

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT KELLOGG ROAD COMMUNITY CENTER
BUILDING, IN SAID TOWN ON WEDNESDAY,
SEPTEMBER 26, 2007 AT 6:00 P.M.**

Supervisor Reed 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: Councilman Robert A. Payne III
Councilman David M. Reynolds
Councilman Richard B. Woodland, Jr.
Supervisor Earle C. Reed

ABSENT: Councilman John C. Waszkiewicz III

OTHER TOWN OFFICIALS: Attorney for the Town, Gerald J. Green
Director of Senior Services M. Eileen Spellman
Town Clerk Gail Wolanin Young and
Deputy Town Clerk I Margaret M. Jones

Thereafter, a quorum was declared present for the transaction of business. Councilman Waszkiewicz was absent due to medical reasons.

PUBLIC PRESENTATIONS

There were none.

REPORTS OF TOWN OFFICIALS

AGING (DIRECTOR OF SENIOR SERVICES):

2007 Budget Adjustments

Upon request of Director of Senior Services Eileen Spellman, Councilman Payne offered the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 217 OF 2007)

RESOLVED that the New Hartford Town Board does hereby authorize and direct Bookkeeper Carol Fairbrother to make the following 2007 Budget adjustments for the Department of Senior Services:

<u>Increase Account No.</u>	<u>Amount</u>	<u>Purpose</u>
• Senior Center Revenue	\$5,000.00	Assembly Member Item
• Senior Center Appropriation	\$5,000.00	Defibrillator system; visual

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equipment and training

- AA2705.1 Revenue \$1,046.01 Donations by patron Seniors
- AA6772.04 Cont. Expense \$1,046.01 Improve items at Senior Center

- AA2705.1 Revenue \$1,000.00 Donation by Wal*Mart
- AA2771.4 Misc. Fees \$2,035.00 White Elephant Sale
- AA6772.04 Cont. Expense \$3,035.00 Purchase/install range hood and anel safety system

- AA2705.1 Revenue \$ 133.03 Donations from patron Seniors
- AA6772.04 Cont. Expense \$ 133.03 Offset cost of installation of ceiling/lighting project [NOTE: Project didn't cost taxpayers any funds out of Town Budget]

Upon roll call, the Board members voted as follows:

- Councilman Waszkiewicz - ABSENT
- Councilman Woodland - Aye
- Councilman Payne - Aye
- Councilman Reynolds - Aye
- Supervisor Reed - Aye.

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

CODES ENFORCEMENT OFFICER:

Local Law Introductory "C" of 2007 - Amend the Code, Chapter 118 (Zoning)/ Fees

In behalf of the Codes Enforcement Officers, the Town Clerk presented Local Law Introductory No. "C" for the Board's consideration. Thereafter, Councilman Reynolds introduced the following legislation for the Town Board's consideration at a future public hearing; co-sponsored by Councilman Payne:

TOWN OF NEW HARTFORD, NEW YORK

Local Law Introductory "C" of 2007

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A Local Law to amend the Code of the Town of New Hartford, Chapter 118 thereof entitled ZONING, and specifically Article XV [Miscellaneous Provisions], Section 118-93 [Fees], Subparagraphs C. through E., inclusive, as same relate to building permits, miscellaneous permit fees, re-inspection fees, and zoning fees.

BE IT ENACTED by the Town Board of the Town of New Hartford as follows:

SECTION 1. Chapter 118 of the Code of the Town of New Hartford, Article XV [Miscellaneous Provisions], Section 118-93 [Fees] is hereby amended as follows:

Replace the existing like categories in Paragraph C. [Issuance of building permits] through Paragraph E. [Application to Zoning Board of Appeals] with the following revisions and additions:

C. Issuance of building permits

(1) Residential

One- or two-family residences	\$0.26 per sq.ft.
Attached garages	\$0.15 per sq.ft.
Multi-family residences (apartments, condominiums, townhouses – zero lot lines)	\$0.30 per sq.ft
Additions (residential)	Minimum \$50.00 plus \$0.15 per sq.ft.

(2) Commercial (is any occupancy other than an R type)

\$0.33 per sq.ft. for first 50,000 sq.ft. of building area;
\$0.25 per sq.ft. for any remaining portion of building area up to 100,000 sq.ft; and
\$0.16 per sq.ft. for any remaining portion of building area over 100,000 sq. ft.

