

**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, MAY 7, 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 Clerk, Cheryl A. Jassak-Huther
Town Attorney, Herbert Cully
Highway Superintendent, Richard Sherman
Highway Foreman, Chris Moran
Assistant Director of Personnel, Barbara Schwenzfeier
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. BOARD MEETING MINUTES

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

(RESOLUTION NO. 106 OF 2025)

RESOLVED, that the New Hartford Town Board does hereby approve the Board Meeting minutes for the April 9, 2025 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**.

TOWN BOARD MEETING

May 7, 2025

Page 2 of 12

Councilman Tehan questioned the Mohawk Valley Living Magazine – Supervisor Miscione said the only thing we pay for is our quarterly newsletter not the article in the Magazine, that is free, which is the only statement he made at the last meeting when thanked them - *Town Supervisor thanked the Mohawk Valley Living for “helping the Town out with Marketing for free to get more things out to our residents”* **The invoice in the vouchers is for the quarterly newsletter (that Cathedral Corporation use to print) not the Mohawk Valley Living Magazine, which is free.**

II. PRESENTATIONS/PUBLIC COMMENTS

- a. Kurt Wilson – Mallardbrook Cul-de-Sac** – showed the Board a map; amendment for final approval by eliminating the Cul-de-sac.

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

(RESOLUTION NO. 107 OF 2025)

RESOLVED, that the New Hartford Town Board does hereby approve for Kurt Wilson to move to the Planning Board for amendment for final approval by eliminating the Cul-de-sac.

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. Chris Buck – Washington Mills Storage Unit** – gave a presentation; Supervisor Miscione left it open and Steve and Chris Buck will return to the June 4, 2025 meeting with more information about the project

III. PUBLIC HEARING

- a. Cable Television Agreement** – renewal of the Towns Franchise Agreement with Spectrum, 15-year term; Copy of Agreement available in the Clerk’s Office.

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

(RESOLUTION NO. 108 OF 2025)

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

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

Councilman Messa	-	Aye
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TOWN BOARD MEETING

May 7, 2025

Page 3 of 12

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. 109 OF 2025)

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

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. 110 OF 2025)

RESOLVED, that the New Hartford Town Board does hereby approve for Supervisor Miscione to sign the Cable Television Agreement (Spectrum).

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. MATTERS SUBMITTED BY TOWN SUPERVISOR MISCIONE

TOWN BOARD MEETING

May 7, 2025

Page 4 of 12

a. Court Clerk

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

(RESOLUTION NO. 111 OF 2025)

RESOLVED, that the New Hartford Town Board does hereby approve to hire Kimberly Dain, Clerk to Town Justice, \$22.66/hour, start date of 5/22/2025, due to retirement of Dotti Spina, Full-time, Permanent.

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. PRESENTATION/PUBLIC COMMENTS

- a. Jennifer Bowman – Cascade Drive** – issues with water and culverts as well as piles of sand in front of house and street; Highway Dept. will speak with Engineer John Dunkle and will look at the issue and come up with a plan
- b. Key Capture Energy – Battery Storage Technology - *Please see below the write up from the Sentinel***

NEW HARTFORD — The New Hartford Town Board heard a presentation from Form Energy, an energy storage company that has proposed an iron-air battery storage system on Ariana Lane, at a Wednesday, May 7 meeting.

Sam Simmons and David D'Achiardi from Form Energy attended the meeting and presented plans for the system to the town board. The board is considering approving a planned-development overlay district, which would allow for the land, which is zoned for commercial use, to be used for the purpose of iron-air battery storage.

This is not the first battery storage system that has been proposed in the town; Key Capture Energy appeared before the town's zoning board in March 2024 in hopes of building a 150-megawatt lithium-ion battery storage facility on Ariana Lane.

The board had determined that under the zoning ordinance, the project was ineligible. Board members and meeting attendees had expressed concern about a lack of knowledge on such facilities, the fact that the town did not have a law regulating battery storage facilities, and about the safety of lithium- ion battery storage systems. There have been several notable fires that have broken out at lithium-ion battery storage systems.

Mike Carella of Key Capture said that due to the town's hesitancy toward lithium ion batteries, although Key Capture stands by their safety, it brought in Form Energy to propose an iron-air battery storage system in the town.

Simmons said that the technology is a long-duration storage technology based on iron-air chemistry. "Fundamentally, what we're doing here is rusting and unrusting iron. So in our battery, in the charged state, we have a piece of metallic iron, and as we discharge the battery, the iron turns into rust, and when we recharge the battery, we turn it back into iron," Simmons said. This technology is low-cost, has a long duration of multiple days, and is safer than other technologies, he said.

"The reaction of rust and unrusting is fundamentally different from the lithium-ion reaction, and it's inherently nonflammable," Simmons said. Form has seven other projects currently in development. He said if this project receives approval from the town, construction would occur in 2026 and it would likely go online in 2027. This would be the only project in New York.

The company has obtained \$12 million from the state to construct the system in New York, and chose the site in New Hartford due to its natural screening, is far away from homes and its proximity to the National Grid substation.

