

**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, MARCH 10, 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:**

Deputy Town Supervisor Anthony J. Trevisani  
Personnel Technician Barbara Schwenzfeier  
Town Attorney Herbert Cully  
Melody K. Fancett, Deputy Clerk 1  
Account Clerk Lisa Smigle  
Highway Superintendent Richard Sherman  
Police Chief Michael Inserra

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

Supervisor Miscione presented the Town Clerk with the towns Fire contracts for filing purposes.

**II. Presentations/Comments**

**A. Solar Liberty Presentation – Dean Stanfield**

Rob Gauchat, VP of Sales and Marketing of Solar Liberty, and Dean Stanfield (works with the Commercial Projects). They presented the town board with some hard copies for their presentation on Solar Liberty. Mr. Gauchat asked the town board what the towns plans were on the use of solar energy (the towns goals) and if the town could possibly help their company. Mr. Gauchat continued with a thorough overview of what their company had to offer, that included New York's States goals on green, renewable energy, remote credit (save money).

Supervisor Miscione: The two locations that were kept for solar energy were, in the past, used for a green waste dump site. One is at our Town Park and the other location is on Middle Settlement Road, the neighboring parcel at The Meadows, their company is also interested in the use of solar energy. The Meadows were interested in piggy backing with the Town after seeing the town's solar project. The Meadows is municipal housing for seniors, they have tax credits and they were inquiring about solar

credits. The Town is looking for a lease deal; the ground would be leased from the town, if we got to a certain number in the agreement, the extras could be used for an offset costs at our municipal building on Clinton Street and on our Highway garage down on New Hartford Street.

Town Attorney, Herbert Cully: Asked if Mr. Gauchat could give some examples of what other municipalities that have an arrangement that is similar to Solar Liberty and how it has been working.

Mr. Gauchat: We have a company based in Buffalo, NY. We've been in business with for 18 years. We do a lot of work with municipalities, schools, SUNY and government work has been something we have been very fortunate to do a lot of work with over the last 18 years. We also do commercial, industrial work, commercial industrial projects and we also do homes and businesses. Anyone that is interested in solar. We really cover the whole state with our services. We bring a lot of experience to the plate. We have installed over 3,000. One of the benefits to the town, we have the experience and a great relationship with National Grid, good relationship at the public service commission level. Making it as smooth as possible to go solar.

Mr. Gauchat showed examples of places they set up solar: churches, schools, SUNY work. They have installed Mega WATS across the state at numerous SUNYS and Universities. A list is in your presentation copies.

Mr. Gauchat - Goals for New Hartford: There is a site on Route 12, there is a lot of wet land on this property. It is a 13.2 Killable Line, it is perfect, a great line for solar, to build a big array. The issue is, you already have a 10 Megawatts, that tells us there are already many projects in Que for this site.

Unless something falls out, like a project doesn't move forward because it is not financed properly, or someone from out of state pulled the plug, right now we would say stay away from that line because in order to add more to that line, it would be extremely expensive to upgrade the substation and the lines cannot handle more than that, 10 Megawatts is about the capacity for that line.

The good news is really on the second site. Mr. Gauchat is unsure of the acreage on that site, the Senior Living facility. It would be a great site. That substation can handle about 9.7 megawatts of solar to feed it without huge upgrades. You can have about 21/22 acres of solar, 38 megawatts. This is the perfect site if you have the acreage. Supervisor Miscione has the information in his office. We would have to do a retention pond. He believe it is 2 acres for the retention pond. He is not sure how much acres are left but has the information in his office. He will get that information for Mr. Gauchat.

You have to go through a basic feasibility study with the utility. That will get you into the Que. That locks you into place. You have understand what you want to do with it to be able to do so or else some else is going to come in and block it off. Time is of the essence because there are incentives. There are incentives for over 750 Kilowatts and under 750 kilowatts. The one that is over 750 is really starting to fill up.

Town Attorney Herbert Cully asked how long does it take for someone to get into the Que. Mr. Gauchat responded there is an application process, a charge of \$1,500 for preliminary: the companies engineering cost, the cost for National Grid engineering time, and what happens is once we submit the application which includes a diagram, site plan, some other information, then you are in the Que. You have to continue to move forward at a certain pace to remain in the Que. This is why some of the other company's projects fall out because they may say, 'Well we don't want to do the studies, pay the fee, etc.' it is first come first serve. You can figure a rough estimate of 250 kilowatts per acre so one megawatt would be four acres roughly. He displayed different mounting systems as examples in his presentation.

