

**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, SEPTEMBER 8, 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
Town Attorney Herbert Cully
Highway Superintendent Richard Sherman
Highway Chris Moran
Town Clerk Cheryl Jassak-Huther
Police Chief Michael Inserra
Finance Lisa Smigle

ABSENT Assistant Director of Personnel Barbara Schwenzfeier

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

I. PRESENTATION – John Dunkle – Town Engineer

1. Town Attorney Herbert Cully, Highway Superintendent Richard Sherman and Town Engineer John Dunkle met to review the bids after the discussion at the last meeting
2. John Dunkle – Town Engineer – Offered two alternates: 1. Original Bid with big concrete spillway 2. Remove some concrete and replace with stone (alternate) – which came in at a better price; on bid sheets the total base bid was the total for original bid – next was the alternate total (\$200,000 less) – the Addendum to the bidders stated to please give us a price to remove 10 cubic yards of material but do not include this in any totals because don't know if going to do right now – have said, don't believe, legally, can now take these bids, total them up, award it, based on adding that – it was just an option – don't think can take the combination of the alternate and the hauling because we told the bidders not to add it to the totals; recommend W.M.J. Keller and Sons Construction (low bid, alternate one) and decide later about hauling soil; Supervisor Miscione – at this time, we can't award the bid until banding goes through (30 days from tonight) – we don't have the funding currently until BAN goes through (Oct. 13, 60 days); Town Attorney Herbert Cully can defend the way it was set up; Supervisor Miscione – asked John Dunkle – with these bids, this is the MAX amount of

- cubic area that can be used for this project; John Dunkle – all quantities are still the same
3. Oneida Street Project – contract with County – not comfortable with design County came up with – we’ve come up with a design that creates a bridge; Keller doing labor and Town will purchase concrete box culverts; John Dunkle will prepare bid and work with Rick, Cheryl and Herb.

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

(RESOLUTION NO. 314 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve go out for bid for two 10x10 concrete box culverts.

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. BOARD MINUTES FOR APPROVAL

1. August 18, 2021

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

(RESOLUTION NO. 315 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the August 18, 2021 Town 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. August 24, 2021

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

(RESOLUTION NO. 316 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the August 24, 2021 Town 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. REPORTS SUBMITTED BY TOWN DEPARTMENTS

1. Police Chief Michael Inserra – Appointment of a Full-Time Officer after the retirement of Sgt. Colburn; Richard Kimmerer – salary \$62,195 – full-time police officer, union contract, permanent, effective start date 9/27/2021

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

(RESOLUTION NO. 317 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve appointment of full-time police officer Richard Kimmerer, effective 9/27/2021.

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*.

2. Highway Superintendent Richard Sherman – Stormwater Review Project List
 - a. Twyndom Terrace – putting in two concrete catch basins
 - b. Dr. Sklar and Stephen (Farmer) – had meeting with them and Paul – on board – farmer would like different location for pond – Jason working on a new location (further up Roman Road) – will have another meeting – will discuss

- compensation for farmer financially (work on numbers);
showed him what doing on Foxcroft
- c. Foxcroft – all rocks placed – residents are happy; talked to
owners on Foxcroft – we have their permission - can go into
their backyards
- d. Arlington – cleaned out creek, trees, etc.
- e. Bradley/Brantwood – creek clean
- f. Ney Ave – near Utica College – have to keep creek clean
- g. Laurel Lane – done
- h. Whitetail – catch basin
- i. Champman Road – meeting with a resident to clean out brush
on lot and next lot
- j. Oneida Street (Chadwicks) – started repair pot holes, secure
for winter
- k. Willowvale Ave. on target
- l. Woodberry Hill – DeSantis property – working on that as
well
- m. Imperial Drive – fix pipe
- n. DEC – Royal Brook Lane (Jason – engineer helping with
permit)

IV. MATTERS SUBMITTED BY COUNCILMEN

1. Councilman Messa – stop sign on Janet Terrace and Wills Drive: resolution
for stop sign was made on July 14, 2021 – public complaining about stop
sign vs a yield sign – some people don't get the paper to read about
meetings – thinks a petition is circulating – believes a yield sign is the way
to go – getting feedback from residents; Town Attorney Herbert Cully – can
be done by a Local Law – it was adopted by a Local Law – can be done by a
Local Law after a Public Hearing; Police Chief Michael Inserra – if going to
be a sign there, opt to be a stop sign so it's clear – did look at the
intersection, preemptive, no accident history, could be a dangerous
intersection; Councilman Messa was asked by one resident about a stop
sign; prefers a Yield sign – residents stated they would start a petition;
Highway Superintendent Richard Sherman – the sign was stolen and another
was put up; Supervisor Miscione – the guy who wanted the stop sign may
want to do a petition to those who want it; Town Attorney Herbert Cully –
Local Law amending current Local Law relating to the stop sign at Janet
Terrace and Wills Drive (if Board wants to move forward) – Herb will then
draft for the next meeting and then schedule a Public Hearing

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

(RESOLUTION NO. 318 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to move
forward with a Local Law amending the current Local Law relating to the stop sign at
Janet Terrace and Wills Drive.

