

**REGULAR TOWN 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
THURSDAY, NOVEMBER 7, 2024 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 John Latini
Councilman David Tehan
Councilman James J. Messa
Councilman David M. Reynolds
Supervisor Paul A. Miscione

OTHER TOWN OFFICIALS PRESENT:

Town Clerk, Cheryl A. Jassak-Huther
Highway Superintendent Richard Sherman
Deputy Town Supervisor, Anthony J. Trevisani
Police Chief, Ronald Fontaine
Town Attorney, Herbert Cully

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

I. MEETING MINUTES
a. October 16, 2024

The following Resolution was then introduced for adoption by Councilman Latini and duly seconded by Councilman Tehan:

(RESOLUTION NO. 380 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve the October 16, 2024 Board Meeting Minutes.

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Aye

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

b. October 23, 2024

The following Resolution was then introduced for adoption by Councilman Reynolds and duly seconded by Councilman Latini:

(RESOLUTION NO. 381 OF 2024)

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RESOLVED, that the New Hartford Town Board does hereby approve the October 23, 2024 Board Meeting Minutes.

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Aye

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

c. November 1, 2024

The following Resolution was then introduced for adoption by Councilman Latini and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 382 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve the November 1, 2024 Board Meeting Minutes.

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Aye

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

II. SPEAKERS

- a. Tim Doyle – Bonadio** (Accountant) – came to answer questions from the Board; Town of New Hartford bank recs have not been reconciled since January 2023; Bonadio was contracted to start in July 2024 with moving forward with the current reconciliations (will need to have 2023 done because it is cumulative); there are variances – a lot of those variances more than likely go back the 18-months not reconciled; Bonadio did submit July, August and September of 2024 bank recs; working on October currently; what is recorded in Edmunds – actual checks that get cut, physical deposits that came in the door and payroll; what is not in Edmunds – ACHs or wire transfers that came in or out, also any interest revenue was not recorded in Edmunds and inter fund transfers; going forward stuff will be inputted but the past stuff still needs to be recorded in Edmunds. Improvement; reason why 2023 recs are important – at risk for outside fraudulent activities; Last audit was from 2022, really can't do 2023 until all the bank recs are done; Tim stated Bonadio staff has put in approx. 400 hours in working, should be about 20-30 hours a month; have close to 30 bank statements; Councilman Latini – asked how many

hours will it take to do 2023 bank recs?; Tim responded – estimate 20-30 hours a month (12 months x 30) – again, spent a lot of time up front figuring out what was going on – good feel as to what is going on now; Councilman Reynolds – asked if there was anything additional Bonadio needed from the Town; Tim responded – don't believe anything really need but when originally had kick off meeting were told that there was the Edmunds system and additional sets of Excel spreadsheets that reconciled everything – would like to look at those and compare and see what isn't in Edmunds and does the other system have the information in it and were unable to obtain any of that – hasn't stopped us from doing the bank recs but we did understand from the beginning there was another set of Excel schedules or something that was being recorded; Councilman Reynolds – so you would still request that?; Tim – if it is available, think it would be helpful but it's not hindering us from completing the process; Supervisor Miscione – asked Tim if received all the monthly cash receipts, Excel spreadsheets or no?; Tim – cash receipts, yes; Supervisor Miscione – so that was the paperwork and all the Board members received it at the last Board Meeting then you have the Bond schedule, of all the Bond Capital accounts?; Tim – yes; Supervisor Miscione – ok so that was part of the Excel spreadsheets also and that is all that we have are those units – also lists all the wire transfers that are in each account and we have for 2023, all 12 months (those are the ones not in Edmunds); Tim – our understanding from our initial kick off meeting was that there was some external spreadsheets that encompassed all of the finances of the Town, there was no complete set up records, some was in Edmunds, some on spreadsheets – our initial meeting was that there was something but maybe misunderstood – but there was not something that was all of the activities; Councilman Messa – Tim mentioned 2023 still needs to be done and 400 hours to complete to get a timely audit – who is going to do that?; Tim – the engagement letter that was given to the Town would be if Bonadio did it and we have the ability to do so with five (5) different people working on it and attack it pretty quickly – believe can be done in three (3) months (the entire 2023 year) and probably catch up for 2024; Councilman Messa – are we current on our payments to you?; Tim – we have not received any payments; Councilman Messa – we will address that afterwards, you need to be paid for the services; Tim – at the last bi-weekly meeting – discussed what everyone was working on, Bonadio mentioned then that they were waiting on the Town on what wanted to do with the engagement letter with bank recs from 2023 on - at no time in that meeting did anyone mention they were doing bank recs at the Town – certainly ok for Town to enter them – need to be clear on what that means - if Christina is just entering information into the system for deposits, interest revenue, debt transactions and such, that is not really doing the bank recs, that is just recording the activities that should be in the system already, the bank recs would still need to be done – if she is doing bank recs, Bonadio wants to hear more about that because per the last conversation had not heard anything about that; Supervisor Miscione asked Christina to speak – wants to make sure we are all on the same page – I heard stuff, you have a different thing, the Board Members have something different; Christina – I wasn't working on them when we had talked, I started working on them to see if I could figure out how to do them – I did do one bank rec for our NBT accounts; Tim – we have the

