

**SPECIAL BOARD MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT TOWN HALL, 8635 CLINTON STREET, NEW HARTFORD, NY ON
MARCH 6, 2023 at 5:00 P.M.**

Town Supervisor Miscione called the meeting to order at 5:00 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 Richard M. Lenart
Councilman James J. Messa
Councilman David M. Reynolds
Councilman Richard B. Woodland, Jr.
Supervisor Paul A. Miscione

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Town Clerk Cheryl A. Jassak-Huther
Town Attorney Herbert Cully
Deputy Town Supervisor Anthony J. Trevisani
Asst. Director of Personnel Barbara Schwenzfeier
Highway Superintendent Richard Sherman

ABSENT: Bookkeeper to Supervisor Deanna Spina

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

I. BOARD MEETING MINUTES

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

(RESOLUTION NO. 58 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve the February 8, 2023 Town Board Meeting Minutes.

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

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

The Resolutions were unanimously carried and duly **ADOPTED**.

II. MATTERS SUBMITTED BY TOWN DEPARTMENTS

A. **Town Clerk** – MVHS Raffle Consent in the Town of New Hartford

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

(RESOLUTION NO. 59 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve MVHS to sell raffle tickets in the Town of New Hartford.

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

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

The Resolutions were unanimously carried and duly **ADOPTED**.

B. CHIEF RONALD FONTAINE

- i. **US Marshal Service MOU** – if they need assistance, we would provide assistance on a per diem basis and reimburse us (allocate \$10,000 to the Town)

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

(RESOLUTION NO. 60 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to execute the US Marshal Service MOU.

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

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

The Resolutions were unanimously carried and duly **ADOPTED**.

ii. **2023 Oneida County Stop DWI Agreement**

Councilman Lenart introduced the following Resolution for adoption and duly seconded by Councilman Messa:

(RESOLUTION NO. 61 OF 2023)

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RESOLVED, that the New Hartford Town Board does hereby approve to sign the 2023 Oneida County Stop DWI Agreement.

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

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

The Resolutions were unanimously carried and duly **ADOPTED**.

- iii. **Liberty Mutual Check for PD MVA Damages** – Chief has the check – made out to the PD – will deposit it and Town Supervisor will sign the check

Councilman Messa introduced the following Resolution for adoption and duly seconded by Councilman Lenart:

(RESOLUTION NO. 62 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve for Town Supervisor Miscione to sign the Liberty Mutual Check.

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

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

The Resolutions were unanimously carried and duly **ADOPTED**.

- iv. **Front Office Staffing Status** – Allison Moore (Stedman) – will be leaving due to her husband’s military orders and her last day is Friday, March 17, 2023. She is a quick learner and picked up very well, it is a loss to the department. Possible solution if Board considers – work remotely and will supply a laptop – will help out until the spot is filled – temporary basis – no issues security wise

Councilman Lenart introduced the following Resolution for adoption and duly seconded by Councilman Messa:

(RESOLUTION NO. 63 OF 2023)

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RESOLVED, that the New Hartford Town Board does hereby approve for Allison Moore to work remotely for the Police Department.

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

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

The Resolutions were unanimously carried and duly **ADOPTED**.

C. **HIGHWAY SUPERINTENDENT RICHARD SHERMAN**

- i. **New Highway Secretary** - part-time, Sue Keller, \$18/per hour, no benefits, start date 3/13/23, due to vacancy on 12/23/2022.

Councilman Lenart introduced the following Resolution for adoption and duly seconded by Councilman Messa:

(RESOLUTION NO. 64 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to hire Sue Keller, Highway, part-time secretary, \$18/per hour, no benefits, start date 3/13/23.

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

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

The Resolutions were unanimously carried and duly **ADOPTED**.

- ii. **Sauquoit Creek Sewer Line Crossing Bid**
 1. **James Bray Paving - \$460,110.00**
 2. **Yanuk Excavating - \$469,500.00**

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

(RESOLUTION NO. 65 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to accept the BID from James Bray Paving for \$460,110.00 for the Sauquoit Creek Sewer Line Crossing.

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

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

The Resolutions were unanimously carried and duly *ADOPTED*.

D. DEANNA SPINA - Vouchers

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

(RESOLUTION NO. 66 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve the vouchers.

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

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

The Resolutions were unanimously carried and duly *ADOPTED*.

III. PRESENTATIONS/COMMENTS

A. Bolton Road

- i. **Town Attorney Herbert Cully** – little history – been important for some period of time – the judge has allowed several adjournments in an effort to try and settle this without the court having to make a decision – Herb provided a proposed settlement to the Board that came from Sitrin – limiting the number of residents that would reside in house to no more than five (5), that would be done by stipulation and court order – also some additional items listed – have been several meetings with the residents – this appears to be the best offer that Sitrin has come forward with – don’t anticipate that they will offer anything other than what have – expressed concerns that if it isn’t settled, either the court will deem our objection because they said four individuals rather than five individuals, saturation etc. and Sitrin did provide documents that the list was accurate – Up to the Board to settle; Sitrin indicated that we have been stalling this and the results cost of contractors has changed; Councilman Lenart – we would be free and clear if we settled; Court date set for Wednesday 3/8/2023; Residents made a

