

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT BUTLER MEMORIAL HALL IN THE VILLAGE OF NEW
HARTFORD ON WEDNESDAY, AUGUST 20, 2003 AT 7:00 P.M.**

The Town Supervisor called the meeting to order at 7:00 P.M. and led those in attendance in the Pledge of Allegiance to the American Flag. The roll was then taken with the following Town Officials and Department Heads being present during the progress of the meeting:

TOWN BOARD MEMBERS: Councilman Donald C. Backman
Councilman John C. Waszkiewicz III
Councilman David W. Butler
Councilman Richard B. Woodland, Jr.
Supervisor Ralph B. Humphreys

OTHER TOWN OFFICIALS: Director of Senior Services M. Eileen Spellman
Highway Superintendent Roger A. Cleveland and
Deputy Highway Supt. Anthony DeCuffa
Town Clerk Gail Wolanin Young and Deputy Town
Clerk I Margaret M. Jones

OTHERS: Attorney for the Town, Vincent J. Rossi, Jr. (arrived at
8:17 P.M.)

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

MINUTES

July 16, 2003 Regular Meeting

Action was deferred until the September 3, 2003 Town Board meeting.

REPORTS OF TOWN OFFICIALS

TOWN CLERK:

Raffle Consent

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

(RESOLUTION NO. 303 OF 2003)

RESOLVED that the New Hartford Town Board does hereby grant permission to the Central New York Alzheimer Association, 4947 Commercial Drive, Yorkville, New York, an organization duly granted a Games of Chance Identification Number by the New York State Racing and Wagering Board, to sell raffle tickets at Sangertown Mall,

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

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

Upon roll call, the Town Board voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

MATTERS SUBMITTED BY COUNCILMEN AND ATTORNEY

COUNCILMAN WASZKIEWICZ:

Agenda Items

- *New York Mills Annexation* - discuss upon arrival of Attorney Rossi
- *GEIS* - meeting held last week between Oneida County Planning Commissioner, a representative from Oneida County DPW, the Town Planner, Town Highway Superintendent and Special Counsel for the Planning Board, Peter Rayhill. Councilman Waszkiewicz believes the Town should go forward with a GEIS, either in the form originally proposed or some other form due to residential and commercial growth in southeast sector of the Town. Councilman Woodland is in favor of the GEIS. Councilman Backman stated that he doesn't want to put agricultural areas through a GEIS now and is concerned about possible adverse financial impacts on agricultural areas and that the metes and bounds need to be worked out. If a farm were to go "belly up" and become a subdivision of residential lots, then Councilman Backman would be willing to look at a GEIS for this purpose. Councilman Butler also agreed that the metes and bounds need to be worked out.
- *Grant writing update* - Councilman Waszkiewicz asked the Director of Senior Services if she had talked with Connie Miner regarding grants; the Director's response was "no". The Grant Writer had contacted some department heads.
- *New Hartford Community Foundation* - Councilman Waszkiewicz reported that the meeting had been cancelled and asked to table this matter for a future Town Board meeting.

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- Planned Urban Development Subdivision Regulations - This is the independent operating unit established by developers in subdivisions that monitor and control their deed restrictions so residents have an avenue to work out restrictions. Most restrictions are developer-driven. More information will be forthcoming. Subdivision and zoning regulations can encourage developers to create these independent units.
- Judd Road Night Construction - Carol Ryan, Town Supervisor's secretary, has been provided the telephone numbers of field offices in case of complaints. At a recent meeting with residents, their concerns were voiced and some of the concerns were incorporated into construction philosophy. Transportation of materials to the site will occur during the day, as will dumping of materials.
- Sewer Extension Formula - the cost of an independent study would be Eleven Thousand Dollars (\$11,000). Councilman Waszkiewicz will speak with Grant Writer Connie Miner to see if there might be a grant available for this project.

