

**REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF NEW HARTFORD, NEW YORK  
HELD AT 8635 CLINTON STREET, NEW HARTFORD, NY ON  
WEDNESDAY, APRIL 24 2019, AT 6:00 P.M.**

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

**TOWN BOARD MEMBERS PRESENT:**

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

**OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:**

Deputy Town Supervisor Anthony J. Trevisani  
Codes Enforcement Officer Joseph Booth  
Director of Finance Daniel T. Dreimiller  
Highway/Sewer Superintendent Richard C. Sherman  
Human Resource Department Barbara Schwenzfeier  
Police Chief Michael S. Inserra  
Town Attorney Herbert J. Cully  
Town Clerk Gail Wolanin Young  
Deputy Town Clerk II Allison K. Adams

**PRESENTATIONS/COMMENTS**

Jim Lawrence – 67 Imperial Drive: Regarding the demolition of the trailer on Irvin Ave, Mr. Lawrence believes that the Town Board awarding a bid based on “best practice” is not acceptable for public works projects. The other problem he has is the referral of the matter to the Ethics Committee, the 47 year old ethics law is “clearly out of sync with New York State law.” He recommends a task force be assembled to review the law; he recommends the New York State Comptroller’s sample proposal ethics law.

Mike Dunn – 9229 Willowvale Ave: Speaking on behalf of the neighborhood about how deplorable the conditions of the unsafe structure on Irvin Ave are. He thanks Councilman Messa for his help on this problem. Town Supervisor Miscione stated that they would address the situation on Irvin Ave later on in the Board Meeting.

Bridget Garrison – 10 Thornwood Road: Addresses the Board regarding property owners that refuse to maintain their properties. Personally, she has an issue with her neighbor, in which the property owner refuses to upkeep his property; specifically, a tree which branches drop leaves onto her property, which she is then forced to tidy up. She feels that it is not her responsibility to

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maintain his property for him. She has had to pay extra costs to her property and is concerned with potential damage to her property. Ms. Garrison believes that the Town Board should implement fines for property owners that neglect their properties. The consensus of the Town Board was that legislation would be looked into to see if anything could be done on a Town level.

**REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE:**

Town Clerk Committee-

**Hourly Wage for Deputy Registrar**

Upon recommendation of the Town Clerk, Councilman Woodland introduced the following Resolution for adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. 138 OF 2019)**

**WHEREAS**, the Town Clerk-Registrar has appointed Kayla J. Empey as full-time, provisional Deputy Registrar effective Saturday, April 27, 2019, thereby ending her appointment as Part-Time Clerk/Sub-Registrar as of that date;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby establish the hourly rate of pay for Kayla J. Empey as full-time, provisional Deputy Registrar at \$15.27, effective April 27, 2019, at which time she will assume the duties related to that position; payable bi-weekly.

The Town Board then voted upon roll call:

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

This Resolution was declared unanimously carried and duly **ADOPTED**.

**Bid Results – July 5, 2019 Fireworks Rebid**

After discussion on the fireworks it was decided by the Town Board that they would like to further review the Bids before making a decision. This matter was tabled until the May 8, 2019 Town Board Meeting.

**Training - Oneida County Association of Towns Meeting**

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

**(RESOLUTION NO. 139 OF 2019)**

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**WHEREAS**, Section 77-b of the General Municipal Law allows the governing board of municipalities to authorize any officer or employee to attend a convention, conference or school conducted for the betterment of such municipality;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby grant permission to the Highway Superintendent to attend the Oneida County Association of Towns Meeting on May 16, 2019 at the Franklin Hotel in Rome, NY, with expenses to be borne by said Town as budgeted.

The Resolution was voted upon by roll call as follows:

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

This Resolution was declared unanimously carried and duly **ADOPTED**.

