

**REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF NEW HARTFORD, NEW YORK  
HELD AT 8635 CLINTON STREET, NEW HARTFORD, NY ON  
MONDAY, OCTOBER 5, 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

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

**I. MATTERS SUBMITTED BY TOWN SUPERVISOR**

- A. 2021 Tentative Budget – the Town of New Hartford 2021 Annual Budget delivered by the Town Clerk’s Department was handed out to everyone – if anyone from the Board has any questions, please just contact Supervisor Miscione

**II. PRESENTATIONS/COMMENTS**

- A. **Resident Michael Evans** – few weeks ago asked a few questions to the Board – if I was to develop a piece of property, what would be the procedure I’d have to go through? Who would I have to see?; Supervisor Miscione – Codes Department; Mr. Evans – Who did Mr. Calli see?; Supervisor Miscione – I don’t know – if you’d like, we could have a meeting with the Codes Dept. and ask the questions; Mr. Evans – Asked who was involved in the meeting; Supervisor Miscione – we’re trying not to have a question and answer. If you have some questions, we can take them down. We can answer them for you and get back to you. We can schedule a meeting; Mr. Evans – When we came in here 2-4 weeks ago and the project was brought up, nobody knew nothing, no permits were filled but when we found out Mr. Calli came in and was asking things. So, if he was in this building asking questions on how to develop this property or what he needs to go through with it then somebody honestly met with him and somebody knows that municipal housing authority wants to buy the property. Why is it a big secret; Supervisor Miscione – there is currently no project; Mr. Evans asked everyone on the Board if they had an idea, they were buying the property – Rick (No), Mr. Trevisani (No); Town Attorney Herbert Cully – Yes, I had an idea. This is a

public presentation. This isn't intended to be a situation for questions and answers. People come in to the Codes Department every day; Mr. Evans – we come in to this place, all we want is just trust, tells us what's going on. Mr. Calli was in contact with the Town before the residents; Supervisor Miscione – Codes Dept. gave the number; Mr. Evans – At the last meeting it was said that Mr. Cully, because he had a conflict of interest, he will no longer be handling this case – who pays for this now? Who pays when the Town needs a lawyer for this project? Just asking questions; Supervisor Miscione – we are not there yet, there is no application; Mr. Evans – How does the system work; Supervisor Miscione – when the application comes through, its discussed by the Board. Everything is done at the Board level when the application comes through; Mr. Evans – How's he paid; Town Attorney Herbert Cully – I get a salary; Mr. Evans – does it come out of your salary to pay for this lawyer; Town Attorney Herbert Cully – it's never happened before; Mr. Evans – Wells its probably going to happen this time; Town Attorney Herbert Cully – Sir, there is no application, I don't know what you're talking about; Supervisor Miscione – There's no application; Mr. Evans – you keep talking about this application. I am asking questions on how things work. You don't want to tell me how things work, I want to learn; Supervisor Miscione – Me too, if there is no application, I don't know how to move forward and get it done, guess I don't understand the question; Mr. Evans – I want to know how the government works, how this Town Board works; Supervisor Miscione – if the application comes in, the Board will discuss the different issues that come arise and that will be discussed; Mr. Evans – In other words, whatever I ask, it just going to be 'we just have to wait for an application' you guys are not thinking about this right now. Let me ask you this now, back in 2013, a county wide study was done for individual projects throughout the county- RC7 Sauquoit Palmers Creek stabilization in the armory, bank stabilization improvements on the Sauquoit Creek and Palmer Creek. Now if something happens now and someone buys this, just asking a question, if it is, I know there is no applications in, who pays for this? Does the County have to come up and take care of this big mess before they sell the land? Or does the person who is going to develop this land have to pay for it? Because there is no application, I understand; Supervisor Miscione – those are what Public Hearings are for – we bring the application forward, the residents come in; Councilman Messa – I just want you to know, from the first meeting, how the procedure works – the developer gets an engineer (they pay for it) and they pay for our engineer; Mr. Evans – In other words, does the County have to do this or is he going to pick up the whole fund – in 2013 it was estimated \$775,000, I haven't seen anything done yet. Maybe in all fairness, maybe you should tell Mr. Calli he might be having a \$775,000 bill from back in 2013 which I am sure is way over that now, 7 years later.

