

**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
WEDNESDAY, APRIL 9, 2025 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:

Town Attorney, Herbert Cully
Town Clerk, Cheryl A. Jassak-Huther
Highway Superintendent, Richard Sherman
Highway Foreman, Chris Moran
Assistant Director of Personnel, Barbara Schwenzfeier
Finance – Christina Lacy
Codes Officer – George Farley
Police Chief, Ronald Fontaine

ABSENT: Deputy Town Supervisor, Anthony J. Trevisani

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

I. PRESENTATIONS

- a. **Alison Swartz – Community Wellness Partners** – Alison gave a presentation about Community Wellness partners, April 11, 2025 is World Parkinson's Day – invited community to join the #SparktheNight campaign. This worldwide effort aims to illuminate buildings, bridges and landmarks in Blue to raise awareness for Parkinson's disease; Supervisor Miscione, Town Clerk Cheryl Jassak-Huther and Councilman Messa presented Alison Swartz with a Proclamation from the Town of New Hartford

II. BOARD MEETING MINUTES

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

(RESOLUTION NO. 82 OF 2025)

RESOLVED, that the New Hartford Town Board does hereby approve the Board Meeting minutes for the March 12, 2025 meeting.

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**.

III. MATTERS SUBMITTED BY TOWN SUPERVISOR MISCIONE

- a. **Mohawk Valley Living** - Town Supervisor thanked the Mohawk Valley Living for helping the Town out with Marketing for free to get more things out to our residents

IV. PUBLIC COMMENTS

- a. **Daniel T. Dreimiller** – spoke about acquiring a small parcel at the end of Glen Street (dead end off of Paris Road); Town Attorney asked the Board if wants to deem as Abandoned and authorize to proceed with the sale based on Frank Donato’s appraisal

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

(RESOLUTION NO. 83 OF 2025)

RESOLVED, that the New Hartford Town Board does hereby approve for Town Attorney Herbert Cully to deem the property on Glen Street (dead end off of Paris Road) as abandoned and authorize to proceed with the sale based on Frank Donato’s appraisal.

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. MATTERS SUBMITTED BY TOWN SUPERVISOR MISCIONE

- a. **ROME SENTINEL** - please see below the write up from the Sentinel

NEW HARTFORD — At a Wednesday, April 9 meeting, the New Hartford Town Board denied a special use permit application for a solar project at 9444 Roberts Road.

Solar Liberty had proposed a seven-megawatt solar project at 9444 Roberts Road, encompassing 21 acres of land. Representatives from the company had attended a March 12 town board meeting, seeking a special use permit for the project, which would allow it to move on to the town's planning board for the site plan review process.

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At the meeting the representatives presented plans for the project, where they said they would work with the town to create a landscaping plan that would shield the system from view, and took questions from concerned residents.

The town had sent letters to residents who live in the area surrounding the location of the proposed solar project, and many of those residents attended the meeting, asking questions about the safety of the project, how it will impact their home values and lives, and expressed concerns about the visibility of the panels.

At the March meeting, the board tabled the proposal until April 9 so Solar Liberty could prepare additional materials. Town Attorney Herbert Cully read email correspondences between legal representation for Solar Liberty and the town about the adjournment request, where the lawyer for Solar Liberty said that if the board denied the request and voted to reject the application, the company would be continuing in its lawsuit that it filed against the town in January.

In its lawsuit, Solar Liberty is seeking an order from a judge directing the town board to approve the special use permit application and refer the project to the planning board. Solar Liberty had first presented the project to the town board in June 2024, and the board tabled the project to gather more information. Solar Liberty then filed the lawsuit after the town board did not take any further action on the proposal, and the town agreed to hear the proposal again in March 2025. The developers were not present at the April 9 meeting, but the board decided not to honor the request and denied the application.

"I had my suspicions that it was just an attempt to build a better record litigation and there was really no interest in giving the application any real consideration, but my client was hopeful and interested in attempting to resolve this matter without further litigation, opted to attend the meeting understanding the reservation of rights," the letter from Solar Liberty's lawyer read. "Based on how my client was treated at last month's meeting and the anticipated denial this evening of a simple routine adjustment request, it appears that I was right."

Town Supervisor Paul Miscione pointed out that Chapter 118-74 designates two locations in the town — town-owned property on Route 12B and on Middle Settlement Road, from Commercial Drive to Clinton Road — as applicable places for large-scale solar energy systems. The law also states that no free-standing or ground-mounted systems will be permitted in residential districts.

"That's why we're here tonight as a board before it goes to the planning board, to make a determination if it is going to hurt the characteristics of the neighborhood," Miscione said.

Cully said that under the town's solar law, the town board is required to consider how neighbors would be impacted by the installation of a solar project near their properties.

He said the basis for the denial include: a close proximity to residential neighborhoods, inability to screen, proximity and visibility from New York State Route 8 and potential for distraction or glare, the visual impacts.