Zoning (Codes) and Planning Committee:

**Certificate of Occupancy - Heartford Luxury Apartments**

Steven Buck, the contractor for Heartford Luxury Apartments, came before the Town Board to request a Certificate of Occupancy for their 36 unit building. A question arose about the intentions from the development about which roadways would be paved, and what would not be. There is currently a paved main access road, and a gated emergency access road. Councilman Reynolds believes that there should be two entrances to the development regardless of what is or is not built out. Then ensued a lengthy discussion about the time frame the development would be taking and if the development would finish its original plans if public response wasn't met. Councilman Reynolds presented the following Resolution for adoption; seconded by Councilman Lenart:

**(RESOLUTION NO. 140 OF 2019)\*Rescinded 6-12-19 Res. 208**

**RESOLVED**, the Town Board of the Town of New Hartford does hereby grant Heartford Luxury Apartments a Temporary Certificate of Occupancy upon the condition that the developer return to the Planning Board for approval of the amended site plan. The retainer on file shall remain held by the Town, and any such other conditions that may be imposed by the Planning Board, are to be followed. The Temporary Certificate of Occupancy shall be in effect for a period of 12 months unless extended by the Town Board.

The Town Board then voted upon roll call:

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

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Councilman Woodland - Aye  
Supervisor Miscione - Aye.

This Resolution was declared unanimously carried and duly **ADOPTED**.

Finance Director:

**Audit of Vouchers**

Councilman Woodland presented the following Resolution for adoption; seconded by Councilman Lenart:

**(RESOLUTION NO. 141 OF 2019)**

**RESOLVED**, that the Town Board of the Town of New Hartford does hereby authorize and direct the payment of the bills itemized on the following Abstracts, which had been duly audited by the Town Board:

RECORD OF CLAIMS #'s

465-480; 482-483; 486-487; 490; 493; 494-495; 496-501; 505-509; 511-515; 518; 524; 527-541; 543; 545-551; 553-559; 561-566; 571-572; 574-578; 581-582; 584-587; 590-591; 593; 595-597; 599; 603-606; 608; 610-612; 615-616; 618-619; 622; 627-628; 630-631; 634; 637; 639-640; 643; 645-657; 659; 661-680; 682

A600	\$116,026.58
B600	\$ 9,098.38
BP600	\$ 57,840.80
CF600	\$ 8,965.00
CS600	\$ 21,000.00
DB600	\$ 51,533.78
HPE600	\$ 64,389.27
HQ600	\$ 1,224.13
HV600	\$221,400.14
SS600	\$ 5,208.02
TA600	\$ 19,056.49

**RECORD OF CLAIMS TOTAL #1** **\$575,742.59**

**GRAND TOTAL #1** **\$ 575,742.59**

The Town Board then voted upon roll call:

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



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HIGHWAY

<b>Expense</b>	<b>Current Budget Amount</b>	<b>Proposed Budget Amount</b>	<b>Increase (Decrease)</b>	<b>Explanation</b>
New Machinery Purchase DB5130.2	\$0	\$99,970	\$99,970	To account for purchase of new JD Excavator and sale of old.
<b>Total Expense Adjustment</b>			<b>\$99,970</b>	

<b>Revenue</b>				
<b>Account Description</b>	<b>Current Budget Amount</b>	<b>Proposed Budget Amount</b>	<b>Increase (Decrease)</b>	<b>Explanation</b>
Sale of Equipment DB2665.0	\$4,000	\$103,970	\$99,970	To account for purchase of new JD Excavator And sale of old.
<b>Total Revenue Adjustment</b>			<b>\$99,970</b>	

The Town Board then voted upon roll call:

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

This Resolution was declared unanimously carried and duly **ADOPTED**.

Public Works and Sewer Committee:

**Appointments – Part-time Seasonal**

Upon recommendation of the Highway Superintendent, the following Resolution was introduced for adoption by Councilman Messa and duly seconded by Councilman Reynolds:

**(RESOLUTION NO. 144 OF 2019)**

**RESOLVED**, that the Town Board of the Town of New Hartford does hereby appoint Ryan Monaghan as a temporary seasonal Laborer, for the Highway Department at the hourly wage of Ten Dollars (\$10.00), payable bi-weekly, said appointments effective Thursday, April 25, 2019.