COUNCILMAN BUTLER:

Dumping Violation - 209 Gilbert Road

Councilman Butler reported that, since the August 6, 2003 Town Board meeting, Codes Enforcement Officer Joseph Booth had contacted the owners, who have removed the concrete from the Town road right-of-way.

COUNCILMAN BACKMAN:

Web site

Councilman Backman acknowledged that web developers, James and Cathy Lawrence, were present; the Town's Web site will be changed from a windows server to a unit server and access is pending for the Lawrences. Councilman Backman reported that the Town might receive an invoice from Dreamscape due to the fact that the two (2) web sites might have to run simultaneously while the conversion is being made. Mr. Lawrence explained that the issue is the way the site was set up initially. Mr. Lawrence will be attending a meeting in the Supervisor's office with the engineer and telephone company regarding this matter. Councilman Backman presented the following Resolution for adoption; seconded by Councilman Butler:

(RESOLUTION NO. 304 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct payment of Twenty-Five Dollars (\$25.00) to Northland Telephone for one month for the "internet unit web page unx bus" while the two (2) Web sites are being run simultaneously.

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Upon roll call, the Board members voted as follows:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

Bid Date - Sale of Surplus 1999 Ford Expedition

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

(RESOLUTION NO. 305 OF 2003)

WHEREAS, the Town of New Hartford had declared a 1999 Ford Expedition, VIN 1FMPU18L8XLB93607 as “surplus” on May 18, 2003 and authorized said vehicle to be sold at the June 12, 2003 Oneida County auction; and

WHEREAS, the 1999 Ford Expedition had not been sent to the County auction because the Town possessed a Certificate of Origin rather than a Certificate of Title, the latter of which has now been obtained; and

WHEREAS, upon the Town Board’s authorization on August 6, 2003, the Town Clerk arranged for a Used Auto advertisement to be published in The Observer Dispatch on August 21, 2003, to run for a seven (7) day period;

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby authorize and empower Supervisor Humphreys to review all proposals received and to sell said vehicle on Friday, August 29, 2003 at 3:30 P.M., to the person, firm or corporation that submits the highest offer. The successful bidder shall be notified that payment for and possession of said vehicle must occur within three (3) business days of acceptance of their high bid, or the vehicle shall be awarded to the second highest bidder.

The Town Board members voted upon roll call, as follows:

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

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The Supervisor declared the Resolution unanimously carried and duly adopted.

Dumping - Chapman Road

Relative to Rosemary Trimbey’s complaint at the August 6, 2003 Town Board meeting about alleged dumping on an adjacent Chapman Road property, Councilman Backman reported that Codes Enforcement Officer Joseph Booth had made an on-site inspection and issued a violation ticket to Ms. Trimbey’s neighbor.

COUNCILMAN WOODLAND:

Agenda Items for September 3, 2003 Meeting

At the September 3, 2003 Town Board meeting, Councilman Woodland would like to address:

- parking situation near Ground Round, Seneca Turnpike
- “Children At Play” sign for Mulvihill Drive
- tax-exempt mother-in-law dwelling

On the latter issue, Town Supervisor Humphreys stated that the Oneida County is not interested and that the Town and New Hartford Central School would have to adopt separate legislation.

MATTERS SUBMITTED BY TOWN SUPERVISOR:

Audit of Vouchers

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

(RESOLUTION NO. 306 OF 2003)

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 have been duly audited by the Town Board:

General Fund, Whole-Town Abstract No. 29	\$ 21,409.69
General Fund, Whole-Town Abstract No. 29A	\$ 10,000.00
General Fund, Part-Town Abstract No. 21	\$ 2,317.14
Highway Fund, Part-Town Abstract No. 19	\$ 2,471.39
Drainage Abstract No. 12	\$ 3,910.85
Salt Storage Barn Abstract No. 4	\$ 18,800.00
Street Light Abstract No. 11	\$ 6,886.50
TOTAL:	\$ 65,795.57.

