

**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, MAY 12, 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  
Acting Town Clerk Cheryl Jassak-Huther  
Highway Superintendent Richard Sherman  
Account Clerk Lisa Smigle

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

**I. BOARD MINUTES- April 21, 2021**

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

**(RESOLUTION NO. 166 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve the April 21, 2021 Board Minutes

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** – met with a group that is interested in purchasing a property that is adjacent to Sherrill Brook Park – 450 acres – two reasons we should have some interest in it - Great addition to the Trail System because 150 acres is part of the Town of New Hartford and the other 250 acres of the parcel is in the Town of Kirkland. That is the 4<sup>th</sup> quadrant from the Mud Creek Stormwater survey that we did years ago. It is the 4<sup>th</sup> part, in the Town of Kirkland, that helped the water, controlling it from Middle Settlement Road, Seneca Turnpike, Commercial Drive area. That would complete that whole project that's there.; Asked the group if they were interested to talk to the Town of Kirkland to see if they would annex that piece off to us. If that's the case, we can put in for grants at the Town level to see if we can finish that project off completely. They want to purchase it and make it forever wild for the Trail System to have snowshoeing, cross country skiing, mountain bike riding and all that. We have that at the Town now but it would extend that so you can get from Sherrill Brook Park to Kirkland all the way to the Village and actually come through and end up in the Village of New Hartford. They were looking at, because we were putting the sidewalks on Middle Settlement Road, near Lowe's, they were looking at sidewalks, if we could get the County, the trail system would connect to there. People could walk up to the hotels, to our area here and it would be all connected by sidewalks and trails; There is a lot of money out there for trails right now. The State has millions of dollars out there. Plus, the Tug Hill Society, they are going out for a grant for \$600,000 for an acquisition of the land. Then there's money for Stormwater with the County. I believe Tony Picente from the County would love to finish the project. They trails are already built.; Also, it would help out Washington Mills Athletic Park – we would propose the grant that Rick wrote for Stormwater Management down in the area, if we do that, we have to go to the State again to switch park land for park land so that would help us on that end. If we acquire this, they would let us use that other part for Stormwater Management.

**Town Attorney Herbert Cully** – We previously annexed land with the Town of Kirkland for Cherrywood. So, we have been through that process with the Town of Kirkland before and it went very smoothly.

**Supervisor Miscione** – It might be a nice project for a couple different areas – stormwater management, trail expansion and also to switch out property for stormwater management over in the Chadwicks area.

## II. PRESENTATIONS/COMMENTS

**A. Resident Mike Dunn** – 9229 Willowvale Avenue, New Hartford, NY – Goes back to 2017/early 2018 – had a mobile home collapse on Urban Ave., right off Oxford Road – actually the last left hand turn before you get to Oneida Street; took 16 months of litigation to get it torn down; owner lives in Colorado – Mr. Pacheco – bottom line, he's abandoned the property and probably hasn't paid taxes in 2 – 3 years – always see it in the paper – see them going up and up; project went out for bid in the Spring of 2018 to have it demolished and the bid went out to a gentleman and someone was here for the Concerned Citizens of New Hartford and rose a question 'well you can't have this gentleman take down the trailer' because I guess he used to be a Board Member, he has to be off the Board for two years, kind of like a conflict of interest. So, the bid was rescinded and then it was reissued to someone else, Mr. Dan Caruso and he took the trailer down. What happened – we thought he was just going to remove the trailer and clean up that lot where the trailer was. He really didn't have the property equipment. It used to be taken care of, mowed. The property was left in deplorable conditions. The contractor actually backed into the telephone poll, leaving some of the residents without power for hours. Mr. Dunn

would like to see when this could be cleaned, grated off and made to look presentable (passed around photos to show property).

