

**REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF NEW HARTFORD, NEW YORK  
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN  
ON WEDNESDAY, APRIL 12, 2017, AT 6:00 P.M.**

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

**TOWN BOARD MEMBERS PRESENT:**

Councilman James J. Messa  
Councilman David M. Reynolds  
Supervisor Patrick M. Tyksinski

**ABSENT:**

Councilman Paul A. Miscione  
Councilman Richard B. Woodland, Jr.

**OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:**

Assessor Darlene Abbatecola  
Codes Enforcement Officer Joseph A. Booth  
Deputy Supervisor Matthew Bohn III  
Director of Finance Daniel Dreimiller  
Director of Recreation Center John C. Cunningham  
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

**February 8, 2017 Town Board minutes**

**March 8, 2017 Town Board minutes**

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

**(RESOLUTION NO. 65 OF 2017)**

**RESOLVED** that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meetings held on February 8, 2017, and March 8, 2017, and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

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

### PUBLIC PRESENTATIONS/COMMENTS

The Town Supervisor invited anyone present who wished to address the Town Board to come forth at this time.

#### **Drainage – 71 Merritt Place**

Stephanie Sheehan was present to talk about water that is going into the basement at 71 Merritt Place due to a faulty water drain and she wanted to know when this would be repaired and how long it would take. Ms. Sheehan, who had attended the March 8<sup>th</sup> Town Board meeting, said she had an agreement that the Highway Department would repair the faulty storm drain in April. Since that time, sump pumps have been replaced and the furnace is not working, she said. The Town Supervisor stated that a faulty water drain was never mentioned at the March 8, 2017, Town Board meeting and he wasn't sure if this is a matter the Town can rectify, or whether it's the homeowner's responsibility. Highway Superintendent Sherman stated that a plastic 4-inch flapper valve had been installed in the Town's catch basin by an unknown party – not the Town – and that a flapper valve is not normally installed because it collects debris. The Highway Superintendent said the catch basin has been cleaned several times with the sewer vacuum, and the 12-inch pipe will be scheduled for replacement and the road repaired once the blacktop plants open for the season around mid-May 2017. After that, repair time is expected to be two (2) days.

Ms. Sheehan requested a valid e-mail address for the Town's insurance adjuster. The Town Clerk will provide this information.

#### **FOIL – Stormwater Policy**

James Seemann expressed his displeasure that he didn't receive a document that he had requested this afternoon from the Town Clerk's Office. The Town Attorney stated that he has submitted FOIL requests numerous times to municipalities and/or police departments and that he, too, must wait for documents. Town Clerk Gail Wolanin Young explained that she accepts handwritten, typed and email requests for existing documents under the Freedom of Information Law. Within five (5) business days of receiving a FOIL request, her office must acknowledge receipt of the request and make the record(s) available to the applicant with an approximate date of disclosure; or if additional time is needed to research the matter to notify the applicant that the record(s) will be made

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available within twenty (20) business days of receipt of the request; denial of the record(s) sought and the reason why; or statement that no such record(s) exist. The applicant must sufficiently describe the record(s) to aid in the search.

### **Highway Department - Snowstorm**

Mitchell Ford complimented the Highway Department on an outstanding job of snow removal during the March 14 – March 15, 2017, Storm Stella, stating they were “spot-on”. Having moved to New Hartford, Mr. Ford commented it’s nice to be able to get out of your driveway.

Jeffrey Garstka added that the Highway Department did a fantastic job – super.

### **Unsafe Building - 11 Rosedale Court**

Jeffrey Garstka who resides on Rosedale Court was present regarding the status of a residence at 11 Rosedale Court. This matter will be discussed later during the Town Board meeting.

### **Grange Hill Road Drainage System Improvement Project**

Christian Lawton of Barton & Loguidice briefly reviewed various designs for the Grange Hill Road drainage project. Design #1, prepared by Oneida County Soil & Water, for the Grange Hill Road area, was a minimalistic approach to the stormwater resolution and would meet the goals; the landowner near the upper pond is talking to his attorney about special language and it’s hopeful he will sign an easement. Design #2, prepared by Barton & Loguidice, meets the goals and there is more work with it. The 3<sup>rd</sup> Design, to be prepared by Barton & Loguidice, would meet the goals, has a bigger easement, and would move the location of the berm; conceptual plans are available but Barton & Loguidice won’t move on Design #3 until the easements have been secured.