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Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Personnel - Deputy Highway Superintendent workday

Upon request of Bookkeeper Carol Fairbrother and presented by the Town Supervisor, the following Resolution was introduced for adoption by Councilman Waszkiewicz; seconded by Councilman Butler:

(RESOLUTION NO. 307 OF 2003)

WHEREAS, the Town Board adopted Resolution No. 238 on June 18, 2003 to establish, effective immediately, that the Deputy Highway Superintendent's workday shall consist of eight (8) hours; and

WHEREAS, upon request of the Bookkeeper, the Town Board on August 6, 2003 amended Resolution No. 238 so that the effective date was retroactive to January 1, 2003;

NOW, THEREFORE, BE IT RESOLVED that the Town Board further amends Resolution No. 238 by eliminating that the Deputy Highway Superintendent shall be entitled to the union benefit package and, instead, reflect that the Deputy Highway Superintendent shall be granted Good Friday as a paid holiday.

The Supervisor polled the Board members who voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

REPORTS OF TOWN OFFICIALS (CONT'D)

HIGHWAY SUPERINTENDENT:

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Storm Drainage - Beechwood Road

The Highway Superintendent has received a complaint from Mrs. Zammiello regarding surface water that allegedly flows down a ravine onto her property at 23 Beechwood Road and she claims she is unable to mow the area because of the wetness and has requested that the Town restore her lawn. Mrs. Zammiello has asked that a fence that the Town allegedly erected be repaired, as well as a footbridge. Councilman Backman asked if the Town had damaged these structures; otherwise, the Town should not be responsible for their repair. The Highway Superintendent explained that this area is an old subdivision and the Town has taken over maintenance of the culvert located in that vicinity. The consensus of the Board is that the Highway Superintendent should review this matter and see where it fits into the stormwater guidelines adopted by the Town Board and to consult with Attorney Rossi, Jr. to determine the legal and ethical responsibility of the Town.

Signs – Private Industry

The Highway Superintendent presented a request from the Charles Sitrin Healthcare Center for a sign to be erected at the intersection of Higby Road and Sessions Road, directing traffic down Tilden Avenue toward the Healthcare Center. Similar signs exist for hospital locations for the convenience of people traveling from out of town. Some Board members were concerned that private businesses (non-health related) might submit requests in behalf of their businesses. The Highway Superintendent stated that as long as permission is granted by Town Board to post such a sign, this information would be submitted to the Oneida County Department of Public Works that has jurisdiction over Higby Road, a county highway.

DIRECTOR OF SENIOR SERVICES

Petition opposing relocation of New Hartford Adult Dining & Activity Center

Director of Senior Services M. Eileen Spellman distributed a letter and petition from the senior citizens and a letter from Bus Driver Diane Muller opposing the idea of relocating the senior center to the Commercial Drive area should the Town acquire property there.

HIGHWAY SUPERINTENDENT (CONT'D)

Signs – Private Industry (Cont'd)

Councilman Backman inquired where does the Town stop when it begins allowing private business signs and will this sign limit visibility and cause accidents. Councilman Waszkiewicz mirrored Councilman Backman's concern but that particular intersection is subject to several accidents a year, and Councilman Waszkiewicz is not sure if any of the accidents are caused by people being unaware of where the Sitrin Home is located, but signage may possibly reduce number of accidents. Councilman Butler had no objection to posting a directional sign for health care facilities. The Highway Superintendent will contact the Sitrin Healthcare officials to determine if they would agree to a sign smaller

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than the 2'x 3' sign they had proposed and he will report at the September 3, 2003 Town Board meeting.

Private Trash Haulers

Roger distributed copy of a reminder letter to haulers about picking up on a certain schedule by end of year.

