

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT 8635 CLINTON STREET, NEW HARTFORD, NY ON
Wednesday, September 23, 2020**

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

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Bookkeeper Lisa Smigle
Deputy Town Supervisor Anthony J. Trevisani
Police Chief Michael S. Inserra
Town Attorney Herbert Cully
Deputy Clerk I

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

I. PUBLIC PRESENTATION /COMMENTS

1. Carparo Technology Presentation – IT Services:

Jerry Capraro President of Capraro Technology

Mr. Capraro gave the Town Board some background on himself and how he started Capraro Technologies and also said he is a Resident of New Hartford. He gave a background on his company and what they do and spoke on references and other customers. He would like to add some app's (first responder and 311). He discussed what CTI managed services contract covers and exclusions. He spoke on his approach for cyber security services and desktop & laptop security & management, cyber awareness & education along with disaster recovery/backups. He spoke on network additions & modifications and costs for 24-month contract.

His IT proposal is attached as exhibit "A".

2. Frank Suppa – Sessions Road Resident: Mr. Suppa spoke to Town Board about being vested in the community and how he has 4 daughters who all live in New Hartford and are all homeowners. He wanted to go over some figures with the Town Board. He's aware that the Municipal Housing has no plans at this time in front of the Town Board but is concerned with their public safety. He told the Town Board that the Municipal

Housing in the City of Utica required 1292 fire calls for 8 buildings in one month. 1013 were EMS and 273 fire calls. He believes the Town of New Hartford responds to about 400 fire calls. As far as the Police goes, for 6 buildings for a 5-year total was over 6,000 calls that range from assault, burglary, sex calls, larceny, domestic, drug investigation, harassment, weapons possessions in the City of Utica and this is what the Municipal Housing wants to bring to New Hartford. This will have a negative effect on the community.

3. Judy Cusworth – Oneida Street Resident: Has a couple questions for the Town Board. She asked why the audit is not done and why the Town Board paid the auditors. She feels Supervisor Miscione has seen the Audit and does not like what it says.; Supervisor Miscione explained to her that the Auditors have been working on it and that it is being completed and they were paid the same time last year as this year.; Judy Cusworth asked the Town Board who the new supervisor for the Parks & Recreation Department is.; Supervisor Miscione replied the Town does not have a new Supervisor at this time.; Judy Cusworth also asked who the new Finance Director was and why no one has been appointed.; Supervisor Miscione replied that the Town just does not have anyone right now and that he and Personnel Director Barb Schwenzfeier are doing the Towns wire transfers.; Judy Cusworth told the Town Board she feels the government should be run by checks and balances and she does not see how it's being done in the Town of New Hartford. She said the only one she sees is Supervisor Miscione and it looks like he's trying to become a dictator. She does not like it and feels not many residents like it also.; Supervisor Miscione asked her about not liking all the changes in the Town Parks for the last three years.; Judy Cusworth asked why he's putting so much money into the Recreation Center but no money is spent on all the flooding in the Town. She then told the Board that nothing has been done with regards to the house that needs to come down on Bleachery Ave. in Chadwicks for the past two years. She told the Board if the house does not come down then she's going to trap all the rats that the house is infested with and she will bring them to the next Town Board meeting.

HIGHWAY DEPARTMENT UPDATE:

Highway Superintendent Sherman gave the Town Board an update on what the Highway Department is working on. He told the Town Board that the Town Engineers Dunn & Sugromo are working on a study in Wards 1 & 2 and they are up in both Wards walking every day and their plan is about to come forth and they found some interesting things in those areas. He told the Town Board that the Highway Department is doing stormwater detention area work off Foxcroft Road and Woodberry and Hubbardton. He told the Town Board that the work is being done in house now that they have the machines and that the Town saved money not hiring contractors to do the work. He continued to say that there is also a stormwater study that received grants from the County in the Mud Creek over by Special Metals which was studied by the Town Engineer as well as they came up with a plan. They have gone to DEC (Department of

Conservation) for their approval. The Highway Department has also had the study going on with the Sauquoit Creek with the Rayhill Trails along with the creek that's in Wards 1 & 2. The study the engineers are currently working on will be out very shortly.

Judy Cusworth asked the Town Board why everything comes out shortly and why is anything not done and told the Town Board to take lessons from the Town of Whitestown who is honestly doing something for their residents with the stormwater management.

Highway Superintendent Sherman replied they have been working on it all summer but due to the Covid-19 pandemic, and the fact that the Engineers are out walking by themselves and New Hartford is all hills. He said there is a lot to the study and they have found a lot of things. Highway Superintendent Sherman also replied that the Town of New Hartford works side by side with the Town of Whitestown all the time.

Supervisor Miscione stated that the Town of New Hartford already did the FEMA project the Town of Whitestown is working on now and homes were removed.

Judy Cusworth replied she is not talking about the FEMA project that she is referring to the house in Chadwicks that was condemned two years ago and sanctioned by the Supreme Court that needs to be removed. She told Supervisor Miscione that if he lived next to the house it would already be removed. She asked Supervisor Miscione whose name is on the deed.