The board also set public hearings for three proposed local laws that are meant to ensure that the town's fiscal burden does not fall solely on its taxpaying residents. On Wednesday, June 4, the town board will hold public hearings for laws to institute a hotel occupancy tax, to set up a special assessment district for

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police protection services in commercial areas, and to require Airbnb and other short-term rental units to be registered and have fire inspections.

This story was updated at 12:08 p.m., Thursday, April 10.

b. SOLAR LIBERTY

(RESOLUTION NO. 84 OF 2025)

TOWN OF NEW HARTFORD

WHEREAS, the Town Board of the Town of New Hartford has received an application from Solar Liberty Energy Systems, Inc. (Solar Liberty) for the installation of a LARGE-SCALE SOLAR ENERGY SYSTEM at 9444 Roberts Road in the Town of New Hartford and

WHEREAS, Solar Liberty made an initial presentation to the Town Board on June 5, 2024 at which time then application was" tabled" and

WHEREAS, Solar Liberty has made subsequent presentations to the Town Board on February 12, 2025, March 12, 2025 and April 9, 2025 and

WHEREAS, Town Code Chapter 118-74, Section 1 (A) Purpose requires that the Town Board "balance the potential impact on neighbors when solar collectors may be installed near their property" and

WHEREAS, 118-74 (D) (2) states that such LARGE-SCALE SOLAR ENERGY SYSTEMS "shall be permitted in those districts which are designated by the Town of New Hartford Town Board. The Town of New Hartford designates the Town property on Middlesettlement Road from Commercial Drive to Clinton Road and Town owned lands adjacent to Sherrill Brook Park, Rt. 12 as locations for LARGE SCALE SOLARS" and

WHEREAS, the Town Board has received comments from residents on Roberts Road, Oneida Street, Mallory Road and Sessions Road as well as other nearby residential area in the Town and given full consideration to the presentation and comments, it is

RESOLVED, that the application of SOLAR LIBERTY is DENIED and not referred to the Planning Board based upon the following findings:

- (a) Close proximately to residential neighborhood
- (b) Inability to screen
- (c) Proximity and visibility from New York State Route 8 and potential hazards from glare or distraction
- (d) Visual impacts
- (e) The following findings below:

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The Town Board of New Hartford has denied the proposed solar project on Chapman Road in a residential neighborhood. This decision was based on several key considerations:

1. Zoning Restrictions: According to the Town of New Hartford's Zoning Code, specifically § 118-74, freestanding or ground-mounted solar energy systems are not permitted in residential districts. The code states that such systems "shall not be permitted in residential districts."

2. Public Feedback: The Board received significant negative feedback from residents regarding the proposed project. Community members expressed concerns about the project's impact on the character of their neighborhood and potential property value implications.

3. Adherence to Approval Processes: The proposal did not align with the town's established approval processes for such projects. As outlined in the Zoning Code, all planned development district applications require adherence to specific provisions, and any development must obtain all relevant permits or approvals before commencement.

Given these factors, the Town Board determined that approving the solar project would be inconsistent with existing zoning regulations and community interests, leading to the denial of the application.

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

(RESOLUTION NO. 84 OF 2025)

RESOLVED, that the New Hartford Town Board does hereby has denied the proposed solar project on 9444 Roberts Road in a residential neighborhood.

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. PRESENTATIONS

- a. **Steve Buck** – spoke about the concept of purchasing 100 acres from Jim Brock and donating about 70 acres to the Town for trails and storm pond as part of Buck's expansion of Town Homes and apartments at Hartford Luxury Apartments; Mr. Buck will get studies from John Dunkle that the Town has

VII. REPORTS OF TOWN DEPARTMENTS

- a. **TOWN CLERK CHERYL JASSAK-HUTHER**

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- i. **2025 tax season** ended 3/31/2025; 92% collected; Town received \$6,571,811.72; Town will also receive interest and monies received from penalties; reconcile exactly to the penny; Thank you to Michele and her staff at Adirondack Bank

- ii. **30- Day Advanced Liquor Notice – The Original Kitty’s**

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

(RESOLUTION NO. 85 OF 2025)

RESOLVED, that the New Hartford Town Board does hereby approve the 30-Day Advanced Liquor Notice for The Original Kitty’s.

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. **EARLY VOTING POLL SITE AGREEMENT**

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

(RESOLUTION NO. 86 OF 2025)

RESOLVED, that the New Hartford Town Board does hereby approve for Supervisor Miscione to sign the Early Voting Poll Site Agreement with Oneida County.