(a) Interior renovations	\$250 minimum, or \$0.25 per sq.ft.
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(b) Detached accessory buildings and Structures \$30 minimum or \$0.25 per sq.ft.

(3) In any situation, where work is started before a building permit is issued, the application fee is doubled.

(4) All building permits expire one (1) year from the date of issue. Renewal for one (1) year is 25% of the original permit fee.

D. Miscellaneous

(1) Demolition Permits:

a.) Residential buildings \$100.00
b.) Commercial buildings \$200.00

(3) Signs Minimum of \$45 plus \$1 per sq.ft. of face area

(4) Open decks:

a.) Up to and including 150 sq.ft. \$ 25.00 minimum
b.) Over 150 sq.ft. \$ 10.00 for each additional 100 sq.ft. or part thereof

(5) Commercial tents (temporary; 20 days maximum) \$100.00
No charge for tents associated with residential occupancies

(12) Re-inspection fees

(a) Amount.
[1] First inspection \$75.00
[2] Second inspection \$75.00
[3] Third inspection \$75.00

E. Application to Zoning Board of Appeals

(1) Application for Area Variances:

a.) Residential, one- and two-family \$100.00
b.) Multiple dwellings and other non-residential uses \$240.00
c.) Interpretations \$ 40.00

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(2) Application for Use Variances (all uses) \$300.00

SECTION 2. All other provisions of Chapter 118 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

SECTION 3. This Local Law shall become effective January 1, 2008.

General Municipal Law 239-l & m Referral; SEQR Process

Thereafter, the following Resolution was introduced for adoption by Councilman Reynolds and duly seconded by Councilman Payne:

(RESOLUTION NO. 218 OF 2007)

WHEREAS, the Town Codes Enforcement Officers have proposed a Zone Text Amendment to amend the Code of the Town of New Hartford, Chapter 118 (ZONING) by increasing certain permit fees; and

WHEREAS, the Town Board had reviewed the presentations made at the August 8, 2007 and September 12, 2007 Town Board meetings;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby refer the proposal to increase certain permit fees, i.e., Local Law Introductory "C" of 2007, to the Oneida County Planning Department and to the Town Planning Board for their review and written recommendation pursuant to General Municipal Law and the Town's Zoning Law; and be it

FURTHER RESOLVED that the Town Board does hereby declare itself as Lead Agency in the matter of Local Law Introductory "C" of 2007 and does hereby commence the SEQR process with the Town Clerk to forward this proposal to any interested and/or involved agencies.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	ABSENT
Councilman Woodland	-	Aye
Councilman Payne	-	Aye
Councilman Reynolds	-	Aye
Supervisor Reed	-	Aye.

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

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HIGHWAY SUPERINTENDENT:

Training

In behalf of the Highway Superintendent, Councilman Payne recommended that Christopher Moran be approved for continuing education. Thereafter, the following Resolution was introduced for adoption by Councilman Woodland and duly seconded by Councilman Payne:

(RESOLUTION NO. 219 OF 2007)

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 Christopher Moran, Foreman/HEO, to attend the Annual Snow and Ice Seminar on Wednesday, October 10, 2007 in Chenango County, New York with the Forty Dollar (\$40) registration fee to be paid by the Town.

The Resolution was voted upon by roll call as follows:

Councilman Waszkiewicz	-	ABSENT
Councilman Woodland	-	Aye
Councilman Payne	-	Aye
Councilman Reynolds	-	Aye
Supervisor Reed	-	Aye.

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

Stormwater Management Improvement (Advisory) Committee

In behalf of the Highway Superintendent, Councilman Payne submitted the following report with regard to the September 2007 Committee meeting. The Committee reviewed the Shumaker Engineering final design proposal for the Oxford-Tibbitts Road area; cost \$21,500; and the Committee recommended that the Town Board approve the final design and move forward. Discussion among Town Board members included a bus tour so Committee members can appreciate the magnitude of problems, the need for a public hearing for public information and input once a list of initial priorities has been compiled, and the monthly submittal of a report on improvements accomplished. Councilman Payne had recommended that a Committee member submit reports to the Town Board rather than the Highway Superintendent. Councilman Payne will communicate with the Highway Superintendent to schedule a meeting with Shumaker Engineering.