A meeting has been scheduled for April 27 or 28, 2017, with the new landowner who purchased a farm and plans to move in around the beginning of May 2017; she is agreeable with the plans and will sign an easement concerning the lower pond. The Town Attorney emphasized that he wants the easement to reflect the pond on this property. Christian Lawton will give the Town Attorney the map and pointed out that a survey is needed.

By April 14, 2017, Barton & Loguidice will provide maps to the Town. The Town would like a bid opening on June 7<sup>th</sup>, so there is a 1-week timeframe to review bids. The Town Supervisor would like the Town Board to vote on the easements at the May 2017 Town Board meeting and the remainder of the work to be addressed at the June 2017 Town Board meeting.

## **REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRMAN**

Parks and Recreation Committee – Councilman Reynolds

**Appointment – Seasonal Employees**

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. 66 OF 2017)**

**RESOLVED** that the New Hartford Town Board does hereby appoint the following individuals to the various part-time seasonal positions and for the hourly wages set opposite their several names, for the Parks and Recreation Department, commencing May 17, 2017, and ending August 18, 2017; all wages to be paid bi-weekly:

<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
Nicholas Suits	Park Laborer 1	\$ 9.00/hour
Cullen Moran	Park Laborer 2	\$ 9.00/hour
Anthony Talarico	Park Laborer 2	\$ 9.25/hour
Peter Cougan	Park Laborer 2	\$ 9.25/hour
Justin LeFave	Park Laborer 2	\$ 9.25/hour
Garrett Mahoney	Park Laborer 2	\$ 9.25/hour
Brian Jenny	Park Laborer 5	\$15.00/hour.

Whereupon, the Town Board voted by roll call:

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

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

**Quotes - Abandoned Property Lawn Maintenance**

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

**(RESOLUTION NO. 67 OF 2017)**

**WHEREAS**, the Director of Recreation Center had obtained three (3) quotes for lawn maintenance at various locations in the Town for fiscal year 2017, as follows:

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- Steve's Mow and Snow, LLC - \$30/per hour
- Greiner Property Maintenance - \$35/per hour
- Aceti's Classic Gardens, Inc. - \$42/per hour

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby accept the low proposal submitted by Steve's Mow and Snow, LLC, for lawn maintenance at Thirty Dollars (\$30) per hour, for calendar year 2017, and does hereby authorize and direct the Town Supervisor to enter into and to execute any and all documents pertaining to this service. The Town Board does further authorize the Director of Recreation Center to specify when the lawns shall be mowed.

A roll call vote was duly held as follows:

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

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

MATTER(S) SUBMITTED BY COUNCILMEN

Councilman Reynolds:

**Solar Panels – Zoning Law**

Councilman Reynolds would like the Town Board, in the near future, to review proposed changes to solar panels in the Town's 2014 Zoning Law.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRMAN

(Cont'd)

Town Clerk Standing Committee - Councilmen Woodland and Reynolds

**Lease - Postage Meter/Mailing Machine**

The lease on the Town's postage mailing machine will expire in mid-May 2017 and the current vendor, Ed and Ed Business Technology, has submitted a proposal under State contract. Thereafter, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Messa:

**(RESOLUTION NO. 68 OF 2017)**

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**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute a 63-month Product Lease Agreement with Meter Rental Agreement, between the Town of New Hartford, NY and MailFinance, in accordance with NYS PC67336, for a monthly lease rate of \$298.63, and to enter into and to execute the Connectivity Installation Agreement.

The foregoing Resolution was duly put to a vote upon roll call:

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

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

**Town of Frankfort Notice of Zoning Code Amendment**

Town Clerk Gail Wolanin Young provided notification from the Town of Frankfort regarding Project Boxer at the Route 5S Business Park. As part of this project, the Town of Frankfort is considering adopting a Town-wide modification of its Planned Development-Manufacturing zone regulations, and accordingly, providing notice of that zoning amendment. A public hearing will be held on April 27, 2017, at 7:00 P.M. at the Frankfort Town Hall, 201 Third Ave., Frankfort, NY, 13340.