Councilman Messa – The grass grows up to about 4-5 feet correct; Mr. Dunn – maybe even 6 feet; Councilman Reynolds – Has he ever come back to mow this since he left? Mr. Dunn – you can't, there's rocks, boulders, cement blocks and broken concrete slabs all over. You can't get in there. Without it being grated off, take care of, there's no way to maintain it.; Town Attorney Herbert Cully – ask Rick Sherman if we had the contract with Caruso, the demolition contractor, that he could take a look at; Rick Sherman doesn't have it, wasn't any part of it. Not sure who has it.; Town Attorney Herbert Cully would like to see what the scope of the contact, to see if he didn't do a proper job under the contact.; Mr. Dunn – very thankful the trailer is gone, but the property is a mess and it truly doesn't represent the quality of life in New Hartford.; Supervisor Paul A. Miscione – went to see the property personally – we will just go down and clean it up – Rick asked how can we do it; Town Attorney Herbert Cully – we contracted to do the demolition so technically I think we still have a right to go in and a responsibility to clean it up.; Councilman Reynolds – what about going forward, what about the mowing?; Town Attorney Herbert Cully – it has to go on the tax bill, and Mr. Dunn had stated the taxes haven't been paid so the County is going to sell it.; Supervisor Paul A. Miscione – why don't we have the Parks guys go down and mow it, got them on the schedule to do everyone else now and we just bill him for it.; Town Attorney Herbert Cully – has spoken to Mr. Pacheco before and has been very cooperative and has washed his hands of the property. Herb believes it will go to auction in August.; Supervisor Paul A. Miscione – give us a few weeks to clean up.; Mr. Dunn – appreciates it.

**B. Resident Mark Spatuzzi** – 18 Waterford Lane, New Hartford, NY – About 9 months ago, emailed a lot of the Board Members regarding a pole barn that was put up behind my house. Not only did they put up a pole barn but demolished a garage without a permit, brought in 4 feet of grating without a permit, expanded the size of the garage by triple, expanded the width by double and now when I look out my window, instead of my fence line at 6ft., I can see an 8-year-old girl standing tall and I just don't feel it's right that something like this can go on that started 9 months ago. I put a formal complaint into Larry, it's Code 65-4 and he never responded. I've talked to most of you guys on the Board, you all agree that it was wrong – saying I wouldn't want it in my backyard, it's an eye sore – but nothing is done. So, I'm coming to the Board with one last plea, that something be done about this because what's right is right and it's very frustrating as a tax payer. I own seven properties in this town. It's frustrating, extremely frustrating. Dick, last time I talked to you, said you had a 100-page thing that was being reviewed. Never heard back. I want the Board to do what is right. I shouldn't have to get a lawyer but if I have to I will.; Town Attorney Herbert Cully – Talked to Mr. Spatuzzi several times – Herb has coordinated with Larry – last he knew Larry was going to respond to each and every one of the concerns raised. You tell me he never responded? Mark Spatuzzi – everyone was copied on the emails, whatever emails he sent. You know Larry is very difficult to deal with. You know when you call Larry, he says he is extremely busy, I am only one person. I have all the codes in here that he violated. He should never have been granted a building permit to put up the barn because you can't have two accessory

buildings on one property. So, if you guys never got something to demolish the first one, that should never have been approved and it's just an oversight. There's neglect on many terms and I just feel like something needs to be done and it's an eye sore.;

Town Attorney Herbert Cully – I have not done anything on this for probably 6 months because I thought there has been some kind of meeting and some talks about trying to resolve some of your concerns. Friday morning – will be in and will sit down with Larry and go through it piece by piece.;

Mr. Spatuzzi – I think Larry thinks he's right and if that's the case, I need to know what I need to do.;

Town Attorney Herbert Cully – I know he had our engineer, Mr. Dunkle, take a look at the Stormwater issue because one of the concerns was the raising of the elevation because our codes does provide, you can't raise elevation on someone else's property. There was a concern about snow coming off the back and Mr. Dunkle is going to be on the call Friday. All I can tell you is I'm sorry. I feel lacked because I haven't dealt with it for the last 4, 5, 6 months but I'm more than happy to get involved.;

Mr. Spatuzzi – I have a neighbor who can't ride on his lawn anymore because now he can't even get a lawn mower on it.;

