

**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  
OCTOBER 4, 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 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  
Bookkeeper to Supervisor Deanna Spina  
Chief of Police Ronald Fontaine

ABSENT: Asst. Director of Personnel Barbara Schwenzfeier

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 Reynolds:

**(RESOLUTION NO. 200 OF 2023)**

**RESOLVED**, that the New Hartford Town Board does hereby approve the September 20, 2023 Town Board Meeting Minutes.

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

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

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

**II. PUBLIC COMMENTS**

- A. **Dean Kelly** (Jay-K Lumber) – Spoke about the New Hartford Central School District new proposed bus garage on Miles School property – had concerns of the location they proposed, flooding, asked for better locations; asking others to attend the School Board

Meeting to voice concerns (residents); asked the Board to look into it; suggested property on Chapman Road and other properties for better use (Elizabeth Cavic and Stephen Grove also spoke about their concerns with the proposed bus garage project)

- B. **Constance Watkins** – concerns about a dog running loose at Sherrill Brook Park and she almost fell after the dog ran towards her; also, a man on a bike riding fast through the park; has a fear; presenting it to the Board to help others
- C. **Sandy Jones** – New Hartford Rotary – doing a micro forest project in the New Hartford Veterans Park on November 11, 2023; ¼ acres has been dedicated to them to do so; 18,000 square feet of cardboard and 300 cubic yards of mulch and wood chips will be laid down and then 1,300 trees will be planted in the Spring; storing the cardboard in the yard in Washington Mills until November 11<sup>th</sup>; meet with Supervisor Miscione first to map out a location
- D. **Katherine Dougherty** – asked about the Budget (2024); also concerns about the NHCS Bus garage

### III. **REPORTS OF TOWN DEPARTMENTS**

#### A. **TOWN CLERK**

- i. **2024 Tentative Budget** – presented to the Town Board; Board to review and bring changes to the Town Supervisor
- ii. **Deputy Clerk**

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

#### **(RESOLUTION NO. 201 OF 2023)**

**RESOLVED**, that the New Hartford Town Board does hereby approve to appoint Donna Owens as Deputy Town Clerk (effective immediately).

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

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

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

#### iii. **Deputy Registrar**

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

#### **(RESOLUTION NO. 202 OF 2023)**

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**RESOLVED**, that the New Hartford Town Board does hereby approve to appoint Theresa Messa as Deputy Registrar (provisional) (effective immediately).

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

|                     |   |         |
|---------------------|---|---------|
| Councilman Messa    | - | Abstain |
| Councilman Reynolds | - | Aye     |
| Councilman Woodland | - | Aye     |
| Supervisor Miscione | - | Aye     |

The Resolutions was voted 3 to 1 and duly **ADOPTED**.

**B. DEANNA SPINA - VOUCHERS**

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

**(RESOLUTION NO. 203 OF 2023)**

**RESOLVED**, that the New Hartford Town Board does hereby approve the vouchers to be paid.

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

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

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

**C. CHIEF RONALD FONTAINE**

**i. Police Department MOU Signatures**

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

**(RESOLUTION NO. 204 OF 2023)**

**RESOLVED**, that the New Hartford Town Board does hereby approve for Supervisor Miscione to sign the Police Department MOU.

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

|                     |   |     |
|---------------------|---|-----|
| Councilman Messa    | - | Aye |
| Councilman Reynolds | - | Aye |
| Councilman Woodland | - | Aye |

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Supervisor Miscione - Aye

The Resolutions were unanimously carried and duly *ADOPTED*.

**IV. MATTERS SUBMITTED BY TOWN SUPERVISOR**

**A. 2024 Youth Employment**

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

**(RESOLUTION NO. 205 OF 2023)**

**RESOLVED**, that the New Hartford Town Board does hereby approve Cheryl Jassak-Huther to become the Youth Employment Director.