capacity and team to do this very quickly and have done it with many other Towns so we understand what is transacting through your accounts and as of a week and a half ago we had not heard anything about anyone doing any bank recs internally – maybe one account but you have 30 +; Supervisor Miscione – just have one more question – the price you are giving us to do that is everything?; Tim – we would do 2023 and half of the year 2024 – in general, as a firm, we are not big on extra charges, try to price it right to start with and hopefully have shown you some good faith with putting in 400 hours so far – we look at it as a long term investment with the Town; Councilman Tehan – asked Tim – the transactions your mentioned in terms of reconciliations in Edmunds itself from the old list – part of the engagement would also entail clearing those entries for the months in question?; Tim – yes; Councilman Tehan – would it still need to be done for 2021, 2022 in Edmunds or can you start with January 2023?; Tim – how we would do it is catch you up to 12/31/2024 and then start the bank recs in Edmunds with everything proper; Councilman Tehan – two things trying to accomplish and I hope the Board agrees 1. Catch up on the bank recons – May, June, July, August & Sept. are done – those entries having been identified, in addition to all the outstanding checks, which take time to clear, have been identified and much has been put into the Board package – so the piece about the transfers between the primary checking and ICS accounts, your firm has those transactions identified. We would the ability, with your support, to be able to have those entered into Edmunds at some point; Tim – yes; Councilman Tehan – July, August, Sept. haven't been completed those entries for the transfers, have not been caught up yet; Tim – the Town staff is working forward with those and backwards as well; Councilman Tehan – what I would hope to see is and what we are trying to accomplish is 1. The number of differences reduces over time, the learning curve improves on the staff side with the feedback Bonadio provides and the details for the transactions but also that we can continue to build out that process and reach a better process overall where the recons will be more up to date and accurate; Tim – Correct; Councilman Tehan – based on what you have seen in the recons, the differences, asked if they are pretty typical based on the type of activity for this size of a municipality? I have seen some items in there for the recent recons that date back to outstanding checks from May. So, there are several months stale; Tim – the variances we see are not normally what we see, that is very unusual (18 months have to be updated). In terms of the outstanding items, what we have now are tree (3) months' worth of recs and we did May and June just to see what was outstanding leading into July – have a little pattern now to see - there are a handful that are stale but not a significant dollar amount – that alone is not unusual, people cash checks a little late but will research if it's a pattern going forward; Supervisor Miscione – do you think it was helpful, before we had a bunch of different accounts between Adirondack Bank and NBT then we changed each account to Adirondack Bank for the funds itself, did it make it more complex?; Tim – from one perspective it was not helpful because it doubled the number of accounts we were reconciling and I don't think in the long run you want to have all those accounts open, you are transitioning some of them (open and closing) – its not wrong to have all those accounts but really do have to many accounts – can be tracked in a different way – the less amount of accounts you have the

better; Councilman Tehan – the Board package is 60-80 pages, if you had to recommend certain pieces of that package that we should really work on, is there anything specific to help us speed through the review; Tim – ultimately you want to look at variances, there shouldn't be any, that is the key. We would like to see everything caught up by 12/21/2024; Supervisor Miscione and the Board thanked Tim Doyle for coming out

- b. **MV Edge – Oneida County – Chris Lawrence and Marc Barraco** – gave a brief description on where plans to see the St. Lukes campus go in the future – apartments, places to eat, parks, trails, etc., have monthly meetings with the Town and area businesses and residents; discussed where they are and where they are going – presentation was put up on the screen (in the Board room); will stay on the project going forward
- c. **Pavia Real Estate – Dominic Pavia** – majority of the Orchard was recently sold and the new owner asked to propose a property slot with the Town regarding the corner of the Town building which wraps around is a buildable lot – he also owns the property directly across from the Town parking lot and has asked if the Town would consider a land swap with the parking lot that butts his building and then transferring to the Town the land that butts the Town building and wraps around the rear – there is opportunities to consider some type of appraisal, donation. He understands the easement agreements – his consideration is to maybe someday put an additional building there; asking to consider – if open to it, how would like to structure something like that and how much land the Town would like to see – will send Town Clerk the full-scale map and will print for the Board members and then the Town can come back with a proposal

III. **PUBLIC HEARINGS**

- a. **Local Law 6 of 2024** – This Local Law shall be known as the “Local Law amending the Number of Members of the Zoning Board of Appeals as established in the New Hartford Town Code Chapter 118-126.” **PURPOSE:** The Town Board finds that it is in the best interest of the Town to appoint alternate members of the Zoning Board of Appeals due to difficulties in empaneling a full Board at meetings.

The following Resolution was then introduced for adoption by Councilman Latini and duly seconded by Councilman Messa:

(RESOLUTION NO. 383 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to open up the Public Hearing for Local Law 6 of 2024.

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye

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Supervisor Miscione - Aye

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

The following Resolution was then introduced for adoption by Councilman Reynolds and duly seconded by Councilman Latini:

(RESOLUTION NO. 384 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to close the Public Hearing for Local Law 6 of 2024.

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Aye

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

The following Resolution was then introduced for adoption by Councilman Reynolds and duly seconded by Councilman Latini:

(RESOLUTION NO. 385 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to pass Local Law 6 of 2024.

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Aye

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

Discussion: Councilman Tehan – when the Law gets implemented – when it appears in the Code it will include Section 4; Town Attorney Herbert Cully - yes

- b. Local Law 7 of 2024** - This Local Law shall be known as the “Local Law amending the Number of Members of the Planning Board as established in the New Hartford Town Code Chapter 23-4(B).” **PURPOSE:** The Town Board finds that it is in the best interest of the Town to appoint alternate members of the Planning Board due to difficulties in empaneling a full Board at meetings.

The following Resolution was then introduced for adoption by Councilman Messa and duly seconded by Councilman Reynolds:

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(RESOLUTION NO. 386 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to open up the Public Hearing for Local Law 7 of 2024.

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Aye

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

The following Resolution was then introduced for adoption by Councilman Reynolds and duly seconded by Councilman Latini:

(RESOLUTION NO. 387 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to close the Public Hearing for Local Law 7 of 2024.

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Aye

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

The following Resolution was then introduced for adoption by Councilman Tehan and duly seconded by Councilman Messa:

(RESOLUTION NO. 388 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to pass Local Law 7 of 2024.

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Aye

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

c. 2025 Preliminary Budget

The following Resolution was then introduced for adoption by Councilman Reynolds and duly seconded by Councilman Latini:

(RESOLUTION NO. 389 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve open up the Public Hearing for the 2025 Preliminary Budget.

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Aye

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

The following Resolution was then introduced for adoption by Councilman Tehan and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 390 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve close the Public Hearing for the 2025 Preliminary Budget.

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Aye

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

IV. REPORTS OF TOWN DEPARTMENTS

a. Police Chief Ronald Fontaine

1. 2025 Kirkland Animal Control Agreement

The following Resolution was then introduced for adoption by Councilman Latini and duly seconded by Councilman Messa:

(RESOLUTION NO. 391 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve for Supervisor Miscione to sign the 2025 Kirkland Animal Control Agreement.

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye

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Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Aye

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

b. HIGHWAY SUPERINTENDENT RICHARD SHERMAN

1. **Change Order** – Washington Mills Athletic Park – FEMA project - \$50,000, change order is an additional \$38,000 added to that – all new black and fence around it – same contractor that did the school; timeline to be done – end of November

The following Resolution was then introduced for adoption by Councilman Reynolds and duly seconded by Councilman Latini:

(RESOLUTION NO. 392 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve for the change order changes.