Town Attorney Herbert Cully – and that wasn't that way before? Mr. Spatuzzi – Nope. What's right is right and that thing should never have been approved to ever go up to begin with. I don't know how it got approved. It doesn't meet the codes. It doesn't meet the size and width. This is all documented in emails. I just feel, Larry seems to be very incompetent in his position. He's telling me 'Oh I have to reach out to Booth (he doesn't even work here anymore). The building permit doesn't say anything about demolishing, doesn't say anything about excavating. Again, how do you grant a building permit when there is already an existing building, because you're only allowed one accessory building. That is in your codes, not mine. I hear that now the codes have changed, now checks and balances but that's not helping me. That's not helping me as a tax payer.;

Town Attorney Herbert Cully – Rich contacted me with a lot of frequency and at the last point, I had researched this with the Association of Towns. They had provided me with a lengthily report and that's what he was referring to and then I kind of thought this had been resolved. So, this kind of on me but I'll be happy to pick it up again.;

Councilman Lenart – Mr. Spatuzzi has been more than patient and it is my understanding that Mr. Spatuzzi called the day the foundation was going up. He was told that Larry couldn't get there for three days but by that time he got there in three days it was up; Mr. Spatuzzi – I had emailed Larry that day and he told me that he wouldn't even talk to me, send it to him in an email and I did it that very same day. He was busy and said I am only one person.;

Supervisor Paul A. Miscione – Let me add to this too – I went out to the site and took a look at it. I sent an email to Larry – I said if he could request the other homeowner that put the shed up, to put trees to maybe block or change some of the characteristics there in the area. There are two issues – one – the Town can't go on private property and remediate the situation. Two – I spoke to Larry and I also sent an email saying to him, that what I wanted him to do was, you (Mr. Spatuzzi) had questions for him to answer them with actual calculations and figures. I think you (Mr. Spatuzzi) requested green space. So, I told him (Larry) that was a request – so I told him what you need to do is show us the calculations you used for green space so we can end this. If you're (Larry) wrong you're wrong, if you're right, you're right but I need all these things to be done. I spoke to him last week. We can't go backwards. We gave the guy the building permit so we can't go knock the building down. Going forward, the only thing I can come up with for a recommendation is to get 12 ft. trees to cover the looks of

it. Another thing I told Larry to do, I sent him an email also, is to go out to the site. I wanted him to go in three days that it was raining and film where the water situation is so we have something to show the guy who put the shed up, that there is a water situation because I had this problem in South Woods. I've been working with Larry, trying to remediate what we could going further. I can't go backwards so whatever he didn't do, again, is kind of, we have to go after the other guy to take the house down, that's a whole legal matter that I don't think any of us can figure out at this point. I'm just trying to go ahead and try to get something to remediate what's there now and take care of the water issue and maybe the characteristics with the trees if we can at least for now until we get somewhere. Another thing, the building permit is not closed. He has no CO. He just left it the way it was and walked away from it and actually told Larry don't bother me anymore, call my Attorney. By the end of the week – Larry is to have everything to Paul. At this point, we have to figure out how we are going to handle this because even if Larry was wrong it still doesn't take care of Mr. Spatuzzi's issue. The guy who put up the barn doesn't want to deal with Larry at all and we're going to have to send out some violation letters for the water situation and these kinds of things. Plus, the CO is still not issue and he's going to have to do something about that pretty soon to fix the rest of the issues that he has.; Councilman Lenart – There's an issue with the roof too. Didn't he say he was going to put something there to stop the snow from coming down, maybe gutters.; Mr. Spatuzzi – For those who are not familiar with the situation, I have a 6ft. Fence. Codes is you can do a building up to 15 ft. from the ground to the roof but when you raise the ground 5 ft. now all of the sudden this building goes up 21 ft. So now when you look at my fence at the half way mark, its right around 3 ½ / 4 foot. That's probably where his garage starts. It's a metal pole barn with industrial doors on the back. They say you can't alter the characteristic of a building. It definitely alters the characteristic not only of his property but every property around it. It's really unfortunate I have to be here tonight. Maybe spend my own money to get a legal attorney. Let's do what's right.; Councilman Lenart – When you go up his driveway you run right into the pole barn.; Town Attorney Herbert Cully – All you have to do is park in front of his house and just look and you'll see that the thing is massive.; Supervisor Paul A. Miscione – Another thing I requested Larry to do – asked to get a survey of the elevations that are there to see exactly where we are, the height requirements. Again, Larry doesn't produce this stuff, then we need to act on it. If he does produce it, then we need to figure out what went wrong and why. Only thing I can come up with at this point is ways to fix the water, ways to put up trees. Besides that, we'll all be gone by the time he gets the building down. That's the problem. You all know the situation we are in right now with that.; Mr. Spatuzzi – I just think it's unfortunate. It devalues my property big time. I just put a pool in the day he started putting that pole barn up. I would not have done it and my house would be for sale. I moved here 15 years back from Rochester because I liked the community. I grew up here.