Supervisor Miscione replied that the Town Board was working on this house at the September 9, 2020 Town Board meeting. He said everything was all set up to complete this job but the homeowner passed away and the house was turned over to his heirs. Supervisor Miscione explained that the Town Attorney Cully is now working with the County & the heirs to get the deed signed over to the Town. He also explained that if taxes on a parcel go unpaid it's the County that takes the property over not the Town.

Town Attorney Cully told Judy Cusworth that Donald Magados name is currently on the deed (passed away).

Judy Cusworth told the Town Board that it's the Town who condemned the property and that it's the Town that's supposed to take the property down.

Supervisor Miscione replied that the County no longer reimburses the Town to remove the house.

Judy Cusworth replied if that's the case then maybe Supervisor Miscione should not have spent so much money on the Recreation Center and why would the whole Town not care about a rat infested, dangerous building.

Supervisor Miscione asked Judy Cusworth why the whole Town should not enjoy something nice. The money was put into a building that needed renovations and the whole Town uses it. He explained it's cheaper to buy new stuff than what the Town was spending on repairs and maintenance.

Warren & Linda Mundrick-3535 Blechery Place, Chadwicks told the Town Board that he lives diagonally from the house the Board is talking about and he said any windy day this property has shingles flying off, one pillar on the front porch one is falling down and the other three are barely holding anything up. This property has a cat infestation with things in their mouth. He said besides the fact that it's an eyesore the windows are all broken, bats are flying in and out and he does not understand how something like this in this day and age could be left over two years especially when the gentleman that owns it has not lived there in over 4 years because he had to go to a nursing home and he was not allowed to return back to the property because it was condemned and then he passed away.

Town Attorney Cully replied that Mr. Magados still owns the property and he has a daughter who lives locally. He said at one point she indicated that she would be willing to deed the property over to the Town. He explained that there was a lengthy discussion at the September 9, 2020 Town Board meeting after Councilman Messa reproached the subject and he sent her a letter on September 10, 2020 asking her to contact him and he has not heard anything from her to date. He also said he has tried to call her several times and has only gotten a busy signal.

Warren Mundrick presented the Board with pictures of the property and updated Town Attorney Cully with Mr. Magados daughters contact information.

Town Attorney will follow up. He explained that the County authorized him to commence the lawsuit and attempted to serve Mr. Magados and at that point he passed away, then someone has to be appointed the administrator or executor of his estate. Lisa, his daughter called and spoke with Town Attorney Cully at this point, she indicated she did not want anything to do with the property and no one was going to probate the estate. Town Attorney Cully came back to the Town Board to see what action they wanted to take in terms of hiring someone to probate the estate so they could have a defendant and move forward with the demolition. At this point the Town ran into difficulties with the County because they would not reimburse the Town for the cost of the demolition. He further explained that the Highway Superintendent Sherman did demolition on Oneida Street to save the Town the costs of going out to hire someone to do the

work. Town Attorney Cully sees no reason his daughter Lisa and her siblings would not want to sign the deed giving the Town the title to the property.

Linda Mundrick is a bit upset because she told the Town Board that she has been in front of the Board three or four years ago and brought this issue to their attention. She feels this is a safety hazard and feels she can't keep her children safe. Linda then asked Attorney Cully once all the children sign the deed then at that point what's the next steps.

Town Attorney Cully replied that once he's notified the children have signed the deed over to the Town, he will prepare the deed at no cost to the Town, the children sign it and the deed gets recorded and it's done. The Town then owns the property and can demolish the house.

Linda Mundrick also asked Highway Superintendent Sherman about the updating of the drains in front of her house and across the street in front of her sisters' property and the lake in front of the hydrant.

Highway Superintendent Sherman replied that project is on the schedule but the Highway Department had some priorities that came before this project but the project will be completed this fall.

4. Jeff Brown – Sessions Road Resident: asked the Town Board what the status of the new project was and what was going on with that and will there be any more secret meetings without any of the residents knowing.

Supervisor Miscione replied that no project has come before the Town Board to date and nothing has been approved to date and they don't even know if the property closed. Should anyone come before the Town Board for a PPD Overlay then the residents will be notified and a public hearing will take place.

Supervisor Miscione replied the residents are having secret meetings on Facebook and he's not sure what's being talked about there. He informed the residents the Highway Superintendent Sherman and he would love to attend any meetings. He informed the residents that the Highway Superintendent Sherman and he had a stormwater meeting a few weeks ago with the community. They discussed the project and what the Town was doing.

Inaudible – The residents became very upset and questioning this meeting and who was notified. Allison Mancari was speaking loudly about Cosmo Court – the road sinking in.

Supervisor Miscione clarified they were not on Sessions Road or Cosmo Court that they were working on a stormwater project the Town started over a year ago in a different district that grant

monies were used to fund the project. He told the residents that when these studies are completed in their ward the Town will then go out and get grant monies to fund that project.