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. PUBLIC COMMENTS

- a. **Max Cowen and residents from Meadowbrook** – concerns about 6 Meadowbrook Drive; trash, broken windows, broken porches; Town Attorney Herbert Cully – she was taken to court awhile back, judgement against her, Codes office at that time did work with her, she had a lot of stuff out on her front lawn (she said artistic – grass was

overgrown – 7/8 years ago), spoke to Codes Officer George Farley and initiated something against her – what can say because it was in the newspaper, the owner was found two weeks ago in a farmers field, she was subject to a missing person's report in Utica and New Hartford, they found her vehicle abandoned and found her in a field where she had been overnight; we are addressing those problems; Supervisor Miscione – Town Clerk Cheryl Jassak-Huther did go up to Meadowbrook Drive a few weeks ago and spoke to the neighbors across the street, next door and down the road and Codes Officer George Farley and Cheryl initiated a letter already; Town Clerk Cheryl Jassak-Huther promised the neighbors she would bring it to the Town Board to address the issue and George kindly wrote the letter the very next day; questioning whether it now constitutes a nuisance; Codes Officer will give a report outlining the deficiencies and then the Town can bring a civil action – report for next meeting

IX. REPORTS OF TOWN DEPARTMENTS

a. TOWN CLERK CHERYL JASSAK-HUTHER

i. NYSTCA Conference – Syracuse, NY 4/27/2025-4/29/2025

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

(RESOLUTION NO. 87 OF 2025)

RESOLVED, that the New Hartford Town Board does hereby approve for Town Clerk Cheryl Jassak-Huther to attend the NYSTCA Conference in Syracuse, NY 4/27/2025-4/29/2025.

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. 88 OF 2025)

RESOLVED, that the New Hartford Town Board does hereby approve for Deputy Town Clerk Donna Owens to attend the NYSTCA Conference in Syracuse, NY 4/27/2025-4/29/2025.

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. POLICE DEPARTMENT – CHIEF RONALD FONTAINE

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

(RESOLUTION NO. 89 OF 2025)

RESOLVED, that the New Hartford Town Board does hereby approve for Supervisor Miscione to sign the 2025 Anita's Stevens Swan Humane Society Animal Shelter 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**.

c. HIGHWAY SUPERINTENDENT - RICHARD SHERMAN

i. MS4 REPORT – available online, copy in the Highway Department and the Town Clerk's Office

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

(RESOLUTION NO. 90 OF 2025)

RESOLVED, that the New Hartford Town Board does hereby approve the MS4 Report.

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. MILLING AND PAVING BID

1. MILLING BID RESULTS from April 7, 2025 at 11:00AM - (Milling will start May 5, 2025)

- a. J & L Profiling - \$90,068.80
- b. Precision Asphalt - \$111,960.62
- c. Costello Blacktop Paving - \$125,434.69

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

(RESOLUTION NO. 91 OF 2025)

RESOLVED, that the New Hartford Town Board does hereby approve to accept the BID from J & L Profiling for milling in the amount of \$90,068.80.

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

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

Resolutions PASSED with three (3) affirmative votes and duly **ADOPTED**.

Discussion: COUNCILMAN TEHAN – doesn't believe BAN was funded or purchased yet (Supervisor Miscione stated it will be next week) Councilman Tehan asked this get tabled until the BAN is funded (Highway Superintendent stated we cannot as we would have to go back out to BID and start over and none of the roads would get done until October/November. Since the BAN is not funded yet (Supervisor Miscione said there is \$2 million in the budget (2025 BAN) for paving). Councilman Tehan – what makes today the day we have to approve, we can do another meeting; Town Attorney Herbert Cully - The BID stated April 7, 2025 was the day we were opening the BIDS and would be awarded (done all the time); Supervisor Miscione – we are not paying for it yet, we are just awarding it, we will later sign a contract (subject to a contract); Supervisor Miscione – this is pretty simple, we have a BID, it come in, we approve the BID with the best price, if you want borrow from FUND Balance and then pay it back when the BAN comes in, to make you feel comfortable, that's fine BUT we have BID, we went out to BID, we should never have never gone out to BID and the BOARD approved the BID to go out to BID, it should never have gone out if the Board feels different now; Councilman Tehan – this Board did not approve for anything to go out to BID; Supervisor Miscione – yes we did, including Councilman Tehan – we have to go out to BID; Supervisor Miscione – there is no way the BAN will not go through, Adirondack Bank, locally, even said they would do the BAN, we are going out to BID to get the best rate. If you all feel comfortable, we can borrow it from FUND balance and pay it back; Councilman Tehan – I feel comfortable if we made it subject to the BAN being paid Supervisor Miscione – we have a BID and we have to vote on what is going on (Town Attorney – have to award it or don't and if not go back out to BID) we award it or we don't, you can say NAY if you want, that is fine, the only thing we can do is again, borrow it from FUND balance and pay it back once we have the BAN and if that make everyone else feel comfortable, that is fine; Councilman Messa – let's just do that; Town Attorney Herbert Cully – why would we wait and see – it is two months now, they wait to be paid, do the work and get paid – we went out for BID, we award the BID now; Supervisor Miscione – we are wasting time, it doesn't matter what you say, it is still going to happen the same way – if you say we are going to take it out of FUND balance, guess what is going to happen, the BAN is going to come in, I am going to pay it from the BAN anyway, so it is just to make everyone feel comfortable (can we just get it done). We ALL approved for the BID, we ALL approved for the BAN, we have all approved everything so far, why stop now; Councilman Tehan – only because the BAN is not in; Supervisor Miscione – it doesn't matter, it's a technicality that makes someone feel better – tell me how the BAN is not going to come in Dave? If you can legitimately give me an educated answer of why it is not going to come in, then I am on your side. I

