

**TOWN 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
August 9, 2023 at 6:00 P.M.**

Town Supervisor Miscione 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:

Supervisor Paul A. Miscione
Councilman Richard M. Lenart
Councilman James J. Messa
Councilman Richard B. Woodland, Jr.

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Town Clerk Cheryl Jassak-Huther
Highway Superintendent Richard Sherman
Town Attorney Herbert Cully
Bookkeeper to Supervisor Deanna Spina
Lt. Hulser
Deputy Town Supervisor Anthony J. Trevisani
Asst. Director of Personnel Barbara Schwenzfeier

Absent: Councilman David M. Reynolds
Chief of Police Ronald Fontaine

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

I. BOARD MEETING MINUTES

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

(RESOLUTION NO. 150 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve the July 12, 2023 Town Board Meeting Minutes.

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

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

The Resolutions were carried 4 to 1 and duly **ADOPTED**.

II. PUBLIC HEARINGS

A. **Local Law 4 of 2023** – Mr. Cristiano has asked to be held indefinitely

B. **Local Law 5 of 2023**

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

(RESOLUTION NO. 151 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to open up the Public Hearing.

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

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

The Resolutions were carried 4 to 1 and duly **ADOPTED**.

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

(RESOLUTION NO. 152 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to close the Public Hearing.

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

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

The Resolutions were carried 4 to 1 and duly **ADOPTED**.

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

(RESOLUTION NO. 153 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to act on Local Law 5 of 2023 and refer it to the Planning Board for their recommendation.

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

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

The Resolutions were carried 4 to 1 and duly **ADOPTED**.

C. **Local Law 6 of 2023** – Higby Hills Drive/August Drive/South

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

(RESOLUTION NO. 154 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to open up the Public Hearing.

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

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

The Resolutions were carried 4 to 1 and duly **ADOPTED**.

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

(RESOLUTION NO. 155 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to close the Public Hearing.

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

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

The Resolutions were carried 4 to 1 and duly **ADOPTED**.

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

(RESOLUTION NO. 156 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to move forward and approval of Local Law 6 of 2023.

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

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

The Resolutions were carried 4 to 1 and duly **ADOPTED**.

III. MATTERS SUBMITTED BY TOWN SUPERVISOR

A. Tucker Backyard Pools and Spa - BOND

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

(RESOLUTION NO. 157 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to release the BOND for Tucker Backyard Pools and Spas.

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

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

The Resolutions were carried 4 to 1 and duly **ADOPTED**.

B. Vouchers

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

(RESOLUTION NO. 158 OF 2023)

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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	-	Absent
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were carried 4 to 1 and duly **ADOPTED**.

C. Town Clerk's Department

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

(RESOLUTION NO. 159 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve Denise Hensel, Laborer, part-time, \$18.00 an hour, retro start of July 7/25/2023.

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

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

The Resolutions were carried 4 to 1 and duly **ADOPTED**.

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

(RESOLUTION NO. 160 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve Theresa Messa, Full-Time, benefits, Deputy Clerk, \$18.50 per hour, start date of 8/10/2023, position vacant as of 4/14/2023.

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

Councilman Messa	-	Abstain
Councilman Lenart	-	Aye
Councilman Reynolds	-	Absent
Councilman Woodland	-	Aye

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Supervisor Miscione - Aye

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

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

(RESOLUTION NO. 161 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve Ferdinand Callahan, Highway Department, HEO, per Union Contract, \$25.02 per hour, start date of 8/14/2023, to fill position of the retirement of Kevin Martin (6/30/2023).

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

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

The Resolutions were carried 4 to 1 and duly **ADOPTED**.

IV. REPORTS OF TOWN DEPARTMENTS

A. Highway Superintendent Richard Sherman

- i. **Town Hall Roof** - leaks throughout the building, seams opening up, Firestone Rubber Roof, defect in product, waiting 2/3 months for repairs, need to move on it, asked Town Attorney Herbert Cully to write a letter to company because not responding
- ii. **Update on Larchmont** – Robert Nelson - \$400.00 a trailer load; most of the stuff is metal; will get a date with the police department; stuff has to stay at the Highway garage for 30 days; Town Attorney Herbert Cully – going to notice the owner that on a certain date it is our intent to go in and move everything, will give a two weeks' notice

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

(RESOLUTION NO. 162 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to hire Robert Nelson for clean-up of Larchmont.

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

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

The Resolutions were carried 4 to 1 and duly **ADOPTED**.

B. Lt. Hulser

- i. **Approval for Purchase of Holsters for new guns** – the original order was incorrect so returning and purchasing new ones.

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

(RESOLUTION NO. 163 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to purchase holsters for new guns for the Police Department, \$4,100.00.

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

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

The Resolutions were carried 4 to 1 and duly **ADOPTED**.

C. Highway Superintendent Richard Sherman

- i. **Truck Maintenance Service Agreement** – will talk to Gates-Cole Insurance

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

(RESOLUTION NO. 164 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to sign the Truck Maintenance Service Agreement between the Town of New Hartford and the New Hartford Fire Department.

