

**REGULAR BOARD 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, APRIL 20, 2022 at 6:00 P.M.**

Town Supervisor Miscione called the meeting to order at 6:00 P.M. and led those in attendance in the Pledge of Allegiance to the American Flag. The roll was then taken with the following Town Officials and Department Heads being present during the progress of the meeting.

**TOWN BOARD MEMBERS PRESENT:**

Councilman James J. Messa  
Councilman Richard M. Lenart  
Councilman David M. Reynolds  
Councilman Richard B. Woodland, Jr.  
Supervisor Paul A. Miscione

**OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:**

Deputy Town Supervisor Anthony J. Trevisani  
Highway Superintendent Richard Sherman  
Town Attorney Herbert Cully  
Personnel Technician Barbara Schwenzfeier  
Town Clerk Cheryl A. Jassak-Huther  
Highway Chris Moran  
Police Chief Michael Inserra

ABSENT: Bookkeeper to Supervisor – Deanna Spina

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

**I. BOARD MINUTES**

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

**(RESOLUTION NO. 101 OF 2022)**

**RESOLVED**, that the New Hartford Town Board does hereby approve the meeting minutes for the March 23, 2022 Town Board Meeting.

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 Resolutions were unanimously carried and duly **ADOPTED**.

**II. PUBLIC HEARING**

**Town Attorney Herbert Cully** – Local Law to expand the permitted uses in the C-2 district to allow automobile vehicle sales or leases as a permitted use subject to a site plan review and/or special permit use.

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

**(RESOLUTION NO. 102 OF 2022)**

**RESOLVED**, that the New Hartford Town Board does hereby approve to open up the Public Hearing to amend the Code of the Town of New Hartford, Chapter 118, Attachment 3, Schedule A: entitled “Permitted Uses.”

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 Resolutions were unanimously carried and duly **ADOPTED**.

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

**(RESOLUTION NO. 103 OF 2022)**

**RESOLVED**, that the New Hartford Town Board does hereby approve to close the Public Hearing to amend the Code of the Town of New Hartford, Chapter 118, Attachment 3, Schedule A: entitled “Permitted Uses.”

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 Resolutions were unanimously carried and duly **ADOPTED**.

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

**(RESOLUTION NO. 104 OF 2022)**

**RESOLVED**, that the New Hartford Town Board does hereby approve Local Law 3 of 2022 - A Local Law to amend the Code of the Town of New Hartford, Chapter 118, Attachment 3, Schedule A: entitled "Permitted Uses."

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 Resolutions were unanimously carried and duly *ADOPTED*.

### **III. PRESENTATIONS/COMMENTS**

- i. Nancy Marafioti – lifetime resident of Oneida County – retired from Dept. of Social Services – 28 years in Child Protective and Foster Care – last job before retired was with Adult Protective – reason here to support the funding for the Senior Center, Program Manager and the three working part time – no more hot meals – money still in budget – advocating for the Seniors
- ii. Marsha Smith – Seniors need to be taken care of – miss having the informational programs that can be planned by a Director – miss the hot lunches and the socialization during the hot lunches – none of this can be done by volunteers, it's a professional job that needs professional attention
- iii. Marie Duink – 52-year resident – concerned about the Senior Center – proposed a committee be established to see how can enjoy hot meals and activities
- iv. Bob Hook – stated grants are provided by all States for Senior meals (Supervisor Miscione stated they are provided to the County, not municipalities – people can also be volunteers, no requirements for paid employees – the County administrators)
- v. Michael Miles – here for an update on 41 Bolton Road (Town Attorney Herbert Cully stated nothing has happened since the last meeting – we noticed Sitrin that we feel their application is defective and they cannot proceed with a defective application and they have not secured a building permit nor they have come to the Planning Board seeking a site plan approval. We have received no further communication from Sitrin. Our Codes Officer has been driving by there on a regular basis and he has seen no activity in the form of construction.); Michael Miles – spoke about the letter from Sitrin CEO Christa Serafin; the Mental Health Law clearly states you have to tell the municipality the number and they have not done that); Town Attorney Herbert Cully – that is why I sent the letter and the Board indicted their support that in fact their application is defective, nothing has changed since that time; Michael Miles – you have written a letter and she has responded to you – where do we sit; Town Attorney Herbert Cully – if they proceed to do construction work then our Codes Officer is in a position to

