

**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
WEDNESDAY, FEBRUARY 7, 2024 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:

Councilman James J. Messa
Councilman John Latini
Councilman David M. Reynolds
Councilman David Tehan
Supervisor Paul A. Miscione

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Deputy Town Supervisor, Anthony J. Trevisani
Town Attorney, Herbert Cully
Town Clerk, Cheryl A. Jassak-Huther
Highway Superintendent, Richard Sherman

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

I. PRESENTATION

a. John Dunkle – Town Engineer – Updated the Board on Projects – will do on a monthly basis

- i. Town Attorney Herbert Cully – Mitigation Fees as it relates to additional projects, Mitigation fee schedule hasn't changed in years and John Dunkle will update and Town Comprehensive Plan (last done in 2014); John Dunkle – believes our Comprehensive Plan is solid and will review it for additional changes and if want new policies; will look into a grant;
- ii. As discussed at the meeting, need three (3) necessary easement agreements (from Oshins, Dzialo, and Sklar) for the detention project at Hughes and Romans. Once the agreements are in place, we will have the surveyor write the metes and bonds descriptions for each easement.
- iii. Solar Project – Town of Kirkland – Town Attorney Herbert Cully sent letter to Town of Kirkland as we will participate; will work with them with the ponds, etc. and spoke to their attorney and waiting on them to schedule a public hearing
- iv. Mallory Road – drainage problems – John Dunkle will meet with Councilman Messa and work on the problems going forward
- v. Resolution - Engineer

The following Resolution was then introduced for adoption by Councilman Messa and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 89 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve the resolution to re-affirms the appointment in 2017 of Dunn & Sgromo Engineers as Town Engineer for the following FEMA funded projects: Rayhill Trail Remediation, Washington Mills Park Restoration, and Sauquoit Creek Sewer Line

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Crossing. The appointment was made in accordance with the Town of New Hartford's professional services procurement policy.

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly *ADOPTED*.

II. REPORTS OF TOWN DEPARTMENTS

a. CODES

- i. **Councilman Messa** – Elm Street; Lary Gell will send out a letter thanking the owner for what she has done and what has to be done (clean up).
- ii. **Town Attorney Herbert Cully** – Snowden Hill Road – sent correspondence to the owner – sent regular and certified mail – certified mail got returned unclaimed – Lary and Herb are working on proceeding to take into Court
- iii. **Councilman Latini** – 2 and 4 Ironwood – Lary (Chris Buck, Code violations) – hasn't finished the projects – he did work without having inspections (expired as of December) – needs to renew; need engineer to sign off of it; need to get another permit; compile letter with all the issues so the owner needs to know where stands and what needs to be done (notice in writing) and then will move forward; Lary will get a stop work order on it; will discuss in Executive Session

b. TOWN CLERK

i. BOARD MEETING MINUTES

The following Resolution was then introduced for adoption by Councilman Latini and duly seconded by Councilman Messa:

(RESOLUTION NO. 90 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve the Town Board Meeting Minutes from the January 24, 2024 meeting.

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly *ADOPTED*.

ii. **30-day Liquor License – Los Amigos Taqueria, Inc.**

The following Resolution was then introduced for adoption by Councilman Latini and duly seconded by Councilman Tehan:

(RESOLUTION NO. 91 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to waive the 30-day liquor license for Los Amigos Taqueria, Inc., 8469 Seneca Turnpike.

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Aye

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

c. **FINANCE – DEANNA SPINA**

The following Resolution was then introduced for adoption by Councilman Reynolds and duly seconded by Councilman Latini:

(RESOLUTION NO. 92 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to pay the Vouchers.

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Aye

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

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RECORD OF CLAIMS #1

<i>24-00001-24-00013</i>	
A	\$46,554.77
B	\$4,975.89
BP	\$130,466.73
DB	\$89,812.09
SF	
SL	
SS	\$0.00
TA	\$17,243.93
HMA	\$0.00
HTA	
TOTAL	\$289,053.41

RECORD OF CLAIMS #2

<i>23-02235-23-02243</i>	
A	\$6,311.96
B	\$14.40
BP	\$272.20
DB	\$31,236.23
F	
SL	\$2,140.46
SF	
SS	\$1,308.15
TA	\$7,073.53
HMA	
HTA	
TOTAL	\$48,356.93

