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, AUGUST 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 Police Chief, Ronald Fontaine

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

I. BOARD MEETING MINUTES

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

(RESOLUTION NO. 276 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve the Town Board Meeting Minutes from the July 10, 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. SPECIAL GUESTS GOLD STAR FAMILIES The title, which is reserved for families of military members who have died in the line of duty, is meant to honor the service member's ultimate sacrifice while acknowledging their family's loss, grief and continued healing; 12 Gold Star Families in Oneida County from the Iraq/Afghanistan Wars; Supervisor Miscione thanked the families for attending and sharing their stories. In attendance (and shared their stories of their sons):
 - 1. <u>Maria (Michael) Babula</u> Son, US Army, Cpt. George W. Wood, killed in action in Iraq on November 20, 2003

- 2. <u>Maria read a letter from mom Roberta (Scott) Brockway (Marcy, NY)</u>—Spc. Christopher Brockway, US Army, passed away at Fort Leonard Wood, MO on July 9, 2011
- 3. <u>Donna (Renny) Parker (Oneida, NY)</u> Sgt. Elisha R. Parker, US Marine Corps., killed in Action in Iraq on May 4, 2006
- 4. <u>Susan Sigsbee (Waterville, NY)</u> Cpl. John P. Sigsbee, US Army, killed in Action in Iraq on January 16, 2008
- Theresa (Paul) Oleski (Holland Patent, NY) Lance Cpl. Blaise A. Oleski, US Marine Corps., Killed in Action in Afghanistan on April 8, 2009; "An acorn is no less mighty because it is not yet an oak."
- 6. <u>Agnes (Michael) Geary (Rome, NY)</u>— Lance Cpl. Blaise A. Oleski, US Marine Corps., killed in Action in Afghanistan on April 8, 2009

Others not in attendance tonight from Oneida County

- 7. PFC Gregory P. Huxley, Jr., US Army, Central New Yorks 1st Casualty in Iraq, killed in action on April 6, 2003
- 8. Sgt. Michael A. Uvanni, US Army, Killed in action in Iraq on October 1, 2004
- 9. Petty Officer 1st Class Alex F. Mazur, US Navy, killed in action in Kenya in support of OEF on March 9, 2005
- Lancy Cpl. Christopher C. Simpson, US Army, killed in action in Iraq on March 17, 2008
- 11. Lance Cpl. Jeremy S. Lasher, US Marine Corps, killed in action in Afghanistan on July 23, 2009
- 12. Spc. Blair D. Thompson, US Army, killed in action in Afghanistan on June 25, 2010



Councilman Reynolds acknowledged Cheryl and Owen Jassak for all their hard work for the things they have done for our military (veterans and their families); Supervisor Miscione thanked everyone for coming and thanked Cheryl for all she has done for the Veterans Park and what she does for our community, and Cheryl and Town Attorney Herbet Cully for putting together a 501c3 for keeping the park together and going with new monuments, thanked the parents and their children for their service to our Country – God Bless

III. PUBLIC HEARING

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

(RESOLUTION NO. 277 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to open up the Public Hearing for Local Law 5 of 2024 – Police Commission.

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*.

- a. Residents that spoke about their concerns about the Police Commission:
 - 1. Mary MacEnroe Bohling Road
 - 2. Donald Peavey Merritt Place
 - 3. Cindy Chapman Road
 - 4. Patty D'Amico Powell Avenue
 - 5. Anthony Micaroni Paris Road

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

(RESOLUTION NO. 278 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to close the Public Hearing for Local Law 5 of 2024 – Police Commission.

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 Latini and duly seconded by Councilman Messa:

(RESOLUTION NO. 279 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to act on Local Law 5 of 2024 – disband the Police Commission.

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

a. ASSESSORS

1. RE-APPOINT ASSESSOR Darlene Abbatecola

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

(RESOLUTION NO. 280 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to re-appoint Darlene Abbatecola as Town of New Hartford Assessor, for six (6) year term, effective September 1, 2024 – August 30, 2030.

