

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT BUTLER MEMORIAL HALL IN THE VILLAGE OF NEW
HARTFORD ON WEDNESDAY, JANUARY 19, 2005 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 Richard B. Woodland, Jr.
Supervisor Ralph B. Humphreys

TOWN BOARD MEMBERS ABSENT:
Councilman John C. Waszkiewicz III
Councilman David W. Butler

OTHER TOWN OFFICIALS: Highway Superintendent Roger A. Cleveland
Police Chief Raymond Philo
Town Clerk Gail Wolanin Young, CMC/RMC

OTHERS: Attorney Vincent Rossi, Jr. (Arrived at 7:55 P.M.)

Thereafter, a quorum was declared present for the transaction of business. Councilmen Waszkiewicz and Butler were absent due to their full-time business matters out of town.

PRESENTATIONS

FIRE DISTRICT #4 TAX RATE INCREASE – WILLOWVALE FIRE COMPANY

Anthony Putrelo, who owns property at 9273 Grange Hill Road, demanded an explanation for the 92% tax increase for fire protection on his 2005 Town and County tax bill, stating he wouldn't pay his taxes until he received some answers. Mr. Putrelo said people are trying to save money and "...they've built a firehouse..", allegedly including a red concrete floor for which the dye cost \$5,000 and a \$10,000 fryer and "...they haven't fried a French fry in more than ten (10) years." He wants an audit and said the Fire Company didn't go through the competitive bid process.

Supervisor Humphreys explained that the Fire Company, a separate entity from Town Government, wasn't required to go through the General Municipal Law competitive bid process and the Town's Bond Counsel confirmed this. He further explained that the Town, after two (2) publicized Public Hearings, granted the Fire Company tax exempt status which would enable the Fire Company to apply for a loan - that the Town contracts with the Fire Company for fire protection services and while taxpayers may be paying off the bond, depending on how the Fire Company budgets their money, the bond amount will decrease when their Chapman Road parcel and former Oneida Street parcel are sold, thereby reducing the tax rate.

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Councilman Backman, representative for the First Ward in which Fire Protection District No. 4 is situate, stated that the Willowvale Fire Company is an incorporated organization – separate from the Town – that Willowvale’s territory is smaller than neighboring New Hartford’s district and has a smaller area to pay for the services. Volunteer fire companies save the taxpayers a lot of tax dollars when you consider the alternative – a paid fire department. The Town only contracts for fire protection in that district and how the Fire Company decides to deliver the service is their job and responsibility. The Willowvale Fire Company outgrew their facilities years ago and has had insufficient parking – split in two (2) locations, Oneida Street and Chapman Road; now there will be one facility on Oneida Street. The Fire Company bonded – not the Town – and the taxpayers will pay off bond at a municipal rate. Again, the Town contracts for fire protection services and how they use the money is their decision; the Fire Company was also the recipient of two (2) state grants - \$25,000 and \$100,000 through their own efforts.

Mr. Putrelo reiterated that he’s not going to pay the fire taxes until he gets answers to his questions. He compared the \$1.5 million, 2-story, 23,000 square foot municipal facility his construction company is building for the Town of Marcy together with it’s 500-car parking lot to Willowvale’s new firehouse – a pole barn – for the same amount of money; he wants to know how or where the money was spent because he thinks someone made something on this.

The Town Supervisor invited Mr. Putrelo to remain at the meeting until Attorney Rossi was present. The discussion concluded at 7:43 P.M.

REPORTS OF TOWN OFFICIALS

TOWN CLERK:

Annual Report of Fees

Town Clerk Gail Wolanin Young submitted copies of her Annual Report of fees and moneys collected during Fiscal Year 2004.

REPORTS OF SPECIAL COMMITTEES

NEW HARTFORD COMMUNITY ENRICHMENT FOUNDATION:

Nathaniel Richmond, who had been authorized by the Town Board approximately a year ago to organize a 501 C 3 board of directors, reported that a board of directors is in place – officials having been elected January 18, 2005, and that by-laws have been adopted. The foundation is a tax-exempt corporation and only need federal recognition of this. Mr. Richmond asked that the Town Board revisit the issue of a grant writer; while the foundation is a medium through which grants can be obtained, the foundation is not the

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Grant seeker/writer individually. The list of Board of Directors was then filed with the Town Clerk. The Town Board will consider the grant writer request.

