

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT BUTLER MEMORIAL HALL, NEW HARTFORD
ON WEDNESDAY, DECEMBER 1, 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 (Arrived at 7:04 P.M.)
Councilman Richard B. Woodland, Jr.
Supervisor Ralph B. Humphreys

OTHER TOWN OFFICIALS: Assessor Paul E. Smith
Director of Senior Services M. Eileen Spellman
Highway Superintendent Roger A. Cleveland
Parks & Recreation Director Michael W. Jeffery
Planner Kurt Schwenzfeier
Police Chief Raymond Philo
Senior Engineering Technician John Meagher
Telecommunicator Supervisor Jeffrey P. Madden
Town Clerk Gail Wolanin Young, CMC/RMC and
Deputy Town Clerk II Nancy E. Kneller

OTHERS: Attorney Vincent J. Rossi, Jr. (Arrived at 7:56 PM)

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

MINUTES

October 20, 2004 Town Board minutes

Supervisor Humphreys noted that at the October 20, 2004 Town Board meeting, someone misspoke when referring to the legal hunting distance from a residential area; State law requires a 500 foot distance rather than the 200 feet distance mentioned. Thereafter, Councilman Waszkiewicz introduced the following Resolution for adoption, seconded by Councilman Woodland.

(RESOLUTION NO. 392 OF 2004)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the **Regular** Town Board meeting held **October 20, 2004** with the following amendment to be noted on the last page of said minutes:

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- Page 12 and page 13, the State legal hunting distance from a residential area is 500 feet.

Upon roll call, the Board members voted as follows:

	Councilman Waszkiewicz	-	Aye
	Councilman Butler	-	ABSENT (had not yet arrived
at the meeting	Councilman Woodland	-	Aye
	Supervisor Humphreys	-	Aye
	Councilman Backman	-	Aye.

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

October 27, 2004 Special Town Board meeting

Councilman Backman introduced the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. 393 OF 2004)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the **Special** Town Board meeting held **October 27, 2004** and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

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

November 3, 2004 Town Board minutes

Action on the November 3, 2004 Town Board minutes was tabled until the December 15, 2004 Town Board meeting.

PUBLIC PRESENTATIONS

Building Demolition - Genesee Street near Golf Ave

Shirley Riggles of 18 Golf Avenue inquired why the property owners in the

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neighborhood of Genesee Street and Golf Avenue weren't notified about the residential demolition on Genesee Street. The Town Supervisor responded that there is no mandate for such notification, unlike zoning amendments and use variances.

Arlington Terrace sidewalks

Ms. Riggles visited Arlington Terrace and noticed the sidewalks that were installed by the Town only serves the twelve (12) families living on that block and does not feel town taxpayers should have to pay for this.

School Traffic Officers (aka Crossing Guards)

After numerous visits to various sites where School Traffic Officers work, Ms. Riggles noticed a very low number of students in need of this service and she suggested the Town Board cut one School Traffic Officer position and have a Town Police Officer cross the students over the street. The Town Supervisor explained that the Town does not have extra officers for this service and even if an officer was assigned to such work and then was called out unexpectedly, that would cause a problem. Councilman Butler mentioned that this matter went before the NYS Supreme Court recently and the Judge ruled that when the Town took over the Village of New Hartford Police Department, it took over the School Traffic Officers as well.

Lighting and Illumination

Ms. Riggles was questioning Councilman Waszkiewicz remark some time ago about some people being light sensitive. Therefore the Town should have the sensitivity to have a lighting policy with so many commercial buildings being placed near homes.

REPORTS OF TOWN OFFICIALS

TOWN CLERK:

Raffle Consent

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

(RESOLUTION NO. 394 OF 2004)

RESOLVED that the New Hartford Town Board does hereby grant permission to the Herkimer County College Foundation, Inc. 100 Reservoir Road, Herkimer, New York 13350, 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

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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:

he is a member of the	Councilman Waszkiewicz	-	Aye, disclosing the fact that
	HCC Foundation		
	Councilman Butler	-	Aye
	Councilman Woodland	-	Aye
	Councilman Backman	-	Aye
	Supervisor Humphreys	-	Aye.