**Public Safety and Courts Committee – Supervisor Tyksinski**

**Reappointment – Police Commission Chairman**

In January 2017 the Town Board had re-appointed Patrick Cardinale to a one-year term as Chairman of the Police Commission; because Mr. Cardinale was out of state at that time, his Oath of Office had not been administered so the appointment becomes null and void and the position vacant. Since Mr. Cardinale is interested in reappointment as Chairman, the following Resolution was introduced by Supervisor Tyksinski and duly seconded by Councilman Reynolds:

**(RESOLUTION NO. 69 OF 2017)**

**RESOLVED** that the New Hartford Town Board does hereby reappoint Patrick J. Cardinale as Chairman of the Police Commission, effective April 12, 2017, and terminating on December 31, 2017.

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

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

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

Public Works and Sewer Committee – Councilmen Miscione and Messa

**2017 Agreement – Roadside Ditching**

Upon recommendation of the Highway Superintendent, Councilman Messa presented the following Resolution for adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. 70 OF 2017)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor and Highway Superintendent to execute the 2017 Roadside Ditching Agreement between the said Town and the County of Oneida wherein said Town agrees to ditch the right of way portions of Roads or designated areas as directed by the County in accordance with rules and regulations that are incorporated in said Agreement, for the period beginning May 1, 2017, to December 1, 2017.

Upon roll call, the Board members voted as follows:

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

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

**2017 Agreement – Roadside Mowing**

The Town Clerk had received from Oneida County the Roadside Mowing Agreement for 2017 and had emailed copies to the Town Board, Highway Superintendent and Town Attorney on Monday, April 3, 2017. Councilman Messa presented the Roadside Mowing Agreement and moved its adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. 71 OF 2017)**

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**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor and the Highway Superintendent to enter into and to execute the Roadside Mowing Agreement between the Town and the County of Oneida wherein the Town agrees to perform roadside mowing on the improved County road system located within the geographical boundaries of the Town for an agreed-upon price, during the period beginning May 15, 2017, and ending November 3, 2017.

The Town Board voted upon roll call as follows:

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

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

MATTERS SUBMITTED BY COUNCILMEN (Cont'd)

Councilman Messa:

**Grange Hill Road Drainage Improvements Project; SEOR – Lead Agency/Town Supervisor to sign**

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

**(RESOLUTION NO. 72 OF 2017)**

**Proposed Action: Grange Hill Road Drainage Improvements Project**

**RESOLUTION DECLARING THE INTENT OF THE TOWN OF NEW  
HARTFORD  
TO ACT AS LEAD AGENCY**

**WHEREAS**, the Town of New Hartford (Town) is proposing the Grange Hill Road Drainage Improvements Project (Project), located in the Town of New Hartford, Oneida County, New York; and

**WHEREAS**, the Project has been classified as a “Type I Action” as defined by the State Environmental Quality Review Act (SEQRA) in 6 NYCRR Part 617.4; and



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**WHEREAS**, it is the intent of the Town of New Hartford Town Board to assume the role of “Lead Agency” for purposes of conducting a SEQRA/SERP assessment of the Project; and

**WHEREAS**, Part I of a Full Environmental Assessment Form (FEAF) has been completed, reviewed by the Town of New Hartford Town Board, and will be circulated to all Involved Agencies for purposes of establishing the Town of New Hartford Town Board as “Lead Agency” in accordance with 6 NYCRR Part 617.6.

NOW, THEREFORE, BE IT

**RESOLVED AND DETERMINED**, that the Supervisor of the Town of New Hartford hereby is authorized to sign Part I of the Full Environmental Assessment Form (page 13); and it is further

**RESOLVED AND DETERMINED**, that the Supervisor of the Town of New Hartford and Town Board will circulate said Part I of the Full Environmental Assessment Form to the attached list of “Interested and Involved Agencies” under cover of a “Notice of Intent to Establish Lead Agency” letter for purposes of establishing Lead Agency status under SEQRA/SERP; and it is further

**RESOLVED**, that the Supervisor of the Town of New Hartford and Town Board, together with the Town of New Hartford Attorney and B&L, are hereby authorized to take all actions, serve all notices, and complete all documents required to give full force and effect to this determination.