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RECORD OF CLAIMS #3

<i>24-00024-24-00030</i>	
A	\$104,309.27
B	\$4,040.89
BP	\$5,595.61
DB	\$2,500.00
SL	
SS	
TA	\$4,838.83
X-HMA	
X-HTA	\$0.00
TOTAL	\$121,284.60

RECORD OF CLAIMS #4

<i>23-0224-23-02248</i>	
A	\$9,163.47
B	
BP	\$80.51
DA	
DB	\$173.91
SF	
SL	
SS	\$5.13
TA	
HMA	\$2,500.00
HTA	
TOTAL	\$11,923.02

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RESOLVED, that the New Hartford Town Board does hereby approve to allow an MVCC student for an internship with the New Hartford Police Department.

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly *ADOPTED*.

- ii. **Safety Security Plan – Sangertown Mall** – five (5) to six (6) New Hartford Police Officers on staff to support the mall staff, Friday and Saturday nights, five (5) hours each night, the mall will reimburse the Town of New Hartford; mall is bringing in six (6) to eight (8) security officers out of Syracuse; Town Attorney Herbert Cully will work out a written agreement; not allowing anyone under 18 without out an adult supervision; police officers will be at all the main entrances
- iii. **Reclaim \$17,000 – Live scan system; grant will reimburse**

The following Resolution was then introduced for adoption by Councilman Reynolds and duly seconded by Councilman Latini:

(RESOLUTION NO. 94 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to allow Supervisor Miscione to sign for the \$17,000 for the Live Scan System for the New Hartford Police Department.

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly *ADOPTED*.

- iv. **Central Towing** – Town Attorney Herbert Cully contacted the City of Utica and they have about 15 or 17 people on their list; we don't have to many; Lary Gell checking the zoning – tabled until next meeting
- v. **Police Promotions**

The following Resolution was then introduced for adoption by Councilman Messa and duly seconded by Councilman Latini:

(RESOLUTION NO. 95 OF 2024)

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RESOLVED, that the New Hartford Town Board does hereby approve to hire Alexander Palmer, lateral transfer from Little Falls PD, per union contract, effective February 21, 2024, full-time and benefits.

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly *ADOPTED*.

The following Resolution was then introduced for adoption by Councilman Latini and duly seconded by Councilman Messa:

(RESOLUTION NO. 96 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to hire Amir Knighton, lateral transfer from Niagara County Sherriff Department, per union contract, effective March 20, 2024, full-time and benefits.

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly *ADOPTED*.

The following Resolution was then introduced for adoption by Councilman Messa and duly seconded by Councilman Latini:

(RESOLUTION NO. 97 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to promote Patrick Sacco to Investigator, per union contract, effective immediately.

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly *ADOPTED*.

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The following Resolution was then introduced for adoption by Councilman Reynolds and duly seconded by Councilman Latini:

(RESOLUTION NO. 98 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to promote Annemarie Brelinsky to Investigator, per union contract, effective immediately.

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly *ADOPTED*.

The following Resolution was then introduced for adoption by Councilman Latini and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 99 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to promote Nicholas Spina to Sergeant, per union contract, effective immediately.

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly *ADOPTED*.

Chief Ronald Fontaine also commented on the new cleaners for the building, what a great job they are doing, police side of the building has never looked so clean, the bathrooms are clean, feels clean, and the Police Department staff has been commenting on the cleaners and have noticed how clean it is and smells clean.

e. HIGHWAY SUPERINTENDENT RICHARD SHERMAN

The following Resolution was then introduced for adoption by Councilman Reynolds and duly seconded by Councilman Latini:

(RESOLUTION NO. 100 OF 2024)

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RESOLVED, that the New Hartford Town Board does hereby approve to allow Supervisor Miscione to sign the Niagara Mohawk Power Corporation Pole Attachment Agreement.

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Aye

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

The following Resolution was then introduced for adoption by Councilman Latini and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 101 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to allow Supervisor Miscione to sign the Town of New Hartford Lighting Project Sign Off Agreement.

