

**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, AUGUST 18, 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 Woodland
Supervisor Paul A. Miscione

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Deputy Town Supervisor Anthony J. Trevisani
Assistant Director of Personnel Barbara Schwenzfeier
Town Attorney Herbert Cully
Town Clerk Cheryl Jassak-Huther
Highway Superintendent Richard Sherman
Highway Chris Moran
Highway Gerald Webb
Police Chief Michael Inserra
Finance Lisa Smigle

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

I. PUBLIC COMMENTS

1. **Cecelia Goodelle** – 14 Hughes Lane – flooding issues – free flowing water on property – use to be two retention ponds (filled in) – need something that goes across the back, down towards Roman Road – few years ago the Town did come up and Cecelia called is a ‘glorified ditch’ rocks on the side and base, made it very deep and the purpose was to come behind 12 Hughes Lane, come down between the two houses and bring the water to the ditch – was a good idea – slow that water down – still gets water in basement – over the years the ditch has gotten filled up with dirt and silt and now free standing puddles, water should go down into the ditch
2. **Betty Hartmann** – 16 Hughes Lane – has three tiers, the top tier, the last two years – backyard is like a wet sponge – it comes down the hill – lawn takes a week to dry – son suggested putting a swale or something up Roman Road – had a catch basin in front of house and see water shoot out and goes to Roman Road and floods their basements. Just want to know how to fix it – surface drains don’t take care of it.
3. **Frank Wilson** – 24 Imperial Drive – been there 25 years – over the years the water has come through – water hits the banks – lost six or seven big tress and now its close to the garage – lost about 10 ft. of backyard – only way think can be corrected is if straightened out and stone brought in. Chris Moran did look at land and he

agreed something needs to get done. This last rain lost two big maple trees (passed around pictures).

4. **Jeff Robbins** – 20 Imperial Drive – lost 15 ft. of lawn – culvert pipes dropped out of culvert – spoke to Rick about it about five to six years ago – it’s just gotten worse.
5. **Highway Superintendent Richard Sherman** – Hillside Gardens has been to the Planning Board several times and part of their expansion was to redo water way creek down through your backyards – fix it and do what need to do – came in and talked about the project and then they go away for a few months and then come back to talk about the project. Waiting to see what they are going to do and obviously we are on hold again. We haven’t seen or heard from them in a couple months – have a material list together and we will see what can do to stop the erosion until we see what Hillside Gardens is going to do. – Two retention ponds – been in contact with Dr. Sklar – we have a meeting date the last week in August to talk about his property – putting a retention pond on his property – talked to the farmer too but got some push back from him because of the Aunts, they not sure they want to give any part of the farm away, sell it, etc. – a little hurdle to get through – we do have grant money from Oneida County for this project – it is just meeting with home/property owners to make the final plans. They are private property; Betty – how long do they last before they fill up; Highway Superintendent Richard Sherman – We have a machine that’s constantly preventing maintenance – we go around after a storm, we watch the retention ponds prior to and during the storms – Feel Dr. Sklar is being proactive, is going to listen and show them (and farmer) how many properties the two retention ponds will help in that area.
6. **Vin Neishi** – 8 Imperial Drive – Four years ago had a storm – first time basement got flooded – had to redo whole basement – took videos and pictures – had Councilman Messa at house – sent to Rick – Mary Pratt to get something done – long story short, its been four years, something needs to get done – I orchestrated numerous meetings with Town, County, their DPW, our DPW, Councilmen, our Legislator and a couple other people – I think because of my proactive meetings we got that money from the County – Mary Pratt was able to get that through Jim DiNorfio -I believe that money was set aside a year ago – been a year, don’t know why its taken a year to talk to these people and look into getting this retention pond which I think is only part of the problem – I have six inch drain pipe, French drain put in with a backhoe with #2 crushed stone and the water moved it all out to my backyard, flooded pool – paid \$8,000 for drainage – done everything I can on my property, I need the Town to step up and stop the water from coming down from Hughes up in that area – the catch basins (talked to County and Town) – told Councilman Messa a month ago, they still haven’t been cleaned out, there are still leaves in it, they are from the Fall, cement blocks falling in there – the water that runs from the road is caving in – you can see the road eroding – the pipes under the road, they can’t handle the water that comes – catch basins fill up and everything backs up – its been four years and I’m asking when ware we going to get something done.; Highway Superintendent Richard Sherman – have contacted the County – going to be a joint effort between their crew and our crew – they will come dig out and put the pre cast in on both sides – will be covered with the grate – depending on County schedule (within a month).; Vin Neishi – Don’t mind being patient but going on five years – how much more – I’ve put in a third sump pump – get nervous in the middle of the night hearing rain come down – its hard to sleep at night – you want to relax, not worry about spending another \$18,000 to redo basement again; Highway Superintendent Richard Sherman – Crews are busy, the Town is large; Mr. Neishi – I understand you guys are doing something; Highway Superintendent Richard Sherman – something, we’re doing a lot; Mr. Neishi – we need something, lots of people here need something done. All the meetings we’ve orchestrated, all the promises, all the money – the money is there – contract the help if you guys are to busy. Why wait for me or these people to get flooded out; Gerald Webb – a lot of these people are private lands – just because we’ve piped

these roads and put temporary things in it, what he's doing has helped out a lot. We need ponds over by your place. We need to slow the water down and by doing that we need these ponds and the whole team has been going backwards to try to get homeowners but when you go on to homeowner's land and you ask them to remove an acre or two of land, going on the landowners' properties, hands are off, and you try to do it civilized, even though you want to get it done as fast as you want, you keep hitting walls with a lot of these projects because of that. We have been crazy with projects, trying to get them done.; Mr. Neishi – I don't know if it is a question for the Town Attorney but if the land owners refuse to cooperate, what is the next step; Town Attorney Herbert Cully – if the Town Board wants to, its determined to be a public necessity, they can take the land through eminent domain, which is kind of frowned on but it can be done. That's a long process. It's a lawsuit.; Mr. Neishi – hopefully that doesn't happen; Highway Superintendent Richard Sherman – timeframe depends on how long takes to put a contact together

7. **Supervisor Miscione** – the study we've done Town wide – all the little fixes are not helping anybody, just making it worse on other people's properties – the retention ponds we have set up – we have engineer drawings for multiple areas – this is what we want to do, hold back the velocity of the water, slow everything down, hold it, retain it, let it out slower. That will help everyone. Working with the property owners – so can do the projects to help everyone, takes time. We want to do the big projects and are helping and making a difference around Town vs. the little fixes. Rick & Paul have a meeting at the end of the month on the project. A lot of decision making with the Town, families and attorneys.; Mr. Neishi – the engineering study done for the water for the Town, when can we see that; Supervisor Miscione – have copies of multiple projects, we have all the maps in the office – welcome to come look at them – Engineer demonstration (video) is on the Town's Facebook page of the different areas and projects. Your project, we can get PDF's and email to you. Give Rick a call; Mr. Neishi – thank you for working with us. Hopefully can get something done sooner that later. Rick has my number and will keep me updated.; Supervisor Miscione – if land owner is ready and we can get this done quicker, we can go out to bid for this project. In 60-90 days, we can have a result of when the project can start and cost.
8. **David Maier** – Mallory Road – Palmer Creek – is there any idea/plan...been coming for 10 years – keeps getting worse – thanked Rick for coming out to help – If don't slow down the water, will not have a house. Maybe you don't care, most of you are running unopposed. You talk about stormwater districts.; Supervisor Miscione – we've spoke about it in the past, it's a cost to all the residents – capital side, maintenance side. We would bond for it, paid over 30-year period. Trying to do with grant money – certain projects. Need more help from County and State.; David Maier – is Palmer Creek even a fly on the wall or am I just wasting my time; Supervisor Miscione – it was part of the study. It is how we get money to do these projects; Councilman Messa – what Dave is saying is, the study was done, it was identified there was a problem – but its also a unique situation because the land may or may have not sold – that a pond would probably have to be placed there according to the engineers; Supervisor Miscione – this is the one where they said they wanted to put housing?; Councilman Messa – I don't know where they stand either – if we can find out did it sell, who is the owner and if there is potential development, as far as the Planning Board goes. That has to be incorporated in there because it will impact the Mallory Road section. Without it, I sympathize with you – I get calls – can't live like that – County and State help – otherwise basically buy me out; David Maier – I'd be happy to sell you my property to you guys, put the biggest pond you want – water ends up two to three feet – creates major flooding in this Township – I understand money is a problem – we have to get funding but if I'm wasting my time, I'm going to get the sign out front. I'm ready to hang it up. Stop by when it rains – sounds like Niagara Falls – will be at every meeting if have to; Chris Moran – I live along the same creek – live just up the street – knock on week, haven't had house issues – yard does flood – seen what