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

Training School:

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

(RESOLUTION NO. 395 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 and Town Supervisor Ralph B. Humphreys to attend the December 6, 2004 Teleconference sponsored by the Office of the New York State Comptroller and the NYS Association of Towns, "TOWN BOARDS & TOWN CLERKS WORKING TOGETHER: WHOSE JOB IS IT" in Oriskany, New York, with registration expenses to be borne by said Town as budgeted.

The Resolution was voted upon by roll call as follows:

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

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

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Rules of Procedure – Financial Close-out Meeting

In accordance with Schedule “A” of the Rules of Procedure adopted December 31, 2003, Councilman Backman introduced the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. 396 OF 2004)

RESOLVED that the Town Board shall conduct a Special Meeting on Wednesday, December 29, 2004 at 7:00 P.M. in Butler Memorial Hall for the purpose of handling year-end financial transactions as required by Statute.

The Town Clerk polled the Board members who voted as follow:

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

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

Status of State Archives Grant – Active Files Management

Town Clerk-Records Management Officer Gail Wolanin Young informed the Board that in October 2004 she had met with Robert Dudley of ASR Systems Group, Inc. relative to ordering the Times-2 filing units for various Town departments. Mr. Dudley was to have then met with the Highway Superintendent pertaining to a possible change in some equipment. Not having heard from Mr. Dudley since October, the Town Clerk-RMO contacted him and was told that he had not met with the Highway Superintendent and that a member of the Town Board told him “...to put this on hold...” because “...the Town offices probably aren’t going to be where they are.” The Town Clerk reminded the Board that as the State-mandated Records Management Officer, she is responsible for administering the State Archives Grant and that, in fact Mr. Dudley’s statement is true and if there continues to be interference with her implementation of the tasks and goals with this Grant, the Town Clerk will report this matter to State Officials. The 2004 Budget appropriations and revenues have been revised to reflect half of the Grant received this year and a 2004 invoice must be received before the Town can apply to receive the remainder of the Grant money.

Director of Senior Services:

Flu Shot Clinic

Director of Senior Services Eileen Spellman reported that two hundred twenty-five (225)

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persons had registered and received the Flu immunization clinic held at the New Hartford Adult Dining & Activity Center.

Holiday Party/Seniors

The following events are planned at the Adult & Dining Activity Center:

- December 8 - St. Paul's choir
- December 21 - the New Hartford High School choir
- December 22 - Senior Christmas dinner and entertainment
- December 29 - New Years party with dinner and dancing.

PARKS AND RECREATION DIRECTOR:

Acquisition/disposition of Computers

Upon request of the Parks and Recreation Director, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Woodland:

(RESOLUTION NO. 397 OF 2004)

WHEREAS, the Parks and Recreation Department's 1998 computer system needs to be upgraded and the Parks and Recreation Director had budgeted funds in 2005 for new equipment; and

WHEREAS, the Town of New Hartford had purchased two (2) new DELL computer systems at a reduced rate because DELL had shipped equipment in error and prior to final approval of the Town and instead of having the equipment returned, DELL offered the Town the equipment at a reduction of Four Hundred Dollars (\$400) from the retail price;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the transfer of one (1) DELL computer system to the Parks and Recreation Department, with the second remaining in storage; and be it

FURTHER RESOLVED that the Town Board does hereby authorize and direct the transfer of the Parks and Recreation 1998 computer system to the New Hartford Historical Society; the Parks and Recreation Director will prepare an inventory list for submission to Councilman Backman.

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

Councilman Waszkiewicz	-	Aye
Councilman Butler	-	Aye
Councilman Woodland	-	Aye

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Councilman Backman - Aye
Supervisor Humphreys - Aye.

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

Assessor:

RFP – Town-wide assessment

Attorney Vincent Rossi has reviewed and is making minor amendments to the Request For Proposal (RFP) document for town-wide assessment.

Highway Superintendent:

Agreement for Subsurface Investigation - Higby Road water tank site

Upon recommendation of Highway Superintendent Cleveland, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Butler:

(RESOLUTION NO. 398 OF 2004)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement between the Town of New Hartford and CME Associates, Inc., Central Square, New York, for subsurface investigation at the site of the proposed water tank and along the route of the proposed water line, **contingent upon approval of said Agreement by Attorney Vincent J. Rossi, Jr.**; the cost of said work is estimated at Ten Thousand Seven Dollars and Fifty Cents (\$10,007.50).