issue a violation notice because they are not permitted to do that because they have not followed the proper procedure; Supervisor Miscione – another addition – went through documentation that had to be sent to the Town of New Hartford – a certified letter would have had to go to the Supervisor – never received a certified letter – that was on State documents if that was done; Michael Miles – Lisa Frank sent an email and stated a certified letter was never sent – also there are deed restrictions on these properties, one is no businesses, private residents; Town Attorney Herbert Cully – private deed restrictions that run with the land and can be enforced by people who are in that subdivision, the Town doesn't enforce private deed restrictions – spoke about the saturation (determine if it is above the saturation level)

- vi. Patty Mitro – addressed more about the letter that was sent back to Town Attorney Herbert Cully from CEO Christa Serafin, she clearly states she has no intention to resubmit a letter of intent (Herb – that is why the Board took the action the last time) – she is ignoring that; Town Attorney Herbert Cully – the Board has supported Town Attorney Herbert Cully that their application is defective and that they need to come forward and get a site plan and building permit. If they take action by starting construction, we are going to notice them for deficiency – will not respond to Sitrin – feel position is correct – if they go forward that is what we are going to do; Patty Mitro – to me, the letter from Sitrin was sarcastic and demeaning to all of us (Herb – don't disagree with you in the least – the Board is in agreement their application was defective).
- vii. Supervisor Miscione – looking into certified letter – the State requires that – will keep all the residents up to date
- viii. Greg Chesebro – spoke about the saturation – asked if the Town is going to support the neighbors (Supervisor Miscione – yes, 100% - also will call Assemblyman Miller about the saturation); also, the Law is they have to notify the neighbors too and we have had no letters
- ix. Mike Dennis – spoke to the OPWDD does the assessment – needs to come from the Town – the Town has to formally object it to start the process (Town Attorney Herbert Cully – will go forward and contact them to provide us with any and all information (FOIL) with regards to the determination of saturation
- x. Shannon Guernsey – 9522 Roberts Road – speed limit looked into it – was 55 MPH, then 50 MPH, it is a County Road – one of the fastest – ones surrounding it are 45 MPH – asking for request to have it moved up and looked into
- xi. Patricia Femia – 45 Woodbrooke Road (representing neighbors at 43 and 47 also) – basements floods (Highway Superintendent Richard Sherman – are in the cue for May/June – will be notified when the work is going to start)
- xii. Mischael McKenna – also here about Bolton Road – asked if the Board is really going to not allow this to happen – when we don't hear from you, we all get really nervous (Supervisor Miscione – correct, we also got new information tonight and will look into that)

- xiii. Marie Duink – asked if there will be any action taken on the Senior Center (Supervisor Miscione – if the Board brings an action, we will move forward – the Bolton Road project we have been working closely with and we are to protect the neighbors and their properties are protected); Marie Duink - we do not know the concerns are – unable to address the concerns; Supervisor Miscione – we have opened the Senior Center – we have not closed it – we can set up the programs, we have all the numbers; Nancy Marafioti - it takes 20-30 hours a week job to set up programs – professional person that is paid; Councilman Reynolds – I think the points about the program are very important. The Center needs to be open, get the hot meals back and pay our current staff; ; Town Attorney Herbert Cully – we have had a public comment period that has gone beyond the extent of a public comment period, public comment is directed to the Board – it is up to the Board whether or not they want to respond – we have rules for a lawful meeting – in fact the woman that just stood up and made comments to the Board is clearly out of order according to our rules – a motion has made – the public comment period is now done because we now have a motion – is there a second? – if there is no second, the motion fails
- xiv. Supervisor Miscione – can meet with your Senior Center Committee members – Councilman Reynolds and Councilman Lenart; Senior Center is not closed – has never been closed

**Councilman Reynolds made a motion to open Senior Center with paid staff and hot meals; No Second Motion was made; Motion FAILED.**

