

**BOARD MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT TOWN HALL, 8635 CLINTON STREET, NEW HARTFORD, NY ON
WEDNESDAY, MAY 15, 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 James J. Messa
Councilman John Latini
Councilman David M. Reynolds
Councilman David Tehan
Supervisor Paul A. Miscione

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

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

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

Supervisor Miscione asked for a Moment of Silence for Onondaga Sheriff Lt. Michael Hoosock and Syracuse Police Officer Michael Jensen who recently died in the line of duty on 4/14/2024. We at the Town of New Hartford send our condolences to the departments and their families.

I. BOARD MEETING MINUTES

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

(RESOLUTION NO. 173 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve the Town Board Meeting Minutes from the April 17, 2024 meeting.

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

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

Resolutions PASSED with four affirmative votes and duly **ADOPTED**.

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

(RESOLUTION NO. 174 OF 2024)

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

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

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

Resolutions PASSED with three affirmative votes and duly *ADOPTED*.

II. **PUBIC HEARINGS**

- a. **AR Building Company** – Shauncy Maby (Passeso Rep.) was in attendance with another presentation; driveways 220 ft. separation for driveways; traffic impact study was done internally; one drive vs two – connection out the back, emergency vehicles entrance; detention – underground system; traffic study has been provided to the Town but has not been provided to the Town Board (has been provided to the engineer)

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

(RESOLUTION NO. 175 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to Open the Public Hearing.

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 Tehan:

(RESOLUTION NO. 176 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to Close the Public Hearing.

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*.

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Discussion/Act – Town Attorney Herbert Cully suggested this be tabled until the Town Board has seen the traffic report study. Suggested the Town Board enact a Resolution to declare themselves as Lead Agency and send it out for a coordinated review and that will start the clock running.

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

(RESOLUTION NO. 177 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to declare themselves as Lead Agency (AR Building Project) and send it out for a coordinated review.

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**.

Councilman Messa asked if we can start using the monitors for presentations. Ask people to put presentation on Zip Drives and we can put on the TVs in the Board Room. We will also put on the applications to do so.

III. PUBLIC COMMENTS

- a. James Davall and David Taylor** – from the Ride for Missing Children (ride is June 7th), Sign has been ordered and Supervisor Paul Miscione is personally donating the funds to purchase the sign in Memory of Dick Jordan; Sign dedication will take place in June and James will work with Town Clerk to coordinate and get the information (date/time) out to the Board Members to attend the ceremony. The signs will go: the smaller one goes on the Rt5 corner, and the larger one down at the intersection of Woods HWY and Hartford Park Dr.
- b. Gregory Rys** - 144 Clinton Road – Baptist Church hosts sporting events there and the balls, etc. go on their property, people walk on the property, fowl language, inappropriate behaviors – Chief of Police will look into it and put them on notice with a formal letter.

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

IV. MATTERS SUBMITTED BY TOWN SUPERVISOR MISCIONE

- a. St. Lukes Campus** – the County is trying to get money to help with the project; Town Supervisor wrote a letter in favor of it to help get money from the State; Supervisor showed the letter to the Board Members – request for grant money; annual report, benefit statement
- b. Willowvale Fire Department Service Award** -annual report and benefit statement

V. REPORTS OF TOWN DEPARTMENTS

a. TOWN CLERK

1. Fireworks – Alan Leist (Mohawk Street) – 7/4/2024

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

(RESOLUTION NO. 178 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve Alan Leist to have fireworks display on 7/4/2024 by Majestic Fireworks.

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**.

2. RAFFLE CONSENT

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

(RESOLUTION NO. 179 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve for the New Hartford Fire Department to host a raffle at the 20th Annual Fire Truck Show on July 18, 2024 at Sangertown Mall.

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**.

3. ONEIDA COUNTY TOWN CLERKS ASSOCIATON

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

(RESOLUTION NO. 180 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve for the 2024 Oneida County Town Clerks Association Fee of \$25 for Deputy Clerk Donna Owens.

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

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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 Reynolds:

(RESOLUTION NO. 181 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve for the 2024 Oneida County Town Clerks Association Fee of \$25 for Town Clerk Cheryl Jassak-Huther.

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 MISCIONE

a. VOUCHERS

1. Cleaners – Voucher was separate and not included this time
2. Cathedral Corporation – postage was paid and the Newsletter voucher was broken down by departments; bill was given to Deanna directly - \$13,000; bill was already paid and check was sent to Cathedral for \$11,

VII. REPORTS OF TOWN DEPARTMENTS

a. HIGHWAY SUPERINTENDENT

1. Request/Approval of extra FEMA money for Washington Mills Athletic Park – additional \$218,822.27

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

(RESOLUTION NO. 182 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve the Town of New Hartford to accept an additional \$218,822.27 from FEMA for the Washington Mills Athletic Park project.