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

Councilman Messa - 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 Reynolds:

**(RESOLUTION NO. 206 OF 2023)**

**RESOLVED**, that the New Hartford Town Board does hereby approve the Youth Bureau Program and Supervisor Miscione to sign.

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

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

The Resolutions were unanimously carried and duly *ADOPTED*.

**B. 2024 TAX COLLECTION**

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

**(RESOLUTION NO. 207 OF 2023)**

**RESOLVED**, that the New Hartford Town Board does hereby approve the 2024 Adirondack Bank Tax Collection Contract and approve for Supervisor Miscione to sign.

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

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

The Resolutions were unanimously carried and duly *ADOPTED*.

**C. COURT – CLERK PART-TIME**

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

**(RESOLUTION NO. 208 OF 2023)**

**RESOLVED**, that the New Hartford Town Board does hereby approve Meghann Wheat, Clerk Part-Time, \$19.50/hour, start date of 10/30/2023, permanent.

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

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

The Resolutions were unanimously carried and duly *ADOPTED*.

**D. NHCSD – NEW TRANSPORTATION FACILITY – FULL ENVIRONMENTAL ASSESMENT FORM** – Town Attorney Herbert Cully will need to review before Supervisor Miscione can sign

**V. MATTERS SUBMITTED BY COUNCILMEN**

**A. Councilman Messa**

- i. **Project Progress Update for Roman Road and Hughes Lane** – work is currently underway; thanked Rick and Chris; Highway Superintendent Richard Sherman gave an update that trees have been taken down, building a road, moving forward on the project

- ii. **1<sup>st</sup> Ward Roads for 2024 paving consideration: Beechwood, Danbury, Forest Road, Sherrill Lane** – Highway Superintendent Richard Sherman said the roads are on the list for next year
- B. **Councilman Reynolds** – “In-lieu” payment plan for Town Board Members and Town Supervisor; Councilman Reynolds does not feel it is the way ; it is an \$8,500 raise in his opinion, it is not right, it may be totally legal but it is night right, it’s a sustainable raise, if someone is here for the money or benefits that is not correct; Supervisor Miscione – explained how got here – takes the insurance – we had person who worked at the Town two days a week for \$50,000 a year and Supervisor Miscione took on the responsibilities for a the healthcare, it was already in the budget; the Board didn’t get the raises from years prior; every other elective official gets the option of healthcare; money was not added in the budget; if you take it away, then you have to hire someone, it was money saved by not hiring another employee; Councilman Reynolds did not vote for the lieu, it was a back door raise and it is not right; Supervisor Miscione – it was to replace a position, it was transparent, saved the residences money; increased our parks, have a great building, best bond rating; Councilman Reynolds – it is not right to take in Lieu of, no one made a motion for Lieu of; Supervisor Miscione – we said we would reinstate the In Lieu from previous (which we have resolutions stating that from years ago); Councilman Messa – I was at the meeting in December, if we are giving someone Health Insurance it is a benefit, it is a cost, if someone is going to get a benefit, a cost, it is the same thing; the only way to get around it is rescind the whole thing and to go back to the way it was and rescind it; Town Attorney Herbert Cully – the point is, from my understanding, the Town Board adopted a Resolution and possibly a Local Law that authorized the Health Insurance for the Town Board Members and/or the payment in lieu. If it was done by a local law and the local law said it could be amended by Resolution it can be amended by a simple resolution. Now what I drew a local law to - (and clearly, the Town Supervisor and any elected official) the Town Law says you have the right to give Health Insurance to any Town Board Member. The issue becomes, do you have a right to give an in lieu of payment and the Law is, there is nothing in the Law that says you can’t, there is nothing in the Law that says you can. According to the Association of Towns, if the prior Boards that in acted did it by a Local Law, a simple Resolution allows you to do it. If it wasn’t by Local Law, they said do a Local Law, saying you can take the in-lieu payments, so I drew a Local Law – simple as that if the Board wants to go forwards with it; Councilman Reynolds – going back to the December meeting that Councilman Messa mentioned, that was the very first time in lieu was discussed to the Board; Town Attorney Herbert Cully – my understand, and I could be wrong, at least one Councilman, in one of the prior Boards (he is no longer a Councilman), did receive in lieu payments, so I think there is precedence that it has been done in the past, there is no prohibition, but the better way to do it, is by Local Law; Councilman Messa – everyone gets hung up on salaries and everything, 10-20 years, it was always a \$6,000 because they had the insurance of in lieu of, once that ended, the Board just had the \$6,000 salary; if you do the math, you are spreading it out over the years – kept salary the same – we do put in a lot of hours, each Ward is different, my point is you can’t have one councilman

