

**PROPOSED TOWN BOARD AGENDA (SUBJECT TO CHANGE)**  
**December 9, 2015 at 7:00 P.M.**  
**Butler Memorial Hall**

**I. MINUTES**

A. November 4, 2015

**II. PUBLIC PRESENTATIONS/COMMENTS** *(Limited to 3 minutes)*

A. Albert Fraccola

1. Enforcement of Town of New Hartford Trash and Brush schedule brochure.

B. Justin Reaves

1. Zoning Law amendment – solar energy

C. Erwin Demeo

1. Noise

**III. REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRPERSON**

A. Senior Services Committee – Councilman Reynolds

1. Budget changes (Oct 26 & Nov 20 memos)

B. Town Clerk Committee – Councilman Woodland

1. Raffle Consent – Stevens-Swan Humane Society

2. Liquor License 30-day notice; Barnes & Nobles

3. Deer Depredation Resolution

C. Public Safety and Court Committee – Supervisor Tyksinski

1. 2016 Animal Control Contract w/Town of Kirkland

D. Planning (Codes) & Zoning Committee – Councilman Messa

1. Notice of Planning Board vacancy as of December 31, 2015

E. Public Works & Sewer Committee – Councilman Miscione

1. Hire new Highway Department employee

2. Additional brine tank

**IV. MATTERS SUBMITTED BY COUNCILMEN / ATTORNEY**

A. Councilman Miscione

1. Local law to ban/criminalize sale of synthetic marijuana K2 and spice

2. Approve provider for new town website

**V. MATTERS SUBMITTED BY TOWN SUPERVISOR**

A. Financial and other routine reports

1. Audit of Vouchers

2. 2014 Justice Court Review & Approval (Finance Director)

B. Miscellaneous communications

C. Unfinished Business

1. Workers Compensation

D. New Business

1. Date of January organizational meeting

Oct. 26, 2015

Memo to the New Hartford Town Board

Please increase A6772.4                      \$1610.

Also    increase A 2705.1                      \$1610.

For the following donations to the New Hartford Senior Center to cover costs of printing  
The 30<sup>th</sup> Anniversary Sr. Book plus donations in memory of Ed Baker and Dr. Joseph and Monica Raj  
donating money to cover costs of purchasing a cake for the Senior's 29<sup>th</sup> Anniversary Dinner.

Estate Planning	\$500.	Sr. Services Book to cover cost of printing
Monica and Joseph Raj	\$ 60.	Donation to cover cost of cake for 29 <sup>th</sup> Anniversary
Robert and Cynthia Timm	\$ 50.	Donation in memory of Edward Baker
Claudia Tenney	\$250.	Sr. Services Book to cover cost of printing Sr. Book
Masonic Home	\$500.	To cover cost of printing 30 <sup>th</sup> Anniversary Sr. Book
Faxton-St. Lukes Healthcare	\$250.	To cover cost of printing Sr Services Book

Thank you,

Eileen Spellman  
New Hartford Senior Center



**TOWN of NEW HARTFORD**  
**DEPARTMENT OF SENIOR SERVICES**  
**N.H. ADULT DINING & ACTIVITY CENTER**  
1 Sherman Street  
New Hartford, New York 13413  
Phone (315) 724-8966 Fax (315) 733-7589

PATRICK M. TYKSINSKI  
*Town Supervisor*

EILEEN SPELLMAN  
*Director*

Memorandum

To: Carol Ryan  
From: Eileen Spellman, Director of Senior Services  
Re: Received Donations  
Date: 11-20-15

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Enclosed are checks or monies in the amount of \$ 100.

This or These donations are for BARP USE OF ROOM

Please give further explanation is necessary:

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Thank you

*Eileen Spellman*



*Goal*

Nov. 20, 2015

Memo to the New Hartford Town Board:

Please increase A6772.4 \$100.  
Increase A2705.1 \$100.