Allison Mancari – Sessions Road Area – Told Supervisor Miscione that they are talking about developing this area so she feels the stormwater issues that already exists is an important issue to address prior to any new development. She asked Supervisor Miscione if he and Mr. Cally did not have any unofficial meetings, and if he saw any drafts or plans.

Supervisor Miscione replied and told the resident that he never said that area is being developed and he never had any meetings with Mr. Calli. Supervisor Miscione told the resident he was upset with Mr. Calli because at the last meeting held a resident said they called and spoke with Supervisor Miscione Secretary when the resident actually called the Codes Department who then referred the resident to Mr. Calli and Mr. Callie told the Codes Office to tell residents to contact his office. Supervisor Miscione Office which never heard by anyone in his office or by any of the Councilman here.

Allison Mancari took issue with what Supervisor Miscione was saying and said that it was actually Mr. Cully who told her at the September 9, 2020 Town Board Meeting that Mr. Cally was nice enough to come in and show the Town Board potential plans and said the Supervisor Miscione, the head of the Codes Department and himself have all see potential plans or drafts and if Supervisor Miscione does not believe her then go back to a minute twenty of the last meeting to hear him say that exact thing.

Supervisor Miscione replied again that he has not seen any plans, drafts or had any meeting then he asked the unidentified resident if she listened to his radio interview on 100.7 which he explains exactly how he feels about the project.

Town Attorney Cully said if he said that then he probably was incorrect and said he knows he said Mr. Calli came in and showed a plan to the New Hartford Town Planning Board Chair person, himself and he thinks Mr. Dunkel the Engineer may have been there but is not sure and the Codes Officer was there.

Allison Mancari – Said she was told at the beginning of the September 9, 2020 Town Board meeting that nothing was going on Session Road and no one knew anything about it and asked why they are telling the residents no one knows anything about the project. She also asked if he or Supervisor Miscione were the possible brokers on the sale of the land.

Town Attorney Cully replied he knew that Mr. Calli had a possible plan and that the Utica Municipal Housing Authority was in the process of possibly buying that land and he has no idea who the brokers involved are at this time.

Supervisor Miscione replied he has not sold a piece of property in two years and he's not involved in any way and that was the last conspiracy theory with the Woods Highway Project.

Frank Suppa of Sessions Road asked the Town Board what their feeling about the Sessions Road Project.

Supervisor Miscione replied he's against the project and he's the resident's biggest ally and he's getting attacked. He told the residents that there are no underground meetings and that this project has absolutely nothing to do with him despite the many licenses he currently has.

Councilman Messa said the residents know how he feels about the project.; Councilman Lenart replied he is against the project.; Councilman Reynolds feels every project deserves to get aired and if it can assist the residents and he feels Mr. Calli has a reasonable approach to the project as he offered to sit down with the Board and the residents and discuss his ideas with the project and he said he may be wrong but Mr. Calli said these are not subsidized housing.; Lots of residents were inaudible and upset.

Frank Suppa said he worked with the municipal housing authority for thirty years and their buildings will do nothing for this community, absolutely nothing and that's he continued to say that the only way these houses exist are because there subsidized housing.

Councilman Reynolds and Residents were speaking at the same time, inaudible conversation pursued.; Councilman Woodland never responded.

Supervisor Miscione stated it does not matter if it's subsidized or not and he sees no favor to the Town to change the zoning on Sessions Road because there are no benefits to the Town or any of the residents that live there. He added he's very against multi-unit housing altogether. Supervisor Miscione offered to come and speak at any neighborhood meetings held in the future.

Allison Mancari approached the Town Board with regards to the major flooding issue in the Sessions Road area. She said area residents have been calling the Town about this issue for years as her parents live at the bottom of Cosmo Court and there is an overgrown ditch area that goes all the way down to the Sauquoit Creek and her entire front lawn gets flooded and on the other side of the street a car drove into the ditch and collapsed pipes that have not been fixed and the road is basically collapsing around it. She said also the bottom of Oneida Street floods so why is potential development being talked about without addressing any of the current issues.

Supervisor Miscione replied that there are two parts to her comments. One being no Stormwater projects can be completed without a study completed by an Engineer and Councilman Messa and

himself were advocates for the bonding to get the Study done being completed now. He said everything was on track but due to pandemic (Coronavirus) it slowed everything down but the Study is still getting completed. Once the Study is completed the Board will then go out for Town grants & State grants that they have received and had success with in the past along with in house services which the Highway Department has been doing all along. (Part one – Complete Study to come up with working projects). He said the second part of this is any developer has to come in front of the Town Board for a PDD Overlay but there is no mechanism within the Town Code or Law to stop the development of a single-family house and the Town Board has no say if there zoned for it.

Highway Superintendent Sherman replied he's aware of the road and the condition but as he said earlier, he had other things that take priority, more work is getting done because the Town now owns its own equipment and the equipment is working every day. He said he can't deny his men any vacation time as there here all winter and some days he only has four or five guys working.

