

**SPECIAL MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT TOWN HALL, 8635 CLINTON STREET, NEW HARTFORD, NY
ON THURSDAY, AUGUST 13, 2026 at 12:00 P.M.**

Town Supervisor Messa called the meeting to order at 12:00 P.M. and the roll was taken with the following Town Officials and Department Heads being present during the progress of the meeting. Supervisor Messa then led those in attendance in the Pledge of Allegiance to the American Flag.

TOWN BOARD MEMBERS PRESENT:

Councilman Vincent Pristera
Councilman John Latini
Councilman David M. Reynolds
Councilman / Deputy Town Supervisor David Tehan
Supervisor James Messa

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Town Attorney, Herb Cully
Town Clerk, Michele Moran
Police Chief, Ronald Fontaine
Finance Dept., Christina Lacy
Highway Superintendent, Richard Sherman

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

SPECIAL COUNSEL – FOIL REQUESTS

Supervisor Messa advised the Town Board that Town Attorney Herbert Cully has voluntarily recused himself from responding to a number of Freedom of Information Law (FOIL) requests submitted by a former elected official, following concerns raised by a member of the Town Board. As a result of this recusal, there is a need for the Town to retain Special Counsel to provide legal services related to these FOIL matters. Supervisor Messa reported that he interviewed several law firms, both within and outside the local area, and that each firm conducted a conflict-of-interest review. Following this process, Supervisor Messa recommended retaining the law firm of Kendall, Harrienger & Burrows, municipal attorneys, to serve as Special Counsel for matters relating to FOIL requests.

WHEREAS, the Town Board is responsible for carrying out governmental functions as authorized by the Constitution of the State of New York and applicable laws, which may, from time to time, require the retention of legal counsel to assist in fulfilling those duties; and

WHEREAS, the Town Board is authorized to retain attorneys upon such terms and conditions as it deems appropriate to further the interests of the Town and accomplish its lawful objectives;

RESOLVED, that the Town Board hereby authorizes and approves the engagement of Kendall, Harrienger & Burrows as Special Counsel for and on behalf of the Town of New Hartford with respect to Freedom of Information Law (FOIL) matters, and authorizes the Supervisor to execute the engagement letter and any related documents necessary to effectuate said retention with fees as set forth in the engagement letter.

DISCUSSION Upon discussion, Board members agreed that the retention of Special Counsel was warranted; however, concerns were expressed regarding the proposed firm's fee structure and location. Several Board members indicated a preference for retaining local counsel. Supervisor Messa stated that, in his opinion, it was in the Town's best interest to engage a neutral firm with no local affiliations or prior involvement with the individuals or matters related to the FOIL requests

Councilman Tehan offered the foregoing resolution and moved its adoption. The motion was seconded by Supervisor Messa.

Upon Roll Call: Councilman Pristera – NAY, Councilman Reynolds – NAY, Supervisor Messa – AYE, Councilman Latini – NAY, Councilman Tehan – AYE. With a 2-3 vote, the Resolution **failed** and was not adopted.

ADJOURNMENT

There being no further business to come before the Board, upon motion duly made by Councilman Latini seconded Councilman Tehan, the meeting was adjourned at 12:35 P.M.

Upon Roll Call: Councilman Pristera – AYE, Councilman Reynolds – AYE, Supervisor Messa – AYE, Councilman Latini – AYE, Councilman Tehan – AYE. The Motion was unanimously carried.

Next Meeting: Regularly Scheduled September 9, 2026

Respectfully submitted,



Michele Moran
Town Clerk
8/13/26