the creek does – it has gotten worse and worse – been there 21 years, it’s gotten worse, every single storm is worse than the other ones. You have the right idea with something on the Palmer land. There is certainly plenty of opportunities up above in the field to do something – maybe exploring that is probably the best option for the people on the lower end of Mallory – neighbors get flooded – it has gotten worse and worse like everyone says. There is no stopping that creek. You can hear it coming. I leave my wife home alone; I’m going to work to take care of other flooding problems and then this stuff sort of happens. It’s an eye opener. It certainly is a problem. We’ve addressed it by cleaning the creeks and trying to do what we can but we keep saying it over and over again we need to hold that water back – if we did look at up above my house and the Palmers Land there is certainly opportunities to do something up there; Councilman Messa – asked if impacted intersection of Kellogg and Oneida Street; Chris Moran – it actually does because it meets another creek behind Dave’s house. They come together and flow right through the car wash and McDonald’s right out to that intersection – behind my house, it ends up down Oneida Street because there are a bunch of curves in there that go right through the backyards. It does really impact; Highway Superintendent Richard Sherman – Jason walked it and has it outlines where a pond can be built to help your situation and Chapman Road. It’s all hills and that’s what needs to be done – these ponds to slow the water down; Chris Moran – that creek by my house gets to be 30 feet wide and its just scouring and scouring and then it comes down by his place – we’ve cleaned then one storm and keeps scouring; Highway Superintendent Richard Sherman – Oneida Street at City line – the slate comes off Higby Road after every rain event – keeps coming, no stopping it.; Gerald Webb – the main focus, we keep saying it over and over, we need to slow the water down. Not to bring it down the hill in 6 ft. mounts and fill the streams. We need to slow it down so it gradually slows down so it helps; Chris Moran – the creek starts way up Graffenburg, way up, not just Mohawk Street down.; Gerald Webb – that creek is actually coming out of the ground. When we get rain, it comes from everywhere. Foxcroft, no official creek, we made a pond but that’s nothing. Foxcroft is 15ft.; Councilman Reynolds – and it was full; Gerald Webb – when we built it about three acres is done, its down 15 ft., gradually goes up to 10 ft. and I’ve seen it rain so hard – filled up in one night; Supervisor Miscione – Dave’s house, the problem that’s there – 10 acres – all is private land – we have to look at all these projects, acquire the land now before somebody decides ‘that’s my land, I want to do something with it’ and then we won’t have the opportunity ever again; Councilman Reynolds – Rick is doing a lot of these things in house and saving a lot of money doing so and anything he can’t do we’ve contracted out. The only bill is the engineering study and then from there we’ve got the talented guys and equipment to follow the blue prints to do the job and do it right. Its all over the Town and monumental projects; Vin Neishi – I appreciate you taking on these big projects but you when you got a basement that is flooded and had to be gutted and everything, even when you have a built-in pool and it gets overflowed, landscaping and everything else; Highway Superintendent Richard Sherman – we have our meeting with Dr. Sklar at the end of this month to acquire land (10 acres); Supervisor Miscione – we will know end of this month and thanked everyone for coming and invited them to the Sept. 8th meeting to follow up.

II. BOARD MEETING MINUTES FOR APPROVAL

1. July 14, 2021

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

(RESOLUTION NO. 277 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the July 14, 2021 Board Meeting 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*.

2. October 5, 2020

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

(RESOLUTION NO. 278 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the October 5, 2020 Board Meeting 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*.

3. October 21, 2020

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

(RESOLUTION NO. 279 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the October 21, 2020 Board Meeting 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*.

4. November 30, 2020

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

(RESOLUTION NO. 280 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the November 30, 2020 Board Meeting 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*.

5. November 5, 2020

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

(RESOLUTION NO. 281 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the November 5, 2020 Board Meeting 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*.

6. December 16, 2020

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

(RESOLUTION NO. 282 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the December 16, 2020 Board Meeting 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*.

III. PRESENTATION/COMMENTS

A. Chris Centola – LaBella Associates (Roberts Road project) from Rochester, NY (presented a presentation to the Board about a solar project on 10130 Roberts Road) – consist of 13,800 panels (3x7 panels, 6 or 7 ft horizontal to 14ft vertical (only truly vertical when cleaning it or snow – done remotely through sensors) – they track the sun throughout the day – be most efficient at 90 degrees, will be location on 19 acres – on a 65 acre lot that is located on an agricultural lot – was in contact with the Town Clerk and Planning Department to get on tonight’s agenda to discuss what the further steps are to submit a formal application – unsure of the property owners name – the Town line comes across the Town of Paris – we would put in a gravel access Road – the main development would be on the Town of New Hartford land – there are homes on Roberts Road – the site is higher is higher than Roberts Road – have started discussions with National Grid and there is capacity on the line for the project – panels for stormwater, open service, drain off – asking what is the next step; Supervisor Miscione – has had people call from Roberts Road, have seen surveyors out there already, everyone was not in favor of it, will be visual from their homes – because of the height of the solar panels – would make it look industrial – unless they are buffered – mostly residential homes, characteristic wise, these project doesn’t fit for that area – people have been calling to ask about it so drove up there to look at it – this would be there in their backyards – different then what we have approved in the past – from my personal opinion, I would like these people to have the seclusion that they have now, they bought their property because they didn’t think it would be a solar farm – Supervisor Miscione is against it; Chris Centola – what are you looking for as major buffering – we can provide landscape screening but its almost impossible to

plant 20 foot evergreens – asking the Town what you feel will be appropriate screening; Town Attorney Herbert Cully – the way the ordinance works – its within the total discretion of the Town Board to make a determination as to whether or not they feel this is an appropriate location for the solar – if they said yes, then you go to the Planning Board – I think the Board is maybe saying this is not one of the locations that they would choose in light of the close proximity to residential dwellings, the difference in the elevation and the topography of the land – it would require a public hearing; Supervisor Miscione – we are for the solar – we just don't want to impact our residence and take away their quality of life for solar – just looking at this project, I don't see why it would be approved – to much impact to the residence, home values, don't see benefit to the Town; Councilman Messa – Against it; Councilman Lenart – my vote is the concern for the residents – its an open area that's why they went to live there – not for it; Councilman Reynolds – have serious reservations – would like to go up and look at the parcel – need some more information – on the surface I'm not in favor of it; Councilman Woodland – have concerns with it; Supervisor Miscione – thank you for coming; Chris Centola – appreciate the time, unfortunately my clients are unable to enter the country right now, so they couldn't be here. I feel I understand the Boards general reaction. If they can show you additional landscaping, would you be open to look at it or would you just say please don't come back, which I know you legally can't say; Supervisor Miscione – unless there was 40ft. buffer of trees or something there, I don't see how you would buffer that. I don't see how residents around that area would be happy with that. I don't think this is the right area for it – characteristics for that area – takes away home values; Chris Centola – Appreciate your honesty up front and thank you for your time.