This system would be 10 megawatts and could support 8,000 homes for just over four days, D'Achiardi said. The project footprint would be eight to 10 acres and would be completely fenced in. The project would operate for 10 years.

The technology has undergone testing and Form Energy is focused on ensuring that it is certified and that all aspects of safety have been considered, D'Achiardi said. There are no other companies that are using iron-air technology for battery storage purposes, he said.

The town board members said that the landowner should file an application for a planned development district overlay. If the town board gives approval, it will move on to the planning board, when a public hearing will take place. It will be subject to final approval from the town board.

i. Moratorium of all renewable energy

Please see below the write up from the Sentinel

The town board also voted to form a committee to explore instituting a moratorium on solar projects within the town. First Ward Councilor James Messa proposed the measure, saying that the town needs time to review its solar law. New Hartford is facing two lawsuits from solar companies that did not receive authorization to move forward with projects in the town.

Town Attorney Herb Cully said that in order to enact a moratorium on solar, the town board must follow a specific process so it doesn't constitute a taking of someone's land. He said that the committee will study the town's existing law and issues with solar and present the findings to the town board. (The committee will include Town Attorney Herbert Cully, Councilman Messa, Councilman Tehan, and two residents (Stewart Miller and Mr. Kalil).

"You have to document and you have to have a reasonable basis for a moratorium. It has to be for a specific period of time, you have to then follow up and do a study within that period of time," Cully

said. “You can’t just blanket prohibit it, especially now with the State of New York, which is promoting solar.”

VI. REPORTS OF TOWN DEPARTMENTS

a. Anita’s Stevens Swan Humane Society

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

(RESOLUTION NO. 112 OF 2025)

RESOLVED, that the New Hartford Town Board does hereby approve for Anita’s Stevens Swan Humane Society to sell raffle tickets within 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**.

- b. Meadowbrook Property Update** – Town Attorney Herbert Cully gave an update – the owner of the property is still hospitalized; spoke to her niece – they went to the property in an effort to try to start cleaning it up – she stated she ended up calling the police as a number of residents approached them and were quite hostile toward them – they plan on coming back and possibly listing the property for sale – they are on top of it and will proceed.

VII. MATTERS SUBMITTED BY COUNCILMEN

a. COUNCILMAN TEHAN

- i. Stop Sign Request – Thomas Acres** – provided map where like stop signs – spoke with Chief of Police; Town Attorney Herbert Cully and Town Clerk Cheryl Jassak-Huther will draft up a Public Hearing Notice and Letter to the Residents for hearing.

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

(RESOLUTION NO. 113 OF 2025)

RESOLVED, that the New Hartford Town Board does hereby approve to set up a Public Hearing for July 9, 2025 for stop signs in Thomas Acres.

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

Councilman Messa	-	Aye
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TOWN BOARD MEETING

May 7, 2025

Page 7 of 12

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

The Resolutions were unanimously carried and duly *ADOPTED*.

b. COUNCILMAN REYNOLDS

- i. **Total number of fire inspections for April** – 27
- ii. **Total fees collected** - April 5 – May 6, 2025 - \$4,727.64 (14 inspections)
- iii. **Lawn Signs** – there are a lot of lawn signs: ex. Lawn maintenance people, house cleaning, exterior/interior and power polls – ask Codes if we get a formal complaint, if in our right away (Supervisor Miscione said the complaints go to Highway – they get picked up and put down at the garage and they are welcome to pick up
- iv. **Stop Sign at Hoffman Road and Hartford Terrace** – got a call from resident – asked Police to look at some enforcement there

VIII. MATTERS SUBMITTED BY TOWN SUPERVISOR

- a. **Arrow on Middle Settlement (By BOCES)** – asked Highway Superintendent Richard Sherman on update (Supervisor received two more calls about it and asking for update) – not involved in it – don't think it is a County light, believes it is State; (Supervisor Miscione asked if there was a number and he would give them a call; Foreman Chris Moran will call the State (DOT) to look into it as he has been dealing with them with the Kellogg Road signal
- b. Resident asked about a sign on Paris Road – it is set at just about eye level – can't see cars coming down Rt. 12 – very low – needs to be higher (Foreman Moran said DOT put sign up and does obstruct view – Chris will notify DOT)
- c. Resident on Roberts Road – the mirror (knows its not for public) – visibilty coming off Roberts Road – will look into it

IX. MATTERS SUBMITTED BY COUNCILMAN

a. COUNCILMAN LATINI

- i. **SIGNS** – was told all signs but all have not come in yet but all the posts are in; Highway Superintendent Richard Sherman stated all were not ordered – when an order is put in, they take a smaller order, they don't want a big order, they take a smaller order, takes time to make them and when we get them he places another smaller order, the company doesn't want to see a large order with 50 street signs, that is why takes a little longer (Supervisor Miscione asked if there was another company to order from); Councilman Messa – just a thought – if place an order, can set release dates be so another set of signs are made and sent to us – a lot of places do that; Councilman Latini got an email from a resident that the signs on Graffenburg is spelled wrong (not a new sign but will replace).