REPORTS OF TOWN OFFICIALS (CONT'D)

HIGHWAY SUPERINTENDENT:

Competitive Bid Process – 2005 Pick-Up Truck

Six (6) companies picked up bid specifications from the Town Clerk's Office, with only one (1) company submitting a bid on January 14, 2005. Upon recommendation of the Highway Superintendent, the following Resolution was offered for adoption by Councilman Backman and seconded by Councilman Woodland:

(RESOLUTION NO. 18 OF 2005)

WHEREAS, the Town Superintendent of Highways did, on the 19th day of January, 2005, duly recommend the purchase of certain equipment pursuant to the provisions of Section 142 of the Highway Law;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize the Town Superintendent of Highways to purchase, in accordance with the provisions of Article 5-A of the General Municipal Law, and with the approval of the County Superintendent of Highways, one (1) 2005 Ford F250 Pick-up Truck with snowplow, as per Town specifications, from the Nye Automotive Group, 675 Genesee Street, Oneida, New York, for a maximum aggregate price of Twenty-eight Thousand Seven Hundred Eighty-two Dollars (\$28,782), delivered at the Sanger Public Works Garage, 111 New Hartford Street, New Hartford, New York, by January 24, 2005.

The Town Superintendent of Highways is authorized to surrender to the Nye Automotive Group one (1) 2001 Ford F250 Pick-up Truck, VIN 1FTNF21LX1EB73196, at an agreed trade-in value of Eight Thousand Eight Hundred Dollars (\$8,800).

A contract for the item purchased shall be duly executed in triplicate between the Town Superintendent of Highways and such vendor and when approved by the County Superintendent of Highways, it shall become effective. When the contract has been executed and approved, and upon delivery of the item(s) purchased, the Town Supervisor shall pay the amount of Nineteen Thousand Nine Hundred Eighty-two Dollars (\$19,982) from budgetary appropriations for purchase of equipment.

Upon roll call, the Town Board voted as follows:

(Councilman Waszkiewicz - ABSENT)
(Councilman Butler - ABSENT)

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

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

Vehicular Speed Study – NYS Route 5/Applewood Community

Councilman Woodland and the Highway Superintendent will review this matter and make recommendation to the Town Board by the end of February 2005.

Well - Dr. Wilcox property, Sessions Road reconstruction

After a brief review, Councilman Backman offered the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. 19 OF 2005)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize the payment of the invoice/voucher submitted by Scharf Plumbing in the amount of One Hundred Fifty-seven Dollars and Thirteen Cents (\$157.13) for technical services rendered in the matter of drilling a new well for the Wilcox property on Sessions Road, as a result of damage sustained by a spring-fed well allegedly during road reconstruction.

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

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

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

[NOTE: Attorney Rossi joined the meeting at 7:55 P.M.]

MATTERS SUBMITTED BY ATTORNEY FOR THE TOWN

Small Claims Action – Misiaszek vs Town

After some discussion, it was the Town Board’s consensus that Attorney Rossi represent the Town in Small Claims Court together with the Highway Superintendent rather than

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the Town's insurance carrier, TRIDENT, because the Messrs. Rossi and Cleveland are familiar with circumstances involved in Mr. Misiaszek's claim for reimbursement of Three Thousand Dollars (\$3,000) for brush removal.

Sylvan Way road Dedication

Attorney Rossi had some communication on December 18, 2004 with the developer's lawyer concerning submission of a Deed and Abstract of Title but Attorney Rossi hasn't heard anything further from the developer's attorney. Attorney Rossi will review this pending matter with the Highway Superintendent and render a report at a later date.

Fire District #4 Tax Rate Increase – Willowvale Fire Company

At 8:00 P.M. the Supervisor briefed Attorney Rossi on Anthony Putrelo's dissatisfaction with the fire tax increase for the Willowvale Fire Company, his demand for an audit and answers to his questions. The Supervisor inquired what rights the Town might have to ask the Willowvale Fire Company for an audit or list of contractors. Attorney Rossi said he would need to check into this request, but added that the Town does have the prerogative annually to request that the Fire Company provide the Town with a budget; and if the budget isn't definite or defined, the Town could ask for more detail.