IV. REPORTS OF TOWN DEPARTMENTS

A. Town Clerk

1. Utica Zoological Society – Raffle Consent - NO MOTION
2. Approval to move forward with updating E-Code (2020/2021) – Town Clerk Cheryl Jassak- Huther – after talking to Paul, Mary Beth Sullivan form E-Codes contacted me – the last local law that was ever submitted and incorporated into Code was Local Law 3 of 2019. I have submitted to them the one from 2020 and the last four I did with Herb for 2021 and they sent me the estimate Paul requested; Supervisor Miscione – the total cost is between \$1,065 - \$1,280 – motion to approve – Councilman Reynolds; Councilman Messa -this is the update?; Town Attorney Herbert Cully – yes, they publish it on E-Code and I rely on E-Code; Councilman Messa – Cheryl, this is for two years?; Town Clerk Cheryl Jassak-Huther – I've done one local law for 2020 and four for this year; Supervisor Miscione – on our website, there is a part where you can go look at Planning, Zoning and Town Codes. It is for them to publish it. Whatever we've done for the last two years is not on there. By State Law we have to do this; Councilman Lenart – so that is up through right now, there will be additional cost for the end of 2021 or is this going to cover the cost for the whole year of 2021?; Supervisor Miscione – No, there will be additional cost for this year; Councilman Reynolds – we're not publishing a hard copy now?; Town Attorney Herbert Cully – no, its online; Councilman

Lenart – so this take us up through April?; Town Clerk Cheryl Jassak-Huther – I have done one for 2020 and four for 2021. I can go back to 2019, it will take me time to go through the meeting minutes; Supervisor Miscione/Town Attorney Herbert Cully – they were never done and submitted; Supervisor Miscione – How we found that out is we had issues with codes and we passed something at the Board meeting and then Larry told the guy it wasn't because it wasn't in the E-Code and it really was part of the Board minutes because the person brought it up. There maybe another \$1,000, maybe even \$2,000 more because there was a lot of laws that did pass in 2019 to change a lot of stuff.

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

(RESOLUTION NO. 283 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to update the E-Codes for 2020 and 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*.

Discussion – Town Clerk Cheryl Jassak-Huther – would you like me to go back to 2019, will just take a little while to do the meeting minutes that were never done; Supervisor Miscione – Yes, please – it hasn't been done in three years, even if it takes you three months, they have to get done. Thank you for doing this.

B. Highway Superintendent Richard Sherman

1. Emergency tree removal that fell from the abandon Cemetery behind 11 Rockport in Oxford Heights 7/15 storm and hit Condo – large tree about 65/7-foot tall, 3 ft. diameter that was on the cemetery land – tree came down and broke the fence – nothing Town could do as far as removal so got Richard Zalewski Tree Service – he had to put 88 sheets of ply wood on the lawn to cut it up and get it out – had to drive on the lawn – the tree was on the deck (abandoned cemetery); Councilman Lenart – doesn't insurance cover it – we shouldn't be paying it in the end – that is why we have insurance; Town Attorney Herbert Cully – we have the cost to remove the tree; Councilman Lenart – if it is on the deck or property, usually the insurance will pay; Town Attorney Herbert Cully – was there damage to the deck; Highway Superintendent Richard Sherman – I don't believe so; Councilman Lenart – even if it wasn't, they will do the tree removal, my point is, whatever the cost

for us to do, whatever we were doing, might want to look into the insurance and see what it pays.

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

(RESOLUTION NO. 284 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the emergency tree removal from the abandon cemetery behind 11 Rockport in Oxford Heights.

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*.

- Emergency tree removal that fell on The Sherrill Brook Park trail that boards Park Pl off Merritt Pl. – during the storm – had Richard Zalewski Tree Service remove the tree – nothing could do in house

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

(RESOLUTION NO. 285 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the emergency tree removal that fell at Sherrill Brook Park on the trails.

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*.

- Emergency Sewer pump Station at Arlington Pl 2 sewer pumps failed Wilo Pumps \$18,150.00 seal failure and bearings cause damage to shaft

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

(RESOLUTION NO. 286 OF 2021)

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

Supervisor Miscione – like to approve to take out \$18,150.00 out of sewer and fund balance and to replace expenses for emergency sewer and pump repairs for \$18,150.00

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

(RESOLUTION NO. 287 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the transfer of \$18,150.00 from the sewer and fund balance to replace expenses for emergency sewer and pump repairs.

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. Upgrade two employees 1- to CEOH and 1- seasonal to permanent Labor in budget
 - i. CEOH – Chris Budlong at \$27.48/hour, starting date 9/4/2021, position is vacant as of 7/10/2021, per union contract to replace Bill Marshall

who is retiring; Highway Superintendent – money is in the budget, take next senior guy to fill the spot

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

(RESOLUTION NO. 288 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to upgrade Chris Budlong to CEOH effective 9/4/2021.

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*.

- ii. Seasonal employee to permanent Labor – Matthew Wentrick – Laborer with CDL - \$14.63/hour – request start date 8/23/2021 – reason to fill vacancy, position full-time, permanent, union; Councilman Messa – seasonal going to permanent – but its not mandatory we have to fill the position or do we?; Councilman Reynolds – its not mandatory but Highway Superintendent Richard Sherman is asking; Councilman Messa – trying to understand the legality of the Union; Highway Superintendent Richard Sherman – let me talk about the Union – as seasonal summer employee he was paid \$15/hour – now he goes permanent and getting \$14.63/hour – because of the Union contract but going to get benefits, vacation, etc. – November will become MEO and plow snow – OPP certified, came from the County (Judd Road). NYSDOT hiring, loosing an employee to them – we are one of the lowest to pay our employees – Village of New Hartford pays \$18.00 to start, Village of New York Mills, \$21.00 after six months; Councilman Messa – we’re hiring people, we want to make sure everything is there. Obviously, we need the road plowed, we need these projects done – the bigger issue is the overall scope of the budget; Supervisor Miscione – if you have a good employee, with the Union contract, you can promote them to make more money. It’s just a start. You explain, this is your introductory rate and in six months to a year you can be here if you know how to use the machines, etc.; Gerald Webb – our contract works by seniority – there is no incentives to hire a new guy. You start at \$14/hour but it is not like the old days here when you came and the benefits were free. Now the new guys pay a hefty sum for their

benefits where they get more pay at Dunkin Donuts for the same thing and they do less work. When you get a guy like this that can run equipment and stuff, he's not going to move up – two years – it takes a person to leave for him to move up to MEO.; Highway Superintendent Richard Sherman – just letting the Board know what is going on out there – what if four guys come in to me in November and saying going to Whitestown then a three-hour loop turns into an four/four and a half-hour loop

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

(RESOLUTION NO. 289 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to upgrade Matthew Wentrick, Seasonal employee to permanent Labor - \$14.63/hour – request start date 8/23/2021.

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*.

5. Bid opening on Mud Creek

BID OPENING INFORMATION

TITLE: Mud Creek Flood Control/Middle Settlement Road

DATE: August 13, 2021

TIME: 11:00 AM

PRESENT: Highway Superintendent Richard Sherman, Town Clerk Cheryl Jassak-Huther, Deputy Clerk/Registrar Jade Giglio

1. **Company Name:** W.M. J. Keller & Sons Construction Corporation
Contact Name: Dylan Walton
Address: 1435 Route 9
City, State, Zip: Casleton, NY 12033
Telephone Number: 518-732-7782
Email Address: dwalton@wjkeller.com
Received Date: 8/13/2021
Received Time: 9:05 AM
Received By: Jade Giglio

Total Bid (A & B): \$1,861,762.00
Total Bid with Alternate: \$1,647,562.00
Bid Alternate: Unit Price \$15.00; Total Amount \$150,000.00
Bid Bond: YES **Percentage:** 5% NO
Non-Collusion Affidavit Signed: YES NO
Insurance: YES NO

2. **Company Name:** Carver Construction Inc.
Contact Name: Gabe Hanoufa
Address: 494 Western Turnpike
City, State, Zip: Altamont, NY 12009
Telephone Number: 518-355-6034 ext. 157
Email Address: ghanoufa@carvercompanies.com
Received Date: 8/13/2021
Received Time: 9:27 AM
Received By: Jade Giglio
Total Bid (A & B): \$1,837,145.00
Total Bid with Alternate: \$1,694,145.00
Bid Alternate: Unit Price \$11.00; Total Amount \$110,000.00
Bid Bond: YES **Percentage:** 5% NO
Non-Collusion Affidavit Signed: YES NO
Insurance: YES NO

3. **Company Name:** Adhan Piping
Contact Name: Chris Henry
Address: 1865 Rt. 13
City, State, Zip: Cortland, NY 13045
Telephone Number: 607-753-8623
Email Address: csimon@adhanpiping.com
Received Date: 8/13/2021
Received Time: 9:42 AM
Received By: Jade Giglio
Total Bid (A & B): \$2,686,985.00
Total Bid with Alternate: \$2,382,525.00
Bid Alternate: Unit Price \$10.50; Total Amount \$105,000.00
Bid Bond: YES **Percentage:** 5% NO
Non-Collusion Affidavit Signed: YES NO
Insurance: YES NO

