

REGULAR 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, JANUARY 6, 2021 @ 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 Richard M. Lenart
Councilman David M. Reynolds
Councilman Richard B. Woodland, Jr.
Supervisor Paul A. Miscione

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Personnel Technician Barbara Schwenzfeier
Town Attorney Herbert Cully
Highway Superintendent Richard Sherman
Police Chief Michael Inserra

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

I. PUBLIC HEARING – Paris Road Development Project

II. Comments/Presentation – Ryan Barron – Paris Road Development Project; Supervisor Paul A. Miscione – not voting tonight on this project, just an introduction of the project; If he decides to move forward, he will have to submit an application, a \$5,000 fee for the application, then at that point there will be multiple public hearings and then we will go forward through the Town Board Level. For those who submitted questions/letters via Facebook, Councilman Reynolds, the Councilman for that district, will go over those, feedback/questions that the residents have. The Board Members and Mr. Barron will be answering those questions as well.

Ryan Barron – showed his presentation; considering doing an Executive Townhome Subdivision on Upper Paris Road; right now it is considered called The Hollows; if any residents that would like a copy of the presentation can call the Town or stop over Mr. Barron house (neighbors know him personally). We are proposing a for sale only, Executive townhome subdivision; Homes starting from \$350,500.00 - \$415,000.00, per home; similar to other communities; Community Impact: 48 1-Level Unit, HOA Style Living for Upper Middle Class & Upper Class Demographic, add value to New Hartford Community to maintain and grow population, transition families out of Larger Upscale Homes into Smaller Upscale Community; Land Use Strategy – Building Clustering with open spaces and public use spaces, maintain mature foliage & tree lines to emphasize aesthetics to land, addition of park benches and pet refuse containers in shared green-spaces.; The Land – land survey is made public – right next to the Oakwood Development – right between 185 Paris Road and 197 Paris Road, that is where the entrance of

the property is.; Topo Survey – shows a gently sloping rear to frontage on Paris Road – from a development perspective provides a really nice sewer and water run off – this specific property is outside the 100 year flood plan and is outside the wetland area and is outside the current stream runoff; Two different Townhomes considering building, one is a 1650 Sq. Ft. Townhome - 2 bedrooms and 2 bathrooms, a full office, full basement and 2 car garage, 10 foot ceiling throughout and 8 foot ceiling basement, hardwood floors throughout – starting at \$379,500.00; Smaller Unit – 1250 Sq. Ft Townhome Features: Starting Price: \$350,000.00 – same amenities – just a smaller size; Showed some renderings of the front, side and rear elevations; Showed sketches of plans and proposed development plans; all this information will be made public to the Town; Councilman Reynolds – questions and concerns from residents.; Supervisor Paul A. Miscione – to explain the process – the first step, the developer would have to apply to this Town Board for a change in zoning, then they have to go through the planning board process which will have public hearings, traffic studies, storm water surveys done, water pressure calculations – all handled at the Planning Board level. - to fit the characteristics of the neighborhood.

Ryan Barron – Questions from Facebook were answered by Mr. Barron.

Town Attorney Herbert Cully – clarify that the front is Low Density Residential back agricultural; two parcels that are being purchased - have to disclose what doing with the entire parcel.

Ryan Barron – Both parcels – parcel A and X were both acquired in their entirety through his LLC – parcel A was zoned as LDR and parcel X was zoned agricultural (back portion) – both parcels are one piece of land under one tax ID number – joined under the previous land owner. 24.5 acres.

Town Attorney Herbert Cully – process involves an application, the Board will review it, indicate whether or not will go forward with this; then goes to the Planning Board; enact a local law to amend the zoning; final decision will be in the Town Board hands to whether or not to grant the planned development district.

III. Reports of Town Officials by Stand Committee Chairperson

A) Town Clerk Committee

a) Authorization for Melody Fancett to sign GC Raffle Consent Form (friends of the ARC)

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

(RESOLUTION NO. 12 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve for Melody Fancett to authorize the GC consent form for the Friends of the ARC.

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

Councilman Messa - Aye

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

The Resolution was unanimously carried and duly *ADOPTED*.

- b) Authorize the COMP time for 202 Budget: Deputy Clerk Fancett and Registrar Kayla Empey
- a) Supervisor Miscione – verify what asking; Personnel Technician Barbara Schwenzfeier – Employees earn COMP time throughout the year and usually it is used up by the end of the year and with all that is going on, haven't been able to use it and Mel Fancett is asking for it to be paid out; Supervisor Miscione – question is – even though she is not currently the Town Clerk but we appointed her Town Clerk and she gets the Town Clerk salary, she doesn't get COMP time; Personnel Technician Barbara Schwenzfeier – time she earned up to the point prior to Gail leaving; Currently there is no COMP for the Town Clerk; will be discussed at the next meeting once the total amount of time is known.
 - c) Insurance Renewal – Authorize supervisor to sign

Councilman Lenart introduced the following Resolution for adoption and seconded by Councilman Reynolds:

(RESOLUTION NO. 13 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the insurance the renewals for this year that were approved in the budget.