- B. **Resident Frank Suppa (Sessions Road)** – Question about the previous vote for MHA on the Woods Highway Project – 1<sup>st</sup> the Planning Board – who can explain to me the purpose of the Planning Board; Town Attorney Herbert Cully – The Planning Board will review the site plan with the assistance of an engineer. If they need to consult with a planner, they review a project to deal with traffic, storm water; Frank Suppa – Basically it is for the benefit, for the betterment for

the Town of New Hartford, the residents, for the betterment of the community, for the quality of life, for all that. The last project for the Woods Road project was a 3-2 vote against; Town Attorney Herbert Cully – you referenced MHA – Woods Road project had nothing to do with MHA #1, #2 – that was an application to change the zoning; Frank Suppa – MHA wasn't trying to purchase land on Woods Road?; Town Attorney Herbert Cully – it wasn't MHA, it was an application, a project that was rejected; Frank Suppa – so this is the 1<sup>st</sup> time MHA has tried to purchase land in the Town of New Hartford; Town Attorney Herbert Cully – I don't know if it's the 1<sup>st</sup>, 5<sup>th</sup>, 10<sup>th</sup>; Frank Suppa – 1<sup>st</sup> time been aware of it and as of now no plans have been brought, its still in limbo? (Everyone quietly said No)

### III. Meeting Minutes – December 19, 2019

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

#### (RESOLUTION NO. 243 OF 2020)

**RESOLVED** that the Town Board of the Town of New Hartford does approve to meeting minutes from the December 19, 2019 Town Board Meeting.

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**.

### IV. REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE

- A. Town Clerk
  - 1. Appointment Registrar

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

#### (RESOLUTION NO. 244 OF 2020)

**RESOLVED** that the Town Board of the Town of New Hartford does approve to appoint Melody Fancett as Registrar.

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**.

2. Appointment of Deputy Registrar (Town)

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

**(RESOLUTION NO. 245 OF 2020)**

**RESOLVED** that the Town Board of the Town of New Hartford does approve to appoint Kayla Empey as Deputy Registrar.

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**.

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

**(RESOLUTION NO. 246 OF 2020)**

**RESOLVED** that the Town Board of the Town of New Hartford does approve for Supervisor Miscione to sign the Notice of Appointment for the New York State Department of Health.

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**.

3. Appointment Part-Time Clerk (Town Clerk's Office) – Shannon Dodge - 17.5 hours a week at \$14.83/hour; Councilman Reynolds asked if we had more applications; Mel stated we had three (3) applications submitted; Councilman

Reynolds – we need to see all three (3); Supervisor Miscione – will put that on hold; Councilman Reynolds – has this been advertised; Mel – has been advertised for a couple of months, we’ve done interviews – Gail interviewed one, Mel interviewed the other two and out of the three we felt that Shannon Dodge fit the office. Mel – she is young, a go getter, energetic; Councilman Reynolds – asked if it’s the Board appointment; Town Attorney Herbert Cully – asked if was Gail’s appointment; Mel – this was Gail’s appointment, before she retired but now she is gone; Town Attorney Herbert Cully – read ‘In addition the Town Clerk may appoint at his or her pleasure or remove up to two additional Deputy’s Town Clerk’s whose duties and responsibilities shall be established by the Town Board’; Mel – I will say, we do need help in that office; Councilman Reynolds – I am not questioning that but this is not our appointment; Town Attorney Herbert Cully – No, it is normally the Town Clerk’s; Councilman Lenart – this was a recommendation by Gail?; Mel – Gail didn’t actually get to interview her but she authorized me hiring her and then she resigned; Councilman Lenart – asked Herb if the Law states that the Town Clerk has to do that; Town Attorney Herbert Cully – yes; Councilman Lenart – what is Mel’s position right now?; Town Attorney Herbert Cully – Mel is 1<sup>st</sup> Deputy performing the duties as Town Clerk; Councilman Lenart – so does that fall under that category; Town Attorney Herbert Cully – I would think it does.

