

**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, DECEMBER 7, 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 John C. Waszkiewicz III  
Councilman David W. Butler  
Supervisor Ralph B. Humphreys

**ABSENT:** Councilman Richard B. Woodland, Jr.

**OTHER TOWN OFFICIALS:** Highway Superintendent Roger A. Cleveland  
Telecommunicator Supervisor Jeffrey P. Madden  
Town Clerk Gail Wolanin Young, CMC/RMC and  
Deputy Town Clerk I Margaret M. Jones

**OTHERS:** Attorney Vincent Rossi, Jr. (Arrived at 8:12 P.M.)

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

**MINUTES APPROVAL**

**October 5, 2005 Town Board Minutes**

After reviewing minutes that had been mailed to all Board members, Councilman Waszkiewicz introduced the following Resolution for adoption, seconded by Councilman Butler:

**(RESOLUTION NO. 340 OF 2005)**

**RESOLVED** that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the **Regular** Town Board meeting held **October 5, 2005** and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

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

**November 2, 2005 Town Board minutes**

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

**(RESOLUTION NO. 341 OF 2005)**

**RESOLVED** that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the *Regular* Town Board meeting held *November 2, 2005* and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

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

**PUBLIC PRESENTATIONS**

The Town Supervisor acknowledged Boy Scout Troop #4 of New Hartford attending the meeting for their citizen and community merit badge.

**REPORTS OF TOWN OFFICIALS**

**TOWN CLERK:**

**Raffle Consent**

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

**(RESOLUTION NO. 342 OF 2005.)**

**RESOLVED** that the New Hartford Town Board does hereby grant permission to American Red Cross, 102 Lomond Court, Utica, New York, an organization duly granted a Games of Chance Identification Number by the New York State Racing and Wagering Board, to sell raffle tickets at Sangertown Square Mall, Route 5 and 5A, New Hartford,

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New York, in accordance with all rules and regulations of said Racing and Wagering Board; and be it

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

Upon roll call, the Town Board voted as follows:

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

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

**Zone Map Amendment Application**

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

**(RESOLUTION NO. 343 OF 2005)**

**WHEREAS**, Michael Scarafile had filed a Zone Map Amendment application with the Town Clerk on December 1, 2005 for a rezoning of approximately .151 acres on the Southwesterly side of New York State Route 12B, being purchased from the New York State Department of Transportation and known as the former O & W Railroad corridor (Tax Map #328.16-1-64), for the purpose of providing adequate parking and green space for Charlie Boy's Bar-B-Que, on Route 12B; and

**WHEREAS**, the Town Planner has reviewed said Application and has issued a Memorandum that the Application appears to be accurate and sufficient;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby refer Mr. Scarafile's Zone Map Amendment application, from Medium Density Residential (MDR) to Neighborhood Business District (RB-4), 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.

The Town Board then voted upon roll call:

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

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

**Fiscal – 2005 Budget Transfer**

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

**(RESOLUTION NO. 344 OF 2005)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Bookkeeper to transfer in the 2005 Annual Budget the sum of One Thousand Dollars (\$1,000) from the General Fund Whole-Town Deputy Town Clerk II Salary, Account No. AA1410.13, to the General Fund Whole-Town Part-time Clerk Wages, Account No. AA1410.12 to cover additional part-time clerical wages necessitated due to the vacancy created by the medical resignation of the Deputy Town Clerk II.

The Town Clerk polled the Board who voted as follows:

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

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

**Appointment – Sub Clerk**

**(RESOLUTION NO. 345 OF 2005)**

**RESOLVED** that the New Hartford Town Board does hereby appoint Deborah L. Skinner as a Sub Clerk in the Town Clerk’s Office, commencing Monday, December 12, 2005 at an hourly wage of Seven Dollars and Seventy-five Cents (\$7.75), payable bi-weekly.

Whereupon, the Town Board voted upon roll call:

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

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

### **MATTERS SUBMITTED BY COUNCILMEN**

#### **COUNCILMAN WASZKIEWICZ:**

##### **Agenda items:**

- Grant Writer – J. T. O’Connell to be at December 21, 2005 Town Board meeting.
- Preswick Glen – An informational meeting is tentatively set for February 1, 2006 from 5:00 to 6:30 P.M.
- Tax Spread Sheets – A lengthy discussion was held regarding the Tax Spread Sheets and Pie Chart, which were mailed to the Councilmen.
- Burrstone Road sidewalks – The Highway Superintendent has not heard anything from the State Department of Transportation regarding this matter as of yet.
- Inauguration and organizational meeting schedule – Councilman Waszkiewicz inquired as to when the Organizational Meeting will be held. The new administration will schedule this meeting.
- New Street signs – The Highway Superintendent stated that these signs will be coming the week of December 12, 2005 and depending upon the weather, his staff will get them installed.
- Judd Road (Route 840) and peripheral road signage – still have not received signed Agreements back from all parties involved.
- Light District for New York Mills Gardens – The Highway Superintendent is still waiting to hear from the resident about where they would like the light placed.