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Aye

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

V. MATTERS SUBMITTED BY COUNCILMEN

a. COUNCILMAN REYNOLDS

1. Fire Inspection Report

- 163 inspections have been completed since January 2024 (115 from July – current) total of \$56,932.81
- Concern – have invoices that have gone past 90 days due (not paid) – 30 and 60 day notices were sent out (for July and August); do we have a plan going forward on that and does Council send them a nasty gram or how do we go with that; Supervisor Miscione – other Towns have used collection agencies; Councilman Reynolds – I think we should look into it because 90 days past due – pretty soon we will be inspecting them for the 2nd time and they haven't paid for the 1st one so whatever it is going to take I would like Christina to look at that; Town Attorney Herbert Cully – I'd be happy to initiate a collection with a letter – asked how many do we have; Town Clerk – only from July and August when the Clerk's Office was sending out invoices – approx. 50 of them with a total of about

\$20,000 – doesn't include January – June 2024; Town Attorney asked if they were ongoing operating businesses – yes, some are 5 years past due; Councilman Reynolds – again, this is a part of the process and Christina can you look at that and exactly how we are going to tackle that; Christina – will send out letter if Herb writes it up; to all the 90 days past due; Councilman Reynolds – lets start with that but I am going to want an ongoing report on how we are doing because pretty soon it is going to be like five (5) years and its ridiculous and not only that our budget is predicated on a strong inspection and fee structure for that position; Councilman Latini – I agree

- October 17 – Nov. 7th (22 days) – 9 inspections - \$3,026.69

b. COUNCILMAN LATINI

1. **Bucket Truck payment** – Supervisor Miscione – what was discussed in the previous meeting with Rick was that we were bonding for the truck, which our 30 days are up, so our bonding will be approved. That we actually go out and get the truck ahead of time because it was needed and have them charge us for two (2) rental payments for the month of November and December so we got our bond money in January and then they will credit back those two (2) payments when we purchase the truck but then they changed and said they will only credit half the payment and not the full payment. \$1775 for the last two months we would loose so if we borrow fund balance to pay for the truck then Jan. when we get our Bond proceeds, we can replace the fund balance and save ourselves about \$3500 (the old truck is in the process for surplus)

The following Resolution was then introduced for adoption by Councilman Reynolds and duly seconded by Councilman Latini:

(RESOLUTION NO. 393 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to borrow \$160,758 from Highway Part Town Fund Balance and increase equipment for Highway Part Town for \$160,758.

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Aye

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

The following Resolution was then introduced for adoption by Councilman Latini and duly seconded by Councilman Messa:

(RESOLUTION NO. 394 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to take out of equipment from Highway Part Town for \$160,758 and purchase the bucket truck for \$160,758.

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Aye

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

VI. MATTERS SUBMITTED BY TOWN SUPERVISOR

- a. Vouchers** – in the future, ones that certain Councilman have to abstain from or the Supervisor has to abstain from, have to be separate (if they work at the business or do business with them, they have to abstain).

The following Resolution was then introduced for adoption by Councilman Latini and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 395 OF 2024)

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
<i>(Councilman Messa has to abstain from the Cathedral Corporation Voucher)</i>		
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
<i>(Councilman Tehan has to abstain from the Adirondack Bank Voucher)</i>		
Supervisor Miscione	-	Aye

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

Discussion: Councilman Tehan – the paving account, are we going to make a transfer at some point because see that it is a heavy negative right now; Supervisor Miscione – we made a resolution a couple meetings ago to transfer \$500,000 out of Highway Fund Balance and transfer to paving; Councilman Tehan recalled were taking \$210,000 from Highway Part Town and \$240,000 from General Whole Town and transfer to Highway Paving; next meeting bring the journal entries

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RECORD OF CLAIMS #1

24-01651-24-01727	
A-5148	\$22,136.69
B-5210	\$4,391.26
BP-4708	\$67,974.12
DB-2700	\$32,115.50
F-2727	
SF-2697	
SL-2719	
SS-5156	\$1,054.52
TA-4694	\$37,336.78
HEP-5113	
HMA-5113	
HTA-5113	
TOTAL	\$165,008.87

RECORD OF CLAIMS #2

24-01733-24-01741	
A-5148	\$4,259.49
B-5210	
BP-4708	
DB-2700	\$2,876.30
F-2727	
SF-2697	
SL-2719	
SS-5156	\$24.24
TA-4694	
HEP-5113	
HMA-5113	
HTA-5113	
TOTAL	\$7,160.03

RECORD OF CLAIMS #3

24-01752	
A-5148	
B-5210	
BP-4708	
DB-2700	
F-2727	
SF-2697	
SL-2719	
SS-5156	\$61,425.00
TA-4694	
HEP-5113	
HMA-5113	
HTA-5113	
TOTAL	\$61,425.00

RECORD OF CLAIMS #4

24-01743-24-01757	
A-5148	\$1,010.55
B-5210	
BP-4708	\$2,155.04
DB-2700	
F-2727	
SF-2697	
SL-2719	
SS-5156	\$79.76
TA-4694	\$17,656.02
HEP-5113	
HMA-5113	
HTA-5113	
TOTAL	\$20,901.37

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RECORD OF CLAIMS #5	
24-01758-2401768	
A-5148	\$22,684.36
B-5210	\$3,911.46
BP-4708	\$979.66
DB-2700	\$247.76
F-2727	
SF-2697	
SL-2719	\$279.84
SS-5156	\$621.54
TA-4694	\$3,629.50
HEP-5113	
HMA-5113	
HTA-5113	
TOTAL	\$32,354.12

RECORD OF CLAIMS #6	
24-01770-24-01880	
A-5148	\$115,948.55
B-5210	\$3,768.52
BP-4708	\$109,594.69
DB-2700	\$109,939.08
F-2727	
SF-2697	
SL-2719	
SS-5156	\$7,791.48
TA-4694	
HEP-5113	
HMA-5113	\$1,456.18
HTA-5113	\$8,053.85
TOTAL	\$356,552.35

b. 2025 NYSAT Annual Meeting and Training School

The following Resolution was then introduced for adoption by Councilman Latini and duly seconded by Councilman Tehan:

(RESOLUTION NO. 396 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve for Highway Superintendent Richard Sherman, Councilman Latini, Supervisor Miscione, Town Clerk Cheryl Jassak-Huther, Councilman Tehan and Police Chief Ronald Fontaine to attend the NYC 2025 Annual Meeting & Training School February 16-19, 2025.

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Aye

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

The following Resolution was then introduced for adoption by Councilman Latini and duly seconded by Councilman Messa:

(RESOLUTION NO. 397 OF 2024)

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RESOLVED, that the New Hartford Town Board does hereby approve for Highway Superintendent Richard Sherman to be the delegate for the NYC 2025 Annual Meeting & Training School February 16-19, 2025.

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Aye

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

c. Fire Inspection Refund

The following Resolution was then introduced for adoption by Councilman Reynolds and duly seconded by Councilman Latini:

(RESOLUTION NO. 398 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve a refund for \$210 for a duplicate payment for a fire inspection for St. Lukes Business Office.