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

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

The Resolution was unanimously carried and duly *ADOPTED*.

B) Finance Office

- a) Budget adjustment(s) – Town Clerk & Registrar 2020 Budget – Transfer \$200.00 from Registrar B4020.40 to Town Clerk A1410.40 to cover overage with lock box

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

(RESOLUTION NO. 14 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the budget adjustments.

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

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

The Resolution was unanimously carried and duly *ADOPTED*.

b) Audit of Vouchers/Approve the Bills

Councilman Woodland introduced the following Resolution for adoption and seconded by by Councilman Messa:

(RESOLUTION NO. 15 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the bills.

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

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

The Resolution was unanimously carried and duly *ADOPTED*.

C). Police Department – Authorize & Sign 2021 Animal Control Agreement with the Stevens-Swan Humane Society

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

(RESOLUTION NO. 16 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to Authorize & Sign 2021 Animal Control Agreement with the Stevens-Swan Humane Society.

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

Councilman Messa - Aye
Councilman Lenart - Aye
Councilman Reynolds - Aye
Councilman Woodland - Aye

Supervisor Miscione - Aye

The Resolution was unanimously carried and duly *ADOPTED*.

IV. Consideration of matters submitted by Town Board Members

Councilman Reynolds – Foxcroft Retention Basin – get an update – had a question as to possibly moving the retention area/changing the retention area, believe we've heard back from our town engineer that that is not feasible; Town Attorney Herbert Cully – Mr. Delco - Indicated that it would not be the best location if we moved it. He said that the site he has selected is the most efficient and would provide the greatest benefit. He also said if we moved it that there would be substantially more costs. Herb has talked to the attorney for the resident and they have renewed their request if the Board would consider moving it even a slit distance. Councilman Reynolds – 'that would be counter to our engineers input. Also, Phase 1 is already completed. The engineering phase for the outlet of that, if we are going to change the location or alter that in any way that work maybe changed also. I would recommend that we do not move it. As I understand it, Rich wants to get in there as soon as the ground is frozen; Highway Superintendent Richard Sherman – yes, we were up there this morning and would like to get going on it and go up there and clean where the pond will be located. ; Herb will sit down with Rich and go over it.

V. Consideration of matters submitted by Town Supervisor

1. Return two letters of Credit – Heartford Luxury Apartments – Buck Construction with Highway Superintendents approval job was completed to satisfaction. Highway Superintendent Richard Sherman has been complete; the second roadway has been paved, off of Clinton Road.

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

(RESOLUTION NO. 17 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the return of the two letters of credit.

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

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

The Resolution was unanimously carried and duly *ADOPTED*.

2. Kimberley Stenski Senior Office Specialist 1 in the Police Department - at the rate of \$18.01/hour, full-time, in budget, reason as we had a retirement.

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

(RESOLUTION NO. 18 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the hiring of Kimberly Stenske for the Police personnel.

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

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

The Resolution was unanimously carried and duly *ADOPTED*.

Councilman Woodland questioned if this was provisional; Police Chief Michael Inserra stated is provisional and the test is scheduled for March and Personnel Technician Barbara Schwenzfeier stated she is signed up for it.

3. Police Officer Nicholas Spina at the salary of \$60,895.00- start date of 1/11/2021 full-time, permanent and is a current opening.

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

(RESOLUTION NO. 19 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the hiring of Police Officer Nicholas Spina.

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

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

The Resolution was unanimously carried and duly *ADOPTED*.

4. Agreement for fire protection, Village of New Hartford, Fire District 1 and 2 – budgeted amount, the amount is the same as we budgeted in our budget.

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

(RESOLUTION NO. 20 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve agreement for fire protection, Village of New Hartford, Fire District 1 and 2.

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

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

The Resolution was unanimously carried and duly *ADOPTED*.

5. Approve the contract for New York Mills Fire Protection; the amount was the same we had in the budget for 2021.

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

(RESOLUTION NO. 21 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the contract for New York Mills Fire Protection.

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

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

The Resolution was unanimously carried and duly *ADOPTED*.

6. Approve the Willowvale Fire contract - in budget - the total is the same as what is in our budget for 2021.

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

(RESOLUTION NO. 22 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the contract for the Willowvale Fire contract.

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

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

The Resolution was unanimously carried and duly *ADOPTED*.

7. Animal shelter agreement with Stevens-Swans, same as last year

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

(RESOLUTION NO. 23 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the animal shelter agreement with Stevens-Swan

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

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

The Resolution was unanimously carried and duly *ADOPTED*.

8. Executive order 202.83 signed by governor Cuomo which eliminates the requirements for assessors to mail out renewal application for 2021; if you had the exemption in 2020 it is automatically renewed in 2021.

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

(RESOLUTION NO. 24 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the Executive order to given by Gov. Cuomo.

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

| | | |
|------------------|---|-----|
| Councilman Messa | - | Aye |
|------------------|---|-----|

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

The Resolution was unanimously carried and duly *ADOPTED*.

9. Councilman Messa was asking about the Bleachery Ave project; Highway Superintendent Richard Sherman – waiting on National Grid to turn off the gas. He is waiting to hear back from them.

