

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT MYLES ELEMENTARY SCHOOL,
CLINTON ROAD, IN SAID TOWN ON WEDNESDAY,
OCTOBER 4, 2006 AT 6:00 P.M.**

The Town Supervisor 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 John C. Waszkiewicz III
Councilman David M. Reynolds
Councilman Richard B. Woodland, Jr.
Supervisor Earle C. Reed

OTHER TOWN OFFICIALS: Highway Superintendent Roger A. Cleveland
Parks and Recreation Director Michael Jeffery
Police Chief Raymond Philo (arrived 6:35 PM)
Town Attorney Gerald Green
Town Clerk Gail Wolanin Young, CMC/RMC

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

MINUTES APPROVAL

August 2, August 16 and September 6, 2006 Town Board Minutes

No action was taken on these minutes.

REPORTS OF TOWN OFFICIALS

HIGHWAY SUPERINTENDENT:

Vehicle and Traffic – Stop Sign / Frederick Drive-Christopher Circle Intersection

After having performed an on-site inspection with the Police Chief at the intersection of Frederick Drive and Christopher Circle, Highway Superintendent Cleveland recommended installation on a Stop Sign on Frederick Drive. The Town Clerk will prepare the required legislation.

Higby Road Water District - Contract No. 1/Water Distribution System – Substantial Completion

Upon presentation by the Highway Superintendent, the following Resolution was offered for adoption by Councilman Payne and duly seconded by Councilman Waszkiewicz:

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(RESOLUTION NO. 283 OF 2006)

RESOLVED that the New Hartford Town Board, upon recommendation of Burley-Guminiak & Assoc., consultants for the Higby Road Water District, and upon recommendation of the Town Highway Superintendent, does hereby authorize a condition of Substantial Completion for Bat-Con Inc., for Contract No. 1, Water Distribution System for the entire project for the Higby Road Water District, and does hereby authorize the Town Supervisor to execute the ***CERTIFICATE OF SUBSTANTIAL COMPLETION*** on behalf of the Town Board.

Upon roll call, the Board members voted as follows:

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

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

Higby Road Water District – Contract No. 2/Standpipe Water Storage Tank - Substantial Completion

Upon recommendation of the Highway Superintendent, the following Resolution was offered for adoption by Councilman Payne and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 284 OF 2006)

RESOLVED that the New Hartford Town Board, upon recommendation of Burley-Guminiak & Assoc., consultants for the Higby Road Water District, and upon recommendation of the Town Highway Superintendent, does hereby authorize a condition of Substantial Completion for Central New York Construction, Inc., for Contract No. 2, Standpipe Water Storage Tank, for the entire project for the Higby Road Water District, and does hereby authorize the Town Supervisor to execute the ***CERTIFICATE OF SUBSTANTIAL COMPLETION*** on behalf of the Town Board.

Upon roll call, the Board members voted as follows:

| | | |
|------------------------|---|-----|
| Councilman Waszkiewicz | - | Aye |
| Councilman Reynolds | - | Aye |
| Councilman Woodland | - | Aye |

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Councilman Payne - Aye
Supervisor Reed - Aye.

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

Surplus Vehicle Sale – Rejection of Bids

The Highway Superintendent reported that two (2) Bids had been received Tuesday, October 3, 2006 for the Surplus Vehicle Sale:

- Michael Santillo - Bid \$2,006 for the 1980 Mack Truck
- Harvey Material Corp. - Bid \$1,700 for the 1980 Mack Truck.

No bids were received for the remaining four (4) surplus vehicles, i.e., 1995 Badger, 1990 G10 Van, 1996 Crown Victoria, 1999 Crown Victoria.

Highway Superintendent Cleveland then reported that after the 12 Noon Bid Opening had closed on Tuesday, October 3, 2006 he received a Bid for all five (5) surplus vehicles, totaling Ninety-two Hundred Dollars (\$9200) and he acknowledged receiving a check in this amount. [The name of the bidder had not been disclosed.] Thereafter, upon recommendation of the Highway Superintendent, Councilman Payne offered the following Resolution for adoption and Councilman Reynolds seconded same:

(RESOLUTION NO. 285 OF 2006)

RESOLVED that the Town Board of the Town of New Hartford does hereby reject the bids submitted by Michael Santillo and Harvey Material Corp. for surplus vehicles due to the bid amounts being below the current book value of the vehicles, according to the Highway Superintendent.