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Aye

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

d. EXECUTIVE SESSION

The following Resolution was then introduced for adoption by Councilman Latini and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 399 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to enter into Executive Session (7:30pm) in regards to a certain employee.

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Aye

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

The following Resolution was then introduced for adoption by Councilman Messa and duly seconded by Councilman Latini:

(RESOLUTION NO. 400 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to come out of Executive Session (8:32pm).

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Aye

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

- e. **JUDGE** – Judge Copeland resigned effective October 31, 2024; legal counsel will come up with a requirement to search for a new judge until the next election and anyone can apply that meets the requirements; will put together for the next meeting and will post it and make a decision by January 1st.

f. **2025 Preliminary Budget Discussion**

1. **Supervisor Miscione** – went through the minutes the best I could from what was spoke about and took down notes – there are a couple things in there from all the different expenses that wanted to be changed and the revenues, there was some offset so I couldn't find the exact numbers to make it match that was in here. There was one account that, I looked back in my other notes and I didn't bring this up, my fault, in the buildings and grounds, the utility bills that were there, that account and if you look back in 2022, 2023, that account and the street lighting, those account almost go hand in hand because they are both in general whole town. We are usually short on the lights and we have some extra money so those offset those two accounts. Again, looking at even this year, we will be down \$12,000 so I did change that in here. You guys can change it back, I just wanted to make that note. The other numbers that were given to me last week, after putting them in and calculating social security and all the other benefits, I wasn't able to match what was on the minutes from the revenue and expense and Councilman Tehan called me and we spoke in depth on it. We still couldn't get the numbers to match up on the revenue and expense side. Maybe Dave, if you want to start, if you have suggestions, I can change them in here and finish it up.
2. **Councilman Tehan** – ok, great, thank you. I understand the difference between the general whole town and part town so the balancing has to take place individually based on the fund. Understood there. I did see as you mentioned the \$12,000 increase in traffic control under public safety. It looks like year to date it is about 80% used so about \$9300 remaining to be used as

needed. I didn't know there was another account it kind of went in tandem with so we can definitely look at that. What we had talked about in the prior meeting, specific to whole town employee benefits in account A9060.8 is a reduction of \$150,000 which currently has or initially had an allocation of \$500,000 so the change that we see in the most recent version is a reduction of \$240,200, that's a \$90,200 addition to what we had talked about at the prior meeting. Based on what we see as the trend in 2024 and the actuals in 2023 that will likely put us short in that account. Which I think we know, we want to avoid. In our discussion last time, really was, there is \$500,000 in there now, if we took \$150,000 and used it in other accounts, we still have ample funds to support the employee benefits, hospital, medical insurance requirements

3. **Councilman Latini** – what happens if an employee needs to be added cause their spouse now is not on it anymore, how much can we allow for that; Supervisor Miscione – roughly \$29,000 for a full family;
4. **Councilman Tehan** – so based on what we talked about in the trends historically, if we left \$350,000 in that account, its pushing \$75,000 over prior year trends so I think it is going to cover us. My concern now is being down to \$259,800 that we are definitely going to run short and I think we all want to avoid that
5. **Supervisor Miscione** – just to understand, to really make this simple is, just have the journal entries, again, from the minutes from last meeting, there was a lot going on but again I reviewed them for exact money amounts but the money that we took out for expenditures just didn't even match up regardless to still keep under the sales tax cap. We were still short by \$80,000 regardless of which way we go. We can move the health care right now or put it up or down but at the end of the day in general whole town or police or however we want to mix it around and change the sales tax. The \$6,627,198.00 which is the key number to be under the cap is going to go up if I take it out of health care so the only thing I could come up with the best from listening to the minutes was it came out of health care because I think what was confusing was when we did it, I think it was with the police, it wasn't really documented, there was a thing in there that says John said about putting the two (2) police officers in and again we were talking about a half a year salary for those two and then from there somebody said there was one (1) but we never added in that 3rd police officer but then in the minutes it said we were hiring three (3). I think that is where that extra \$50,000 was but we never said where that additional \$50,000 was coming from and that is where, again, if you say right now that is where it is going to come from, we can put the money back in healthcare and just take it out of another place but there was no other place that anyone said to take it out of.
6. **Councilman Tehan** – we need an equal and opposite offset; Supervisor Miscione – correct, that is all we need and we will be good
7. **Councilman Latini** – we already put aside how much for the new position for the Codes Department? It is already in the budget right?; Councilman Tehan - \$65,000; Councilman Latini - \$95,000 will include the benefits?; Supervisor Miscione – we didn't put the benefits back in. The only thing we put in was a half a year. The minutes reflected that we were only taking \$65,000 total. Its \$65,000 total plus social security, plus pension, plus (if the person needs) healthcare but we didn't put that in there. We only said \$65,000 total so I only

put \$65,000 in there; Councilman Latini – so we are going to have a dept. head who is not going to have health insurance but the guy underneath him is going to have it?; Supervisor Miscione – no they have to have it, what I am saying is we only discussed (go ahead Jim)

8. **Councilman Messa** – we did – two (2) things: we discussed two (2) police officers, he had one (1) in the budget and we said two (2) more; Councilman Reynolds – and we found with benefits; Councilman Messa – we didn't say three (3), we only put in the numbers for two (2), including benefits – one (1) was already in the budget – the numbers we discussed were specifically for the two (2) – as it relates to the Codes, Supervisor brought up a good point, with the insurance it is going to be whatever, like \$95,000 something and we wrote that down so I don't know how it didn't get in there; Supervisor Miscione – it got in there, everything is in there, the problem was those numbers didn't match up for what we took out that is all I am saying; Councilman Messa – here is my follow up question, so what we all voted on, the preliminary budget as listed, all the discussions, the numbers, is that the budget that the public has?; Supervisor Miscione – yes; Councilman Messa – so nothing was changed because it sounds like it has?; Supervisor Miscione – no, I took out extra money out of the healthcare; Councilman Messa – you can't; Supervisor Miscione – I had to because there was no way to make the numbers work; Councilman Messa – then the budget is wrong; Supervisor Miscione – then we made it wrong; Councilman Messa – No we didn't, you did; Supervisor Miscione – no, you have expenses, you have revenue; Councilman Messa – we all voted on it and if you changed it; Supervisor Miscione – I didn't change it; Councilman Latini – he made money adjustments; Councilman Messa – but if we voted on a budget, that is the preliminary budget and if the numbers changed after that, we didn't approve it; Supervisor Miscione – then you will be over your tax cap; Councilman Messa – right; Supervisor Miscione – so, that is easy; Councilman Messa – that's why we have this process so you can say, ok from all our changes that we all sat around for hours, then you can say, guys from what I submitted with all your changes we are at 2.25, now public hearing – open/close – now we have to say, we have to make adjustments. Then we are all in agreement upon those adjustments so that it is not on you, it is on all of us. That is all I am saying is that what we all talked about it sounded like we were over based on the figures (Supervisor Miscione – correct) and you made the adjustments and again, that is not what we voted on. That is where I have a little bit of an issue with.
9. **Supervisor Miscione** – also if you read the minutes because Cheryl put them in depth, it said we didn't want to go over the tax cap so it was a contradiction when I did it so I guess – you can't do both – I guess what happened was we never finished with an actual, real plan to do it, we just voted on adding those additional things
10. **Councilman Messa** – we did adding and subtracting, back and forth as the preliminary budget; Supervisor Miscione – Ok
11. **Councilman Reynolds** – at this point, we can change it so it is a moot point; Councilman Messa – no its not; Councilman Reynolds – well, if there are discrepancies, we can adjust it now. The same thing could have happened with the public input, somebody could have said xyz and we say ok you are right and we change the budget again.