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PARKS AND RECREATION DIRECTOR:

Grant – NYS Office of Parks, Recreation and Historic Preservation

Upon recommendation of Parks and Recreation Director Michael W. Jeffery, Councilman Woodland introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 220 OF 2007)

RESOLVED that Earle C. Reed, as Town Supervisor of the Town of New Hartford, New York, is hereby authorized to sign legal documents on behalf of said Town; and be it

FURTHER RESOLVED that the New Hartford Town Board does hereby authorize and direct Supervisor Reed to execute all forms pertinent to a \$30,000 grant from the NYS Office of Parks, Recreation and Historic Preservation as same relates to Project Identification No. PKS-07-CE-045, as follows:

- \$20,000 for machinery and attachments for use in snow removal
- \$10,000 for an athletic in-field groomer.

Whereupon, the Town Board voted as follows:

Councilman Waszkiewicz	-	ABSENT
Councilman Woodland	-	Aye
Councilman Payne	-	Aye
Councilman Reynolds	-	Aye
Supervisor Reed	-	Aye.

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

Appointments - Seasonal Employees

Upon recommendation of the Parks and Recreation Director and confirmation that all applicants had been approved by the Oneida County Personnel Department and the Town Personnel Technician, the following Resolution was introduced for adoption by Councilman Reynolds and duly seconded by Councilman Payne:

(RESOLUTION NO. 221 OF 2007)

RESOLVED that the New Hartford Town Board does hereby appoint the following individuals to the various part-time seasonal positions and for the hourly wages set

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opposite their several names, for the Parks and Recreation Department, commencing September 28, 2007; all wages to be paid bi-weekly:

Recreation Center AA7020.14

NAME	POSITION	RATE OF PAY
Wayne Rich	Ice Attendant	\$ 7.15 hour
Jonathan Furgal	Ice Attendant	\$ 7.15 hour
Haley Butler	Ice Attendant	\$ 7.15 hour
Daniel Dreimiller	Ice Attendant	\$ 7.15 hour
Jennifer Malechi	Ice Attendant	\$ 7.15 hour
Jason Fitzgerald	Ice Attendant	\$ 7.15 hour
Christopher Luker	Ice Attendant	\$ 7.15 hour
Michael Chiellino	Sub Ice Attendant	\$ 7.15 hour
Robert Luker	Sub Ice Attendant	\$ 7.15 hour

Whereupon, the Town Board voted upon roll call:

- Councilman Waszkiewicz - ABSENT
- Councilman Woodland - Aye
- Councilman Payne - Aye
- Councilman Reynolds - Aye
- Supervisor Reed - Aye.

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

Resignation – Recreation Center Working Supervisor

Parks and Recreation Director Michael Jeffery reported that Mark Roller, who had been granted a 90-day Leave of Absence, has submitted his resignation effective September 22, 2007.

Promotion –Recreation Center Working Supervisor Vacancy

Upon request of the Parks and Recreation Director, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Payne:

(RESOLUTION NO. 222 OF 2007)

WHEREAS, Mark Roller has resigned as Working Supervisor at the Recreation Center, creating a vacancy in that position;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby promote Recreation Maintenance Worker James Campbell to fill the vacancy of Recreation Center Working Supervisor, said promotion to become effective Monday,

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October 1, 2007. His hourly wage is hereby established at Fifteen Dollars and Fifty-seven Cents (\$15.57) including longevity of \$.03 [annual wage \$32,386].

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	ABSENT
Councilman Woodland	-	Aye
Councilman Payne	-	Aye
Councilman Reynolds	-	Aye
Supervisor Reed	-	Aye.

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

Promotion – Recreation Maintenance Worker Vacancy

Upon request of the Parks and Recreation Director, Councilman Payne introduced the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 223 OF 2007)

WHEREAS, James Campbell has been promoted to Recreation Center Working Supervisor, thereby creating a vacancy in his former position, Recreation Maintenance Worker;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby promote Parks & Recreation Seasonal Laborer James Miller to fill the vacancy of Recreation Maintenance Worker, said promotion to become effective Monday, October 1, 2007. Mr. Miller's hourly wage is hereby established at Eleven Dollars and Sixty-seven Cents (\$11.67) [annual wage \$24,275].

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	ABSENT
Councilman Woodland	-	Aye
Councilman Payne	-	Aye
Councilman Reynolds	-	Aye
Supervisor Reed	-	Aye.