The Supervisor polled the Board members who voted as follows:

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

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

Surplus Vehicles – Bid Offer Accepted

Upon recommendation of the Highway Superintendent, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Payne:

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(RESOLUTION NO. 286 OF 2006)

WHEREAS, the Highway Superintendent received a bid proposal of Ninety-two Hundred Dollars (\$9200) from a local resident for five (5) Town surplus vehicles together with payment for same, said bid proposal having been received after the 12 Noon Bid Opening on Tuesday, October 3, 2006;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby accept the bid proposal submitted [by Al Roberts] in the amount of Ninety-two Hundred Dollars (\$9200) for the following surplus vehicles:

- 1980 Mack Dump Truck, VIN RM6864X1160
- 1995 Badger, VIN AG038182
- 1990 Chevrolet G10 Van, VIN 1GCDG15Z3L7151162
- 1996 Ford Crown Victoria, VIN 2FALP71W6TX167995
- 1999 Ford Crown Victoria, VIN 2FAFP71WXXX185788.

The Resolution was voted upon by roll all, resulting as follows:

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

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

Planner Salary – Amendment

Highway Superintendent Cleveland apologized for any misinformation concerning the promotion/raise for Planner Schwenzfeier that had been presented at the September 20, 2006 Town Board meeting. Upon recommendation of the Highway Superintendent, the following Resolution was introduced by Councilman Payne and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 287 OF 2006)

RESOLVED that the Town Board of the Town of New Hartford does hereby amend Resolution No. 270, adopted September 20, 2006, so that the salary for Planner Kurt Schwenzfeier shall be ***Forty-nine Thousand Five Hundred Dollars (\$49,500)*** for the duration of 2006 and that all other conditions set forth in Resolution No. 270 shall remain in full force and effect.

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The Town Board members then voted upon roll all:

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

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

PARKS AND RECREATION DIRECTOR:

Agreements – Ice Rental

Upon presentation by the Parks and Recreation Director, the following Resolution was offered for adoption by Councilman Waszkiewicz and duly seconded by Councilman Woodland:

(RESOLUTION NO. 288 OF 2006)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute Agreements for ice rental at the Recreation Center for the 2006-2007 season with the following organizations that have submitted the required Certificates of Liability Insurance and which documents have been reviewed by Attorney Green:

- New Hartford Youth Hockey
- Old Timers League
- Mohawk Valley Community College.

Upon roll call, the Town Board members voted as follows:

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

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

2006 Budget Transfer

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

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(RESOLUTION NO. 289 OF 2006)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Bookkeeper to create a General Fund Whole-Town appropriation line item for the Parks' Veterans Memorial, AA7110.41; and be it

FURTHER RESOLVED that said Town Board does hereby authorize and direct the Bookkeeper to transfer the budgeted sum of Five Thousand Dollars (\$5,000) designated for the Veterans Memorial Park in the Celebrations Account, AA7550.4 to the newly created Veterans Memorial Park Account, AA7110.41.

The Resolution was subject to a vote upon roll call:

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

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

Donation – 2006 Budget Adjustment

Upon recommendation of the Parks and Recreation Director, Councilman Waszkiewicz offered the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 290 OF 2006)

WHEREAS, on November 4, 1998 the New Hartford Town Board had established a “gift”/”donation” policy pursuant to Section 64(8) of the Town Law;

NOW, THEREFORE, BE IT RESOLVED that said Town Board does hereby accept the donation of One Thousand Dollars (\$1,000) from Hannaford’s grocery store and does further authorize and direct the Bookkeeper to increase the General Fund Whole-Town Revenue Account AA2705 by the sum of \$1,000 and to increase the General Fund Whole-Town Appropriation Account AA7020.2 [Recreation Center Equipment] by the sum of \$1,000 for the purpose of upgrading the Recreation Center public lockers.

A roll call vote ensued:

| | | |
|------------------------|---|-----|
| Councilman Waszkiewicz | - | Aye |
| Councilman Reynolds | - | Aye |
| Councilman Woodland | - | Aye |

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Councilman Payne - Aye
Supervisor Reed - Aye.

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

Appointments – Seasonal Employees

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

(RESOLUTION NO. 291 OF 2006)

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 opposite their several names, for the Parks and Recreation Department, commencing on the dates designated and terminating at the end of the 2006-2007 ice rental season; all wages to be paid bi-weekly:

Recreation Center A7020.14

Effective: October 6, 2006

| NAME | POSITION | RATE OF PAY |
|------------------|-------------------|--------------------|
| Jennifer Malechi | Ice Attendant | *\$6.75/hour |
| Steve Harmon | Sub Ice Attendant | *\$6.75/hour |
| Shaunna Noggle | Sub Ice Attendant | *\$6.75/hour |

*Effective January 1, 2007 the minimum hourly wage increases to Seven Dollars and Fifteen Cents (\$7.15); therefore, the hourly wage of the above-referenced seasonal employees shall increase to \$7.15 effective January 1, 2007;