Incentives: Your system size determines the NYSERDA incentive but what happens as more megawatts are contracted for certain size systems, the incentive goes down. This is why timing is important depending on the sizes you want to build. You get more tax credits for a brown field. What happens with the arrays, all the electricity is ejected into the grid and essentially you become a power plant and National Grid is going to compensate the owner of the array for every kilowatt hour that it produces. Then at the end of the month, there is a credit is given.

Question from Highway Superintendent Richard Sherman – If the Town does an application, is it for the whole Town or is it per project? Mr. Gauchat: Answered that everything is per project basis. He stressed that the Middle Settlement Road project is a great project and time is of the essence and the incentives are out there.

Supervisor Paul Miscione talked about the Middle Settlement Road project and the Meadows for the additional land that was there we wanted to be. There are some people in the Que for the Park one but he believes some people are going to drop out of that one because they passed it for the Town only. They may do smaller projects to get us in the que. He would like to talk to Mr. Gauchat about the project and get on the list and start the program. The Highway garage, there is 5-6 acres there too. They would like to look at that too as a location. Mr. Gauchat – the bottom line is, it’s a great opportunity to do this.

Supervisor Paul Miscione: question – bidding process – how does it work? Do you find the most qualified person to work with them? Mr. Gauchat: You have to do what is within your legal guidelines and there is again, essence of time. It is \$1,500 per application but they may reduce it a little with little parcels, depending on the studies and project. Estimate time frame is 6 months. Follow up when ready.

### **III. Reports of Town Officials By Standing Committee**

#### **A. Finance Director – Vouchers**

##### **1. Audit/payment of Vouchers**

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

#### **(RESOLUTION NO. 71 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve the payment vouchers/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*.

2. **Minutes – December 16, 2020**

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

**(RESOLUTION NO. 72 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve the minutes from the meeting held on December 16, 2020.

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. **Budget Transfers**

1. **Lisa Smigle** – This goes back to the 2020 Budget - Increase the insurance recoveries/revenue (\$3,383.64) and increase the expense for traffic control contractual to make up for the loss that we had.

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

**(RESOLUTION NO. 73 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve the payment vouchers/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*.

2. **Lisa Smigle** - This also goes back to 2020 – We have some money left in Dan Driemiller account, we want to take \$16,206.00 and move it to pay Drescher and Malecki bills from 2020 and that would go to that fund to cover that. The balance we have is \$21,286.12. Transfer it all over to the account.

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

**(RESOLUTION NO. 74 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve the transfer of the 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. Lisa Smigle** – We received \$122,127 from our insurance company to replace the damaged Highway plow truck; I need to increase the revenue for insurance recovery and also increase Highway equipment so Rick can get a new truck from Utica Mack for \$122,127.00. That was the total for the new truck. The total from the insurance company – Highway Superintendent Richard Sherman, the total loss \$121,027.00: Miscellaneous - \$10,000, Clinton Collision - \$2,100, Deductible - \$1,000 so the total was exactly \$122,127.00; Town Attorney Herb Culley asked if the new truck was the same price and Highway Superintendent Richard Sherman responded that the cost of the new truck was \$121,865.00 and that included the cab and chastity.

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

**(RESOLUTION NO. 75 OF 2021)**

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

**B. Town Clerk Committee**

1. **Request – Time Off – Melody K. Fancett, Deputy** – April 1<sup>st</sup>, one day of vacation time and March 26, 2021 – April 7, 2021 (9 days of vacation time)

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

**(RESOLUTION NO. 76 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve the vacation time off for Melody K. Fancett.

Councilman Messa asked Melody K. Fancett if the office will be covered and Melody responded that everyone else will be there.

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. **Return Stewarts 5 year bond for \$250,000** - Melody : I will write the letter. The Bond was in the safe. We don't know what box it is in, in the back and we don't have anyone to go back there to even begin to start searching. Supervisor Miscione: we don't have a Bond; we have to write a letter to get a resolution so they can get it to the bank so they can get their money. Melody: I will write the letter and get it to Herb.

