

**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, JANUARY 21, 2004 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: Assessor Paul E. Smith
Director of Senior Services M. Eileen Spellman
Highway Superintendent Roger A. Cleveland
Town Clerk Gail Wolanin Young, CMC/RMC and
Deputy Town Clerk I Margaret M. Jones

OTHERS: Attorney for the Town, Vincent Rossi, Jr.

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

MINUTES

December 3, 2003 Town Board meeting

Having reviewed minutes that had been mailed to all Board members, Councilman Woodland introduced the following Resolution for adoption, seconded by Councilman Butler:

(RESOLUTION NO. 33 OF 2004)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held **December 3, 2003** and does further waive the reading of the same.

Councilman Waszkiewicz wanted it clarified that Grant Consultant Connie Miner had suggested that the best option for the Town would be to set up their own 501 C 3. Upon roll call, the Board members voted as follows:

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

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Supervisor Humphreys - Aye.

The Resolution was declared unanimously carried and duly adopted.

December 17, 2003 Town Board meeting

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

(RESOLUTION NO. 34 OF 2004)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held **December 17, 2003** and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	ABSTAINED, because he
was absent from this meeting		
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was declared carried and duly adopted.

December 31, 2003 Town Board meeting

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

(RESOLUTION NO. 35 OF 2004)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Special Town Board meeting held **December 31, 2003** and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	ABSTAINED, because he
was absent from this meeting		
Councilman Butler	-	Aye
Councilman Backman	-	Aye

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Supervisor Humphreys - Aye.

The Resolution was declared unanimously carried and duly adopted.

REPORTS OF TOWN OFFICIALS

DIRECTOR OF SENIOR SERVICES (AGING):

Donation

Upon recommendation of Director of Senior Services M. Eileen Spellman, the following Resolution was introduced for adoption by Councilman Waszkiewicz and seconded by Councilman Butler:

(RESOLUTION NO. 36 OF 2004)

WHEREAS, in accordance with the “gift”/”donation” policy established on November 4, 1998, the New Hartford Town Board had accepted a donation of One Hundred Fifty Dollars (\$150) from The Rotary Club to benefit the New Hartford Adult Dining and Activity Center; and

WHEREAS, on September 3, 2003 the Town Board authorized the Director of Senior Services to purchase a digital camera for use with her department’s computer but subsequently, the Adult Dining and Activity Center received from the Town Police Department a surplus digital camera;

NOW, THEREFORE, BE IT RESOLVED that said Town Board does hereby authorize the Director of Senior Services, in lieu of acquiring a new digital camera, to purchase a supply of Defibrillator AED pads from the donation received in 2003.

The Town 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.

ASSESSOR:

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Work Space-Maxwell Appraisal Service

Assessor Paul Smith inquired as to whether the office space for Maxwell Appraisers would be available. The Town Supervisor explained that he had spoke with a representative for Integrated Software Systems and was told that computer connections would be able to be worked out between the office at Butler Memorial Hall and the Assessor's Office.

Re-assessment Program

The Assessor distributed a "draft" letter to be mailed town-wide and also a sales chart to justify the numbers that are contained in the letter. This letter is a result of many meetings with the State. A meeting was held last week between the State and Councilmen Backman and Waszkiewicz to discuss the proposal from Maxwell Appraisal Service. The Assessor reported that the State is looking for "trending" across the town with varying rates. The Assessor proposed, "stratifying" of neighborhoods. Councilman Waszkiewicz believes stratification is the best method for offering fair assessments to the property owners. The proposed letter is to be mailed around March 1st to property owners about the re-assessment program. Councilman Backman questioned how the State arrived at their end figures. The Assessor continued that the Town has no control over the Court-ordered reductions. Assessor Smith says that the State has now accepted some of the Town's ideas on re-assessment. Councilman Backman believes that there are some things that need to be addressed. Councilman Backman would like to see information on the Web Site and wants the latest version placed on the Site.

TOWN CLERK:

Election Worker Contractual Rate – 2004

Upon recommendation of Town Clerk Gail Wolanin Young, the following Resolution was introduced for adoption by Councilman Waszkiewicz and seconded by Councilman Butler:

(RESOLUTION NO. 37 OF 2004)

RESOLVED that the Town Board of the Town of New Hartford does hereby establish the following hourly contractual rate for those individuals who work as inspectors and/or clerks at primary and general elections for the Town of New Hartford during Calendar year 2004:

Chairmen	-	\$8.76 (each)
Inspectors	-	7.73 (each)
Clerks	-	6.70 (each).

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The Town 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.

Election Day Hours

A short conversation was held regarding the possibility of shortening the workday for election workers or possibly dividing the workday into two (2) shifts. The Town Clerk informed the Board members that State Election Law does not allow split shifts. The Town Clerk stated that she believes this matter will be discussed at the annual Town Clerk's Association Meeting in April 2004.