The question of the adoption of the foregoing resolution was duly put to a vote, and upon roll call, the vote was as follows:

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

The resolution was thereupon declared duly ***ADOPTED***.

MATTERS SUBMITTED BY TOWN SUPERVISOR / TOWN ATTORNEY

Financial

**Vendor List – Office Supplies**

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Finance Director Dreimiller reported that Bookkeeper Lisa Smigle had worked with department heads to compile a list of most frequently used office supplies (paper, pens, toner, etc.), by product name. Three office supply vendors had been contacted for quotes and the low quote for each item has been highlighted on the newly-created list that has been given to department heads. Thereafter, Councilman Messa introduced the following Resolution for adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. 73 OF 2017)**

**WHEREAS**, the Accounting/Finance Department had solicited quotes for the most frequently used office supplies by Town departments and a list has been compiled of such office supplies highlighted by vendor name;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby accept the lowest quote per item furnished by Arlott Office Products, Hummel's Office Plus and W. B. Mason for calendar year 2017 and does hereby direct Town department heads to order the lowest priced items when ordering office supplies, effective immediately.

The Supervisor polled the Board members who voted as follows:

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

The resolution was thereupon declared duly ***ADOPTED***.

**Bookkeeper – Civil Service Exam**

The Finance Director noted that Bookkeeper Lisa Smigle has passed the Civil Service examination for Bookkeeper, attaining 100% on the exam. The Town Supervisor complimented Ms. Smigle on her achievement.

**Financial reports and abstracts**

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

The Finance Director noted that changes in the abstract phase of the accounting system now alerts staff if an invoice appears twice on the same abstract, thus allowing staff to address the matter at that time. Also, the abstract report for each fund would show if a

line item is over budget at which time a Town Board resolution would be needed to make any transfers.

**Audit of Vouchers**

On recommendation of the Town Supervisor, Councilman Reynolds presented the following Resolution for adoption; seconded by Councilman Messa:

**(RESOLUTION NO. 74 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 #4	
Vouchers SL4	\$ 9,203.68
Fire District Abstract #2	
Vouchers SF5	\$ 61,242.56
Fire District Abstract #3	
Vouchers SF6	\$ 140,631.00
Grange Hill Abstract #1A	
Vouchers HQ4-HQ6	
(\$22,019,94 Already Approved; See Abstract #1-2017)	
Grange Hill Abstract #2	
Vouchers HQ7-HQ10	\$ 32,790.00
Highway Fund Part-Town Abstract #6	
Vouchers DB200-DB305	\$ 97,501.66
General Fund Part-Town Abstract #6	
Vouchers BB36-BB38	\$ 6,629.27
General Fund Part-Town Abstract #7	
Vouchers BB39-BB56	\$ 3,913.55
Trust & Agency Fund Abstract #12	
Vouchers TT45-TT53	\$ 8,031.73
Trust & Agency Fund Abstract #13	
Vouchers TT54-TT57	\$ 13,338.53
Trust & Agency Fund Abstract #14	
Vouchers TT58-TT67	\$ 9,181.95
Trust & Agency Fund Abstract #15	
Vouchers TT68-TT75	\$ 7,700.66
Trust & Agency Fund Abstract #16	
Vouchers TT76-TT78	\$ 125.00
General Fund Whole-Town Abstract #6	

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Vouchers AA281	\$ 82,908.66
General Fund WholeTown Abstract #7	
Vouchers AA282-AA295	\$ 49,131.66
General Fund Whole-Town Abstract #8	
Vouchers AA296-AA400	\$ 35,473.25
General Fund Whole-Town Police Abstract #7	
Vouchers BP80	\$ 147,393.16
General Fund Whole-Town Police Abstract #8	
Vouchers BP81-BP84	\$ 54,112.00
General Fund Whole-Town Police Abstract #9	
Vouchers BP85-BP110	\$ 33,481.30
Sewer Fund Abstract #6	
Vouchers SS18	\$ 32,668.77
Sewer Fund Abstract #7	
Vouchers SS19	\$ 1,969.56
Sewer Fund Abstract #8	
Vouchers SS20-SS25	<u>\$ 6,086.81</u>