A roll call vote ensued:

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

The Resolution was declared unanimously carried and duly **ADOPTED**. Letters will be distributed to affected residents in the Higby Road Water District area explaining that the ground testing is a legitimate action and providing the Highway Superintendent's name and telephone number as a contact for concerned residents.

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Agreement for Bond Counsel Services - Higby Road Water District

Upon recommendation of the Highway Superintendent and Attorney Rossi, the following Resolution was introduced for adoption by Councilman Backman and seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 399 OF 2004)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement with ***ORRICK, HERRINGTON & SUTCLIFFE***, New York, NY for bond counsel services relative to the Higby Road Water District.

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

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

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

Modification to Town Clerk's Office – OSHA Compliance

The Highway Superintendent reported that the Buildings & Grounds department can perform the necessary work for less than half of the quote received; widening of the exit door will be arranged around the snow season.

Stormwater Drainage – Genesee Street

The Oneida County Soil and Water Agency had recommended piping down to an existing catch basin but the Highway Superintendent believes the residents wanted a closed pipe. The surface water appears to be clean – perhaps from a spring – no foul odor. In response to Councilman Butler's inquiry, the Highway Superintendent will contact the OCSW for a completion timeframe and report to Councilman Butler.

Kellogg Road Drainage

Councilman Backman, who has concerns about the buried utilities in the Oxford-Tibbitts Road area, will meet with Highway Superintendent Cleveland regarding the water drainage problem on Kellogg Road.

Signs – School Sports Recognition

Discussion ensued on erecting signs in the Town to recognize the accomplishments of New Hartford Central School athletes, as well as for other Town athletes who attend

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other schools such as Sauquoit Valley Central, Clinton Central and New York Mills Union Free School. A concern was mentioned about “sign pollution” if signs aren’t removed in a timely fashion and Councilman Backman believed there should be a time limit/exit date for such postings. Thereafter, Councilman Butler presented the following Resolution for adoption, seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 400 OF 2004)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Highway Superintendent to design and erect a sign upon which can be posted the various achievements of Town of New Hartford school athletic teams, such as band competition, soccer, cross-country, etc., with the stipulation that the signboard postings have a time limit/exit date for removal from the sign.

Upon roll call, the Town Board voted as follows:

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

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

Left-turn Study – TOPS Plaza, Kellogg Road

Councilman Backman questioned the status of the “left-turn only” lane at TOPS. Planner Schwenzfeier said they are still working on economic development (Empire Zone for retail space). Councilman Backman plans to bring funding issues before the Town Board in near future to correct this problem.

Salaried vs. Hourly Employees – “Lag” Payroll

Dispatch Supervisor Jeffrey Madden, Director of Senior Services Eileen Spellman, Assessor Paul Smith, Parks and Recreation Director Michael Jeffery and Planner Kurt Schwenzfeier were present regarding the October 6, 2004 Resolution (which had subsequently been rescinded) that they believed would affect their paychecks. Planner Schwenzfeier presented a 1992 Resolution regarding the 27-payroll matter which surfaces about every twelve (12) years. At that time, the Town Planner was one of forty-two (42) employees who were paid the difference because of the “lag” payroll. Because not all affected employees were present, the Town Board agreed to have all of the affected non-union employees be present at 8:00 P.M. at the December 15, 2004 Town Board meeting to discuss the matter. Attorney Rossi was asked to interpret what the Town is bound to under the Fair Labor Standards Act and what the Town is free to do.

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MATTERS SUBMITTED BY COUNCILMEN & ATTORNEY

COUNCILMAN WASZKIEWICZ:

Agenda items –

- Annexation – New York Mills, property on corner of Henderson Street and Commercial Drive – Property owner was contacted; still considering; no confirmation at time of printing the agenda. Did meet with Benderson Corp. at Planning Board meeting; they're okay with annexation as long as Village of New York Mills is welcoming. Councilman Waszkiewicz had faxed the November 9, 2004 Benderson correspondence and related map to the Town Planner.
- Town Questionnaire – Discussion ensued on publishing the professionally reviewed and modified questionnaire on the official Town Web site; Town Clerk received a quote of approximately \$2,600 from P. J. Green to prepare and mail a town-wide questionnaire. Consensus was to post on the Web site and it was suggested to add a disclaimer.
- Inter-municipal Comparison - submitted chart but not all responses have been received from comparable towns
- Property Assessments listed on the Town's Official Web site – need time line for uploading to the Web
- Improve existing Town offices – Councilman Waszkiewicz anticipated that the office design layout project would be completed by the December 15, 2004 Town Board meeting. Discussion ensued about space availability in Butler Memorial Hall, that through the Town's rent paid for office space the Town is a major contributor to the Butler Memorial Hall Association, which are Trustees for the building.
- NYS Route 12 Task Force – an additional \$8 million was allocated for continuing improvements on the North-South Transportation/Economic Development Corridor
- Inter-municipal Agreement with Town of Frankfort – to address stormwater that comes off the hill and affects the Slaytonbush and Graffenburg Road area residents in the Town of New Hartford; met with Supervisor Kinney a month ago; Councilman Waszkiewicz will e-mail agreement proposal to Board members by Friday, December 3, 2004. May be eligible for funding.
- Re-appointment of New Hartford representative – Mohawk Valley Water Authority (MVWA) – Current representative is Elis DeLia whose term will expire December 31, 2004; recommends he be re-appointed to a 3-year term. Tabled until the appropriate time.
- "Evolution of a Village" authorized by Eugene Dziedjic and James Pula - Board consensus was to send a letter of congratulations to the authors, Eugene Dziedjic and James Pula. Councilman Waszkiewicz is to craft the letter for the Town Board to sign.

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- Planning matters / Comprehensive Plan - Councilman Waszkiewicz suggested that the Town Board meet with the Town Planning Board to discuss various matters. After some discussion, the Board agreed to meet at 6:00 P.M. on December 15, 2004, immediately prior to the regular Town Board meeting in Butler Memorial Hall.

COUNCILMAN BACKMAN:

Grant writer

Councilman Backman received a letter from C. W. Augustine of DeKalb, a grant writer who would be interested in speaking with the Town Board about grants. Mr. Augustine is very busy in St. Lawrence County, his plate is full, but would like to speak with the Town Board in the spring. Board consensus was to meet with him in the Spring of 2005.

ATTORNEY FOR TOWN:

Budget Truck Rental

Attorney Rossi reported that the Budget Truck Rental matter had been settled.

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL:

Audit of Vouchers

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

(RESOLUTION NO. 401 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 Abstract No. 63	\$ 49,733.33
General Fund Whole-Town Police Abstract No.64	\$ 16,858.25
General Fund Part-Town Abstract No. 30	\$ 4,300.82
Highway Fund Part-Town Abstract No. 24	\$ 25,181.07
Sewer Fund Abstract No. 24	\$ 2,788.26
Capital Drainage Account Abstract No. 16	\$ 15,887.56
Highby Road Water Tank Abstract No. 2	\$ 12,155.37
TOTAL:	\$126,904.66

Upon roll call, the Board members voted as follows:

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

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

State Study on State Route 5 & State Route 12

State of New York Department of Transportation has acknowledged the Town of New Hartford's request for a speed study on State Route 5 in the vicinity of Applewood and Cherrywood and State Route 12 for a lower speed limit between Sherrillbrook Park and the Genesee Street intersection.

Utica Transit Authority

Supervisor Humphreys attended a Utica Transit Authority meeting about regionalizing Utica and Rome's Transit Authority with Central New York Regional Transportation Authority. The Central New York Regional Transportation Authority is asking for same level of financial commitment from the Town, i.e, Thirty Thousand Dollars (\$30,000). On recommendation of the Town Supervisor, Councilman Backman presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 402 OF 2004)

RESOLUTION OF INTENT TO SUPPORT IN CONCEPT CENTRAL NEW YORK TRANSPORTATION AUTHORITY

WHEREAS, The Town of New Hartford is supportive of public transit which is responsive to the transportation needs of its community and the Central New York community as a whole; and

WHEREAS, several alternatives have been reviewed for public transportation in Oneida County, which are set forth in a document entitled, "An Assessment of Oneida County Membership in the Central New York Regional Transportation Authority" prepared November 18, 2004; and

WHEREAS, following review of said alternatives and after several meetings is supportive of the concept of providing transportation services which are safe, reliable, and environmentally responsible with the Central New York Regional Transportation Authority (CNYRTA), now, therefore, be it hereby

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RESOLVED, that The Town of New Hartford, hereby authorizes and expresses its intent to support the concept of CNYRTA operating public transportation in Oneida County with specific understanding that said CNYRTA will maintain the current representative level of service that this community is enjoying today.