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*.

2. **2024 – 2025 Mowing Agreement from Oneida County** – changed: one year to two-year contract; 2024 season is \$435.00/mile and the 2025 season is \$445.00/mile not to exceed the maximum amount included the contract

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

(RESOLUTION NO. 183 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve the for the Town Supervisor Miscione and Highway Superintendent to sign the Oneida County 2024/2025 Mowing Contract.

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*.

3. **SUMMER HELP**

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

(RESOLUTION NO. 184 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve Aiden Martin for Summer Help with the Highway Department.

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*.

VIII. MATTERS SUBMITTED BY TOWN SUPERVISOR MISICONE

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- a. Village of Herkimer received \$10 million for Downtown Project (Renovations) – Supervisor Miscione received an email from the State to submit a letter of intent for the Town of New Hartford for the Chadwicks Project - Main Street Program Grant Opportunities – Town Supervisor and Town Clerk will work together to write a letter of intent to apply for the CFA funding opportunities

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

(RESOLUTION NO. 185 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve for Town Clerk Cheryl Jassak-Huther to work with Supervisor Miscione to submit a letter of intent for grant opportunities to NYS for the Downtown Chadwicks project

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*.

a. **POLICE DEPARTMENT – CHIEF FONTAINE**

1. **2024 Anita Steven Swans Humane Society Contract** – tabled until the next meeting and will work with Town Attorney Herbert Cully with changes and resubmit to them; several changes with concern – first and foremost – significant price increase
2. **K9** – finishing 2nd week of training; he is doing well; handler is Sgt. Peter Allen; they have agreed on a name - **JC** – if memory of fallen Officer Joseph Corr
3. **Part-time SSO Officer**

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

(RESOLUTION NO. 186 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve for to hire Raymond Maldonado, retired officer from UPD – as a part-time SSO Police Officer as of 6/1/2024.

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*.

4. **Grant** – received a \$110,000 grant from DCJS

IX. MATTERS SUBMITTED BY COUNCILMEN

a. Councilman Reynolds

1. April Fire Inspections - 11 inspections completed; total amount collected \$3,048.00; YTD total – 36 completed, total collected to date \$8,447.75; entering data is still being brought in the Clerk’s Office via paper and we only entering what is brought in VIA paper into BAS – our system is not linked to the CODES software (I-works) that they are entering using I-pads; Clerks Office still needs paper fire inspections to file in our files in the office.; Mike is using paper still and I-pad (Councilman Tehan saw Mike over the weekend and Mike is having issues with accessing prior inspections on the I-pad) and Steven is using the I-pad; Councilman requested more information from the CODES Dept./Fire Inspectors – wants inspections for specific months, not just when paid; how many were done PER month; not just receivables; work performed; what is outstanding, date received, wants to know if apartment building, commercial, etc. and specific amount in a column, etc.

b. Councilman Messa

1. **Roman and Hughes – Stormwater Project Update** – started at the bottom of Roman and Oxford, cleaning ditches, almost to the top of the Road.
2. **Discuss Approving Town Engineer to proceed with engineering for Mallory Road detention Pond project** – met today with John Dunkle, Highway Superintendent and the two owners, received email to move forward; there is funding out there and trying to get more – Highway Superintendent has put an application in for a grant to receive more money
3. **Water Districts for areas of the Town that don’t have water** – work on certain areas with Supervisor Miscione and Councilman Reynolds has asked to work on it as well
4. **Veterans Park Committee**

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

(RESOLUTION NO. 187 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve for Councilman Messa to join the Veterans Park Memorial Committee.

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

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

Resolutions PASSED with four affirmative votes and duly **ADOPTED**.

5. **SOLAR** – would like to institute a moratorium - would like to see more statics from companies, property owners; will look into this more with Town Attorney Herbert Cully

c. **Councilman Tehan**

1. **Accounting/Finance** – spoke to D’Arcangelo and CO., LLP – not in a position right now to help the Town – looking into different avenues – bring on additional man power or a 3rd party accounting firm; Supervisor Miscione is in favor of a 3rd party firm instead of another employee to manage (who will manage time off, etc., day to day activities); Councilman Tehan will look into another accounting firm for the next meeting
2. **Resolution No. 210 of 2023 (adopted) – Hire a Comptroller** – tabled until next meeting and then can make a collective motion
3. **State on Box Culvert** – Highway Superintendent advised them of it and will make another call
4. **Pond – Buck Apartments** – wood panel over culvert still there – asked if tie to be removed and will talk to Steve Buck about it
5. **Paving schedule**
6. **Issue with 19 Larchmont** – Town Attorney Herbert Cully advised Highway Superintendent that the time has passed and the Town now has permission to go in and clean it out and access it to the taxes like was done last time; the owner has criminal charges pending; there will be a fined imposed as well for contempt; stuff needs to be held for 30 days – at the Highway garage

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

(RESOLUTION NO. 188 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve for the Highway Department to go to 19 Larchmont Drive and start clean up and provide specific dates to Town Attorney Herbert Cully.

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**.

X. MATTERS SUBMITTED BY TOWN ATTORNEY HERBERT CULLY

- a. Narla Lane** - was scheduled for trial – the property owner fired his lawyer the day before and the judge has given him 30 days to obtain a new lawyer

XI. MATTERS SUBMITTED BY TOWN SUPERVISOR MISCIONE

- a. Home Town HEROES Banners** – 23 additional banners for 2024; over 150 total; besides Oneida Street, they will also be placed on Oxford Road (near Library) and over by the Veterans Memorial Park – Town Clerk will notify the DAR
- b. Flag Day – Owen Jassak – 3,000 flags placed at the Veterans Memorial Park**

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

(RESOLUTION NO. 189 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve for Owen Jassak to display his 3,000 plus American Flags at the New Hartford Veterans Park starting June 9 – June 17, 2024 for the Flag Day Holiday.

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 Reynolds:

(RESOLUTION NO. 190 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve for the Home Town HEROES Banners to be placed on Oxford Road.

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 Tehan and duly seconded by Councilman Latini:

(RESOLUTION NO. 191 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve for the Home Town HEROES Banners to be placed on Rt. 12.

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. **Gold Star Monument** – Gold Star Families – lost a son or daughter in service; Owen Jassak would like to raise money to place a monument at the park in memory of our fallen in Oneida County; Supervisor Miscione asked about a charitable organization to donate so we can purchase the monument; Town Clerk will speak to charitable organizations; the black monument; some of the Gold Star Families are attending the July Board Meeting

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

(RESOLUTION NO. 192 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve for the Town of New Hartford to place a Gold Star Families Monument in the Veterans Memorial Park.

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 – Supervisor Miscione asked Town Clerk to speak with the charitable organizations; Town Attorney Herbert Cully said that Owen Jassak can gift the money to the Town for a specific purpose;

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Supervisor Miscione suggested a 501c3; Town Attorney Herbert Cully is looking into it and we will move forward

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

(RESOLUTION NO. 193 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve for the Town of New Hartford to start a 501c3 for the Veterans Memorial Park.

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. HOCCPP Land Use Training

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

(RESOLUTION NO. 194 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve for Lary Gell to attend the Planning Board and Zoning Board of Appeals Subdivision Review and Area Variances seminar hosted by Herkimer-Oneida Counties Comprehensive Planning Program – cost is \$15.00.

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. Architectural/Engineering Consultant Agreement

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

(RESOLUTION NO. 195 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve for Supervisor Miscione to sign the Architectural/Engineering Consultant Agreement from Oneida County.

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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**.

f. VOUCHERS

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

(RESOLUTION NO. 196 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve for the Town to pay Cathedral Corporation \$11,234.00 for the quarterly newsletter, skid more schooling \$398.00, Town Hall cleaning \$5,600 and vouchers.

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**; Councilman Messa Abstain from the Cathedral Corporation voucher.

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RECORD OF CLAIMS #1

24-00442	
A	
B	
BP	\$1,814.30
DB	
SF	
SL	
SS	
TA	
HMA	
HTA	
TOTAL	\$1,814.30

RECORD OF CLAIMS #2

24-00595-24-00636	
A	\$156,550.41
B	\$9,691.24
BP	\$11,891.84
DB	\$31,719.63
F	\$136,439.00
SL	\$2,257.88
SF	
SS	\$4,494.74
TA	\$15,243.18
HMA	\$3,078.62
HTA	
TOTAL	\$371,366.54

RECORD OF CLAIMS #3

24-00641-24-00800	
A	\$63,690.31
B	\$3,464.47
BP	\$37,691.68
DB	\$140,719.20
SF	\$32,712.75
SL	\$0.00
SS	\$14,507.03
TA	\$2,641.00
X-HMA	\$1,961.55
X-HTA	\$13,395.68
TOTAL	\$310,783.67