- C. **Supervisor Paul Miscione** – Another issue – people are using the Farm House look – using metal (not siding). We have a house right now that is going up. They are not breaking any rules. There's not anything in our codes about metal houses or buildings. The house on Oxford and Snowden Hill Road – a stop work order was placed on it – made them change some of the characteristics. There's a fine line too because without the codes to back it up, you can't pick and choose what you want in your own neighborhood

for your own appeal.; Town Attorney Herbert Cully – they applied for a one-story ranch – it doesn't look like a one story. If you saw the windows.; Councilman Reynolds – Familiar with it, looks like a garage.; Supervisor Paul A. Miscione – Again, in our code, there's no violation occurring there so the only thing I was able to put a work stop order on is he came in with a one-story ranch home, that's not a one-story ranch home. The permit is going to expire and what I've done was he has an architect to turn it into a temporary farm house look. So, he's going to have to add a porch, more windows to it to try to make it look somewhat, appeal to the neighborhood. But again, it's really hard because the codes that we have – I think that is what we have to look at going forward, we can blame who we want but you can't stop somebody because you like something that they think looks bad. They might love it. This guy is spending 300/400 thousand putting that thing up.; Councilman Messa – With that though, wouldn't he have to present drawings.; Supervisor Paul A. Miscione – You can present drawings but the problem with the drawings is, as long as they meet the code for height; Councilman Messa – let me go one step further with that – does it meet the drawing he submitted? Supervisor Paul A. Miscione – No – but that's a different case though. This one we stop work, we could. What I'm trying to say is, somebody comes up with a drawing, they are not going to tell you what the facade is going to be. It could be metal. The whole building could be metal and that's not part of the building permit. That's a characteristic. This one is completely wrong and we are taking care of that. Going forward, because we are learning here from this situation, metal is becoming very popular with everything. Everyone wants a carriage house with metal. There's another one being built on Higby. I think there needs to be a characteristic part in our code and it needs to be changed at a public meeting and have it changed as soon as possible because everyone is making everything look like a pole barn because it is so expensive to build now. This isn't going to be the first, second or last.; Mr. Spatuzzi – There is a Code 118.23: Additional Accessory Use of Standards – on my account, he encroached further on his side yard and on his backyard to expand this three times the width. So, there are Codes.; Town Attorney Herbert Cully – and Larry's response was unless otherwise permitted, he said we reviewed our codes for definition of character of the premises. The owner replaced the two-bay garage with a three-bay garage with height and set back requirements conforming to our code for an accessory structure. So that was his answer.; Supervisor Paul A. Miscione – Your (Mr. Spatuzzi) case is different. So, I'm talking about characteristic. If someone wants to put metal on something or wants to do something, again characteristics is a fine line in the eyes of the beholder. We are dealing with it on Meadowbrook. We have an issue right now; the lady has stuff out in her yard. She's calling it art, everyone else is calling it junk. We're getting complaints. I think we have to put a three pager and characterize characteristics. Put in order what really characteristics are. If you are in a neighborhood that had clad, stone, this that, you have to go to those sections. Also, to, if you live in a neighborhood that is adjacent to another neighborhood, they should also comply.; Town Attorney Herbert Cully – When we do subdivision, we put a declaration of restrictions and we have an architectural committee that has to approve the plans of all the houses in that subdivision. There are certain requirements - you've got to use bricks, so many square feet, no accessory building. So, we do that in our restrictions. The problem is, it's not within his neighborhood, it's behind it. But I think what Paul is saying, is we have to elaborate our ordinance to provide some architectural review, if by codes, or whatever, to make sure

