Executive Session.

***[NOTE: The Town Supervisor provided the following transcription on Thursday, August 10, 2017.]***

**END OF EXECUTIVE SESSION**

Councilman Reynolds then offered the following Resolution for adoption and Councilman Miscione seconded same:

**(RESOLUTION NO. 166 OF 2017)**

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

The Board members voted upon roll call that resulted as follows:

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

The Supervisor declared the Resolution unanimously carried and duly ***ADOPTED***; the Executive Session ended at 9:03 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public re-invited to the Town Board meeting.

**Settlement – Yahnundasis Tax Assessment Certiorari**

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

**(RESOLUTION NO. 167 OF 2017)**

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**RESOLVED** that the New Hartford Town Board does hereby approve settlement of the tax assessment certiorari brought against the Town of New Hartford by the Yahnundasis Golf Club (Tax Map No. 329.009-1-1); namely, their assessment will be reduced to full value of Three Million Dollars (\$3,000,000 ) for the years 2015 and 2016, and that the claim for 2014 is dismissed.

The Supervisor polled the Board members who voted as follows:

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

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

**Settlement – Preswick Glen Tax Assessment Certiorari**

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

**(RESOLUTION NO. 168 OF 2017)**

**RESOLVED** that the New Hartford Town Board does hereby approve settlement of the tax assessment certiorari brought against the Town of New Hartford by Preswick Glen (Tax Map No. 328.000-62.1 and 328.000-62.4); namely, their total assessed value shall be reduced as set forth below and in the Stipulation and Order of Settlement:

<u>Tax Year</u>	<u>Taxable Status Date</u>	<u>Tax Parcel</u>	<u>Current Assessment</u>	<u>Stipulated Reduced Assessment</u>
2015-16	March 1, 2015	328.000-2-62.1	\$7,446,539	\$5,570,011
2015-16	March 1, 2015	328.000- 2-62.4	\$8,771,362	\$6,755,489
2016-17	March 1, 2016	328.000-2-62.1	\$7,446,539	\$5,570,011
2016-17	March 1, 2016	328.000-2-62.4	\$8,771,362	\$6,562,439
2017-18	March 1, 2017	328.000-2-62.1	\$7,446,539	\$5,570,001
2017-18	March 1, 2017	328.000-2-62.4	\$8,771,362	\$6,562,439.

The Board members voted as follows:

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

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

**ADJOURNMENT**

There being no further business to come before the Town Board, upon motion of Councilman Reynolds and seconded by Councilman Messa, the meeting was adjourned at 9:05 P.M.

Respectfully submitted,

Gail Wolanin Young  
Town Clerk