Allison Mancari asked Highway Superintendent Sherman what his time line for the drainage pipes and roads are and stated her name is Allison.

Highway Superintendent Sherman replied he's aware a catch basin is needed on that corner and the roads but easements from the homeowners will be needed.

Town Supervisor reiterated to Allison to have the residents contact him for a meeting to address stormwater issues.

Gary – Lives on the bottom of this project where all the flooding hits and him and his neighbor who is not present tonight has spent around \$60,000.00 to fix the water issues with their own homes. He asked the Town Board if the Town of New Hartford has a stormwater management plan and if so when was it started as the only thing, he can find out was it started in 2007. It does not take that long for a response as he built the world trade center. He saw what Cornell University did and he explained to the Town Board the “Death of a Farm”. He explained to the Board that when a farmer is tilling the land and the water sucks down the land and cows are aerating the land so there aren't any problems. Since 2007 to now there has been a major storm water issue, if this is still being worked on (14 years) it seems as though you need a new engineer.

Supervisor Miscione - Our Engineer didn't start in 2007, he started this year (2020) on this project from Dunning Square loan. I don't remember a plan from 2007 or what engineer was working on that project. The projects and studies that we've done have started this year to learn what we need to do so we can get a grant fund. We're working on that project, hopefully by spring they will be able to take care of that project.

Gary- Some of this looks like your comprehensive plan, it talked about this but not fully. You guys took some of those homes down in Chadwicks, we haven't seen a flood like this in one hundred years. The Town of New Hartford needs a 500-year flood plan. Cornell University did a study of this, which is a huge deal. You should talk to the people that live down in those areas to see what's going on. Something needs to be done before someone builds on sessions. The storm water issues need to be resolved first.

Supervisor Miscione- We've actually have been in a few people's backyards.

Highway Superintendent Richard Sherman - We've been on Mallory Road, farmers creek, sessions road. We're looking at ravines that are already there that would be used as storage so if we put structured in there, we can use those. We use a certain map that shows us where we can and cannot go in regards to property lines.

Gary- Can I use this map or have a copy of this map?; Highway Superintendent Richard Sherman- These maps should really only be looked at by our engineers.; Supervisor Miscione- Our engineers are working for the best of the projects.; Gary- Can the plans be emailed to me?

Supervisor Miscione- Most of our projects are public and can be looked up.

Gary- I am not in favor of this project.

Supervisor Miscione- I agree.

Mike Evans - Sessions Road Resident - He claims to have gone to the last town meeting and was looking to get the minutes of that Planning board meeting with Mr. Calli.

Herb Cully- There are no minutes, our code allows an informal process called a sketch plan conference with our highway superintendent, the chairman of the planning board, the town attorney and the codes enforcement officer. At that meeting, the proposed developer comes in and discusses the concept that they may give and we talk about the process to go forward on a project. Not a formal meeting, a sketch plan conference.

Gary- Were more than two people involved?

Herb Cully- Absolutely, we are appointed officials; people come in all the time and meet with the codes officer about an application for a variance. It's not an official meeting. It is a 10- or 15-minute presentation. If there are too many things to overcome then they do not proceed with the project.

Gary- So it was approved by a committee on a small code

Herb Cully- Yes, approved by our code. Authorized by our town code.

Gary- And none of this is made public?

Herb Culley- No.

Cully- Section 118-91 of our Town Code. We use E-code 360. You can look up the New Hartford code. It states "Prior to our submission of a preliminary application for sight planning, the applicant is encouraged to meet in person with a town planner and/or a code enforcement officer to discuss a project, members of a planning board may have a sketch plan conference." Since we don't have a town planner, I sit in, Heather who is the chairman of the planning board sits in and our codes office.

Town Resident Allison Mancari -Would it make sense if our board representatives sat in on the meeting?

Supervisor Miscione- No because we didn't know (inaudible) was coming to the meeting.

Allison Mancari - Shouldn't Mr. Messa have been a part of that?

Supervisor Miscione- It's a staff meeting that's been going on for years.

Town Attorney Herbert Cully- What we can do is send all the counsel people to the meeting agenda to see what applications will be discussed at the sketch plan conference. The problem lies if two of them shows up, then it would be an illegal meeting.

Gary- I just want to understand everything because it's in my backyard now.

Supervisor Miscione- I want to add, Calli came at the last minute.

Sessions Resident Rose Delmettico - He is buying the land no matter what, but he's already had architectures on the land, how can you put the cart before the horse? Also, Mr. Cully, are you involved in the Calli, Calli and Cully, isn't that a conflict?

Town Attorney Herbert Cully- Calli is the attorney, he is not a partner in our law firm.

Rose- No, but doesn't his brother do the closing?

Cully-Yes. If an application is made to this board, I would not be allowed to participate, I would have to excuse myself.

Rose- Okay, I was just curious as to how he could already have architectures on that property before even purchasing it?

Supervisor Miscione- Most people do this before buying a property. If they have the land surveyed after they've purchased it and see that they can't build, they can run into issues.