12. **Councilman Messa** – that is what I am saying but we spent all this time, it was a long night and I read the meeting minutes
13. **Councilman Tehan** – Paul, if we brought the A9060.8 account back up to \$350,000, which is a difference of \$90,200, page 10 – we need to adjust some kind of offset; Supervisor Miscione – so you want to add \$90,200 to healthcare?; Councilman Tehan – correct; Supervisor Miscione – ok because I want to write this again cause I have to add this up this time because it has to be right; Councilman Tehan – lets talk about potential offset there, some options are property tax, my thoughts were fund balance- so we have \$400,000 in whole town heir marked – if we decrease that as the offset; Supervisor Miscione – decrease or increase? – you have to increase fund balance; Councilman Tehan – you have to increase the expense and then come up with additional revenue or fund balance; Supervisor Miscione – don't forget whatever you take out of fund balance this year you are going to have to match next year if you don't have a fund balance this year; Councilman Tehan – I know so lets talk about some options here. On the first page you see the fund balance heir marked for 2025, I think if we look at the historical fund balance allocations, I think it was \$500 and 20 something last year. Does that sound right Paul?; Supervisor Miscione – yes, that is because the year before we had about \$600,000 and change in the 2022 audit. That money came into that budget but then if you look at 2023, our sales tax was actually down and our building permits were down. So, our fund balance is probably going to be under \$500,000 coming into for this year. If you look at our revenue for Codes permits, mitigation fees and sales tax – all three (3) of those were down, sales tax not much but the Codes Dept. and mitigation fees were down. That offset, you can see I lowered mitigation fees also in the police department because that is going down every year because we don't have the big nest egg in there because we haven't been doing any big projects.; Councilman Tehan – so I guess another option not on the revenue side we can also decrease expense accounts; Supervisor Miscione – that is probably how we have to do it (Councilman Tehan – right) because if you put in anymore revenue, remember we loose \$400,000 in Arpa funds for the police department so that is going to come circle around (in part town but the sales tax is allocated however you want to do it) – but this is how I look at it, \$6,627,198 is going to be negative \$400,000 next year from Arpa funds again. However you play with the sales tax, the key number in this whole budget is that total number for the amount of taxes that are given out. That is why I said, whatever we make this budget today, we can change it during the year anyway but we can never change that property tax number, you are stuck with that number.; Councilman Tehan – so the \$12,000 you added, what was the offset to that?; Supervisor Miscione – I took it out of buildings and grounds for the lighting.; Councilman Tehan – why don't we look at some expense accounts in whole town where we can come up with the \$90,200, shift it over and have a net natural affect (Supervisor Miscione - yes, that is the key). The last sheet that we looked at, the top section has about a dozen accounts that are identified in whole town with potential to shift some dollars if we wanted to do that. We touched on rec center equipment, I know you didn't want to touch that one so I will just go down the list:
 1. Rec Center Contractual – we have an opportunity there for a good size cut; Supervisor Miscione – the only reason why that is in there, I just

- want to bring it up, we do need new hockey boards (cost about \$70,000 - \$80,000 Chris Moran said). That money will be allocated to that project.
2. Interest and earnings – I think the Town has done terrific with the interest earned thus far, I see rates have been attractive, they will go down but I think there is an opportunity in my humble opinion, we have \$327,000 year to date, we are probably going to be at least \$350,000 - \$375,000. Looking at A24010; Supervisor Miscione – do you want to increase that?; Councilman Tehan – if you up that \$90,200, I think the exercise is over; Supervisor Miscione – so you want that up \$90,200, if you add that, like you said, the exercise is over; Councilman Tehan – are you comfortable with that?; Supervisor Miscione – as long as things are in a positive direction next year I guess, yes. I don't know when rates are going to go; Councilman Tehan – I just want to see on the October rerun what the interest – we are still at \$327,000 (Christina posted this week so probably not on that sheet – Councilman Tehan – do you remember that number – Christina, no not off the top of my head.); Councilman Tehan – lets says its 25, usually its within 40-50. I think we will be ok; Supervisor Miscione – that one offsets that, that takes care of the healthcare issue and so everything else remains out of the meeting minutes then?; Councilman Tehan – yeah, I think it does (Supervisor Miscione – that was the only thing, so), yeah I mean, the personal services for police were adjusted. The only other piece was personal services we touched on which was not in accordance with the minutes was DB5110.10 – it is still at \$1 million – we had discussed, in a resolution, to drop that by \$25,000 (in Highway Part Town); Supervisor Miscione – so you want that to be \$975,000?; Councilman Tehan – I would like it to be in accordance with what we resolved, yes; Supervisor Miscione – you want keep the \$25,000 in the budget itself and just lower the taxes by \$25,000?; Councilman Tehan – we have to offset somewhere right? (Supervisor Miscione – we don't have to we can just offset the taxes and make the taxes lower and the percentage will go down for increase; Councilman Tehan – but then you are leaving it at \$1 million?; Supervisor Miscione – no, if you want me to take \$25,000 out of there, since you did the \$9200 and that even out the healthcare, then if I take the \$25,000 out of Highway part town I am just going to decrease taxes by \$25,000 instead of finding another expense; Councilman Tehan – I am fine with that, I think everybody is good; Supervisor Miscione – so your overall taxes will be \$6,602,198; Councilman Tehan – I am good
 3. **Supervisor Miscione** – just to make sure we are all on track: we are going to increase A9060.8 which is medical benefits for \$90,200; then we are going to increase interest and earnings in general whole town from \$235,000 to an additional amount of \$90,200 A24010; then for Highway Part Town we are going to decrease \$25,000 for personal services DB5110.10 and decrease property taxes by \$25,000 – Correct?; Councilman Tehan – yes.
 4. **Town Attorney Herbert Cully** – you need a motion to adopt the preliminary budget as amended tonight as the final budget

The following Resolution was then introduced for adoption by Councilman Tehan and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 401 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to pass the preliminary budget as the 2025 final budget.