that what is going up is consistent with the neighboring properties.; Supervisor Paul A. Miscione – If you guys don't mind, I'd like to put something together by the next meeting. I'll give it to you before the meeting to review it, if you guys are ok, you want to add something to it. I say we go out to a Public Hearing and change that because during the summer, we get a lot of building permits. A lot of things are changing. People are not happy with the new buildings going up. I also think, Commercial districts, if its adjacent to a residential neighborhood, if there are sound barrier walls – whatever it might be – there's got to be some kind of restrictions for that, which we don't have. I think we can only do that in writing and then we can really enforce it but right now, it's a fine line. Codes haven't been changed it 25 years – a lot of things are different now.

### **III. REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRPERSON**

#### **A. Highway Superintendent Richard Sherman**

**a. MS4 Report** – Done yearly – report for 2020 – will be posted on our website; thank you to the New Hartford High School – the Seniors, picked up numerous bags of trash along Rt. 8 so that trash doesn't end up in Sauquoit Creek

Supervisor Paul A. Miscione – Rotary Club – for Earth Day – cleaned all around the Sauquoit – Rick will add to the report. Also, for Arbor Day, through the Town of New Hartford by the Sauquoit Creek area, planted 50 new trees, looks really nice.

Highway Superintendent Richard Sherman – We did get the final inspection for the Rec. Center and the DEC signed off that it was done correctly.

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

#### **(RESOLUTION NO. 167 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve MS4 Report.

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

**(RESOLUTION NO. 168 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to go out for bid for the flooring for the Rec. 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*.

Supervisor Miscione – Go out for a new bid for the roof for the Rec. Center – for the side that is leaking, try to get it done this summer.; Councilman Reynolds – Did we determine that the contractor has no obligation there? Supervisor Miscione – The situation that we have, I don't think they can fix because the problem is the elevation of the roof. So, the top of the roof is higher than the bottom. When it freezes, it is backing up in there and it's leaking. What they (the contractor did) when they charged the Town years ago, they coated the roof and sealed that with caulk. When it freezes it contracts and lifts and water gets underneath. It was never done correctly, probably 39 years ago when they did it.

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

**(RESOLUTION NO. 169 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to go out for new bid for the roof for the Rec. 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*.

**b. Emergency Sewer Repair - Highway Superintendent Richard Sherman** – Creekside Restaurant – Oneida Street – Washington Mills – was going to line it with TB – showed some defects – National Water Main came in to clean it out– got their nozzle stuck in there and couldn't get it out because of the defects in the pipe. Got LT out Rome to come in and dig it out. The pipe was asbestos and pipe was replaced. They will send the bill.

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

**(RESOLUTION NO. 170 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to pay the bill for the emergency sewer repair

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. Summer Help - Personnel Technician Barbara Schwenzfeier** – Rick would like to hire three summer help for the Highway Department – Angelo Sinisgalli, Jaden Henry and Nick Scarfile at \$15 an hour – hire seasonal as they become available.

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

**(RESOLUTION NO. 171 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to hire Angelo Sinisgalli for summer help at \$15 an hour for the Highway Department.

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

**(RESOLUTION NO. 172 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to hire Jaden Henry for summer help at \$15 an hour for the Highway Department.

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

**(RESOLUTION NO. 173 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to hire Nick Scarfile for summer help at \$15 an hour for the Highway Department.

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. Cleaner - Highway Superintendent Richard Sherman** – Cleaner is retiring in July – the next three months he is taking one week off a month – was paid out of the Highway Department – when he retires, going to fill the position with a cleaner – Hours will be 6:30am – 2:30pm at \$15 an hour. Rick will be working with the police chief as the new hire will have to go through a background check

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

**(RESOLUTION NO. 174 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to advertise for a cleaner's positions and will be paid out of the Highway Department 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*.**