HIGHWAY SUPERINTENDENT:

Appointment – Temporary Wingman/Laborer

Upon the recommendation of the Highway Superintendent, the following Resolution was introduced for adoption by Councilman Backman; duly seconded by Councilman Butler:

(RESOLUTION NO. 38 OF 2004)

RESOLVED that the New Hartford Town Board does hereby appoint Shawn Clarkson, 3311 Mohawk Street, Sauquoit, NY to the position of temporary wingman/laborer for the Highway Department at an hourly wage of Seven Dollars Seventy-Five Cents (\$7.75), payable bi-weekly, effective January 22, 2004.

Personnel Director Barbara Aiello had completed his Civil Service review and stated that everything was in order. A roll call vote ensued:

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

The Resolution was declared unanimously carried and duly adopted.

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Storm Water Problem – 151-153 Genesee Street

The Highway Superintendent will mail information to Councilman Butler regarding the storm water problem behind 151-153 Genesee Street. This problem has existed dating back to 1986, is complex, and involves old drainage tile and a catch basin in sort of a swamp. The Town has done some work in the past on this area. The Highway Superintendent is not asking the Town for contribution of moneys but is asking for acquiescence to get on the land to determine what might be causing the problems. A suggestion was made that perhaps the County Soil and Water Conservation should also be consulted. The Highway Superintendent is not sure where the water is coming from – the hill or the springs in the ground. It is the consensus of the Town Board members that the Highway Superintendent needs to determine if this problem meets the storm water criteria. The Highway Superintendent stated that he believes there are approximately four (4) properties involved in this problem.

Bleachery Avenue Bridge – Change Order

Based on the recommendation of the Highway Superintendent, Councilman Backman presented the following Resolution for adoption; seconded by Councilman Woodland.

(RESOLUTION NO. 39 OF 2004)

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 Change Order No. 1 with Delaney Construction, successful bidder on the Bleachery Avenue Bridge; to reflect the final construction cost to be Eight Hundred Five Thousand Seven Hundred Twelve Dollars Fifty-Seven Cents (\$805,712.57), down from the bid quote of Eight Hundred Sixty-Nine Thousand Dollars (\$869,000).

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.

Bleachery Avenue Bridge – Supplemental Agreement with New York State Department of Transportation

Due to an increase in total project cost, the Highway Superintendent presented the following Resolution that was introduced for adoption by Councilman Backman and duly seconded by Councilman Woodland:

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(RESOLUTION NO. 40 OF 2004)

Authorizing the implementation and funding in the first instance one hundred per cent (100%) of the federal-aid and State “Marchiselli” Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore.

WHEREAS, a Project for the bridge **replacement of Bleachery Avenue/Sauquoit Creek (BIN 2205900) Town of New Hartford, P.I.N. 2753.55** (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of eighty per cent (80%) Federal funds and twenty per cent (20%) non-federal funds; and

WHEREAS, the **Town of New Hartford** desires to advance the Project by making a commitment of one hundred per cent (100%) of the non-federal share of the **total project** cost.

NOW, THEREFORE, the **Town Board of the Town of New Hartford**, duly convened does hereby

RESOLVE, that the **Town Board** hereby approves the above-subject project; and it is hereby further

RESOLVED, that the **Town Board** hereby authorizes the **Town of New Hartford** to pay in the first instance one hundred per cent (100%) of the federal and non-federal share of the **Total cost** for the Project or portions thereof; and it is further

RESOLVED, that the sum of **One Million One Hundred Seventy-five Thousand Three Hundred Fifty Dollars (\$1,175,350)** is hereby appropriated from bond proceeds and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the **Town Board** shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the **Department** thereof, and it is further

RESOLVED, that the **Town Supervisor of the Town of New Hartford** be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the **Town of New Hartford** with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality’s first instance funding of the project costs and permanent

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funding of the local share of the federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately

The Town 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.

Stormwater Drainage - Sauquoit Creek

The Highway Superintendent referred to recent newspaper articles about Sauquoit Creek and the serious problems in Yorkville and Whitesboro from a former beaver dam, which became a debris blockade and is located downstream of railroad bridge near the Sauquoit Creek pumping station. The Highway Superintendent continued that, starting last Thursday to yesterday, a number of residents have been forced to continually pump their cellars. The Town of Whitestown has expended about Five Thousand Dollars (\$5,000) to hire a contractor to remove the debris dam and accumulated ice. Since the Town has authorized the Supervisor to sign an Inter-municipal Agreement involving the Sauquoit Creek Drainage basin the Highway Superintendent asked the Town Board to think about making some contribution toward resolving the situation. The Town of New Hartford is the only community that hasn't contributed yet. Councilman Backman would like to know what the other communities have contributed before the Town acts on this request.