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

**(RESOLUTION NO. 247 OF 2020)**

**RESOLVED** that the Town Board of the Town of New Hartford does approve to hire a part-time clerk, Shannon Dodge (17.5 hours a week at the rate of \$14.83 an hour).

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**.

Discussion – Councilman Messa – Do you have to put the date when its starting and the rate and all that; Mel – yes, I have her at \$14.83 and whenever you guys would like her to start, she’s happy to.; Councilman Messa – Do you need help, if possible, tomorrow; Supervisor Miscione – she’s been here, hasn’t she; Mel – I’ll pay her out of my own pocket if need. I didn’t realize, I thought Gail appointed her but I’ll take care of it the last two days; Town Attorney Herbert Cully – So you’re confirming the appointment as designated and authorized by Gail; Supervisor

Miscione – but the start date, she already got hired at the Clerk’s Office; Councilman Lenart – do you want to make that retroactive; Supervisor Miscione – we have to retroactive that right; Town Attorney Herbert Cully – you’re confirming the appointment as directed by Gail and made by Mel effective whatever day Gail told her to start; Mel – she only worked two days and I told her not to come back until goes through the Board; Supervisor Miscione – if Board okays it; Town Attorney Herbert Cully – asked date and Mel responded the 29<sup>th</sup>.

**IV. MATTERS SUBMITTED BY TOWN SUPERVISOR/TOWN ATTORNEY/COUCILMAN**

- A. **BOND** – Town Attorney Herbert Cully – We were holding the Bond (\$63,000) for the Hartford Luxury Apartments (asked Rick if the infrastructure has been completed to your satisfaction, Rick responded Yes) – so we want to release that Bond, not for the stormwater, just the infrastructure.

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

**(RESOLUTION NO. 248 OF 2020)**

**RESOLVED** that the Town Board of the Town of New Hartford does approve release the Bond for the infrastructure for the Hartford Luxury Apartments.

Discussion – Councilman Reynolds – stormwater is still out there?; Supervisor Miscione – there is a \$250,000 Bond for stormwater; Councilman Reynolds – this project is critical and we are not releasing that in anyway, shape or form?; Supervisor Miscione – No, this is just the infrastructure that’s been in – Rick goes and inspects it – done it for two years.

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. BUDGET**

- 1. **Supervisor Miscione** – no changes; Highlights
  - i. There is a new administration change in New York Mills so they changed the fire district tax rate. It will have to be added to this (small amount).
  - ii. IT stuff – no decision has been made – we can do that at the following meetings – put lowest numbers in – if decide to go a different route then we have to add those back in

- iii. All services are still intact – rate change of 0.45% increase – health care went up, workers comp. went up, retirement went up – gave us a little boost. The fund balance we have up top is actually less than the fund balance we added last year but was the exact amount from 2020. The \$374,5000 – if you look at 2020’s budget, that was the same amount we used as the fund balance for 2020 – we kept as the same for this year but its less than the additional fund balance we added in 2019. Right now, not looking at using any fund balance for 2020. In 2019, the fund balance is on the report gave to everyone. If you take that number, saying we don’t use any in 2020, subtract that, that will be your balance; Councilman Lenart – What is the State requiring that the comfortable balance they want us at; Supervisor Miscione – we passed a resolution, 2 years ago I believe, so we are way over the requirement at this point (believe double, that we voted on).

## 2. Councilman Lenart

- i. In the past, I know we’ve talked about the zoning officer and possibly doing an engineer/zoning officer – I don’t see it in budget. If we chose to go that route, how would we pay for it; Supervisor Miscione – if the Board wanted to go that route, we would put it in our next budget (preliminary budget) and just add to this. We are way under the tax gap, that would be an additional amount for 2021.; Councilman Lenart – take assistant salary from zone officer, eliminate that position and make a zoning officer; Supervisor Miscione – then we would have to set the salary.
  - ii. Town Services – Rick, do you know how much it would cost off hand to clean up all the jobs (Rick answered – stormwater?) – Anything, we get calls on – saying I called the Highway Dept., they said it was on the list or we checked – just wondering what that list is and what the cost is to get it cleaned up; Highway Superintendent Richard Sherman – it takes manpower to get cleaned up; Councilman Lenart – what I’m looking at it, we’ve managed to rob Peter to pay Paul, undo something to do something. Some of these people have been waiting four or five years to get stuff done. As we’ve talked about it before, we want to provide services. If the Board agrees, we’d like to see a composite list and cost of what that would be going forward – we’ll know where we are at.
- ## 3. Supervisor Miscione
- instead of hiring a Director of Finance and having it in house, the fee listed is the fee for the auditor. These next few months they will be over seeing Lisa and they will be doing it all next year and then they will be reporting to the Board quarterly instead of monthly because they are coming from Buffalo (for the meetings). They will be here monthly for the paperwork. The only thing they will not be doing are the transfers and budget. They will do the oversight of Lisa, making sure