**e. Construction Projects- Highway Superintendent Richard Sherman** – they are ongoing (from the last meeting – all projects were discussed) – 1. Pump Station Rehab on Homestead Road East went out for bid and Borderline Exacting and Fence out of Johnstown was the winner for \$158,200. The contract was signed between the contractor and the Town. He would like to start the job.; 2. Problem on Oneida Street/Utica City Line with the Stormwater clog – this project has been going on for four years in the design stages. Joann Humphrey's started the project. Jessica is in charge of the project. She designed the work and went out for bid with it. Come to find out, there is a water main. There is a concrete meter box, meter hole, where the pipe has to go. There is asbestos. Rick went to Jim Denifior and told him the issue. He talked to Jessica and Eric (new engineer at Mohawk Valley Water Authority. Water line needs to be replaced. The culvert stormwater box has already been bought. It is sitting in the contractor's yard. We can't send it back, it's a huge box culvert not sure where the additional money is going to come from. The pipe needs to go 100 ft. Would like to bring John Dunkle in to look at it and tell us how much. The Water Board designed it – they should pay. If this is going to cut this project down for four to five months, Rick wants to get the contractor now and get Bradley Road to Oneida Street and get that done.; Supervisor Paul A. Miscione – If we classify Oneida Street a downtown area in Chadwicks, we can apply for grants for things like this.; Highway Superintendent Richard Sherman – asking permission to bring our engineer on board just so our engineer us on board with what they are doing. If we can. If not, we leave it up to the Water Board. This has been going on for four years and it needs to be done.; Supervisor Paul A. Miscione – There's a lot of infrastructure money right now that can help us at the Town if we had the project but if we don't, I don't know how much the contractor will charge for that kind of project and I don't know where to take it from at this point. Not for repairs – has to be for an upgrade – giving people additional services. If we do a long water line, take all the asbestos out of Oneida Street and we put in all new waterlines so we're not digging up our roads once a week, that would be justifiable because we are doing a full project and then everyone would have new services to their house. Same thing with sewer or broadband.; Highway Superintendent Richard Sherman- Do I have the Boards backing on making a decision to have the contractor to start on Bradley Road to Oneida Street – get the pipes in the ground, underneath the road and see where we go with Oneida Street. It's not going to happen overnight. I am sure it is going to take some time to get this straightened out.; Councilman Messa – I agree we keep the pressure on them and appreciates what Rick is doing for the Oneida Street Stormwater Project.; Councilman Reynolds – let's get Phase 1 done, that you want to get done,

because you are going to lose the season if we don't do it now; Rick – we have the grant money as well.; Supervisor Paul A. Miscione – let's go ahead. Councilman Messa – keep us posted on the other, how it works out, know it hinged on the second Phase.; Superintendent Richard Sherman – we are going to start milling, start paving.

f. Supervisor Paul A. Miscione – we have a lot of pot hole situations in the Town. Would (Rick and Paul) like to hire two good guys during the summer and that is all they would do. They would go around with a labored and fix all the pot holes – Oneida Street, all through Town. We have the pot hole machine. We would dedicate two people. Rick would put a person with a labored and maybe rent a skidster. Paul has the budget to hire these two people. It's a concern – there's a lot of pot hole and if we keep leaving them like they are and water keeps getting underneath the road, it's going to keep getting worse – do things the right way. We have the machine, lets us it. We're getting emails from residents about pot holes.; Town Attorney Herbert Cully – may want to put a notice in the Town Crier that we're going to fix pot holes, please email us and report ones that need to be fixed.

g. Supervisor Paul A. Miscione – Downtown Chadwicks area – would like to officially declare it the Downtown Main Street for Chadwicks – it will open us up for some grants, some new signage, some new curb appeal stuff. It's Councilman Messa's area, if interested, we can do it, we just need to set what road to what road – Elm Street to Oxford Road or whatever, that would be the downtown district or whatever you (Messa) feel would be the best area. Then we can make that our downtown area and can apply for grants that are out there that can help with lighting, sidewalks, etc. It will also open up for residents on that street for them to get funding if they want to do facade grants or businesses that are on that street that want to do facade grants.; Town Attorney Herbert Cully – Do you want to make a motion to designate the portion of Oneida Street from Elm Street to Oxford Road as the downtown area of Chadwicks?