Agreements (Inter-municipal) – Ice Control Materials

Upon the recommendation of the Highway Superintendent, Councilman Waszkiewicz presented the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. 308 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to enter into and to execute an Inter-municipal Agreement with the ***Village of New York Mills*** for the period October 1, 2003 through September 30, 2007, wherein the Town will supply ice control materials to said ***Village*** at the rate of Ten Dollars and Fifty Cents (\$10.50) per cubic yard on an “as-needed” basis for utilization on ***Village*** property; said ***Village of New York Mills*** agrees to make payment on a monthly basis for said materials utilized the month preceding that monthly billing.

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

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

Thereafter, the Resolution was declared unanimously carried and duly adopted.

Upon recommendation of Highway Superintendent Cleveland, Councilman Waszkiewicz presented the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. 309 OF 2003)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Inter-municipal Agreement with the ***Village of Yorkville*** for the period October 1, 2003 through September 30, 2007, wherein the Town will supply ice control materials to said ***Village*** at the rate of Nine Dollars and Twenty-Five Cents (\$9.25) per ton on an “as-needed” basis for utilization on

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Village property; said *Village of Yorkville* agrees to make payment on a monthly basis for said materials utilized the month preceding that monthly billing.

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

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

Thereafter, the Resolution was declared unanimously carried and duly adopted.

Upon further recommendation of the Highway Superintendent, Councilman Butler presented the following Resolution for adoption, seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 310 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to enter into and to execute an Inter-municipal Agreement with the *New York Mills Union Free School District* for the period October 1, 2003 through September 30, 2007, wherein the Town will supply ice control materials to said *School District* at the rate of Twelve Dollars and Fifty-Four Cents (\$12.54) per cubic yard on an "as-needed" basis for utilization on *School* property; said *New York Mills Union Free School District* agrees to make payment on a monthly basis for said materials utilized the month preceding that monthly billing.

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

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

Thereafter, the Resolution was declared unanimously carried and duly adopted.

Upon the recommendation of the Highway Superintendent Roger Cleveland, Councilman Butler presented the following Resolution for adoption, seconded by Councilman Woodland:

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(RESOLUTION NO. 311 OF 2003)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Inter-municipal Agreement with the *New Hartford Central School District* for the period October 1, 2003 through September 30, 2007, wherein the Town will supply ice control materials to said *School District* at the rate of Twelve Dollars and Fifty-Four Cents (\$12.54) per cubic yard on an “as-needed” basis for utilization on *School* property; said *New Hartford Central School District* agrees to make payment on a monthly basis for said materials utilized the month preceding that monthly billing.

The foregoing Resolution was voted upon by roll call resulting as follows:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

Agreement – Bituminous Concrete Paving Project

Attorney Rossi has received the correct version of the Certificate of Insurance from Barrett Paving Materials, Inc., low bidder at the May 30, 2003 Bid Opening and the Town Clerk’s Office can now complete the necessary Contract to be signed by Barrett Paving, the Oneida County Department of Public Works and the Highway Superintendent.

Water and Stormwater Drainage Districts – Whitetail Meadows

Relative to the Town Clerk’s Memo that the Town created a Town-wide stormwater district in the early 1990’s, Attorney Rossi confirmed with Bond Counsel Thomas Myers that such a district does exist. Attorney Myers stated that the Town cannot create another stormwater district within a district for Whitetail Meadows, but the Town can create an improvement area within the district. The Town does not have to create the improvement area if it doesn’t want to since the mechanism is already in place. Discussion continued between Attorney Rossi and the Town Board.

Highway Superintendent Cleveland has information on the water transportation corporation and water district – the Town doesn’t have to create a water district. Attorney Myers represented to the Highway Superintendent that under the Water Transportation Law, it’s automatic that if the corporation “goes under”, the Town takes over jurisdiction. Attorney Myers will be in the area September 15 and 16th and would be

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willing to meet with the Town Board to acquaint them with matters addressed by previous administrations. Attorney Rossi suggested that the Board proceed with the Public Hearing and to consider action at a future date. Councilman Butler introduced the following Order for adoption; seconded by Councilman Waszkiewicz:

(ORDER NO. 1 OF 2003)