4. **Company Name:** Marcy Excavation Services, LLC.
Contact Name: Richard Whitney
Address: 5835 Route 5
City, State, Zip: Herkimer, NY 13350
Telephone Number: 315-724-4062
Email Address: rwhitney@marcyexcavation.com
Received Date: 8/13/2021
Received Time: 10:00 AM
Received By: Shannon Dodge
Total Bid (A & B): \$1,878,798.00
Total Bid with Alternate: \$1,683,498.00

Bid Alternate: Unit Price \$10.50; Total Amount \$105,000.00

Bid Bond: YES **Percentage:** 5% NO

Non-Collusion Affidavit Signed: YES NO

Insurance: YES NO

Highway Superintendent Richard Sherman – need to look at all the figures (total bid, total bid with alternate, bid alternate – for the Town to haul the dirt away) – what way the Board would want to go – Keller is the lowest with alternate; Deputy Town Supervisor Anthony J. Trevisani, Supervisor Miscione, Highway Superintendent Richard Sherman – all stated Keller is the cheapest; Highway Superintendent Richard Sherman -don't have a place for the dirt; Councilman Messa – who do you suggest; Highway Superintendent Richard Sherman – I suggest Keller and go with the alternate which they put the concrete where it needs to be and the dirt hauled away; Councilman Messa – don't want to cheap out and go with the lowest; Highway Superintendent Richard Sherman – what we need to do is find a farmer to haul the soil; Councilman Messa – are you comfortable with the design and all that; Highway Superintendent Richard Sherman – John Dunkle and Jason (the engineers), I'm comfortable saying that can go with alternate; Councilman Reynolds – they've approved alternate B so they are still meeting specs that the engineers drew; Highway Superintendent Richard Sherman – construction will not start until Spring 2022 – will not take them away from other projects; Councilman Messa – personally, I say we pay for the hauling away, our guys are too busy; Councilman Lenart – I say pay the extra 200 grand, 220 and have our guys work on retention ponds, It's not going to get any better come Spring time; Councilman Messa – so actually, is Gabe cheaper?; Highway Superintendent Richard Sherman - #1 was the lowest bid the last time we did this; Councilman Woodland – I make a motion we award it to Marcy; Councilman Lenart – I seconded; Highway Superintendent Richard Sherman – the engineers who put this together, the bid, should be here to explain it to the Board. They put this together, they sent me the sheet to go with, I didn't do it; Supervisor Miscione – hard for me to make a vote – who has the bid specs (Rick had them); Councilman Reynolds – can we get some clarification both from the bid specs as well as from the engineers sheet and then if we have to sit down for a special meeting to approve it -I don't think we're ready to move on this now, there's too much confusion; Councilman Messa – who typed this document; Assistant Director of Personnel Barbara Schwenzfeier -Cheryl did; Town Clerk Chery Jassak-Huther – I got the figures right from the companies sheets per Dunkle's questions; Highway Superintendent Richard Sherman – called Dunkle on the phone because the Board was confused, asked Dunkle to explain to the Board; Dunkle – 1st number was the original dam with full concrete with spillways, full concrete in the channel and full concrete with wing walls. The 2nd bid as for our reduced dam when we replace concrete with stone and we replace parts on the wing wall with stone so functionally they will work exactly the same as the first one its just a reduced scope of concrete because that's what came in high the first bid; Supervisor Miscione – so when it says total A & Bm its not A & B, its just A and the alternate is B correct?; Dunkle – No, the 1st bid is the total bid and the 2nd bid is your taking away an item and adding an item. So there both totals – 1st one is total contract with item #3, one of them is the total contract with the original dam, the other one is the total contract with the reduced dam. The 3rd one is just the hauling off site; Deputy Town Supervisor Anthony J. Trevisani – does that have to be added?; Dunkle – the hauling off site does not have to be added now, it can be added at a later date – you

guys can choose to do that or not, that’s an alternative; Supervisor Miscione – so we can save more money if we do it later, if not those are the two numbers, the 1.8 and 1.6; Dunkle – the additional \$100,000 or so is for the hauling dirt off site – if you guys decide to do that then you wouldn’t select that option. It’s an additional cost to both. Not a smaller pond – just reducing the concrete. The dam will function the same. No sense in going with the first one, it can be thrown out. We left it in there just in case there was no difference in bids because structurally concrete can last a lot longer but functionally in this case, it will not do anything different; Supervisor Miscione – so in determining that, it looks like W.M.J. Keller is the lowest bid if we use the alternate; Dunkle – Correct, that’s correct. The way John wrote the contract, the dirt can be added later. You can almost ignore that so Keller is the lowest bidder if you choose the 2nd option; Councilman Lenart – so when does the money come in to play; Councilman Reynolds – you have to pay for it some place; Dunkle – you have to pay for it but the money only comes in to play if you decide you want to add that in; Board – that’s what we’re saying; Dunkle – In other words, you can budget for it but you don’t have to award that part now, it can be added later; Councilman Lenart – We still have to pay for it; Highway Superintendent Richard Sherman – you (Dunkle) sent me something who was 1st, 2nd, etc.; Dunkle – Yes, Keller was the 1st with the alternate – Adhan is out – Carver, if selected option #1 was the lowest, if you select option #2 only Keller and the 3rd lowest one was Marcy Excavating.; Highway Superintendent Richard Sherman – thank you for answering my call; Councilman Lenart – Marcy it is

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

(RESOLUTION NO. 290 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve award the bid to Marcy Excavation Services, LLC for \$1,683,498.00 plus the \$105,000 for the haul away.

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. Snowmobile for parks trail system – Rick found a Arctic Cat 2019 to pull the groomer for the trails for X-County skiing – brand new, we have budgeted for \$16,000, getting it for \$9,799 from Sun and Snow (special use machine, not for recreational).

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

(RESOLUTION NO. 291 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to purchase a 2019 Artic Cat Snowmobile for \$9,799 to pull the groomer for the trails.

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. Sewer pump station rebuild has started in Homestead Rd 8/16/21 – Supervisor Miscione – good job Rick
8. Getting short on Black top for pot hole repairs shoulders repairs on Oneida Street Chadwick’s – Supervisor Miscione – will get Rick more money
9. Approval to sign Inter-Municipal Shared Services and Equipment Agreement with Oneida County (Machinery, Tool and Equipment) – Supervisor Miscione – same as last year

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

(RESOLUTION NO. 292 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to sign the Inter- Municipal Shared Services and Equipment Agreement with Oneida County (Machinery, Tool and Equipment).

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*.

10. Approval to sign the 2021-2022 Shared Services Agreement for Snow and Ice Control – Highway Superintendent Richard Sherman – the first part is the same as last year. I read it and see that added a 2nd part so I moved it on to Herb; Town Attorney Herbert Cully – I’m fine with it
11. Councilman Lenart – getting back to number 8, what is the cost on that; Highway Superintendent Richard Sherman – I still have pot holes in developments to do, down in Chadwicks down the shoulders on both sides; Councilman Lenart – what is your guess; Chris Moran - \$63 a ton, we got at least 100 tons I’d say; Supervisor Miscione – lets do 300 tons. I’ll do the transfer for the next meeting. We have to get these pot holes done.
12. Back to #10

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

(RESOLUTION NO. 293 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to sign the 2021-2022 Shared Services Agreement for Snow and Ice Control.

