

**REGULAR MEETING OF THE TOWN BOARD OF  
THE TOWN OF NEW HARTFORD, NEW YORK, HELD  
AT BUTLER MEMORIAL HALL, IN SAID TOWN ON  
WEDNESDAY, JANUARY 17, 2007 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:** Assessor Paul E. Smith  
Highway Superintendent Roger A. Cleveland  
Planner Kurt Schwenzfeier  
Town Clerk Gail Wolanin Young, CMC/RMC and  
Deputy Town Clerk I Margaret M. Jones

Supervisor Reed asked that everyone remain standing and offer a moment of silence for the Corr Family who are attending the trial. for John T. Healy who has been charged with the February 27, 2006 murder of their son, New Hartford Police Officer Joseph Corr. Thereafter, a quorum was declared present for the transaction of business.

**MINUTES APPROVAL**

**December 20, 2006 Town Board Minutes**

Councilman Reynolds introduced the following Resolution for adoption, seconded by Councilman Waszkiewicz:

**(RESOLUTION NO. 2 OF 2007)**

**RESOLVED** that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the **Regular** Town Board meeting held **December 20, 2006** and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

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

**December 28, 2006 Town Board minutes**

Action was deferred on these minutes until the next Town Board meeting on February 7, 2007.

**REPORTS OF TOWN OFFICIALS**

**TOWN PLANNER:**

Upon request of Town Planner Kurt Schwenzfeier, the following Resolution was introduced for adoption by Councilman Waszkiewicz; seconded by Councilman Payne:

**(RESOLUTION NO. 3 OF 2007)**

**WHEREAS**, Section 77-b of the General Municipal Law allows the governing board of municipalities to authorize any officer or employee to attend a convention, conference or school conducted for the betterment of such municipality;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby grant permission to Town Planner Kurt Schwenzfeier to attend the American Planning Association conference from April 14-18, 2007 in Philadelphia, Pennsylvania, with expenses to be borne by said Town as budgeted.

The Resolution was voted upon by roll call as follows:

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

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

**MATTERS SUBMITTED BY TOWN SUPERVISOR**

**FINANCIAL:**

**Audit of Vouchers**

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

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**(RESOLUTION NO. 4 OF 2007)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the payment of the bills itemized on the following Abstracts, that have been duly audited by the Town Board:

General Fund Whole-Town Abstract No. 1	
Vouchers AA1 – AA86; AA105 – AA140;	
Vouchers AA142 – AA144	\$ 434,333.46
General Fund Whole-Town Police Abstract No. 1A	
Vouchers AA104 & AA141	\$ 200,664.81
General Fund Part-Town Abstract No. 1	
Vouchers BB1 – BB11	\$ 30,543.39
Highway Fund Part-Town Abstract No. 1	
Vouchers DB1 – DB21	\$ 349,601.92
Sewer Fund Abstract No. 1	
Vouchers SS1 –SS7	\$ 35,881.29
Street Lighting Fund Abstract No. 1	
Voucher SL1	\$ 8,529.88
Water Fund Abstract No. 1	
Voucher FF1	\$ 4,934.78
Drainage Capital Abstract No. 1	
Vouchers HC1 – HC5	\$ 7,923.89
Higby Road Water Tank Abstract No. 1	
Voucher HF1	\$ <u>960.00</u>
<b>TOTAL:</b>	<b>\$1,073,373.42</b>

Whereupon, the Town Board members voted individually as follows:

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

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

**BOND RESOLUTIONS**

The Town Clerk then read a synopsis of eight (8) Bond Resolutions that the Town Board would consider re-adopting and which would be subject to a Special Town Election.

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

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

**(RESOLUTION NO. 5 OF 2007)**

AMENDATORY BOND RESOLUTION DATED JANUARY 17, 2007.

**A RESOLUTION AMENDING A BOND RESOLUTION ADOPTED BY 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

**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 APPROVAL OF THE ELECTORS THEREOF AT A SPECIAL ELECTION TO BE HELD ON MARCH 29, 2007.**

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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*.

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

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

**(RESOLUTION NO. 6 OF 2007)**

AMENDATORY BOND RESOLUTION DATED JANUARY 17, 2007.