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: Councilman Reynolds – to be clear – amending to a yield sign or stop sign; Supervisor Miscione – Yield Sign; Councilman Reynolds – opposed to a yield sign – leave it or take it out – yield doesn’t define it well enough; Police Chief Michael Inserra – tough intersection visibility wise – to yield you almost have to stop to take a good look – more for a stop sign (clear cut); Town Attorney Herbert Cully – Local Law will be to amend the current stop sign and/or place the yield sign or remove the stop sign (everything will be covered) – asked Councilman Messa if people talking to would be happy with the yield sign; Councilman Messa responded yes; Town Attorney Herbert Cully – same as no sign?; Councilman Reynolds – that is my point; Resident Thomas Bolanowski – 7 Janet Terrace – sign keeps getting stolen – suggested a yield sign (compromise if a sign is needed), gives at least a warning

2. Councilman Reynolds – talked about security in the building, study that was done, continuing to implement those measures – Rick has stepped up with the ability to install the doors, isolate the Town Clerk’s Office – Highway Superintendent Richard Sherman – we have the doors, frames, just needs to get a few things – will also change the secure door to the new secure door – leaving the birth and death room open; Councilman Reynolds – Chief is going to get back to me in regards to the windows; Police Chief Michael Inserra – spoke with Highway Superintendent Richard Sherman – cost – we will sit down and have three vendors that are interested in bidding out
3. Councilman Reynolds – the Senior Center has been contacted by the County and has been given the ok to open – the issue is no food – still like to open end of the month (30th) – provide coffee and muffin – begin to provide the classes they have traditionally held – limited basis – use the main doors, not to use the employee door, not to prop doors open or not to have someone standing at the employee door letting people in; they are to use main doors and have someone detailed to escort people in; Town Attorney Herbert Cully – concerned about masks? Questioned because the County does require masks even with vaccine – opening it up for people to come into the facility, in the Town of New Hartford, you are making a determination as to safety, especially with senior citizens in terms of COVID, transmission, people passing away, not vaccinated; Councilman Lenart – we tell them they are on their own, we can’t mandate – we provide masks and sanitizer; Councilman Messa – asked Herb is statement a concern for employees?; Town Attorney Herbert Cully – the employees, the Town being sued by someone who gets COVID or passes away – heard the long term effects of COVID are bad – you are encouraging people to congregate at the Town –

what precautions are you taking because you are creating the attractive nuisance to put them all in one room; Councilman Lenart – can't mandate masks – schools are (State) but State doesn't control the Town – give them the option; Supervisor Miscione – have them sign a sheet – wear a mask and/or be vaccinated; Councilman Lenart – going forward, should rethink – should be a community center – come in each day on own (do what they want – bridge, computers, etc.) – utilize the building on a daily, weekly basis; Supervisor Miscione – employee/employment in budget – Marge can only work 17.5 hours per week, Bernie limited hours – right now we don't have the staff to run/open it – Carrie Dygert was going to be full-time before COVID; Councilman Reynolds – motion to open the Senior Center on a limited/trial basis and we will provide sanitization and masks and Carrie will work there; Councilman Lenart – get feedback from Marge on what people want

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

(RESOLUTION NO. 319 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve Carrie Dygert, \$15 per hour, no benefits, full-time to run the Senior 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*.

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

(RESOLUTION NO. 320 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to open the Senior Center at the end of the month, with sanitization provisions, masks available and sign in sheet.

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 TOWN ATTORNEY** – had a hearing and Officers Freiburger and Gehringer testified and Judge Gall was very impressed with the way the officers handled themselves; have a matter involving litigation

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

(RESOLUTION NO. 321 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 and litigation (6:58pm).

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 Messa:

(RESOLUTION NO. 322 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby accept to come out of Executive Session (8:15pm).

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*.

VI. MATTERS SUBMITTED TOWN SUPERVISOR

1. Banding from last meeting: stormwater projects, upgrading infrastructure on signs, buying additional equipment for Highway Dept., upgrading Town Hall facilities, property next to building (voting, senior center) – Resolution prepared by Tom Myers

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

(RESOLUTION NO. 323 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby accept to approve the BAN for \$2,451,122.00.

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*.

2. Town Board Meeting scheduled for Wednesday, September 15, 2021 has been cancelled and rescheduled for Wednesday, September 29, 2021 at 6:00pm (posted in the OD, Town’s website and Town Clerk’s Bulletin Board).
3. Vouchers

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

(RESOLUTION NO. 324 OF 2021)

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

ADJOURNMENT:

There being no further business to come before the Town Board, upon motion of Councilman Messa and second by Councilman Reynolds, the meeting was adjourned at 8:26 p.m.

(RESOLUTION NO. 325 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