

**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
September 6, 2023, 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 David M. Reynolds
Councilman Richard B. Woodland, Jr.

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

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

ABSENT: Bookkeeper to Supervisor Deanna Spina

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

I. BOARD MEETING MINUTES

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

(RESOLUTION NO. 172 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve the August 9, 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. PUBLIC HEARINGS

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>STOP SIGN ON</u>	<u>DIRECTION</u> <u>OF TRAVEL</u>	<u>AT INTERSECTION OF</u>
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. 173 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	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

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

Discussion – Resident Paul Serat – 5 Brantwood Road was against the stop sign.

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

(RESOLUTION NO. 174 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	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

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

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

(RESOLUTION NO. 175 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to act on Local Law 7 of 2023 and pass it.

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. 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:

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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 extend necessary to give this local law force and effect during its effective period.

Section VI. **Effective Date**

This Local Law will be effective upon filling with the Secretary of New York State.

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

(RESOLUTION NO. 176 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	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly *ADOPTED*.

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

(RESOLUTION NO. 177 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	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly *ADOPTED*.

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

(RESOLUTION NO. 178 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to act on Local Law 8 of 2023 and pass it.

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. MATTERS SUBMITTED BY TOWN ATTORNEY

- A. **19 Larchmont Cleanup** – was able to clear the property of debris – presented photographs of what the conditions were; thanked the police department for their assistance; one-going for two days and believe will be two more days to get the stuff out; pleased to report moving forward
- B. **Narla Lane** – went forward on the issue; dirt blocking half of the turnaround; owner retained an attorney – not representing them – getting another attorney; noticed the property owner of the intent of the Town to go in and move the dirt that was blocking

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half the temporary turnaround showed on the survey map – Went up to the property with a pay loader – Chris Moran marked the right away from the center of the road - 30 feet from the center of the road – School/Bus needs 40 feet to turnaround; marked off the entire portion to remove the dirt – after left there was an incident where the property owner blocked the Town trucks and the owner put a vehicle there (to block); police officer spoke to the owner but the owner stood there with the daughter and said not moving the dirt; Chief Fontaine has spoke to the District Attorney Office to see what can be done to move forward; Mr. Lapaglia has left his side open; Town Trucks, Plows, Buses, Fire Trucks, etc. cannot go down the road and turnaround; Children now have to walk to the end of the road, down the hill, to get on and off the school bus which is a dangerous situation; Parents have called the Town to voice their concerns; We don't have a court order but we do have it shown on a subdivision map and the fact that it is shown on a filled subdivision map, it legally creates a right to turnaround, it doesn't constitute a court order which the DA is looking for so it was our thought, since it is a temporary turnaround, it has never been forfeited or abandoned, that is why we sent the Town trucks up to just clear it – bringing it up to date; Mr. Lapaglia has told Town employees not to go up there alone – can't allow this guy to run this town; Councilman Reynolds – we really need a court order – lets remove the dirt short term and work on getting the Court Order; Highway Superintendent Richard Sherman – asked Chief what is to say if he has a weapon and hurts one of the Town employees – Chief said could have officers with them; Councilman Messa/Town Attorney – file a Court Order, legally do what we have to do; Supervisor Miscione – start the proceedings to move forward – at the time, charge him for the Town Highway crew and Police officers having to go up there and remove the dirt

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

(RESOLUTION NO. 179 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to charge the owner (monetarily) on Narla Lane for time it takes for the Town Highway Department and New Hartford Police Officers to remove the dirt at the turnaround.

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**.

Discussion: Highway Superintendent Richard Sherman – not in favor of sending his crew up there to remove the dirt; he has spoken the owner (man) three or four time, not a safe situation; Chris Moran – went up there last year and the owner (man) came out and threatened him to get off his property; Don’t think it is a great idea; quite sure carries a pistol and has a German Shepherd – not a good idea to go up/on his property; Mr. Lapaglia – he can’t be allowed to intimidate the Town; Councilman Reynolds – we are not intimidated we just have the right path to take care of the situation; Councilman Messa – deem this an emergency situation, get an outside crew in there and sue/put on taxes for owner to pay for it – put police officers up there at the time – Rick will get a contractor there

IV. REPORTS OF TOWN DEPARTMENTS

A. Asst. Director of Personnel Barbara Schwenzfeier

- i. Sue Keller – currently part-time; taken civil service exam, passed and available as Office Specialist II – available full-time, would like to start September 11, 2023 full-time

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

(RESOLUTION NO. 180 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve for Sue Keller to start Full-Time as an Office Specialist II as the Secretary to the Highway Superintendent effective September 11, 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**.

- ii. Christina Lacey – working with County to come up with a proper title; Secretary (title) to become full-time, tested position, which she has been approved to take the test, currently provisional, Town will have to create the position

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

(RESOLUTION NO. 181 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve for the Town to create a Secretary position, full-time, tested position for Christina Lacey to start Full-Time. She will need to pass the Civil Service Exam.

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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**.

V. PUBLIC COMMENTS

- A. **Vin Nesci** – asked for an update on the retention pond on Imperial Drive; Highway Superintendent Richard Sherman – will start going up there to cut trees once the smaller Town projects are done; Supervisor Miscione – will speak to owner (Stephan) worried about his well – he will call and set up a meeting with him.
- B. **Jim Tasior** – The Hills Drive – Water run off; Highway Superintendent Richard Sherman will take care of the issue; Supervisor Miscione – will get the stackable stone – have money for it

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

(RESOLUTION NO. 182 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve for the Highway Department to purchase the stackable stone to hold the banks back near 20 The Hills Drive due to the water runoff.

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**.

VI. MATTERS SUBMITTED BY TOWN SUPERVISOR

A. **Vouchers**

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

(RESOLUTION NO. 183 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	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

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

VII. MATTERS SUBMITTED BY COUNCILMEN

A. Councilman Lenart – Requested Executive Session for Personnel Matter

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

(RESOLUTION NO. 184 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to Enter into Executive Session (6:42 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**.

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

(RESOLUTION NO. 185 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to Come back out of Executive Session (7:32 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*.

ADJOURNMENT

There being no further business to come before the Board, upon motion duly made by Councilman Messa and seconded Councilman Reynolds, the meeting was adjourned at 7:33 P.M.

(RESOLUTION NO. 186 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
9/16/2023