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

**(RESOLUTION NO. 175 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to to designate the portion of Oneida Street from Elm Street to Oxford Road as the Downtown Area of Chadwicks.

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*.**

**f. Budget Adjustments - Account Clerk Lisa Smigle-**

1. Created a new account called Winter Bonus -like to take money from the sand and move to the new account – Increase the winter bonus by \$10,737.85 and decrease sand by \$10,737.85.

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

**(RESOLUTION NO. 176 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve the budget transfer for the increase of the winter bonus by \$10,737.85 and decrease sand by \$10,737.85.

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 Reynolds – Why are we calling in winter bonus? Supervisor Paul A. Miscione – we called it winter bonus because if Rick calls the guys in, they are on call all the time, if they come in all their shifts (we put that in their contract for the union). If they answer all their calls.' Councilman Reynolds – I just have a problem, it should be winter differential. Rick agrees for the name change.

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

**(RESOLUTION NO. 177 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve the name change of Winter Bonus to Winter Differential.

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 CHAIRPERSON**

- A. Councilman Messa – Wants to thank Supervisor Paul A. Miscione, Highway Superintendent Richard Sherman, Town Attorney Herbert Cully and the City of Utica for helping out with the demolition on Bleachery Avenue. Very smooth process, came out really nice. It was well organized.
- B. Councilman Lenart - Zoning Board Appointments – John Montrose and Lenora C. Murad – reappointment as Members of the Zoning Board of Appeals for another five-year term.

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

**(RESOLUTION NO. 178 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve the reappointment of John Montrose as a Member of the Zoning Board of Appeals for a 5-year term effective June 10, 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*.**

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

**(RESOLUTION NO. 179 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve the reappointment of Lenora C. Murad as a Member of the Zoning Board of Appeals for a 5-year term effective June 10, 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*.**

- C. Councilman Reynolds  
1. JCAP Grant – Award Vendor Contact

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

**(RESOLUTION NO. 180 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to accept the JCAP Grant in the amount of \$7,537.00.

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 Reynolds – to go along with that, they went out and got three bids on the work that this grant would cover and Big Apple was the lowest.

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

**(RESOLUTION NO. 181 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby accept Big Apples lowest bid.

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. Foxcroft Update – Highway Superintendent Richard Sherman – been up there working – had a little set back with the rain but moving forward -more

pipe/catch basin being put in the ground – one more catch basin being delivered – that will be the last. New dozer will be coming next week. Have received a lot of phone calls for fill so there is places to take that close by. Survey has been done.

3. Councilman Reynolds has met with Weaver Energy Solar Company out of Syracuse – conversed with them over the phone and via email – they wanted an idea of our utilities bills for the Town building, the Rec Center, the Highway garage – supplied those - they are continuing to work it – told them we were concerned about losing our place in line with National Grid perhaps. They understood the issue. They are going to continue to work on it. Councilman Reynolds asked them to be here tonight but they didn't feel they were ready to present so it's a work in progress.; Supervisor Paul Miscione – had a meeting with Slocum Dickson and they are interested in our project with the solar. What they want to do is offset their bills over on Burrstone Road in the Town of New Hartford. They are willing to do the project with us if you guys are interested with those guys who came (Dean) because they have worked with them before. They are really excited about solar. If we did the Solar Farm, they would be the developer for it and then they would pay us a lease amount and then they would pay us to offset our bills. They will come up with some number. Be nice to work with local people.

4. Part of the Bond included some speed signs – Rick has met with Paul about speed signs – has one quote, looking to get two more so we have three. The ones looking at depends on if the police department is involved. They will be able to take traffic counts and are pretty sophisticated.

5. Wilbur Road Speed – been receiving a lot of calls and complaints – ongoing issue– asked the chief if the trailer is available – part of it is the Rt. 8/12 configuration, a lot more traffic going on Wilbur Road – asked if can put up to remind people – sign would record the speed.; Stop sign – Chief in favor of a stop sign on Wilbur Road. They are much easier for law enforcement to enforce. Would like to proposed a Public Hearing for July 14<sup>th</sup> to discuss a stop sign on Wilbur Road.; Highway Superintendent Richard Sherman – got called out about a week ago about a sewer complaint – while I was there had several contingents come out, younger families are buying homes down there. They want a stop sign on Tilton and Westminster, Old Orchard and Westminster Road. Chief is in agreement with it. Make it a three way stop sign – Stop sign on Westminster Road (West) at intersection of Tilton Road, Tilton Road (North) at intersection of West Minister Road, Old Orchard (North) at intersection of Westminster Road.