\$100. For AARP use of room


Eileen Spellman

**UTICA CHAPTER #2012 AARP INC**  
20 ARBOR DR  
NEW HARTFORD, NY 13413

567  
50-8079/2213  
1198

*November 02-15*  
Date

Pay to the order of *New Hartford Senior Center* \$ *100.00*  
*One Hundred* *00/100* Dollars

 **FIRST SOURCE**  
NEW YORK STATE CREDIT UNION  
You're First.

For *Donation* *Beverly McHally* NP


⑆ 221380790⑆ 11980000800698⑈0567

Hartford Circle

GC-RCF

NYS RACING & WAGERING BOARD  
1 Broadway Center, Suite 600  
Schenectady, NY 12305-2553  
Telephone (518) 395-5400 Fax (518) 347-1469  
www.racing.state.ny.us

RAFFLE  
CONSENT FORM

RECEIVED  
NOV 19 2015 3:47pm  
TOWN OF NEW HARTFORD  
TOWN CLERK  


**Instructions:** This form must be completed by each Authorized Organization that intends to sell raffle tickets in a municipality other than the city, town or village in which it is domiciled and in which it is either issued a raffle license or is authorized to conduct raffles pursuant to Article 9-A, General Municipal Law, Section 190-a.\*

I, Diane Broccoli, EXECUTIVE DIRECTOR of  
(Print the first name, middle initial and last name of the officer or director) (Title of officer or director: Pastor, Commander, etc.)

STEVENS-SWAN HUMANE SOCIETY, GC 30-207-810-0546  
(Name of authorized organization) (Games Of Chance Identification Number, if required)

located at 5664 Horatio St. Utica, NY 13502,  
(Address of authorized organization)

request permission from the Town of New Hartford,  
(City, Town or Village)

County of ONEIDA, to sell raffle tickets licensed by the  
Town of New Hartford, County of ONEIDA, within  
(City, Town or Village)

the within the territorial limits of its municipality during the calendar year 2015-2016  
Diane Broccoli Jeanne E. Schmidt  
(Signature of authorized organization's officer or director)

Sworn to me this 19<sup>th</sup> day of November, 2015  
(Notary Public - Commissioner of Deeds) (Year)

JEANNE E. SCHMIDT  
Notary Public, State of New York  
Appointed in Oneida County  
My Commission Expires 3/29/19

Approved by: \_\_\_\_\_  
(Name of Municipality)  
\_\_\_\_\_  
(Signature and Title of Authorized Officer)  
\_\_\_\_\_  
(Date)

\* **Note:** A municipality that has enacted legislation authorizing the conduct of games of chance may consent to permit the sale of raffle tickets within its territorial limits by an authorized organization that is either licensed to conduct raffles or is authorized by Section 190-a of the General Municipal Law to conduct raffles in the municipality in which it is domiciled, only if the authorized organization's municipality is located in the same county as the consenting municipality, or is located in a county that is contiguous to the county in which the consenting municipality is located; pursuant to Article 9-A, General Municipal Law, Section 189, Subdivision 13.



DANOW, MCMULLAN & PANOFF, P.C.

ATTORNEYS AT LAW

275 MADISON AVENUE, Suite 1711  
NEW YORK, N.Y. 10016

Telephone (212) 370-3744

Facsimile Transmission (212) 370-4996

*Met -  
Pls e-mail to  
Town Board.  
Will be an agenda  
item on Dec 9th  
J.  
11-20-15  
Sent: 11-25-15*

KEVEN DANOW  
WILLIAM R. McMULLAN  
ARTHUR J. PANOFF

HENRY A. PANOFF (1909 to 1997)  
ARIELLE J. ALBERT (Associate)  
Admitted in New York & New Jersey

November 19, 2015

Town Clerk  
Attn: Gail Wolanin Young  
Butler Hall  
48 Genesee Street  
New Hartford, NY 13413

RECEIVED  
NOV 20 2015  
TOWN OF NEW HARTFORD  
TOWN CLERK  
2:35P  
8B

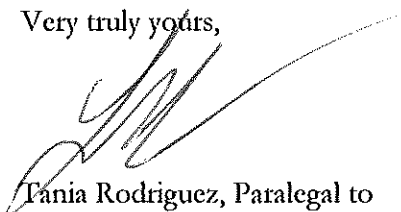
Re: Barnes & Noble Café, LLC – On Premise Wine & Beer

Dear Ms. Wolanin Young:

Enclosed is a 30-Day Local Municipality notice for Barnes & Noble Café, LLC.