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 COUNCILMEN

A. Councilman Messa –

1. Stormwater Review Project List – are we still on track; Highway Superintendent Richard Sherman gave updates on the entire list of projects they have been working on right along
2. Emailed Paul – with Covid coming back around some folks will not come here, want to know if we could start the Facebook back up and streaming it; Supervisor Miscione – we could, the only thing – we need to find a good structure of answering questions and comments – need someone to sit and answer them – we can just upload the films
3. House on Oxford and Kellogg Road – been vacant from the fire; Councilman Reynolds – rumor has it, its been sold; Highway Superintendent Richard Sherman – think neighbor on the side bought it as is; Councilman Messa – from the outside, doesn’t look nice; Town Attorney Herbert Cully – is the house structurally unsound, is it falling down?; Supervisor Miscione – why don’t we just clean up the trash and send them a bill, there was still trash there yesterday; Councilman Messa – time period for the condition; Councilman Reynolds – as far as I know it meets Codes, structurally, its secure – not pretty but it meets Codes; Supervisor Miscione – will have Larry send another letter for the trash

B. Councilman Lenart

1. Update on Valley View; Town Attorney Herbert Cully – George prepared a draft of a violation, petition to file with the court with a summons -he sent it to me today – looked at it – very well done so will go ahead and file that.
2. Request to request/publish public hearings for Stop signs

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

(RESOLUTION NO. 294 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to schedule a Public Hearing on October 6, 2021 for two stop signs on Lower Woods Road (North and South) at intersection of Westmister 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. 295 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to schedule a Public Hearing on October 6, 2021 for two stop signs on Lower Woods Road (North and South) at intersection of Robin 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. 296 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to schedule a Public Hearing on October 6, 2021 for a stop sign on Sherman Lane (North) at the intersection of Sherman Circle.

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 Woodland – Bring up Pinecrest on the Public Auction; Town Attorney Herbert Cully – not up yet, February auction

VI. MATTERS SUBMITTED BY TOWN ATTORNEY

1. Steve Wilky who handles the administering of the service award program for the Willowvale Fire Department that the entity that was handling it, Affordable Benefits Concepts, has been sold. Its now being handled through Mr. Wilky with a new company. We need to amend the documents we previously signed to reflect the new entity that is going to be handling the Service Award Program. The new entity is Hazard and Siegel Inc. Need a motion for Paul to sign as the plan sponsor for the Willowvale Fire Department Service Award Program/Benefit Plan.

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

(RESOLUTION NO. 297 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve for Supervisor Miscione to sign as the plan sponsor for the Willowvale Fire Department Service Award Program/Benefit Plan.

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. Also provided us with two payments that have been made for Thomas H. Smith for \$270 and Charles H. Strong for \$150 – payments to into their retirement plan

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

(RESOLUTION NO. 298 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the \$270 for Thomas H. Smith (payment to go into retirement plan).

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. 299 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the \$150 for Charles H. Strong (payment to go into retirement plan).

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. Situation over at the Mallard Brook project – by library – near Sherrill Lane - this project was approved many years ago – it’s been taken over by a new developer (Herb represented him, so kind of in a conflict situation) -the developer has put up one of the buildings and when Rick saw it, its very close to the stream that runs down from Woodberry, crosses Oxford Road. The stream is within feet of the structure. The developer came in to get a Certificate of Occupancy so he could complete his financing. Rick took a look at it and indicated he is not comfortable with the way the stormwater mitigation has been designed. The developer got in touch with Don Heir and voluntarily

agreed to redo the stormwater management system that was constructed with what were called gabion baskets – they were put in – rained and they didn't hold; Highway Superintendent Richard Sherman – the gabion baskets fell over and they straightened them up and put them back – had discussions that they'd keep falling, showed concrete blocks they were building and where to go see one that had done – concrete blocks need to be there; Town Attorney Herbert Cully – the suggestion was that the developer remediate the stormwater based upon the recommendations of Rick, working with Don Heir – that Don Heir would certify that his plan would be functional and will work and that the developer post a performance bond in the amount of \$250,000 guaranteeing that this design would work and if didn't work we could call the bond due and do whatever remediation we needed to do – do the work first and post the bond – Don Heir has to design and certify that it will function properly. He is going to get other counsel now because I can't be involved. What I would remind the Board, this was approved well before Woodberry Road project was put in, where by the Town funneled all that water down Beechwood, crossed over to Woodberry, joined into that stream and created that flow of that stream that you are talking about. Mine as well be ready. The Planning Board approved the project 20 years ago; Councilman Messa – that's my argument – I think we make a resolution now that they have a time period on these wrongs; Town Attorney Herbert Cully – you have to do a Local Law and I have to write it; Councilman Messa – whatever we need to do, we can't have people put a plan in and years later have people come back saying you stamped it 20 years ago; Town Attorney Herbert Cully – the Planning Board approvals have a one year sunset but when a subdivision is approved those lots are created. There are still lots that haven't been built on (approved 20 years ago). A lot of the subdivisions, they do the infrastructure then the lots are all existing and sometimes takes 20 years to build them out; Councilman Reynolds – but when that was approved, that creek existed; Town Attorney Herbert Cully – it existed but maybe not totally existed; Councilman Reynolds – maybe not, every creek in the Town of New Hartford is different then it was 20 years ago; Town Attorney Herbert Cully – the legal issue becomes, did the Town do something to create increased flow in that stream that now contributes to the problem that exists; Councilman Reynolds – I think it could be argued that we have done work to lessen it; Chris Moran – prior to that, the water still ran and we've put three retention ponds since then to slow the water down; Town Attorney Herbert Cully – but when the Planning Board approved it 15 years ago those lots were created, the entity was created – what stormwater mechanism was required to be provided legally in the approved plan – so the developer now, after has this up, has got Don Heir in, paid him to come up with some solution which didn't work -Rick suggested another solution with the blocks so that he can go forward without tearing the house down; Supervisor Miscione – to move on so have less issues – if we require the bond and we have him re-engineer what is there because it didn't work, it failed – if we can protect Sherrill Lane and hold us harmless – I think it would be less of a road to go down then trying now to say we are going to pass a Local Law now, which we should but I don't want to go through a lengthy lawsuit that win or lose we still have an issue – if he fixes the issue it can actually help Sherrill Lane (block situation) – we will have a bond that if something else does occur – with \$250,000, there is a lot of work that could be done that could take care of that stream issue – If we don't do that and we knock down the house we are still going to have a problem over there then we don't have the bond or stream fixed – this way if it doesn't work and Don signs off on it then we go for the bond, we have \$250,000 to fix it; Highway Superintendent Richard Sherman – the blocks are great and lock in to place; Supervisor Miscione – I'd like to fix Sherrill Lane; Councilman Messa – I agree, it's a viable solution – going forward, to change the law, we're leaving ourselves

wide open. If Counsel will do that, I think we need to do that going forward - we're very vulnerable; Supervisor Miscione - also should have engineering for sub developments - stormwater be same level as commercial - mimic plan for commercial - on our residential subdivision plans - that will then trigger - this never happened; Councilman Messa - I say build this in now - solar, farmland - don't know the future; Town Attorney Herbert Cully - What you would do is add some language that would indicate that prior to the issuance of any building permits that the codes officer has a right to ask for a supplemental engineering report to verify that there haven't been any changes and condition that would require any additional stormwater mitigation; Councilman Reynolds - I'm sure the contractor impacted that stream; Councilman Messa - Absolutely - it was a fully wooded area now its just flat and nothing left; Councilman Reynolds - when that was approved the creek wasn't the way it is today, guarantee it; Councilman Messa - the weather patterns are not the same as they were 20 years ago - we're spending a lot of money and energy, man hours and time to prevent stormwater. I want to make sure going forward; Supervisor Miscione - going forward, with the Local Law (to Herb), can we mimic the GIS, would you like to work on that; Town Attorney Herbert Cully - yes; Supervisor Miscione - we will do that - mimic our GIS, pre development agreement, bonds, etc. (commercial); Councilman Messa - realistic timeframe going forward?; Supervisor Miscione - I would just copy the commercial one and put in residential; Town Attorney Herbert Cully - no, but what you're talking about is if the infrastructure gets built out within a certain period of time because you can't guarantee that individual lots - they take 20 years to sell the lots but the infrastructure is to be built within two years or whatever of approval and its subject to further review at the time anyone comes in to get a building permit in light of any additional changes that may have occurred; Supervisor Miscione - GIS - triggers a pre development agreement - triggers a deposit on the building, triggers our engineers to review the build out and a stormwater bond, at their cost - our engineers review that site before Larry issues a permit; Town Attorney Herbert Cully - that will be a Local Law subject to a public hearing just so you know you might get people at a Public Hearing saying I want to build a house, I have to go through all this and all this expense; Supervisor Miscione - It will alleviate lawsuits; Town Attorney Herbert Cully - I'll draft it and if the Board is happy, we'll schedule a public hearing; Supervisor Miscione - 1. You'll draft that 2. Is the Board ok if we do the bond and fix that with the concrete block to at least improve the creek from what it is now; Board - yes

VII. MATTERS SUBMITTED BY TOWN SUPERVISOR

1. Approval for purchase of snowshoes for the park - will rent them out - whole kit - new program for the park

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

(RESOLUTION NO. 300 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the purchase of snowshoes (75) from L & L Bean for \$9,377.51.