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

**(RESOLUTION NO. 182 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby accept to schedule a Public Hearing on July 14, 2021 for a stop sign on Wilbur 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*.**

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

**(RESOLUTION NO. 183 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby accept to schedule a Public Hearing on June 9, 2021 for a three way stop sign on Tilton Road/Old Orchard/ Westminster 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*.**

6. Councilman Reynolds - The report that was done on security, there was a lot to that and we are picking away at it. Highway Superintendent Richard Sherman – the two monitors were installed today and operational – one in the main lobby and one in the police entrance. Talked to East Side Glass about putting film on the window in the clerk’s office – they would be able to see out but not see in, not bright enough, it will not work properly. Sgt. Colburn did a great job with the active shooter training. The other stuff we will do a little at a time – change the door locks, etc.

7. Councilman Reynolds – the Rec Center parking lot – that's fabulous that it is full. Personnel Technician Barbara Schwenzfeier – We are charging – for at least 50 cars. Rick counted 94 cars the other day.; Supervisor Paul Miscione – We have had issues with COVID – next year we will get things all in order and we didn't know school was even going to open back up this year. The days we have games going on, people will be able to walk out to their cars and feel safe with the lighting.; Barb – the school is working with us with the pass numbers and who they are associated with. It's been working well for the school as well and they are very happy.; Paul – next year they will be able to get the passes online just like they can pay online for pavilions. We will start in September and all under control, be able to monitor it.

- D. Back to Budget Adjustments – Account Clerk Lisa Smigle  
1. there is \$6,616.52 in the Laundry account; Supervisor Paul Miscione – let’s take the \$6,616.52 from laundry and transfer to the clothing allowance account.

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

**(RESOLUTION NO. 184 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby accept to transfer \$6,616.52 from the Laundry account to the Clothing Allowance account for the Highway Department.

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 Paul Miscione – decrease DB5110.10 (payroll acct.) by \$4,326.68 and increase DB5110.406 (clothing allowance) by \$4,326.68

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

**(RESOLUTION NO. 185 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby accept to transfer \$4,326.68 from the regular payroll account to the Clothing Allowance account.

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

**(RESOLUTION NO. 186 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby accept to transfer \$4,326.68 from the regular payroll account to the Clothing Allowance account.

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 Paul Miscione – the total is \$10,943.20 for the clothing allowance – give the totals for to Cheryl (Town Clerk).

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

**(RESOLUTION NO. 187 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby accept to pay 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*.**

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

1. Town Attorney Herbert Cully – Following up with Attorney Gus DeTraglia on the Village Court fines – he's trying to find the contract when we took over the court to verify, we are entitled to keep the fines for Codes.

2. New Hartford Hotel – Their attorney has indicated they now have a certified security person. Herb is waiting for verification of a certificate and what hours the person is there; Councilman Reynolds – has to be 24 hours or doesn't count.; Herb – waiting to hear back.

3. Executive Session to discuss matters relating to a specific employee

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

**(RESOLUTION NO. 188 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby accept to go into Executive Session to discuss matters relating to a specific employee (7:19pm).

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*.**

Return from Executive Session (8:16 p.m.).

Highway Superintendent Richard Sherman – Land adjacent to Town Building – Larry Adler is in favor of, if we had a contract every year for \$1 for the parcel, to make it legal for the parcel next door to our building. We would go in and make it lawn, look nice. We would maintain it. If at any point he gets a tenant, then the contract would be void. Town Attorney Herbert Cully will draw up the contract.

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

**(RESOLUTION NO. 189 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby accept to to a contract with Larry Adler for the parcel next to Town Building for \$1 a year.

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 Reynolds and second by Councilman Lenart, the meeting was adjourned at 8:18 p.m.

**(RESOLUTION NO. 190 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