

SPECIAL MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT THE TOWN HALL, 8635 CLINTON STREET
IN SAID TOWN ON WEDNESDAY, AUGUST 5, 2020
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. The meeting took place in the Town Court Room due to the COVID 19 pandemic.

TOWN BOARD MEMBERS PRESENT:

Councilman James J. Messa
Councilman Richard Lenart
Councilman David M. Reynolds
Councilman Richard B. Woodland, Jr.
Supervisor Paul A. Miscione

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Highway/Sewer Superintendent Richard C. Sherman
Human Resource Department Barbara Schwenzfeier
Town Attorney Herbert J. Cully
Town Clerk Gail Wolanin Young
Deputy Clerk I Melody K. Fancett

Thereafter, the Supervisor declared a quorum present for the transaction of business.

PUBLIC HEARING

6:00 P.M. Local Law Introductory "B" of 2020
 Stop Sign on Viburnum Lane & Ironwood Road
 Creating a 4 Way Stop Sign at the Intersection

At 6:00 P.M. the Town Supervisor opened the Public Hearing on the petition to create a 4 way stop sign at the intersection of Ironwood Road & Viburnum Lane. The Town Attorney had available the Notice of Public Hearing, Proof of Publication (July 23, 2020, edition of The Observer Dispatch), and Affidavit of Posting. The purpose of the Hearing was to offer the citizens an opportunity to speak for or against, or to comment upon the placing of 2 additional stop signs as 2 signs already existed creating a 4 way stop sign as a whole, or any part thereof. The Supervisor then introduced the Town Attorney Herbert J. Cully.

Town Attorney Herbert J. Cully spoke on the purpose of the Public Hearing which was to deal with a petition signed by over 70 residents in the specific area of Ironwood Road & Viburnum

Lane. The residents' petition was for posting two additional stop signs making the intersection of Ironwood Road & Viburnum Lane a 4 way stop sign as two signs already existed.

Town Attorney Cully explained that the Town Board would have to enact what's called a Local Law and that Local Law would amend the Town of New Hartford Code to provide the installation of those additional signs. He continued to say that most everyone is aware the signs had already gone up and that was because the Supervisor Miscione had extreme concern for the area children who were all home due to COVID.

Town Attorney Cully explained that at the last Town Board Meeting, which was public a few individuals had come out and were strongly against the fact those signs had already gone up. He told the residents that the Town Board had all seen the petition and they also know that over 70 people wanted these stop signs. Town Attorney Cully spoke on the letters that was presented to the Town Board by Mr. Donovan who was against the signs and also by Mr. & Mrs. Ennace for the need for the sign. He continued to say that since that time Eva Pearlman Brindisi has submitted a long, detailed letter itemizing all her concerns and she also provided photographs of the intersection stating the need for the additional signs.

Town Attorney Cully asked the residents in attendance to show hands who were there in favor of the stop signs and it was unanimous. No one was present that was against the stop signs. Town Attorney Cully invited Eva Pearlman Brindisi to speak as she asked to address the Town Board and then anyone else who would like to comment.

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

(RESOLUTION NO. 193 OF 2020)

RESOLVED that the New Hartford Town Board does approve to open up the public meeting.

The Resolution was voted upon by roll call as follows:

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

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**.

The following persons came forth:

Eva Brindisi Pearlman: Gave an introduction of her length of residency on Viburnum Lane and read her letter which is attached as "Exhibit A".

Mrs. Lazzaro who resides at the intersection of Ironwood & Viburnum spoke on behalf of her husband Paul Lazzaro, her children and herself. She was in favor of the signs, expressed concern for the children’s safety and reiterated Mrs. Brindisi Pearlman’s comments, and her letter is attached as exhibit “B”.

Town Attorney Cully read three Facebook comments from Julie Venezia from Ironwood, John Madia from Juniper Lane & James Picolla who were all in favor of the signs.

There being no one further to speak in the matter.

Councilman Messa moved to close the Public Hearing at 6:34P.M. And it was seconded by Councilman Lenart.

(RESOLUTION NO. 194 OF 2020)

RESOLVED that the New Hartford Town Board does approve to close the public hearing.

Upon roll call, the Board members voted as follows:

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

Local Law Introductory “B” of 2020-ADOPTION:

Councilman Lenart presented the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 195 OF 2020)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize the placement of two additional stop signs at the intersection of Ironwood Road and Viburnum Lane making it a four way stop sign,

FURTHER RESOLVED: The Town Board of the Town of New Hartford does amend the Town Code, Chapter 113.41 Section, vehicles and traffic by adopting Local Law Introductory “B” of 2020 as Local Law No. one of 2020.

The Town Supervisor declared the Local Law Introductory “B” of 2020 unanimously carried and duly **ADOPTED as Local Law No. one of 2020.**

Thereafter, Councilman Messa moved, and Councilman Miscione seconded that Local Law Introductory “B” of 2020 be adopted as Local Law No. One of 2020 in the following format:

Local Law No. One of 2020

Town of New Hartford, NY

A Local Law to amend the Code of the Town of New Hartford, Section VII, Chapter 113-41 Stop Intersections there entitled "VEHICLES AND TRAFFIC", by adding one (1) stop sign on Ironwood Road, facing eastbound, and one (1) stop sign on Ironwood Road, facing westbound then would create a four-way stop intersection.

BE IT ENACTED by the Town Board of the Town of New Hartford as follows:

SECTION 1. All other provisions of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend,

SECTION 2. This Local Law shall take effect immediately upon filing with the Secretary of State.

Upon roll call, the Board members voted as follows:

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

The Town Supervisor declared the Local Law unanimously carried and duly **ADOPTED**

EXECUTIVE SESSION

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

(RESOLUTION NO. 196 OF 2020)

RESOLVED that the New Hartford Town Board does hereby move to enter into Executive Session to discuss a pending tax certiorari proceeding.

The Resolution was voted upon by roll call as follows:

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

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**. The Town Board, along with the Town Attorney, excused themselves from the Board room at 7:44 P.M. for the Executive Session.

END OF EXECUTIVE SESSION

Councilman Reynolds then offered the following Resolution for adoption and Councilman Woodland seconded same:

(RESOLUTION NO. 197 OF 2020)

RESOLVED that the New Hartford Town Board does hereby move to end its Executive Session at 7:56 P.M. and to reconvene the regular portion of the Town Board meeting.

The Resolution was voted upon by roll call as follows:

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

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilman Woodland and seconded by Councilman Reynolds, the meeting was adjourned at 7:58 P.M.

Respectfully submitted,

Gail Wolanin Young
Town Clerk

By: Melody K. Fancett, Deputy Clerk I

EXHIBIT "A"

CERTIFIED LETTER FROM EVA BRINDISI PEARLMAN – ATTACHED

EXHIBIT "B"

STOP SIGN PETITION & LETTER FROM RIANNA LAZZARO & FAMILY

EXHIBIT "C"

PUBLIC HEARING SIGN ATTENDANCE SIGN IN SHEET