If you need any additional documents please contact me at the number above or via e-mail  
trodriguez@dmppc.com

Very truly yours,



Tania Rodriguez, Paralegal to  
Keven Danow, Esq. and Arielle Albert, Esq.

TR/me  
Enclosed

OFFICE USE ONLY		
<input type="radio"/> Original	<input type="radio"/> Amended	Date _____

State of New York  
 Executive Department  
 Division of Alcoholic Beverage Control  
 State Liquor Authority

**Standardized NOTICE FORM for Providing 30-Day Advanced Notice to a  
 Local Municipality or Community Board**  
 (Page 1 of 2 of Form)

1. Date Notice was Sent: (mm/dd/yyyy) November 19, 2015

2. Select the type of Application that will be filed with the Authority for an On-Premises Alcoholic Beverage License

- New Application    Renewal    Alteration    Corporate Change

**This 30-Day Advance Notice is Being Provided to the Clerk of the following Local Municipality or Community Board**

3. Name of Municipality or Community Board: Town Clerk, Attn: Gail Wolanin Young, Butler Hall, 48 Genesee St, New Hartford, NY 13413

**Applicant/Licensee Information**

4. License Serial Number, if not New Application: pending   Expiration Date, if not New Application: N/A

5. Applicant or Licensee Name: Barnes & Noble Cafe, LLC

6. Trade Name (if any):  

7. Street Address of Establishment: 4811 Commercial Drive, Store #: 2133

8. City, Town or Village: New Hartford, NY   Zip Code: 13413

9. Business Telephone Number of Applicant/Licensee: 212-352-3783

10. Business Fax Number of Applicant/Licensee: none

11. Business E-mail of Applicant/Licensee: tdrodriguez@bn.com

**For New applicants, provide description below using all information known to date.  
 For Alteration applicants, attach complete description and diagram of proposed alteration(s).  
 For Current Licensees, set forth approved Method of Operation only.  
 Do Not Use This Form to Change Your Method of Operation.**

12. Type(s) of Alcohol sold or to be sold: ("X" One)  Beer Only    Wine & Beer Only    Liquor, Wine & Beer

13. Extent of Food Service: ("X" One)  Restaurant (Sale of food primarily; Full food menu; Kitchen run by chef)    Tavern/Cocktail Lounge/Adult Venue/Bar (Alcohol sales primarily; Meets legal minimum food availability requirements)

14. Type of Establishment: ("X" all that apply)  Recorded Music    Live Music    Disc Jockey    Juke Box    Karaoke Bar    Stage Shows  
 Patron Dancing (small scale)    Cabaret, Night Club (Large Scale Dance Club)    Catering Facility  
 Capacity of 600 or more patrons    Topless Entertainment    Restaurant    Hotel  
 Recreational Facility (Sports Facility/Vessel)    Club (e.g. Golf Club/Fraternal Org.)    Bed & Breakfast  
 Seasonal Establishment

15. Licensed Outdoor Area: ("X" all that apply)  None    Patio or Deck    Rooftop    Garden/Grounds    Freestanding Covered Structure  
 Sidewalk Cafe    Other (specify):

OFFICE USE ONLY		
<input type="radio"/> Original	<input type="radio"/> Amended	Date _____

State of New York  
 Executive Department  
 Division of Alcoholic Beverage Control  
 State Liquor Authority

**Standardized NOTICE FORM for Providing 30-Day Advanced Notice to a Local Municipality or Community Board**

(Page 2 of 2 of Form)