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Aye

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

III. MATTERS SUBMITTED BY COUNCILMEN

a. COUNCILMAN REYNOLDS

- i. **Fire Inspection Report** – Town Clerk provided Councilman Reynolds with the report for January – 10 inspections \$981.00 for January 2024; Increase in fees

The following Resolution was then introduced for adoption by Councilman Reynolds and duly seconded by Councilman Latini:

(RESOLUTION NO. 102 OF 2024)

WHEREAS Chapter 65-18 Fees of the Town Code of the Town of New Hartford provides that the fee schedule set forth in the Code of the Town of New Hartford at §118-40 “may be amended from time to time by similar resolution, and

WHEREAS the Town Board of the Town of New Hartford wishes to amend the fee schedule as it relates to Fire Safety inspections in §118-40(c)(3)

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BE IT RESOLVED

Effective 2/8/2024 §118-40(c)(3) shall be revised as follows:

Fire safety and property maintenance inspections. Fees are assessed per building per tax parcel. Mixed occupancy fees are applied per occupancy designation; in the event that a building contains an area of public assembly, the public assembly fees apply for the entire building.

<u>Type</u>	<u>Fee</u>
One to three family units	\$300
Multifamily four (4) units and above with common area	\$300 + \$30 per unit after three (3) units
Multifamily occupancies without a common area	\$300 + \$15 per unit after three (3) units
Commercial buildings except those containing an area of public assembly:	
0 to 5,000 square feet	\$300
5,001 to 10,000 square feet	\$300 + \$0.01 per square foot
10,001 to 100,000 square feet	\$300 + \$0.005 per square foot
100,001 square feet +	\$900 + \$0.0025 per square foot
Commercial buildings containing an area of public Assembly:	
0 to 5,000 square feet	\$300
5,001 to 10,000 square feet	\$300 + \$0.005 per square foot
10,001 to 100,000 square feet	\$300 + \$0.0025 per square foot
100,001 square feet +	\$500 + \$0.00125 per square foot
Operating permit fee	\$75

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly *ADOPTED*.

b. COUNCILMAN MESSA

- i. Executive Session for easements
- ii. NYSTCA Charitable Gaming Education Session

The following Resolution was then introduced for adoption by Councilman Messa and duly seconded by Councilman Latini:

(RESOLUTION NO. 103 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to allow Town Clerk Cheryl Jassak-Huther and Clerk Shannon Madore to attend the NYSTCA Charitable Gaming Regional Education Session on March 11, 2024, for Charitable Gaming, in Saratoga Springs, \$40 per person, plus mileage and tolls.

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly *ADOPTED*.

iii. **Town Hall Building**

1. User friendly for residents – Codes window installed, Highway window installed so residents can come through; bottlenecks at the Clerk’s Office – causing some confusion for residents having to stop – need to open up to the public/residents – keep in mind why we are here and what we are doing; Town Supervisor Miscione – remove the blinds on all the windows; Councilman Messa – having accessibility for the residents will be so much more beneficial and for the employees to make transactions; Councilman Latini – employees looking for other employees, they have to run around the building looking for them, you can’t see through the blinds anyway, this will make it easier; Councilman Messa – establish hours of operation 8:00am – 4:00pm – it’s imperative to have one representative from each department in there during operational hours so that when a resident comes in they don’t say ‘no one is there’; someone at the window from 8:00am – 4:00pm; Supervisor Miscione – if someone leaves, sick day – they have to have someone come in and take their place – people can’t just take off and no one knows they did – have to find coverage for yourself – you have to give notice of vacation, not just one day – at least a weeks’ notice; Councilman Messa – have a shared calendar so others know where others are – helps other departments to know, communication, visible; Councilman Latini – do we get hour breaks – no office is closed; Supervisor Miscione – some people have medical reasons to work from home for a day – have a sheet what they

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have done all day – productivity sheet – we need to put that in place – Codes Dept. – whoever is at the window – if that person takes the day off, they have to find coverage – we can't go backwards again – need enough time of notification – if don't find coverage then can't take that day off, will have to take a different day off – if we say Codes is open 8:00am – 4:00pm then its open 8-4 – we also have to return phone calls in a certain amount of time as well; Councilman Messa – job requirements – quicker turnaround; Councilman Reynolds – thinks it's a great idea – keep the security on the cameras/TV – someone at all three windows at all times is very important; Supervisor Miscione – need a weeks' notice for vacation time, PL or COMP time off – and make sure when you want time off – then that person finds coverage – window covered at all times 8:00am – 4:00pm; Councilman Tehan – delegate who is at the windows; all Councilmen agreed

- Codes Window
- Highway Window
- All blinds removed – including Town Clerks Office
- Supervisor Miscione will move office down hall from the restrooms
- Dory Shaw will be moved into Supervisor Miscione current office
- Christina Lacy will be at the Codes window
- Teresa Webb will be at the Assessor window
- Sue Keller will be at the Highway window

The following Resolution was then introduced for adoption by Councilman Messa and duly seconded by Councilman Latini:

(RESOLUTION NO. 104 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to open up the Building (Employee Entrance Doors) to the public – Operating Hours – 8:00am – 4:00pm, Monday – Friday.