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

TOWN CLERK:

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Draft Local Law – Subdivision Regulations

In behalf of the Town Planner who had submitted the draft subdivision regulations for the Board's review on September 12, 2007, at which time the SEQR process was commenced, the Town Clerk presented Local Law Introductory "D". Councilman Woodland introduced the following legislation for the Town Board's consideration at a future public hearing; seconded by Councilman Reynolds:

TOWN OF NEW HARTFORD, NEW YORK
Local Law Introductory "D" of 2007

A Local Law to amend the Code of the Town of New Hartford, **Chapter 104** thereof entitled **SUBDIVISION**, by repealing the Subdivision Regulations adopted by Local Law No. 2 of 1965, adopted May 26, 1965, and all amendments thereto and replacing the 1965 Subdivision Regulations and amendments with the text adopted herein.

BE IT ENACTED by the Town Board of the Town of New Hartford as follows:

SECTION 1. Chapter 104 of the Code of the Town of New Hartford is hereby repealed and replaced by the following text:

(photocopy the text – not available electronically)

SECTION 2. All other provisions of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

SECTION 3. This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

General Municipal Law 239-l & m Referral

Thereafter, the following Resolution was introduced for adoption by Councilman Woodland and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 224 OF 2007)

WHEREAS, the Town Codes, Engineering, Highway and Planning Departments have reviewed the Final Draft Subdivision Regulations prepared by *peter j. smith & company, inc.*; and

WHEREAS, the Final Draft had been presented to the Town Board on September 12, 2007 and has been introduced for consideration as Local Law Introductory "D" of 2007;

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NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby refer Local Law Introductory "D" of 2007, to the Oneida County Planning Department for their review and written recommendation pursuant to General Municipal Law.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	ABSENT
Councilman Woodland	-	Aye
Councilman Payne	-	Aye
Councilman Reynolds	-	Aye
Supervisor Reed	-	Aye.

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

Sessions Road Highway Improvement – Correct Resolution from 9-12-07

Upon recommendation of Bookkeeper Carol Fairbrother, Councilman Reynolds offered the following Resolution for adoption; seconded by Councilman Payne:

(RESOLUTION NO. 225 OF 2007)

WHEREAS, costs relating to repair, renovation and/or purchase of buildings and land acquisition costs are General Fund Whole-Town expenditures;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby amend Resolution No. 196, adopted September 12, 2007, so that the payment of Two Thousand Dollars (\$2,000) to Guy Wilcox with regard to the Sessions Road Highway Improvement shall be from the General Fund Whole-Town, Contingent Account AA1990.04.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	ABSENT
Councilman Woodland	-	Aye
Councilman Payne	-	Aye
Councilman Reynolds	-	Aye
Supervisor Reed	-	Aye.

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

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Appointment – Board of Assessment Review

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

(RESOLUTION NO. 226 OF 2007)

WHEREAS, the term of office of Edward F. Goggin as Member of the Board of Assessment Review (BAR) will expire September 30, 2007; and

WHEREAS, Mr. Goggin has expressed his interest in re-appointment to said Board for a five-year term;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby re-appointment Edward F. Goggin to a five-year term as a Member of the Board of Assessment Review, commencing October 1, 2007 and ending September 30, 2012.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	ABSENT
Councilman Woodland	-	Aye
Councilman Payne	-	Aye
Councilman Reynolds	-	Aye
Supervisor Reed	-	Aye.

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

MATTERS SUBMITTED BY COUNCILMEN

COUNCILMAN PAYNE:

Kellogg Road Community Center Building – Potential Seasonal Closing

Due to high heating costs, Councilman Payne proposed the closing of the Kellogg Road Community Center Building from public use for the period of mid-November 2007 through March 31, 2008. He will bring the analysis of the building use by organizations over the past year to the October 10, 2007 Town Board meeting.

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL:

Retention – Financial Advisor

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

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(RESOLUTION NO. .227 OF 2007)

WHEREAS, the Town of New Hartford has completed the following procedures with regard to retaining the services of a financial advisor:

- advertised for the position in the Observer Dispatch on August 10, 11 and 12, 2007
- posted the position on the Town's Website
- advertised the position on Career Builders from August 9, 2007 through September 8, 2007
- mailed approximately fifteen (15) direct-mail requests to local accountants
- conducted three (3) interviews with prospective hirees;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby retain the services of **Frank J. Basile, CPA's, P.C.**, 4305 Middle Settlement Road, New Hartford, New York 13413, for the sixteen- (16) month period beginning September 10, 2007 and ending December 31, 2008 for the following consultation services:

- Assistance with the annual budget process
- Advice and guidance on financing and/or expensing various highway, planning and administrative costs
- Updating accounting and record-keeping procedures and bookkeeping systems
- Other accounting and management advisory services as requested by the Town Supervisor or Town Board.