Competitive Bids – Backhoe/Loader

The Highway Superintendent reported that the Town has received four (4) bids; (two [2] of which are from one [1] company); net bid prices are:

- Tracey Road Equipment
 - Forty-One Thousand Eight Hundred Seventy-Four Dollars (\$41,874)
 - Twenty-Nine Thousand Seven Hundred Thirty-Three Dollars (\$29,733)
- Clinton Tractor & Implement Co. - Seventy Thousand Dollars (\$70,000)

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- Five Star Equipment, Inc. – Thirty-Seven Thousand Three Hundred Fifteen Dollars (\$37,315).

The lowest bid is for New Holland and this machine does not meet specifications; mainly, the transmission and the reach of the bucket is almost one (1) foot shorter. Although the bid received for the John Deere is higher, the Highway Superintendent feels that the reach of the bucket is what would be required for usage within the Town and that the control system is more accommodating to the operator of the machine. Highway Superintendent Cleveland did report to the Board that the four (4) in one (1) bucket, which is needed for this machine, was excluded from the bid specifications and the additional cost of this bucket from New Holland would be One Thousand Five Hundred Twenty Dollars (\$1520). The consensus of the Town Board was for the Highway Superintendent to obtain a quote for the four in one bucket on the John Deere Backhoe/Loader and to report to the Town Board at the next meeting.

Highway Department - Teamsters Contract

Town Supervisor Humphreys asked the Highway Superintendent if he approved the new Contract. Copies of this Contract have been sent to the Councilmen for their review.

REPORTS OF SPECIAL COMMITTEES

ZONING BOARD OF APPEALS:

Appointment to fill Vacancy

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

(RESOLUTON NO. 41 OF 2004)

RESOLVED that the Town Board of the Town of New Hartford does hereby appoint Kristen T. Shaheen to the **Zoning Board of Appeals** commencing January 26, 2004 and ending June 9, 2004, filling the unexpired term of Gerald J. Green who has been appointed to the **Town Planning Board**.

The Town 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.

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PUBLIC WORKS ADVISORY COMMITTEE:

Appointments to Committee

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

(RESOLUTON NO. 42 OF 2004)

RESOLVED that the Town Board of the Town of New Hartford does hereby appoint James Hill, Rodger Reynolds and John Barkett, Jr. to the **Public Works Advisory Committee** commencing January 1, 2004 and ending December 31, 2006.

The Town 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.

24-HR DISPATCH COMMITTEE

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

(RESOLUTON NO. 43 OF 2004)

RESOLVED that the Town Board of the Town of New Hartford does hereby appoint the following individuals to the **24-Hour Dispatch Committee** commencing January 1, 2004 and ending December 31, 2004:

1. Jeffrey Madden, Central Dispatch
2. Raymond Philo, New Hartford Police Chief
3. Brad Frankland, New York Mills Police Chief
4. David Reynolds, New Hartford Fire Chief
5. Robert Glenn, New York Mills Fire Chief
6. William Hughes, Willowvale Fire Chief
7. Gary Edwards, Edwards Ambulance
8. Daniel Verminski, Central Oneida County Ambulance
9. George Nassar, Central Oneida County Ambulance
10. Rodger Reynolds, New Hartford Village Representative
11. Robert Maciol, New York Mills Village Mayor

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12. Janet Hughes, Town Police Commission Member
13. Donald Backman, First Ward Councilman/Town Board
14. John C. Waszkiewicz III, Second Ward Councilman/Town Board
15. Roger Cleveland, Town Highway Superintendent
16. Barbara J. Aiello, Town Personnel Assistant
17. Terrance P. Martin, Citizen At Large
18. Amy Topor, Secretary/Police-Dispatch
19. Lawrence Gilroy, Chairman

The Town 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.

MATTERS SUBMITTED BY COUNCILMEN

COUNCILMAN WASZKIEWICZ:

Agenda items:

- *Material Storage – status report on SARA Grant* – At the January 9, 2004, Special Meeting, it was discussed if Town Planner Kurt Schwenzfeier wasn't comfortable writing the SARA Grant for an Active Records Grant, the consensus of the Town Board is that someone else could write this Grant at a cost not to exceed One Thousand Dollars (\$1,000). J. O'Connell and Associates agreed to write this Grant and Steve Deutch has already met with the Town Clerk on January 16, 2004, and before he had left the meeting with the Town Clerk, Mr. Deutch had completed sixty percent (60%) of the grant writing.
- *Administrative office layout analysis* – Councilman Waszkiewicz handed out a Resolution for review. Councilman Waszkiewicz stated that the Town Supervisor and he had met with Paul Shaw of Hamilton Works Environmental that does in-house surveys and office space analysis and office design. Hamilton Works Environmental does have at their disposal state contracts for thirty (30) or fifty (50) different manufacturers of ergonomic pleasing workstations that are space sensitive and can help teammates and employees to be more comfortable at their jobs. Councilman Waszkiewicz continued that no matter where the Town goes or what the Town does, the Town needs to do this review taking into consideration the most modern workstations and lowest cost. Four (4) references were