#### **COUNCILMAN BACKMAN:**

##### **Seneca Turnpike Traffic**

Councilman Backman has a matter to discuss regarding back up of traffic along Seneca Turnpike at the entrance to Sangertown Square Mall near the Ground Round Restaurant. Since this is in Councilman Woodland’s district, he will wait until Councilman Woodland arrives.

### **MATTERS SUBMITTED BY TOWN SUPERVISOR**

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**FINANCIAL:**

**Employee Longevity Pay**

Town Supervisor Humphreys invited Highway Employee Richard Manuele, who had sent a letter to the Town Board about his longevity pay, to discuss this matter with the Board. After a long discussion, it was the Town Board's consensus that the Town Supervisor will get an opinion from Peter Jones, the Town's Labor Attorney with whom he is meeting on December 8, 2005. The Highway Superintendent and Richard Manuele were invited to attend this meeting. The Town Supervisor will obtain a written opinion by the December 21, 2005 Town Board Meeting.

**2006 Annual Budget amendment**

Upon presentation by the Town Supervisor, Councilman Waszkiewicz introduced the following Resolution, seconded by Councilman Butler:

**(RESOLUTION NO. 346 OF 2005)**

**WHEREAS**, an error had been discovered in the 2006 Annual Budget subsequent to its adoption on November 17, 2005; specifically, the Town's assessment had been incorrectly typed as \$1,128,867.125, with a General Fund Whole-Town tax rate of \$0.0753 per thousand of assessed value; and

**WHEREAS**, it was also discovered that for the past five (5) years, while the charge of \$0.1516 per thousand of assessed value for bond repayment for acquisition of the Woodberry Sewer District [SW084] had been included in the Annual Budgets and had appeared on the Town and County tax bills, inadvertently the following related charges had not been included in the Annual Budgets nor the Town and County tax bills:

- \$20.00 per household Unit charge [SW073]
- \$0.4158 per thousand for Operation and Maintenance [SW074]

and

**WHEREAS**, the New Hartford Town Board has decided not to collect retroactively for the Unit charge and the Operation and Maintenance [O & M] charges;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby amend the 2006 Annual Budget to reflect the following amounts:

- Summary Sheet, Page 1 of 1
  - General Fund Whole-Town Assessed value - \$1,228,867.125
  - General Fund Whole-Town Tax Rate per Thousand - \$.0691

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- Consolidated Sewer [O & M] Assessed value - \$1,171,370.451
- Consolidated Sewer [O & M] - \$0.4158 (SW074)
- Consolidated Sewer Amount of Taxes [Unit Charge]-\$131,460 (SW073)
- Woodberry [Sewer] Assessed Value - \$37,402.200
- Woodberry [Sewer] Tax Rate per Thousand - \$0.1516
- Sewer Fund, Page 34 of 36
  - Property Tax, SS-1001-0 - \$487,036
  - Property Tax/Unit Charge, SS-1003-0 - \$131,460

and does hereby direct the Town Supervisor to deliver an amended copy of the 2006 Budget to the Oneida County Finance Department not later than Friday, December 9, 2005.

Whereupon, the Town Board voted upon roll call:

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

The Resolution was then declared unanimously carried and duly adopted.

**PUBLIC HEARING**

**8:00 P.M.                   Hearing on Local Law Introductory “H” of 2005**

Supervisor Humphreys opened the Hearing at 8:00 P.M. and the Town Clerk presented the Notice of Public Hearing, Proof of Publication (November 22, 2005 edition of the Observer Dispatch) and Affidavit of Posting. The Supervisor explained that the purpose of the Hearing was to offer the public an opportunity to speak for or against, or comment upon Local Law Introductory “H” of 2005, which, if adopted, would amend the Town Code, Chapter 107 thereof entitled Taxation, by adding a new Article VII which would provide a real property tax exemption to eligible, enrolled volunteer firefighters and volunteer ambulance workers who reside in and own property in the Town of New Hartford.

The Town Supervisor inquired if anyone present wished to speak in favor of the proposed legislation:

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- Supervisor Humphreys stated that any relief in taxes would be minimal due to the language of State Law; for example on a home assessed for \$200,000 the real property tax exemption would amount to about \$6 on Town taxes.
- The Town Clerk clarified that the volunteer firefighter must live and own property in the same Town in which the fire company of which he/she is a member is located; one cannot live and own property in the Town of New Hartford but belong to a fire company in another town.
- Charles Bastien stated that he lives in the Town of Paris and belongs to the Willowvale Fire Company, Inc., which is located in the Town of New Hartford and he rents. It is his understanding that he would never receive the benefit. The Board said “yes”.
- Lawrence Bastien suggested that the Town might consider some type of pension fund volunteers instead of this Local Law. Attorney Rossi stated that there is some statutory authority regarding a pension fund, but he was not sure of what the law contained. Fire Chief David Reynolds stated that the New Hartford Volunteer Fire Department has had this pension for about one (1) year. The Town Attorney suggested that Mr. Bastien obtain a copy of New Hartford’s agreement and bring it to the Town Board for their review.