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. Sangertown to pay maintenance/capital project for retention pond – Sangertown willing to put in \$70,000 towards retention pond project – we also have an agreement to clean pond out on a yearly basis.

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

(RESOLUTION NO. 301 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to accept the \$70,000 for the capital project for the retention pond at Sangertown.

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. Approve additional Utica Gas and Electric Federal Credit Union credit card for Cheryl

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

(RESOLUTION NO. 302 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve for Town Clerk, Cheryl Jassak-Huther to be added as a new person for a Utica Gas and Electric Federal Credit Union credit card for the Town Clerk’s office.

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. Approval of Standard Work Day and Reporting Resolution for Cheryl – to be submitted for retirement

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

(RESOLUTION NO. 303 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve Town Clerk, Cheryl Jassak-Huther, three-month report for Standard Work Day and Reporting.

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. Approval of Vouchers

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

(RESOLUTION NO. 304 OF 2021)

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

6. Items to Ban (2021) – when BAN monies received
 - i. Oneida Street Bridge - \$500,000.00; Highway Superintendent Richard Sherman – culvert pipes on Oneida Street – Town’s responsibility – our cost – looking to put a bridge so no bottle necking, debris will flow underneath – it’s a concrete box culvert – comes in three sections – anything over 20 ft. is considered a bridge – this is grant monies out there for Bridge NY – it would be two 10 ft. box culvert and another right next to it – so they would be 4 ft. high and 44 ft. long – the width of the road – all concrete; Supervisor Miscione – once we do this, it’s done with this project – move the water main, we still have to pay for it either way – have to BAN for it – we believe 50/50 through Bridge NY to get back
 - ii. James Bray – Emergency – Oneida Street - \$86,000.00
 - iii. 2021 John Deer 650 Dozer - - upgrade - \$67,914.00; Supervisor Miscione – Rick has been renting one; Gerald Webb – the machine we have now is small – if we bought this one, it would be something long term, probably have it the rest of our life, its needed; Highway Superintendent – trade in the other one – got \$83,000 trade in – to rent it – we owe at least \$20,000 rental fee for two months – will use it non stop to build the ponds – the team I have, they have proven themselves, saving money having our guys do it, saving the Town money; Councilman Reynolds – can’t do it with a backhoe, it’s a dozers job, the one that I saw, in my option, is small for a project I saw them working on; Highway Superintendent Richard Sherman – we have moved 20,000 cubic yards of dirt; Gerald Webb – the other incentive – we are building these ponds, 5 acres, and all these ponds down the road – we’re going to need it to clean them – trying to do it with a little one is almost impossible – the big one will be utilized for all situations (building and maintenance)
 - iv. 2021 Excavator - \$109,208.00 – Supervisor Miscione – we’ve been renting one – everyone wants their stuff to be cleaned out after the last storm; Highway Superintendent Richard Sherman – we are renting one, we have two small ones – renting a big one with the option to by – have a schedule for each excavator is going – can’t keep up with the projects we are getting – the big excavator is at Woodberry pond site right now, its going to go down to the outlet, across the street by the pool, its going to Woodberry Lane to move concrete headwall behind DeSantis house that hasn’t been done yet – its going across Woodberry Lane (we have a failure there where the bank caved in – put 25ft of concrete blocks in) – Sedgewick Park – 59 Imperial (replace pipe, guys house that was here) – Willowvale Creek, cleaning and stabilizing it. Those are the jobs for the big machine. A lot more jobs that need to be done, Cosmo Court, Sherrill Lane, Brookside Terrace, Whitetail, Brantwood Lane, etc. Get one job, get three more. Can’t keep up with

- all these job – needed to rent to keep moving on with jobs. Not putting on any additional manpower just keep moving guys around.
- v. Foxcroft (Woodberry) Detention Pond - \$60,000.00 – Supervisor Miscione – this is for the engineering additional fee that we didn't have the grant money for – also for the additional cost for that project – stormwater related stuff.
 - vi. Oneida Street/Elm Street - \$325,000.00
 - vii. Additional Signage - \$300,000.00 – asked Board to start thinking where they wanted additional signs down the road.
 - viii. Loader - \$123,000.00 – 2nd Loader we needed to purchase minus the trade in value
 - ix. Stormwater Project - \$700,000.00
- TOTAL - \$2,271,122.00**

Supervisor Miscione – we talked to the accountants today (Barb and Paul) – said best thing to do is keep your Fund Balance where it is, budget where it is and Ban for these items. There are really no negative issues doing it this way, because these are long-term capital projects, you're paying over time (bridges, stormwater, etc.) – making payments smaller, getting infrastructure done for the Town – recommendation was to do it this way than dwindle your Fund Balance down to nothing, it will hurt your bond rating, hurt you overall; Councilman Messa – I understand all these – have some issues with all these – issues with bonding and banding for so much, we've already in the last year or two, we've banded/bonded probably \$6/\$7 million, another \$2.2 million seems like a lot; Supervisor Miscione – it is a lot of money but everyone is coming to the meetings wanting stormwater done – Councilman Messa – if you took some things out – we got the Fund Balance at \$3 million (can't remember exact) – some of these items, I don't think it's going to hurt us to throw \$86,000, \$60,000 – all these little things – not that it's going to bring it down - \$2.2 million is a lot to band – is there other departments that need anything else – did we look at that?; Supervisor Miscione – no, stormwater, these projects are one of the main things; Police Chief Michael Inserra – needs switching unit for body camera program, \$20,000; last two year – came to the Board the last couple of months – got no answers – Police loaned unit – needs new switching units – looking to get equipment to keep police department functioning – the job the guys need to do on the road – Axon is coming the first week in September; Councilman Messa – is the body camera equipment a requirement – statewide – legal reason do you need to have these on; Police Chief Michael Inserra – eventually think state will go to a mandatory program – bottom line is we should have them on now; Town Attorney Herbert Cully – they are really good to have, save us from lawsuits; Supervisor Miscione – I agree, that is why we bonded \$200,000 to buy them; Police Chief Michael Inserra – Ports are dying – we have no ports available, just need six ports; Councilman Messa – let's get the switches regardless – I'm not comfortable deciding on this tonight. I think it's a lot of money. I understand the urgency and the need to have these things but I just need to wrap my head around this. I can't approve \$2.2 million tonight; Supervisor Miscione – I'm just bringing this to you because these are the things that were brought to me and I'm bringing them to you; Councilman Lenart – has the reserve balance been steady for the last four of five years, up or down; Supervisor Miscione – we've stayed equal – in our budget every year, whatever we get the year before gets put back in our budget to give back to the tax payers the following year so it makes it that we don't have tax increases that high. It keeps our Fund Balance stable where we are and it's been up in the last