Playground/Winter Recreation A7140.11

Effective: December 2, 2006

| NAME | POSITION | RATE OF PAY |
|-------------------|----------------------|--------------------|
| Jerome Pitarresi | Recreation Director | \$17.00/hour |
| Gyda Capanna | Recreation Leader | \$16.00/hour |
| Peggy Brady | Recreation Attendant | \$13.50/hour |
| Daniel Dreimiller | Recreation Director | \$16.50/hour |
| Michalel Matt | Recreation Attendant | \$10.50/hour |
| Kacie Cunningham | Recreation Attendant | \$10.50/hour |

Whereupon, the Town Board voted upon roll call:

Councilman Waszkiewicz - Aye
Councilman Reynolds - Aye
Councilman Woodland - Aye

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Councilman Payne - Aye
Supervisor Reed - Aye.

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

TOWN CLERK:

2007 Tentative Budget

Town Clerk Gail Wolanin Young acknowledged that the 2007 Tentative Budget had been filed with her office on Friday, September 29, 2006 and that the Bookkeeper had furnished the Town Board with copies.

Public Hearing – 2007 Preliminary Budget

Supervisor Reed inquired about calling for a Public Hearing; the Town Clerk responded that she'd initially placed this matter on the Agenda but removed it because she thought it might be premature. Supervisor Reed believed it would be okay to proceed with scheduling the Public Hearing and introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 292 OF 2006)

RESOLVED that the Town Board of the Town of New Hartford will conduct Public Hearings to commence at 6:00 P.M., or as soon thereafter as reached in the regular course of business, on Wednesday, November 1, 2006 in Butler Memorial Hall, 48 Genesee Street, in said Town, to consider the following matters:

- the adoption of the 2007 Preliminary Budget as the 2007 Annual Budget; and
- the establishment of the ad valorem charges for the fiscal year beginning January 1, 2007 for the following special districts/improvement areas

Higby Road Water District
Water Fund
Fire Protection Districts No. 1 through No. 5,
Inclusive
Various Street Lighting Districts; and be it

FURTHER RESOLVED that the said Town Board does hereby authorize and direct the Town Clerk to publish the legal requisite Notices of Public Hearing in The Observer Dispatch.

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The Resolution was then voted upon as follows:

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

Thereafter, the Supervisor declared the Resolution unanimously carried and duly ***ADOPTED.***

Petition – Heron Landing Residents Opposing Higby Road Water District

The Town Clerk distributed copies of two (2) Petitions containing the names of seventeen (17) Heron Landing residents who “.....do not feel we have received any discernible benefit from the Higby Road Water District which was developed due to problems with residential wells. We have been using city water for up to eight years and have never had a complaint with our water service. Our homes were purchased with full water service intact at absolutely no cost to the Town of New Hartford. According to the Heron Landing developer, this system cost upwards of \$200,000 at the time of installation. This expense should be considered a savings in the overall cost of HRWD. We have many neighbors in our area that have been connected to this system but have arbitrarily been kept out of the HRWD. Our unfair placement in the district has caused our town tax to be raised by about 50% on average. We therefore request that the Town Board remove this unfair confiscatory tax from our homes. It was an error by the Town of New Hartford to have placed us in this district and we therefore request that the Town pay the approximately \$6,000 a year cost to the HRWD (or increase fees of the homeowners who benefit).”

REPORTS OF STANDING COMMITTEES

ASSESSOR COMMITTEE:

Board of Assessment Review Vacancy

In response to Councilman Payne’s inquiry, the Town Clerk stated that this Agenda item is in reference to her September 26, 2006 e-mail to the Town Board members that Duane Farr’s term on the Board of Assessment Review had expired September 30, 2006. Councilman Payne needs to contact Mr. Farr to determine if he’s interested in reappointment to a five-year term.

MATTERS SUBMITTED BY COUNCILMEN & ATTORNEY

COUNCILMAN WASZKIEWICZ:

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Agenda Items:

- Wireless Internet – Committee needs to be finalized
- Aerial Towers For Transmission/proposed local law to limit height in all areas of the Town – awaiting written recommendation from Oneida County and Town Planning Boards
- Meeting with NYS Dept of Transportation – tentative meeting next Thursday to finalize signage update on the NYS Route 840 (Judd Road Corridor)
- Multi-municipal Comparison Citizens Committee – Co-Chair Christine Krupa reported that, due to scheduling conflicts of some members, results had not been finalized; she will report at a future Town Board meeting
- Graffenburg Water Shed – Councilman Waszkiewicz will e-mail a sample resolution to the Town Board members

ATTORNEY GREEN

Gerald Green, Attorney for the Town, was present at the request of the Town Supervisor but had no report at this time.