presentation on their thoughts and feelings about Sitrin moving into their neighborhood and were against it; Councilman Messa – asked Herb to speak more about it – Herb – if we had offered an alternate site, and said Genessee Street would be a site to look at and Sitrin said No, there would be trial in front of the Commissioner – if judge throws it out, Sitrin can start over – under the way the law is written, it is very difficult to overcome these homes in a residential neighborhood – Sitrin doesn't feel the suggested site is what they are looking for – the whole intent to this law, is to allow disabled individuals to reside in residential settings, not deemed a business under the law; Councilman Messa – a letter was sent to the Town, had 40 days to respond – that wasn't done, so no law was broken (in Messa opinion) – if it goes to the process again, they can have more residents then what they have proposed before; Councilman Lenart – we could also have a law suit against us for a lot more money; Councilman Reynolds – this does change the character and nature in the Bolton Road neighborhood – they have been given different locations that are more ideal (lighting, sidewalks, access to road, etc.) – this will have a negative impact on the neighborhood; Councilman Woodland – asked if the judge was leaning more towards Sitrin; Town Attorney Herbert Cully – Sitrin has taken a strong position that the Town has discriminated against disabled individual and we have delayed this, cost of construction will be going up – lawsuit, monetary damages; Supervisor Miscione – little background – didn't receive the letter – called the State and they said should have had a certified letter – raised a red flag – was never served a certified letter – anything this major, people reach out and talk about their project, in fact, reached out to CEO at Sitrin and had no response back or call for any meeting – Sitrin is a great organization, don't understand why didn't reach out to the Town Supervisor – this is business in a residential neighborhood – Genessee Street location is a nice location and might be more suitable for this project – NYS comes up with their laws for a lot of things – this is a residential community not a business community – concerning for me – there need to be a way to put a to stop to these projects/laws we don't have a say in – I have been against it for those reasons – from day one, the process was wrong, should have gotten a phone call after didn't receive the letter; Town Attorney Herbert Cully – will need an answer from the Board as to if they want to settle

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

(RESOLUTION NO. 67 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to settle in Court on the Sitrin/Bolton Road issue.

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

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Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Nay
Councilman Woodland	-	Aye
Supervisor Miscione	-	Nay

The Resolutions were carried 3 to 2 and duly **ADOPTED**.

Town Attorney Herbert Cully – it will be Court ordered – and ask it be limited to five people

IV. MATTERS SUBMITTED BY TOWN SUPERVISOR

A. March 8, 2023 Town Board Meeting - CANCELLED

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

(RESOLUTION NO. 68 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to cancel the March 8, 2023 scheduled, Town Board Meeting.

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

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

The Resolutions were unanimously carried and duly **ADOPTED**.

B. EXECUTIVE SESSION – Employee Matter

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

(RESOLUTION NO. 69 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to enter into Executive Session at 6:03 pm.

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

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye

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Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly *ADOPTED*.

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

(RESOLUTION NO. 70 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to come out of Executive Session at 6:12 pm.

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

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

The Resolutions were unanimously carried and duly *ADOPTED*.

Town Supervisor Miscione – due to budgetary constraints, in the Clerk’s Department, there are three full-time positions, we are going to cut one of the positions (Deputy Clerk II) to part-time, \$18/per hour, with no benefits.

Resolution No. 71 of 2023

WHEREAS TOWN LAW 30 authorizes the Town Clerk to appoint, at her pleasure, up to two additional Deputy Town Clerks, and

WHEREAS TOWN LAW 30 provides that the Town Board may set the compensation of such Deputy Town Clerk and

WHEREAS the Town Clerk as therefore appointed a second Deputy Town Clerk on a full-time basis, and

WHEREAS the Town Board wishes to modify and adjust said position with the consent of the Town Clerk,

BE IT RESOLVED

That effective on March 31, 2023, the position of Second Deputy Town Clerk be and it is hereby modified to part-time, up to 17.5 hours per week (said hours to be determined by the Town Clerk), at an hourly rate

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of \$18.00 per hour, and it is further resolved, that the appointment to Second Deputy Town Clerk shall be made within the sole discretion of the Town Clerk.

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

(RESOLUTION NO. 71 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to modify the Deputy Clerk II position to part-time, \$18/per hour, no benefits.

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

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

The Resolutions were unanimously carried and duly **ADOPTED**.

- C. **New Hartford School District** – we have space in the building – they would like to lease some office space and footage (5-year deal), they would do their own work and IT; move all offices up to the front and school would rent the back area; will discuss the municipal agreement

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

(RESOLUTION NO. 72 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to allow the New Hartford School District to lease space in the Town Hall for office space and footage.

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

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

The Resolutions were unanimously carried and duly **ADOPTED**.

ADJOURNMENT

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There being no further business to come before the Board, upon motion duly made by Councilman Reynolds and seconded Councilman Woodland, the meeting was adjourned at 6:18 P.M.

(RESOLUTION NO. 73 OF 2023)

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

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

The Resolutions were unanimously carried and duly *ADOPTED*.

Respectfully submitted,

Cheryl Jassak-Huther

Town Clerk

3/12/2023