

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, OCTOBER 28, 2009 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 PRESENT:

Councilman Robert A. Payne III
Councilwoman Christine G. Krupa
Councilman David M. Reynolds
Councilman Richard B. Woodland, Jr.
Supervisor Earle C. Reed

OTHER TOWN OFFICIALS PRESENT:

Codes Enforcement Officer Joseph A. Booth
Director of Budget Heather Mowat
Director of Senior Services M. Eileen Spellman
Highway Superintendent Richard C. Sherman
Senior Engineering Technician John Meagher
Town Attorney Gerald J. Green
Town Clerk Gail Wolanin Young

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

MINUTES

September 30, 2009 Town Board Meeting

Councilman Payne introduced the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO.OF 2009)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the **Regular** Town Board meeting held **September 30, 2009** and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

Councilwoman Krupa	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Payne	-	Aye

Supervisor Reed - Aye.

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

October 14, 2009 Town Board Meeting

As several Town Board members had not read the October 14, 2009 Town Board minutes, action was deferred.

PUBLIC PRESENTATIONS (PUBLIC COMMENTS)

Petition on 2010 Budget – New Hartford Public Library

Ben Benson, who was representing the New Hartford Public Library, presented petitions containing the signatories of about 462 people asking that the Town Board reconsider the 2010 funding level to the Library.

In response to Councilwoman Krupa's question whether the petitioners had been informed that if the Town Board restored the funding to the level requested by the Library that their taxes will increase even more, Mr. Benson replied no.

REPORTS OF TOWN OFFICIALS

AGING – DIRECTOR OF SENIOR SERVICES:

Director M. Eileen Spellman expressed concern with funding for senior services and asked that the Board not cut back anymore on the seniors for 2010; she said she is fighting to keep the senior center (New Hartford Adult Dining and Activity Center) at St. John the Evangelist Church.

Due to scarcity of the regular flu vaccine, the November 5, 2009 Flu Shot Clinic has been canceled; this will affect her department's revenue.

PUBLIC PRESENTATIONS (Public Comments) Cont'd

Town Board Meeting Protocol

Joseph Bolton inquired if the proposed legislation was on the Agenda for tonight's meeting, or whether it had been removed. The Town Board responded that the proposal was not on the Agenda but would be brought back for consideration in December 2009.

REPORTS OF TOWN OFFICIALS

Codes Enforcement Officer:

Town Code - Chapter 94, Property Maintenance – 49 Root Street

Codes Enforcement Officer Joseph Booth will make an on-site inspection at 49 Root Street on October 29, 2009 with an exterminator and will obtain a quote for the extermination costs. Currently a board had been removed from the entranceway to the residence (presumably by the owner who had 15 days to remove their personal property);

the Codes Officer will ask the Highway Department to re-secure the residence. Codes Officer Booth noted that he has limited funds in his budget for extermination, i.e., \$300.

HIGHWAY SUPERINTENDENT:

Streetlight at Sitrin Lane-Higby Road Intersection; National Grid to Proceed

As a follow up to discussion at the October 14, 2009 Town Board meeting, Highway Superintendent Sherman had confirmed with National Grid that the annual electric cost for a 200-watt high-pressure sodium streetlight would be One Hundred Fifty Dollars (\$150). Thereafter, Councilman Payne introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. ... OF 2009)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct National Grid to install one (1) streetlight pole and one (1) 150-watt high-pressure sodium street light at the intersection of Sitrin Lane and Higby Road, with all associated costs and future energy costs to be borne by the General Town Street Lighting District.

The Resolution was voted upon by roll call as follows:

Councilwoman Krupa	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Nay, because of the cost
Councilman Payne	-	Aye
Supervisor Reed	-	Aye.

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

Inter-municipal Agreements – Ice Control Mix and/or Pure Salt

Upon request of the Highway Superintendent, Councilman Reynolds offered the following Resolution for adoption; seconded by Councilwoman Krupa:

(RESOLUTION NO. ... OF 2009)

RESOLVED that the New Hartford Town Board does hereby agree to enter into Agreements with the Villages of Yorkville and New Hartford, and the New Hartford Central School and New York Mills Union Free School District for the three (3) year period commencing October 1, 2009 and terminating September 30, 2012, wherein the Town of New Hartford will provide ice control mix and/or pure salt to said entities for their utilization on their respective properties at the rate of Fourteen Dollars and Ten Cents (\$14.10) per cubic yard for ice control mix and Forty-four Dollars and Fifty-three Cents (\$44.53) per ton for pure salt; and be it

FURTHER RESOLVED that the Town Supervisor is hereby authorized and directed to execute the above-referenced Agreements, *contingent upon review and final approval of the Town Attorney.*

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

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

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

Plowing/Sanding Agreement – Willowvale Fire Company and New Hartford Public Library

Highway Superintendent Sherman asked that these matters be tabled.