Mr. Putrelo asked:

- how does the fire tax rate increase by 92%
- how is it spent
- how much of the \$1.5 million was spent on the building, the land, etc.
- did taxpayers pay the \$1.5 million
- what did we get for the \$1.5 million

Attorney Rossi apprised Mr. Putrelo that the Fire Company provides fire services to a section of the Town and if that Fire Company doesn't provide services, the Town probably wouldn't have any because there are no professional fire services and no other fire department to cover. The Willowvale Fire Company announced plans, and the Town Board held two (2) Public Hearings to grant tax-exempt status to the Fire Company. Attorney Rossi said that Mr. Putrelo could write to the Fire Company and ask for a copy of their contract for the building construction but he didn't know if the Fire Company is obligated to respond. Further, Attorney Rossi wasn't sure what right the Town might have to ask for particulars. The Town Board authorized Attorney Rossi to proceed with finding the answer.

MATTERS SUBMITTED BY TOWN SUPERVISOR

Study of Butler Memorial Hall – Consolidation of Offices:

Hummel Contract Division, commissioned by Butler Memorial Hall Association, had

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submitted a floor plan proposal for the three (3) floors in Butler Memorial Hall, but no written report or recommendations. The ground level floor showed four (4) separate Village offices, a storage room, conference room (smaller than the existing room), small kitchen/lounge, bathroom facilities and boiler room. The first floor included the Town Clerk-Registrar Office (no changes in space although additional room and reconfiguration is needed), the Receiver of Taxes, Personnel and Accounting offices while the second floor would house the offices of Town Supervisor, Codes, Engineering, Assessor, Planning, existing bathrooms/custodian closet and proposed filing cabinet, public research table and a public computer in a hallway.

It was reported that the Town Police Chief had reviewed the proposal and found insufficiencies for current and future. The Town Clerk had not seen the plans. Department Heads located in the Sanger Public Works Garage also reviewed the floor plans, including the allocation of office space for them on the second floor of Butler Memorial Hall. Highway Superintendent Roger Cleveland read the following Memorandum to the Town Board from the Assessor, Planning, Engineering, Codes and the Zoning and Planning Boards:

“We thank you for the opportunity to review the proposed layout of Town offices in Butler Hall, as put forth by Hummel Contract Division. Based on our review, it is our belief that the alternatives shown not only do not provide adequate space for meeting today’s needs, but also fail to provide anything for future growth. Even Hummel’s representative has admitted that the proposed layouts are not the best fit.

If we focus on the Assessor’s office alone, it is short about 1,500 SF. And if that 1,500 SF were to be allocated to the Assessor’s office, then all other offices would necessarily be reduced in size, and possibly some office space eliminated altogether. With nearly two thousand residents having to access the Assessor’s office on an annual basis, and many of those residents needing to use canes, crutches, wheelchairs, and oxygen bottles, it would seem apparent that the Assessor’s office needs to be on the ground floor, not on a floor wherein which most all visitors will require an elevator.

Those same two thousand residents also need to park – somewhere – and that somewhere should be within short, easy access to the building. There isn’t a single spot in any of the parking area immediately adjacent to Butler Hall, or for that matter, in any of the parking lots to the rear of Butler Hall, where there isn’t some grade to negotiate in accessing Butler Hall.

In short, we find the proposed layouts to not achieve any betterment for ourselves, and more importantly, for our residents. In fact, it appears that in trying to further

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utilize Butler Hall that we are making it more difficult for our taxpayers to access the Departments and the staff that they support with their tax dollars. And at least with the Sanger Building, our taxpayers can find parking within a few spaces from the front door, and not have to park far away from the building, or navigate through busy and congested parking lots where the possibility of a pedestrian/vehicle accident is exacerbated.

We trust the Board will take our views into consideration if there is any serious thought given to relocating our offices to Butler Hall.”

Town Planner Kurt Schwenzfeier commented about the impracticality for offices in the Sanger Building to be relocated on the third floor of Butler Hall; he addressed the needs of all offices to have some privacy to discuss certain matters with their customers.

Option Agreement – Acquisition of Partlow property, adjoining parcel/Consolidation of Town Offices

The Town Supervisor asked for consensus to authorize Attorney Rossi to prepare some option agreements on the Partlow parcel and adjoining lot on Campion Road for submission at the February 2, 2005 Town Board meeting. After some discussion, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Woodland:

(RESOLUTION NO. 20 OF 2005)

RESOLVED that the New Hartford Town Board does hereby authorize and direct Attorney Rossi to finalize an Option Agreement for the former Partlow building (reputed owner VMB LLC, Tax Map No. 329.014-2-25), to finalize an Option Agreement on the adjoining property (Tax Map No. 329.014-2-24) in order to have the appropriate number of parking spaces, and to prepare a draft form of a Bond Resolution and obtain advice from Bond Counsel, all in relation to the proposed consolidation of Town administrative offices.