MATTERS SUBMITTED BY THE TOWN SUPERVISOR

FINANCIAL:

Audit of Vouchers

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

(RESOLUTION NO. 293 OF 2006)

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 had been duly audited by the Town Board:

| | |
|--|--------------|
| General Fund, Whole-Town Abstract No. 29 Vouchers AA1422-AA1426 | \$ 2,554.77 |
| General Fund, Whole-Town Police No. 29A Voucher AA1427 | \$ 74.24 |
| General Fund, Whole-Town Abstract No. 30 Vouchers AA1428-AA1465; Vouchers AA1473-AA1482; Vouchers AA1497-AA1503 | \$ 82,114.39 |
| General Fund, Whole-Town Police No. 30A Vouchers AA1466-AA1472; Vouchers AA1483-AA1496 | \$ 36,725.03 |

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| | |
|---|---------------------|
| General Fund, Part-Town Abstract No. 20 Vouchers BB288-BB291 | \$ 3,034.84 |
| Highway Fund Part-Town Abstract No. 21 Voucher DB402 | \$ 20.42 |
| Highway Fund Part-Town Abstract No. 22 Vouchers DB403-DB420 | \$ 46,356.76 |
| Sewer Fund Abstract No. 22 Vouchers SS75-SS76 | \$ 1,820.78 |
| Sewer Fund Abstract No. 23 Vouchers SS77-SS82 | \$ 13,985.15 |
| Stormwater Drainage Capital Abstract No. 9 Vouchers HC45-HC47; Vouchers HC49-HC55 | \$ 8,067.70 |
| Higby Road Water (Tank) Abstract No. 17 Vouchers HF51-HF53 | \$ <u>30,960.31</u> |
| TOTAL: | \$225,714.39 |

Upon roll call, the Town Board members voted as follows:

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

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

NEW BUSINESS – BOND RESOLUTIONS:

The Town Clerk had distributed to the Town Board a 4-page synopsis of the thirteen (13) proposed Bond Resolutions that had been prepared by Orrick, Herrington & Sutcliffe LLP, Bond Counsel for the Town, noting that she had the full Bond Resolutions at the meeting in the event anyone wished to review them.

Bond Resolution – Construction & Reconstruction of Sidewalks

The following resolution was offered by Councilman Waszkiewicz, who moved its adoption, seconded by Councilman Woodland, to-wit:

(RESOLUTION NO. 294 OF 2006)

BOND RESOLUTION DATED OCTOBER 4, 2006.

A RESOLUTION AUTHORIZING THE CONSTRUCTION AND RECONSTRUCTION OF SIDEWALKS THROUGHOUT AND IN AND FOR

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THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$150,000 AND AUTHORIZING, **SUBJECT TO PERMISSIVE REFERENDUM**, THE ISSUANCE OF \$150,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of New Hartford, Oneida County, New York, as follows:

Section 1. The construction and reconstruction of sidewalks throughout and in and for the Town of New Hartford, Oneida County, New York, including other improvements and costs incidental thereto, is hereby authorized, **SUBJECT TO PERMISSIVE REFERENDUM**, at a maximum estimated cost of \$150,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$150,000 bonds of said Town, hereby authorized, **SUBJECT TO PERMISSIVE REFERENDUM**, to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purpose is ten years, pursuant to subdivision 24 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized **will exceed five years.**

Section 4. The faith and credit of said Town of New Hartford, Oneida County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same,

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including the consolidation with other issues, and also the ability to issue with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in **The Observer Dispatch**, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

| | |
|------------------------|-------|
| Councilman Waszkiewicz | - Aye |
| Councilman Woodland | - Aye |

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| | |
|---------------------|-------|
| Councilman Reynolds | - Aye |
| Councilman Payne | - Aye |
| Supervisor Reed | - Aye |

The resolution was thereupon declared duly *ADOPTED*.

Bond Resolution – Reconstruction of Streets

The following resolution was offered by Councilman Reynolds, who moved its adoption, seconded by Councilman Payne, to-wit:

(RESOLUTION NO. 295 OF 2006)Repealed Nov 15, 2006**

BOND RESOLUTION DATED OCTOBER 4, 2006.

