

**SPECIAL 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
OCTOBER 24, 2022 at 7:00 P.M.**

Town Supervisor Miscione called the meeting to order at 7:00 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:

Town Clerk Cheryl A. Jassak-Huther
Town Attorney Herbert Cully
Bookkeeper to Supervisor Deanna Spina
Highway Superintendent Richard Sherman
Deputy Town Supervisor Anthony J. Trevisani
Asst. Director of Personnel Barbara Schwenzfeier

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

I. SUPERVISOR MISCIONE

A. Board Meeting Minutes – October 19, 2022

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

(RESOLUTION NO. 277 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve the Board Meeting Minutes from October 19, 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**.

B. 2023 Tentative Budget

- i. Added back the raises of 3%

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- ii. Added an additional \$10,000 for the New Hartford Public Library
- iii. Added some extra program and services for the Town
- iv. I put in the Reinstatement for the Health Insurance back for the Town Board (use to have health insurance for Board Members – did not affect budget at all, no increase in budget or taxes – Board Members don't have to take it, if they don't need it)
- v. Also giving the raises the Judges requested
- vi. Took out other things – Supervisors Office – some of the repair services for the electrical for the Rec Center
- vii. In doing that, we came out with .61% tax increase overall (less than 1%)
- viii. Moving forward in the right direction, eliminating some of the expenses doing some more work in house

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

(RESOLUTION NO. 278 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve the 2023 Preliminary Budget.

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

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

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

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

(RESOLUTION NO. 279 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve to reinstate the Health Insurance, Dental and Vision for the Town Board including the Town Supervisor, effective January 1, 2023.

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

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

The Resolution was voted 4 to 1 and duly **ADOPTED**.

C. Mohawk Valley Water Authority Board Seat

- i. Councilman Woodland nominated Mitch Ford

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

(RESOLUTION NO. 280 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve to appoint Mitch Ford for the Mohawk Valley Water Authority Board seat (three-year term beginning January 1, 2023).

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. TOWN ATTORNEY HERBERT CULLY

- A. Preliminary Budget to be filled with the Town Clerk – scheduling the Public Hearing for Thursday, November 3, 2022.

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

(RESOLUTION NO. 281 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve to schedule the Public Hearing for the 2023 Preliminary Budget for Thursday, November 3, 2022 at 6:00 PM.

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

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

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

- B. Executive Session to discuss pending litigation relating to the Bolton Road matter

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

(RESOLUTION NO. 282 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve to enter into Executive Session at 7:10 PM.

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

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

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

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

(RESOLUTION NO. 283 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve to come out of Executive Session at 7:50 PM.

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

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

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

- C. Further Discussion Mohawk Valley Water Authority Board Seat opening – in looking at the list of current Board Members – the New Hartford person is Elis J. Delia – term does not expire until December 31, 2022 – confusion in that Mitch Ford was previously appointed to the Mohawk Valley Water Board Authority Finance Committee and some of the Board Members may not have been clear in the fact that this was a different Board that were appointing him to and thought that we were just reaffirming the appointment to the Finance Authority – there is no opening to January – is there any motion anyone wants to make;

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

(RESOLUTION NO. 284 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve to rescind the motion to appoint Mitch Ford to the Mohawk Valley Water Authority Board seat.

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 – revisit the situation in December as the position/term doesn't start until January 1, 2023.

Mitch Ford spoke about the open position.; Town Attorney Herbert Cully – just reiterated that it was a position for the Mohawk Valley Water Authority – traditionally what the Board has done, the position is posted on the website to see who is interested – opening doesn't come until January – follow that practice – wasn't sure why (Mitch Ford) was in attendance tonight , what was going on – think point is that the Board entered into this with the misunderstanding that it was relating to the Finance Authority, not the Water Board – will revisit the appointment; Mitch Ford – feels New Hartford has been unrepresented; Supervisor Miscione – just for the record, I did know what the appointment was for, I received a copy of the letter – been unhappy with the service from the Water Board – holes all over the Town – haven't had much representation from the Water Board – we had a mishap with paving on Snowden Hill Road – Highway Superintendent Richard Sherman came to the rescue and fixed it (over \$30,000) – like to see change (for the record going forward, my opinion); Highway Superintendent Richard Sherman – several times been to the Board and told them about the repairs – went to them and asked them to fix them right or will fix ourselves – was told by Water Authority if touch the repair then you own them – so backed off – they should make the repairs, still hasn't been done as of today. Have asked for meetings with Elis DeLia and have not met, so has Supervisor Miscione; Supervisor Miscione – we had multiple meetings with the Mohawk Valley Water Authority and still nowhere – we will review it and at the next meeting will see where we are at

III. SUPERVISOR MISCIONE

- A. Platform for Board Room – looked at different swatches – need to make a decision at the next Board Room