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just can't understand it. Please, someone come up with why the BAN would not come in. I want to understand WHY we are even talking about this again, why? Why would the BAN not come in or are we just causing another issue? I want an answer why the BAN would not come in; Councilman Tehan – the money is not here; Supervisor Miscione – why would the BAN not come in Dave?; Councilman Tehan – tell everyone about the Town's ratings, tell everyone about the Town's rating being withdrawn; Supervisor Miscione – well its withdrawn because we don't have the 2023 audit; Councilman Tehan – what are we on? Credit Watch; Councilman Latini – let's vote, Rick knows what he is doing, lets move on; Town Clerk Cheryl Jassak-Huther – let's vote (milling) can we go down the line and vote – vote was made for milling (vote 3 to 2); Councilman Tehan – spoke to Councilman Latini stating he needs to understand this because he is a part of this – so I am going to read it to you so you can understand it and I WANT this part of the minutes, this is the notice for the Bond, this is what goes out to investors – Tehan read: *"On March 3, 2025, S&P Global Ratings placed its long-term and underlying rating of the Town of New Hartford on CreditWatch with negative implications. The ratings were placed on CreditWatch because S&P has yet to receive fiscal 2023 financial statements from the Town. S&P considers the financial statements necessary to maintain and assess the ratings on the Town. On April 4, 2025, S&P Global Ratings withdrew its "AA- "issuer credit rating of the Town. The withdrawal reflected S&P's inability to obtain adequate and timely financial information necessary to maintain surveillance of the ratings in accordance with their applicable criteria and policies. Such financial information includes 2023 audited financial statements."*

Tehan - 2023 Audit has not been started because the RECS have not been done and it's all part of the years of recons not being done; Supervisor Miscione – no that is not true, how did we do the 2022 then?; Councilman Tehan – because Drescher Malecki did the recon through the end and said put it in the system; Supervisor Miscione – exactly and had no problem doing it and then we go together with everything else and slowed down the process and Drescher Malecki stopped because Councilman Tehan had a meeting with them and said there were issues – Erika said she stopped them when thought they were already going; Councilman Tehan – why would she listen to me; Supervisor Miscione – believe Councilman Messa was in the meeting as well; Councilman Tehan – they are not doing recons, the Town is (Supervisor Miscione – just like in 2022) (Christina – they have actually started the 2023 audit, Councilman Tehan stated ah, that is not true, so I am not sure who is telling you that, that is not true); How do you know that - Supervisor Miscione – thought reconciliations were done for 2023; Councilman Tehan – asked, are they done, have they all been done for 2023 – have they all been updated?; Christina – not all of them but just a couple she is still working on; Councilman Tehan – again, you should understand this rating; Supervisor Miscione – I understand the rating, I am the one who got it where it is; Councilman Tehan – I am talking to JOHN; Supervisor Miscione – once we get our 2023, the rating has to get redone; Councilman Tehan – here is the implication guys, the BAN goes out, the purchasers says, there is more risk to this purchase, I need a higher interest rate, ok, that is the implication, next year, when we have to BOND (Supervisor Miscione – we are not BONDING next year, we are going to BAN again) – you are going to keep rolling the BAN? (Supervisor Miscione – you are going to have to) – I don't agree, it doesn't make sense, how are you going to keep rolling the BAN (Supervisor – you can roll the BAN for three (3) years) – Councilman Tehan - I don't support that and I will say that now and we can talk about it next year but the implications is higher rates; Highway Superintendent Richard Sherman – In 16 years I have never had a problem awarding a paving BID; Supervisor Miscione – I have never had a problem with my BOND rating either. I have an issue too, we are spending \$4,500 for Bonadio and we finally got January's reconciliations so they didn't even do Feb and March – talking about NOW – they still don't have things done in a monthly fashion – that is slowing the process down, that is why we don't have our audit (Councilman Tehan – that has nothing to do with 2023). It all has to do with 2023, it would have been done quicker if we didn't slow the process down. We have been doing it that way the same way every year and now we have a problem. We changed the system. If that is the case