**TOTAL: \$833,514.76**

Upon roll call, the Board members voted as follows:

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

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

MATTERS SUBMITTED BY COUNCILMEN (Cont'd)

Councilman Messa:

**Zoning Law text changes – Local Laws Introductory**

The following legislation was introduced by Councilman Messa for the Town Board's consideration at future Public Hearings; seconded by Councilman Reynolds:

**TOWN OF NEW HARTFORD, NEW YORK  
LOCAL LAW INTRODUCTORY "B" OF 2017**

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A LOCAL LAW to amend Chapter 118-22F of the Code of the Town of New Hartford entitled "Permitted Uses".

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

SECTION 1. Chapter 118-22 F shall be amended as follows:

F. One principal dwelling structure per lot. No lot in any A, RA or LDR District shall be used for more than one dwelling structure, except that housing for a farm workforce may be permitted where agriculture is the principal use of the property. The required minimum frontage shall be provided for each dwelling.

SECTION 2. All other provisions of Chapter 118-22 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this local law shall amend or modify.

SECTION 3. This Local Law shall become effective immediately upon filing with the Secretary of State.

TOWN OF NEW HARTFORD, NEW YORK  
LOCAL LAW INTRODUCTORY "C" OF 2017

A LOCAL LAW to amend Chapter 118-69A of the Code of the Town of New Hartford entitled "Raising of Livestock", - Animal Husbandry.

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

SECTION 1. Chapter 118-69A shall be amended as follows:

A. A minimum lot size of three acres shall be required and the property shall be located in an A or RA zone.

SECTION 2. All other provisions of Chapter 118-69A of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this local law shall amend or modify.

SECTION 3. This Local Law shall become effective immediately upon filing with the Secretary of State.

TOWN OF NEW HARTFORD, NEW YORK  
LOCAL LAW INTRODUCTORY "D" OF 2017

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A LOCAL LAW to amend Chapter 118 Attachment 3.3 of the Code of the Town of New Hartford entitled Schedule A Permitted uses:

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

SECTION 1. Chapter 118 Attachment 3.3 shall be amended as follows:

The schedule in the portion entitled “Accessory use, customary structure or use” shall now include the letter “P” in the PR column.

SECTION 2. All other provisions of Chapter 118 Attachment 3.3 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this local law shall amend or modify.

SECTION 3. This Local Law shall become effective immediately upon filing with the Secretary of State.

TOWN OF NEW HARTFORD, NEW YORK  
LOCAL LAW INTRODUCTORY “E” OF 2017

A LOCAL LAW TO AMEND Chapter 118-82 Schedule D of the Code of the Town of New Hartford entitled Off-Street Parking Aisle Stall Dimensions.

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

SECTION 1. Chapter 118-82, Schedule D in Section E relating to design and development standards for off-street parking shall be amended as follows:

<u>Parking Angle</u>	<u>Stall Length</u>	<u>Stall Width</u>	<u>Aisle Width</u> (one-way)	<u>Aisle Width</u> (two-way)
90°	18 feet	10 feet	24 feet	24 feet
60°	21 feet	11.5 feet	18 feet	24 feet
45°	19 feet 10”	14 feet	13 feet	24 feet

SECTION 2. All other provisions of Chapter 118-82 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this local law shall amend or modify.

SECTION 3. This Local Law shall become effective immediately upon filing with the Secretary of State.

TOWN OF NEW HARTFORD, NEW YORK  
LOCAL LAW INTRODUCTORY "F" OF 2017

A LOCAL LAW to amend the Code of the Town of New Hartford, Chapter 118 thereof entitled ZONING, Section 118-54, Section 118-63, Section 118-70, and Section 118-76, by prohibiting the sale of any type of fireworks therein.