Supervisor Humphreys asked if anyone wished to speak in opposition, or to comment upon this proposal. No one further appeared in this matter. Thereafter, the Public Hearing on Local Law Introductory “H” was closed at 8:16 P.M.

### **ADOPTION OF LOCAL LAW:**

#### **Local Law No. Eight of 2005 – (Chapter 107, Taxation – Article VII)**

Councilman Backman moved that Local Law Introductory “H” of 2005 be adopted as Local Law No. Eight of 2005, in the following format; seconded by Councilman Woodland:

### **TOWN OF NEW HARTFORD, NEW YORK LOCAL LAW NO. EIGHT OF 2005**

A Local Law to amend the Code of the Town of New Hartford, Chapter 107 thereof entitled **TAXATION**, by adding a new ARTICLE VII for enrolled volunteer firefighters or volunteer ambulance workers residing in the Town of New Hartford.



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

**SECTION 1.** Chapter 107 of the Code of the Town of New Hartford is hereby amended by adding the following new Article:

**ADD:**

ARTICLE VII  
VOLUNTEER FIREFIGHTER/AMBULANCE WORKER EXEMPTIONS

Section 107-16. *Legislative intent.*

The intent of this Article is to adopt the provisions of Section 466-e of the Real Property Tax Law, to extend property tax exemption to volunteer firefighters and ambulance workers to encourage volunteerism in local fire and ambulance companies.

Section 107-17. *Statutory authority.*

This article is adopted pursuant to the authority of Real Property Tax Law Section 466-e.

Section 107-18. Exemptions for Certain Volunteer Firefighter and Ambulance Workers

- A. Real Property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated volunteer ambulance service or such enrolled member and spouse residing in the Town of New Hartford shall be entitled to a real property tax exemption to the extent of ten percent (10%) of the assessed value of such real property for Town tax purposes only, exclusive of special assessments provided, however, that such exemption shall, under no circumstances, exceed Three Thousand Dollars (\$3,000), multiplied by the latest State equalization rate for the assessing unit in which such real property is located.
- B. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or volunteer ambulance service in the Town of New Hartford unless:
  1. the applicant for such exemption resides in the city, town or village which is served by such incorporated volunteer fire company, fire department or incorporated volunteer ambulance service

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2. the property on which the exemption is claimed is the primary residence of the applicant
  3. the property is used exclusively for the applicant's residential purposes, provided however, that in the event any portion of such property is not used exclusively as the applicant's residence but is used for other purposes, such portion not used as residence shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided for in this Local Law.
  4. the applicant has completed five (5) years of active service with an incorporated volunteer fire company, fire department or incorporated volunteer ambulance service and the applicant otherwise would be eligible for a service award program using the criteria for such service awards programs set forth in Section 217 of the General Municipal Law, which criteria are incorporated into this Local Law and are specifically made applicable to both volunteer firefighters and volunteer ambulance workers.
  5. the incorporated volunteer fire company, fire department or incorporated volunteer ambulance service has submitted to the Town Assessor's Office a complete list of enrolled members, with their respective dates of service with such incorporated volunteer fire company, fire department or incorporated volunteer ambulance service. The Town Assessor shall then review all applicants and certify those applicants who meet the necessary criteria to be eligible for this exemption.
- C. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, who accrues more than twenty (20) years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent (10%) exemption as authorized by this Local Law for the remainder of his or her life and for as long as his or her primary residence is located within the Town of New Hartford.
- D. Application for such exemption shall be filed annually with the Assessor of the Town of New Hartford, in which the applicant resides on or before the annual

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- E. taxable status date for the Town, on a form as prescribed by the State Board of Equalization and Assessment.
- F. No applicant who is a volunteer firefighter or volunteer ambulance worker who, by reason of such status, is receiving any benefit under the provisions of Article Four of the Real Property Tax Law on the effective date of this Local Law shall suffer any diminution of such benefit because of the provisions of this Local Law.

**SECTION 2.** All other provisions of Chapter 107 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 upon filing in the Office of the Secretary of State and shall apply to real property having a taxable status date on or after the first day of January next succeeding the date on which this enactment shall have become law.

A roll call vote ensued:

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

Local Law Introductory "H" was thereafter declared unanimously carried and duly **ADOPTED** as Local Law No. Eight of 2005.