three years but not substantially but it hasn't been eaten up either. Again, that's what gave us our best bond rating ever, which helped us with our interest payments and gave us more financial stability; Councilman Lenart – agree with you – the Fund Balance is too high – the state can come down because they want that money to go back to the tax payers; Supervisor Miscione – every year in the budget the Fund Balance item, that's the money that was additional surplus from the year before. Sometimes it's a little higher because we don't need the money in the budget – we're not going to give negative tax rates – will catch up with us with employment and other things; Councilman Lenart – to Jim's point, maybe there are items out of here that we could use out of the Fund Balance to reduce it; Supervisor Miscione – if you take \$86,000 away/out of the Fund Balance, you can go 4/5 years on this project, pay it off anyway and still use a small amount of Fund Balance in your budget but you're not should you're pulling it out because that shows a negative impact. If you pull a Fund Balance mid-year to bond stuff with it isn't as positive as budgeting if for in the budget in a Public Hearing and knowing that you're using that to make your Fund Balance every year – it's almost budgeted fund balance its not unforeseen fund balance; Councilman Lenart – this is still a tax increase to the tax payer? It's a cost – you're not paying for it, I'm not paying for it, the tax payers are. You're still spending close to \$2.3 million; Councilman Reynolds – may or may be a tax increase; Councilman Lenart – it's still going to be a cost; Supervisor Miscione – it's a cost to do business if weren't any machines and machines we didn't use the machines – if we do the projects, we're still spending the money. If we don't do the budget; Councilman Lenart – not saying don't do the projects, just a matter of if we're paying for it or if we get the money from the other place, how we financing; Councilman Reynolds – but I think you can't do the projects out of the budget; Supervisor Miscione – correct, there is not enough money in our budget to even pay Jim Bray for \$86,000,000 in our yearly budget. If we take it out of highway Part Town Fund Balance, it's going to decrease by like 4%, then again, it's going to be more negative impact on the Town then again if you BAN for it and make that payment over 20 years. You're paying interest but not hitting the tax payer all in that one year. Everyone is going to drive over the street on Oneida Street so you're using that bridge for 30 years, you're paying for it over 30 years. If took it out of Fund Balance then your bond rate is going to go down; Councilman Lenart – Depends on how much doing; Supervisor Miscione – you're taking it out of Fund Balance anyway because you're going to make your payments with Fund Balance on a scheduled budgeted document.; Councilman Lenart – you can, depends on how much money you want to set aside for Fund Balance; Supervisor Miscione – you can make the payments; Councilman Reynolds/Supervisor Miscione – It would be a budgeted items at a Public Hearing; Councilman Lenart – what I'm saying if you got \$4 million in Fund Balance, maybe you want to go down to \$3 million and keep it at \$3 million and you don't have to replenish that. I think that's what we're saying (Lenart and Messa); Supervisor Miscione – you can still take the \$2 million, make payments and give people a negative tax bill. Financially it's how you plan it to keep your Town in a stable situation; Councilman Reynolds – to Jim's point, is there anything we have to act on tonight; Highway Superintendent Richard Sherman – Jim Bray has to be paid, the dozer is on hold, if we don't sign tomorrow, it's gone and we will be waiting a year, year and half for another one; Councilman Messa – we buy you anything you want – if we can't get the work done then contract it out – we're spending like crazy; ; Highway Superintendent Richard Sherman – doing this work ourselves over the year; Supervisor Miscione – we've tried to bid it all out – it's a lot – one summer spend \$800,000; Councilman Messa – You can't say \$800,000 because we got a portion of that back from the county, so it's not \$800,000 – we got a substantial portion back; Supervisor Miscione – the cost is huge to bid this stuff out;

Councilman Messa – I understand, then again you have a room full of people that – I get taking time to get the approvals and all that sign off stuff but some of it is just maintenance, sometimes other things we don't have time to get all that stuff done – if you hire out, they Rick's list will be diminished; ; Highway Superintendent Richard Sherman – we don't have the money to hire out – cost \$85,000.00 for four days for Bray to do an emergency on the road repair and it was 300 ft. long; Councilman Messa – It is an emergency, not saying we don't pay that – saying when we get to a point where we have hours to say, make a snap decision, I'm not comfortable – want some time – the numbers are astronomical; Supervisor Miscione – these are big projects; Councilman Messa – the bridge – the concept is great, I know it floods over – want more time – not comfortable approving it tonight; ; Highway Superintendent Richard Sherman – can I get permission to rent that dozer for a couple months; Councilman Messa – are you renting it now with the option to buy; ; Highway Superintendent Richard Sherman – excavator we are, dozer no; Councilman Messa – can you make the same deal; ; Highway Superintendent Richard Sherman – probably yes, then we don't lose it and we have time to think about it; Councilman Messa – fine with that; Gerald Webb – the only thing is that equipment right now, you can't get it. Even if we can get into a rental agreement, so we don't lose it, ultimately, we do need it to finish the bonds that we do need it to do other work. Whether we rent one or not, we're in a situation now where we do need to finish. So, if do need to do something, if we're going to spend another \$17,000, waste it on rental – if you do order one right now, all kidding aside, like our plow trucks, they're over a year out. You will not see one for a year. This is one that they picked up, that someone didn't pick up and it's sitting there idle right now and he's holding it. Which if we don't have the money but it's something to consider if we rent it down the road, we've got the option to buy it. Either way we are going to rent the unit; Councilman Messa – that's my point, as a Board, to disgust this, we're not wasting money by just renting, renting to own; Gerald Webb – at least we can get it right now, if we decide to change, but at least we can go forth with all our projects; Supervisor Miscione – this is my 4th year – I've never made any bad decisions for the Board – I'm not going to mislead anyone. That's great, lets rent it, but Rick doesn't have \$17,000 in his rental budget – say in three months the Board decided they don't want to buy Rick the machine, don't think we need it – where we going to come up with the \$17,000? I understand everything you're saying, don't expect you to make a decision. I brought this to you because these are thing, Jim, Dave, Rick and I get all these phone calls – there for our Town – the infrastructure projects, there assets – assets buying on a State contract, cheaper than anything else – Rick can put this bulldozer up online and he's going to get the same money for it or maybe even \$10,000 less for this unit and we can sell it and be out of it anyway – we're not stuck with it; Councilman Messa - I'm not saying have him rent it for three months – saying give us to at least the next Town Board meeting on Sept. 8th and give us time to discuss this. For everyone's sake, where it's the public or whoever – you have done great with numbers but for myself, need little bit of time; Councilman Reynolds – lets do a spreadsheet; Supervisor Miscione – I have in the past – called financial advisors, the accountants – looking at these things; Councilman Reynolds – we do not to address Chief's immediate concern either through this or some way to get that off the books; Supervisor Miscione – for me it's the best fit – I'll put together with spreadsheet. Rental very expensive. I thought would make more sense to do it this way then to put money out of Fund Balance for rental costs and to pay Jim Bray – once that money is gone, it is gone forever and then rebuild it again – plus it's a negative impact overall. If another big project comes up, I don't know any other way to do it except grants and banding. Our Fund Balance will dish quickly with stormwater; Councilman Reynolds – can you also give what we add to our Fund Balance over the

past five year or annually; Supervisor Miscione – its fine taking it out, I only ask to do it in our budget not just take it out now. If we keep that budget the same throughout the year, we can't touch the Fund Balance – makes our financial stability look great; Councilman Reynolds – that's right; Supervisor Miscione – when we take Fund Balance out before a Public Hearing; Councilman Reynolds – that's a red flag; Supervisor Miscione – exactly; Councilman Lenart – but to take the money out of the Fund Balance to pay for an emergency repair, they're not going to slap your hands for it – guarantee you that , they won't – that's what its there for, if you don't have in your budget, where else you going to get it from – if we're fortunate enough to purchase that land, where we getting the money to pay for it – we don't have it in the budget – you going to ban again for it or take it out of the Fund Balance; Supervisor Miscione – we're going to have to bond for all our lighting districts; Councilman Lenart – I understand, that's a big number and we understand that but there's things coming to down the pike that we also know we're going to have to pay for – lets look at what we got and go from there. To Rick's point – if he wants to go out and rent that machine with the option to buy, I have no problem with it. You're doing it right now – you have an immediate need for it; Highway Superintendent Richard Sherman – we have a need but that's the only way I can save it – they've held it for three months; Councilman Messa – there's other items in the thing that we're considering. Rent it again, its for three weeks before the next Board meeting – what's it going to cost, I don't know. Paul, you can figure out how to pay for it or till it into here; Highway Superintendent Richard Sherman – I'm going to lose it if I don't; Chris Moran – In a short period of time, this Board has brought out equipment really up to speed in a very short period of time; Highway Superintendent Richard Sherman – you've been great to us, everything we've asked – you've given; Councilman Lenart – not saying not buy it, just look at numbers; Councilman Messa – analyze the numbers – Paul does a great job with all the things he's done, you certainly don't put the Town in harms way. Rick-I know you look out as well, for your budget, its just a large number; Councilman Lenart – so we need a motion to rent that with the option to buy?; Supervisor Miscione – I would just let him rent it, why need a motion because we can't pay for it; Councilman Lenart – the contract he signs gives him the option which he can or cannot; Supervisor Miscione – if we make a motion then we have to have in out budget to pay for it; Councilman Messa – be he already has that going; Councilman Lenart – if he rents it, after three week, says I don't want it buy it, that's the end of it, we're not obligated; Town Attorney Herbert Cully – are you signing a contract? How are you renting it?; Highway Superintendent Richard Sherman – with the excavator we signed a lease agreement; Councilman Lenart – we're not on the hook for anything if in 3 weeks he decides he wants to give it back; Town Attorney Herbert Cully – like to see the lease agreement – is it a weekly thing?; Highway Superintendent Richard Sherman – monthly; Town Attorney Herbert Cully – after a month you can walk away?; Highway Superintendent Richard Sherman – No; Supervisor Miscione – will get all information - have a Special Meeting next week – a week to get planned out and done – get police what they need – like to put everything in a budget – makes things more transparent for everyone – our plan is our budget – the police will get the \$20,000 or \$22,000 from that COVID thing for next year; Councilman Lenart – why can't we use COVID money now for police, they need it now, who would we put in budget when we can pay for it right now. The money is there. They gave us \$1.9 million; Supervisor Miscione – they gave us \$90,000; Councilman Lenart – if that money is available, why not use for police, that's why they gave us the money for emergencies; Assistant Director of Personnel Barbara Schwenzfeier – we will have to run it by our accountants; Councilman Messa – set a Special Meeting for Tuesday, August 24th; Chris Moran – Oneida Street project – now that Bradley Road has been done, essentially