Agreement for Snow and Ice Control on County Highways

Highway Superintendent Sherman reported that Town Attorney Gerald Green has reviewed the original Agreement received from Oneida County for the plowing and sanding of County highways; subsequently, Attorney Green modified the original agreement to contain what the Attorney believed were not substantive changes that related to insurance. Attorney Green has recommended that the Town sign the original Agreement received from Oneida County as well as the 2nd (or modified) Agreement prepared by the Town Attorney even though the County won't sign the 2nd (or modified) Agreement.

Highway Superintendent Sherman said the Town of New Hartford would not be accepting any new county roads for plowing and sanding.

Attorney Green has met with Oneida County Executive Picente and County Attorney Linda Dillon, and County Executive Picente will discuss the language modifications at a later date. It was noted that the Town of New Hartford isn't the only town asking for that language change. County Executive Picente will address individual town concerns at a later date. Attorney Green recommended sending the original agreement and the Town's modified version and Picente's letter; he believes the Town's rights would be preserved.

Based upon recommendation of the Town Attorney, Councilman Payne introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. .. OF 2009)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Superintendent of Highways and the Town Supervisor to enter into and to execute the original Agreement with the County of Oneida, by and through Dennis S. Davis,

Deputy Commissioner, County Department of Public Works, 6000 Airport Road, Oriskany, New York, for the control of snow and ice on 20.51 miles of County Roads for the Snow Season dating from November 1, 2009 through April 30, 2012, together with a Town-modified version of said County's snow and ice control Agreement, which shall include a list of County roads to be plowed as well as adding the following language:

“The County shall defend and indemnify the Town from all claims or allegations for property damage and bodily injury, including death, arising from the County's design and/or signing of the highways covered by this agreement and any other claims or allegations of negligent acts of commission or omission attributable to the County.”

“The Town reserves its rights under the law to seek and recover damages from the County in the event of dispute, disagreement, or injury arising from any corrective work the County may perform and/or monies the County may deduct from the amount of this contract.”

contingent upon the County's accepting the Town's modified Agreement.

The foregoing Resolution was duly put to vote upon roll call, which resulted as follows:

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

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

Surplus Office Furniture, File Cabinets, Leaf Machine

For the November 4, 2009 Town Board meeting, Highway Superintendent Sherman will compile a list of surplus desks, filing cabinets, lighting fixtures, etc. to be declared as surplus and to be authorized for sale. The list will also include leaf machine parts that are no longer usable for the Town.

Award of Competitive Bid – Sanitary Sewer Replacement on Route 5A, Sanitary Sewer Relocation on Jordan Road

Upon recommendation of Highway/Sewer Superintendent Sherman, Councilwoman Krupa introduced the following Resolution for adoption; seconded by Councilman Payne:

(RESOLUTION NO. ... OF 2009)

WHEREAS, the Town Superintendent of Highways and Sewers did, on the 28th day of October, 2009, duly recommend sanitary sewer projects;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby accept the low bid of and award the contract to L. P. Trucking & Excavating, Inc., 8290 Gore Road, Rome, New York 13440, in accordance with the provisions of Article 5-A of the General Municipal Law, for the following projects:

- Sanitary Sewer Replacement on Route 5A (Commercial Drive)
- Sanitary Sewer Relocation on Jordan Road

for a maximum aggregate price of One Hundred Eighteen Thousand Eight Hundred Seventy-five Dollars and Twenty-five Cents (\$118,875.25). The Town Supervisor is hereby authorized and directed to enter into and to execute a contract for these projects; and upon completion of these projects the Town Supervisor shall pay the amount of \$118,875.25 from the Sewer Fund (SS8110.4).

