

**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
DECEMBER 21, 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:

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

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

I. BOARD MEETING MINUTES

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

(RESOLUTION NO. 349 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve the December 7, 2022 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 Resolutions were unanimously carried and duly **ADOPTED**.

REGULAR TOWN BOARD MEETING

December 21, 2022

Page 2 of 11

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

(RESOLUTION NO. 350 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve the December 9, 2022 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 Resolutions were unanimously carried and duly **ADOPTED**.

II. PRESENTATION/COMMENTS

A. CCNY Tech – Scott and Jake

- i. Presentation – IT Company – introduced themselves and overview of what they do and presented the Board with a proposal; walked through the building to see what the Town has now; IT Support; Town Board will look it over and consider putting it out for Bid for IT Support for the Town to show being competitive

III. REPORTS OF TOWN DEPARTMENTS

A. DEANNA SPINA

i. VOUCHERS

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

(RESOLUTION NO. 351 OF 2022)

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

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**.

REGULAR TOWN BOARD MEETING

December 21, 2022

Page 3 of 11

ii. **TRANSFER**

1. SS8110-40 (Sewer) subtract \$30,000.00 and add to Fuel account DB51100-405

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

(RESOLUTION NO. 352 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve to transfer \$30,000.00 from SS8110-40 (Sewer) and add to DB51100-405 (Maintenance of Roads - Gasoline, Diesel).

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**.

2. Senior Center Membership - A67720-20 subtract \$270.00 and add to Contractual account A6772-40

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

(RESOLUTION NO. 353 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve to transfer \$270.00 from A67720-20 (equipment) and add to A6772-40 (Contractual).

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**.

3. Police – accommodate for remaining bills for 2022 – BP31200-40 subtract \$31,000.00 and add to Contractual account BP31200-40

REGULAR TOWN BOARD MEETING

December 21, 2022

Page 4 of 11

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

(RESOLUTION NO. 354 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve to transfer \$31,000.00 from BP31200-40 (maintenance) and add to BP31200-40 (Contractual).

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**.

IV. MATTERS SUBMITTED BY TOWN SUPERVISOR MISCIONE

- A. **New Hire** – Ryan Conte – Highway - \$14.75/HR – Laborer – start date 1/2/2023 – Union Contract

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

(RESOLUTION NO. 355 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve to hire Ryan Conte – Highway - \$14.75/HR, Full time, laborer, start date of 1/2/2023, Union Contract.

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. CODES DEPARTMENT

- i. Verify Status of 19 Larchmont Drive – Town Attorney Herbert Cully – submitted an order to the Judge, waiting for it to come back with a signature, it will authorize the Town to go ahead and remove anything on the exterior that Lary Gell deems to be junk, it is going to be charged back against the owner and then

- put on the tax roll if they don't pay; in addition, they are going pay \$2,500 in legal fees to the Town to reimburse for Town Attorney Herbert Cully's time
 - ii. Progress of review of battery storage law – Town Attorney Herbert Cully – will talk to Lary Gell about it
 - iii. Status of the fire safety inspector for Codes Department – Supervisor Miscione reached out to the Valley Fire Departments to see if people are certified for fire inspectors
- C. **WEBSITE** – spoke to current company and a few others; company that we currently have has all the functionalities we were talking about; a lot of the functionalities that currently in our website that we have now can be upgraded but can be used that we currently have; they do County and State sites; give us a full-time person to get it up and running as long as we have content – we have to go out and take pictures, have stuff written up so they can put it on there, we have to tell them how to prioritize everything on there on the front; for their fee, like \$6,000.00 that is in proposal – set up; \$1,500.00 a year; just charging us just for his time to get us up and running the right way; every dept. can have their own site within the website; the Dept. Heads have to put in what they want and then one person can maintain it; timeline – 6 month transition – start first week in January and be ready by the end of May/June; you can even upload stuff from your phone when on site; only other fee would be is if we get in depth with the 311; will have a staff meeting to discuss on January 5, 2023 – everyone to attend

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

(RESOLUTION NO. 356 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve the website upgrade for \$6,000.00.

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

V. PRESENTATIONS/COMMENTS

- A. RESIDENT – Edward Mykytyn – 9448 Elm Street, Chadwicks – spoke about Christmas lights shining on his house – a laser (spot) light – his neighbor shining it on his house; has had police at his home 2-3 times to report it and they spoke to the neighbor and it was moved – Town Attorney Herbert Cully will look into the exception in the Code of

Holiday lights – has a case with the sheriff department at this time in Marcy on the same issue; Herb will talk to Lary if need to adjust the Code (from 2014)