- xv. Mike Dunn – 9229 Willowvale Avenue – asking Highway Superintendent Richard Sherman for an update of stabilization of the banks – credited the Highway guys for all they do in the Town – asked if could come in the month of May to start the project; Highway Superintendent Richard Sherman – working on Mudd Creek daily – working with a contractor (time schedule) – it is in the cue, scheduled, stuff is built and all the materials are there
- xvi. Hanna Vaughn – 3267 Oneida Street – creek erosion (brought photos) – Chris Moran has looked at it – has eroded the creek up to garage; Highway Superintendent Richard Sherman – soon as get the big machine free we will be there shortly and take care of it

#### **IV. VOUCHERS**

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

**(RESOLUTION NO. 105 OF 2022)**

**RESOLVED**, that the New Hartford Town Board does hereby approve to pay the vouchers.

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

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

The Resolutions were unanimously carried and duly *ADOPTED*.

**V. Supervisor Miscione**

a. Library Appointment – Daniel Kunze

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

**(RESOLUTION NO. 106 OF 2022)**

**RESOLVED**, that the New Hartford Town Board does hereby approve to appoint Daniel Kunze, New Hartford Public Library Board of Trustee, effective April 20, 2022 and expiring December 31, 2026.

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 Resolutions were unanimously carried and duly *ADOPTED*.

b. Dollar Store Mitigation Fees - \$50,506.71

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

**(RESOLUTION NO. 107 OF 2022)**

**RESOLVED**, that the New Hartford Town Board does hereby approve to pay Mitigation Fees for the Dollar Store of \$50,506.71.

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 Resolutions were unanimously carried and duly *ADOPTED*.

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c. CNY Seal Coat Mitigation Fees - \$1,843.25

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

**(RESOLUTION NO. 108 OF 2022)**

**RESOLVED**, that the New Hartford Town Board does hereby approve to pay Mitigation Fees for CNY Seal Coat of \$1,843.25.

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 Resolutions were unanimously carried and duly **ADOPTED**.

d. Balance Transfer

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

**(RESOLUTION NO. 109 OF 2022)**

**RESOLVED**, that the New Hartford Town Board does hereby approve to transfer \$11,642.31 from DB5142.403 (snow removal: sand) to DB5110.10 (Highway, Personal Services).

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 Resolutions were unanimously carried and duly **ADOPTED**.

- e. Press Release – had BOND Rating call - came back with an increase in stability and you will be getting those soon; outlook is upwards

**VI. HIGHWAY SUPERINTENDENT RICHARD SHERMAN**

- a. Request for Linear Speed Limit – Roberts Road between Oneida Street and Mohawk Street – asking Department of Transportation to lower to 45 MPH – form will be sent to County and then on to the DOT

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

**(RESOLUTION NO. 110 OF 2022)**

**RESOLVED**, that the New Hartford Town Board does hereby approve the request be sent to the County and Department of Transportation, pursuant to section 1622.1 of the Vehicle and Traffic Law, to establish a lower maximum speed limit at which vehicles may proceed on Roberts Road (change to 45 MPH).

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 Resolutions were unanimously carried and duly **ADOPTED**

**VII. TOWN ATTORNEY HERBET CULLY**

- a. 11 Center Terrace – located the daughter of the owner – she met with the family attorney and in the process of transferring the property to her and it is her intent to go in and rehab and sell the property
- b. 8640/8644 Seneca Turnpike – believes going forward to demolish
- c. 17 Medford Place – located the owner – daughter is actively working with us
- d. 19 Larchmont – have that in court, served the owner
- e. 4 Pinecrest Road– Dory sent an email – Herb will talk to Lary Gell about the property

**VIII. COUNCILMAN REYNOLDS**

- a. Stop sign request – Canterbury Road at Tanglewood Road – asked Chief Inserra to look at it (sides, etc) – schedule a public hearing (also a children playing sign)

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

**(RESOLUTION NO. 111 OF 2022)**

**RESOLVED**, that the New Hartford Town Board does hereby approve to schedule a Public Hearing for June 8, 2022.

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 Resolutions were unanimously carried and duly **ADOPTED**



**IX. COUNCILMAN MESSA**

- a. 30 American Flags with pole sleeves 2.5' x 4' for Chadwicks American Legion – will look at the ones we have and move forward

**X. HIGHWAY SUPERINTENDET RICHARD SHERMAN**

- a. Intermunicipal Agreement for Ditching 2022 with Oneida County

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

**(RESOLUTION NO. 112 OF 2022)**

**RESOLVED**, that the New Hartford Town Board does hereby approve to sign the Intermunicipal Agreement for Ditching 2022 with Oneida County.