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

SECTION 1. Chapter 118, Section 54 (Farmers market and other open air markets) of the Town Code is hereby amended by adding the following paragraph:

E. The sale of any type of fireworks is prohibited.

SECTION 2. Chapter 118, Section 63 (Outdoor sales and displays) of the Town Code is hereby amended by adding the following paragraph:

G. The sale of any type of fireworks is prohibited.

SECTION 3. Chapter 118, Section 70 (Roadside stands or farm stands) of the Town Code is hereby amended by adding the following paragraph:

F. The sale of any type of fireworks is prohibited.

SECTION 4. Chapter 118, Section 76 (Temporary vendors on private lots) of the Town Code is hereby amended by adding the following paragraph:

G. The sale of any type of fireworks is prohibited.

SECTION 5. All other provisions of Chapter 118 (ZONING) 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 6. This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State.

**SEOR/Lead Agency Status: 239-review; Public Hearings set**

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

**(RESOLUTION NO. 75 OF 2017)**

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**RESOLVED** that the Town Board of the Town of New Hartford does hereby declare itself as Lead Agency in the matter of various Zoning text amendments, specifically, Local Laws Introductory “B”, “C”, “D”, “E” and “F”, initiated by said Town Board; and be it

**FURTHER RESOLVED** that the aforementioned Local Laws Introductory be forwarded to the Town Planning Board and the Oneida County Planning Department for GML-239 and SEQR review; and be it yet

**FURTHER RESOLVED** that the Town Board does hereby schedule Public Hearings upon the aforementioned Local Laws Introductory to commence at 6:00 P.M., or as soon thereafter as reached in the regular course of business, on Wednesday, May 24, 2017, in the Rodger Reynolds Community Room of Butler Memorial Hall, 48 Genesee Street, New Hartford, NY; and does further authorize and direct the Town Clerk to publish the legal notice of said Public Hearings in The Observer Dispatch.

The foregoing Resolution was duly put to a vote upon roll call, resulting as follows:

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

The Resolution was thereupon declared duly ***ADOPTED***.

**Tilden Avenue Resurfacing / Multi-Modal #1**

The Supervisor acknowledged that Highway Superintendent had been working on a grant to repave Tilden Avenue; as a result, the Town Supervisor received a letter from the New York State Department of Transportation officially notifying the Town that \$100,000 has been approved for this project. The remainder of the project cost (\$350,000) would be paid through bonding. Thereafter, Councilman Reynolds moved the adoption of the following Resolution; seconded by Councilman Messa:

**(RESOLUTION NO. 76 OF 2017)**

**WHEREAS**, the Town of New Hartford has received confirmation from the New York State Department of Transportation that the Town’s application for funding a Multi-Modal #1 project in the amount of One Hundred Thousand Dollars (\$100,000) for the resurfacing of Tilden Ave has been approved;



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**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute the Master Municipal Multi-Modal (MM) Capital Project(s) Agreement relating to the resurfacing of Tilden Ave from Higby Road to Pleasant Street, PIN No. S862 (D033090), said Agreement between the New York State Department of Transportation and the Town of New Hartford.

A roll call vote ensued:

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

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

**Bonding – Tilden Ave Resurfacing; Grange Hill Road project; Highway Equipment**

The Town Board discussed various matters that will be bonded. With regard to the Highway Department equipment, the Town Supervisor asked Councilman Messa to draft a plan, identify any savings, and bring the proposal back to the Town Board for consideration.

**Unsafe Buildings Report – 11 Rosedale Court**

The Town Attorney reported that the Town has been proceeding in Town Court for over three (3) years with regard to the conditions of property at 11 Rosedale Court owned by Mr. McEaney. In at least two (2) or three (3) court proceedings Mr. McEaney has been found in violation, with fines charged against him, and hasn't taken any steps to remediate his house, which was foreclosed in March 2017. The owner now is the bank, and Code Enforcement Officer Joseph Booth is being diligent to bring his property up to code. While the home is not an unsafe structure according to the Town's code, the conditions have changed and the bank that now owns the property and the attorney who handled the foreclosure have been notified that the home is unsafe and that Mr. McEaney still resides in the house.