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

**(RESOLUTION NO. 77 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to write the letter for the 5 year Bond for the completion of Stewarts \$250,000.

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. **General Code Estimate for Local Law 1 of 2020** - Need Supervisors Signature: Supervisor Miscione asked if there was a cost to it. Melody said it was attached to the agreement, that it was actually a proposal. Town Attorney Herbert Cully questioned why it was from Local Law 1 of 2020. Melody

responded: saying Jim McCully never sent them and they are not catching up. Mel said their estimate would be about \$470 - \$525 – she told them we only now need one code supplement, we don't need everybody else's; he said to go down a couple dollars; It has not been published online yet. Once we do this, they will post it online and update the online code book; Town Attorney Herbert Cully said this was not the Local Law 1 of 2020 and asked if he can check into this because he said this is not the Local Law 1 of 2020 – this will be discussed at the next meeting. Melody gave Herb the person she emailed and spoke to.

4. **Liquor License Renewal – Authorization – Laurey's Pizza** – No issues in that area from the Chief.

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

**(RESOLUTION NO. 78 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve Liquor License Renewal for Laurey's Pizza.

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. Public Works and Sewer – Highway Department**

2. **Sidewalk Resolution for Middle Settlement Road** – this is to give to the County so they can start the sidewalks; they gave a presentation awhile back; Highway Superintendent said it is under Highway Law, gives them permission to start the sidewalks and then the Town will take over the maintenance once it is done. Councilman Woodland will prepare the Resolution.

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

**(RESOLUTION NO. 79 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve the Sidewalk Resolution for Middle Settlement Road.

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. Reports of Town Officials By Standing Committee /Attorney/Deputy Supervisor**

##### **A. Councilman Reynolds**

Solar Powered Traffic Speed Signs – Councilman Reynolds proposed project on Paris Road, it has been pulled, they are not going to do that. From that, Councilman Reynolds has received a lot of complaints of speed on Paris Road. There has been concerns about putting sidewalks on which is really not practical. He has looked at solar signs that would remind people the speed of the vehicle, speed you are going. This particular one - Sylvan Beach, Morris and Waterville us it. It obtained data from the sign such as how many vehicles traveled, how many are over the speed limit, and at what time the vehicles came by. It is a tool the police department can use going forward. Again it is solar. There are other areas in the town that they would very nicely. At least here, like to see us moving forward, a pilot.

Highway Superintendent Richard Sherman – with his thought and he would like to meet with the chief at some point to get his thoughts, there are three roads that he knows of that he would like to try them on: Paris Road as we get several complaints of speeding, Woods Highway and also on Tilden. If it works well we will work further on it.

Supervisor Miscione – I think its a great idea and we will talk further tonight about all these projects. I have been looking at this and I also have another project that I spoke with Jim n depth on to kinda do some beatification projects around the town. I was thinking of putting together some money for each Ward and you know how you go into Saratoga and all these nice communities and they have all these neat signs. The main areas where signs are older and need some TLC. I think it will make things nicer. Jim and I had an idea, Oneida Street, kinda maybe make it a downtown area. We are going to repave those roads. Maybe look at the water department and work with them. Rick and I talked to the Water Authority. Maybe put new sidewalks in, maybe get that water main on Oneida Street new piping so we are not digging it up once a week. Do some beautification with the lighting and put some sidewalks in and make that really make that look nice. In 30 years, people will say wow they really took some pride in this area. The sidewalks really need an upgrade and the lighting. The small businesses in the plaza would really benefit from this as well. Can get some business traffic down there where people can walk and make it artsy and nice for people to enjoy. Put some money into the properties on Oneida Street. Solar lighting that we can get credits for, etc.

Councilman Reynolds – He will work with Rick on the project. Also, the New Hartford Fire Department didn't have their annual Installation Banquet and as a result the Ironman Award was held until they could have a Covid in forced meeting. The award went to Steve Moran who is a 33 year member of the fire department and wanted to express his appreciation to the Town for the award.