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Councilman Tehan and you knew all about this, then you voted to go out for this BAN, then you knew we didn't have the 2023 audit complete, so why did you vote for that Dave? That is my question (Councilman Latini – he said Councilman Tehan didn't remember doing it). You (Councilman Tehan) don't remember voting for the BAN?; Councilman Tehan – I remember voting for the BAN; Supervisor Miscione – so why did you vote for the BAN when you knew we didn't have the 2023 audit and you said you knew, you just said it; Councilman Tehan – because you had indicated it was going to be done in the early part of 2025 but here we are and the 2023 audit is not even started; Supervisor Miscione – this is not true because we didn't even approve Drescher Malecki until January, we approved the BAN before we approved Drescher Malecki to do the 2023. We were going to have Bonadio do it and they gave is an outrageous price; Councilman Messa – we didn't approve Drescher Malecki for the recons; Supervisor Miscione – again, we approved the BAN knowing the audit wasn't done, ALL OF US. We BONDED in 2022, that is how we got the rating, best interest rate, was even stated in the Observer Dispatch. This all started because of the 2023's, this was not before every year. This was rated in 2022 when we bonded and we were all caught up with our audits; Christina Lacy – isn't Bonadio doing 2024?; Councilman Tehan – they are doing recons not the financial statement audit; Christina Lacy - if they are keeping up then it should be easy for Erika do to the audit; Councilman Tehan – she has to finish 2023 before 2024 can start and it hasn't happened so 2024 is not even a discussion yet; Supervisor Miscione – so they (Bonadio) didn't even start 2024 recs)?; Councilman Tehan – Bonadio is waiting for year end 2023 to balance; Supervisor Miscione – so they didn't even start? When they were here they said they were going to start and have those done; Councilman Tehan – Bonadio was under the expectation that 2023 was going to be done (Supervisor – that is not what he said when he came to the meeting and we gave them a contract for \$60,000); Councilman Latini – so what do we have to do, approve the paving?; Councilman Reynolds – yes I want to get the paving done, if we have to take out of the FUND balance and move it after the BAN, then that is what we have to do, paving is critical, we can't keep putting it off or waiting until Oct/Nov. to do the paving, it is not going to work; Councilman Tehan – So Councilman Reynolds, let me ask you this, if by chance, slim or otherwise, the BAN didn't get funded, you are comfortable taking \$2 million out of FUND balance because you want to vote tonight for paving?; Councilman Latini – let me ask you....; Councilman Tehan – Let him answer the question; Councilman Reynolds – YES. Paving has got to get done, that is the way it is; Councilman Tehan – the paving expectation was based on the BAN funding, you are ok without \$6 million in different projects that were earmarked; Councilman Latini – Councilman Tehan are you trying to talk Councilman Reynolds out of it?; Supervisor Miscione – I don't understand, you are trying to tell me the BAN is not going to get funded; Councilman Tehan – I don't know the answer to that; Councilman Latini – then if you don't know the answer to that, then don't comment on it (Supervisor Miscione – exactly); Councilman Tehan said – Councilman Latini I don't think you understand (Supervisor Miscione – oh we understand). John, go ahead and explain it; Councilman Latini – you are worried about the credibility of the Town because the 2023s are not done, that is the only issue but once they are done, we are going to be fine unless they find a tremendous number of bad issues or something. Let's just look at something positive, let's just get the blacktop and paving done. We all voted on it; Councilman Reynolds – Paving is a critical infrastructure and it has got to be done. I think we have identified some very serious issues with paving. You have roads with grass growing through the blacktop; Supervisor Miscione – if worse comes to worse and the BAN doesn't come through, I will personally write the Town a check for the 3%, how's that? I'm serious, I will write the check for 3%, done.

2. PAVING BID RESULTS from April 7, 2025 at 11:00AM

- a. Heidelberg Materials - \$1,641,060.75
- b. James Paving/James Bray - \$1,679,437.50
- c. Barrett Paving Materials - \$1,689,366.25
- d. Brothertowne Paving - \$1,854,221.95

e. Costello Blacktop Paving - \$1,871,817.25

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

(RESOLUTION NO. 92 OF 2025)

RESOLVED, that the New Hartford Town Board does hereby approve to accept the BID from Heidelberg Materials for paving in the amount of \$1,641,060.75.

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

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

Resolutions PASSED with three (3) affirmative votes and duly **ADOPTED**.

X. MATTERS SUBMITTED BY TOWN SUPERVISOR MISCIONE

- a. **BOND RATING** - Adirondack Bank gave a great interest rate – if the rate comes back and don't like it – does the Board want the Supervisor to go back to Adirondack Bank – the Board agrees
- b. **Audit** – Supervisor asked Christina Lacy what we can do with the audit – know there is a lot of work involved, what do we have to do to finish it up; Christina – I have another meeting with Erika – can we put extra man power hours on for them – Town Clerk Cheryl Jassak-Huther offered herself and her staff to help – get all the recs done – Christina – everything on the bank side is fine just things were not posted in Edmunds; Councilman Tehan – you can't say the bank side is fine because it has not been reconciled; Christina – once I am giving something she is looking for, I find them and I post them in Edmunds and then they reconcile. We work on it daily. The Town Clerk's Staff will help Christina and Erika get this done; Supervisor Miscione – we can pay a little premium to get this done; Supervisor Miscione – When Bonadio left the meeting, I could have sworn they said they were going to work on 2024s and they should have all of 2024s done (again paying them \$4750 a month to work on this) because they were already in that year doing them. They are getting paid monthly, got paid for 2024s and we have not seen 2024s from them; Councilman Tehan – we have January of 2025 along with an explanation of why there was a delay for Feb; Councilman Latini – when we approved Bonadio, the contract we signed for, was that for the year, or was that for also the 2023s?; Supervisor Miscione – no it was for 2024 only, we gave them a contract to do 2024s only, they said they would get right on it first quarter of the year and they would be done 2024s; Supervisor Miscione – had Drescher Malecki working on 2023 and then Councilman Tehan had a meeting with them and then they stopped and at the end started back up again. Erika stopped because she had a meeting with Councilman Tehan and she wanted to make sure they were going in the right direction of the Board and they stopped