what we've done is move the flood down – we shouldn't loose focus on that project, finish that project; Councilman Messa – We should get grant paperwork in and start the process now, if its 50/50, whatever can help; Chris Moran – Rick got the water board to help with moving the meter pit

VII. MATTERS SUBMITTED BY HIGHWAY SUPERINTENDENT

NRCS – the project with the church in Chadwicks – NRCS looked at it – it's already been repaired – want a resolution saying the Town of New Hartford has washed their hands of this project, project is closed – haven't heard anything from the Martin's – no money has been given to us – the church is for sale; Town Attorney Herbert Cully – want a resolution to not proceed any further with the mitigation as it relates to the former Word of Life Church property.

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

(RESOLUTION NO. 305 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to not proceed any further with the mitigation as it relates to the former Word of Life Church property.

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*.

VII. MATTERS SUBMITTED BY ASSISTANT DIRECTOR OF PERSONNEL

BARBARA SCHWENZFEIER – the Clerk's Office has had the gentleman from Washington that has stormed the Capitol in the office five times and nobody really noticed who he was coming when he's coming in. He's been let in on our side. There is a concern as far as if he gets upset; Councilman Reynolds – why is he here; Town Clerk Cheryl Jassak-Huther – he FOILED the police a couple times and last week he got very upset with me over a FOIL that was taken care of already with Chief, Herb and I but because nobody answered him, he's getting very upset. We don't know who he is, the girls are getting scared, he's being let into the building, we have no clue who he is; Town Attorney Herbert Cully – he come in thorough the police side?; Town Clerk Cheryl Jassak-Huther – correct but we don't who he is and gets let in through the double doors; Councilman Reynolds – don't let him though; Councilman Lenart – now you know who he is; Assistant Director of Personnel Barbara

Schwenzfeier – normally when a person shows up and says they need a birth record – say meet you at the double doors, let you in, you can go into that room to fill out your paperwork. If you don't know who the person is, you're just letting them in; Chief Michael Inserra – that might be the time, at the first window, you ask to see ID before letting anyone in; Assistant Director of Personnel Barbara Schwenzfeier - then when its him, what do they do?' Chief Michael Inserra – they there address it right there in the lobby, what are you looking for; Town Attorney Herbert Cully – call police and have someone come over. Are you worried he's going to come back in; Town Clerk Cheryl Jassak-Huther – the girls are; Councilman Reynolds – this goes to the security issues we talked about, to the point where if he comes in the police side, he's on camera, he shouldn't go by that window; Town Clerk Cheryl Jassak-Huther – if he wants a birth certificate, they come through the double doors; Councilman Messa – and you physically have to come open those double doors?' Councilman Reynolds – what did this guy say – he didn't want a birth certificate?; Cheryl/Barb – he did; Town Clerk Cheryl Jassak-Huther – he wanted it under a different name, he got upset with Kayla, she didn't give it to him, she didn't know who he was – then Allison at the PD called us and told us he was here; Councilman Reynolds – so he came in with a legit request, we just couldn't fil it and he wasn't happy about it?; Assistant Director of Personnel Barbara Schwenzfeier – the first time we don't know how he got in, he came on this side. He must have came in when someone else did and went to the Accessors Office and Teresa allowed him to serve with whatever paper he had; Councilman Lenart – when they come in, do they exit through this door or back out through the double doors?; Assistant Director of Personnel Barbara Schwenzfeier – usually through the double doors unless on this side getting a fishing license and we say you can go right out that door; Councilman Lenart – well then we should make them go out the double doors for security; Assistant Director of Personnel Barbara Schwenzfeier – he didn't get in that door – when someone was getting a birth record he must have got in and went around; Town Attorney Herbert Cully – now you know who he is, I would just call the police to come over; Chief Michael Inserra – we can get you a picture; Town Clerk Cheryl Jassak-Huther – the girls are so busy that we don't have time to say who are you. I've got new people in there that don't know who he is and who is to say when he goes out that door he's not hiding in that room or that room and then when we get yelled at for letting him in; Councilman Messa – to a point – if had a picture – don't know if will have a disguise; Town Clerk Cheryl Jassak-Huther – I know the police (Colbourn) mentioned have someone out there; Councilman Messa – I know you guys are busy; Councilman Reynolds – need to stop then at the front door; Assistant Director of Personnel Barbara Schwenzfeier – problem is your trying to do business so it gets hard – you get 4/5/6 people lines up – the other thought is to do something to make it easier so they don't have to keep getting up, going out, opening the doors, come back in – maybe a buzzer – maybe a camera to see – even talked about having a security person there. I don't think the concern would have been so bad until he's been in five times; Town Clerk Cheryl Jassak-Huther – within the last month – I

don't think the girls feel safe calling the police, knowing that, that five second pick up, what could happen; Councilman Reynolds – well if he doesn't leave that front lobby, you have to service him through that window – don't let him come around. If he wants a birth certificate, you do it there for him; Assistant Director of Personnel Barbara Schwenzfeier – people might think that its crazy but you know what, in this day in age, with how the world is, anything can happen, we are more secure than we have been; Town Attorney Herbert Cully – agree with Chief, I think it's a great idea, nobody goes through those doors until you see a drivers license. We know who he is now; Assistant Director of Personnel Barbara Schwenzfeier – can't deny him either; Town Attorney Herbert Cully – if he has a legitimate request, you can't; Councilman Reynolds – his legitimate purposes – birth certificate and what else? Assistant Director of Personnel Barbara Schwenzfeier – hunting, fishing licenses; Councilman Reynolds – we're going to do you through the lobby, don't let him go any further. Might come to where all business is done thought that window, nobody leaves the lobby; Chief Michael Inserra – that lobby has numerous surveillance cameras/video – really should be main window where these people should be; Councilman Reynolds – otherwise, you are right in the Clerk's Office; Chief Michael Inserra – don't let in until a police officer lets people in, we've got a little more man power; Town Clerk Cheryl Jassak-Huther – we will deal with it. Like Kayla/Barb Said, can't deny him – Kayla handled it well but last week when came in and yelled at me about his FOIL he was not happy – Chief and I took care of it, nothing more we can do but he wasn't happy; Town Attorney Herbert Cully – he can't harass you either; Chief Michael Inserra – unfortunately will get irate people, unfortunately we're government and its part of our job; Councilman Reynolds – they don't leave the lobby. If it's a funeral director, someone you know, that's a little different but the average person doesn't leave the lobby; Assistant Director of Personnel Barbara Schwenzfeier – the whole point of why they have that rooms is (Barb and Herb) is for privacy. You deal with personal information; Councilman Lenart – but if show their ID; Chief Michael Inserra – if able to identify the person and have concern we can always get a police officer on this side of the building and stay outside the birth certificate room while there – have a presence.

ADJOURNMENT:

There being no further business to come before the Town Board, upon motion of Councilman Reynolds and second by Councilman Messa, the meeting was adjourned at 10:16 p.m.

(RESOLUTION NO. 306 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 Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was declared unanimously carried and duly *ADOPTED*

Respectfully submitted,

Cheryl A. Jassak-Huther
Town Clerk