X. MATTERS SUBMITTED BY TOWN SUPERVISOR

a. VOUCHERS

TOWN BOARD MEETING

May 7, 2025

Page 8 of 12

RECORD OF CLAIMS #1

25-00568 - 25-00587	
A	\$15,223.89
B	\$808.00
BP	\$5,556.77
DB	\$114.38
F	
SF	
SL	\$1,373.07
SS	\$370.67
TA	\$221.93
HEP	
HMA	
HTA	\$70.65
TOTAL	\$23,668.71

RECORD OF CLAIMS #2

25-00588 - 25-00603	
A	\$1,878.22
B	
BP	\$78,514.76
DB	\$2,876.30
F	\$138,360.00
SF	
SL	
SS	\$118.19
TA	\$28,326.52
HEP	
HMA	
HTA	
TOTAL	\$250,073.99

RECORD OF CLAIMS #3

25-00610 - 25-00627	
A	\$42,352.06
B	\$4,553.33
BP	\$7,955.35
DB	
F	
SF	
SL	
SS	\$2,787.60
TA	\$23,933.71
HEP	
HMA	
HTA	
TOTAL	\$81,582.05

RECORD OF CLAIMS #4

25-00630 - 25-00632	
A	\$480.04
B	
BP	
DA	
DB	
F	
SF	
SL	\$271.72
SS	
TA	
HEP	
HMA	
HTA	
TOTAL	\$751.76

RECORD OF CLAIMS #5

25-00604 - 25-00733	
A	\$66,572.87
B	\$613.83
BP	\$16,165.47
DA	
DB	\$70,675.83
F	
SF	
SL	
SS	\$36,562.42
TA	
HEP	
HMA	\$265,833.36
HTA	\$3,062.25
TOTAL	\$459,486.03

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

(RESOLUTION NO. 114 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:

Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
<i>(Abstain from Two Adirondack Bank Vouchers)</i>		
Supervisor Miscione	-	Aye

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

b. FIRE INSPECTION REFUND

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

(RESOLUTION NO. 115 OF 2025)

TOWN BOARD MEETING

May 7, 2025

Page 9 of 12

RESOLVED, that the New Hartford Town Board does hereby approve to reimburse Cliff's Fuel for \$300.00 for a fire inspection that was paid twice.

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. LICENSE AGREEMENT – Rayhill Trail/Thomas McCraith

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

(RESOLUTION NO. 116 OF 2025)

RESOLVED, that the New Hartford Town Board does hereby approve for Supervisor Miscione to sign the License Agreement with Thomas McCraith (Rayhill Trail) to allow the Town access on his property to allow restoration.

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 COUNCILMAN

a. COUNCILMAN MESSA

i. REAPPOINTMENT OF RANDY BOGAR & MICHELE MANDIA ZBA

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

(RESOLUTION NO. 117 OF 2025)

RESOLVED, that the New Hartford Town Board does hereby approve for the re-appointment of Randy Bogar for the Zoning Board of Appeals (June 2025).

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

Councilman Messa	-	Aye
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TOWN BOARD MEETING

May 7, 2025

Page 10 of 12

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 Reynolds.

(RESOLUTION NO. 118 OF 2025)

RESOLVED, that the New Hartford Town Board does hereby approve for the re-appointment of Michele Madia for the Zoning Board of Appeals (June 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**.

ii. Moratorium of all renewable energy

Please see below the write up from the Sentinel

The town board also voted to form a committee to explore instituting a moratorium on solar projects within the town. First Ward Councilor James Messa proposed the measure, saying that the town needs time to review its solar law. New Hartford is facing two lawsuits from solar companies that did not receive authorization to move forward with projects in the town.

Town Attorney Herb Cully said that in order to enact a moratorium on solar, the town board must follow a specific process so it doesn't constitute a taking of someone's land. He said that the committee will study the town's existing law and issues with solar and present the findings to the town board. The committee will include Cully, Messa, Fourth Ward Councilor David Tehan, and two residents.

"You have to document and you have to have a reasonable basis for a moratorium. It has to be for a specific period of time, you have to then follow up and do a study within that period of time," Cully said. "You can't just blanket prohibit it, especially now with the State of New York, which is promoting solar."

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

(RESOLUTION NO. 119 OF 2025)

TOWN BOARD MEETING

May 7, 2025

Page 11 of 12

RESOLVED, that the New Hartford Town Board does hereby approve for Town Attorney Herbert Cully to share the Solar documents with Mr. John Kalil to review and seek his participation free of charge.

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. 120 OF 2025)

RESOLVED, that the New Hartford Town Board does hereby approve to form a committee for in order to enact a moratorium on solar (The committee will include Town Attorney Herbert Cully, Councilman Messa, Councilman Tehan, and two residents (Stewart Miller and John Kalil).

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 Tehan and seconded Councilman Latini, the meeting was adjourned at 9:02pm.

(RESOLUTION NO. 121 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**.

TOWN BOARD MEETING

May 7, 2025

Page 12 of 12

Respectfully submitted,

Cheryl Jassak-Huther

Town Clerk, RMC

5/9/2025