**A RESOLUTION AMENDING A BOND RESOLUTION ADOPTED BY 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.**

**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:

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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 APPROVAL OF THE ELECTORS THEREOF AT A SPECIAL ELECTION TO BE HELD ON MARCH 29, 2007.**

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 Reynolds, who moved its adoption, seconded by Councilman Woodland, to wit:

**(RESOLUTION NO. 7 OF 2007)**

BOND RESOLUTION DATED JANUARY 17, 2007.

**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 THE ISSUANCE OF \$45,000 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:

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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, including original furnishings, equipment, machinery, apparatus, appurtenances, and other improvements and expenses incidental thereto, is hereby authorized, 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 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 Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

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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 APPROVAL OF THE ELECTORS THEREOF AT A SPECIAL ELECTION TO BE HELD ON MARCH 29, 2007.**

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 – Construction of Town-wide Storm Water Management Improvements**

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

**(RESOLUTION NO. 8 OF 2007)**

BOND RESOLUTION DATED JANUARY 17, 2007.

**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 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 right-in-land, and original furnishings, equipment, machinery, apparatus, appurtenances, and other improvements and expenses incidental thereto, is hereby authorized, at a maximum estimated cost of \$2,000,000.

Section 2. 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 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 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 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.

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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.

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

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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 APPROVAL OF THE ELECTORS THEREOF AT A SPECIAL ELECTION TO BE HELD ON MARCH 29, 2007.**

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 Waszkiewicz, to-wit:

**(RESOLUTION NO. 9 OF 2007)**

BOND RESOLUTION DATED JANUARY 17, 2007.

**A RESOLUTION AUTHORIZING THE PURCHASE OF A BUILDING AT 1 OXFORD CROSSING FOR VARIOUS TOWN 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 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 use as a police station and also to house Codes Enforcement and Zoning, Planner–Planning Board, Assessor and Engineering and authorizing 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 at a maximum estimated cost

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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 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 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:

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- 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 APPROVAL OF THE ELECTORS THEREOF AT A SPECIAL ELECTION TO BE HELD ON MARCH 29, 2007.**

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 Reynolds, who moved its adoption, seconded by Councilman Woodland, to-wit:

**(RESOLUTION NO. 10 OF 2007)**

BOND RESOLUTION DATED JANUARY 17, 2007.

**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 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, 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 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 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.

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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 APPROVAL OF THE ELECTORS THEREOF AT A SPECIAL ELECTION TO BE HELD ON MARCH 29, 2007.**

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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 and Installation of Lighting Improvements**

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

**(RESOLUTION NO. 11 OF 2007)**

BOND RESOLUTION DATED JANUARY 17, 2007.

**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 THE ISSUANCE OF \$92,000 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 and installation of lighting improvements throughout and in and for the Town of New Hartford, Oneida County, New York, is hereby authorized 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 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.**



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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 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 APPROVAL OF THE ELECTORS THEREOF AT A SPECIAL ELECTION TO BE HELD ON MARCH 29, 2007.**

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 & Reconstruction of Sidewalks**

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

**(RESOLUTION NO. 12 OF 2007)**

BOND RESOLUTION DATED JANUARY 17, 2007.

**A RESOLUTION AUTHORIZING THE CONSTRUCTION AND RECONSTRUCTION OF SIDEWALKS THROUGHOUT AND IN AND FOR THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$150,000 AND AUTHORIZING THE ISSUANCE OF \$150,000 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 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 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 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, 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 APPROVAL OF THE ELECTORS THEREOF AT A SPECIAL ELECTION TO BE HELD ON MARCH 29, 2007.**

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

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The resolution was thereupon declared duly *ADOPTED*.

**SPECIAL TOWN ELECTION**

Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Councilman Woodland:

**(RESOLUTION NO. 13 OF 2007)**

RESOLUTION DATED JANUARY 17, 2007

**A RESOLUTION PROVIDING FOR THE HOLDING OF A SPECIAL TOWN ELECTION OF THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK, FOR THE PURPOSE OF SUBMITTING PROPOSITIONS ON THE QUESTION OF APPROVING OR DISAPPROVING CERTAIN BOND RESOLUTIONS DATED JANUARY 17, 2007.**