## **B. Councilman Messa**

1. Strategic Stormwater Project List – Last year was a tough year with Covid and we put a tremendous amount of work into getting the creeks cleaned out and through the engineer report, there are lists of other areas. His thoughts were to put up a list so we could put it up at every meeting showcasing all the work the storm water crews has done and the dates on it as well any projects that you have applied for grants or pending and just show an overview of all the stormwater attention that is being made in the Town of New Hartford. That document would give everyone an understanding of the accomplishments and of the pending projects. That is a little bit of an effort. If we can showcase that and review it. People would really appreciate it. We could post it to the website. This would be a nice step going to 2021.

Highway Superintendent Richard Sherman is still working on FEMA projects. We are still moving forward, we are working on the sewers besides Hillside Gardens, at the Athletic Park, Rayhill Trails, Tibbits Road behind the old police department. We are moving along and getting things getting done a little faster. We should start seeing some money coming back to us. An application was put into the County for Stormwater and detention ponds and we got an application back from the County saying they accepted it for \$326,420.00.

Supervisor Miscione – Just a quick note, we are also supposed to have about \$500,000 million coming back from the DEC for trucks. Hopefully after COVID, we should have that money coming in. We have a lot of grants out there that have slowed down for 2020 but are still in the pipeline for us to get. So hopefully 2021/2022 we probably have at least \$800,000 - \$900,000 in grants that have been worked on that we should be getting back also so that is money that should be coming back also for those projects that we started.

Highway Superintendent Richard Sherman – We also opened up the, remember the 20%, that they held it for checks, got notification that 15% is coming back. It will be seen in our Town of New Hartford monies. Also, word has it that we are in recovery for 2021 is looking very good so we will have some extra paving money. Things are starting to open up a little bit.

Town Attorney Herbert Cully – the federal monies that are coming to the County, the multi millions, are they going to share that with the towns?

Supervisor Miscione – They are going to allocate \$2.39 million to the Town of New Hartford but Councilman Messa brought up something that we don't know yet, but the Villages have to get some of that money, maybe, we don't know that yet, but we are going to find out from the conference call on Thursday with Schumers Office. That is one of the things they have to iron out. That will recover us from all the lose of revenue and then also too, economic development projects. We can use it for water services, sewer services, broadband. It doesn't include stormwaters. You can use it to put new programs together to stimulate the economy.

## **C. Demolition of 3535 Bleachery Avenue and Other Matters**

1. Highway Superintendent Richard Sherman said they will be there on April 1<sup>st</sup> to start demolition

2. Councilman Messa - Hand Place – not a lot of residence live there but , we have had some issues with people cutting through, they don't know its a dead end and they are going pretty quick, some new neighbors have moved in with children and asked if the police can patrol that area just to create awareness.

3. Councilman Messa - Talked to the Chief and Rick about it, the Board approved the stop signs in Meadowbrook. The signs being up will be a great thing and are working. More safety for the residents, especially the kids and the residences are happy.

4. Highway Superintendent Richard Sherman – Tomorrow meeting with Garret Paving and finalizing his paying for 2021 but if anything comes to anyone's mind, please let me know about it. I have been out looking and we have a list together and tomorrow we will put numbers to it. Supervisor Miscione – again we have a lot of roads we've had trouble with water main breaks, I know I always stress this, but if we can get those water mains on the side, that way if the water main ever goes, even if it costs us a few dollars today, it will save us and make the place look nice for years to come.; Highway Superintendent Richard Sherman - The Water Authority fixes the pipes but the Town does the work. Let's look at five main horrible roads and then put a new pipe in and things will look better. Spend money on 10 roads vs 20 roads and put the work into it and make it look right.; Town Attorney Herbert Cully – will be more than happy to contact the Water Authority and set up a meeting.; Supervisor Miscione: Even if the Water Authority will pay for the pipe/material and the Town will pay for the work. Let's make a plan for the next four years.

5. Councilman David M. Reynolds – Gilbert Road (road cuts) – at Woodstream Court, the Water Board did a road cut, and needs to be fixed. It is not safe and needs to be fixed. If the Town patches it, then it is there issue (they own it). The Water Board needs to fix it. They cut the roads and they don't repair them right away and it is not safe. We really need to look into all the roads that need new pipes and fixed.