**IN THE MATTER OF THE APPLICATION
OF WHITETAIL MEADOWS SUBDIVISION
CORPORATION FOR THE ESTABLISHMENT
OF SPECIAL WATER DISTRICT TO BE KNOWN
AS THE WHITETAIL MEADOWS SPECIAL
WATER DISTRICT**

WHEREAS, a written Petition for the Establishment of a Special Water District to be known as the **WHITETAIL MEADOWS SPECIAL WATER DISTRICT** dated July 28, 2003 has been presented to and filed with the Town Board of the Town of New Hartford, Oneida County, New York in due form for the establishment of a Special Water District in said Town to be bounded and described as follows:

All that piece of land situate lying and being within the Town of New Hartford, County of Oneida, and State of New York, and being a portion of the premises as shown and depicted on a certain Plat Map, sheets "1" and "2", prepared by Donald D. Ehre, P.E., Edward W. Parry, L.S., dated July 28, 2003, revised August 14, 2003, of the premises known as the Whitetail Meadows Subdivision, and being more particularly described as follows:

All that piece, or parcel, of land situate, lying, and being in the Town of New Hartford, County of Oneida and State of New York, as shown on the Plat Map, sheets 1 and 2 of the Whitetail Meadows Subdivision as prepared by Edward W. Parry, LS #39835, and being further described as follows:

1. Beginning at a point, said point being the northwesterly corner of lot 11 as shown on the above-referenced plat map;
2. Thence; N 54 degrees -20'-23" E, a distance of 295.01 feet, more or less, to an angle point;
3. Thence; S 35 degrees -39'-37" E, a distance of 170.00 feet, more or less to an angle point, said point lying also on the right-of-way of Florence Court;
4. Thence; along said right-of-way line along the following courses:

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- a. S 54 degrees -20'-23" W, a distance of 40.00 feet, more or less, to a point of curvature;
 - b. Thence; along a curve to the left, having a radius of 85.00 feet, a distance of 133.53 feet, more or less to a point of tangency;
 - c. Thence; S 35 degrees -39'-37" E, a distance of 254.72 feet, more or less, to a point of curvature;
 - d. Thence; along a curve to the left, having a radius of 130.01 feet, a distance of 102.31 feet, more or less, to a point of tangency;
 - e. Thence; S 80 degrees -39'-37" E, a distance of 90.70 feet, more or less, to a point of curvature;
 - f. Thence; along a curve to the right, having a radius of 25.00 feet, a distance of 39.27 feet, more or less, to a point of tangency, said point lying on the right-of-way of Kay Circle;
5. Thence along said right-of-way line along the following courses:
- a. S 09 degrees -20'-23" W, a distance of 150.00 feet, more or less to a point of curvature;
 - b. Thence; along a curve to the left, having a radius of 90.00 feet, a distance of 192.16 feet, more or less to a point;
6. Thence; S 23 degrees -00'-00" E, a distance of 170.00 feet, more or less, to an angle point;
7. Thence; S 31 degrees -08'-01" W, a distance of 188.02 feet more or less, to an angle point;
8. Thence; N 35 degrees -39'-37" W, a distance of 1198.62 feet, more or less, to the point or place of beginning;

Containing 236,071.33 square feet or 5.42 acres, more or less, and being subject to all easements and covenants of record.

And also an additional parcel of land, described as follows:

1. Beginning at a point, said point being the northeasterly corner of lot 26, as shown on the above-referenced plat map,
2. Thence; S 35 degrees -39'-37" E, a distance of 398.52 feet, more or less, to an angle point said point lying also on the right-of-way of Florence Court;
3. Thence; along said right-of-way along the following courses:
 - a. along a curve to the right, having a radius of 25.00 feet, a distance of 30.11 feet, more or less to a point of tangency;
 - b. Thence; N 80 degrees-39'37" W, a distance of 90.70 feet, more or less, to a point of tangency;

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- c. Thence; along a curve to the right, having a radius of 70.01 feet, a distance of 54.99 feet, more or less, to a point of tangency;
- d. Thence; N 35 degrees -39'-37" W, a distance of 254.72 feet, more or less, to a point of curvature;
- e. Thence; along a curve to the right, having a radius of 25.00 feet, a distance of 39.27 feet, more or less to a point of tangency;
- f. Thence; N 54 degrees -20'-23" E, a distance of 87.50 feet, more or less, to the point or place of beginning.