The Town Attorney is reviewing the contract and the Town's insurance agent has reviewed and approved the insurance documents. Councilwoman Krupa inquired whether the Town could identify restaurants that are contributing (such as grease) to the demise of the sanitary sewer system; the Highway/Sewer Superintendent acknowledged receiving information from Oneida County that he would discuss with Councilwoman Krupa. Upon roll call, the Town Board voted as follows:

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

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

Oneida County Competitive Bid – Man-hole Rehabilitation

Upon request of Highway/Sewer Superintendent Sherman who had reviewed the County's bid and contract, Councilwoman Krupa offered the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. .. OF 2009)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct Highway/Sewer Superintendent Sherman to "piggy-back" on the Oneida County competitive bid/contract for rehabilitating manhole leakage, with at least thirty-five (35) manholes in the Town of New Hartford to be repaired.

The contractor can be on site in New Hartford within two (2) weeks and the work can be done until the weather hits below 30's or 20's. The repair work would result in less stormwater run-off flowing into the sanitary sewers. Director of Budget Mowat confirmed there is \$100,000 in the Sewer Fund to cover this project; further, that Senior Engineering Technician John Meagher and Highway/Sewer Superintendent Sherman

have pointed out there also might be GEIS money for this project; they are to explain further at the November 4, 2009 Town Board meeting. Thereafter, the Town Board voted as follows:

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

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

STORMWATER MANAGEMENT (ADVISORY) IMPROVEMENT COMMITTEE

Oxford Road Area Drainage Improvement Project

Upon presentation by Highway Superintendent Sherman, Councilman Reynolds introduced the following Resolution which was duly seconded by Councilman Payne:

(RESOLUTION NO. .. OF 2009)

RESOLVED that the New Hartford Town Board does hereby approve and authorize the payment of the following bills from Shumaker Engineering with regard to the Oxford Road Area Drainage Improvement Project in the vicinity of Oxford and Woodberry Roads:

- \$8,597. 50 for adjusting the second set of comments by the Oneida County Department of Public Works in preparation of a SWPPP and preparation of a Change Order document
- \$2,600.00 for additional site restoration details and plantings and numerous unbudgeted meetings,

the payment of which shall be made from the Stormwater Bond, HU8540.4.

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

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

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

Oxford Road and Kellogg Road Stormwater Detention Project

Murphy Excavating, contractor for this project, is Sixty-five Percent (65%) finished; the banks are in place, catch basin(s) are being installed and work is proceeding with the

favorable weather. It is probably too late to be seeded now but topsoil and seeding will be done.

Beechwood Road area

Highway Superintendent Sherman will have information at the November 4, 2009 Town Board meeting with regard to stormwater design work on Beechwood Road, which would be the 2nd phase of Woodberry.

Tilden Avenue

There is a stormwater matter that affects a portion of Tilden Avenue.

Elm Street Bridge, Chadwicks - TIPS

Highway Superintendent Sherman became aware of and apprised the Board there is a TIPS program under which the Elm Street Bridge would have qualified but as of today the bridge isn't on the list. He does have some items for the TIPS list that will begin October 1, 2010.

Town Clerk:

Appointment – Planning Board Vacancy

In behalf of the Planning Board Chairman, the Town Clerk presented that Board's recommendation to appoint Elisabetta DeGironimo to fill an existing vacancy. Councilman Woodland introduced the following Resolution that was duly seconded by Councilwoman Krupa:

(RESOLUTION NO. ... OF 2009)

WHEREAS, a vacancy exists on the Town Planning Board due to the resignation of Rodger Reynolds;

NOW, THEREFORE, BE IT RESOLVED that, upon recommendation of the Town Planning Board, the New Hartford Town Board does hereby appoint Elisabetta DeGironimo to fill the vacancy as Member of said Planning Board to fill the unexpired term of Rodger Reynolds, the former incumbent thereof, who resigned in July 2009; the term of Ms. DeGironimo is effective October 29, 2009 and will end on December 31, 2010.