accounts are correct and expenses are done the right way. If we got a Director of Finance, they would have to be a full-time person (an appointment).

4. **Councilman Reynolds** – Cable TV franchise (not in there); Supervisor Miscione – it's in Part Town
  5. Paychex – decreased computer software tally and put it under the payroll/paycheck area – made another line item – total what we pay Paychex for the direct deposits and checks.
  6. Decreased revenues on the parks side – with COVID on the rinks, decreased revenue across the board on all our pavilion rentals because last quarter they went down also. Zoning and Planning – we reduced some of the numbers accordingly to reflect the change also
  7. Sauquoit Creek Basin Membership for 2021, hoping to get grants
  8. Left in material for stormwater projects
3. **Town Attorney Herbert Cully** – We have to have a resolution adopting a preliminary budget depending if you have changes and then have to schedule the Public Hearing. The Public Hearing has to occur by the Thursday following Election Day.

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

**(RESOLUTION NO. 249 OF 2020)**

**RESOLVED** that the New Hartford Town Board does hereby move to schedule a Public Hearing to adopt a preliminary budget for 2021 on Thursday, November 5, 2020.

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**.

**C. Councilman Messa**

1. Willowvale Fire Department service credits; Councilman Reynolds – funded by their fire tax – how many people will it affect – if its two or three, its not an issue; Councilman Messa – will get the information; will then need a resolution
2. Stormwater Study – when will we get – Rick sees weekly, there is a lot of work, came up with a report. Supervisor Miscione will follow up

**D. Highway Superintendent Richard Sherman**

1. Foxcroft – concrete structure in next week then will start cutting trees down, pipe will be installed in Phase 1
  2. Got a new software program that applied for and once instituted will have up – when a constituent calls in, there will be a work order that will be put together – then goes out to the crew – when work is complete, comes back to Rick so he knows it's done. Then will have a complete report to bring back to the Board
- E. Councilman Woodland** – check for \$1,446.66; Supervisor Miscione – lease payment for the parks tower – will make a new revenue line – first payment
- F. Supervisor Miscione** – Solar Law – Town Attorney Herbert Cully – will have at the next meeting – Supervisor Miscione – once we get it back, we can put it out in the paper for companies to bid on the project and another revenue source
- G. Councilman Lenart** – Rec Center Roof; Town Attorney Herbert Cully – haven't heard anything further to follow up
- H. Supervisor Miscione** – Furnace Leak – since we build the building, the furnace leaks, the electrical wasn't done to the manufacturer's spec so still haven't paid the retainer back – trying to get it fixed. The furnace company, through the bid package hired the electrician (sub contracted) – what happened was the old furnaces had the electrical on the bottom of the unit, when water comes through there, it leaks, the manufacturer's spec is to put it on the control box that is on the side of the unit so it doesn't leak and it's insulated, they didn't do that. They did what was there before – told them they need to put two units up there or weld the plate and reroute the electrical to the correct place then we will be done and will not have leaks. That's why still have the retainer.
- I. Highway Superintendent Richard Sherman**
1. Stormwater went out for bid for Oneida Street – Utica City line/Town of New Hartford line – will open bids end of the month
  2. Update on Bleachery – Town Attorney Herbert Cully – ordered an abstract title. Lisa (daughter) has indicated she is willing to sign the deed over to the Town – her other quote/unquote siblings were never adopted by the father – should have any day now

### **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 7:26 P.M.

Respectfully submitted,

**Cheryl Jassak-Huther**  
**Town Clerk**  
**7/16/2021**