

**SPECIAL MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT THE LAW OFFICE OF ATTORNEY VINCENT J.
ROSSI, JR., 587 MAIN STREET, NEW YORK MILLS
ON TUESDAY, JANUARY 11, 2005 AT 8:20 A.M.**

The Town Supervisor called the meeting to order at 8:20 A.M. and led those in attendance in the Pledge of Allegiance to the American Flag.

TOWN BOARD MEMBERS: Councilman Donald C. Backman
Councilman David W. Butler
Supervisor Ralph B. Humphreys

OTHERS: Attorney Vincent J. Rossi, Jr.

ABSENT: **Councilman John C. Waszkiewicz, III
**Councilman Richard B. Woodland, Jr.
*Town Clerk Gail Wolanin Young, CMC/RMC

Thereafter, a quorum was declared present for the transaction of business. The Town Supervisor had contacted the Board members and Attorney about 5:30 P.M. on Monday, January 10, 2005 to schedule this Special Meeting to address the Hale option for the Higby Road water tank project. In the absence of the *Town Clerk who had not been contacted or notified about this Special Meeting, Attorney Rossi was delegated to record the proceedings. **Councilmen Waszkiewicz and Woodland were unable to attend due to their full-time jobs.

EXECUTIVE SESSION

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

(RESOLUTION NO. 15 OF 2005)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss pending litigation by the Town of New Hartford vs Phillip Hale relative to enforcement of the Hale option agreement pertaining to the Higby Road water tank.

A roll call vote ensued:

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

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Thereafter, the Resolution was declared unanimously carried and duly *ADOPTED*, with the Board entering Executive Session at 8:21 A.M.

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 16 OF 2005)

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

The Supervisor declared the Resolution unanimously carried and duly *ADOPTED*; the Executive Session ended at 8:29 A.M. The regular portion of the Town Board meeting was immediately reconvened.

Option Agreement Litigation – Higby Road Water District / Tower Site

Councilman Backman offered the following Resolution for adoption, seconded by Councilman Butler:

(RESOLUTION NO. 17 OF 2005)

RESOLVED that the New Hartford Town Board does hereby agree and authorize commencement of legal action and file a notice of pendency against Philip Hale to enforce the Option Agreement to acquire the water tower site for the Higby Road Water District for reasons reflected on the attached check and letters showing breach by Hale.

The Town Board voted upon roll call as follows:

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

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The Resolution was thereafter declared 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 8:32 A.M.

Respectfully submitted,

Vincent J. Rossi, Jr.
Attorney for the Town