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submitted and Carol Ryan checked these references. Hamilton Works Environmental has agreed to do the survey at a cost not to exceed Sixteen Hundred Dollars (\$1600). Hamilton Works would then report to the Board with their recommendations as to specific office equipment which would enhance the workflow between employees and which equipment would provide modern, up-to-date ergonomic workstations. Since Mr. Shaw is on state contract, Hamilton Works Environmental would do the survey free of charge in conjunction with selling of the units. Councilman Backman would like to table this matter until he has had an opportunity to investigate any designs that have been presented or done in the past for the Sanger Public Works Garage. Heidi Worden from Hummel's asked to speak to the Board on this matter. Ms. Worden explained that Hummel's have been in the industry since 1999, and she has worked eight (8) years with L & L Office Interiors before becoming employed by Hummel's. Ms. Worden has had contacts with several locations including the New Hartford Town Clerk, who through her budget over a three (3) year period updated office work areas for her staff. Heidi Worden has worked with Dolores Shaw and Gerald Back as well as others at the Sanger Public Works Garage while she was employed at L & L Office Interiors. Although Ms. Worden did not get the Assessor's contract for furniture, she would like the opportunity to submit or bid on this job. Councilman Backman asked Councilman Waszkiewicz if Hummel's had been given an opportunity to submit a bid for this job. Councilman Waszkiewicz response was "no". Hummel's also has state contract prices as per Ms. Worden. Councilman Backman asked if some offices just got new furniture in the past three (3) years, are we going to replace this furniture? Councilman Backman will find out when the furniture was purchased, who purchased the furniture and if the cost for the furniture was bonded and will report back to the Board.

- Police and Town Court facilities, Kellogg Road – Councilman Waszkiewicz has spoken with Chief Philo and stressed his continuing effort to reach consensus on that facility as well. The Facilities Committee has highlighted this building in need of improvement and did get a report from the Chief. Some options have come to light and because of potential acquisition of real estate; the Councilman would like discuss this matter in Executive Session.
- Status 501 C 3 for New Hartford Activity Funding Foundation – Nathaniel Richmond submitted his resume to be a member of this committee. Councilman Waszkiewicz would like to have him coordinate a meeting with others who would like to serve. It was the consensus of Town Board for Nathaniel Richmond to begin working on a committee for this Foundation.
- Recreation path dedication in honor of Philip Rayhill / Parks and Recreation Advisory Committee recommendation – Councilman Waszkiewicz talked to Parks and Recreation Director Michael Jeffery regarding finalization and recommendation of dedication of the Recreation Trail.

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- Higby Road water tank update – Executive Session regarding potential acquisition of real estate.
- Adding Budget and Assessment information to Town Web Site for general public – Councilman Waszkiewicz asked if there was any progress in tying in assessments to the Web Site. Webmaster James Lawrence had to send some information to the Town of Amherst, and was told that the Town's request would go before their Board. Mr. Lawrence will contact them again and report to the Board.

Web site

E-Code is up and running (200 hits) says Webmaster James Lawrence. Mr. Lawrence is awaiting confirmation regarding budget sheets and narrative. Councilman Waszkiewicz will get back to Mr. Lawrence regarding this information.

COUNCILMAN BUTLER:

Codes Compliance - Butler Memorial Hall

Codes Enforcement Officer Back was to have been asked to attend this meeting to talk about Codes compliance for this building. Councilman Butler stated that the ceiling was two (2") inches short, but it meets Code now. The ventilation needs to be improved in this building and it is the understanding of Councilman Butler that the Village is going out to bid in the Spring 2004. Councilman Butler stated that one exit has to be taken care of due to a gas pipe that is in the way. The handicapped ramp to the rear of the building is in need of a railing and it is not pitched according to federal standards. Councilman Butler is reviewing the Memo from Joseph Booth, Town Codes Enforcement Officer. Basically, the building is in compliance.

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL AND OTHER ROUTINE REPORTS:

Audit of Vouchers

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

(RESOLUTION NO. 44 OF 2004)

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:

General Fund, Whole-Town Abstract No. 50/2003	\$ 1,500.00
General Fund, Whole-Town Abstract No. 3/2004	\$ 84,258.69
General Fund, Whole-Town Abstract No. 4/2004	\$ 9,564.05

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General Fund, Whole-Town Abstract No. 5/2004	\$ 152.82
General Fund, Part-Town Abstract No. 3/2004	\$119,426.26
Highway Fund Part-Town Abstract No. 2/2004	\$ 53,716.48
Sewer Fund Abstract No. 2/2004	\$ 7,730.09
Street Light Fund Abstract No. 2/2004	\$ 7,388.65
Drainage Fund Abstract No. 2/2004	\$ <u>736.42</u>
TOTAL:	\$284,473.46

Upon roll call, the Board members voted as follows:

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

This Resolution was declared unanimously carried and duly adopted

Association of Towns Meeting – Zoning Board member

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

(RESOLUTION NO. 45 OF 2004)

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 Frederick Kiehm, member of the Zoning Board of Appeals to attend the Associations of Towns Meeting from February 15-18, 2004 in New York City, with expenses to be borne by said Town as budgeted.