Fred Hammes - Cosmo Court - Did something happen where Calli wanted to buy the property anyway?

Supervisor Miscione- No, he meant he was going to purchase the property no matter what the resolution would be. If he buys it, we have to agree on it. It's not a conspiracy with the Board. Mr. Calli has nothing to do with the Town of New Hartford.

Gary- This project should be shut down due to the flooding.

Supervisor Miscione- The flooding is involved with the planning of this project. We make this decision off of the characteristics of the neighborhood. It would get turned down at the planning level, zoning and planning look at the storm water issues and they determine if this can continue or not. This will all be public knowledge.

Mrs. Britt- Is there an engineer in those sketch board meetings? If so, who pays for them?

Cully- Yes, usually the developer gets assessed a cost if we have to bring an engineer in. The Town doesn't pay.

PRESENTATION ENDED 7:50 P.M.

REGULAR TOWN BOARD MEETING

I. Reports of Town Officials by Standing Committee Person

a. Town Clerk

- i. ATM – Town Attorney Herbert Cully – no report
- ii. Waive Dog License Late Fees - Allan Recknall in New Hartford - Town Clerk Melody Fancett- His late fees stem from 2019 to present, the animal patrol officer and myself have been in touch with this gentleman, many times. The animal patrol officer cannot go there without an officer because the house is dangerous; he claims he has no money to pay and no longer

has the dog. The resident is ill. I understand he is also currently incarcerated on another matter, even if we ticket him odds are we will keep going there and nothing will get resolved, his total is \$56. If we can get him to pay, I will report, his total was \$85 but I am asking the board to waive it because I don't see a point in sending an officer and the animal control over repeatedly, he no longer has the dog.

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

(RESOLUTION NO. 227 OF 2020)

RESOLVED that the Town Board of the Town of New Hartford does approve to waive the dog license late fees for Allan Recknall.

Upon roll call, the Board members voted as follows:

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

This Resolution was declared unanimously carried and duly **ADOPTED**.

b. Finance Department - Audit of Bills

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

(RESOLUTION NO. 228 OF 2020)

RESOLVED that the Town Board of the Town of New Hartford does approve to pay the bills.

Upon roll call, the Board members voted as follows:

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

This Resolution was declared unanimously carried and duly **ADOPTED**.

c. Highway Superintendent Richard Sherman
i. Oneida County Snow and Ice Agreement

2020-2021 Winter, did not get raised per mile because of the issues the County is having with 62 hundred hours a mile. We have 20.19 Miles of county roads and a contract is worth \$125,178.00, half was paid January and the second half in May. Nothing has changed in the wording.

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

(RESOLUTION NO. 229 OF 2020)

RESOLVED that the Town Board of the Town of New Hartford does approve to sign the Oneida County Snow and Ice Agreement.

Upon roll call, the Board members voted as follows:

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

This Resolution was declared unanimously carried and duly **ADOPTED**.

II. Matters submitted by Town Supervisor

a. Procedures for Covid-19 with the Rec Center

Supervisor Miscione had to come up with a procedure for COVID-19, the Health Director looked it over – shows layout: how many people, who comes in and out, what procedures are taken, making sure everything is sprayed down and disinfected. Once everyone looks it over, read it, then can turn into the State once approved and have a resolution.

b. FEMA Grant

We applied for the FEMA Grant during the COVID-19 Pandemic for all the PPE we ordered, all the modifications we had to make to the buildings, any costs associated with this for reimbursement through FEMA.; Supervisor Miscione – steamers are part of the proposal: one (1) for the Rec Center, one (1) for the Town Hall – Police Dept. will use as well. Highway Superintendent bought two (2) – made in the USA – made by Graco Spray Company – Councilman Messa would like three (3) – Highway Superintendent can get on the list for a 3rd.

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

(RESOLUTION NO. 230 OF 2020)

RESOLVED that the Town Board of the Town of New Hartford does approve to agree to go out for the FEMA grant.

Upon roll call, the Board members voted as follows:

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

This Resolution was declared unanimously carried and duly **ADOPTED**.

III. **Matters submitted by Councilmen**

- a. **Councilman Messa - NRCS Sponsorship Application** – update from Mrs. Martin – engineer noticed that the application had a 60-day window after the storm event to apply for the application. When we met in March with the MRCS, they viewed multiple properties, they deemed Mrs. Martin’s as one to be approved after the fact. They knew the storm was on Oct. 31st but we were past the 60 days at that point because of the situation. I don’t know.; Highway Superintendent Richard Sherman – I’ve gotten nothing in writing. They did say it is what it is. I asked why because we did have numerous meetings, it was never mentioned. Two, never got the application booklet until quite a few months after the storm. We just got it not to long ago and after looking at it, noticed that things had changed since 2012 when worked with them until presently. In 2021, they took care of everything – they hired a contractor, they went out to bid, they designed it, they did everything. When got the booklet now for this project, states in there that the Town of New Hartford has to be the sponsor, they got to design it, they got to go out to bid, hire the contractor and have weekly meetings as well as being fixed. Things have totally changed and we never got that booklet until maybe May or June. Huge changes. We met with them several times and they never mentioned we were over our 60 days. Will try to get something in writing.; Town Attorney Herbert Cully – Usually there is an appeal process where we can go above whoever has made that determination. I think we should at least try that on the basis that there were several meetings that were timely, after the Halloween storm and no one indicated this substantial change. In the past we made

applications, this was never imposed on us and see if we can get some kind of hardship waiver. I'd be happy to sit down with Rick.