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 Resolutions were unanimously carried and duly **ADOPTED**

- b. Intermunicipal Agreement for Mowing 2022

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

**(RESOLUTION NO. 113 OF 2022)**

**RESOLVED**, that the New Hartford Town Board does hereby approve to sign the Intermunicipal Agreement for Mowing 2022 with Oneida County.

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 Resolutions were unanimously carried and duly **ADOPTED**

- c. Paving – have cut once and will need to cut again – will sit with each Councilmen to go over their Wards – cost has gone sky high
- d. Children at Play signs have been ordered

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- XI. TOWN ATTORNEY HERBERT CULLY** – have a concern about site saturation issue – we were provided with information in the initial submission to a site in New York Mills, site in Whitestown, etc. – asking for a resolution authorizing Supervisor Miscione to sign a letter to the New York State Registry of Residential and Institutional Facilities pursuant to the Freedom of Information Law – asking to FOIL all documentation that was submitted by Sitrin and their response in regards to their study.

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

**(RESOLUTION NO. 114 OF 2022)**

**RESOLVED**, that the New Hartford Town Board does hereby approve for Supervisor Miscione to sign a letter to the New York State Registry of Residential and Institutional Facilities pursuant to the Freedom of Information Law.

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 Resolutions were unanimously carried and duly **ADOPTED**

**XII. EXECUTIVE SESSION**

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

**(RESOLUTION NO. 115 OF 2022)**

**RESOLVED**, that the New Hartford Town Board does hereby approve to enter into Executive Session (7:27pm).

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 Resolutions were unanimously carried and duly **ADOPTED**.

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

**(RESOLUTION NO. 116 OF 2022)**

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**RESOLVED**, that the New Hartford Town Board does hereby approve come out of Executive Session (8:23pm).

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 Resolutions were unanimously carried and duly **ADOPTED**.

**XIII. PERSONNEL TECHNICIAN BARBARA SCHWENZFEIER**

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

**(RESOLUTION NO. 117 OF 2022)**

**RESOLVED**, that the New Hartford Town Board does hereby approve to appoint Unice Chiv for the Parks Department as a Laborer at \$18.00 per hour effective April 4, 2022.

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 Resolutions were unanimously carried and duly **ADOPTED**.

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

**(RESOLUTION NO. 118 OF 2022)**

**RESOLVED**, that the New Hartford Town Board does hereby approve to appoint Brittany Cosentino for the Police Department as a Laborer at \$19.65 per hour effective May 2, 2022 due to the resignation of Kimberly Stenske.

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

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

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Councilman Woodland - Aye  
Supervisor Miscione - Aye

The Resolutions were unanimously carried and duly *ADOPTED*.

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

**(RESOLUTION NO. 119 OF 2022)**

**RESOLVED**, that the New Hartford Town Board does hereby approve to appoint Peter Allen to Police Sergeant, salary of \$91,746.02 effective April 24, 2022 due to the opening of the promotion of Michael Kowalski to Lieutenant.

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 Resolutions were unanimously carried and duly *ADOPTED*.

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

**(RESOLUTION NO. 120 OF 2022)**

**RESOLVED**, that the New Hartford Town Board does hereby approve to appoint Andrew Sobel to full time police officer (was part time, salary of \$61,073.85 effective May 9, 2022 with Peter Allen position vacated).

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 Resolutions were unanimously carried and duly *ADOPTED*.

**ADJOURNMENT**

There being no further business to come before the Board, upon motion duly made by Councilman Lenart and seconded Councilman Messa, the meeting was adjourned at 8:25 P.M.

**(RESOLUTION NO. 121 OF 2022)**

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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 Resolutions were unanimously carried and duly ***ADOPTED***.

Respectfully submitted,

Cheryl Jassak-Huther

Town Clerk

4/21/2022