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

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

The Resolution was declared unanimously carried and duly adopted.

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27th Pay Period in 2004 – Youth Employment Director

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

(RESOLUTION NO. 46 OF 2004)

RESOLVED that the Town Board of the Town of New Hartford does hereby amend Resolution No. 464, adopted December 31, 2003, to include Maureen Owens as Youth Employment Director as her 2004 salary for this position should be divided by twenty-seven (27) pay periods.

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

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

The Resolution was declared unanimously carried and duly adopted.

Centennial Flag

Town Supervisor Ralph Humphreys reported that a former employee of the Town had given him a Centennial Flag (1788-1988) and upon his recommendation, Councilman Backman presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 47 OF 2004)

RESOLVED that the Town Board of the Town of New Hartford does hereby agree that the New Hartford Historical Society should be custodian of the 1788-1988 Centennial Flag; however, ownership of this Centennial Flag will remain with the Town of New Hartford.

A roll call vote ensued:

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

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The Resolution was declared unanimously carried and duly adopted.

Prohibition of Dogs – Municipal Buildings

Upon recommendation of Recreation Center Manager John Cunningham, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Butler:

(RESOLUTION NO. 48 OF 2004)

WHEREAS, over the past few years, dog owners have been increasingly bringing their dogs into municipal-owned buildings and particularly those buildings that accommodate large numbers of the general public; and

WHEREAS, the Town Board of the Town of New Hartford wishes to protect the health and safety of the residents of said Town, as well as visitors to its community;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby prohibit, effective January 22, 2004, any dog owner from bringing their dogs into any Town-owned or Town-leased building within the Town and/or Village of New Hartford. This restriction shall not apply, however, to guide or Seeing Eye dogs, police/detection dogs, service dogs, or therapy dogs.

A roll call vote ensued:

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

The Resolution was declared unanimously carried and duly adopted.

“Ironman” Award

At the January 7, 2004 Town Board Meeting approval was given to purchase two and one-half (2.5) Ironmen Awards and since that meeting, the Town of Whitestown has decided not to share the cost of one of these trophies. Therefore, on recommendation of the Town Supervisor, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Butler.

(RESOLUTION NO. 49 OF 2004)

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RESOLVED that the Town Board of the Town of New Hartford does hereby amend Resolution No. 13, adopted January 7, 2004, to include the purchase of all three (3) “Ironmen” Awards.

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

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

The Resolution was declared unanimously carried and duly adopted.

Highway Department - Teamsters Contract

The Town Supervisor presented the Highway Union Contract, October 2002 through December 2006, for approval by the Town Board provided that the Contract contains all amendments approved by the Attorney. Councilman Backman stated that he would sign the approved Contract for four (4) years three (3) months as reviewed by the Labor Attorney. Councilman Woodland agreed and a further question was would the employees receive retroactive pay to October 2002, which Councilman Butler verified. Upon the recommendation of the Town Supervisor, Councilman Backman presented the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 50 OF 2004)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor Ralph B. Humphreys to sign the Highway Union Contract, which would be retroactive to October, 2002 and terminating December 2006 provided that the Contract contains all amendments which have been approved by the Attorney and that said Contract is for Four (4) years Three (3) months as reviewed by the Labor Attorney.

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

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

The Resolution was declared unanimously carried and duly adopted.

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Reschedule February 18, 2004 Town Board Meeting

Upon recommendation of the Town Supervisor, Councilman Waszkiewicz presented the following Resolution for adopted; seconded by Councilman Backman:

(RESOLUTION NO. 51 OF 2004)

WHEREAS, several Town Board members will not be able to attend the second regularly-scheduled meeting in February 2004;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby cancel the February 18, 2004 Town Board meeting and does further reschedule this meeting to February 25, 2004 at 7:00 P.M. in the New Hartford High School Auditorium, Oxford Road, at which time and place the Public Hearing on the proposed Higby Road Water District will also be conducted.

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

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

The Resolution was declared unanimously carried and duly adopted.