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

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

Resolutions PASSED with four affirmative votes and duly *ADOPTED*.

2. <u>555 FRENCH ROAD SETTLEMENT</u>

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

(RESOLUTION NO. 281 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to reduce the assessment of 555 French Road by \$200,000.00.

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

Councilman Messa	- Ay	
Councilman Latini	-	Aye

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> Councilman Reynolds - Aye Councilman Tehan - Aye Supervisor Miscione - Aye

The Resolutions were unanimously carried and duly *ADOPTED*.

3. **2034 TILDEN AVENUE – Joe Salerno property** – adjustment of assessment

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

(RESOLUTION NO. 282 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to hire an appraiser to assist the Town of New Hartford Assessor. It has been approved to hire Frank DiNoto and pay his fees.

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. <u>BOOKKEEPER – DEANNA SPINA – Vouchers</u> – tabled until the September meeting as they were not all approved and not all submitted

c. POLICE DEPARTMENT – CHIEF RONALD FONTAINE

- 1. **Personnel** Executive Session
- 2. <u>Damaged Patrol Vehicle</u> will submit to the insurance company
- 3. <u>ACO Rates</u> Animal Control Officer John Treen will work with the Town Clerk Cheryl Jassak-Huther to update the current ACO Rates with the current charges from Anita Swans Humane Society (Clerk's Office will also update in BAS)

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

(RESOLUTION NO. 283 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to accept the current ACO Rates from Anita Swans Humane Society and work with the Town Clerk's Office to update the rates in the Town Clerk's System – BAS.

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.

4. **SECURITY DETAILS** – working detail at the Marquee Cinema – things are going well, Cinema feels the police presence has been making an impact

d. HIGHWAY SUPERINTENDENT RICHARD SHERMAN

 <u>Truck Lease</u> – plow truck that was ordered two years ago; Loan from Adirondack Bank

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

(RESOLUTION NO. 284 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve the financing of the 2025 MACK plow truck through Adirondack Bank and designate Supervisor Miscione as the signer.

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

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

Resolutions PASSED with four affirmative votes and duly *ADOPTED*.

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

(RESOLUTION NO. 285 OF 2024)

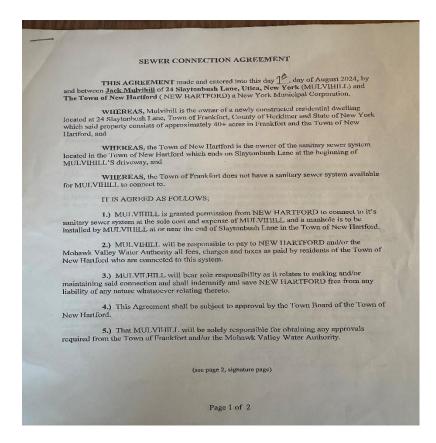
RESOLVED, that the New Hartford Town Board does hereby approve to purchase the 2025 MACK plow truck for the price of \$150,302.00.

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*.

2. <u>SEWER CONNECTION AGREEMENT</u> – between Jack Mulvihill, 24 Slaytonbush Lane – Utica, NY and the Town of New Hartford



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

(RESOLUTION NO. 286 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve for Town Supervisor Miscione to sign the Sewer Connection Agreement between Jack Mulvihill, 24 Slaytonbush Lane – Utica, NY and the Town of New Hartford.

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.

V. <u>MATTERS SUBMITTED BY TOWN SUPERVISOR MISCIONE</u> 1. HERA PROPERTY REGISTRY

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

(RESOLUTION NO. 287 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve for Town Supervisor Miscione to sign the Professional Services Agreement from HERA Property Registry to do the foreclosure registry for the Town of New Hartford.

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*.