A RESOLUTION AUTHORIZING THE RECONSTRUCTION OF STREETS THROUGHOUT AND IN AND FOR THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$500,000 AND AUTHORIZING, **SUBJECT TO PERMISSIVE REFERENDUM**, THE ISSUANCE OF \$500,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of New Hartford, Oneida County, New York, as follows:

Section 1. The reconstruction of streets throughout and in and for the Town of New Hartford, Oneida County, New York, including sidewalks, gutters, drainage, landscaping, grading or improving rights-of-way and other improvements and costs incidental thereto, is hereby authorized, **SUBJECT TO PERMISSIVE REFERENDUM**, at a maximum estimated cost of \$500,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$500,000 bonds of said Town, hereby authorized, **SUBJECT TO PERMISSIVE REFERENDUM**, to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purpose is fifteen years, pursuant to subdivision 20 (c) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized **will exceed five years**.

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Section 4. The faith and credit of said Town of New Hartford, Oneida County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

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Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in **The Observer Dispatch**, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

| | |
|------------------------|-------|
| Councilman Waszkiewicz | - Aye |
| Councilman Woodland | - Aye |
| Councilman Reynolds | - Aye |
| Councilman Payne | - Aye |
| Supervisor Reed | - Aye |

The resolution was thereupon declared duly **ADOPTED**.

Bond Resolution – Purchase and Installation of Lighting Improvements

The following resolution was offered by Councilman Payne, who moved its adoption, seconded by Councilman Waszkiewicz, to-wit:

(RESOLUTION NO. 296 OF 2006)

BOND RESOLUTION DATED OCTOBER 4, 2006.

A RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF LIGHTING IMPROVEMENTS THROUGHOUT AND IN AND FOR THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$92,000 AND AUTHORIZING, **SUBJECT TO PERMISSIVE REFERENDUM**, THE ISSUANCE OF \$92,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

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BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of New Hartford, Oneida County, New York, as follows:

Section 1. The purchase and installation of lighting improvements throughout and in and for the Town of New Hartford, Oneida County, New York, is hereby authorized, **SUBJECT TO PERMISSIVE REFERENDUM**, at a maximum estimated cost of \$92,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$92,000 bonds of said Town, hereby authorized, **SUBJECT TO PERMISSIVE REFERENDUM**, to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purpose is thirty years, pursuant to subdivision 5 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized **will exceed five years.**

Section 4. The faith and credit of said Town of New Hartford, Oneida County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by

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Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in **The Observer Dispatch**, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

| | |
|------------------------|-------|
| Councilman Waszkiewicz | - Aye |
| Councilman Woodland | - Aye |
| Councilman Reynolds | - Aye |
| Councilman Payne | - Aye |
| Supervisor Reed | - Aye |

The resolution was thereupon declared duly adopted.

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Bond Resolution – Completion of Part-Town Zoning Study

The following resolution was offered by Councilman Payne, who moved its adoption, seconded by Councilman Waszkiewicz, to-wit:

(RESOLUTION NO. 297 OF 2006)

BOND RESOLUTION DATED OCTOBER 4, 2006.

A RESOLUTION AUTHORIZING THE COMPLETION OF A PART-TOWN ZONING STUDY IN AND FOR THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$75,000 AND AUTHORIZING THE ISSUANCE OF \$75,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of New Hartford, Oneida County, New York, as follows:

Section 1. The completion of a part-town zoning study in and for the Town of New Hartford, Oneida County, New York, is hereby authorized at a maximum estimated cost of \$75,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$75,000 bonds of said Town, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision 62(2nd) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized **will not exceed five years.**

Section 4. The faith and credit of said Town of New Hartford, Oneida County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is

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hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in the **Observer Dispatch**, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

| | |
|------------------------|-------|
| Councilman Waszkiewicz | - Aye |
| Councilman Woodland | - Aye |
| Councilman Reynolds | - Aye |
| Councilman Payne | - Aye |
| Supervisor Reed | - Aye |

The resolution was thereupon declared duly *ADOPTED*.

Bond Resolution – Generic Environmental Impact Statement Analysis

The following resolution was offered by Councilman Reynolds, who moved its adoption, seconded by Councilman Waszkiewicz, to-wit:

(RESOLUTION NO. 298 OF 2006)

BOND RESOLUTION DATED OCTOBER 4, 2006.

A RESOLUTION AUTHORIZING THE COMPLETION OF A GENERIC ENVIRONMENTAL IMPACT STATEMENT ANALYSIS IN AND FOR THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$375,000 AND AUTHORIZING THE ISSUANCE OF \$375,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of New Hartford, Oneida County, New York, as follows:

Section 1. The completion of a generic environmental impact statement analysis in and for the Town of New Hartford, Oneida County, New York, is hereby authorized at a maximum estimated cost of \$375,000.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$375,000 bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision 62(2nd) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized **will not exceed five years.**

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Section 4. The faith and credit of said Town of New Hartford, Oneida County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

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Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in the **Observer Dispatch**, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

| | |
|------------------------|-------|
| Councilman Waszkiewicz | - Aye |
| Councilman Woodland | - Aye |
| Councilman Reynolds | - Aye |
| Councilman Payne | - Aye |
| Supervisor Reed | - Aye |

The resolution was thereupon declared duly **ADOPTED**.