Upon roll call, the Board members voted as follows:

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

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

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Appointments- - Temporary Members/Board of Assessment Review (BAR)

The Supervisor had contacted the temporary BAR members who served last year and three (3) members are interested in reappointment; also, the New Hartford Citizens committee for tax reform had recommended two (2) individuals for appointment. Thereafter, Supervisor Humphreys introduced the following Resolution for adoption and Councilman Woodland seconded same:

(RESOLUTION NO. 21 OF 2005)

RESOLVED that the New Hartford Town Board does hereby *re-appoint* the following individuals as Temporary members of the Board of Assessment Review, effective immediately and terminating September 30, 2005:

- Nicholas Laino
- Kimberly Kershaw
- Krista Pembroke

and be it

FURTHER RESOLVED that said Town Board does hereby *appoint* the following individuals, recommended by the citizens committee, as Temporary members of the Board of Assessment Review, effective immediately and terminating September 30, 2005:

- William Jenkins
- Herbert Usenheimer

and be it

YET FURTHER RESOLVED that the foregoing Temporary BAR members shall work duration the 2005 Grievance Day period only if their services are warranted by the number of grievances filed in the Assessor's Office.

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

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

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

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Appointments - Advisory Committee on Senior Citizens

The Director of Senior Services had submitted a list of individuals to be appointed to their Advisory Committee; thereafter, Councilman Woodland offered the following Resolution for adoption and Councilman Backman seconded same:

(RESOLUTION NO. 22 OF 2005)

RESOLVED that the New Hartford Town Board does hereby appoint the following individuals to serve a one-year term on the Advisory Committee for Senior Services, retroactive to January 1, 2005 and ending December 31, 2005:

- Robert Dicker President/"Young at Hearts" Senior Citizens
- Rene Kurdziolek President/Clinton Road Senior Group
- Patricia MacEnroe President/New Hartford Adult Center
- Mary Burton The Meadows Senior Club
- Kenneth Rowland President/County Club Court
- Loretta Mandry President/New York Mills Seniors
- Shirley Williams President/Village Elders Senior Group
- Carol Lally Chairman
- Rev. Dominic Blasé
- Eileen Spellman Director of Senior Services
- Ralph B. Humphreys Town Supervisor
- John C. Waszkiewicz III Councilman/Co-Chairman Senior Committee
- David W. Butler Councilman/Co-Chairman Senior Committee
- Jean McBride President/AARP
- Bridget Kopel Oneida County Office of Aging, Outreach
- Carol Jubenville Manager, Sunset Wood Apartments
- Randy Fields Sunset Wood Apartments
- Fr. Joseph S. Zareski St. John the Evangelist Church
- Rev. Janet Hoover New Hartford Presbyterian Church
- Sandra Rooney Manager, Country Club Court Apartments.

The Resolution was voted upon by roll call:

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

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

Appointments - Advisory Committee on Public Works and Sewers

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

(RESOLUTION NO. 23 OF 2005)

RESOLVED that the Town Board of the Town of New Hartford does hereby *re-appoint* the following individuals as members of the Advisory Committee on Public Works and Sewers, for a three-year term each, retroactive to January 1, 2005 and ending December 31, 2007:

- Kenneth Lowell
- John Storey.

It was noted that a vacancy on this Committee exists as a result of the death of Robert Spriggs, whose term ended December 31, 2004. The Town Board then voted upon roll call that resulted as follows:

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

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

Appointments - Advisory Committee on Parks and Recreation

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

(RESOLUTION NO. 24 OF 2005)

RESOLVED that the Town Board of the Town of New Hartford does hereby *re-appoint* the following individuals as members of the Advisory Committee on Parks and Recreation, for a three-year term each, retroactive to January 1, 2005 and ending December 31, 2007:

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- Frank Iuorno
- John Pryor
- John D'Amore
- Deanne Balutis.