Containing 40,408 square feet, or 0.93 acres, more or less, and being subject to all easements and covenants of record.

WHEREAS, the improvements proposed consist of the installation of water mains, water laterals, service laterals, and necessary pump station, generators, and appurtenances, and a connection point for the water service of the Upper Mohawk Valley Regional Water Board to the proposed Special Water District and which transport water to the said proposed Special Water District; and

WHEREAS, the facilities proposed to be constructed in the said proposed Special Water District as shown on the said July 28, 2003 Plat Map, sheets "1" and "2", as revised, accompanying the Petition are to be constructed at the sole expense of the Petitioner; and

NOW, THEREFORE, it is hereby

ORDERED, that a meeting of the Town board of the Town of New Hartford shall be held in the Community Meeting Room, Butler Memorial Hall in the Village of New Hartford, Oneida County, New York on 3rd day of September, 2003, at 8:00 o'clock in the afternoon of that day to consider the said Petition and to hear all person interested in the subject thereof concerning the same and for such other action on the part of said Town Board with relation thereto as may be required by law or be otherwise proper in the premises; and it is further

ORDERED, that a copy of this Order certified by the Town Clerk shall be published and posted as provided by law; and it is further

ORDERED, that this Order be entered in the Minutes of the proceedings of the Board.

A roll call vote was duly held as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	Aye

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Councilman Backman - Aye
Supervisor Humphreys - Aye.

The Order was declared unanimously carried and duly adopted.

Councilman Butler introduced the following Order for adoption; seconded by Councilman Waszkiewicz:

(ORDER NO. 2 OF 2003)

**IN THE MATTER OF THE APPLICATION
OF WHITETAIL MEADOWS SUBDIVISION
CORPORATION FOR THE ESTABLISHMENT
OF THE WHITETAIL MEADOWS STORM
WATER DRAINAGE DISTRICT**

WHEREAS, a written Petition for the Establishment of Storm Water Drainage District to be known as the **WHITETAIL MEADOWS STORM WATER DRAINAGE DISTRICT** dated July 28, 2003 has been presented to and filed with the Town board of the Town of New Hartford, Oneida County, New York in due form for the establishment of a Storm Water Drainage District in said Town to be bounded and described as follows:

All that piece of land situate lying and being within the Town of New Hartford, County of Oneida, and State of New York, as shown and depicted on a certain Plat Map, sheets "1" and "2", prepared by Donald D. Ehre, P.E., Edward W. Parry, L.S., dated July 28, 2003, revised August 14, 2003, of the premises known as the Whitetail Meadows Subdivision, and being more particularly described as follows:

All that piece, or parcel, of land situate, lying, and being in the Town of New Hartford, County of Oneida and State of New York, as shown on the Plat Map, sheets 1 and 2 of the Whitetail Meadows Subdivision as prepared by Edward W. Parry, LS #39835, and being further described as follows:

1. Beginning at a point, said point being the northwesterly corner of lot 11 as shown on the above-referenced plat map;
2. Thence; N 54 degrees -20'-23" E, a distance of 1176.84 feet, more or less, to an angle point;
3. Thence; S 23 degrees -42'-30" E, a distance of 208.04 feet, more or less to an angle point;
4. Thence; S 09 degrees -14'-30" E, a distance of 103.79 feet, more or less, to an angle point;

