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 July 12, 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:

Town Clerk Cheryl Jassak-Huther Highway Superintendent Richard Sherman Town Attorney Herbert Cully Bookkeeper to Supervisor Deanna Spina Chief of Police Ronald Fontaine

Absent: Deputy Town Supervisor Anthony J. Trevisani 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 Lenart:

(RESOLUTION NO. 124 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve the June 7, 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 SUPERVISOR

A. Joanne Wade – Library Board of Trustees – Reappointment to swear in

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

(RESOLUTION NO. 125 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve Joanne Wade – reappointment to the Library Board of Trustees effective 1/1/2023 - 12/31/2027.

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

The Resolutions were unanimously carried and duly ADOPTED.

B. Anthony Trevisani – Board of Review - Assessors

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

(RESOLUTION NO. 126 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve Anthony Trevisani – Assessors Board of Review effective 9/1/2023 - 9/30/2027.

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

-	Aye
-	Aye
	- - -

The Resolutions were unanimously carried and duly ADOPTED.

C. Vouchers

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

(RESOLUTION NO. 127 OF 2023)

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

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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. Town Clerk's Department – Laborers

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

(RESOLUTION NO. 128 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve Shannon Madore, to become a Laborer, effective immediately (part-time, \$18 per hour).

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. 129 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve Maryanne Gigliotti, to become a Laborer, effective immediately (part-time, \$18 per hour).

-	Aye
-	Aye
	- - - -

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The Resolutions were unanimously carried and duly ADOPTED.

E. Codes Department Employee

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

(RESOLUTION NO. 130 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve Christina Lacey, full-time, health benefits, \$20.00 per hour, effective July 31, 2023, to work with Dory Shaw.

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. <u>REPORTS OF TOWN DEPARTMENTS</u>

A. Highway Superintendent Richard Sherman

i. Paving Agreement

a. Improvements for the following: Brantwood Rd. 1228 feet, Christine Court 1233 feet, Deerpath Court/Dr. 1581 feet, Bleachery Ave. 960 feet, Sylvan Way East 707 feet, Sylvan Way West 1551 feet, Mason Rd. 686 feet, Tanglewood Rd., 855 feet, Wedgewood Rd., 741 feet, Fieldwood Rd., 361 feet, Wildwood Rd., 561 feet, Foxwood Rd., 565 feet, Partridge Rd., 538 feet, Westminster Rd., 603 feet, Bolton Rd., 2351 feet; Barret Construction quote \$416,71, James Bray Paving and Excavating quote- \$411, 625.50

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

(RESOLUTION NO. 131 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve James Bray Paving and Excavating with the low bid of \$411,625.50.

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

The Resolutions were unanimously carried and duly ADOPTED.

b. <u>Suit-Kote</u> – will be doing Micro Paving of Knight Rd., Cosmo Lane/Court, Weston Road, Lyndale Ave. – Total \$29,011.20

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

(RESOLUTION NO. 132 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve Suit-Kote for Micro Paying of Knight Rd., Cosmo Lane/Court, Weston Road and Lyndale Ave. for a total of \$29,011.20.

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. <u>MATTERS SUBMITTED BY TOWN SUPERVISOR</u> A. <u>General Security Contract for Washington Mills Athletic Park</u>

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

(RESOLUTION NO. 133 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve the General Security Contract for the Washington Mills Athletic Park for \$261.36 per year.

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

Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly ADOPTED.

V. <u>REPORTS OF TOWN DEPARTMENTS</u>

A. Chief Ronald Fontaine

- Update on 3480 Oneida Street served a Nuisance Abatement Letter back in May, monitored it – they painted the graffiti, inside not different, also served letter from Lary – recommends Codes go in and look and serve another letter if need be; recently charged the Clerk for selling alcohol and cigarettes to under age kids; people still congregating in area; will have Lary proceed with next step (violation)
- ii. <u>Live Scan Booking Equipment Grant –</u> applied for the grant and moving along with it.
- iii. STOP DWI Grant

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

(RESOLUTION NO. 134 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve Supervisor Miscione to sign the STOP DWI grant 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.

iv. Board Approval of Chief Fontaine Civil Service Test Results

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

(RESOLUTION NO. 135 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve and accept the passing of the Oneida Count Civil Service test and results for Chief Ronald Fontaine and is now PERMANENT and for Town Supervisor Miscione to sign the paperwork.