what they were doing with 2023s and we discussed it again and we said let's just give Drescher Malecki and 2023s and give 2024 to Bonadio, we put it in the budget, and we put 2025 in the budget for Bonadio. Can Drescher Malecki put the staff to it to get it done, finish it up. Christina will call and talk to them and send everyone an email of where we are at.

MATTERS SUBMITTED BY COUNCILMEN

c. COUNCILMAN TEHAN

- i. **OPEN MEETING LAW** – copies of records be made available to the public; Barb will post online anything that will be on the agenda for the Town Board Meeting (anything we can post); all records are always available to the Board and residents any time of day to them per the Town Clerk; Town Attorney Herbert Cully will review material before posted;
<https://opengovernment.ny.gov/system/files/documents/2021/11/disclosure-of-records-scheduled-for-discussion-at-open-meetings-112221.pdf>; Councilman Messa – work on getting the IT equipment in Board Room up and running for every meeting, mics, videos, etc.; Barb will call the company
- ii. **TOWN BANK ACCOUNTS CONSOLIDATION** – close a variety of accounts at NBT and move to Adirondack

d. COUNCILMAN REYNOLDS

- i. **Total Number of Fire Inspections Paid for March** – 14 paid (\$4,853.51); total for the year so far \$27,654.32, on track for a very good year; George Farley did email the Board the number of inspections that were done for the month along with the permits; Councilman Messa would like to see how many paid, how many done and how many hours the inspectors are being paid for
- ii. **Lithium-Ion Battery Storage** – contacted by Larry Adler – Woods Road area next to substation – has gone away – have serious issues – serious fire hazards – new technology totally different rechargeable iron air technology – new process – lower cost – safety, non-flammable, etc. – If company wants to come in and talk to the Town, they will contact the Town Clerk, if contact us, let Town Attorney Herbert Cully he will research through the State

e. COUNCILMAN MESSA

- i. Sales Tax Revenue review vs Town Budget projects. Determine the appropriate action for each department if we are seeing a shortfall and need to make adjustments in order to not end the year in the negative; Supervisor Miscione - 4th quarter was sales tax lose of approx. \$300,000 and change for 2024; Councilman Messa – each department just monitor their budgets to stay on track; Supervisor Miscione – reminder, next year when the budget comes out, we are going to have Federal funds money that we use for the police department, that goes away so

sales tax goes down and we loose that, different avenues that are going to put some stress on us that way.

- ii. **Court Knolle** – improve traffic flow – connecting point that might elevate traffic – Rick has a map; Paul, Jim, Rick and Chris will meet there
- iii. **Administrative panel to discuss noise complaint on Chestnut Road** – Review action plan – Codes Officer George Farley was at the home the other day when it was very windy and took a video – the resident put some padding on the pole to elevate the noise; saw no problem whatsoever; didn't hear any clinging; not a nuisance

XI. MATTERS SUBMITTED BY TOWN SUPERVISOR PAUL A. MISCIONE

a. VOUCHERS

4/9/2025

RECORD OF CLAIMS #1

25-00392 - 25-00399	
A	\$5,434.60
B	
BP	
DB	
F	
SF	\$1,217,137.60
SL	
SS	
TA	
HEP	
HMA	
HTA	
TOTAL	\$1,222,572.20

RECORD OF CLAIMS #2

25-00406 - 25-00414	
A	\$1,086.38
B	\$119.96
BP	\$5,089.07
DB	\$2,876.30
F	
SF	
SL	
SS	\$90.61
TA	\$1,007.48
HEP	
HMA	
HTA	
TOTAL	\$10,269.80

RECORD OF CLAIMS #3

25-00419 - 25-00428	
A	\$15,971.03
B	\$863.60
BP	\$939.80
DB	\$85,540.97
F	
SF	\$190,052.81
SL	
SS	\$100,306.06
TA	\$838.20
HEP	
HMA	
HTA	
TOTAL	\$394,512.47

RECORD OF CLAIMS #4

25-00429 - 25-00440	
A	\$19,944.68
B	\$2,908.94
BP	\$1,858.92
DA	
DB	
F	
SF	
SL	
SS	
TA	\$20,376.68
HEP	
HMA	
HTA	
TOTAL	\$45,089.22