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5. Thence; S 30 degrees -51' -30" E, a distance of 182.00 feet, more or less, to an angle point;
6. Thence; S 72 degrees -48' -00" W, a distance of 62.87 feet, more or less, to an angle point;
7. Thence; S 04 degrees -08' -00" E, a distance of 98.46 feet, more or less, to an angle point;
8. Thence; N 84 degrees -36' -38" E, a distance of 226.89 feet, more or less, to an angle point;
9. Thence; S 00 degrees -42' -56" E, a distance of 75.25 feet, more or less, to an angle point;
10. Thence; S 84 degrees -36' -38" W, a distance of 116.00 feet, more or less, to an angle point;
11. Thence; S 57 degrees -16' -41" W, a distance of 59.00 feet, more or less, to an angle point;
12. Thence; S 36 degrees -49' -43" E, a distance of 131.67 feet, more or less, to an angle point;
13. Thence; S 31 degrees -08' -01" W, a distance of 1041.94 feet, more or less, to an angle point;
14. Thence; N 35 degrees -39' -37" E, a distance of 1198.62 feet, more or less, to the point or place of beginning.

Containing 1,044,786.08 square feet, or 23.98 acres, more or less, and being subject to all easements and covenants of record.

WHEREAS, the improvements proposed consist of the installation of storm sewers, detention facilities, catch basins, appurtenances, and a connection point(s) for discharge to the existing New Hartford storm water transportation system within the Town of New Hartford to which the new storm water facilities shall be connected and which transport storm water to the Sauquoit Creek; and

WHEREAS, the facilities proposed to be constructed in the said proposed Storm Water Drainage District as shown on the said July 28, 2003 Plat Map, sheets "1" and "2", as revised accompanying the Petition are to be constructed at the sole expense of the Petitioner; and

NOW, THEREFORE, it is hereby

ORDERED, that a meeting of the Town Board of the Town of New Hartford shall be held in the Community Meeting Room, Butler Memorial Hall in the Village of New Hartford, Oneida County, New York on 3rd day of September, 2003 at 8:00 o'clock in the afternoon of that day to consider the said Petition and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of said Town

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Board with relation thereto as may be required by law or be otherwise proper in the premises; and it is further

ORDERED, that a copy of this Order certified by the Town Clerk shall be published and posted as provided by law; and it is further

ORDERED, that this Order be entered in the Minutes of the proceedings of the Board.

The Supervisor polled the Board members who voted as follows:

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

The Order was thereafter declared unanimously carried and duly adopted.

Building Permit – Whitetail Meadows

John Maya, Attorney for developer John Barkett, Jr, had contacted attorney Rossi regarding the possibility of obtaining a Building Permit to construct a house in the Whitetail Meadows subdivision. It was discussed that if the developer provides representation that the title of the lot would not be transferred by Whitetail Meadows, Inc., then the Town might grant a building permit but withhold the Certificate of Occupancy until the developer complies with all Town requirements; however, it was stressed that the title of the lot shall not be transferred to anyone else. Attorney Rossi cautioned the Board to be sure that they know what they are doing and why. Councilman Butler presented the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 312 OF 2003)

WHEREAS, Attorney John Maya, representing the owner of Whitetail Meadows, Inc., has requested that the Town of New Hartford issue a Building Permit for a residential structure upon Lot Number 23, Whitetail Meadows subdivision; and

WHEREAS, the Town Board having been assured that the title of said Lot Number 23 shall be retained by Whitetail Meadows, Inc. and shall not be transferred to another owner;

NOW, THEREFORE, BE IT RESOLVED that, based upon the assurances given regarding the ownership of said Lot Number 23, the New Hartford Town Board does

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hereby grant permission to Codes Enforcement Officer Gerald Back to issue *only one (1)* Building Permit and *only for Lot Number 23* in the Whitetail Meadows contingent the Building Permit application showing the owner to be Whitetail Meadows, Inc. and that title to said Lot shall be retained by Whitetail Meadows, Inc.