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

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

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Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were carried 4 to 1 and duly **ADOPTED**.

ii. Advertisement for BIDS – Washington Mills Park Restoration

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

(RESOLUTION NO. 165 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to advertise for BIDS for Washington Mills Park Restoration.

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

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

The Resolutions were carried 4 to 1 and duly **ADOPTED**.

iii. Trucks – pickup trucks bought 3 years ago – put up on auction or trade in – out of warrant now – buy two new trucks

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

(RESOLUTION NO. 166 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to purchase two new trucks for the Highway Department.

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

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

The Resolutions were carried 4 to 1 and duly **ADOPTED**.

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- iv. **Lawn Mower** – was purchased for the Parks Department – has 44 hours on it, it is sitting there, don't like it, was on auction once – bid for \$50,000, to low, called Clinton Tractor to see if had a buyer, they did for \$50,000 as well – had a meeting with City of Utica Parks Department and they needed two and were able to get one and wanted the Town of New Hartford's for \$65,000; Supervisor Miscione – like to sell the mower to Utica and buy a regular zero turn lawn mower to have at each park, also get a trailer

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

(RESOLUTION NO. 167 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to sell the Jacobson HR800 14 Foot Mower to the City of Utica for \$65,000.00.

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

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

The Resolutions were carried 4 to 1 and duly **ADOPTED**.

V. MATTERS SUBMITTED BY TOWN ATTORNEY

A. Local Law 7 of 2023

**Local Law No. 7 of 2023
Town of New Hartford, New York**

A Local Law to amend the Code of the Town of New Hartford, Chapter 113 thereof entitled "VEHICLES AND TRAFFIC", Schedule VII, Section 113-41, stop intersections,

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 113-41, is hereby amended to include the following:

Section 113-41. Schedule VII: Stop Intersections.

<u>DIRECTION</u>		
<u>STOP SIGN ON</u>	<u>OF TRAVEL</u>	<u>AT INTERSECTION OF</u>

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Forest Road

West

Brantwood Road

Section 2. All other provisions of Chapter 113.41 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 3. This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State.

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

(RESOLUTION NO. 168 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to set Public Hearing for Local Law 7 of 2023 for September 6, 2023.

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

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

The Resolutions were carried 4 to 1 and duly **ADOPTED**.

B. Local Law 8 of 2023

Town of New Hartford, NY

Local Law Introductory 8 of 2023

A Local Law to amend the Town of New Hartford Zoning Code, Section 118-83 D (2) to address laser type holiday lighting.

BE IT ENACTED by the Town Board of the Town of New Hartford, Oneida County, State of New York as follows:

Section I. **Authorization**

The adoption of this Local Law is in accordance with Section 10 of New York Municipal Home Rule Law.

Section II. **Title and Purpose**

This law shall be known as and may be cited as Local Law 8 of 2023 to Amend the New Hartford Zoning Code to Address laser type holiday lighting.

Section III. **Amendment**

Town of New Hartford zoning code Section 118-83 D (2) entitled “Exempt Lighting” shall read “Holiday lighting except holiday laser lights which cause lighting to be misdirected and/or projected beyond the owners property line.

Section IV. **Validity and Severability**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgement or order shall be rendered.

Section V. **Repeal, Amendment and Supersession of Other Laws**

All other ordinance or local laws of the Town of New Hartford which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this local law force and effect during its effective period.

Section VI. **Effective Date This** Local Law will be effective upon filing with the Secretary of New York State.

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

(RESOLUTION NO. 169 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to set Public Hearing for Local Law 8 of 2023 for September 6, 2023.

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

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

The Resolutions were carried 4 to 1 and duly **ADOPTED**.

VI. MATTERS SUBMITTED BY TOWN SUPERVISOR

- A. **Shrubbery on Augusta Drive on Town Property** – it all has to be removed, its in the right away; it will all be removed and top soil put down, it’s a safety issue

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

(RESOLUTION NO. 170 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to have the Highway Department remove the shrubbery on August Drive by the stop sign on Town's property.

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

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

The Resolutions were carried 4 to 1 and duly **ADOPTED**.

VII. MATTERS SUBMITTED BY TOWN ATTORNEY

- A. Memo was sent to everyone about a dangerous dog, bit from a dog on Hoffman Road, Judge Virkler ordered an immediate hearing, almost two hours long, had great cooperation from John Treen, Chief and Lt. Hulser – within days decision is reserved – the dogs have been surrendered back to the dog trainer and breeder (way up North), nowhere in New Hartford

ADJOURNMENT

There being no further business to come before the Board, upon motion duly made by Councilman Messa and seconded Councilman Lenart, the meeting was adjourned at 6:28 P.M.

(RESOLUTION NO. 171 OF 2023)

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

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

The Resolutions were carried 4 to 1 and duly **ADOPTED**.

Respectfully submitted,

Cheryl Jassak-Huther
Town Clerk
8/12/2023