- b. **Councilman Messa - Zoning Board of Appeals Appointment** – Appoint Randy Bogar as a member of the Zoning Board of Appeals retroactive to June 10, 2020 and expiring June 9, 2025 (5-year term).

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

(RESOLUTION NO. 231 OF 2020)

RESOLVED that the Town Board of the Town of New Hartford does approve to Appoint Randy Bogar as a member of the Zoning Board of Appeals retroactive to June 10, 2020 and expiring June 9, 2025 (5-year term).

Upon roll call, the Board members voted as follows:

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

This Resolution was declared unanimously carried and duly **ADOPTED**.

- c. **Councilman Messa - Demolition of Unsafe Building** – Town Attorney Herbert Cully asked Councilman Messa if he got in touch with Lisa (if when calls gets a funny busy signal); Councilman Messa – no I got where ‘the Verizon number you are trying to reach is not in service; Town Attorney Herbert Cully – it’s encouraging this gentleman can get ahold of all the kids; Councilman Messa – Since there are multiple kids, do we go to Plan B; Town Attorney Herbert Cully – the obituary lists the kids – Correct me if I am wrong, I thought Joe Booth looked at this probably a year/year and a half ago because we were talking about possible using that unsafe structure provision which allows us to go forward and demolish if its in dangerous conditions or unsafe. I’m getting the impression that may apply to this – Larry goes out, take a look at it and see; Highway Superintendent Richard Sherman – We’ve already been there and boarded up the back door; Councilman Messa – Joe had a file on it – had pictures of the foundation, same as what she showed me – cracked/broken windows – sure worse now; Town Attorney Herbert Cully – if there is a health and safety issue – then you can take a different course of action; Councilman Messa – I thought we already deemed it

unsafe; Town Attorney Herbert Cully – There’s another section of the Code – the nuisance section – that gives you more latitude if in fact there’s a fear of health and safety – that the building is about to fall; Councilman Reynolds – It becomes more obvious when dealing with fire – where you have a compromised roof, wall, emergency situation; Supervisor Miscione – we can get it deemed unsafe and knock it down – go out on a limb – get it done – take it down; Town Attorney Herbert Cully – we can’t just take it down; Supervisor Miscione – We can’t do it because we’re afraid of getting sued but if we’ve got somebody that wants nothing to do with it, I doubt their going to come after us and sue us – don’t know what the other two kids will do; Councilman Messa – Supreme Court; Town Attorney Herbert Cully – we started the action but when he passed we would have to have gotten an executor/administrator appointed in his estate to finish the lawsuit. He passed like a week after he was served; Supervisor Miscione – I say if we don’t get the deed, we take it down. We’re going to spend more in Supreme Court – take down cause unsafe. We got an issue, lets solve it. No one wants to give us the deed or pay the taxes. If we take it down then the County can take it for taxes.; Town Attorney Herbert Cully – Read Section Unsafe Building Petition; Supervisor Miscione – we’re not winning – either way we look bad – residents will be happy; Town Attorney Herbert Cully – suggests 1: see if we can get the three kids to sign off by the next meeting 2. If not, at the next meeting we ask Larry to provide us with a written report indicating whether or not he deems this structure to be unsafe and dangerous to the health, safety and welfare of the neighboring properties. At least then if you’ve got a written report in front of you, you didn’t get the deed, I think you can roll the dice, act on the report and get it demolished; Councilman Lenart – Larry can do that now and then we have at the next meeting; Councilman Messa – we also have the file from Joe Booth; Supervisor Miscione – lets approve to go out to bid for the demolition; Highway Superintendent Richard Sherman – Use City of Utica – they can take it down hot, we can’t – if it’s clear I can take it away – if hot, Oneida/Herkimer County Waste can bring dumpsters and haul it away. Utica is qualified to do that and we have a shared service agreement to do that; Supervisor Miscione – Lets make the vote to go out to bid, if that doesn’t work. Just so we have it for the next meeting – so we can put a bulldozer on the ground the next day and be done.

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

(RESOLUTION NO. 232 OF 2020)

RESOLVED that the Town Board of the Town of New Hartford does approve to go out to bid for the demolition.

Discussion - Highway Superintendent Richard Sherman – already has Utica on standby, was just waiting to see what was going to happen – already approved.

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

(RESOLUTION NO. 233 OF 2020)

RESOLVED that the Town Board of the Town of New Hartford does approve to use the shared services with the City of Utica to demolish the house.