6. Highway Superintendent Richard Sherman – 4 Cascade Drive – FEMA buyout – they accepted our proposal, it has to go out for appraisal, those are the FEMA requirements.

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

**(RESOLUTION NO. 80 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve for 4 Cascade Drive to go out for appraisal.

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*.

Supervisor Miscione – There is a small sheet in the Clerk's Department that showed the bid. We just need to put an advertisement in the paper; Melody K. Fancett, Deputy Clerk 1 – asked how many days to put it in for; Supervisor Miscione – we actually for FEMA, we actually called six appraisers, instead of putting a long ad in. Highway Superintendent Richard Sherman offered to work with Mel on it.

7. Supervisor Miscione - 3535 Bleachery Avenue – we have to go out for a bid for asbestos monitoring before we tear the building down.; Highway Superintendent Richard Sherman will check with Utica.; Supervisor Miscione – asked to approve to go out for the bid and if it ends up having their own team but if they don't at least we can start working on it.

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

**(RESOLUTION NO. 81 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve for the motion to go out for bid for monitoring, not removal, of 3535 Bleachery Avenue.

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*.

Supervisor Miscione – it is under \$5,000, we don't have to put it in the paper – we can send out emails to all the asbestos people to get a bid, we can three or four bids and go with whoever is the cheapest. Highway Superintendent Richard Sherman can contact them.

8. Police Chief Michael Inserra – we have a vehicle ready for surplus, so we can get it auctioned off. It is currently at the Highway Department. Forwarding Mel the information via email - It is the 2014 Ford Taurus, Vin #1FAHP2MK3EG175465 with approximately 75,000 miles on it and it has been taken out of service and we are ready to auction it off.

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

**(RESOLUTION NO. 82 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve for the motion to do the surplus.

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. Town Attorney Herbert Cully – asked for an Executive Session to discuss matters related to an employee.

**V. MATTERS SUBMITTED BY TOWN SUPERVISOR/TOWN ATTORNEY**

**A. Supervisor Miscione**

1. Reviewed some Zoning and Code regulations with Larry; One was 118-68, portage storage containers – we have had some people interested in putting some storage containers for construction use or for even for putting them in their backyards. We have something in our codes and it was a misprint – it says on the Tri Annual basis they are required to reinstate their building permit, it is supposed to be Tri Annually that they do it every four months, and it shows that we only do it every three years. We don't want a cargo trailer sitting out there for that period of time. Supervisor Miscione asked Town Attorney Herbert Cully if we had to go local law for a misprint and he said yes. Herb will double check but we might be able to do it by resolution.

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

**(RESOLUTION NO. 83 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to change the code 118-68 from Tri Annual basis to state renewable to ever three months.

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. Supervisor Miscione – Audit from our Accounting firm, same prices as last year. Councilman Woodland introduced the following Resolution for adoption and seconded by Councilman Reynolds:

**(RESOLUTION NO. 84 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to do our Audit.

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. Supervisor Miscione – Park – Christine Shahood, she has been working part-time at the Park to replace a full time position – doing a great job – she is \$15 per hour, been working full-time, permanent position and part of the Union Contract. Like to put her on full-time, from part-time especially going into the summer. She would be under 1<sup>st</sup> Laborer and as she progresses and as the others retire, she would take over at that point and its in the budget.

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

**(RESOLUTION NO. 85 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to make Christine Shahood full-time employee.

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. Supervisor Miscione – Hoffman's Car Wash on Seneca Turnpike – Mitigation fees for \$46,909.19; coming in to sign the pre-development agreement; we have the breaking ground meeting coming up next week; need approval so can get the check from them so the permit can be issued

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

**(RESOLUTION NO. 86 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to start the process for Hoffman's Car Wash.

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. Supervisor Miscione – call from Monica Lawendowski, President of the New Hartford American Legion Post 1376 Auxiliary; would like to do a safety day at the Town Hall in the parking lot; get the Town Highway Dept. involved, Fire Department, Police Department (vehicles) – a nice community event, kids can come. She would like to work with the Town Board on it.; Councilman Messa asked about the liability – the American Legion Aux. Will provide their insurance but also the Town will – June 6, 2021 – No cost to the Legion – 11:00am – 1:00pm; the Aux. may do hot dogs, cotton candy (free); Councilman Messa asked about signage for COVID and they will abide by all the rules when the time comes; Councilman Lenart asked if they have looked at the Town Park as a better alternative. Supervisor Miscione said the Aux. wanted it closer to the Legion and closer proximity to other businesses. Maybe considering a parade up the street.