VI. MATTERS SUBMITTED BY TOWN SUPERVISOR MISCIONE

- A. Zoning Board Member John Montrose resigned, term is up June 9, 2026 – Dominic Timpano interested and sent a resume; Councilman Reynolds made a motion to appoint Dominick Timpano to ZBA to fill the position vacated by John Montrose; Councilman Lenart – had a ZBA meeting this week and Randy announced that there was a vacancy and if anybody interested submit a resume – next meeting not until Jan. 23rd – to see if there was any more interests; Town Attorney Herbert Cully – except when you have a vacancy, on a Board, it makes it very difficult for applicants to get a fair shake, especially if one member is absent, you are only going to have five (5) people there, you are going to need four (4) votes out of five (5); Councilman Lenart – Randy said on his way out, he might have someone interested and will see if the person is interested; Councilman Reynolds – just to clarify we also announced it and we did post it; motion was not seconded; motion FAILED

VII. MATTERS SUBMITTED BY COUNCILMEN

A. **COUNCILMAN REYNOLDS**

- i. Planning Board Member Brymer Humphreys term up 12/31/22; asking for reappointment (7-year term); motion to appoint Brymer Humphreys; tabled to the January 4, 2023 meeting

B. **COUCILMAN MESSA**

- i. Decommissioning Bond – Oxford Road
ii. Stormwater Agreement – NH Community Solar – Oxford Road
iii. Stormwater Maintenance Escrow Agreement – Oxford Road

Town Attorney Herbert Cully – we have provided the agreements; one is a Stormwater Maintenance Escrow Agreement whereby an escrow account of \$15,000.00 is going to be posted with the Town in the instance that the developer doesn't maintain the site, then we can use that and draw against it and it has to be replenished – until such time as decommissioned; the other is the Bond and we have gone back and forth several time as it relates to the Bond, there are some errors on the Decommissioning Bond as provided; specifically the Bond that was provided indicates in one part that it was for one (1) year it was supposed to be for two (2) years and then in the narrative part it references two (2) years but then it says it has to be renewed after a year – it is supposed to be a two (2) year Bond and renew automatically after two (2) years; I ask that any approval with regard to that be subject to those changes; have to protect the Town; suggest that we make a motion to approve the Stormwater Maintenance Escrow Agreement, the Stormwater Maintenance Agreement and the Decommissioning Bond with Rider subject to the clarification of those errors relating to the one (1) year period; make a motion for all of them; Supervisor Miscione – when we first started out with solar we had a fee of \$5,000 (we are setting up a new Local Law) so this project is exempt, free, no permit?; Town Attorney Herbert Cully – yes, just a Special Use Permit

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

(RESOLUTION NO. 357 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve the Stormwater Maintenance Escrow Agreement, the Stormwater Agreement and the Decommissioning Bond with Rider subject to the clarification of those errors relating to the one (1) year period.

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*.

VIII. MATTERS SUBMITTED BY TOWN ATTORNEY HERBERT CULLY

- A. Local Law as it relates to the Zone change adjacent to the Yager property to do a RPDD overlay – if you move Local Law 2 of 2023 then it will go to the Planning Board to review as to whether or not they agree that this should be rezoned from C1 to Residential Planned Development District then after you get a response, we will schedule a public hearing; holding off until we hear the presentation from AR Building Company and they will have to fill out an application and pay the \$5,000 fee

IX. REPORTS OF TOWN DEPARTMENTS

A. CHIEF RONALD FONTAINE

- i. Rec Center no parking signs are up and we will enforce action if the Rec Center calls at this time – the signs are very visible
- ii. Crossing Guard across from St. Johns Church on Sherman – we are covering it with police officers when we can – not a need for a guard there – occasional activity with a parent crossing a child or a teacher will escort a child to the bus; asked Town Attorney if we could ask St. John’s if they will prepare something where they say they will deal with that intersection – yes and then we will review the agreement

X. MATTERS SUBMITTED BY TOWN SUPERVISOR

- A. Paychex – called twice and didn’t get a response; have issues with payroll as a whole; called ADP – do more municipalities, more help and can get us up and running in two (2) months; will get a quote and have all the different things for retirement, etc.;

XI. MATTERS SUBMITTED BY TOWN ATTORNEY HERBERT CULLY

A. Executive Session to review some of the language in the Chief's Contract

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

(RESOLUTION NO. 358 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve to enter into Executive Session (7:23pm).

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**.

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

(RESOLUTION NO. 359 OF 2022)

RESOLVED, that the New Hartford Town Board does hereby approve to come out of Executive Session (7:33pm).

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. MATTERS SUBMITTED BY COUCILMEN

A. **COUNCILMAN MESSA**

- i. Healthcare – the Resolution didn't say for Board Members who opted out would receive a benefit; Supervisor Miscione – it grandfathered from the last time, reinstate it; Councilman Reynolds – I don't recall it that way at all; Councilman Messa – we have to rescind that motion and redraft it with figures in there; Barbara – you are saying you are going to put in something, because we don't