Bond Resolution TABLED - \$155,000 for Higby Road Water District, Extension No. 1
Highway Superintendent Roger Cleveland had reviewed the Resolution [title] prepared by Bond Counsel and recommended that the Town Board withhold action on this Bond Resolution as he believed the Resolution was not worded properly; therefore, no action was taken.

Amendatory Bond Resolution – Acquisition of Trucks (May 16, 2006)

The following resolution was offered by Councilman Payne, who moved its adoption, seconded by Councilman Woodland, to-wit:

(RESOLUTION NO. 299 OF 2006)

AMENDATORY BOND RESOLUTION DATED OCTOBER 4, 2006.

A RESOLUTION AMENDING A BOND RESOLUTION ADOPTED BY THE TOWN BOARD OF THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK, IN CONNECTION WITH THE ACQUISITION OF TRUCKS, TO EXTEND THE MAXIMUM MATURITY OF BONDS AUTHORIZED TO BE ISSUED BEYOND FIVE YEARS.

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WHEREAS, the Town Board of the Town of New Hartford, Oneida County, New York, duly adopted a bond resolution on May 16, 2006, authorizing the issuance of \$173,205 serial bonds of said Town to pay the cost of the acquisition of trucks in and for said Town; and

WHEREAS, such bond resolution restricts the maximum maturity of the bonds to five years; and

WHEREAS, it is now desired to remove such restriction and authorize the financing of \$173,205 over the period of probable usefulness assigned thereto; NOW, THEREFORE, BE IT

RESOLVED, by the affirmative vote of **not less than two-thirds of the total voting strength** of the Town Board of the Town of New Hartford, Oneida County, New York, as follows:

Section 1. The bond resolution set forth in the preambles is hereby amended to provide that the maximum maturity of the bonds therein authorized will be fifteen years and will thus exceed five years with respect to the issuance of \$173, 205 bonds authorized therein.

Section 2. Upon this resolution taking effect, the same shall be published in summary form in the **Observer Dispatch**, the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 3. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

The resolution was thereupon declared duly **ADOPTED**.

Bond Resolution – Construction of Town-wide Storm Water Management Improvements

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The following resolution was offered by Councilman Waszkiewicz, who moved its adoption, seconded by Councilman Payne, to-wit:

(RESOLUTION NO. 300 OF 2006)

BOND RESOLUTION DATED OCTOBER 4, 2006.

A RESOLUTION AUTHORIZING THE CONSTRUCTION OF TOWN-WIDE STORM WATER MANAGEMENT IMPROVEMENTS IN AND FOR THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$2,000,000 AND AUTHORIZING, **SUBJECT TO PERMISSIVE REFERENDUM**, THE ISSUANCE OF \$2,000,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of New Hartford, Oneida County, New York, as follows:

Section 1. The construction of town-wide storm water management improvements in and for the Town of New Hartford, Oneida County, New York, including mains, pumping stations, buildings, land or rights in land, and original furnishings, equipment, machinery and apparatus required or incidental thereto, is hereby authorized, **SUBJECT TO PERMISSIVE REFERENDUM**, at a maximum estimated cost of \$2,000,000.

Section 2. SEQR DETERMINATION: No obligations authorized to be issued pursuant to this bond resolution shall be issued prior to full compliance with all requirements of the State Environmental Quality Review Act and the regulations promulgated thereunder ("SEQR"). However, obligations may be issued pursuant to this bond resolution without any further steps taken under SEQR in order to pay preliminary costs and expenses necessary in connection with this project, including costs associated with the requisite SEQR compliance requirements. The town-wide storm water management improvements proposed are being undertaken pursuant to recommendations set forth in a town-wide system water management study and generic environmental impact statement prepared at the request of the Town. The project, as currently proposed, is the subject of a Short Environmental Assessment Form which has identified same as an Unlisted Action and for which a NEGATIVE DECLARATION has been made and is on file in the Town Clerk's office. As site specific projects are finalized further SEQR review will be undertaken, to the extent necessary.

Section 3. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$2,000,000 bonds of said Town, hereby authorized, **SUBJECT TO**

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PERMISSIVE REFERENDUM, to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized **will exceed five years.**

Section 5. The faith and credit of said Town of New Hartford, Oneida County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 7. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

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and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. Upon this resolution taking effect, the same shall be published in full or in summary form in the **Observer-Dispatch**, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 11. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

| | |
|------------------------|-------|
| Councilman Waszkiewicz | - Aye |
| Councilman Woodland | - Aye |
| Councilman Reynolds | - Aye |
| Councilman Payne | - Aye |
| Supervisor Reed | - Aye |

The resolution was thereupon declared duly **ADOPTED**.