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

Councilman Messa	-	Nay
Councilman Latini	-	Nay*
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Nay

Resolutions was NOT PASSED: vote was 2 to 3; **BUDGET DID NOT PASS**

5. *** Councilman Latini** – I don't feel comfortable to with the fixed costs in our budget for the year that we implemented for 2025 I don't understand so I say Nay
6. **Councilman Tehan** – what is the process from here Herb; Town Attorney Herbert Cully – you keep going, you have to have a final budget by November 20, 2024 which is our next meeting; Town Clerk – and it has to be sent to the County by November 20th; Supervisor Miscione – do you guys want to discuss it again?; Councilman Tehan – I'm game, go ahead John
7. **Councilman Latini** – I don't understand why we need to put \$65,000 or whatever it is into as a department head in the Codes Dept. when we already have a guy there, to babysit him, I don't understand, I just don't get that part. I am not comfortable with that. That is number one (1). I like the idea that we increase the health fund because I think we need that.
8. **Councilman Messa** – so are you saying remove it?; Councilman Latini – yes, I would say remove it for now. I don't think we need it. We have a guy working there right now – he comes to work, he doesn't want to come to work. So basically we are going to put a department head in there when we have no new permits, we are not actually bringing any new revenue to the Town; Councilman Messa – I don't know if you were at the same meeting as I was but we talked about it, the reasons why we needed the person, it is not a babysitting job; Councilman Latini – so why do we need it Jim, we were supposed to out those retention ponds in near your house, we were going to get those solar projects that nobody wants to approve anything. Why hire someone to keep a guy on there that is not doing anything, the Codes Dept. is not being run properly; Councilman Messa – you are validating the whole point, because we even said today, it was brought up, fire inspections are way down, there is no oversight in the Codes Dept. which is a big portion of it and Councilman Reynolds even stated that those fees are going to be a big

portion of the budget; Councilman Latini – so we are going to add another \$65,000 to the budget for a Dept. Head to make Lary do his job?; Councilman Reynolds – the fire inspection fees will cover that position if we are able to collect those fees. We will actually surpass that, the revenue will surpass that cost there (Councilman Tehan and Supervisor Miscione – we adjusted that revenue side with fire inspections to that account for it); Councilman Messa – to justify the position, is that person is going to be going to Planning Board, Zoning Board meeting to be a person of reference and again it is a high-level position. You don't want it, that is ok. I am not arguing with you about it. You are entitled to your opinion but we covered all of that in detail; Councilman Latini – what is falling off next year Paul?; Councilman Reynolds – plus we also sent it to the County, asked for a job description; Supervisor Miscione - there is two (2) things to it: I think with the right person, in the Codes, we've had Joe Booth in the past, we can all say he was excellent in what he did. He ran it. He went to zoning and planning board meetings and then we had a part time Codes Officer in there and things were hoping. At one time we had two and half codes officers and our Town was on fire – mitigation fees – it was insane with the revenues we did. After Covid hit and that all slowed down. We don't have that income coming in besides fire inspections but is a Codes Supervisor going to make sure that the fire inspections are getting paid, that I don't know. That is something we didn't talk about. Councilman Messa, Latini and Reynolds - yes, we did talk about it; Councilman Reynolds – we certainly did talk about it; Councilman Tehan – Revenue is definitely a piece of the Codes Dept. but there is a lot of Codes enforcement issues which we are seeing everyday by email. They are complex.; Supervisor Miscione – I agree. I just don't know if, for me, personally, I just think we need one and a half codes officers, we need what we had before. How you do it, I don't know but I just think one and a half can maintain that office sufficiently and maybe if the person was a Dept. Head and came to the meetings, I don't know the structure. Financially I don't see long term how we can sustain it even with the fire inspections being up he we can sustain it for what we have right now. Say St. Lukes came then yes, 100%, hire another guy, he would work that project. In fact Joe Booth worked the Marcy project, they hire Joe Booth just for that job because that was a revenue generating job with multiple permits, taxes, everything so it was a no brainer but here I don't have one big project to say that is really what we are working on right now besides shed permits and basic home upgrades. The major construction jobs that are being done are over at the Benderson project all the engineers do all the paperwork anyway, they do everything; Councilman Latini – let me ask you guys, if we put this guy on, this is all going to increase our revenue?; Councilman Tehan – it is more than just revenue, there is Codes Enforcement, you can't just say if we get the revenue it can pay for the job but we did say that last week. We are going to get the revenue from fire inspections and that is how we are going to pay for the job and we moved revenue \$40,000 up in fire inspections to accommodate for this position; Councilman Reynolds – and we are looking at going into the 9th year without completing the fire inspections. There is a liability there; Supervisor Miscione – but he is

not going to do fire inspections; Councilman Latini – I think we have done a great job collecting the money; Councilman Reynolds – no, he is going to look at the process – he is going to be in charge of it to make sure it gets done (Councilman Messa – and supervise the inspectors); Supervisor Miscione – I think again, everything in there is wonderful. I think it is great. I am just, and every year, I have ever done the budget for the Town I have always guaranteed the Board members the following years we are going to be in good shape. Looking down the road, to 2026, 2027, 2028 - we have a lot of things dropping off that and right now we are down in sales tax this year because of the little cushion that we have had in our budgets we have offset that so we are not going over budget those years; Councilman Tehan – we had a lot of cushion, which is a good thing for this exercise; Supervisor Miscione – The cushion is \$400/\$500 grand, which the year after got put back through fund balances so the residents recouped the money. I guess if they only lived in New Hartford for nine (9) months or 13 months they wouldn't get that benefit but everyone that lived here, the following year, as you see in my budget, I have put whatever the fund balance we had minus ten percent, we leave the principal fund balance because we had to rebuild. We are trying to put a cushion in there every year because in case major things happen like in Rick's department. Those are the thing I see. If we had things in the pipeline that was going to generate revenues then I am fine with that. I just feel comfortable; Councilman Tehan – we increase revenue \$40 grand because of the pipeline for fire inspections, that was to cover this position; Supervisor Miscione – right, that is just the one position. I am talking in general as a whole but the three (3) officers we are married to three (3) officers. The next year they are up 5% or 3%, the following year again, uniforms, they need equipment. We added those on and then we are going to have a shortfall next year because the Arpa funds that we use towards the police department are going to be dropping \$400,000 so not only we did not put a full year in for this year for those officers, we are going to have a \$400,000 shortfall and not only that \$400,000 shortfall, but now we have to put in for the full year of those officers next year. I feel more comfortable if we put the full year in this year because then next year, we don't have to try to go look for that now. What is going to happen is we are going to use up some of the money that is in there and then next year we are going to be saying, hey guys now we have to come up with \$625,000 instead of saying we have to come up with \$395,000/\$400,000. That is all I am saying. It is up to you guys, whatever you want to do but I just don't want to wind up – because it gets tighter every year – every year you use that up, it just gets tighter and tighter the following year and at some point its going to get so tight that you are going to be subtracting services and subtracting things out of the budget to make that tax cap number but again, that is all I am saying.