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

**(RESOLUTION NO. 87 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve for the New Hartford American Legion Post 1376 Auxiliary to host a Safety Day at the Town Hall.

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. Supervisor Miscione – Solar Permit - P Schedule attached to it that abides by all NYS Rules – Nice permit - Last part of being NYSERTA certified – we will receive a grant/check – opens us up for \$250,000 grant for storm water that we can apply for – like to pass a resolution to adopt this and it abides by all solar laws currently and it makes it more uniform and has a fee schedule.

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

**(RESOLUTION NO. 88 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve NYS Solar Permit.

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*

Larry asked about the old fee schedule – the old schedule is now void and the new schedule is now null and void as it was adopted. Supervisor Miscione asked to get it certified by Melody K. Fancett, Deputy Clerk 1 so that he can send it in tomorrow and get a copy put online and get the packet put together on how to fill it out online as well.

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

**(RESOLUTION NO. 89 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to go into Executive Session (7:45 PM).

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

**(RESOLUTION NO. 90 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to return from Executive Session (8:14 PM).

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. Town Attorney Herbert Cully – As the Board is aware, we received a letter from a former employee of the Highway Department – Mr. Brian Smith – dated January 22, 2021 he offered to resign his position on various conditions. It is the understand that Mr. Smith had previously been terminated and Town Attorney Herbert Cully is asking for a resolution to reject the demands he made in his correspondence and he would be entitled for Birthday and earned Vacation time as a result of the termination.

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

**(RESOLUTION NO. 91 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to reject the demands of Mr. Brian Smith.

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. Town Attorney Herbert Cully – Councilman Woodland, Town Attorney Herbert Cully, Personnel Technician Barbara Schwenzfeier and Richard Pratt, a number of years ago, spent several hours updating the employee handbook, unfortunately that has never been finalized, however, we feel it is imperative to proceed with two resolutions to amend the handbook. The first resolution is to amend section 405 of the handbook related to



corrective discipline and clarifying the position of the Town, that the Town directs that all elected officials, employees, supervisors, department heads, whether employed full or part-time, temporary or seasonal, whether elected or appointed, shall treat each other and any individuals that they come in contact with, in a professional, courteous and respectful manner. Each must display positive, mental attitude and refrain from the use of any foul, abusive or threatening language. Any person found to be in violation of this section, shall be subject to disciplinary action, up to and including termination of employment.

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

**(RESOLUTION NO. 92 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to amend that part of the handbook (section 405), provision to corrective discipline.

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. Town Attorney Herbert Cully – The second resolution is to supplement section 905 of the handbook in regards to a drug free workplace and employees responsibilities with drug use and drug and alcohol testing. Asking to supplement that with a new section 906A – Drug Free Workplace – Drug and Alcohol Testing. That the Town of New Hartford hereby declares a Zero Tolerance Policy with the regard to the use of non-prescription drugs or alcohol in the workplace. All employees, elected officials, department heads will adhere to the Town of New Hartford Policy, providing a drug free workplace.

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

**(RESOLUTION NO. 93 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to amend the employee handbook section 905 with a new section 906A Drug Free Workplace – Drug and Alcohol Testing.

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 Messa asked about prescription marijuana but this will only pertain to non-prescription.