Upon roll call, the Board members voted as follows:

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

This Resolution was declared unanimously carried and duly **ADOPTED**.

Supervisor Miscione – Mel to email Dory to have the lawn then mowed on Oneida Street.

d. Councilman Lenart

i. Follow up on the Rec Center Roof – Town Attorney Herbert Cully – they did respond initially but I have to follow up with another call to them; will send another letter out to the company

e. Councilman Lenart – GEIS study – the document that was supplied is not the study, probably just the minutes from a meeting (question and answer study); Supervisor Miscione – actual study, they are looking for the one that didn't get approved.; Town Attorney Herbert Cully – It was done by Peter Smith; Mel – Thought it was the study; Resident Lisa Britt – I believe it was online; Mel – I will look for it again tomorrow; Highway Superintendent Richard Sherman – Yes, it is online. Chris Moran got it and copied it. He found it online.

IV. Additional Matters submitted by Town Supervisor

a. Procedures for Covid-19 with the Rec Center

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

(RESOLUTION NO. 234 OF 2020)

RESOLVED that the Town Board of the Town of New Hartford does approve the procedures for Covid-19 with the Rec Center.

Upon roll call, the Board members voted as follows:

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

This Resolution was declared unanimously carried and duly **ADOPTED**.

V. Matters submitted by Town Attorney Herbert Cully

- a. Heartford Luxury Apartments – the Planning Board (Mr. Buck and Heather Mowat) came – they were talking about the modifications to the previously approved a plan. They went back to the Planning Board – the Planning Board looked at it and they unanimously voted to approve the amendment of the previously approved plan with regards to the number of changes with the number of units, parking spaces and relocation of the walking trail.

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

(RESOLUTION NO. 235 OF 2020)

RESOLVED that the Town Board of the Town of New Hartford does approve the amended plan for the Heartford Luxury Apartments on Clinton Road.

Upon roll call, the Board members voted as follows:

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

This Resolution was declared unanimously carried and duly **ADOPTED**.

VI. PUBLIC PRESENTATION – MA Polce

- a. MA Polce returned for a presentation (8:00PM) – handed out a folder with information for everyone; gave a presentation and asked if the Board had any

questions; Councilman Lenart – are you also able to convert over to Gmail if we so chose to do that or do you recommend migration; Nick – we would probably recommend migration. We have been migrating customers over to Microsoft Office 365; Councilman Messa – You recommend Office 365 vs G-Suite – why is that?; Nick – we have a lot more control over some of the security parameters with Office 365 vs G-Suite; Councilman Messa – with your experience – are there any security issue with G-Suite vs Office 365; Nick – My opinion on G-Suite – it’s great for education, it’s great for students but you don’t see at faculty and staff level and there are reasons for that – we have a lot more capabilities that we can secure with Office 365. Can’t really speak to the security part of it. I know we can provide better security and better protection with Office 365 then we can with G-Suite; Councilman Messa – the money difference – is it the same; Nick/lady – from a licensing perspective, I don’t have the answer to that because we’ve never had to price out G-Suite for a customer. For non-profits, can get for free. There is government pricing for municipalities. Will have to look at – from a migration – an email migration has to happen either way and that is labor intensive; Supervisor Miscione – so the price – is it above and beyond what is in the packet; Nick/Lady – yes – well, what is in there is an updated matters service proposal and just some metrics and reports that we mail to Paul and Barb on a monthly basis but the prior packet that we did had a project to get all the Windows 2008 services upgraded and mail migration with the recommendation of Office 365 so in that particular one there was a budget. What you have in front of you, we made some progress – we looked at the structure – give authorization on the weekend to contact Nick. Other thing is the PC set up fee. As part of the proposal, if purchase the PCs through us, we will include set up fee at no additional costs. Additionally, security training, we will do two (2) in person trainings a year (can be done virtually). When a customer purchases anything our sales administrator emails a copy of the warranty information, licensing certificates, etc. Everything is registered to the end user, the end user owns the equipment unless we want to look at hardware rental, that’s different; Supervisor Miscione – so if we buy a PC through you, the hard drive goes, we can still call to get repaired; Lady – yes; the updated costs – we did take out the annual vulnerability assessment and reduced it to \$1,800; Nick – the equipment is still old and operational, at some point will want to replace it, the actual wireless; Councilman Messa – does that help the employees access the wi-fi wireless; Nick – yes, there are two separate networks – the guess network, its open and we separate that from the rest of the networks and employee network; Lady – we included copies of reporting that are delivered to customers once a month. If have any question after tonight, please reach out to us; Councilman Messa – Did you also put response time; Lady – not on the report but we can pull the information; Nick – if the engagement continues, one of the

things we'll be restructuring as well is our manager of information – a member of our team will actually becoming once a quarter to actually go over the report if you have questions; Councilman Messa – Communication was a big factor at our last meeting; Nick – thank you for your time (END 8:15pm).