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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.

For the Record – permanent appointment of Chief Ronald Fontaine, continue to operate under the previously agreed upon three-page appointment agreement, no change, just acknowledge the attachment to the permanent appointment.

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

(RESOLUTION NO. 136 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve the previous formal agreement made on 1/4/2023, no changes have been made since then.

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

-	Aye
-	Aye
	- - -

The Resolutions were unanimously carried and duly ADOPTED.

VI. <u>PUBLIC COMMENTS</u>

A. Lisa Sowich – 116 Sedgewick Park – road breaking apart near ditch, spoke to Chris Moran – the workers came to fix, feels it was just a band aide – still breaking into ditch – damaged and crushed galvanize pipe; water problem did resolve after widening the ditch; asking to have the road/ditch fixed because pipe is crushed; asking for a permanent plan; Supervisor Miscione – what if put a concrete structure; Highway Superintendent Richard Sherman – it was a temporary fix, it is not completely fixed but will be and perfectly with black top; Lisa Sowich – asked if could fill in the ditch; Highway Superintendent Richard Sherman – that is up to the Board and normally we charge the homeowner for the pipe and materials to do that; Councilman Messa – if we do for one we would have to do for all – we can send out for a quote for the resident – two options: let the Highway Dept. finish the job or get a quote; Lisa Sowich – would like to get a quote; Highway Superintendent Richard Sherman – will get Lisa Sowich a quote B. <u>Debra Everson – 3529 Oneida Street</u> – Continues to get flooded – has asked the Town if they could fix the road in front of her house; gets washed out; was told was scheduled last year for fix; was told on the list for this year; Highway Superintendent Richard Sherman – big project for all new infrastructure pipes, new sidewalks, new lights, new everything up through the road; will patch the pot holes this year, will all be fixed with this big project; -Supervisor Miscione - is part of the downtown revitalization of Chadwicks/Oneida Street – lighting sidewalks, green, infrastructure for sewer, we already for the funding from the County, just waiting on the State, if not we will start with what we have from the County (from Oxford Road to Elm Street); Debra is happy to hear that and that something will be getting done

VII. MATTERS SUBMITTED BY TOWN SUPERVISOR

A. <u>3598 Oneida Street</u> – porch collapsed; safety issue; Codes enforcer was there and not getting fixed; Lary sent a letter; asking to send a letter of violation

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

(RESOLUTION NO. 137 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to violate 3598 Oneida Street for collapsing porch.

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.

VIII. <u>PRESENTATIONS</u>

A. <u>BW Solar</u> – 10130 Roberts Road – Daniel Huntington and Hamza Khalil – fee and application has already been submitted; presentation the Board to move forward; Town Attorney Herbert Cully – submit a Special Use Permit Application to the Planning Board. Planning Board would review it and then hold a public hearing and the Planning Board would then make a recommendation back to the Town Board

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

(RESOLUTION NO. 138 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to move the BW Solar project for 10130 Roberts Road to the Planning Board.

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.

Supervisor Miscione asked for Daniel Huntington to send all information to the Town of Paris as well.

IX. MATTERS SUBMITTED BY TOWN SUPERVISOR

A. Letter of Credit for Hoffman Car Wash – to release the Letter of Credit;

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

(RESOLUTION NO. 139 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to release the Letter of Credit for Hoffman Car Wash.

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.

X. <u>PUBLIC HEARINGS</u>

A. Local Law 4 of 2023

Local Law No. 4 of 2023

Town of New Hartford, New York

A Local law to amend the Code of the Town of New Hartford, Chapter 118, thereof entitled ZONING, and map coincidental thereto, as it pertains to property located on a parcel of land 37' x 117' in size at

3997 Oneida Street in Washington Mills, NY, and changing the designation of property from Medium Density Residential to C-2 Commercial Retail.

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

Section 1. Chapter 118 of the Code of the Town of New Hartford, Section 118-17, and particularly the map coincidental thereto and made a part thereof, is hereby amended as follows:

Section 118-17 Zoning Map

Change the designation of tax parcel 339.012-1-24 being a parcel 37' x 117' in size at 3997 Oneida Street in Washington Mills, New York owned by Frank Cristiano, from Medium Density Residential (MDR) to Commercial Retail (C-2)

- Section 2. All other provisions of Chapter 118 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 with the Office of the Secretary of State.