CENTRAL NEW YORK ORIENTEERING CLUB – seeking approval to create an orienteering map of SherrillBrook Park. Map will be used for recreational activities related to map reading, compass use and navigation. CNYO would like to stage periodic orienteering/running events at the park, usually no more than 50 people at the event.

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

(RESOLUTION NO. 288 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve for the Central New York Orienteering Club to create an orienteering map of SherrillBrook Park.

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*.

VI. MATTERS SUBMITTED BY COUNCILMEN

a. Councilman Reynolds

1. Fire Inspection Report – July 2024 – 17 inspections submitted to the Clerk's Office for payment totaling \$5,391.73; we need to up that number to complete the tasks by the end of the year; Councilman Messa asked what meant by up the number; Councilman Reynolds stated 17 is not enough; Town Clerk's Office has been sending out invoices for fire inspector Dan Trevisani since he started and his inspections are being paid within 30 days; Secretary Christina stated she has been sending out invoices (via email) for the other two fire

inspectors she is working with; Councilman Reynolds stated there is a disconnect; Clerk Cheryl and Shannon stated Iworgs is not consistent and not the best program and we are paying for the program and Excel does the same thing (free); Councilman Reynolds stated we need a report with how many inspections are done for the month, who did the inspection, amount due and collected, etc.; Supervisor Miscione suggested the Clerk's Office send out the Invoices and collect the money because we have collected more money in the last three months than we have in a year and it is working and wants everything to go into BAS – Christina to organize the inspectors going out to do the inspections, the Clerks Office will only be sending out the Invoices and collecting the money to report each month and reconcile; Councilman Reynolds – there is a disconnect with the programs – we are duplicating the work; Supervisor Miscione – Iworgs is \$9,000.00 – Excell is free and the Clerks Office has to use BAS for reporting purposes and finances; Councilman Tehan – Iworgs has the capability to do just about everything including sending out invoices; Iworqs/fire inspectors (except Dan Trevisani) is sending invoices via email only at the time. Dan is printing them and the Clerk's Office is mailing them and they are getting paid within 30 days.

2. Complimented Rick and the Highways Department on their work in Rome, NY – helping them clean up after the devastation from the tornado

b. Councilman Messa

1. Roman, Hughes and Twyndom Project updates – retention ponds, concrete structures in place, spoke with Rick; Chris Moran stated when time has allowed the Highway Dept. has been working up there – has been in touch with the County and keeping up with the work; Councilman Messa stated to Supervisor Miscione that we need to escalate this on the list, whatever we need to do, need additional resources there; Chris Moran said the goal is to get the pond done on the Roman side this year and next year switch over to the Twyndom side; Mr. Nesci spoke up about the project and he has been waiting 8 years – asked when it will get done; Chris Moran stated it is hard to dedicate 10 guys to the project – when guys are available we work on it and we started work on it last year – using our town forces and it takes time and manpower; Mr. Nesci asked why not hiring out, County gave the Town \$200,000.00; Supervisor Miscione stated it is not even close to that cost – gave the Highway Dept. credit for the skill set and the number of projects they take on, especially when we get hit by storms and the work they do. Supervisor Miscione just got the easement to get this project started back in May; we can BID it out but will come back at over \$1 million; Councilman Messa – we are much further ahead than we were but we need to get this done and can we dedicate staff and get this completed; Supervisor Miscione – need to speak with Highway Superintendent Rick Sherman on the timeline; Chris Moran – this is a large project for our Highway Dept. to take on and solely dedicate our time to but we will get it done and it will take us some time and there is a lot of stuff that goes

on in this Town and people don't realize what goes on from day to day – same issues happen at my house on Mallory Road; Councilman Latini – we will get this done, we know what the problem is, help Mr. Nesci out, help the residents; Supervisor Miscione – if Mr. Nesci would like to meet with him, Rick and Chris to come up with a plan, lets get together and meet, if we need two more guys, we hire two more guys – not BID it out; Councilman Messa – for the record, I am not interested in hiring people if they are getting pulled away from projects we dedicate them to the project, Supervisor Miscione is in agreement