9. **Councilman Tehan** – In the end, we took the budget you created, we didn't add a penny to it which I am happy for. We moved stuff around; Supervisor Miscione – you took variable costs, variable, that at any minute you can say I don't want to do this and have the money in the pocket and you made them fixed costs just like having a child. You have

a child, you are paying the bills until (just for say) until he is 18 years old. It wasn't like we just had that extra money in our account and now something comes up and we can use it- we are locked in now for all those years forward, we are locked in unless you lay people off, one or the other, we are locked in, that is my concern. It is not that you didn't take a dollar out of it, that doesn't matter; Councilman Tehan – I understand but the cushion that was put into the 2024 budget, is going to lead to excess fund balances this year and just by way of example, police personal services Chief has done a great job with that with \$2.2 million budgeted, he is 82% used there is almost \$400,000 remain, there is going to be a little left over. If we talk about Highway Part Town, personal services which had a \$1 million budget which had \$900 and change the year before that is \$500/\$600,000 so that cushion allowed the Town to come up with a tax base of what they needed to collect in property taxes. So, the Town collected all those taxes because we said in the budget for 2024 – Town, we are going to spend this much money and we need this much in taxes to cover this much money. We didn't spend that much money. Which lead to an excess in revenue in the form of property tax sitting in our whole fund accounts. That cushion coming into 2024 gave us that breathing room as we speak. Even if we eat up a little bit of it next year, which I am not saying is ideal, but I feel comfortable based on the changes we made that we are not going to impact anything drastically, that's my opinion; Supervisor Miscione – that is your opinion, that is great; Councilman Tehan – I still think we have a good cushion in here, especially on a couple of these accounts, that could potentially care us if we get into a situation that is unforeseen.

10. **Councilman Latini** – I am not against a Dept. Head for Codes, I am just thinking.
11. **Councilman Tehan** – asked Town Attorney Herbert Cully what is the next move; Town Attorney Herbert Cully – well you don't agree on a budget, you haven't adopted a budget, you need to make changes sufficient to get a majority of the votes to adopt the budget. So I would think you need to know from the three negative voters if there is a change that would make it acceptable to them that would be acceptable to you.
12. **Supervisor Miscione** – start with Jim; Councilman Messa – the big thing is what we put out there is not what we all talked about, that is my angle. I mean we didn't do it right. So what we put out there is not what we voted on and I think that is a big issue; Councilman Tehan – I don't disagree, I just don't know a way around this at this point to rectify it. I agree it wasn't right. We tried to get to that point and didn't happen; Councilman Messa – I can't vote on it, on something that knowing it was wrong to go forward. That is where I stand; Councilman Reynolds – but we made adjustments (Councilman Messa – after the fact, which we can do at the preliminary hearing after it closes); Councilman Tehan – if we don't agree on it, do we revert back a specific version Herb?; Town Attorney Herbert Cully – if you don't have a budget, it goes back to last year budget (2024); Councilman Tehan – times have changed guys, 2025 is not going to be 2024. This budget reflects changes. Councilman Reynolds - If go back, no raises, no nothing; Councilman Messa – we

can go through the roll call again; Supervisor Miscione – I don't know, again, I understand at the end of the day I was short on the expenses so I took it out of the health care fund that was on there but the numbers are still all the same but I wasn't given the right information to make it work anyway so we would have had to have a special board meeting; Councilman Tehan – it was a long meeting, we threw out a lot of numbers; Supervisor Miscione – I understand but that is why we are here today. Regardless the tax number is still the same they are not getting taxed anymore with that budget or my budget. Actually, this one will be less because it is \$25,000 off the taxes so the numbers are all the same except the expense we took out. What we did today was, we just took it out of interest, we had to take it out of something so I took it out of healthcare, sorry and again the numbers are still the same. I didn't know where to take it out of because if you look at the minutes, we went through them I tried to find where it was suppose to come from but it was never documented exactly where it was suppose to come from so; Councilman Reynolds – so we have resolved that, have we not?; Supervisor Miscione – well we have, that is what I am saying - what would you do Herb, have a special Board Meeting?; Town Attorney Herbert Cully – you can't; Supervisor Miscione – No, I am saying at my time, I just don't know what to do if that was the case, I was handed what I was handed; Councilman Messa – that is what you put out there and it shows what we talked about and then public hearing, everyone sees where it was then we make the adjustments and say hey we talked about it for many hours and its X number and again get input from the residents then you make those changes. That's it; Supervisor Miscione – I just have a question Dave, so when we left the table that day, were you under the impression that we were under the tax cap or over the tax cap?; Councilman Tehan – I was under the impression it was under – it was a net neutral effect of are changes that were agreed upon; Supervisor Miscione asked Councilman Reynolds the same question and he responded, yes and everything was net neutral; Supervisor Miscione – so, again, we weren't net neutral because again, we were talking a lot of numbers at 10:30 at night, and I didn't have all, and if you go in the minutes, and I know you looked at them too because I did and I really tried to make it work. We really tried to make it work. We called each other on the phone and we couldn't get it to be net neutral; Councilman Tehan – it was late, we winded up talking about specific ledgers (Supervisor Miscione – these things happen) – the preference you had was to just go by total dollars and we tried to make it work and it didn't work.