10. Supervisor Miscione – we approved to go out to BAN for the sweepers and Zambonis – that did not go through – did not have the add in the paper for 30 days -spoke with department heads of items that we need for the next two to three years – being that we have seen some proposals for IT – proposals for Highway Superintendent Richard Sherman department – proposals for storm water – Paul put together a list and gave a copy to all department heads, the current list is 3143. Also include is the Police Reform Commission that Gov. Cuomo came up with. We have been working with polices and one of the main things was for the police department to have web cams attached to them for when they go out on the scene. Included is for five year plan, which also included is the storage, for those webcams, 5 year plan - \$200,000 – covers all the storage and the webcams for all our police officers. Believe it is something that will be required – we have wanted to do it – good for the safety of our officers and the people they arrest. of the webcams. ; Also the radar trailer – it is approx. 20 years old – a new one is needed.; Also spoke at the last meeting about one of our trucks that got into an accident – the insurance paid for the truck but needs additional attachments for \$135,000, for additional plow accessories.; The two sweepers we already approved; Side walk machine – one does multiple areas (the current one is old and not very efficient); 2008 Ford F250 at the Highway Department that is coming to end of life – rusted out, fixing it all the time; Street signs – solar powered for all four Wards, matching signs throughout the area; driveway rollers; new plow truck – take replace of an 18 year old plow truck (#83); IT upgrades – getting us all up to Windows 10, new server upgrade; Softball Field at the Washington Mills park – get it resurfaced and cleaned up; Old snowmobile at the parks is over 25 years old, we need a new one to groom the trails; Rec Center roof – repair the one side facing the parking lot; Upgrade of the furnace at the Town Hall Building (27 years old, not very efficient.); Memorial Park improvements (Quality of Life Program) – next winter we would like to get ice skating outdoors. Family friendly atmosphere, put lights up, skate rentals and have a nice area.; Another town received for Snowshoeing and cross country skiing – they got about 80% of grant money for it.; A lot of this is from a Quality of Life Grant.; Some of these things are reimbursable, equipment is not, we do have some grants out there for some of these items.; Councilman Reynolds – how does this effect our Bonds?; Supervisor Miscione – we are way under 10%, 2020 our surplus is great, low interest rates, less than 1%; Councilman Messa – would like to take care of storm water, double down and take care of storm water, since interest rates are really low, the residents really want them, and we need the issue take care of. Dunkle came up with the Legacy Ponds.; Supervisor Miscione – everything that is on here, it is Quality of Life Program, to better our town - the numbers, no tax increase to taxes next year. Town

will get storm water grants in. This might give us \$3/\$4 million in storm water improvements.; Councilman Lenart we owe this to our residents, show we are proactive.; Town Attorney Herbert Cully – put something in the Town Crier and acknowledge that the Town in doing something – showing that the Town is doing this, it goes a long way with the residents.; Supervisor Miscione – looking to break ground this Spring Middlesettlement Road- Sangertown Square is willing to do the deal now, allowing us to do the work there – Asking Town Attorney Herbert Cully to approve the terms - that was a \$250,000 grant also.

11. Supervisor Miscione – has Bond Resolutions; 1<sup>st</sup> – purchasing heavy equipment and apparatus for \$1,623,746. Motion to approve

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

**(RESOLUTION NO. 94 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to purchasing heavy equipment and apparatus for \$1,623,746.

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*

Town Attorney Herbert Cully – these are subject to permissive referendum and will be posted?; Supervisor Miscione – yes, I will prepare the article; Town Attorney Herbert Cully -now you post them outside the Town Clerk's Office and in the paper for 30 days?; Supervisor Miscione – I will prepare these tomorrow and give to Melody K. Fancett, Deputy Clerk 1 to post and submit the articles to the paper.

12. Supervisor Miscione – Replacement of roof and flooring at the Recreation Center for \$470,000.

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

**(RESOLUTION NO. 95 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to replace the roof and flooring at the Recreation Center.

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. Supervisor Miscione – Park improvements - \$75,000 in Bonds**

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

**(RESOLUTION NO. 96 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve the Park improvements.

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*

**14. Supervisor Miscione – Storm Water improvements - \$656,342**

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

**(RESOLUTION NO. 97 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve the Storm Water improvements.

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*

**15. Supervisor Miscione – Street Signs - \$400,000 in Bond for Town wide**

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

**(RESOLUTION NO. 98 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve the new Street Signs Town wide.

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*.

**ADJOURNMENT:**

There being no further business to come before the Town Board, upon motion of Councilman Messa and second by Councilman Reynolds, the meeting was adjourned at 8:52PM

**(RESOLUTION NO. 99 OF 2021)**

**RESOLVED** that the New Hartford Town Board does hereby accept and approve as submitted the approval to adjourn

Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly *ADOPTED*

Respectfully submitted,

Cheryl A. Jassak-Huther  
Acting Town Clerk