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

(RESOLUTION NO. 140 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 Lenart introduced the following Resolution for adoption and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 141 OF 2023)

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

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

The Resolutions were unanimously carried and duly ADOPTED.

Discussion: Supervisor Miscione – last time they came to the Board Meeting, recommendation was if we did make the zoning change that the house be knocked down because its currently residential anyway, he wants to use it for commercial use; Town Attorney Herbert Cully – if that is the case, suggests that the Board defer because understands there may now be an issue and Mr. Spirdilozzi may no longer be interested in buying that property. If you put that in, Mr. Cristiano who owns the house would have to demolish it; ask to defer it to the next meeting

B. Local Law 5 of 2023

Local Law No. 5 of 2023 Town of New Hartford, New York

A Local Law to amend the Code of the Town of New Hartford, Chapter 118, thereof entitled ZONING, and map coincidental thereto, as it pertains to property located on a parcel of land 8.16 +/- acres in size off of 4647 Middlesettlement Road, a description of which is set forth in Section 2, and changing the designation of property from General Commercial (C1) to Residential Planned Development District (RPDD).

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

Section 1. Chapter 118 of the Code of the Town of New Hartford, Section 118-17, and particularly the map coincidental thereto and made a part thereof, is hereby amended as follows:

Section 118-17. Zoning Map

[Change the designation of 8.16 +/- acres of tax Map Parcel 328.000-3-25, owned by Margaret T. Schmitt Trust, from General Commercial (C1) to Residential Planned Development District (RPDD) overlay.]

Section 2. The boundaries and description of said district are as follows:

See attached map and deed descriptions at Book 2008 of deeds dated 8/6/2008 at page 14902.

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- Section 3. All other provisions of Chapter 118 of Code of the Town of New Hartford and amendments thereto, are hereby affirmed except the extent that this Local Law shall modify or amend.
- Section 4. This Local Law shall become effective immediately upon its filling in the Office of the Secretary of State.

Town Attorney Herbert Cully – asks to defer to the Planning Board who would look at any possible site plan; suggests to hold the Public Hearing and defer again.

XI. <u>REPORTS OF TOWN DEPARTMENTS</u> A. <u>HIGHWAY SUPERINTENDENT RICHARD SHERMAN</u>

i. Application from Gerald Gage to replace Kevin Martin retirement – he accepted the job, has Class D, Class A, accepted the job for \$14.75 an hour per Union Contract. Effective immediately

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

(RESOLUTION NO. 142 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve the hiring of Gerald Gage at \$14.75 per hour, effective immediately.

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. Lots over by Wakefield called Realtor to have owner mow the lawn and was taken care of
- C. Larchmont need a 3rd estimate

XII. <u>EXECUTIVE SESSION</u>

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

(RESOLUTION NO. 143 OF 2023)

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RESOLVED, that the New Hartford Town Board does hereby approve to enter into Executive Session (7:09pm) in regards to employment 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.

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

(RESOLUTION NO. 144 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to come out of Executive Session (7:42pm).

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.

XIII. <u>REPORTS OF TOWN DEPARTMENTS</u>

A. Chief Ronald Fontaine – due to recent retirement of Lt. Kowalski

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

(RESOLUTION NO. 145 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to promote Sgt. Hulser to Lieutenant (replace Lt. Kowalski), provisional, pending completion of test later this year, salary per the Police Department contract.

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

Councilman Messa - Aye

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Councilman Lenart	-	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 Messa:

(RESOLUTION NO. 146 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to promote Police Officer Jeff Emerson to Sergeant (replacing Sgt. Hulser); currently on the Civil Service List (eligible); salary per Police Department Contract.

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 Reynolds:

(RESOLUTION NO. 147 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve to promote Investigator Freiberger to Sergeant, currently on the Civil Service List, salary per Police Department Contract.

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.

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

(RESOLUTION NO. 148 OF 2023)

RESOLVED, that the New Hartford Town Board does hereby approve the appointment of Donald Cinque to fill an open School Safety Officer (SSO) position, part time, salary based on the Police Department contract; make the promotion of Sgt. Hulser, Inv. Freiberger, Police Officer Emerson and Donald Cinque effective July 17, 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.

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 7:53 P.M.

(RESOLUTION NO. 149 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 7/22/2023