**WHEREAS**, the Town Board of the Town of New Hartford, Oneida County, New York, has, at a meeting duly called held and conducted on January 17, 2007, adopted certain bond resolutions authorizing the issuance of serial bonds of the Town of New Hartford, Oneida County, New York to pay the cost of certain capital improvements in and for the Town of New Hartford, Oneida County, New York, as described in Schedule A attached hereto and hereby made a part hereof, each subject to voter approval, and therefor with regard to each of which said bond resolution does not take effect until a proposition for the approval thereof has been approved at a special election by the qualified electors of said Town; and

**WHEREAS**, this Town Board now desires to call such a special election of said Town for the submission of such propositions and to provide for personal registration for such election; **NOW, THEREFORE, BE IT**

**RESOLVED**, by the Town Board of the Town of New Hartford, Oneida County, New York, as follows:

Section 1. A special election of the qualified electors of the Town of New Hartford, Oneida County, New York, shall be held on the 29<sup>th</sup> day of March, 2007, at:

Willowvale Fire Company, Inc., 3459 Oneida Street, Chadwicks  
(for registered voters in Ward 1 only)

New York Mills Union Free School, 1 Marauder Blvd.  
(for registered voters in Ward 2, Districts 1 and 2 only)

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Hughes Elementary School, 340 Higby Road  
(for registered voters in Ward 2, Districts 3 and 4 only)

Butler Memorial Hall, 48 Genesee Street  
(for registered voters in Ward 3 only)

Myles Elementary School, 96 Clinton Road  
(for registered voters in Ward 4 only)

in said Town for the purpose of voting upon propositions with respect to each bond resolution referred to in the preambles hereof. Voting shall be by voting machine and the polls at such special election shall be kept open between the hours of 12:00 o'clock P.M. to 8:00 o'clock P.M., Prevailing Time.

Section 2. Personal registration shall be required in connection with the March 29, 2007 special election period. The registration date for such election shall be March 15, 2007 and the place where the Board of Registration shall meet shall be at:

Willowvale Fire Company, Inc., 3459 Oneida Street, Chadwicks  
(for voters in Ward 1 only)

New York Mills Union Free School, 1 Marauder Blvd.  
(for voters in Ward 2, Districts 1 and 2 only)

Hughes Elementary School, 340 Higby Road  
(for voters in Ward 2, Districts 3 and 4 only)

Butler Memorial Hall, 48 Genesee Street  
(for voters in Ward 3 only)

Myles Elementary School, 96 Clinton Road  
(for voters in Ward 4 only)

and the hours of registration shall be between 4:00 P.M. and 8:00 P.M., Prevailing Time on such date.

Section 3. The Town Clerk is hereby authorized and directed to give notice of such special election by publication in *the Observer-Dispatch*, the first publication of such notice to be made at least ten days prior to the time of such special election. In addition, the Town Clerk shall post or cause to be posted a copy of such notice on the sign board maintained pursuant to subdivision 6 of Section 30 of the Town Law at least ten days prior to such election. Said notice shall be in substantially the following form, to-wit:

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**NOTICE OF SPECIAL ELECTION AND PERSONAL REGISTRATION**

**TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK**

NOTICE IS HEREBY GIVEN that a special election of the Town of New Hartford, Oneida County, New York, will be held at:

Willowvale Fire Company, Inc., 3459 Oneida Street, Chadwicks  
(for registered voters in Ward 1 only)

New York Mills Union Free School, 1 Marauder Blvd.  
(for registered voters in Ward 2, Districts 1 and 2 only)

Hughes Elementary School, 340 Higby Road  
(for registered voters in Ward 2, Districts 3 and 4 only)

Butler Memorial Hall, 48 Genesee Street  
(for registered voters in Ward 3 only)

Myles Elementary School, 96 Clinton Road  
(for registered voters in Ward 4 only)

on the 29<sup>th</sup> day of March, 2007, at which the polls will be kept open between the hours of 12:00 o'clock P.M. and 8:00 o'clock P.M., Prevailing Time, for the purpose of voting by voting machine on the adoption or rejection of propositions with respect to certain bond resolutions dated and duly adopted January 17, 2007 by the Town Board of said Town:

The polls will be kept open for the purpose of voting during the aforesaid hours and the propositions to be voted upon will be in substantially the following forms, to-wit:

**PROPOSITION NO. 1**

Shall the bond resolution dated January 17, 2007, amending a bond Resolution dated October 19, 2005, authorizing the issuance of \$243,174 serial bonds to pay the cost of the acquisition of highway plows, including expenses incidental thereto and authorizing such class of objects or purposes, providing that the period of probable usefulness will be fifteen years instead of five years and that the maximum maturity of such serial bonds will exceed five years, delegating to the Supervisor the power to sell and issue such serial bonds and to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of such serial bonds, pledging the faith and credit of the Town to the payment of the principal of and interest on such obligations, and providing for an estoppel provision, be approved?