And be it

FURTHER RESOLVED that the hourly rate for services rendered by Frank Basile is hereby approved at One Hundred Fifty Dollars (\$150), and the hourly rate for his associates is hereby approved at Eighty Dollars (\$80).

Discussion included the number of hours expected to be worked, and municipal experience. Thereafter, the foregoing Resolution was subject to a vote upon roll call:

Councilman Waszkiewicz	-	ABSENT
Councilman Woodland	-	Aye
Councilman Payne	-	Aye
Councilman Reynolds	-	Aye
Supervisor Reed	-	Aye.

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

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Audit of Vouchers

Councilman Woodland presented the following Resolution and moved its adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. .228 OF 2007)

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, that have been duly audited by the Town Board:

General Fund Whole-Town Abstract No. 20 Voucher AA1506	\$ 1,500.00
General Fund Whole-Town Abstract No. 21 Vouchers AA1507-AA1564; Vouchers AA1574-AA1577	\$ 42,085.86
General Fund Whole-Town Police Abstract No. 21A Vouchers AA1565-AA1573	\$ 7,599.03
General Fund Part-Town Abstract No. 14 Vouchers BB142-BB155	\$ 2,844.28
Highway Fund Part-Town Abstract No. 13 Vouchers DB402-DB418	\$ 12,640.98
Sewer Fund Abstract No. 18 Vouchers SS67-SS68	\$ 1,696.79
Street Lighting Fund Abstract No. 11 Voucher SL11	\$ 7,331.21
GEIS Capital Abstract No. 6 Voucher HX8	\$ 4,200.00
Drainage Capital Abstract No. 8 Vouchers HC43-HC45	\$ 22,133.44
TOTAL:	\$ 102,031.59

Whereupon, the Town Board members voted individually as follows:

Councilman Waszkiewicz	-	ABSENT
Councilman Woodland	-	Aye
Councilman Payne	-	Aye
Councilman Reynolds	-	Aye
Supervisor Reed	-	Aye.

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

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MINUTES APPROVAL

September 12, 2007 Town Board minutes

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

(RESOLUTION NO. 229 OF 2007)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the **Regular** Town Board meeting held **September 12, 2007** and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	ABSENT
Councilman Woodland	-	Aye
Councilman Payne	-	Aye
Councilman Reynolds	-	Aye
Supervisor Reed	-	Aye.

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

EXECUTIVE SESSION

Councilman Payne introduced the following Resolution for adoption and Councilman Reynolds seconded same:

(RESOLUTION NO. 230 OF 2007)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss pending litigation (certiorari) involving Applewood Community versus the Town.

A roll call vote ensued:

Councilman Waszkiewicz	-	ABSENT
Councilman Woodland	-	Aye
Councilman Payne	-	Aye
Councilman Reynolds	-	Aye
Supervisor Reed	-	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 6:36

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P.M. The Town Clerk was asked to stay in the event the Board wanted to take action after the Executive Session.

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 231 OF 2007)

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	-	ABSENT
Councilman Woodland	-	Aye
Councilman Payne	-	Aye
Councilman Reynolds	-	Aye
Supervisor Reed	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 6:42 P.M. and the regular portion of the Town Board meeting was immediately reconvened, with the public being invited to re-join the meeting.

Agreement for Legal Services – Applewood Community Certiorari

Councilman Payne introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 232 OF 2007)

RESOLVED that the Town Board of the Town of New Hartford does hereby retain Joseph Shields to serve as special counsel to the Town and represent the Town's interest in the Applewood Tax Certiorari case along with the Clinton School District's interest. For this legal service, the Town will be responsible for Ten Percent (10%) of Attorney Shields' fee. With regard to the needed outside expert appraisal services, the Town Board further resolves to approve Todd Thurston, who has been selected by Attorney Shields. The appraisal services are to be split between the Town and School District 50%/50%.; and be it

FURTHER RESOLVED that the Town Board understands that, in the event a conflict arises between the Town and School District, Attorney Shields will represent the School District and the Town will have to retain independent counsel.

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Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	ABSENT
Councilman Woodland	-	Aye
Councilman Payne	-	Aye
Councilman Reynolds	-	Aye
Supervisor Reed	-	Aye.

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

ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made and seconded, the meeting was adjourned at 6:44 P.M.

Respectfully Submitted,

**Gail Wolanin Young
Town Clerk**