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**.

Agreement – Computer Service Contract

Supervisor Humphreys reviewed the service contract rates submitted by Integrated Software Systems (ISS) for fiscal year 2005; the hourly rate increased by Ten Dollars (\$10) to Fifty-five Dollars (\$55) per hour for a block of one hundred fifty (150) hours. The Supervisor was asked to obtain another quote to compare prices and the Board will review these figures at the December 15, 2004 Town Board meeting.

Partlow Building

The Partlow Building is a little short on parking spaces only ninety-six (96) are available and additional spaces are needed. The Town could gain forty (40) more spaces by demolishing part of a building near Genesee Street for access and some inside parking. Supervisor Humphreys has talked to adjacent property owner regarding house and land, with an offer of One Hundred Seventy-five Thousand Dollars (\$175,000) for a half (½) acre and this would provide another fifty (50) parking spaces.

REPORTS OF TOWN OFFICIALS

POLICE CHIEF:

2005 Animal Control Contract Municipal Agreement

Upon recommendation of Police Chief Raymond Philo, Councilman Butler presented the following Resolution for adoption; seconded by Councilman Waszkiewicz.

(RESOLUTION NO. 403 OF 2004)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to execute the 2005 Inter-Municipal Agreement between the Town of New Hartford and the Town of Kirkland whereby New Hartford’s Animal Control

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Officer will provide Kirkland with Animal Control Services. The value of said Agreement to the Town of New Hartford for this service is Nine Thousand Seven Hundred Twenty-two Dollars (\$9,722).

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**.

Dubyna vs. Town of New Hartford – GML, 50-h Hearing

Chief of Police Ray Philo talked with Attorney Rossi regarding Dubyna vs Town of New Hartford. Attorney Rossi set up a 50H hearing and discontinuance of that because the hearing did not happen and the Town will not be sued.

EXECUTIVE SESSION

Councilman Waszkiewicz introduced the following Resolution for adoption and Councilman Butler seconded same:

(RESOLUTION NO. 404 OF 2004)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the dismissal of a particular employee and to discuss the (assessment) certiorari brought against the Town by Antonio Cristiano.

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, were then excused from the meeting at 9:55 P.M.

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END OF EXECUTIVE SESSION

Councilman Butler introduced the following Resolution for adoption and Councilman Waszkiewicz seconded same:

(RESOLUTION NO. 405 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:

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 10:24 P.M. and the regular portion of the Town Board meeting was immediately reconvened.

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

(RESOLUTION NO. 406 OF 2004)

WHEREAS, the collective bargaining agreement (the "CBA") between the Town of New Hartford and the New Hartford Police Officer's Benevolent Association requires that a hearing officer in a disciplinary hearing pursuant to Section 75 of the Civil Service Law be an impartial arbitrator designated by the American Arbitration Association;

WHEREAS, the CBA requires that the findings and decisions of such an impartial arbitrator shall be final and binding upon the Town, the PBA, and the employee involved;

WHEREAS, Officer Kevin P. Collins ("Officer Collins") was served, on or about March 5, 2004 with charges of misconduct related to his employment with the Town of New Hartford as a police officer and such charges were the subject of a hearing held on multiple dates before Stuart M. Pohl, an impartial arbitrator appointed pursuant to the CBA;

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WHEREAS, Arbitrator Pohl issued an Opinion and Award, dated November 16, 2004, containing detailed findings of fact concerning the charges of misconduct made against Officer Collins;

WHEREAS, Arbitrator Pohl concludes in the aforementioned Opinion and Award that Officer Collins is guilty of certain misconduct and that further, discharge is the appropriate penalty;

WHEREAS, the New Hartford Town Board has reviewed the aforementioned Opinion and Award of Arbitrator Pohl and agrees that Officer Collins engaged in misconduct warranting discharge;

WHEREAS, due to the final and binding effect of the Opinion and Award on all the parties, Officer Collins' discharge was effective as of November 16, 2004, the date of the Opinion and Award.

The Board members voted upon roll call that resulted 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**.

ADJOURNMENT

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

Respectfully submitted,

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

**Nancy E. Kneller
Deputy Town Clerk II**