A roll call vote ensued:

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

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

DIRECTOR OF BUDGET:

General Fund Whole-Town Police Account

Director Mowat stated that in 2003 the previous administration had been approached by the Village of New York Mills, which then had more than three (3) full time Police Officers, asking for an exemption of police expenses for the New York Mills residents in the Town of New Hartford. New accounting should have been done at that time, including the tax base. Then-Town Supervisor Ralph Humphreys had contacted the New York State Comptroller who responded what the Town Supervisor had to do, including a separate tax base and assessment, and that the Town would have to account for money separately, a separate checking account; ...this didn't happen, according to Director Mowat. While a Police checking account was created and Bookkeeper Carol Fairbrother makes sure expenses are accounted for, no separate fund, etc. had been created. The question has arisen why the Village of New York Mills property owners are paying only Fifteen Dollars (\$15) a year for Town taxes. Director Mowat phoned the State Comptroller's office in Syracuse and received a response – what don't you understand (about the State Comptroller's 2003 directive to then-Supervisor Humphreys). Director Mowat requested and received a second letter (this time from the Syracuse Comptroller's office) stating that the Town was to create a Part-Town fund for accounting purposes, keep a separate account, a separate fund balance, and do not co-mingle funds. She recommended that the Town Board create the Part-Town Police Fund (already have the checking account). Director Mowat anticipated providing the fund balance (a time-consuming task) at the November 4, 2009 Town Board meeting. The Director of Budget presented two (2) State Comptroller opinions to the Town Board, one directed to former Supervisor Humphreys in 2003 and the second that she received in October 2009.

- **2003 Police tax rate** - Director of Budget Mowat apprised the Town Board that in 2003, the New York Mills property owners in the Town of New Hartford paid the same rate as other Town property owners, that being Two Dollars and Nine Cents (\$2.09) per one thousand dollars of assessed valuation.
- **2005 Police tax rate** - However, in 2005 the rate for New York Mills property owners in the Town of New Hartford plummeted to only Eight Cents (\$.08) per one thousand dollars of assessed valuation. This was due to the fund balance being used and that sales tax revenue was appropriated to part-town funds (without villages) because villages receive their own sales tax revenue distribution from Oneida County.

Director Mowat hasn't yet received the written opinion from the State Comptroller's Office with regard to sales tax revenue distribution and said she's not comfortable with the sales tax and the preliminary budget is due by the close of business tomorrow. Upon request of Director Mowat, Councilman Payne introduced the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. ... OF 2009)

RESOLVED that the Town Board of the Town of New Hartford, does hereby create a Part-Town General Police Fund and utilize same for all police revenues and expenditures.

The Board voted upon roll call:

Councilwoman Krupa	-	Nay
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	Aye.

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

Cable Television Franchise Revenue - RFPs

Upon recommendation of Director of Budget Mowat, Councilman Payne introduced the following Resolution for adoption, seconded by Councilman Reynolds:

(RESOLUTION NO. ... OF 2009)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Director of Budget to seek Requests for Proposal (RFPs) with regard to the review of cable television revenue received by the Town and possible opportunity for refunds.

The Board voted upon roll call, resulting as follows:

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

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

2009 Budget Adjustments

Upon request of the Director of Budget, Councilwoman Krupa offered the following Resolution for adoption and Councilman Woodland seconded same:

(RESOLUTION NO. ... OF 2009)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Bookkeeper to make the following adjustments in the 2009 Annual Budget:

<u>Highway Fund Part-Town</u>	<u>Account No.</u>	<u>Amount</u>
From: Stone	DB-5142.04	\$2,000.00
To: Sand	DB-5142.43	\$2,000.00

Reason: Unexpected expenditure

<u>General Fund Whole-Town</u>	<u>Account No.</u>	<u>Amount</u>
To: Clerk Works-New Hartford Business Park	AA-1440.52	\$15,000.00
To: Reimbursement-New Hartford Business Park	AA2772.30	\$15,000.00

Reason: Reimbursement from developer of NYS Route 840 access

Upon roll call, the Board members voted as follows:

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

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

Close Capital Account – Transfer Balance

Upon request of the Director of Budget, the following Resolution was offered for adoption by Councilman Reynolds and duly seconded by Councilman Payne:

(RESOLUTION NO. .. OF 2009)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize the Town Bookkeeper to close the Highway Equipment (Grad-All) Capital Account and to transfer the balance of One Thousand Nine Hundred Sixty-six Dollars and Two Cents (\$1,966.02) in said Account (HE) to the Highway Part-Town Fund (DB).