GRAND TOTAL \$683,964.51

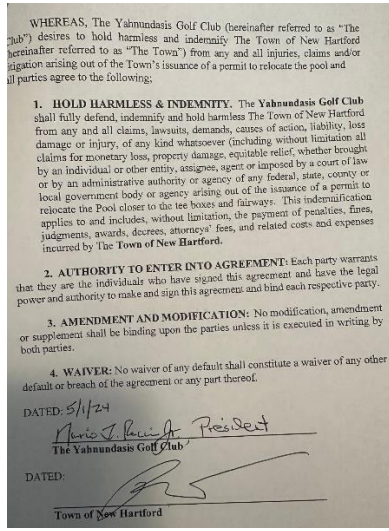
XII. MATTERS SUBMITTED BY TOWN ATTORNEY HERBERT CULLY

a. Yahundasis Golf Club Agreement

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

(RESOLUTION NO. 197 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve for the Supervisor Miscione to sign the Yahnundasis Golf Club Agreement.

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. Rescind Local Law 8 of 2023; renumber to Local Law 4 of 2024

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

(RESOLUTION NO. 198 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve for the Town Board to rescind Local Law 8 of 2023 and renumber to Local Law 4 of 2024 to address last type holiday lighting.

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**

- c. **Key Capture Energy** – Proposed Battery Energy Storage System (BESS) Local Law – Comment Letter and Request for Consideration; asking if we would consider amending our code; not permitted use; tabled so can gather more information
- d. **Bono Brothers – Royal Meadows, LLC – Town of Kirkland – proposed Town of Kirkland Annexation** - \$10.30 for school tax

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

(RESOLUTION NO. 199 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve for the Town Board to move forward with the annexation with the Town of Kirkland (Royal Meadows, LLC -\$10.30 (school tax)).

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. **Cell Phone Service Issue Oneida Street** – nothing has been done, nothing moving forward; Supervisor Miscione to send a letter in support of the proposed legislation to get cell service/cell tower with Verizon for Oneida Street area; already being worked on at the Recreation Center

XIII. REPORTS OF TOWN DEPARTMENTS

a. HIGHWAY SUPERINTENDANT SHERMAN

- 1. **PAYING** – have \$566,540 for list of roads that Highway Superintendent Sherman; list was compiled by Highway Superintendent and residents calls; Supervisor Miscione – includes Sherill Brook Park

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

(RESOLUTION NO. 200 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to take \$240,000 from General Whole Town Fund Balance and add to Park Contractual for paving.

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. 201 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to take \$210,000 from Highway Town Part Town Fund Balance and add to Highway Part Town paving 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**

2. **TOWN SUPERVISOR MISCIONE** – Chadwicks and other areas; concrete budget; add \$40,000 from Fund Balance for curbs/sidewalks

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

(RESOLUTION NO. 202 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to move \$40,000 from Highway Part Town Fund Balance and move to Highway Concrete budget \$40,000.

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

Councilman Messa	-	Aye
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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 Tehan:

(RESOLUTION NO. 203 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to fix 30 Merritt Place, 46 Arlington Place; Red Hill Road Corner (two areas – Councilman Messa).

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**

3. AUCTION FOR PROPERTIES FOR DETENTION PONDS

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

(RESOLUTION NO. 204 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve for Highway Superintendent Sherman to go on Auction International to bid on the two properties for detention ponds parcel numbers 339.0151-21 and 339.0151-24 total allowance not to exceed \$10,000 for each parcel.

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**

4. Excavator – nothing on the auction; snowplow nothing on the auction; homemade trailer \$1,825.00

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

(RESOLUTION NO. 205 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to accept the \$1,825.00 for the homemade trailer from the Auction.

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**

- XIV. MATTERS SUBMITTED BY TOWN ATTORNEY HERBERT CULLY** - supplement resolution of the accusation of real property that is being done pursuant to Section 64 subdivision 2 of the Town Law which allows the Town to acquire real property when there is a public purpose or public need, subject to a permissive referendum

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

(RESOLUTION NO. 206 OF 2024)

RESOLVED, that the New Hartford Town Board does hereby approve to enter into Executive Session (9:12pm)

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 Tehan:

(RESOLUTION NO. 207 OF 2024)

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RESOLVED, that the New Hartford Town Board does hereby approve to come out of Executive Session (10:12pm)

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 – Town Attorney Herbert Cully – Make arrangements with our Insurance Company to have a specialist come in for a Mandatory Meeting with all employees and all Elected Officials in regard to Anger Management; in compliance to the requirements (Councilman Reynolds).

ADJOURNMENT

There being no further business to come before the Board, upon motion duly made by Councilman Reynolds and seconded Councilman Messa, the meeting was adjourned at 10:15 P.M.

(RESOLUTION NO. 208 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

5/26/2024