VII. Additional Matters submitted by Town Supervisor

- a. A.U.D – this is the draft – 2019 year – auditors said had a good A.U.D. - over \$500,000 in fund balances. All accounts in the positives with mostly savings in Parks Department and General Whole Town – shows cost of disability insurance and state retirement was an increase but in the positive but still in the positive for our budget year – shows receivables for the 2019 year – overall we are in good financial state - Equity is good – they are going to post on the State website for the public information. We will have our draft and then if have any questions, you can call them. Board Members can call the auditors as well. Just remember this is a draft and they will finish it up. The final numbers will be out Friday and then posted on the State website. Now we can focus on 2020 going forward. We paid the auditor – we got invoiced and we paid them. Remember we did a \$10,000 transfer from Dan's salary (he had done a lot of the stuff) – to pay for the audit; Councilman Reynolds – just as a follow up, when this is done, they are going to come in on a monthly basis and do that reckoning; Supervisor Miscione – Correct – starting in January I put in a new budget, a consulting fee instead of Dan's salary, those fees will pay for them to come in on a monthly basis and oversee the finance dept. Paul will still be doing the budget. They will be doing the A.U.D. and other audits that Dan did. Transfers – Paul can still do – Barb checks over and then goes to Lisa. Anytime you have a question, you can call the auditors.
- b. That was the good news – here is the bad news – 2020 – because restaurants, different entertainment area in our area are still not up and running at 100% - not official numbers – numbers got from the state directly – the County has not given us what our sales tax is – County has not even gotten their sales tax in – these are numbers got from the State Comptroller – In June, sales tax given to Oneida County, not the Town of New Hartford, down 9.2%; July 10.3%; August 11.7% - so overall lose in Oneida County for 3rd quarter sales tax was down 10.4%. Looking back in years, we're 1% difference from this number – last year we got \$1.88 million in 3rd quarter last year, we're down 10%, do the math we're down \$180,000 in sales tax for 3rd quarter so we looked at everything up to the 2nd quarter, we made adjustments – seems like its going back up – not sure what 4th quarter will look like, we don't get until Jan. – we might have to

look at the budget again – transfer some funds – went to course, talked to other municipalities – they are using the funds balance to offset the loses that had this year. We’ve been able to control it up to this point. Again 3rd quarter is another plateau – I don’t know what 4th quarter is going to be, Christmas is coming; 3rd quarter down \$180,000 from last year; 1st quarter up 10% (approx. \$80,000) then down \$200,000 altogether think down \$176,000 going in but we covered that for 1st and 2nd quarter (don’t have in front of me – approx.) – mortgage tax should be way up – if 4th quarter down it could hurt everyone – heaviest hit was 2nd quarter (26.6%) – 4th quarter (Christmas quarter) – fund balance to offset the budget – way over the limit at this point – have to give some back – that’s the only thing we can do. Layoffs – we would have to layoff half the town to make it – Bonding money is locked in – only thing can use is Funds Balance – only fixing things that break, day to day business – limited on – we have staff gone – we have mandated staff. Summer program – we didn’t spend that money. Look at 2021 very carefully. Let’s be aware and do what we need to do. A project that needs to be bonded for should be paid off in a long period of time. Big projects will benefit that area, long term investments are better to pay. We may not have to use the fund balance. We’re still ahead for the year. Building permits are up, mitigation fees, thinking mortgage tax could be way up. Everything is paid and caught up, we may break even – just wanted to let you know where the numbers are – there is still stuff to cut if need be; Highway Superintendent Richard Sherman- The winter months will bring more expenses. County grant - the \$2 million was used up. I have a new application in for Roman Road and Lloyds Lane for the detention area. The agreements we’re extended. Still good with Mudd Creek, Sangertown Mall, with our detention area behind Foxcroft and still good with Oneida Street/City Line. The chips money – waiting for the checks - the governor took 20%, which is \$43-\$46,000 we will not get from the state. It will be 20% on each category. We are all set for our current projects. With all the grants that I have, I still have the money for those, we’re all set for those current projects.

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

(RESOLUTION NO. 236 OF 2020)

RESOLVED that the New Hartford Town Board does hereby move to enter into Executive Session to discuss matters related to a specific employee. (9:08pm).

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.

This Resolution was declared unanimously carried and duly **ADOPTED**.

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 237 OF 2020)

RESOLVED that the New Hartford Town Board does hereby move to end its Executive Session at 10:22 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**.

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

(RESOLUTION NO. 238 OF 2020)

RESOLVED that the New Hartford Town Board does hereby approve to transfer Lisa Smigle to a position in the Town Clerk's Office after a replacement has been hired for her current position.

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***.

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

(RESOLUTION NO. 239 OF 2020)

RESOLVED that the New Hartford Town Board does hereby move to appoint Jim Brock to the Police Reform Advisory Board.

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 Reynolds and seconded by Councilman Messa, the meeting was adjourned at 10:45 P.M.

Respectfully submitted,

Melody K. Fancett (pages 1 – 11 were done)
Deputy Clerk 1

Cheryl Jassak-Huther (completed pages 11 -23)
Town Clerk
6/29/2021