Code Enforcement Officer Booth reported that Mr. McEaney has not taken care of the prior non-conformities. Further, he reported that the last large snowfall (March 2017) weakened the roof considerably. After an investigation, the Code Enforcement Officer noticed a depression in the roof toward the rear of the house. It's evident that collapse is possible.

**Unsafe Buildings – Hearing Scheduled**

A motion to adopt the following Resolution was made by Councilman Reynolds and seconded by Councilman Messa:

**(RESOLUTION NO. 77 OF 2017)**

**Establish Hearing to Consider Code Enforcement Officer Report  
RE: Unsafe Building**

**11 Rosedale Court  
[328.019-2-90]**

**[Property Owner: Kevin McEaney & Michael McEaney]**

**WHEREAS**, the Code Enforcement Officer has inspected the property located at 11 Rosedale Court and has identified defects which deem said property to be unsafe or dangerous; and

**WHEREAS**, pursuant to provisions of Chapter 52 (Unsafe Buildings) of the Code of the Town of New Hartford, the Code Enforcement Officer has submitted a written notice that had been served upon the current occupant/owner, with a copy having been sent to the Town Attorney, said report to be considered by the Town Board and, if deemed appropriate, establishment of a hearing;

**NOW, THEREFORE, BE IT RESOLVED** that a hearing shall be held before the Town Board of the Town of New Hartford on the 10<sup>th</sup> day of May 2017, beginning at 5:45 P.M. to consider the report, determine if the building is unsafe, and if so, whether it is to be repaired or demolished and removed; and

**BE IT FURTHER RESOLVED** that the owner of the above property as listed on the current tax rolls shall receive notice of the hearing in accordance with Section 52-8 (Service of Notice) of Chapter 52 (Unsafe Buildings) of the Code of the Town of New Hartford .

Question of the adoption of the foregoing Resolution resulted as follows:

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

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

**EXECUTIVE SESSION**

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

**(RESOLUTION NO. 78 OF 2017)**

**RESOLVED**, that the New Hartford Town Board does move to enter into an Executive Session to discuss on-going negotiations with the Joseph Corr Police Benevolent Association contract, the Peters-Adelman lawsuit, and tax certioraris involving the Yahnundasis Golf Club and Mohawk Coffee, and the Word of Life Christian Church litigation.

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**. All persons present, including the news media, were then excused from the meeting at 7:11 P.M. The Town Attorney and Deputy Supervisor remained.

***[NOTE: The Town Attorney provided the following transcription on Thursday, April 13, 2017.]***

**END OF EXECUTIVE SESSION**

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

**(RESOLUTION NO. 79 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	-	ABSENT
Councilman Messa	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	ABSENT

Supervisor Tyksinski - Aye.

The Supervisor declared the Resolution unanimously carried and duly ***ADOPTED***; the Executive Session ended at 7:50 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public re-invited to the meeting.

**Settlement of Claim – Peters-Adelman**

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

**(RESOLUTION NO. 80 OF 2017)**

**RESOLVED**, that the New Hartford Town Board does hereby authorize settling the Peters-Adelman lawsuit against the Town with a Fifteen Thousand Dollar (\$15,000) contribution from the Town, acquire a permanent easement, and complete Shumaker's proposal to finish the channel.

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

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

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

**Settlement of Mohawk Valley Coffee Co.LLC Certiorari**

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

**(RESOLUTION NO. 81 OF 2017)**

**RESOLVED**, that the New Hartford Town Board does hereby approve a reduction of the assessment to One Hundred Fifty Thousand Dollars (\$150,000), a one year refund, and no interest, for property owned by Mohawk Valley Coffee Co LLC, Tax Map No. 329.014-2-30, located at 22 Genesee Street, New Hartford, NY 13413.

A roll call vote ensued:

Councilman Miscione	-	ABSENT
Councilman Messa	-	Aye

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Councilman Reynolds	-	Aye
Councilman Woodland	-	ABSENT
Supervisor Tyksinski	-	Aye

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 Messa and seconded by Councilman Reynolds, the meeting was adjourned at 7:55 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk