

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT BUTLER MEMORIAL HALL, NEW HARTFORD
ON WEDNESDAY, OCTOBER 20, 2004 AT 7:00 P.M.**

The Town Supervisor called the meeting to order at 7:00 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: Councilman Donald C. Backman
Councilman John C. Waszkiewicz III
Councilman David W. Butler
Councilman Richard B. Woodland, Jr.
Supervisor Ralph B. Humphreys

OTHER TOWN OFFICIALS: Director of Senior Services M. Eileen Spellman
Highway Superintendent Roger A. Cleveland
Police Chief Raymond Philo
Telecommunicator Supervisor Jeffrey Madden (Arrived
at 8:15 PM)
Deputy Town Clerk I Margaret M. Jones and Deputy
Town Clerk II Nancy E. Kneller

OTHERS: Attorney Vincent Rossi, Jr. (Arrived at 8:00 PM)

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

MINUTES

October 6, 2004 Town Board minutes

Action was deferred.

PUBLIC PRESENTATIONS

Juvenile Youth Officer Of The Year – Richard Salamone

Chief Raymond Philo presented Investigator Richard Salamone with the New York State Association of Juvenile Officers – “Youth Officer of the Year Award”, reviewing the accomplishments that Investigator Salamone has made. Chief Philo thanked Chris Freeman, whose family had been aided by Officer Salamone, for her efforts to have Investigator Salamone recognized for this prestigious award. Chief Philo explained the process and work that is involved in having this honor awarded to an individual in the Police Department and that only one person in the State receives this award each year. Supervisor Humphreys presented a Plaque to Investigator Salamone to whom the Town Board extended their congratulations, best wishes and gratitude for all that he has done.

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REPORTS OF TOWN OFFICIALS

DIRECTOR OF SENIOR SERVICES:

Health Fair and "Make-A-Difference" Day

Director of Senior Services Eileen Spellman announced that a Health Fair would be sponsored October 21, 2004 at the New Hartford Adult Dining & Activity Center. The Director explained that different representatives from area agencies would meet with the senior citizens. Saturday, October 23, 2004 is Make A Difference Day and a breakfast will be held at the Senior Center from 7:00 A.M. – 11:00 A.M.

Community Foundation 501C3 Grant

Councilman Waszkiewicz asked the Director if she had anything to report regarding this program. Director Spellman explained that she is still waiting for paperwork. The name that is being used for the foundation is the New Hartford Community Enrichment Foundation. Councilman Waszkiewicz stated that the Community Foundation has expressed concern about using the word "community foundation" in the title. Councilman Waszkiewicz is only cautioning the Director about this, as he does not want this wording to affect any future grants. The Supervisor asked the Councilman if he had heard any particular concerns regarding this wording and the Councilman stated that he had reported on this at the last Board meeting.

HIGHWAY SUPERINTENDENT:

Grading Resolution

The Highway Superintendent reviewed a proposed Resolution he would like to have incorporated into the Highway Law regarding Grading, explaining that the Highway Department has encountered several situations regarding homeowners who want to put in drainage pipe on their own property and not wanting the Town Highway Department to provide this service. The Resolution would require highway work permits, which explains what the homeowner must comply with and if the homeowner is working on the highway right-of-way, the homeowner must get insurance. The Highway Superintendent explained that he does not want the grading to come down to the edge of the pavement. Councilman Butler explained that perhaps two different resolutions would be needed...one for existing residences and one for new residential developments. The Highway Superintendent concurred. After some discussion, the matter was tabled until the proposal is finalized with Attorney Rossi.

MS4 – Water Quality Improvement Projects

Relative to appointing an authorized representative to act on behalf of the Town of New Hartford concerning water quality improvement projects, the Highway Superintendent presented the following Resolution, which was introduced for adoption by Councilman Backman and seconded by Councilman Waszkiewicz:

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(RESOLUTION NO. 347 OF 2004)

WHEREAS the Town of New Hartford herein called the “Municipality” after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work as described in its application and attachments, herein called the “Project” is desirable, is in the public interest, and is required in order to implement the Project, and

WHEREAS, Article 56 of the Environmental Conservation Law authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREFORE, BE IT RESOLVED BY the Town of New Hartford:

1. That Ralph B. Humphreys or such person’s successor in office is the representative authorized to act in behalf of the Municipality’s governing body in all matters related to State assistance under ECL Article 56, Title 3. The representative is also authorized to make application, execute the State Assistance Contract, submit project documentation, and otherwise act for the Municipality’s governing body in all matters related to the Project and to State assistance.
2. That the Municipality agrees that it will fund its portion of the cost of the project and that funds will be available to initiate the project’s field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation.
3. That one (1) certified copy of this Resolution be prepared and sent to the Albany office of the New York State Department of Environmental Conservation.
4. That this Resolution takes effect immediately.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye

The Resolution was declared unanimously carried and duly adopted.

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Agreement - Sewer Pump Station Upgrade

Upon recommendation of the Highway Superintendent, Councilman Woodland presented the following Resolution for adoption; seconded by Councilman Butler:

(RESOLUTION NO. 348 OF 2004)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to execute the Agreement between the Town of New Hartford and Huen New York, Inc. for the Sewage Pump Station Upgrades pursuant to their low bid submitted in the sum of Ninety-Four Thousand Dollars (\$94,000), *contingent upon the approval of Vincent J. Rossi, Jr., Attorney for the Town.*

The foregoing Resolution was duly put to a vote upon roll call:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

Whereupon, the Resolution was declared unanimously carried and duly adopted.

Vehicle Purchase – State Contract

The Highway Superintendent has received notice that until November 1, 2004, a 2005 Ford Taurus SE Sedan can be purchased for Eleven Thousand Eight Hundred Three Dollars (\$11,803), which is the 2004 cost of a Ford Taurus. Rather than driving used police vehicles, the Highway Superintendent proposed the purchase of two (2) 2005 Ford Taurus SE's; delivery time would be five (5) to six (6) weeks. The Town Supervisor believes that the total cost would not exceed Twelve Thousand Five Hundred (\$12,500), including the destination fees. Board comments included vehicle colors should be standardized, that the surplus police vehicles should be sold, whether to purchase one (1) or two (2) vehicles, and discussion that the purchase be paid from the 2005 Budget. Thereafter, the following Resolution was introduced for adoption by Councilman Waszkiewicz; seconded by Councilman Backman:

(RESOLUTION NO. 349 OF 2004)

RESOLVED that the Town Board of the Town of New Hartford does authorize the Town Highway Superintendent to purchase, under State Contract No. 18425, one (1) 2005 Ford Taurus SE Sedan, White in color, not to exceed Eleven Thousand Eight Hundred Three Dollars (\$11,803), said expense to be paid from the 2005 Town Budget.

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Upon roll call, the foregoing Resolution was duly put to a vote as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was declared unanimously carried and duly adopted.

Higby Road Water District

In response to Councilman Waszkiewicz' inquiry about the status of the Higby Road Water District, Highway Superintendent Cleveland explained that the Town Clerk, Robert Guminiak and he had met to review a lengthy list of documents required for submission with the Town's Drinking Water State Revolving Fund Application Form (Publicly-Owned Systems) by December 1, 2004. The Highway Superintendent has contacted Bond Counsel. The Town must appoint a minority and women's business officer who would complete reports, etc.; this was briefly discussed with the Town Clerk. Upon recommendation of the Highway Superintendent, Councilman Backman presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 350 OF 2004)

RESOLUTION AUTHORIZING DWSRF APPLICATION AND AGREEMENT FOR PROJECT FINANCING – NEW YORK DRINKING WATER STATE REVOLVING FUND, AND AUTHORIZING THE EXECUTION AND FILING OF AN APPLICATION AND EXECUTION AND DELIVERY OF AN AGREEMENT SETTING FORTH THE TERMS OF THE PROJECT FINANCING AND OTHER DOCUMENTS NECESSARY FOR DWSRF ASSISTANCE.

WHEREAS, the Town of New Hartford herein called the “Applicant”, after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the project generally described as ***Higby Road Water District*** and identified as DWSRF Project Number 17088 herein called the “Project”, is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to Title XIV of the Public Health Service Act (commonly known as the “Safe Drinking Water Act”), 42 U.S.C. Section 300f, *et seq.*, as amended (the “Act”), requires each State to establish a drinking water revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Act; and

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WHEREAS, the State of New York has, pursuant to Chapter 413 of the Laws of 1996 (the "DWSRF Act") established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a drinking water revolving fund (the "Fund") to be used for purposes to the Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, being Chapter 744 of the Laws of 1970, as amended, and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated Laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the DWSRF Act; and

WHEREAS, the DWSRF Act authorizes the establishment of a program for financial assistance for planning, design and construction of eligible projects;

NOW, THEREFORE, BE IT RESOLVED BY the Town of New Hartford as follows:

1. The filing of an application for DWSRF assistance in the form required by the Corporation in conformity with the DWSRF Act is hereby authorized, including all understandings and assurances contained in said application.
2. The following person is directed and authorized as the official representative of the Applicant to execute and deliver an application for DWSRF assistance, to execute and deliver the Project financing agreement and any other documents necessary to receive financial assistance from the Fund for the Project, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Applicant as may be required:

Ralph Humphreys, Town Supervisor

3. The official designated above is authorized to make application for financial assistance under the DWSRF Program.
4. One (1) certified copy of this Resolution shall be prepared and sent to the New York State Environmental Facilities Corporation, 625 Broadway, Albany, New York 12207-2997.

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5. This Resolution shall take effect immediately.

The Town Board then voted upon roll call as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was declared unanimously carried and duly adopted.

Higby Road Water District – Minority & Women’s Business EEO Officer

Thereafter, Councilman Waszkiewicz presented the following Resolution for adoption, seconded by Councilman Butler:

(RESOLUTION NO. 351 OF 2004)

RESOLUTION APPOINTING MINORITY AND WOMEN’S BUSINESS-EQUAL EMPLOYMENT OPPORTUNITY OFFICER; NEW YORK DRINKING WATER STATE REVOLVING FUND.

WHEREAS, the Town of New Hartford commits to carrying out the intent of the New York State Executive Law, Article 15-A which assures the meaningful participation of minority and women’s business enterprises in contracting and services, and the meaningful participation of minorities and women in the workforce on activities financed by the DWSRF program;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of said Town does hereby designate Gail Wolanin Young, CMC/RMC, Town Clerk as the local Government Official or Minority Business Officer responsible for administering the Minority and Women’s Business-Equal Employment Opportunity (M/WBE-EEO) program for the Town of New Hartford.

The Town Board members voted as follows upon roll call:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

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The Resolution was declared unanimously carried and duly adopted.

Disposition of Surplus Property

Highway Superintendent Cleveland explained that the County is using E-Bay for the disposition of their vehicles and equipment. An auction will be held in Rome, NY in November 2004 and there are two (2) vehicles and a plow at the Highway Garage that could be sold at this nationally-advertised auction. The downside of the auction is that it is an “absolute” sale; commission rate is fifteen (15%) percent. The auctioneer has not viewed the Town’s vehicles. Upon recommendation of the Highway Superintendent, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Butler:

(RESOLUTION NO. 352 OF 2004)

RESOLVED that the Town Board of the Town of New Hartford does hereby declare the following equipment/vehicles as surplus:

- 1977 Ford Dump Truck – VIN K81DV085617
- 1993 GMC Dump Truck – VIN 1GDKC34F7PJ519756
- One 2-way Plow

and does hereby authorize the sale of the aforementioned equipment/vehicles at the Rome, New York auction scheduled for November 20, 2004; the sale-price range will be left to the discretion of the Highway Superintendent and auctioneer.

The foregoing Resolution was duly put to a vote upon roll call:

- | | | |
|------------------------|---|------|
| Councilman Waszkiewicz | - | Aye |
| Councilman Woodland | - | Aye |
| Councilman Butler | - | Aye |
| Councilman Backman | - | Aye |
| Supervisor Humphreys | - | Aye. |

Whereupon, the Resolution was declared unanimously carried and duly adopted.

Sidewalk Construction

The Highway Superintendent presented to the Board that the original goal, based on field judgments, was to replace sidewalks on Arlington Terrace and Oneida Street in Chadwicks. At the October 6, 2004 Town Board meeting, some Oneida Street residents had identified a situation that the Highway Department was not aware of and that situation is that most people in Chadwicks walk on the east Side of Oneida Street. There is a need for more sidewalks on this side of Oneida Street and the Highway

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Superintendent would like to address a couple of areas on the west Side of Oneida Street. Highway Superintendent Cleveland and Councilman Waszkiewicz had discussed the area of Arlington Terrace for inclusion in the paving project. Since the Sidewalk Construction bids came in significantly lower, the Highway Superintendent proposed a Change Order in the Contract to allow for an additional forty (40') feet of sidewalk to be constructed on Oneida Street in Chadwicks to make the area uniform and an additional two hundred eleven (211') feet on Arlington Terrace, which would make this a more pleasing environment. The total amount, using the price that the Town received in the bid, would be Five Thousand Seven Hundred Sixty-One Dollars (\$5,761). Councilman Waszkiewicz stated that he would sponsor this Change Order. Supervisor Humphreys has a problem with sidewalks on Arlington Terrace since it really doesn't go anywhere other than one (1) block, whereas the change on Oneida Street connects one sidewalk to another. Councilman Backman was not sure what to do regarding Oneida Street -- does the Town reconstruct one side and not the other side? Councilman Butler inquired if the additional cost would put the Town over the original estimate; the Highway Superintendent stated "no". Councilman Backman stated that residents park their vehicles over the Oneida Street sidewalks even though there are "No Parking" signs posted. Councilman Backman feels that the "sun-bleached" signs should be replaced and the "No Parking" laws enforced especially if the sidewalks are reconstructed. After further discussion and there being no second to the motion, the matter was discontinued.

TOWN CLERK:

Raffle Consent – Mohawk Valley Ballet

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

(RESOLUTION NO. 353 OF 2004)

RESOLVED that the New Hartford Town Board does hereby grant permission to Mohawk Valley Ballet, 261 Genesee Street, Utica, New York an organization duly granted a Games of Chance Identification Number by the New York State Racing and Wagering Board, to sell raffle tickets at Sangertown Square Mall, New Hartford, New York, in accordance with all rules and regulations of said Racing and Wagering Board; and be it

FURTHER RESOLVED that the Town Clerk be, and she hereby is, authorized and directed to execute Form GC-RCF, Raffle Consent Form.

Upon roll call, the Town Board voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye

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Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was declared unanimously carried and duly adopted.

Training

Upon request of the Town Clerk, the following Resolution was introduced for adoption by Councilman Butler and duly seconded by Councilman Woodland:

(RESOLUTION NO. 354 OF 2004)

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 Town Clerk Gail Wolanin Young to attend the New York State Town Clerk's Association Workshop on November 15, 2004, in Utica, New York, with expenses to be borne by said Town as budgeted.

The Resolution was voted upon by roll call as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was declared unanimously carried and duly adopted.

POLICE CHIEF:

Miracle Network Walk

The Police Chief deferred this item to the Town Clerk's Office, as he does not know if a permit needs to be issued. He did look at the map and does not see any problems, as a very small portion of the walk will actually be in the Town of New Hartford. An Insurance Certificate should be filed with the Town before the walk occurs in 2005.

Homeland Security Grant

Police Chief Philo stated that the Town of New Hartford has been awarded a Homeland Security Grant in the amount of Ten Thousand Dollars (\$10,000) for training. This item will be part of the 2005 Town Budget. Upon the recommendation of the Police Chief,

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Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Butler:

(RESOLUTION NO. 355 OF 2004)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to sign the Disbursement Agreement and Voucher received from the County of Oneida regarding the Ten Thousand Dollar (\$10,000) Homeland Security training grant.

The Resolution was voted upon by roll call as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was declared unanimously carried and duly adopted.

2005 Preliminary Budget

Discussion among the Board members and Webmaster Jim Lawrence involved whether to post the 2005 Preliminary Budget for review by Town residents prior to the Public Hearing, or wait for adoption of the 2005 Annual budget. The Town Clerk's Office will contact New Hartford High School for availability of their facilities for the Public Hearing; if the School is not available, the Hearing will be held here in Butler Memorial Hall. Councilman Butler presented the following Resolution for adoption, seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 356 OF 2004)

RESOLVED that the Town Board of the Town of New Hartford will conduct Public Hearings to commence at 7:00 P.M., or as soon thereafter as reached in the regular course of business, on Wednesday, November 3, 2004 at a place to be determined to consider the following matters:

- the adoption of the 2005 Preliminary Budget as the 2005 Annual Budget; and
- the establishment of the ad valorem charges for the fiscal year beginning January 1, 2005 for the following special districts/improvement areas

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Water Fund
Fire Protection Districts No. 1 through No. 5,
Inclusive
Various Street Lighting Districts; and be it

FURTHER RESOLVED that the said Town Board does hereby authorize and direct the Town Clerk to publish the legal requisite Notices of Public Hearing in The Observer Dispatch.

The Resolution was then voted upon as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was declared unanimously carried and duly adopted.

MATTERS SUBMITTED BY COUNCILMEN & ATTORNEY

COUNCILMAN BACKMAN:

Abelove Property Maintenance & Zoning Violations

In response to Councilman Backman's status inquiry on this matter, Attorney Rossi explained that he needs to speak with Codes Enforcement Officer Joseph Booth; this will be done before the November 3, 2004 Town Board meeting.

Wilcox Property - Well

Councilman Backman wants to resolve the water/well problem on Dr. Wilcox' property. To date, Dr. Wilcox has not provided an estimate for completion of the work including excavation. The matter was deferred until the November 3, 2004, Town Board meeting by which time Councilman Backman and Attorney Rossi will review this matter as same relates to realignment of Sessions Road.

Street Sign - Roberts Road

Councilman Backman will communicate with Highway Superintendent Cleveland relative to the street sign missing at Roberts Road, a county highway.

"No Hunting Signs" – Janet Terrace *Amended at 12/01/04 Town Board meeting; see those minutes
Councilman Backman has received complaints of people hunting in an area between Beechwood Road and Janet Terrace, beyond the two hundred foot (200') legal hunting range in a residential area. He asked Chief Philo for his opinion regarding no hunting

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Restrictions; the Police Chief stated that a Resolution would need to be passed so that the Police Department would have specifics in order to make an arrest. Attorney Rossi stated that this area is Town property and the Town can put whatever restrictions it wants on the property but he'd like to avoid adopting a local law. Chief Philo stated that without an ordinance the Police couldn't make an arrest. Attorney Rossi will look into this. Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Backman.

(RESOLUTION NO. 357 OF 2004)*Amended 12/01/2004

WHEREAS, there is an area in the Town of New Hartford located between Beechwood Road and Janet Terrace on which persons have been hunting; and

WHEREAS, this area is deemed to be property owned by the Town of New Hartford, and that some of this property is located beyond the two hundred foot (200') legal hunting range of a residence,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does direct that "No Hunting Signs" be placed in this area for the safety and protection of the residents who live there.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was declared unanimously carried and duly adopted.

Grant Writer

Councilman Backman has not received a response to his communication from the grant writer.

Left-Turn Only –TOPS Plaza, Kellogg Road

Councilman Backman is still waiting to see if the developer will contribute to the study. In January 2005, Councilman Backman will be asking for a traffic light installation.

Sitirin Healthcare/Cedarbrook

Attorney Rossi will contact the attorney for the Sitirin Healthcare facility and have them complete the property tax-exempt status application which Assessor Smith will review.

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County Sales Tax

Councilman Backman opposes the one and one-half percent (1 ½%) increase in sales tax and asked Town Officials to write to State Officials regarding this increase. Discussion was held at the last Town Board meeting regarding this and the decision made was not to write to the State Officials as per Councilman Waszkiewicz.

ATTORNEY ROSSI:

Certiorari Matters

A meeting has been scheduled with the New Hartford Central School District on Thursday, October 28, 2004, regarding certiorari cases and Attorney Rossi invited anyone from the Town Board to join him at this meeting.

Sangertown Certiorari

There is an Eighty Million Dollar (\$80,000,000) assessment on the Sangertown Square Mall property and this case is due to resume either December 21 or 22, 2004.

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL:

Audit of Vouchers

On recommendation of the Town Supervisor, Councilman Backman presented the following Resolution for adoption; seconded by Councilman Waszkiewicz

(RESOLUTION NO. 358 OF 2004)

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:

General Fund Whole-Town (Police) Abstract No. 54	\$ 4,934.03
General Fund Part-Town Abstract No. 26	\$ 141.45
Drainage Abstract No. 12	\$ 3,016.50
Street Lighting Abstract No. 11	\$ 6,873.48
General Fund Whole-Town Abstract No. 55	\$ 680.30
General Fund Whole-Town Abstract No. 53	\$106,571.18
Highway Fund Part-Town Abstract No. 21	\$ <u>20,863.63</u>
TOTAL:	\$143,080.57

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz - Aye

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Councilman Butler	-	Aye
Councilman Backman	-	Aye
Councilman Woodland	-	Aye
Supervisor Humphreys	-	Aye.

This Resolution was declared unanimously carried and duly adopted.

Attorney for Planning Board

The Planning Board would like to hire Attorney Peter Rayhill regarding the water district and wells. Board discussion ensued relative to attorney fees and the drinking water problem in Longworth Acres. Upon recommendation of Attorney Rossi, Councilman Waszkiewicz presented the following Resolution for adoption, seconded by Councilman Butler:

(RESOLUTION NO. 359 OF 2004)

RESOLVED that the Town Board of the Town of New Hartford does hereby retain the legal services of Peter Rayhill, Esq. to represent the Town Planning Board relative to the drinking water problem in Longworth Acres, with the time and rate to be subject to the approval of Attorney Vincent J. Rossi who shall be kept apprised of the events as they take place with this matter.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Councilman Woodland	-	Aye
Supervisor Humphreys	-	Aye.

This Resolution was declared unanimously carried and duly adopted.

Training - Satellite Seminar

Supervisor Humphreys announced a teleconference regarding "Using Accountability to Build Public Trust" on Tuesday, October 26, 2004, which is being presented by the Comptroller's Office of the State of New York. The cost is Fifteen Dollars (\$15) per person with registration being held at 6:15 P.M. and the broadcast will be from 6:30 P.M. to 8:45 P.M. Anyone who is interested in going must notify the Town Clerk's Office.

Building Discussion

Discussion ensued on what is allowed and what isn't allowed on the purchase of a building and bonding. The vacant Partlow building on Campion Road is being

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considered for possible consolidation of Town offices. Architect Donald Bataille will make an on-site inspection on Thursday, October 21, 2004 with the Highway Superintendent and Town Supervisor to form an estimate for reconstruction/design. Architect Bataille will not charge the Town for this meeting. Attorney Rossi asked about the Eisenhock papers. At the next Town Board Meeting a discussion will be held regarding purchase price and design of this building. They were supposed to be delivered to the Highway Superintendent today.

EXECUTIVE SESSION

Councilman Backman introduced the following Resolution for adoption and Councilman Woodland seconded same:

(RESOLUTION NO. 360 OF 2004)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the Peter Dubyna claim versus the Police Department.

A roll call vote ensued:

Councilman Waszkiewicz	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Councilman Woodland	-	Aye
Supervisor Humphreys	-	Aye.

Thereafter, the Resolution was declared unanimously carried and duly adopted. All persons present, including the news media, Deputy Town Clerk I and II were then excused from the meeting at 9:20 P.M.

[NOTE: The following transcript was provided by the Town Supervisor on October 21, 2004.]

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 361 OF 2004)

RESOLVED that the New Hartford Town Board does hereby move to end its Executive Session and to reconvene the regular portion of the Town Board meeting.

The Board members voted upon roll call that resulted as follows:

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Councilman Waszkiewicz	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Councilman Woodland	-	Aye
Supervisor Humphreys	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly adopted; the Executive Session ended at 9:32 P.M. The regular portion of the Town Board meeting was immediately reconvened.

General Municipal Law 50-h Hearing

Councilman Butler presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 362 OF 2004)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct Vincent J. Rossi, Jr., Attorney for the Town of New Hartford to conduct a GML 50-H Hearing in the matter of Peter D. Dubyna, Jr., vs. Town of New Hartford, Village of New Hartford and New Hartford Police Department.

A roll call vote ensued:

Councilman Waszkiewicz	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Councilman Woodland	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was declared unanimously carried and duly adopted.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilman Waszkiewicz, seconded by Councilman Woodland, the meeting adjourned at 9:37 PM.

Respectfully submitted,

Margaret M. Jones, Deputy Town Clerk I