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PROPOSITION NO. 2

Shall the bond resolution dated January 17, 2007, amending a bond resolution dated May 16, 2006, authorizing the issuance of \$173,205 serial bonds to pay the cost of the acquisition of trucks, including expenses incidental thereto and authorizing such class of objects or purposes, providing that the period of probable usefulness will be fifteen years instead of five years and that the maximum maturity of such serial bonds will exceed five years, delegating to the Supervisor the power to sell and issue such serial bonds and to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of such serial bonds, pledging the faith and credit of the Town to the payment of the principal of and interest on such obligations, and providing for an estoppel provision, be approved?

PROPOSITION NO. 3

Shall the bond resolution dated January 17, 2007, authorizing the issuance of \$45,000 serial bonds to pay the cost of the construction of highway garage improvements, including original furnishings, equipment, machinery, apparatus, appurtenances, and other improvements and expenses incidental thereto and authorizing such specific object or purpose, providing the period of probable usefulness of twenty-five years and that the maximum maturity of such serial bonds will exceed five years, delegating to the Supervisor the power to sell and issue such serial bonds and to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of such serial bonds, pledging the faith and credit of the Town to the payment of the principal of and interest on such obligations, and providing for an estoppel provision, be approved?

PROPOSITION NO. 4

Shall the bond resolution dated January 17, 2007, authorizing the issuance of \$2,000,000 serial bonds to pay the cost of the town-wide storm sewer management improvements, including mains, pumping stations, buildings, land or rights-in-land and original furnishings, equipment, machinery, apparatus, appurtenances, and other improvements and expenses incidental thereto and authorizing such class of objects or purposes, providing the period of probable usefulness of forty years and that the maximum maturity of such serial bonds will exceed five years, delegating to the Supervisor the power to sell and issue such serial bonds and to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of such serial bonds, pledging the faith and



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credit of the Town to the payment of the principal of and interest on such obligations, and providing for an estoppel provision, be approved?

PROPOSITON NO. 5

Shall the bond resolution dated January 17, 2007, authorizing the issuance of \$1,500,000 serial bonds to pay the cost of the acquisition of building located at 1 Oxford Crossing and renovation thereof for use as a police station and to house Codes Enforcement and Zoning, Planner-Planning Board, Assessors and Engineering and authorizing renovations thereof, including site improvement, original furnishings, equipment, machinery, apparatus, appurtenances, and other improvements and expenses incidental thereto and authorizing such specific object or purpose, providing the period of probable usefulness of thirty years for the acquisition costs (\$1,000,000) and twenty-five years for the improvements (\$500,000) and that the maximum maturity of such serial bonds will exceed five years, delegating to the Supervisor the power to sell and issue such serial bonds and to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of such serial bonds, pledging the faith and credit of the Town to the payment of the principal of and interest on such obligations, and providing for an estoppel provision, be approved?

PROPOSITION NO. 6

Shall the bond resolution dated January 17, 2007, authorizing the issuance of \$415,800 serial bonds to pay the cost of the purchase of heavy machinery, equipment and apparatus and authorizing such class of objects or purposes, providing the period of probable usefulness of fifteen years and the maximum maturity of such serial bonds will exceed five years, delegating to the Supervisor the power to sell and issue such serial bonds and to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of such serial bonds, pledging the faith and credit of the Town to the payment of the principal of and interest on such obligations, and providing for an estoppel provision, be approved?

PROPOSITON NO. 7

Shall the bond resolution dated January 17, 2007, authorizing the issuance of \$92,000 serial bonds to pay the cost of the purchase and installation of lighting improvements and authorizing such class of objects or purposes, providing the period of probable usefulness of thirty years and the maximum maturity of such serial bonds will exceed five years, delegating to the Supervisor the power to sell and issue such serial bonds and to authorize the issuance of and to sell bond

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anticipation notes in anticipation of the issuance and sale of such serial bonds, pledging the faith and credit of the Town to the payment of the principal of and interest on such obligations, and providing for an estoppel provision, be approved?