The foregoing Resolution was voted upon by roll call, resulting as follows:

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

This Resolution was declared unanimously carried and duly **ADOPTED**.

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Councilman Messa complimented the Highway Department on the great job that was completed on the John D. Showalter property at 4043 Oneida Street, that the Town Board requested be cleaned up.

Councilman Messa also inquired when the FEMA houses that were demolished would be completed with topsoil and seeded; the Highway Superintendent stated that once the weather improved the properties would be completed by the deadline.

**Notification to Adjacent property owners for the potential of leasing FEMA properties**

Upon recommendation of the Town Supervisor, the following Resolution was introduced for adoption by Councilman Woodland and duly seconded by Councilman Lenart:

**(RESOLUTION NO. 145 OF 2019)**

**RESOLVED**, that the Town Board of the Town of New Hartford does hereby authorize the Town Supervisor's office to address letters to the homeowners adjacent to FEMA properties that were demolished in 2018. The homeowners would have the option to lease the property that would limit the yards to only be used for lawn space.

The foregoing Resolution was voted upon by roll call, resulting as follows:

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

This Resolution was declared unanimously carried and duly **ADOPTED**.

Councilman Messa questioned if there was any grant monies that could be used to improve the baseball fields in the Parks. Councilman Messa continued that in his opinion Donovan Park in Chadwicks was the worst of the fields, and that these fields are used by the New Hartford Little Leagues all summer and the possibility of injury is greater due to the condition of the fields. The Town Supervisor said that there is no grant money left over from the Sherrillbrook Project that will be completed in June, however there are grants that the Town can apply for in the summer. The Town Supervisor also stated that if Donovan Park is the worst of the baseball fields that money could be found in the budget to repair the field.

**Rescind Resolution from March 20, 2019 Town Board meeting**

After discussions between the Town Board, the Town Attorney and the Codes Enforcement Officers; Councilman Messa introduced the following Resolution for adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. 146 OF 2019)**

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**RESOLVED** that the Town Board of the Town of New Hartford does hereby rescind Resolution No. 110, adopted at the March 20, 2019, Town Board meeting relative to hiring United Contractors of Utica, in the matter of demolishing the unsafe building on Irvin Ave.

The resolution was put to a roll call vote, resulting as follows:

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

The Resolution was declared unanimously carried and duly **ADOPTED**.

**Demolition Proposal – 3623-3625 Irvin Ave**

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

**(RESOLUTION NO. 147 OF 2019)**

**RESOLVED**, that the New Hartford Town Board does hereby accept the proposal submitted by Main Street Metals, 15 Taber Road, Utica NY 13501, for the demolition of a residence at 3623-3625 Irvin Avenue, owned by Steve Pacheco (Tax Map No. 349.008-2-24.3), at a cost of Seven Thousand Dollars (\$7,000), and does hereby authorize the demolition process to commence.

The Resolution was voted upon by roll call as follows:

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

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

Attorney Cully notified the Town Board of the passing of former Town Attorney John A. Longieretta.

**MATTERS SUBMITTED BY TOWN SUPERVISOR**

**Town Credit Card – Highway Superintendent**

Upon recommendation of the Town Supervisor, the following Resolution was offered for adoption by Councilman Woodland and duly seconded by Councilman Lenart:

**(RESOLUTION NO. 148 OF 2019)**



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**RESOLVED** that the Town Board of the Town of New Hartford does authorize and direct the Town Supervisor to add the Town Highway Superintendent, Richard C. Sherman as an additional "User" to the credit card currently established with the Utica Gas and Electric Credit Union, for the purpose of purchasing Town-related items/services with a total limit of \$20,000.00. This authorization is effective April 24, 2019.

The Resolution was voted upon by roll call as follows:

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

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

**Recreation Center upgrades**

The Town Supervisor apprised the Board that the LED lighting project in the Recreation Center is almost complete. Upon recommendation of the Town Supervisor the following Resolution was offered for adoption by Councilman Reynolds and duly seconded by Councilman Lenart:

**(RESOLUTION NO. 149 OF 2019)**

**RESOLVED**, that the Town Board does hereby authorize and direct the Town Supervisor to add a public account to the existing Wi-Fi at the Recreation Center.