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make more than another because busier; In lieu – you can do away with it, I don't need it – it is a benefit, everyone should benefit, not one should make a higher salary than another, if the Board wants to rescind it, I am on board with it, no in lieu of and no Health Insurance; Supervisor Miscione – the biggest thing is the embarrassment of it, we are doing good things, I take the Health care package, no one did anything that was bad or underhanded, it was clearly was in the budget. We built the building out, did the deal with the school, took care of the breaker at the Rec Center on my own Town, not being paid for it, I get the calls for the 2<sup>nd</sup> Ward now, it is out in the open. If you rescind it tonight, unfair midterm – should have done in Feb.; Councilman Reynolds – we should not get in lieu of, not saying don't get Health Insurance, you have to sign a document if you want the in lieu of, all councilman had to sign the document, in lieu of is wrong, it is a back door \$8,500 increase; Town Attorney Herbert Cully – doesn't think that Councilman Reynolds is objecting to Supervisor Miscione getting the health insurance, he is objecting to the in lieu of payment, it perfectly legal to take the in lieu and a number of Towns do this; Supervisor Miscione – it was in the budget when you all approved it back in 2022, it was a line item, everyone saw.; Councilman Messa – what I am saying is, all we did was reinstate what was there before and my point is whether you take the health insurance or not and you have the option to take the in lieu of or not, it is still someone getting the benefit is someone is getting the Health Insurance and that was how it was designed in the past and that is what we voted on. We voted on what was in there years and years ago. If you just give health insurance, it is still added on to whoever's salary, if do away with everything, then no one gets a benefit. It is a benefit from the Town for \$8,200. Some companies do give in lieu; Town Attorney Herbert Cully – a lot of Towns do it and its perfectly legal; Councilman Reynolds – I brought it up in December and I asked if needed a motion (for in lieu of) and no one wanted to step up and make a motion; Supervisor Miscione – it was said, in the meeting, if one is going to get it, everyone should get it, then lets rescind it and Supervisor stated it was reinstated how it was done before; Councilman Reynolds – I make a motion to rescind the in lieu of; Councilman Messa – and not the Health Insurance? You can't have both – it is one of the same; Councilman Woodland – I think it has to be all of nothing too; Councilman Reynolds – then do we have a motion to do all of nothing or nothing; Councilman Reynolds – it was not done properly; only time in lieu was discussed was at the very last meeting in December; Councilman Messa – Paul did state where the funds were coming from, they were in the budget, clearly stated and in there for years (that we never took out); Supervisor Miscione – at the time, we eliminated the Comptroller position, a \$40,000 position, plus retirement and benefits and I said I would take on the responsibilities for that (had no change because of it), we all win and we still get the job done for over two years now and successful with it, the budget couldn't have been more transparent to the residences, it was done in open session; Councilman Reynolds – I have a motion to stop the in lieu of (not the health insurance); Councilman Messa – I said it is all of nothing; Supervisor Miscione – we will have to hire someone to do the responsibilities if we drop the health benefits, to do the extra work – the Board made the decision in open session; Councilman Messa – we didn't make the decision in December