The foregoing Resolution was voted upon by roll call:

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

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

Appointment – Planning Board Chairman

The Town Supervisor had communicated with N. Joseph Yagey about his re-appointment as Planning Board Chairman and had also discussed this matter with Councilman Butler who had some concerns, having been approached by several Planning Board members who recommended a different member as Chairman. Thereafter, Supervisor Humphreys recommended the re-appointment of Mr. Yagey for 2005. Councilman Backman then introduced the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 25 OF 2005)

RESOLVED that the New Hartford Town Board does hereby **re-appoint** N. Joseph Yagey as Chairman of the Town Planning Board for a one-year term, retroactive to January 1, 2005 and ending December 31, 2005.

A roll call vote ensued:

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

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

Appointment – Mohawk Valley Water Authority (MVWA) Representative

Supervisor Humphreys had contacted Elis DeLia who is interested in re-appointment as the Town's Representative on the Mohawk Valley Water Authority. A MVWA official

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confirmed that Mr. DeLia is a very active member of their organization and asked that he be reappointed. The following Resolution was then introduced for adoption by Councilman Backman and duly seconded by Councilman Woodland:

(RESOLUTION NO. 26 OF 2005)

RESOLVED that the Town Board of the Town of New Hartford does hereby *re-appoint* Elis J. DeLia as the Town of New Hartford Representative on the Mohawk Valley Water Authority (MVWA) for a three-year term commencing January 1, 2005 and ending December 31, 2007.

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

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

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

Proposed Amendment – Rules of Procedure (Resolution No. 2 of 2005, Schedule “A”)/Chairmanship Rotation

After having discussed the proposal with several Department Heads, the Town Supervisor asked that the Rules of Procedure, adopted by Resolution No. 2, Schedule “A” on January 5, 2005 be amended so that Chairmanship of committees rotate every three (3) years.

Councilman Backman moved to adopt the amendment proposed, effective January 1, 2006; however, Councilman Woodland, while he believed this is a good concept, believed that any action be deferred until the full Town Board is present to vote. Thereafter, Councilman Backman withdrew his motion.

REPORTS OF SPECIAL COMMITTEES

MOTOR POOL COMMITTEE:

Vehicle Usage – Sub-Section 507/Employee Handbook

The Town Clerk had received written requests from various Department Heads who sought permission to take a Town-owned vehicle to their home at the end of the business day to use for Town-related evening meetings and/or emergency Town-related situations. Thereafter, Councilman Backman introduced the following Resolution for adoption and Councilman Woodland seconded same:

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(RESOLUTION NO. 27 OF 2005)

RESOLVED that the New Hartford Town Board does hereby grant permission for the following Town officials and/or employees to take home a Town-owned vehicle at the end of the workday for the sole use in conducting official Town business, and as provided for in the Town of New Hartford *Employee Handbook, Section 500 – OPERATIONAL POLICIES*:

- Codes Enforcement Officer Gerald F. Back
- Deputy Highway Superintendent Anthony DeCuffa
- Highway Superintendent Roger A. Cleveland
- Police Chief Raymond L. Philo
- Recreation Center Manager John C. Cunningham
- Sr. Engineering Technician/Stormwater Engineer John Meagher

And be it

FURTHER RESOLVED that a mileage log shall be placed in the vehicles used by the Codes Enforcement Officer, the Recreation Center Manager and the Stormwater Engineer and upon which these employees shall record the nighttime mileage accumulated, including their destination and purpose of travel.

The Resolution was subject to roll call:

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

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

MATTERS SUBMITTED BY TOWN SUPERVISOR (CONT'D)

Manner of Payment – Bus Services/Utica Transit Authority – Central New York Regional Transportation Authority

On December 1, 2004, the Town Board adopted a non-binding Resolution of Intent to Support in Concept the Central New York Regional Transportation Authority, including payment for services. Supervisor Humphreys now presented a binding Resolution received from the CNYRTA; Councilman Woodland recommended this matter be deferred until the full Town Board is present to vote.

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Utilities (Electricity Cost Savings Program) – Energy Services Providers, Inc.

Supervisor Humphreys apprised the Board of a proposal from *Energy Services Providers, Inc.* to supply electrical service to the Town's electrical accounts that are in excess of One Hundred Dollars (\$100) monthly, offering:

- Up to fifteen percent (15%) savings on electricity supply
- Savings with NYS tax incentive for switching to ESPI
- Pay the same single bill to Niagara Mohawk and get the same service
- No fee switching process
- More savings possible from their free analysis of the Town's energy usage
- No risk utility bill auditing service to get refunds and credits.