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Aye

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

Discussion – Windows – Supervisor Miscione - Codes window will be right behind Dory, Sue Keller – Highway Window in Sue's Office, and a school window; Supervisor Miscione will move to the old janitor room; Dory will move to the Supervisors Office; Holes will be done by the weekend and Mauro's

Glass will come and measure for the windows/glass; Request - Buildings and Maintenance guy – need to hire one (with Rec Center, Library, Town, Highway, etc.). – full time

c. COUNCILMAN TEHAN

- i. **Buck Apartments Culvert Maintenance Status** – made great progress over there; Highway Superintendent Richard Sherman – spoke to Buck – asked why ditch wasn't clean – Garden Home Estates owner told him get off property – clean from his side – trees – ditch is on Garden Home Estates property – Councilman Tehan will speak to him about it and determine whose property it is – Town Attorney Herbert Cully will look at the survey and look into an easement
- ii. Woods Highway Speeding – getting calls – no speed limit sign – come off of Rt. 5 head north on Woods Highway and start heading west when it turns left Clark Mills Road – resident is saying there is no speed limit sign; Chief will drive by to see; there is a solar speed sign – two of them

IV. REPORTS OF TOWN DEPARTMENTS

a. POLICE CHIEF RONALD FONTAINE

- i. Pleasant Street sign – Highway installed it – speed limit is 20mph – Town of New Hartford

V. MATTERS SUBMITTED BY COUNCILMEN

a. COUNCILMAN LATINI

- i. 127 Sedgwick (resident) – major water run-off – 25 ft. creek – runs over residents driveway; Highway Superintendent and Supervisor been there – will get prices – Highway machines are too small to do the job, pipe has to come out and put a new one in; Supervisor Miscione – affects one resident, maybe two – has to help the mass of the area and the Town will come in and do public works – not one Town proper, we don't own the creek; can't do work on private property; if the resident pays the rate and pipe Town can do the work; not something we can do – doesn't affect multiple residents – will draft a letter to the resident with an explanation

VI. MATTERS SUBMITTED BY TOWN SUPERVISOR MISCIONE

The following Resolution was then introduced for adoption by Councilman Reynolds and duly seconded by Councilman Tehan:

(RESOLUTION NO. 105 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to accept \$3,000.00 check from Benderson Development Co. for engineering fees and put in escrow account.

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

Councilman Messa - Aye

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Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Aye

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

VII. MATTERS SUBMITTED BY TOWN ATTORNEY HERBERT CULLY

- a. Red Flag Trail – will have officers in Court
- b. Narla Lane – judge suggested a settlement; the owners son was at the conference, the owner was not, the owners son thought it was a very fair and reasonable settlement; Highway Superintendent and Chris Moran thought it would be acceptable; went back to court and the owner was there and he flat out refused to settle so that will go to trial; settlement was that they would give us 25ft of paved area off the edge of the road, we already had 15ft and they would give us another 10ft with an easement and then the 10 ft. beyond the 25ft. off the road was going to be an area where nobody could put anything in there to block so we would have 35ft.; trial is in March

VIII. MATTERS SUBMITTED BY TOWN SUPERVISOR MISCIONE

The following Resolution was then introduced for adoption by Councilman Messa and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 106 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to Enter into Executive Session (8:24pm).

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Aye

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

The following Resolution was then introduced for adoption by Councilman Reynolds and duly seconded by Councilman Messa:

(RESOLUTION NO. 107 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to come out of Executive Session (8:46pm).

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

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Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	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 Reynolds and seconded Councilman Messa, the meeting was adjourned at 8:47 P.M.

(RESOLUTION NO. 108 OF 2024)

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Aye

The Resolutions were unanimously carried and duly *ADOPTED*.

Respectfully submitted,

Cheryl Jassak-Huther

Town Clerk

2/11/2024