10. Highway Superintendent Richard Sherman

A) Six Budget Adjustments

1. Safety Clothing – DB5110.409 for \$586.21 to DB5140.40 – had extra money at the end of the year in the Brush and Weeds

Councilman Messa introduced the following Resolution for adoption and seconded by Councilman Woodland:

(RESOLUTION NO. 25 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the transfer of money.

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

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

The Resolution was unanimously carried and duly *ADOPTED*.

2. Ice Control/Salt – DB5142.402 to Drainage - \$1,152.86

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

(RESOLUTION NO. 26 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the transfer of money.

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

Councilman Messa - Aye
Councilman Lenart - Aye

Councilman Reynolds - Aye
Councilman Woodland - Aye
Supervisor Miscione - Aye

The Resolution was unanimously carried and duly *ADOPTED*.

3. Tires – DB5140.401 – had to get a set of eight tires for one of the ten wheelers that plow up in the hills - \$796.57, from Brush and Weeds.

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

(RESOLUTION NO. 27 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the transfer of money.

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

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

The Resolution was unanimously carried and duly *ADOPTED*.

4. Co-provia – patching of the holes – DB5110.406 for \$477.32 to Paving DB5112.40

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

(RESOLUTION NO. 28 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the transfer of money.

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

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

The Resolution was unanimously carried and duly *ADOPTED*.

5. Gasoline – Winter Fuel DB5142.404 to Summer Fuel DB5110.405 - \$11.66

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

(RESOLUTION NO. 29 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the transfer of money.

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

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

The Resolution was unanimously carried and duly *ADOPTED*.

6. Vehicle Repair DB5130.400 to DB51405 drainage

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

(RESOLUTION NO. 30 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the transfer of money.

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

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

The Resolution was unanimously carried and duly *ADOPTED*.

11. **Supervisor Miscione – Authorize Supervisor to sign**

A) Association of Towns – Authorize the 2021 Membership Renewal \$1,500.00

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

(RESOLUTION NO. 31 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the Association of Towns Authorization of the 2021 Membership Renewal.

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

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

The Resolution was unanimously carried and duly *ADOPTED*.

B) Town Association for the Certificate of Designation

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

(RESOLUTION NO. 32 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the Town Association for the Certificate of Designation.

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

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

The Resolution was unanimously carried and duly *ADOPTED*.

C) Authorize & Post OD - Protect Your Farmland Application

Councilman Reynolds introduced the following Resolution for adoption and seconded by Councilman Lenart:

(RESOLUTION NO. 33 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the Authorization & Post OD - Protect Your Farmland Application.

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

| | | |
|-------------------|---|-----|
| Councilman Messa | - | Aye |
| Councilman Lenart | - | Aye |

Councilman Reynolds - Aye
Councilman Woodland - Aye
Supervisor Miscione - Aye

The Resolution was unanimously carried and duly *ADOPTED*.

D) Crime & Travelers Renewal Policy effective 1/1/2021 – 12/31/2022

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

(RESOLUTION NO. 34 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the Crime & Travelers Renewal Policy.

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

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

The Resolution was unanimously carried and duly *ADOPTED*.

E) Excess Employers Liability effective 2/1/2021

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

(RESOLUTION NO. 35 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the Excess Employers Liability.

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

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

The Resolution was unanimously carried and duly *ADOPTED*.

- 12. Town Attorney Herbert Cully** – Bring to the Boards attention – the Board authorized the release of the two letters of intent – the 1st letter was for \$62,500 – exp. 9/13/2019 – no issue; 2nd one – the developers come in and do the development then they walk away and turn it over to the town and 10 years later we have a problem and get stuck with it – expires 9/13/2027 - \$250,000 for maintenance guarantee of storm water pollution prevention plan detention pond.; It is in our legislation that they have to post this for that period of time to guarantee they can't just walk away – have to provide for 10 years (according to our ordinance); Motion to rescind that approval, rescind sending that back.

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

(RESOLUTION NO. 36 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to rescind sending back the 2nd letter of intent.

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

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

The Resolution was unanimously carried and duly *ADOPTED*.

- 13. Personnel Technician Barbara Schwenzfeier** – is working with IT and in the near future we will be getting more equipment in so that the sound is better and the TV screens are better.
- 14. Police Chief Michael Inserra** – announced the retirement of Investigator. Yoxall effective January 8, 2021
- 15. Supervisor Paul A. Miscione** – The Oneida County Executive has COVID and we want to wish him a speedy recovery and everyone stay safe.

ADJOURNMENT:

There being no further business to come before the Town Board, upon motion of Councilman Messa and second by Councilman Lenart, the meeting was adjourned at 7:16PM

(RESOLUTION NO. 37 OF 2021)

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

| | | |
|---------------------|---|-----|
| Councilman Messa | - | Aye |
| Councilman Lenart | - | Aye |
| Councilman Reynolds | - | Aye |

Councilman Woodland - Aye
Supervisor Miscione - Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Respectfully submitted,

Cheryl A. Jassak-Huther
Acting Town Clerk