PROPOSITION NO. 8

Shall the bond resolution dated January 17, 2007, authorizing the issuance of \$150,000 serial bonds to pay the cost of the construction and reconstruction of sidewalks throughout and in and for said Town and authorizing such class of objects or purposes, providing the period of probable usefulness of ten years and the maximum maturity of such serial bonds will exceed five years, delegating to the Supervisor the power to sell and issue such serial bonds and to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of such serial bonds, pledging the faith and credit of the Town to the payment of the principal of and interest on such obligations, and providing for an estoppel provision, be approved?

NOTICE IS HEREBY FURTHER GIVEN that persons qualified to vote at such special election shall be qualified electors of the Town of New Hartford, Oneida County, New York.

NOTICE IS FURTHER GIVEN that the Board of Registration of the Districts shall meet from 4:00 P.M. (Prevailing Time) until 8:00 P.M. (Prevailing Time) on March 15, 2007 at:

Willowvale Fire Company, Inc., 3459 Oneida Street, Chadwicks  
(for voters in Ward 1 only)

New York Mills Union Free School, 1 Marauder Blvd.  
(for voters in Ward 2, Districts 1 and 2 only)

Hughes Elementary School, 340 Higby Road  
(for voters in Ward 2, Districts 3 and 4 only)

Butler Memorial Hall, 48 Genesee Street  
(for voters in Ward 3 only)

Myles Elementary School, 96 Clinton Road  
(for voters in Ward 4 only)

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in the Town of New Hartford, New York, for the purpose of preparing the registers for said Special Election, at which time any person shall be entitled to have his/her name placed upon such registers, provided that at such meeting of the Board of Registration, he/she is known or proved to the satisfaction of such Board of Registration to be then or thereafter entitled to vote at said Special Election. At such hours and places, any person who is not currently registered under permanent personal registration on the lists of registered voters furnished by the Oneida County Board of Elections as of March 6, 2007 must, in order to be entitled to vote at said Special Election to be held on March 29, 2007, present himself/herself personally for registration.

**NOTICE IS HEREBY FURTHER GIVEN** that applications for absentee ballots may be applied for at the Office of the Town Clerk, located at 48 Genesee Street, in New Hartford, New York. Applications for absentee ballots must be received by the Town Clerk on or prior to 4:00 P.M., Prevailing Time, on March 22, 2007, the date seven days prior to the Special Election, if the ballot is to be mailed to the voter, or on or prior to 4:00 P.M., Prevailing Time, on March 28, 2007, the day before the Special Election, if the ballot is to be personally obtained by the voter. Completed absentee ballots must be received by the Town not later than 4:00 P.M., Prevailing Time, on March 29, 2007, the date of the Special Election. A list of all persons to whom absentee ballots shall have been issued will be available in the Office of the Town Clerk and any qualified voters may challenge the acceptance of the absentee voter's ballot of any person on such list, by making his or her challenge and the reasons therefor known to the Town Clerk before the close of the polls.

Dated: New Hartford, New York  
January 17, 2007

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF NEW HARTFORD,  
ONEIDA COUNTY, NEW YORK

By: \_\_\_\_\_  
Town Clerk

**SCHEDULE A TO RESOLUTION  
PROVIDING FOR HOLDING SPECIAL ELECTION**

Bond resolutions adopted January 17, 2007, subject to mandatory referendum:

1. Amending bond resolution dated October 19, 2005 to permit authorizing 15 year period of probable usefulness for \$243,173 serial bonds for highway plows, instead of 5 years.

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2. Amending bond resolution dated May 16, 2006 to permit authorizing 15 year period of probable usefulness for \$173,205 serial bonds for acquisition of trucks, instead of 5 years.
3. Authorizing \$45,000 serial bonds for construction of highway garage improvements.
4. Authorizing \$2,000,000 serial bonds for construction of town-wide storm water management improvements.
5. Authorizing \$1,500,000 serial bonds for purchase of a building at 1 Oxford Crossing and renovation thereof for use as a police station and to house Codes Enforcement and Zoning, Planner-Planning Board, Assessors and Engineering.
6. Authorizing \$415,800 serial bonds for purchase of heavy machinery, equipment and apparatus.
7. Authorizing \$92,000 serial bonds for lighting improvements.
8. Authorizing \$150,000 serial bonds for construction/reconstruction of sidewalks.