16. List the floor(s) of the building that the establishment is located on:
17. List the room number(s) the establishment is located in within the building, if appropriate:
18. Is the premises located with 500 feet of three or more on-premises liquor establishments?  Yes  No
19. Will the license holder or a manger be physically present within the establishment during all hours of operation?  Yes  No
20. Does the applicant or licensee own the building in which the establishment is located? ("X" One)  Yes (If Yes SKIP 21-24)  No

**Owner of the Building in Which the Licensed Establishment is Located**

21. Building Owner's Full Name:
22. Building Owner's Street Address:
23. City, Town or Village:  State:  Zip Code:

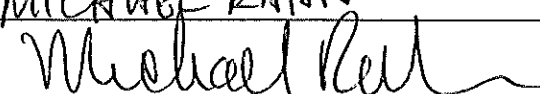
**Attorney Representing the Applicant in Connection with the Applicant's License Application Noted as Above for the Establishment Identified in this Notice**

25. Attorney's Full Name:
26. Attorney's Street Address:
27. City, Town or Village:  State:  Zip Code:
28. Business Telephone Number of Attorney:
29. Business Email Address of Attorney:

I am the applicant or hold the license or am a principal of the legal entity that holds or is applying for the license. Representations in this form are in conformity with representations made in submitted documents relied upon by the Authority when granting the license. I understand that representations made in this form will also be relied upon, and that false representations may result in disapproval of the application or revocation of the license.

By my signature, I affirm - under **Penalty of Perjury** - that the representations made in this form are true.

30. Printed Name:  Title

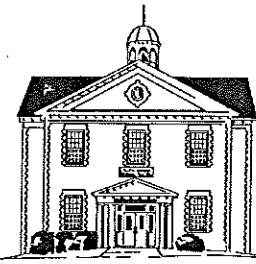
Signature: X 



**(RESOLUTION NO. ... OF 2015)**

**RESOLVED** that, in accordance with Local Law No. Seven of 2010 (Chapter 56, DOGS AND PETS, Section 56-1. F) of the Town Code, the New Hartford Town Board does hereby institute a quarantine on dogs for the protection of deer in the Town of New Hartford. All dogs shall be securely confined during a period of time beginning twenty-four (24) hours after publication of a legal notice in the Town's official newspaper and continuing until April 15, 2016. The Town Clerk is hereby authorized and directed to publish such legal notice in The Observer Dispatch on December 18, 2015. Any dog found chasing or worrying deer during said quarantine could be seized. A dog that attacks a deer at any time shall be in violation of this Law and shall be subject to fines.

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



Ralph S. Lumbard Memorial Town Hall

# TOWN OF KIRKLAND

Donna B. Maxam  
Town Clerk  
townclerk@townofkirkland.org

MEMO

November 24, 2015

**TO:** Gail Wolanin Young, Town Clerk  
Butler Hall  
48 Genesee Street  
New Hartford, NY 13413

**FROM:** Donna Maxam  
Town Clerk

**RE:** 2016 Animal Control Contract, Municipal Agreement

Enclosed please find 3 signed copies of the 2016 Animal Control Contract. Please return 2 copies and retain one for your records when it has been signed.

Thank you

THANK YOU GAIL!

Donna

RECEIVED  
10:00 AM  
NOV 27 2015  
TOWN OF NEW HARTFORD  
TOWN CLERK

## 2016 Animal Control Contract Municipal Agreement

This shall be a contract between the Town of New Hartford and the Town of Kirkland for Animal Control within the Township of Kirkland. The purpose of this agreement shall be for the New Hartford Animal Control Officer to provide the following:

1. The New Hartford Animal Control Officer upon entering into this contract will enforce all State and local laws as may be applicable to complaints involving domestic animals in the Town of Kirkland.
2. The Animal Control Officer will investigate and enforce complaints against dogs at large that are unlicensed, unvaccinated and/or have bitten another animal or person or have been bitten by another animal.
3. Animals detained or caught by the Animal Control Officer will be provided shelter and/or appropriate Veterinarian care, if injured or sick. The cost for these expenses will be required to be paid by the animal owner. The Town of Kirkland will pay for unclaimed animal expenses for shelter and veterinary care. The Town of New Hartford will not be responsible for any such expenses and the Town of Kirkland will indemnify and hold harmless the Town of New Hartford if for any reason the Town of New Hartford is made to incur or pay for any such expenses.
4. The Animal Control Officer will provide impoundment for animals required to be held, through Stevens Swan Humane Society. The Town of Kirkland will maintain contracts with the said facilities. The Town of New Hartford will not be responsible for any such expenses and the Town of Kirkland will indemnify and hold harmless the Town of New Hartford if for any reason the Town of New Hartford is made to incur or pay for any such expenses.
5. The Animal Control Officer will be available upon contact to answer any and all complaints at phone 733-6666. All routine animal complaints will be handled during normal business hours of 8:00 a.m. to 4:00 p.m. Monday through Friday.
6. The New Hartford Animal Control Officer will also be available to respond 24 hours per day to the Town of Kirkland for emergencies. For purposes of this agreement, an emergency will be defined as any complained of incident involving domestic or wild nuisance animals in the Town of Kirkland that have bitten another animal or person or have been bitten by another animal.
7. The Animal Control Officer will provide a summary to the Kirkland and New Hartford Town Board's each month on the Animal Control Activity in Kirkland.
8. For enforcement purposes, the Kirkland Town Court will be the Court of proper jurisdiction unless applicable law mandates differently.

9. The Town of Kirkland will name the Town of New Hartford and its Animal Control Officer as additional insured on its General Liability and property damage insurance coverage of at least \$1,000,000 during the period of this agreement and will provide proof of such coverage to the Town of New Hartford.

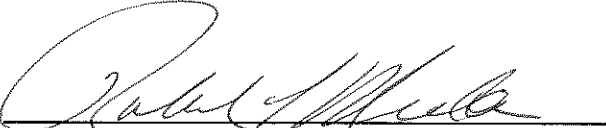
This agreement shall take effect on January 1, 2016 or one year at which time the contract will be reexamined for renewal. The agreement for this service will cost the Town of Kirkland \$11,000 plus \$4,000 vehicle expenses that totals \$15,000.

That the Boards of each of the respective parties have hereto entered into and adopted Resolutions authorizing this Agreement, and such Supervisors of each Town Board or authorized representative have been given the appropriate authority for the execution of same.

**TOWN OF NEW HARTFORD**

By: \_\_\_\_\_  
Supervisor or Authorized Town Board Member

**TOWN OF KIRKLAND**

By:   
Supervisor or Authorized Town Board Member

State of New York}  
}ss:  
County of Oneida}

On the \_\_\_\_ day of \_\_\_\_\_, 2015, before me personally came \_\_\_\_\_, to me known, who being by me duly sworn, that he is the Supervisor of Authorized Representative of the TOWN OF NEW HARTFORD, a municipal corporation, described in and which executed the foregoing Agreement; that he knows the seal said corporation; that the seal affixed to said Agreement is such corporate seal; that it was affixed by order of the Board of the Town of New Hartford, and that he signed his name thereto like order.

\_\_\_\_\_  
Notary Public

State of New York}  
}ss:  
County of Oneida}

On the 23 day of NDV, 2015, before me personally came Robert J. Meelan, to me known, who being by me duly sworn, did depose and say, that he resides in Clark Mills, New York; that he is the Supervisor or Authorized Representative of the TOWN OF KIRKLAND, a municipal corporation, described in and executed the foregoing Agreement; that he knows the seal of said corporation; that the seal affixed to said Agreement is such corporate seal; that it was so affixed by order of the Board of the Town of Kirkland, and that he signed his name thereto by like order.

  
Notary Public

**DONNA B. MAXAM**  
Notary Public, State of New York  
Qualified in Oneida County  
No. 01MA6260561  
My Commission Expires April 30, 2016