RECORD OF CLAIMS #5

25-00441 - 25-00455	
A	\$9,312.54
B	\$96.63
BP	\$219.27
DA	
DB	\$39,518.09
F	
SF	
SL	\$279.55
SS	\$1,352.33
TA	\$7,391.46
HEP	
HMA	
HTA	
TOTAL	\$58,169.87

RECORD OF CLAIMS #6

24-02377 & 25-00405, 25-00456-25-00561	
A	\$126,285.54
B	\$183.45
BP	\$102,100.89
DA	
DB	\$40,038.92
F	
SF	
SL	
SS	\$11,487.38
TA	
HEP	
HMA	\$13,251.35
HTA	\$2,786.71
TOTAL	\$296,134.24

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

(RESOLUTION NO. 93 OF 2025)

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

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

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

Resolutions PASSED with three (3) affirmative votes and duly **ADOPTED**.

DISCUSSION: Councilman Tehan and Councilman Messa – Nay - BAN Expenditures

- b. **GREEN ARROW INSTALLATION MIDDLE SETTLEMENT ROAD** – received an email from a bus driver for BOCES BRIDGES PROGRAM – increase in traffic for a left-hand turn into BOCES off of MiddleSettlement Road – asked by multiple people – it is a County road – Town Attorney Herbert Cully will send a letter to Oneida County on behalf of the Town of New Hartford asking for a turn arrow
- c. **Mohawk Valley Living** – thank you again, put in article for Hiring for our 2025 Seasonal Positions/Parks Dept. – did the design for the Town and will put an article in for free; Barb will also post online and put in the Rome Sentinel
- d. **Parks Employment**

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

(RESOLUTION NO. 94 OF 2025)

RESOLVED, that the New Hartford Town Board does hereby approve to hire Gavin LaPolla, Laborer, \$18.00 per hours, start date of 4/12/25, Seasonal.

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

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

- e. **PROCLAMATION** – Basis for Continuing Education for the Great State of NY for our Youth (Supervisor read the Proclamation)

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

(RESOLUTION NO. 95 OF 2025)

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

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**.

f. COURTS CHANGE

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

(RESOLUTION NO. 96 OF 2025)

RESOLVED, that the New Hartford Town Board does hereby approve for Dotti Spina, part-time clerk, permanent (Due to retirement), \$22.66-hour, request date of 4/23/2025.

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 Tehan.

(RESOLUTION NO. 97 OF 2025)

RESOLVED, that the New Hartford Town Board does hereby approve for Meghann Wheat (already works in Courts), Title – Clerk to Town Justice, Salary of \$23.78 hour, full-time, due to retirement of Dotti Spina.

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

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

- g. New Hartford School District** – looking for extra space, currently paying \$93,928 a year for space at the Town Hall, need more space, \$12.00 per square footage and Supervisor Miscione will look to see how much space they need

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

(RESOLUTION NO. 98 OF 2025)

RESOLVED, that the New Hartford Town Board does hereby approve for the Town of New Hartford to rent additional space at \$12.00 a square foot to the New Hartford Central School District. A new lease will be written up once space is measured out.

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

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

h. LOCAL LAWS

- i. **LOCAL LAW 2 of 2025** – imposing a hotel occupancy tax in the Town of New Hartford (Town Attorney Herbert Cully looking over the Local Law)

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

(RESOLUTION NO. 99 OF 2025)

RESOLVED, that the New Hartford Town Board does hereby approve to a Public Hearing for Local Law 2 of 2025 for Wednesday, June 4, 2025.

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

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

- ii. **Local Law 3 of 2025** – to establish a special assessment district for police protection services in the commercial zone of the Town of New Hartford on Commercial Drive and Seneca Turnpike (Town Attorney Herbert Cully looking over the Local Law)

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

(RESOLUTION NO. 100 OF 2025)

RESOLVED, that the New Hartford Town Board does hereby approve to a Public Hearing for Local Law 3 of 2025 for Wednesday, June 4, 2025.

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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**.

- iii. **LOCAL LAW 4 of 2025** – Air B & B; short term rental – establish application fee of \$500 one time and \$300 for fire inspection fee – yearly (Town Attorney Herbert Cully looking over the Local Law)

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

(RESOLUTION NO. 101 OF 2025)

RESOLVED, that the New Hartford Town Board does hereby approve to a Public Hearing for Local Law 4 of 2025 for Wednesday, June 4, 2025.

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

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

iv. **CHARTER COMMUNICATIONS**

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

(RESOLUTION NO. 102 OF 2025)

RESOLVED, that the New Hartford Town Board does hereby approve to a Public Hearing granting a cable television franchise agreement by and between the Town of New Hartford and Spectrum Northeast, LLC an indirect subsidiary of Charter Communications for Wednesday, May 7, 2025.