(ORDER NO. 1 OF 2004)

IN THE MATTER OF THE ESTABLISHMENT OF THE HIGBY ROAD WATER DISTRICT IN THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK

WHEREAS, the Town Board of the Town of New Hartford, Oneida County, New York, has duly caused to be prepared a map showing the boundaries of a proposed water district in said Town, to be known as the Higby Road Water District in said Town (hereinafter, the "District") a general plan to serve said District, and a report of the proposed method of operation thereof; and

WHEREAS, said map, plan and report, including an estimate of the cost, were prepared by a competent engineer duly licensed by the State of New York, and have been filed in the office of the Town Clerk of said Town, where the same are available during regular office hours for examination by any persons interested in the subject matter thereof; and

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WHEREAS, the boundaries of said District shall be described in Exhibit A attached hereto and hereby incorporated herein; and

WHEREAS, the improvements proposed for said District consist of the construction of a water distribution system, including water mains, a water storage tank, a booster pump station, hydrants, valves, as well as the acquisition of land or rights-in-land, original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, all as more fully described in the map, plan and report hereinbefore described; and

WHEREAS, the maximum estimated cost of said improvements is \$3,982,000; and

WHEREAS, the proposed method of financing the cost of said improvements consists of the issuance of serial bonds of said Town maturing in annual installments over a period not exceeding forty years, which will be payable in the first instance from the annual apportionment and assessment from the several lots and parcels of land within said District, at the same time and in the same manner as other Town charges in an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due and payable; and

WHEREAS, the estimated cost of hook-up fees to the typical property in said District is \$600; and

WHEREAS, the estimated cost of said District to the typical property therein is \$538 in the first year in which operation, maintenance, debt service and other charges and expenses are to be paid; and

WHEREAS, a detailed explanation of the manner by which said estimated costs of hook-up fees and first-year costs to the typical property were computed has been filed in the office of the Town Clerk where the same are available during regular office hours for examination by any person interested in the subject matter thereof; and

WHEREAS, it is now desired to call a public hearing upon the question of the establishment of said District and the improvements proposed therefore, all pursuant to Section 209-d of the Town Law; **NOW, THEREFORE, BE IT**

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

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Section 1. A meeting of the Town Board of the Town of New Hartford, Oneida County, New York, shall be held at New Hartford High School Auditorium, Oxford Road, in New Hartford, New York, in said Town, on the 25th day of February, 2004, at 7:00 o'clock P.M., Prevailing Time, for the purpose of holding a public hearing to consider the establishment of the Higby Road Water District in said Town as described in the preambles hereof, and the improvements proposed therefore, and to consider the map, plan and report filed in relation thereto, and to hear all persons interested in the subject matter thereof concerning the same, and for such other action on the part of said Town Board as may be required by law or shall be proper in the premises.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of this Order (i) to be published once in The Observer Dispatch, the official newspaper of said Town, the first publication thereof to be not less than ten nor more than twenty days before the day set herein for the hearing as aforesaid, (ii) to be posted on the sign-board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law not less than ten nor more than twenty days before the day set for the hearing aforesaid, and (iii) mailed to each property owner within the proposed District at least ten days before the public hearing date.

Section 3. This Order shall take effect immediately.

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

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

The resolution was thereupon declared duly adopted.

EXHIBIT A

ALL THAT TRACT OR PARCELS OF LAND located in the Town of New Hartford, County of Oneida and State of New York, as depicted on the Town of New Hartford Tax Map Nos. 339.20, 340.00, 340.03, 340.10, 340.14, 349.00, 350.00 and 350.05.

BEGINNING at a point, said point being the southeast corner of Parcel No. 350.00-2-26, said point being also a point of the Town of New Hartford/Town of Frankfort Boundary line;

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THENCE northerly along the easterly bounds of the Town of New Hartford/Town of Frankfort boundary line across Higby Road right-of-way, continuing northerly along the Town of New Hartford/Town of Frankfort easterly boundary line to a point, said point being the most easterly point of Parcel No. 340.00-3-10 said point being also on the Town of New Hartford/Town of Frankfort line, a distance of 6,322 feet, more or less;

THENCE northwesterly along the northerly bounds of Parcel No. 340.00-3-10 to the southwest corner of Parcel No. 340.00-3-9, a distance of 918 feet, more or less;

THENCE northerly along the westerly bounds of Parcel No. 340.00-3-9 to the northeast corner of Parcel No. 340.00-3-10, a distance of 735 feet, more or less;

THENCE westerly along the northerly bounds of Parcel No. 340.00-3-10 to the northwest corner of parcel 340.00-3-10, said point being on the Sherman Drive right-of-way, a distance of 1,390 feet, more or less;

THENCE southwesterly along Sherman Drive right-of-way to the intersection of Tilden Avenue right-of-way and Sherman Drive right-of-way, a distance of 523 feet, more or less;

THENCE northwesterly across the Sherman Drive right-of-way and Tilden Avenue right-of-way to a point on the westerly bounds of the Tilden Avenue right-of-way, a distance of 180 feet, more or less;

THENCE northerly along the easterly bounds of Parcel No. 340.00-2-23.1 to the southeast corner of Parcel No. 340.00-2-23.2 a distance of 290 feet, more or less;