because open enrollment was closed – if you want to rescind it, you have my support, if you want to leave it as is, but it is all of nothing, that is my stance; Councilman Reynolds – do you want to make a motion to rescind it?; Councilman Messa – this is your thing, say it; Councilman Reynolds – I will make a motion to rescind it; Town Attorney Herbert Cully – rescind what?; Councilman Reynolds – the healthcare; Councilman Messa – second; Supervisor Miscione – all in favor (Reynolds said Aye, Supervisor Miscione said Nay); Councilman Woodland – so we are going to rescind the health care and in lieu of for Town Board Members and Town Board Members?; Town Attorney Herbert Cully – yes; Councilman Woodland - Aye

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

**(RESOLUTION NO. 209 OF 2023)**

**RESOLVED**, that the New Hartford Town Board does hereby approve to rescind the Resolution for Health Care and/or in lieu of payment for the Town Board Members and Town Supervisor.

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

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

The Resolutions were vote 3 to 1 and duly **ADOPTED**.

**VI. MATTERS SUBMITTED BY TOWN SUPERVISOR**

- A. **Comptroller (make a motion)** – Hire a new Comptroller, \$48,000, part-time, full benefits (health care) – takes on responsibility of transfers, budgetary items

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

**(RESOLUTION NO. 210 OF 2023)**

**RESOLVED**, that the New Hartford Town Board does hereby approve to hire a new Comptroller, \$48,000, part-time, full health care benefits.

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

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



The Resolutions were vote 3 to 1 and duly **ADOPTED**.

Supervisor Miscione – we will need to hire a Comptroller.

**VII. MATTERS SUBMITTED BY COUNCILMEN**

- A. **Councilman Reynolds** – Bolton Road – stormwater issues – town engineer needs to get involved – always an issue when we approved this project

**VIII. REPORTS OF TOWN DEPARTMENTS**

- A. **HIGHWAY SUPERINTENDENT RICHARD SHERMAN** –
- i. **DEC** – inspected compose and passed
  - ii. **Excavator** – Supervisor Miscione – will have to leave it for the Comptroller; over budget, no funding for it
  - iii. **Executive Session** - on a personnel matter

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

**(RESOLUTION NO. 211 OF 2023)**

**RESOLVED**, that the New Hartford Town Board does hereby approve enter into Executive Session on a personnel issue at 7:36pm.

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

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

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

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

**(RESOLUTION NO. 212 OF 2023)**

**RESOLVED**, that the New Hartford Town Board does hereby approve enter into come out of Executive Session at 7:50pm.

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

|                     |   |     |
|---------------------|---|-----|
| Councilman Messa    | - | Aye |
| Councilman Reynolds | - | Aye |

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Councilman Woodland - Aye  
Supervisor Miscione - Aye

The Resolutions were unanimously carried and duly *ADOPTED*.

**Supervisor Miscione** – will update the budget to reflect Highway Superintendent Richard Sherman numbers and Comptroller for the next meeting and will submit to the Town Clerk.

**IX. REPORTS OF TOWN DEPARTMENTS**

**A. HIGHWAY SUPERINTENDENT RICHARD SHERMAN**

- i. BIDS for Washington Mills Athletic Park – James Bray Paving - \$447,906, Diversified Wireless - \$667,325, Carver Construction - \$931,145 and Maple Ridge Organics, LLC - \$958,485

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

**(RESOLUTION NO. 213 OF 2023)**

**RESOLVED**, that the New Hartford Town Board does hereby approve to except the bid from James Bray Paving (\$447,906.00) for the Washington Mills Park Restoration.

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

Councilman Messa - Aye  
Councilman Reynolds - Aye  
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 Woodland, the meeting was adjourned at 7:53 P.M.

**(RESOLUTION NO. 214 OF 2023)**

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

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

The Resolutions were unanimously carried and duly *ADOPTED*.

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Respectfully submitted,

Cheryl Jassak-Huther

Town Clerk

10/7/2023