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

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

XII. MATTERS SUBMITTED BY TOWN ATTORNEY HERBERT CULLY

a. Pep Boys – reduce assessment

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

(RESOLUTION NO. 103 OF 2025)

RESOLVED, that the New Hartford Town Board does hereby approve to reduce the assessment for Pep Boys from \$1.4 million to \$1.2 million with no refunds (giving up one year).

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

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

- b. Chapman Road Solar – Lawsuit** – Town Attorney Herbert Cully cannot represent the Town as he represents the owner of the property – would like to hire John Aurelio \$250 per hour, insurance company declined coverage, will pay up to \$25,000 in legal fees, which will not reach that

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

(RESOLUTION NO. 104 OF 2025)

RESOLVED, that the New Hartford Town Board does hereby approve to use Attorney John Aurelio for the Chapman Road Solar Lawsuit.

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

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

- c. Trail Date for Elmar** – Jefferson Smurfit lawsuit – Town Attorney Herbert Cully represents the Town, DeTraglia represents the Village and school district represented by a Syracuse Firm; doesn't look like going to be able to settle – they are looking for a 50% reduction; looking at another appraiser; just wanted to give the Board an update
- d. Planning Board Meeting** – last meeting had six (6) members there, one of which recused himself, the question was, they are coming back again next week and Herb suggested that we use an alternate for the person that recused. Councilman Tehan got up and spoke at the meeting and he felt that it was not proper to call on an alternate if we in

fact have a full Board there, seven (7) people and one recuses, he felt the only way we pull an alternate is if someone can't be at the meeting. Herb provided the Board with the Town Code, Town Law says that we have an alternate planning Board member they can be used in a situation where one person has a conflict. The whole philosophy is that if you have a seven (7) person Board, the person who is applying should be entitled to have all seven (7) to vote because he still needs four (4) affirmative votes whether you have five (5) or six (6) there and what Herb has done in the past and always done on any Board have appeared in front of, when they don't have a full Board, they give you an opportunity to come back when they do have it or put in an alternate; Supervisor Miscione – yes, that is ok; Town Attorney Herbert Cully – well no, Councilman Tehan disagrees; Councilman Messa – I wasn't at this meeting but Herb, you ask at every meeting when there is not a full Board, you always ask an alternate would you like to come back since we will not have a full Board, did you ask that applicant (before the presentation); Town Attorney Herbert Cully – I don't remember – you have to have a full vote; Councilman Messa – you don't know if someone is going to abstain; Town Attorney Herbert Cully – we know because its Juluis and he is not going to be able to vote – they can't approve because they don't have enough votes; Councilman Reynolds – based on the agenda, if a Board member looks at the agenda and sees that it is going to involve, lets say National Grid, something you have a conflict with, that should send an alarm bell and he should raise his question to the Chairman – long before the meeting, saying I can't vote on this, I am going to abstain, at that point the alternate should be brought in; Councilman Messa – yes, at that point, prior to the meeting. They need to advise the Chairperson before the meeting; Councilman Reyolds – it is up to us to have an alternate in the mix, right from square one; Councilman Tehan – I don't agree; Supervisor Miscione – that is why we have alternates; Councilman Tehan – I am saying if you have seven (7) butts in seats, you have a full Board. Every applicant that comes in with the same advantage or disadvantage, it's a crap shoot, of who is on the Board. If we are talking about Adirondack Bank, sorry Adirondack Bank, I am going to abstain. If we are talking about Community Partners, Jim is going to abstain. That is a crap shoot of who is on the Board; Town Attorney Herbert Cully – this is a Planning Board where you established an alternate and the Town Law (which I provided to everybody), says that when a person has a conflict an alternate can be called in to vote; Councilman Tehan – NO, the Town Law as you stated – A Town Board may by Local Law or Ordinance (which we did not do), by Local Law or Ordinance, establish alternate Planning Board Member positions for purposes of substituting a member if a member is unable to participate because of a conflict. We don't have a Local Law or Ordinance that allows for that; Supervisor Miscione – we have one for Planning not Town; Councilman Tehan – we have a Local Law in our Ordinance that states Purpose. The Town Board finds that best interest of the Town to appoint alternate members of the Planning Board due to difficulties in paneling a full Board for these reasons – it has nothing to do with it's a conflict and I can't vote; Town Attorney Herbert Cully – wait a minute, we did it by a Local Law; Councilman Tehan – if Julius can't vote you get an alternate in there; Town

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Attorney Herbert Cully – said he can't vote on this – this is going to be moved because Julius can't be there on Monday so are you ok with Mr. Chiffy being there?; Councilman Tehan – I am ok with an alternate; Town Attorney Herbert Cully – ok we are all set then

ADJOURNMENT

There being no further business to come before the Board, upon motion duly made by Councilman Latini and seconded Councilman Messa, the meeting was adjourned at 9:27pm.

(RESOLUTION NO. 105 OF 2025)

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, RMC
4/11/2025