- 2. <u>Mallory Road</u> do we have an easement, timeline; Supervisor Miscione one of the easements we are all set on, the other we are not (speak in Executive Session)
- 3. <u>Upcoming Storm</u> spoke with Chris Moran the Highway Dept. already has a plan in place, already loading up sand bags, crew is set at different time schedules; Chris has been monitoring ponds, etc. will keep an eye out and gearing up and doing all we can; Supervisor Miscione we spent over \$6 million for stormwater and what we have done has been effective, which could have been \$18 million, we would never be able to do what we do without the Highway Department what we are doing works

c. Councilman Latini

1. <u>Alternate Member on the Planning/Zoning Board</u> – Members are not able to attend the meetings, having problems getting projects approved, have an alternate member for the Planning Board and Zoning Board

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

(RESOLUTION NO. 289 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve for an alternate member for the Zoning Board of Appeals.

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 position will need to be posted online and in the Clerk's window for 30 days. Cheryl will let Barb know that the position needs to be posted online.

2. <u>120 POWELL STREET</u> – asking to have no soliciting signs posted (Patty Damico); Peddlers permits must be obtained at the Town Clerk's Office; if they do not have a permit, the police can be called and Chief said they will come; Supervisor Miscione – approved for a sign to be put up – all solicitors

will be fined (ticketed)— put a sign up and then will ticket; Chief will also mention to patrol officers to move to tickets no more warnings

d. Councilman Tehan

1. **Bonadio Engagement Letter** – cost is \$4,700 a month; Supervisor Miscione asked they provide us with a detailed information of what they are doing and time they are doing

VII. MATTERS SUBMITTED BY TOWN ATTORNEY HERBERT CULLY

- a. <u>Larchmont</u> thanked Highway and Police was cleaned up
- **b.** <u>Kohls tax Cert</u> \$4, 867,000.00 they have agreed to settle at \$4,467,000.00 our equalization rate has gone up 10% in the last two years only seeking a 4% reduction

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

(RESOLUTION NO. 290 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve for authorization for Town Attorney Herbert Cully to settle Kohls tax. Cert. at \$4,467,000.00.

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*.

VIII. MATTERS SUBMITTED BY TOWN SUPERVISOR MISCIONE – Chadwicks Gateway Signage BIDS – only one BID from Beebe Construction for \$231,100.00 – Supervisor Miscione met with Highway Superintendent Rick Sherman – will be doing in house, two

polls with plaques on them – more cost effective, approx. \$20,000.00– and can put more money into sidewalks and signs themselves – cost savings of approximately \$200,000; will bring renderings to the next meeting; BID not accepted

IX. EXECUTIVE SESSION

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

(RESOLUTION NO. 291 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to enter into Executive Session (8:17pm).

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 Latini:

(RESOLUTION NO. 292 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to come out of Executive Session (8:36pm).

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.

X. REPORTS OF TOWN DEPARTMENTS

a. POLICE CHIEF RONALD FONTAINE

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

(RESOLUTION NO. 293 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to hire Justin Baxter, effective September 9, 2024, police officer, salary as defined in police contract.

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*.

XI. MATTERS SUBMITTED BY COUNCILMEN

a. COUNCILMAN MESSA

 Acknowledged Shannon Madore for her hours and dedication to the Veterans Park

XII. MATTERS SUBMITTED BY TOWN SUPERVISOR MISCIONE

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

(RESOLUTION NO. 294 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to set up the Town's 501c3 through a company for the cost of \$2,000.00. Town Attorney Herbert Cully will set that up.

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*.

ADJOURNMENT

There being no further business to come before the Board, upon motion duly made by Councilman Reynolds and seconded Councilman Latini, the meeting was adjourned at 8:38 P.M.

(RESOLUTION NO. 295 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 8/14/2024