IV. MATTERS SUBMITTED BY COUNCILMEN

A. **COUNCILMAN MESSA**

- i. Last meeting spoke about flex time, people in the building, etc. – need to clarify it all – everyone will be in the building – a memo was sent out to get approval from Supervisor Miscione about flex time – motion was for everyone to work 8:00am – 4:00pm; Councilman Lenart – everyone to be in the building; Councilman Messa – system to punch in and out; Supervisor Miscione – we have Paychex; Councilman Messa – does it have everyone’s hours for sick time, vacation time; Asst. Director of Personnel Barbara Schwenzfeier – it is not up to date – I had done it with the one lady when I first started and when we moved over to punching in and out, it zeroed everything out that we had done, had to start back from scratch to rebuild everything – they have to build it – over a course of three months – we have to go in and recalculate them all; Supervisor Miscione – a fee of \$17,000 to use it; Councilman Messa – will automate a lot of things; Highway Superintendent Richard Sherman – guys at Highway garage are all set – problem is secretary was told to report Monday 8:00am – 4:00pm and she reported at 7:30am on Monday – she says 7:30am – 3:30pm – want someone here for sewer permits, etc. – what do I do; Town Attorney Herbert Cully – write her up, its in insubordination; Highway Superintendent Richard Sherman – will tell her tomorrow her hours are 8:00am – 4:00pm; Councilman Messa – can give her a verbal warning; Highway Superintendent Richard Sherman – she has been given a verbal warning, this will be first written – we work up at the Town and the hours are 8:00am – 4:00pm; Councilman Messa – we have to get Paychex up and running; Supervisor Miscione – we should get a credit if it is not up and running (Herb will look into it); Lary Gell – will do inspections on the way in and way home – use Outlook (make a memo and tag Barb on it); Supervisor Miscione – can do it from your phone – which would be great for Lary when out in the field – it will show where you are; Councilman Messa – also when you request time off, the supervisor will get notification to approve or deny time off – if we are not utilizing it, we need to and will take care of a lot of problems; Supervisor Miscione – agree, if we are paying for it, we should be using it; Codes – Supervisor Miscione – where are we with the software for Codes; Lary Gell – using it, George is working through it, Dory is not, she is too busy with her other stuff – it will generate letters, gives receipts, etc.; Supervisor Miscione – when we did this deal, the guys said they were going to help set it up, if they are not, we need to get our money back; Lary Gell – the lady working with is very helpful
- ii. **COUNCILMAN WOODLAND** – asked if would like a resolution to reaffirm the work hours of 8:00am – 4:00pm, no flex time, no COMP time
- iii. **SUPERVISOR MISCIONE** – don’t want to be paying overtime (COMP TIME); Asst. Director of Personnel Barbara Schwenzfeier – there is not a lot of people who get COMP TIME; Lary Gell – that is how I do my Board meetings is COMP TIME; Supervisor Miscione – Departments Heads come to the Board Meetings and don’t get COMP TIME; Lary Gell – I am not a Dept. Head; Supervisor Miscione – lets go through the list – Darlene is a Dept. Head and she

comes to a meeting there is no COMP TIME, Teresa is not but she doesn't come to the meetings, Cheryl is a elected so doesn't matter anyway and Cheryl can run her own office anyway, Rick does his own thing with the Union – Codes, we have Lary, Dory and part timer – so if Lary comes to a Board Meeting, then he is gone four (4) hours during the week – don't need Lary to sit at the Board Meetings and sit here through things not needed for; Lary Gell – way understood it from Joe – he got a week's vacation to attend the meetings; Supervisor Miscione – want to make this even for everyone – maybe make him a Dept. Head and give him an extra week and he attends the three (3) Board Meetings he should but to take time out of the day, we don't have enough people in Codes right now to take 10 hours out of the week; Councilman Woodland – going back the resolution, do we want to say, put the COMP time in or take it out; Supervisor Miscione – if we make Lary Dept. Head, then we are all set; Lary Gell – it needs a raise to go with that title; Supervisor Miscione – No, you just get vacation; Lary Gell – Joe started this job back in 2012 for \$78,000, if you are putting me in that position, you are going to pay me for it or otherwise I am staying right where I am; Supervisor Miscione – don't like your comment, lets look at this way, we are giving you a week, the problem is we need you to be Codes Officer the whole day, if you come to the meeting for three (3) hours and we are talking about something that has nothing to do with Codes there is no value to the residents or us, that's my point. If we have a Codes thing that we need, then we invite Lary, if not then he doesn't have to come to the Board Meeting – don't want any open-ended things during the week; Councilman Lenart – give him an extra week vacation without making him a Dept. Head; Town Attorney Herbert Cully – will have to look into that under the Labor Dept.; Supervisor Miscione – my point is, taking 10 hours in Town Board meetings that has nothing to do with Codes and then taking 10 hours out of his weekday that has to be Codes, the value is zero – as we are sitting here talking about this, Lary is sitting here, when can be handing out permits during the day. Come to the meetings and Lary speaks first and leaves; Councilman Messa – anyone comes, they speak first and then can leave

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

(RESOLUTION NO. 285 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve reaffirm the work hours of 8:00am – 4:00pm with no flex time and no working from home.

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

Councilman Messa	-	Aye
Councilman Lenart	-	Aye

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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 8:34 P.M.

(RESOLUTION NO. 286 OF 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*.

Respectfully submitted,

Cheryl Jassak-Huther
Town Clerk
10/25/2022