Thereafter, Councilman Waszkiewicz introduced the following Resolution that was duly seconded by Councilman Payne:

(RESOLUTION NO. 301 OF 2006)

WHEREAS, on September 6, 2006 the Town Board established a Storm Water Policy; and

WHEREAS, the existing stormwater criteria and subsequent database would be integrated into newly adopted criteria; and

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WHEREAS, the *1993 New Hartford Drainage Study, Exhibit VI, Identified Priority Project Areas* for which monies are to be allocated;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board adopted Resolution No. 300 on October 4, 2006 pertaining to a Bond Resolution for \$2,000,000 for construction of town-wide storm water management improvements, including those areas in the *1993 Drainage Study*; and

BE IT FURTHER RESOLVED that the Highway Superintendent, Senior Engineering Technician and at least one (1) member of the Public Works/Sewer Committee establish the order in which the projects will be undertaken.

Upon roll call, the Town Board voted as follows:

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

The resolution was thereupon declared duly **ADOPTED**.

Amendatory Bond Resolution – Purchase of Highway Plows (October 19, 2005)

The following resolution was offered by Councilman Payne, who moved its adoption, seconded by Councilman Woodland, to-wit:

(RESOLUTION NO. 302 OF 2006)

AMENDATORY BOND RESOLUTION DATED OCTOBER 4, 2006.

A RESOLUTION AMENDING A BOND RESOLUTION ADOPTED BY THE TOWN BOARD OF THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK, IN CONNECTION WITH THE PURCHASE OF HIGHWAY PLOWS, TO EXTEND THE MAXIMUM MATURITY OF BONDS AUTHORIZED TO BE ISSUED BEYOND FIVE YEARS.

WHEREAS, the Town Board of the Town of New Hartford, Oneida County, New York, duly adopted a bond resolution on October 19, 2005, authorizing the issuance of \$243,174 serial bonds of said Town to pay the cost of the purchase of highway plows, including apparatus, in and for said Town; and

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WHEREAS, such bond resolution restricts the maximum maturity of the bonds to five years; and

WHEREAS, it is now desired to remove such restriction and authorize the financing of \$243,174 over the period of probable usefulness assigned thereto; NOW, THEREFORE, BE IT

RESOLVED, by the affirmative vote of **not less than two-thirds of the total voting strength** of the Town Board of the Town of New Hartford, Oneida County, New York, as follows:

Section 1. The bond resolution set forth in the preambles is hereby amended to provide that the maximum maturity of the bonds therein authorized will be fifteen years and will thus exceed five years with respect to the issuance of \$243,174 bonds authorized therein.

Section 2. Upon this resolution taking effect, the same shall be published in summary form in the **Observer Dispatch**, the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 3. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

The resolution was thereupon declared duly **ADOPTED**.

Bond Resolution – Purchase and Renovation of Building at 1 Oxford Crossing

The following resolution was offered by Councilman Reynolds, who moved its adoption, seconded by Councilman Payne, to-wit:

(RESOLUTION NO. 303 OF 2006)

BOND RESOLUTION DATED OCTOBER 4, 2006.

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A RESOLUTION AUTHORIZING THE PURCHASE OF A BUILDING AT 1 OXFORD CROSSING FOR COURT PURPOSES AND RENOVATIONS THEREOF IN AND FOR THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$1,500,000 AND AUTHORIZING, **SUBJECT TO PERMISSIVE REFERENDUM**, THE ISSUANCE OF \$1,500,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of New Hartford, Oneida County, New York, as follows:

Section 1. The purchase of a building at 1 Oxford Crossing for court purposes and renovations thereof, including original furnishings, equipment, machinery or apparatus required thereat in and for the Town of New Hartford, Oneida County, New York, is hereby authorized, **SUBJECT TO PERMISSIVE REFERENDUM**, at a maximum estimated cost of \$1,500,000, to be allocated \$1,000,000 for the purchase of the building and \$500,000 for the renovations.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$1,500,000 bonds of said Town, hereby authorized, **SUBJECT TO PERMISSIVE REFERENDUM**, to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific objects or purposes is thirty years and twenty-five years, respectively, pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized **will exceed five years.**

Section 4. The faith and credit of said Town of New Hartford, Oneida County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such

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terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in full or in summary form in **The Observer Dispatch**, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

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The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

The resolution was thereupon declared duly ***ADOPTED***.