Section 3. The following persons are hereby selected from the list of election inspectors and ballot clerks previously designated by this Town Board for general election purposes, pursuant to the Election Law, to act as election inspectors and ballot clerks for said special election to be held March 29, 2007:

Appler, Mary  
Barrick, Martha  
Bennett, Rosemari  
Bien, Nancy  
Blaszczak, Jane (Alternate)  
Cannarelli, Winnie (Alternate)  
Collins, Elaine  
Dembowski, Edmund  
Eastman, Phillip  
Einstein, Loretta  
Esrich, Ina  
Esrich, Thomas  
Goppert, Kathryn  
Mahoney, Norma  
Marriott, Celia  
McCann, Marie  
Nicholas, Jacqueline  
Partridge, Edith (Alternate)  
Pintar, Sarah (Alternate)  
Ouimette, Anita  
Rose, Violet  
Sheheen, Mary

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Stillwell, Arlene  
Zogby, Barbara

Section 4. The persons named above shall be paid the sum of \$95.00 each for their services; in addition, the Chairman of each polling location shall be paid an additional \$5.00 for serving in that capacity.

Section 5. This resolution shall take effect immediately.

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

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

The resolution was thereupon declared duly **ADOPTED**. Town Clerk Gail Wolanin Young expected that the absentee ballot applications would be ready sometime during the week of January 22, 2007; however, the actual Ballots must be printed and will be mailed about three (3) weeks prior to the special election to those residents who requested them. The Town Supervisor commented that by changing the special election date, the Town would have additional time to disseminate more information to the public regarding the Bond Resolutions.

**MATTERS SUBMITTED BY TOWN SUPERVISOR**

**NEW BUSINESS:**

**Employee Handbook, Section 500 – Operational Policies (Vehicle Usage)/Transportation Commuting Benefit**

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

**(RESOLUTION NO. 14 OF 2007)**

**WHEREAS**, the Town of New Hartford has adopted a policy on vehicle useage as part of the Town’s Employee Handbook, Section 500; and

**WHEREAS**, it has been brought to the Town Board’s attention that the Town needs to be in compliance with the Internal Revenue Service regulation affecting vehicle useage;

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**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby implement the Internal Revenue Service Transportation Commuting Benefit for those employees who use a Town Vehicle to commute to and from work, retroactive to January 1, 2007, and that the total yearly amount shall be included on the affected employees' Form W-2 as a benefit with wages to be increased by said commuting amount; and

**BE IT FURTHER RESOLVED** that the only Town employee who is excluded from the calculation of commuting benefit for using a Town Vehicle shall be the Police Chief.

The Board voted upon roll call:

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

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

**Terrorism Insurance**

Councilman Woodland presented the following Resolution for adoption; seconded by Councilman Payne:

**(RESOLUTION NO. 15 OF 2007)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby decline the purchase of Terrorism Insurance coverage through insurance carrier, Bailey, Haskell and LaLonde at the premium cost of One Hundred Dollars (\$100), and that the Town Board does understand that the Town will have no coverage for losses arising from acts of terrorism.

Upon roll call, the Board members voted as follows:

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

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

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**Specific Excess Employer's Liability Insurance**

Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Reynolds:

**(RESOLUTION NO. 16 OF 2007)**

**RESOLVED** that the New Hartford Town Board does hereby approve the renewal of Specific Excess Employer's Liability Insurance coverage for the Town of New Hartford effective February 1, 2007, pending the outcome of the review of this policy by Councilmen Payne and Woodland.

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

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

**REPORTS OF TOWN OFFICIALS (CONTINUED)**

**HIGHWAY SUPERINTENDENT:**

**Authorization for Competitive Bid – Fuel Storage System Improvements**

Upon request of the Highway Superintendent, Councilman Woodland presented the following Resolution for adoption; seconded by Councilman Payne:

**(RESOLUTION NO. 17 OF 2007)\**

**RESOLVED** that the New Hartford Town Board shall receive sealed bids for Fuel Storage System Improvements, in accordance with Town specifications; all bids are to be received by the Town Clerk's Office no later than 10:45 A.M. on Tuesday, February 6, 2007 and then be publicly opened and read aloud at 11:00 A.M. on said date and in said Office; and be it

**FURTHER RESOLVED** that the said Town Board hereby authorize and direct the Town Clerk to publish the legal requisite Advertisement-Invitation to Bid in The Observer Dispatch.