The Resolution was voted upon by roll call as follows:

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

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

The Town Supervisor provided the Town Board with a checklist that could be useful for the Planning Board. It was the consensus of the Board that the list be given to the Planning Board for further action.

**Director of Recreation Programs - Part-Time Vacancy**

Upon recommendation of the Town Supervisor, the following Resolution was offered for adoption by Councilman Messa and duly seconded by Councilman Lenart:

**(RESOLUTION NO. 150 OF 2019)**

**BE IT RESOLVED**, that the Town Board of the Town of New Hartford does hereby direct Human Resource Officer Barbara Schwenzfeier to advertise the open part-time position of Director of Recreation Programs.

The Resolution was voted upon by roll call as follows:

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

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

**Resignation of Climate Smart Committee Member**

Upon recommendation of the Town Supervisor, the following Resolution was offered for adoption by Councilman Woodland and duly seconded by Councilman Lenart:

**(RESOLUTION NO. 151 OF 2019)**

**BE IT RESOLVED**, that the Town Board does hereby accept the resignation of Roy H. Senn from the Climate Smart Committee. Mr. Senn's term would have expired on September 1, 2020.

The Resolution was voted upon by roll call as follows:

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

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

**Climate Smart Committee Vacancy**

Upon recommendation of the Town Supervisor, the following Resolution was offered for adoption by Councilman Messa and duly seconded by Councilman Lenart:

**(RESOLUTION NO. 152 OF 2019)**

**BE IT RESOLVED**, that the Town Board does hereby authorize Director of Personnel Barbara Schwenzfeier to advertise the vacancy in the Climate Smart Committee on the Town's website.

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The Resolution was voted upon by roll call as follows:

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

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

**Equipment Purchase for Supervisor's Office**

Upon request of the Town Supervisor, the following Resolution was offered for adoption by Councilman Messa and duly seconded by Councilman Lenart:

**(RESOLUTION NO. 153 OF 2019)**

**BE IT RESOLVED**, that the Town Board hereby authorizes the Town Supervisor to purchase a new copier for the Town Supervisor's Office.

The Resolution was voted upon by roll call as follows:

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

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

**EXECUTIVE SESSION**

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

**(RESOLUTION NO. 154 OF 2019)**

**RESOLVED** that the New Hartford Town Board does hereby move to enter into Executive Session to discuss a particular employee.

The Resolution was voted upon by roll call as follows:

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

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Supervisor Miscione - Aye.

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**. The Town Board, along with the Town Attorney, Chief of Police, and the Human Resource Officer excused themselves from the Board room at 7:55 P.M. for the Executive Session.

**END OF EXECUTIVE SESSION**

Councilman Woodland then offered the following Resolution for adoption and Councilman Lenart seconded same:

**(RESOLUTION NO.155 OF 2018)**

**RESOLVED** that the New Hartford Town Board does hereby move to end its Executive Session at 8:25 P.M. and to reconvene the regular portion of the Town Board meeting.

The Resolution was voted upon by roll call as follows:

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

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**.

**Reimbursement of Time to Former Town Employee**

Councilman Lenart then offered the following Resolution for adoption and Councilman Reynolds seconded same:

**(RESOLUTION NO. 156 OF 2019)**

**RESOLVED**, that the Town Board of the Town of New Hartford does hereby agree to pay former Town Employee Amy Topor for 684.25 hours of unused sick time and 5 hours of “comp” time that was incurred during her employment.

The Resolution was voted upon by roll call as follows:

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

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**.

**ADJOURNMENT**

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There being no further business to come before the Board, upon motion duly made of Councilman Messa and duly seconded by Councilman Lenart, the meeting was adjourned at 8:27 P.M.

Respectfully submitted,

Allison Adams  
Deputy Town Clerk II