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

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

Thereafter, the Resolution was declared unanimously carried and duly adopted. Attorney Rossi will advise Codes Enforcement Officer Back when he can issue the Building Permit; the Town Supervisor will convey the Board's action to the Codes Department on August 21, 2003.

Additional Paving of Town Roads

Highway Superintendent Cleveland had met with the Public Works Committee regarding additional paving, noting that his paving budget request of Four Hundred Thousand Dollars (\$400,000) for 2003 had been reduced to Three Hundred Thousand Dollars (\$300,000). The Town will receive an aggregate reimbursement of One Hundred Forty Thousand Dollars (\$140,000) from FEMA, of which \$45,000 has already been received and would be available for additional paving. Also, the Highway Fund is being reimbursed from the Stormwater Capital Project fund for stormwater drainage work performed by Highway Department employees. Thereafter, Councilman Waszkiewicz introduced the following Resolution for adoption, seconded by Councilman Butler:

(RESOLUTION NO. 313 OF 2003)

RESOLVED that the New Hartford Town Board does hereby grant permission to the Highway Superintendent to proceed with additional road paving at a maximum additional cost of One Hundred Fifteen Thousand Dollars (\$115,000) under the 2003 Bituminous Concrete Paving contract, contingent upon the following:

- Highway Superintendent's submission of storm drainage spreadsheets to the Bookkeeper for reimbursement to the Part-Town Highway Fund by the Storm Drainage Capital Fund
- FEMA funds having been received in the amount of Forty-Five Thousand Dollars (\$45,000).

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The Resolution was voted upon by roll call, which resulted as follows:

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

Thereafter, the Resolution was declared unanimously carried and duly adopted.

Litigation – 2001 Salt Barn Bid

Attorney Rossi believes that the D’Onofrio salt barn litigation will be settled favorably. More information will be available at the September 3, 2003 Town Board meeting.

Declaratory Judgment vs Village of New Hartford – School Traffic Officers

Village Attorney DeTraglia has requested information on the amount of money the Town has paid for School Traffic Officers and Attorney Rossi then anticipates asking the Court to make a decision.

Health Insurance - Part-Time Dispatchers

According to the Teamsters health insurance plan, the Town is required to pay Six Dollars (\$6) per work shift for part-time permanent employees. Each part-time employee must work thirty-six (36) days per quarter to be eligible for benefits. The Town is required to pay the premium whether the part-time employee wants insurance or not. The matter will be discussed further at the September 3, 2003 Town Board Board, including whether to include this information in the Employee Handbook as an addendum.

State right-of-way/island – Genesee Street-Merritt Place area

The Town Supervisor and Highway Superintendent will meet with the new director of the New York State Department of Transportation on Tuesday, August 26, 2003 at 1:30 P.M. to discuss the island in front of the Utica National Insurance building and the area off Merritt Place.

Union Negotiations

The Town Supervisor will meet with Attorney Peter Jones to discuss the Highway Department Union Contract on August 26, 2003 at 2:30 P.M. A meeting will also be held with Teamsters on the Parks and Recreation Union Contract. The Supervisor will review the list of the demands from the Police Department for their union contract.

EXECUTIVE SESSION

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

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(RESOLUTION NO. 314 OF 2003)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss disciplinary action regarding a particular employee.

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly adopted. All persons present, including the news media, Town Clerk and Deputy Town Clerk, were then excused from the meeting at 9:33 P.M. The Highway Superintendent remained for the Executive Session.

[NOTE: The Town Supervisor provided the following information.]

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 315 OF 2003)

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

The Supervisor declared the Resolution unanimously carried and duly adopted; the Executive Session ended at 10:27 P.M. The regular portion of the Town Board meeting was immediately reconvened.

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ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made by Councilman Waszkiewicz and seconded by Councilman Backman, the meeting was adjourned at 10:28 P.M.

Respectfully Submitted,

**Margaret M. Jones
Deputy Clerk I**

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