A roll call vote ensued:

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

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

**Agreement – Woods Highway Traffic Study**

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

**(RESOLUTION NO. 18 OF 2007)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to execute an Agreement between the Town of New Hartford and Clark Patterson Associates, 186 N. Water Street, Rochester, New York, to update a traffic study that they had completed in November 2006, using updated traffic counts provided by the New York State Department of Transportation; the value of said Agreement is a not-to-exceed amount of Fifteen Hundred Dollars (\$1500).

Councilman Waszkiewicz asked if this study was comparable to the study done for Cherrywood or Applewood and Seneca Turnpike. The Highway Superintendent stated that this study includes Woods Highway and streets surrounding it. Thereafter, a roll call vote was taken, which resulted as follows:

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

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

**Woods Highway – Update**

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

**(RESOLUTION NO. 19 OF 2007)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into an Agreement with Shumaker Consulting Engineering &



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Land Surveying, 181 Genesee Street, Utica, New York to update a study they completed approximately three (3) years ago with regards to engineering and restructuring costs for Woods Highway at a cost not to exceed Four Thousand Four Hundred Dollars (\$4,400).

The Town Supervisor polled the Board who voted as follows:

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

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

**EXECUTIVE SESSION**

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

**(RESOLUTION NO. 20 OF 2007)**

**RESOLVED** that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss potential litigation concerning Preswick Glen and to discuss matters concerning the potential employment of outside legal counsel for the Town, the County and the School District.

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly ***ADOPTED***. All persons present, including the news media, were then excused from the meeting at 6:24 P.M. The Town Clerk was asked to stay in the event the Town Board took any action after Executive Session; the Police Chief was invited to remain.

**END OF EXECUTIVE SESSION**

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

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**(RESOLUTION NO. 21 OF 2007)**

**RESOLVED** that the New Hartford Town Board does hereby move to end its Executive Session and to reconvene the regular portion of the Town Board meeting.

The Board members voted upon roll call that resulted as follows:

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

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 8:25 P.M. The regular portion of the Town Board meeting was immediately reconvened.

**REPORTS OF TOWN OFFICIALS (CONTINUED)**

**POLICE CHIEF:**

**Grant – Governor’s Traffic Safety Committee**

Upon recommendation of Police Chief Raymond Philo, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Payne:

**(RESOLUTION NO. 22 OF 2007)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into an Agreement between the Town of New Hartford and the Governor’s Traffic Safety Committee in the amount of Eight Thousand One Hundred Fifteen Dollars (\$8,115.) for a traffic safety grant which purpose is to enforce provisions of the motor vehicle law with regard to aggressive driving, motorists running red lights, passing stop school buses, etc.

The Board then voted upon roll call:

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

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

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**Appointment – Full-Time Police Officer**

Upon recommendation of the Police Chief, Councilman Reynolds presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

**(RESOLUTION NO. 23 OF 2007)**

**WHEREAS**, Robert Philo had been promoted to Sergeant to fill the vacancy created when Marc Marziale retired from the Police Department, now leaving a vacancy for a Police Officer;

**NOW, THEREFORE, BE IT RESOLVED**, that the New Hartford Town Board does hereby appoint James M. Hyatt II to fill the vacancy of full-time Police Officer created by Robert Philo’s promotion, effective February 18, 2007, contingent upon Officer Hyatt meeting all requirements of the New York State Civil Service Rules and Regulations; his hourly wage will be commensurate with the current union contract.

The foregoing Resolution was duly put to a vote upon roll call as follows:

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

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

**ADJOURNMENT**

There being no further business to come before the Town Board, upon a motion duly made and seconded, the meeting adjourned at 8:28 P.M.

**Respectfully submitted,**

**Gail Wolanin Young, CMC/RMC**  
**Town Clerk**

**Margaret M. Jones**  
**Deputy Clerk I**