Bond Resolution – Purchase of Heavy Machinery, Equipment and Apparatus

The following resolution was offered by Councilman Payne, who moved its adoption, seconded by Councilman Reynolds, to wit:

(RESOLUTION NO. 304 OF 2006)

BOND RESOLUTION DATED OCTOBER 4, 2006

A RESOLUTION AUTHORIZING THE PURCHASE OF HEAVY MACHINERY, EQUIPMENT AND APPARATUS IN AND FOR THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$415,800 AND AUTHORIZING, **SUBJECT TO PERMISSIVE REFERENDUM**, THE ISSUANCE OF \$415,800 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of New Hartford, Oneida County, New York, as follows:

Section 1. The purchase of heavy machinery, equipment and apparatus in and for the Town of New Hartford, Oneida County, New York, is hereby authorized, **SUBJECT TO PERMISSIVE REFERENDUM**, at a maximum estimated cost of \$415,800.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$415,800 bonds of said Town, hereby authorized, **SUBJECT TO PERMISSIVE REFERENDUM**, to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 28 of

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paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized **will exceed five years.**

Section 4. The faith and credit of said Town of New Hartford, Oneida County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the

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Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in full or in summary form in *the Observer Dispatch*, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

| | |
|------------------------|-------|
| Councilman Waszkiewicz | - Aye |
| Councilman Woodland | - Aye |
| Councilman Reynolds | - Aye |
| Councilman Payne | - Aye |
| Supervisor Reed | - Aye |

The resolution was thereupon declared duly **ADOPTED**.

Bond Resolution – Construction of Improvements at the Highway Garage

The following resolution was offered by Councilman Payne, who moved its adoption, seconded by Councilman Woodland, to wit:

(RESOLUTION NO. 305 OF 2006)

BOND RESOLUTION DATED OCTOBER 4, 2006

A RESOLUTION AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS AT THE HIGHWAY GARAGE IN AND FOR THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$45,000 AND AUTHORIZING, **SUBJECT TO PERMISSIVE REFERENDUM**, THE ISSUANCE OF \$45,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

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BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of New Hartford, Oneida County, New York, as follows:

Section 1. The construction of improvements at the highway garage in and for the Town of New Hartford, Oneida County, New York, is hereby authorized, **SUBJECT TO PERMISSIVE REFERENDUM**, at a maximum estimated cost of \$45,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$45,000 bonds of said Town, hereby authorized, **SUBJECT TO PERMISSIVE REFERENDUM**, to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty-five years, pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized **will exceed five years.**

Section 4. The faith and credit of said Town of New Hartford, Oneida County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by

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Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in full or in summary form in *The Observer Dispatch*, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

The resolution was thereupon declared duly **ADOPTED**.

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Bond Resolution – Various Purposes (Car and Leaf Machine)

The following resolution was offered by Councilman Reynolds, who moved its adoption, seconded by Councilman Payne, to-wit:

(RESOLUTION NO. 306 OF 2006)

BOND RESOLUTION DATED OCTOBER 4, 2006.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$30,000 BONDS OF THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK, TO PAY THE COST OF VARIOUS PURPOSES IN AND FOR SAID TOWN.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town of New Hartford, Oneida County, New York, as follows:

Section 1. The following are hereby authorized in and for the Town of New Hartford, Oneida County, New York:

- a) The purchase of a vehicle to replace one in service for three years or more, at a maximum estimated cost of \$15,000, being a specific object or purpose having a period of probable usefulness of five years pursuant to subdivision 77 of paragraph a of Section 11.00 of the Local Finance Law; and
- b) The purchase of a leaf machine, at a maximum estimated cost of \$15,000, being a specific object or purpose having a period of probable usefulness of five years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law.

Section 2. The total maximum estimated cost of the aforesaid objects or purposes is \$30,000, and the plan for the financing thereof is by the issuance of \$30,000 bonds of said Town hereby authorized to be issued therefore pursuant to the Local Finance Law, to be allocated in accordance with the maximum estimated costs set forth in Section 1 hereof.

Section 3. It is hereby further determined that the maximum maturity of the bonds herein authorized **will not exceed five years.**

Section 4. The faith and credit of said Town of New Hartford, Oneida County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all

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the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

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Section 9. This resolution, will takes effect immediately, shall be published in summary form in *The Observer Dispatch*, which is hereby designated as the official newspaper for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

| | |
|------------------------|-------|
| Councilman Waszkiewicz | - Aye |
| Councilman Woodland | - Aye |
| Councilman Reynolds | - Aye |
| Councilman Payne | - Aye |
| Supervisor Reed | - Aye |

The resolution was thereupon declared 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 6:50 PM

Respectfully submitted,

Gail Wolanin Young, CMC/RMC
Town Clerk