REGULAR TOWN BOARD MEETING

December 21, 2022

Page 9 of 11

give that to any other employee; Town Attorney Herbert Cully asked to see the resolution; Councilman Reynolds – at budget time there was no discussion at all regarding Board Members and Health Care; Supervisor Miscione – yes, we made a resolution because I signed up for the plan; Councilman Reynolds – it did not include Board Members, as I understood it; Councilman Lenart – if we wanted to take it we could take it, it was mentioned; Councilman Messa – I was lead to believe that Board Members who opted out – it wasn't stated in the meeting it was a conversation that was had, want to see the resolution as set forth; Town Attorney Herbert Cully – was there a resolution passed?; Supervisor Miscione – yes, it is in our minutes and Rich Lenart was the only one who said no to it and everyone else said yes; Councilman Reynolds – it never addressed the Board Members as I remember; Supervisor Miscione – that is what is in the minutes, that we all approved, it was in there that all the Board Members are entitled to it, Rich Woodland sat in my office and Rich said I don't need it because I get free health care at work and he said do we get a stipend for it and I said yes, you should be compensated for it and also had the conversation with Jim Messa, so we took that resolution and approved the minutes and we said that healthcare reinstated for Supervisor Miscione; Councilman Lenart – whatever the premium is (single person) we would get in lieu of; Supervisor Miscione – correct, which is \$8,200.00; Town Attorney Herbert Cully – it is simple, we just look at the Resolution, minutes; Councilman Messa – it wasn't spelled out that way; Councilman Lenart – I think the resolution was that healthcare would be available to the Supervisor and any Board Member, that was it, there was no in lieu of even though it was talked about, it wasn't part of the resolution; Councilman Messa – I started to think after, did we make the resolution?; Supervisor Miscione – yes we sent it in, everyone is entitled to it; Councilman Lenart – the question is in Lieu of; Town Attorney Herbert Cully – just for the Board Members and the Supervisor – you pass a resolution whereas previously resolution was adopted offering health insurance coverage to the Supervisor and Town Board Members we are now supplementing that resolution to say, in the instance any Supervisor or Town Board Member does not elect the Health Insurance Coverage, they are entitled to be paid out monetarily for the cost of the premium for a single individual; Councilman Woodland – can you put that in writing and address it at the next meeting?; Town Attorney Herbert Cully – (next meeting is Jan. 4, 2023) – they are entitled to a lump sum pay out or I would say a monthly pay out; Supervisor Miscione – it is already in the budget, it was put in the budget for everyone – paid monthly with your check, you would get that stipend; Councilman Messa – I don't think one person should benefit; Councilman Woodland – why don't we just table it to the next meeting and address it?; Supervisor Miscione – are you saying to take it away totally?; Councilman Messa – I say it is all or nothing otherwise it looks like if one person takes it and others don't it looks like you are getting paid on top of it; Supervisor Miscione – additional stuff taking care of, it is was already budgeted – are you

REGULAR TOWN BOARD MEETING

December 21, 2022

Page 10 of 11

saying you want it in lieu of or take my benefits away, it is up to you; Councilman Messa – brought it up because I didn't hear it in the discussion; Supervisor Miscione – a reinstatement – we can clarify it right now; Councilman Messa – if the motion was such; Supervisor Miscione – I put the money in the budget, the money is there for you to get it – every Town get it – there has to be some compensation for the Board; Town Attorney Herbert Cully – that is why we are doing a supplemental resolution to clarify any confusion – that will correct it – the question is there a motion – if there is no motion, you already passed a resolution offering the Heath Insurance the supervisor and Board Members – some people took it, some people didn't; Councilman Messa – if the original intent was to pay us and these guys don't make a motion, then they get paid anyways – clarification; Supervisor Miscione – January 1, 2023 you should get it in your check, it was budgeted, we can just clarify it, you should get the same votes out of it as you did before; Councilman Messa – yes, but it is different, because the way it was packaged and presented was one way and now...; Supervisor Miscione – it is packaged the same, it was in my budget, I took stuff out of the parks that I was going to take care of, we don't have a budget director that I was going to take care of and the stuff that I did – that money we made up on this, gave enough for all of us to get a single plan health care, if you take it you take it, if you don't you don't, you should get your compensation and I get my health care.; Councilman Reynolds – I don't recall it being available to the Board Members; Supervisor Miscione – yes, it is in the minutes; Town Attorney Herbert Cully – that is why I suggest a supplemental resolution, it was a budgeted item; Councilman Messa – I don't want to make that motion; Town Clerk Cheryl read the resolution that was passed:

Dated: October 24, 2022

Supervisor Miscione: 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)

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:

<i>Councilman Messa</i>	-	<i>Aye</i>
<i>Councilman Lenart</i>	-	<i>Nay</i>

REGULAR TOWN BOARD MEETING

December 21, 2022

Page 11 of 11

Councilman Reynolds - *Aye*
Councilman Woodland - *Aye*
Supervisor Miscione - *Aye*

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

Supervisor Miscione – it was budgeted and you should get your stipend; Councilman Messa – it is clarified, you said reinstate; Supervisor Miscione – we can put it in there; Councilman Reynolds – I don’t want the stipend, I didn’t vote for that

ADJOURNMENT

There being no further business to come before the Board, upon motion duly made by Councilman Woodland and seconded Councilman Reynolds, the meeting was adjourned at 7:44 P.M.

(RESOLUTION NO. 360 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
12/23/2022