- 13. Councilman Reynolds** – we are below the cap, currently; Supervisor Miscione – correct, and even more now than we were before; Councilman Reynolds – and it remains net neutral; Supervisor Miscione – and the interest you took it out of healthcare, you just added revenue so it offset; Councilman Tehan – so, Jim if we recognize in the minutes that the version in front of us today was not in direct alignment with the resolution therefore changes that we proposed here through the resolution had to be made, is that satisfactory do you think?; Councilman Messa – No, sorry, I say we make a motion and run it through the mill

again and see what happens; Councilman Tehan – ok, do we have to restate the motion Herb?; Town Attorney Herbert Cully – sure, restate it

14. **Councilman Tehan** – I will make a motion that we make changes to the preliminary, tentative or is it preliminary?; Town Attorney Herbert Cully – it is the preliminary budget as initially proposed to conform with the resolution that was previously passed at our last meeting. As apparently there may have been some typographical errors; Councilman Tehan – ok, are those specific changes, are to:

- **increase A9060.80 which is medical insurance in whole town by \$90,200**
- **increase A24010 – interest earned for \$90,200 as well**
- **Highway Part Town personal services – a reduction of \$25,000 to account DB5110.10**
- **A corresponding decrease in Highway Part Town property taxes, \$25,000 as well**
- **THAT IS THE MOTION**

The following Resolution was then introduced for adoption by Councilman Tehan and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 402 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to pass the preliminary budget as initially proposed to conform with the resolution that was previously passed at our last meeting. As apparently there may have been some typographical errors (with the following changes:

- **increase A9060.80 which is medical insurance in whole town by \$90,200**
- **increase A24010 – interest earned for \$90,200 as well**
- **Highway Part Town personal services – a reduction of \$25,000 to account DB5110.10**
- **A corresponding decrease in Highway Part Town property taxes, \$25,000 as well**

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

Councilman Messa	-	Nay
Councilman Latini	-	Nay
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Nay

Discussion: Supervisor Miscione – just for the record, the numbers that I was given at the last Board Meeting did not make it net neutral and the minutes reflected that the Board Members wanted to see the tax cap stay where it was so I made it work with what I had to by adjusting the medical; Councilman Reynolds – Understood; Councilman Messa – I am voting no and stating that budget that was out there, presented on what we voted on, was not the right version. I understand that everyone was trying to get under the cap but it should have showed that there was an overage and therefore let it run the process and come to this point where we do make reduction, not after we voted on the budget and all the numbers.

Resolutions was NOT PASSED: vote was 2 to 3; **BUDGET DID NOT PASS**

15. **Town Attorney Herbert Cully** – If there is an error in the preliminary budget, it appears that it can be republished, the notice can be republished, and a further public hearing can occur. Can the Town hold a late public hearing? Yes, so long as the public is not prejudice and is still able to participate and the delay does not disturb the orderly preparation of the budget or prevents submission of the budget on time for the levy of taxes. November 20, 2024 is the drop-dead date to submit a budget. You would have to amend the preliminary budget as set forth tonight, not adopting it as the final budget. You would have to schedule a public hearing at least five (5) days after the notice goes in (asked Town Clerk if could get a notice in tomorrow – responded, no will take two – three days to publish).
16. **Supervisor Miscione** – so tonight we are going to go back to the preliminary; Town Attorney Herbert Cully – you are going to revise the preliminary and ask for a motion to approve the preliminary budget as amended this evening; Supervisor Miscione – ok, so we are going to amend it tonight and come up with the numbers tonight for the preliminary; Town Attorney Herbert Cully – Correct and you are going to schedule a public hearing for November 18, 2024; Supervisor Miscione – as long as you guys give me the numbers, exactly what you want. If you want to be over the tax cap like the last one, I can change it, it will be over the tax cap and then we can come back and discuss it from there; Town Attorney Herbert Cully – it has to be adopted by Nov. 20th; Councilman Tehan – why don't we move the 20th meeting to the 18th; Everyone agreed. Need another motion to approve the preliminary budget as amended; Supervisor Miscione – here is the thing, what are we amended it to though; Councilman Tehan – the numbers we just talked about; Supervisor Miscione – so what you changed TONIGHT will be the PRELIMINARY and I am only changing in this budget and I am asking so we don't go through this again;
17. **Councilman Tehan** – let's be clear so you are going to change the:
- PRELIMINARY ANNUAL BUDGET THAT IS STAMPED OCTOBER 29, 2024.
- Supervisor Miscione – ok Dave you can make the motion and tell me what I am changing; Councilman Tehan – so the motion is that we are going to modify and approve the preliminary annual budget with the following changes:
- **increase A9060.80 - medical insurance in whole town by \$90,200**
 - **increase interest account A24010 –for \$90,200 also in whole town**
 - **Highway Part Town personal services – a reduction of \$25,000 to account DB5110.10**
 - **Highway Part Town property taxes, a reduction of \$25,000 (DB11200)**
18. **Town Attorney Herbet Cully** – just so everyone knows if you adopt this as the preliminary, we then have the public hearing on the 18th and if

you are unable to formulate or accept a final budget, this becomes the budget for next year (preliminary just set forth). I just want everyone to know that.

19. **Councilman Messa** – can we get the percentage too of what the increase is when it is all calculated, the tax rate?; Supervisor Miscione - yes

The following Resolution was then introduced for adoption by Councilman Tehan and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 403 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to modify and approve the preliminary annual budget with the following changes:

- **increase A9060.80 - medical insurance in whole town by \$90,200**
- **increase interest account A24010 –for \$90,200 also in whole town**
- **Highway Part Town personal services – a reduction of \$25,000 to account DB5110.10**
- **Highway Part Town property taxes, a reduction of \$25,000 (DB11200)**

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

Councilman Messa	-	Aye
Councilman Latini	-	Nay
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Nay

Resolutions PASSED with three (3) affirmative votes and duly **ADOPTED**.

Discussion: Councilman Reynolds – this needs to be updated on the website and we need a fresh copy if you will; Councilman Messa – to make this for the public hearing, that is what we are voting on?; Town Attorney Herbert Cully – we are adopting this as the preliminary budget and we are scheduling the public hearing for the 18th of November with the changes discussed tonight; Councilman Messa – otherwise if I say No it is not going to go forward; Councilman Reynolds – this is a second public hearing (Herb – you can perfectly do).

The following Resolution was then introduced for adoption by Councilman Latini and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 404 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to change the November 20, 2024 Regular scheduled Board Meeting to November 18, 2024.

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye

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Councilman Reynolds	-	Aye
Councilman Tehan	-	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 Tehan and seconded Councilman Reynolds, the meeting was adjourned at 9:31 P.M.

(RESOLUTION NO. 405 OF 2024)

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

Councilman Messa	-	Aye
Councilman Latini	-	Aye
Councilman Reynolds	-	Aye
Councilman Tehan	-	Aye
Supervisor Miscione	-	Aye

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

Respectfully submitted,

Cheryl Jassak-Huther
Town Clerk
11/21/2024