**MATTERS SUBMITTED BY TOWN SUPERVISOR (CONT'D)**

**FINANCIAL (CONT'D):**

**Audit of Vouchers**

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

**(RESOLUTION NO. 347 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, that have been duly audited by the Town Board:

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General Fund Whole-Town Abstract No. 40	
Vouchers AA1851-AA1861 (Void AA1862)	\$ 20,537.26
General Fund Whole-Town Abstract No. 41	
Vouchers AA1863-AA1960	\$ 12,383.02
General Fund Whole-Town Abstract No. 42	
Vouchers AA1961-AA2020	
Vouchers AA2027-AA2047	
Vouchers AA2062-AA2067	\$ 52,659.11
General Fund Whole-Town (Police) Abstract No. 42A	
Vouchers AA2021-AA2026	
Vouchers AA2048-2061	\$ 28,380.24
General Fund Part-Town Abstract No. 26	
Voucher BB162-BB168	\$ 10,270.30
Highway Fund Part-Town Abstract No. 27	
Voucher DB536-DB572	\$ 47,342.60
Sewer Fund Abstract No. 28	
Voucher SS103	\$ 2,126.62
Sewer Fund Abstract No. 29	
Vouchers SS104-SS112	\$ 18,831.10
Drainage Capital Abstract No. 20	
Voucher HC126-HC129	\$ 3,764.00
Higby Road Water Tank Abstract No. 17	
Vouchers HF28	\$ 14,665.20
<b>TOTAL:</b>	<b>\$210,959.45</b>

Whereupon, the Town Board members voted individually as follows:

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

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

**MATTERS SUBMITTED BY ATTORNEY ROSSI**

**Kellogg Road Light Pole Relocation**

The light pole, which supports a traffic light in front of the Kellogg Road TOPS Shopping Center is located too close to the road, which is considered a hazard to the public. The Town Planner has requested that Attorney Rossi prepare an easement.

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Benderson Corporation is willing to move it off the road. As per Attorney Rossi, the Town needs to get an easement so the new owner of the shopping center would allow movement of the pole onto their property. There is also new development taking place across the street from the TOPS Shopping Center. One question needing to be answered is "Who's going to maintain the traffic light once it is moved?" Benderson Corporation no longer owns the TOPS Shopping Center and Oneida County, who owns Kellogg Road, has refused in the past to assume ownership of any traffic lights on County roads.

### **General Municipal Law, Section 207-m: Compensation to Police Chief**

Town Supervisor Humphreys initiated discussion on the recent salary payment made to Chief Philo, alleging that the Police Chief stopped by the bookkeeper's office on Tuesday, December 6, 2005 asking for the compensation due him and presenting a letter from his attorney explaining that he was entitled to this payment. The Town Board recalled that last year the Town Supervisor had been directed to inform the bookkeeper to refrain from making any GML Section 207-m payments to the Police Chief because the Board did not agree with this provision. However, the bookkeeper did issue a Twenty-Five Hundred Dollar (\$2500) check to the Police Chief and a lengthy discussion ensued. The Town Supervisor sought Town Board approval to stop payment on this check as the Bookkeeper did not have his permission to issue said check, but Councilman Butler and Councilman Waszkiewicz did not support the Supervisor's request to stop payment due to the fact that the Supervisor has the authority to do this on his own as Chief Fiscal Officer for the Town. Councilman Backman supported the Supervisor in this matter. Town resident James Toomey commented that if the Board discussed this previously their decision would be in the minutes; Town Clerk Gail Wolanin Young said she did not recall any past discussions along these lines. The Board stated that they probably discussed it in Executive Session. Councilman Waszkiewicz wanted to have a discussion with Bookkeeper Fairbrother and Police Chief Philo to have a clear understanding of the circumstances that evolved in the issuance of this check.

### **First Floor Elevation Plan/Building Permits**

Councilman Waszkiewicz had previously proposed to require builders to submit first-floor elevation plans when applying for a building permit and he also recalled the Town Supervisor's suggestion calling for submittal of an instrument survey.

## **EXECUTIVE SESSION**

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

**(RESOLUTION NO. 348 OF 2005)**

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**RESOLVED** that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the employment history and work performance of a particular Planning Board member.

A roll call vote ensued:

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

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

[NOTE: The Town Supervisor provided the following on Thursday, December 8, 2005.]

**END OF EXECUTIVE SESSION**

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

**(RESOLUTION NO. 349 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	-	Aye
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 9:28 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 duly made by Councilman Waszkiewicz and seconded by Councilman Butler, the meeting was adjourned at 9:29 P.M.

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Respectfully submitted,

Gail Wolanin Young, CMC/RMC  
Town Clerk

Margaret M. Jones  
Deputy Town Clerk I