Upon roll call, the Town Board voted as follows:

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

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

RFPs – Town Court Audit

Upon information from the Director of Budget, Councilwoman Krupa offered the following Resolution for adoption; seconded by Councilman Payne:

(RESOLUTION NO. ... OF 2009)

WHEREAS, all companies that had been contacted to submit a Request for Proposal to conduct the annual audit of the Town Court financial records have declined to respond;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct Director of Budget Heather Mowat to make phone calls to accredited auditing firms to perform the Town Court audit, at a cost not to exceed One Thousand Dollars (\$1,000).

A roll call vote ensued:

Councilwoman Krupa	-	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 COUNCILMEN

COUNCILMAN PAYNE:

Digital Towpath Cooperative (Web site)

Councilman Payne recalled the presentation by Jean Brown, SUNY IT, at the October 14, 2009 Town Board meeting with regard to the Digital Towpath Website. Membership dues are \$600 a year and secure emails, spam ware, etc. are set up; currently, there is no cost for the Town's Website as Trainor Associates is not charging the Town but does continue to host the Town. Councilman Payne said this would be a benefit to Jeffrey Madden who has been posting documents on the Town's website; if the Town joins the Digital Towpath Cooperative, the authority of posting would go to the department heads. Councilman Payne recommended that, if the Town Board is inclined to become part of this program, to work with Jeffrey Madden and the department heads with regard to who will be responsible in each department to update their information. Jeffrey Madden stated he has reviewed the Digital Towpath format and he's looked at spam and/or spy ware and there could be some cost savings. Thereafter, Councilman Payne introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. ... OF 2009)

RESOLVED that the Town Board of the Town of New Hartford does hereby elect to become a member of the Digital Towpath Cooperative (DTC), for which there is a Six Hundred Dollar (\$600) annual membership fee.

The Supervisor polled the Board members who voted as follows:

Councilwoman Krupa	-	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 DEPUTY TOWN SUPERVISOR

FISCAL:

Audit of Vouchers

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

(RESOLUTION NO. ... OF 2009)

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

Stormwater Drainage Abstract #14	
Vouchers HU28	\$ 105.00
Highway Fund Part-Town Abstract #20	
Vouchers DB612-DB655	\$ 28,341.92
General Fund Part-Town Abstract #23	
Vouchers BB161-BB167	\$ 1,801.08
General Fund Whole-Town Abstract #55	
Vouchers A1621-A1623; A1625	\$ 6,888.67
General Fund Whole-Town Abstract # 56	
Vouchers A1626-A1634; A1636-A1656	\$ 16,137.16
General Fund Whole-Town Abstract #57	
Vouchers A1658-A1662	\$ 14,494.11
General Fund Whole-Town Police Abstract #54A	
Vouchers A1624	\$ 615.20
General Police Fund Whole-Town Abstract #55A	
Vouchers A1663-A1668	\$ 1,750.90
General Police Fund Whole-Town Abstract #56A	
Vouchers A1669-1671	\$ 1,593.85
Sewer Fund Abstract #25	
Vouchers SS82-SS84	\$ 1,387.38
Sewer Fund Abstract #26	
Voucher SS85	\$ <u>1,136.99</u>
TOTAL:	\$ 74,252.26

Upon roll call, the Board members voted as follows:

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

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

2010 Preliminary Budget - Copies

In accordance with statute, the Town Board asked the Town Clerk to make fifty (50) copies of the 2010 Preliminary Budget available to the public at no charge. The Town Clerk stated that the Preliminary Budget will also be posted on the Town's website.

EXECUTIVE SESSION

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

(RESOLUTION NO. ... OF 2009)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss proposed, pending or current litigation as relates to the Town's lease with the St. John Church.

A roll call vote ensued:

Councilwoman Krupa	-	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 7:17 P.M. The Town Clerk was asked to remain in the event the Town Board wanted to take action after the Executive Session.

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. ... OF 2009)

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:

Councilwoman Krupa	-	Aye
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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 7:36 P.M. The regular portion of the Town Board meeting was immediately reconvened. The Public was invited to re-join the meeting.

Lease Agreement – St. John the Evangelist Church

Councilman Reynolds offered the following Resolution for adoption and Councilwoman Krupa seconded same:

(RESOLUTION NO. ... OF 2009)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize Town Board members to renegotiate the duration of the Lease Agreement with St. John the Evangelist Church.

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

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

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

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilwoman Krupa and duly seconded, the meeting adjourned at 7:37 P.M.

Respectfully submitted,

Gail Wolanin Young, Town Clerk