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

(RESOLUTION NO. 28 OF 2005)

RESOLVED that the New Hartford Town Board does hereby agree and authorize the Town Supervisor to enter into a no-contract arrangement with *Energy Services Providers, Inc.* who shall provide the electrical supply to all Town accounts whose individual monthly totals exceed One Hundred Dollars (\$100) and which electrical supply shall be delivered through Niagara Mohawk, effective immediately; this arrangement will be on a month-to-month basis.

The Town Board members voted as follows:

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

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

Proposed Resolutions – Association of Towns of State of New York

Supervisor Humphreys reviewed the various resolutions proposed for adoption by the Association of Towns of the State of New York at the February 23, 2005 Business Meeting at the education training program in New York, NY. The matter was deferred until the February 2, 2005 Town Board meeting when Councilman David Butler, the Delegate who would cast the Town's vote at the Business Meeting, would be present.

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Appointment – Herkimer-Oneida Counties Economic Development Zone Board

In the absence of Councilman Waszkiewicz, the Town Clerk conveyed his interest in being re-appointed as the Town's representative on the HOCED Zone Board. The Board members complimented Councilman Waszkiewicz on the time and efforts he dedicated to this Board. Thereafter, Councilman Woodland introduced the following Resolution for adoption; seconded by Councilman Backman:

(RESOLUTION NO. 29 OF 2005)

RESOLVED that the New Hartford Town Board does hereby appoint Councilman John C. Waszkiewicz II to serve as the Town of New Hartford Representative to attend the meetings of the Herkimer-Oneida Counties Economic Development Zone Board for a period of one-year, commencing January 1, 2005 and ending December 31, 2005.

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

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

Resolution No. 29 was declared unanimously carried and duly **ADOPTED**.

Economic Development - Training School:

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

(RESOLUTION NO. 30 OF 2005)

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 Supervisor Ralph B. Humphreys to attend the January 26, 2005 meeting of the Mohawk Valley Economic Development District (MVEDD) in Little Falls, New York, with expenses to be borne by said Town as budgeted.

The Resolution was voted upon by roll call as follows:

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

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

Chapman Road – February 17, 2005 Meeting by Oneida Co. Dept. of Public Works

Supervisor Humphreys acknowledged receipt of notification from the Oneida County Department of Public Works who has scheduled a February 17, 2005 informational meeting at the Ralph Perry Junior High, Weston Road, New Hartford, relative to proposed improvements along Chapman Road.

Because the County had initially said they would not hold any further public meetings on this topic, Councilman Backman and Highway Superintendent Roger Cleveland had scheduled a January 26, 2005 neighborhood meeting at the Perry Junior High School – he said the County has finished the Chapman Road design and believes Oneida County is about to commence the bidding process; he is aware that the County has concerns with utilities in the Chapman Road right of way.

Audit of Vouchers

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

(RESOLUTION NO. 31 OF 2005)

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:

2005 -

General Fund Whole-Town Abstract No. 2	
Vouchers A104-A193	\$180,804.11
General Fund Whole-Town Police Abstract No. 2A	
Vouchers A194-A204	\$ 38,239.40
General Fund Part-Town Abstract No. 2	
Voucher B6-B11	\$ 4,684.41
Highway Fund Part-Town Abstract No. 2	
Voucher DB24-DB43	\$ 39,422.49
Sewer Fund Abstract No. 2	
Voucher SS7-SS10	\$ 5,860.89

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Street Light Abstract No. 1 Voucher SL1	\$ 7,757.66
Street Light Abstract No. 2 Voucher SL2	\$ 19.95
Water Fund Abstract No. 1 Voucher FF1	\$ 5,531.05
Fire District Abstract No. 1 SF1	\$ 8.29
Sessions Road Project Abstract No. 1 HM1-HM2	\$ 4,640.83
TOTAL:	\$286,969.08

Upon roll call, the Board members voted as follows:

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

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

EXECUTIVE SESSION

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

(RESOLUTION NO. 32 OF 2005)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the pending litigation Hale vs Town.

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**. All persons present, including the news media and Town Clerk, were then excused from the meeting at 9:00 P.M.

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END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 33 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	-	ABSENT)
Councilman Woodland	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 9:25 P.M. The regular portion of the Town Board meeting was immediately reconvened.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilman Woodland, seconded by Councilman Backman, the meeting was adjourned at 9:26 P.M.

Respectfully submitted,

Gail Wolanin Young, CMC/RMC
Town Clerk