

**SPECIAL TOWN BOARD MEETING OF THE TOWN
OF NEW HARTFORD, NEW YORK, HELD IN THE TOWN
SUPERVISOR'S OFFICE, BUTLER MEMORIAL HALL,
48 GENESEE STREET, NEW HARTFORD, NEW YORK
ON SATURDAY, FEBRUARY 9, 2002 AT 10:00 A.M.**

The Town Supervisor called the meeting to order at 10:00 A.M. and led those present in the Pledge of Allegiance to the American Flag. The roll call was then taken with the following Town Officials being present during the progress of the meeting:

TOWN BOARD MEMBERS: Councilman Donald C. Backman
Councilman Richard B. Woodland, Jr.
Supervisor Ralph B. Humphreys

ABSENT: Councilman David W. Butler
Councilman John C. Waszkiewicz III

OTHER TOWN OFFICIALS: Town Clerk Gail Wolanin Young, CMC/RMC

A quorum was declared present for the transaction of business.

ASSESSMENT GRIEVANCES (CERTIORARI PROCEEDINGS)

Relative to certiorari proceedings brought against the Town of New Hartford, the Town Board discussed utilizing the Attorney for the New Hartford Central School District who handles that entity's certiorari proceedings and reimbursing the School District ten percent (10%) of their costs. Since the Court allows only one (1) attorney to speak during a certiorari trial, the Town could save money by using the School's Attorney versus retaining special counsel. Vincent Rossi, Jr., Attorney for the Town, had apprised the Town Supervisor there is nothing illegal about this arrangement. New Hartford School Board President Phillip Eastman will discuss this proposal with the School Board.

On January 2, 2002, the Town Board had retained Gustave DeTraglia, Jr. to represent the Town in the Certiorari matter initiated by the New Hartford Shopping Center/William Morris; the trial scheduled to begin February 15, 2002 could last two (2) to three (3) days and the Town could save One Hundred Dollars (\$100) per hour in attorney fees since only one attorney is permitted to speak and that is usually the School's attorney since the School District stands to lose more financially.

After further discussion, the following Resolution was introduced for adoption by Councilman Woodland and seconded by Councilman Backman:

(RESOLUTION NO. 82 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby retain William Ryan, Esq., the New Hartford Central School District Attorney, to represent the Town in various certiorari proceedings when feasible, with the Town Board to reimburse

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said School District an amount equal to Ten Percent (10%) of Attorney Ryan's fee and that the Town Board does hereby release Attorney Gustave DeTraglia, Jr. from representing the Town in the New Hartford Shopping Center certiorari proceeding. If, however, the School Board decides not to approve this attorney/financial arrangement, the Town Board will retain Attorney DeTraglia in the matter of the New Hartford Shopping Center case.

Upon roll call, the Board members voted as follows:

(Councilman Waszkiewicz	-	ABSENT)
Councilman Woodland	-	Aye
(Councilman Butler	-	ABSENT)
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was declared unanimously carried and duly adopted.

ROOF/SANGER PUBLIC WORKS GARAGE
HVAC/JEROME K. MADDEN JUSTICE BUILDING

The Town Supervisor briefed the Board members on a meeting the Highway Superintendent and he had relative to a new roof for the Sanger Public Works Garage and air-conditioning installed at the Jerome K. Madden Justice Building. After some discussion, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Woodland:

(RESOLUTION NO. 83 OF 2002)

RESOLVED that the New Hartford Town Board does hereby issue a STOP ORDER on the Professional Services Agreement, approved December 5, 2001 at a not-to-exceed amount of Seventeen Thousand Four Hundred Dollars (\$17,400), and entered into between the Town of New Hartford and McDonald-Montrose for the Sanger Public Works Garage Roof Project; and be it

FURTHER RESOLVED that said Town Board does hereby grant the Town Supervisor the authority to settle with McDonald-Montrose the matter involving the HVAC project at the Jerome K. Madden Justice Building at a cost not to exceed Seven Thousand Five Hundred Dollars (\$7,500).

The Resolution was voted upon by roll call as follows:

(Councilman Waszkiewicz	-	ABSENT)
Councilman Woodland	-	Aye
(Councilman Butler	-	ABSENT)

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Councilman Backman - Aye
Supervisor Humphreys - Aye.

The Resolution was declared unanimously carried and duly adopted.

HIGHWAY SUPERINTENDENT SALARY

In January 2002 the Bookkeeper reported that in 2001 the Highway Superintendent had been paid Four Hundred Four Dollars (\$404) more than his 2001 Salary published in the newspaper, contrary to Law. Elected Officials did not receive a raise in 2002 and their proposed 2002 Salaries were published in October 2001; therefore, the Bookkeeper had reduced the Highway Superintendent's 2002 Salary to reflect the amount published in the newspaper and the amount budgeted for this position. The Town Board agreed to address this matter during compilation of the 2003 Annual Budget.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilman Woodland, seconded by Councilman Backman, the meeting adjourned at 10:27 A.M.

Respectfully submitted,

**Gail Wolanin Young, CMC/RMC
Town Clerk**