THENCE westerly along the northerly bounds of Parcel No. 340.00-2-23.1 to the southwest corner of Parcel No. 340.00-2-23.2, a distance of 238 feet, more or less;

THENCE northerly along the easterly bounds of Parcel No. 340.00-2-23.1 to the northeast corner of Parcel No. 340.00-2-23.1, a distance of 177 feet, more or less;

THENCE westerly along the northerly bounds of Parcel No. 340.00-2-23.1 to the northwest corner of Parcel No. 340.00-2-23.1, a distance of 1,495 feet, more or less;

THENCE southerly along the westerly bounds of Parcel No. 340.00-2-23.1 to the southwest corner of Parcel No. 340.00-2-23.1 a distance of 1,095 feet, more or less;

THENCE westerly along the northerly bounds of Parcel No. 340.00-2-21 to the northwest corner of Parcel No. 340.00-2-21 a distance of 1,587 feet, more or less;

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THENCE southerly along the westerly bounds of Parcel No. 340.00-2-21, across Higby Road right-of-way to a point on the southerly bounds of the Higby Road right-of-way, a distance of 3,075 feet, more or less;

THENCE easterly along the southerly bounds of Higby Road right-of-way to the northeast corner of Parcel No. 340.03-1-13, said point being the intersection of the Higby Road right-of-way and Mohawk Street right-of-way, a distance of 1,134 feet, more or less;

THENCE southerly along the westerly bounds of the Mohawk Street right-of-way to the northeast corner of Parcel No. 340.00-4-12.2, a distance of 996 feet, more or less;

THENCE westerly along the northerly bounds of Parcel Nos. 340.00-4-12.2 and 340.00-4-12.1 to the southwest corner of Parcel No. 340.03-1-64, a distance of 1,076 feet, more or less;

THENCE northerly along the easterly bounds of Parcel No. 340.00-4-12.1 to the northerly corner of Parcel 340.00-4-12.1, a distance of 335 feet, more or less;

THENCE westerly along the northerly bounds of Parcel No. 340.00-4-12.1 to the southerly corner of Parcel No. 340.00-2-20, a distance of 1,087 feet, more or less;

THENCE southerly along the westerly bounds of Parcel No. 340.00-4-12.1 to the southwest corner of Parcel No. 340.00-4-12.1, a distance of 286 feet, more or less;

THENCE westerly along the northerly bounds of Parcel No. 340.00-4-11.1 to the northwest corner of Parcel No. 340.00-4-11.1, a distance of 316 feet, more or less;

THENCE southerly along the westerly bounds of Parcel No. 340-4-11.1 to the southeast corner of Parcel No. 340.14-1-11, a distance of 213 feet, more or less;

THENCE westerly along the northerly bounds of Parcel No. 340.00-4-11.1 to the northwest corner of Parcel No. 340.00-4-11.1, a distance of 128 feet, more or less;

THENCE southerly along the westerly bounds of Parcel No. 340.00-4-11.1 to the northeast corner of Parcel No. 340.00-4-9, a distance of 143 feet, more or less;

THENCE westerly along the northerly bounds of Parcel No. 340.00-4-9 to the northwest corner of Parcel No. 340.00-4-9, a distance of 461 feet, more or less;

THENCE southerly along the westerly bounds of Parcel No. 340.00-4-9 to the southeast corner of Parcel No. 340.00-1-36.5, a distance of 1,340 feet, more or less;

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THENCE westerly along the northerly bounds of Parcel No. 340.00-4-9 to the northwest corner of Parcel No. 340.00-4-9, a distance of 1,142 feet, more or less;

THENCE southerly along the westerly bounds of Parcel No. 340.00-4-9 to the northeast corner of Parcel No. 340.00-4-8, a distance of 215 feet, more or less;

THENCE westerly along the northerly bounds of Parcel Nos. 340.00-4-8 and 340.00-4-49 to the northwest corner of Parcel No. 340.00-4-49, a distance of 1,650 feet, more or less;

THENCE southerly along the westerly bounds of Parcel No. 340.00-4-49 to the southeast corner of Parcel No. 339.20-1-12.1, a distance of 450 feet, more or less;

THENCE westerly along the southerly bounds of Parcel No. 339.20-1-12.1 to the northeast corner of Parcel No. 340.00-4-51, a distance of 105 feet, more or less;

THENCE southerly along the easterly bounds of Parcel No. 340.00-4-51, across the Mallory Road right-of-way, continuing southerly along the easterly bounds of Parcel No. 339.20-1-14 to the southeast corner of Parcel No. 339.20-1-14, a distance of 708 feet, more or less;

THENCE westerly along the southerly bounds of Parcel No. 339.20-1-14 to the northeast corner of Parcel No. 339.20-1-33, a distance of 40 feet, more or less;

THENCE southerly along the westerly bounds of Parcel No. 339.20-1-16 to the southwest corner of Parcel No. 339.20-1-16, a distance of 390 feet, more or less;

THENCE easterly along the northerly bounds of Parcel No. 349.00-2-1.1 to the northeast corner of Parcel No. 349.00-2-1.1, a distance of 2,588 feet, more or less;

THENCE southerly along the easterly bounds of Parcel No. 349.00-2-1.1 across the Sessions Road right-of-way, continuing southerly along the westerly bounds of Parcel No. 350.00-1-34.1 to the southeast corner of Parcel No. 350.05-1-11, a distance of 1,458 feet, more or less;

THENCE westerly along the northerly bounds of Parcel Nos. 350.00-1-34.1 and 349.00-3-8 to the northwest corner of Parcel No. 349.00-3-8, a distance of 1,039 feet, more or less;

THENCE southerly along the westerly bounds of Parcel No. 349.00-3-8 to the southeast corner of Parcel No. 349.00-3-1, a distance of 216 feet, more or less;

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THENCE westerly along the southerly bounds of Parcel No. 349.00-3-1 to a point on the southerly bounds of Parcel No. 339.00-3-1 and the easterly bounds of the Washington Mills Water District, a distance of 800 feet, more or less;

THENCE southerly along the easterly bounds of the Washington Mills water District to the easterly right-of-way boundary of New York State Route 8, then continuing southerly along the New York State Route 8 easterly right-of-way bounds to the northwest corner of Parcel No. 349.00-3-27.1, a distance of 4,076 feet, more or less;

THENCE westerly along southerly bounds of Parcel Nos. 350.00-1-34.1, 350.00-1-35.2 and 350.00-3-1 to the southeast corner of Parcel No. 350.00-3-1, a distance of 2,112 feet, more or less;

THENCE northerly along the easterly bounds of Parcel No. 350.00-3-1 to the northwest corner of Parcel No. 350.00-3-50.1, a distance of 339 feet, more or less;

THENCE easterly along the northerly bounds of Parcel No. 350.00-3-50.1 to the southeast corner of Parcel No. 350.00-3-2, a distance of 455 feet, more or less;

THENCE, northeasterly along the westerly bounds of Parcel No. 350.00-3-50.1 to the northwest corner of Parcel No. 350.00-3-50.1, a distance of 830 feet, more or less;

THENCE southeasterly along the northerly bounds of Parcel Nos. 350.00-3-50.1 to the northeast corner of Parcel No. 350.00-3-50.1 a distance of 913 feet more or less;

THENCE southwesterly along the westerly bounds of Parcel Nos. 350.00-3-29.1 to the southwest corner of Parcel No. 350.00-3-29.1 a distance of 560 feet more or less;

THENCE southeasterly along the southerly bounds of Parcel No. 350.00-3-29.1 across Mohawk Street right of way to appoint on the easterly bonds of the Mohawk Street Right of Way a distance of 955 feet more or less;

THENCE northeasterly along the easterly bounds of the Mohawk Street Right of Way to the southwest corner of Parcel No. 350.00-3-29.3 a distance of 250 feet more or less;

THENCE southeasterly along the southerly bounds of Parcel No. 350.00-3-29.3 to the southeast corner of Parcel No. 350.00-3-29.3 a distance of 870 feet more or less;

THENCE northerly along the easterly bounds of Parcel No. 350.00-3-29.3 to the northeast corner of Parcel No. 350.00-3-29.3 a distance of 300 feet more or less;

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THENCE westerly along the northerly bounds of Parcel No. 350.00-3-29.3 to the southeast corner of Parcel No. 350.00-3-16 a distance of 720 feet more or less;

THENCE northerly along the easterly bounds of Parcel Nos. 350.00-3-16 and 350.00-3-17 to the northeast corner of Parcel No. 350.00-3-17, a distance of 260 feet, more or less;

THENCE westerly along the northerly bounds of Parcel No. 350.00-3-17 to the northwest corner of Parcel No. 350.00-3-17, said point being on the easterly right-of-way boundary of Mohawk Street, a distance of 155 feet, more or less;

THENCE northerly along the easterly bounds of the Mohawk Street right-of-way to the northwest corner of Parcel No. 350.00-3-28, a distance of 397 feet, more or less;

THENCE westerly along the northerly bounds of Parcel No. 350.00-3-28 to a point on the northerly bounds of Parcel No. 350-3-28, a distance of 243 feet, more or less;

THENCE northerly across the Roberts Road right-of-way along the easterly bounds of Parcel No. 350.00-2-52.2 to the northeast corner of 350.00-2-52.2, a distance of 356 feet, more or less;

THENCE westerly along the northerly bounds of Parcel No. 350.00-2-52.2 to the northwest corner of Parcel No. 350.00-2-52.2, a distance of 100 feet, more or less;

THENCE northerly along the easterly bounds of Parcel No. 350.00-2-56 to the northeast corner of Parcel No. 350.00-2-56, a distance of 1,035 feet, more or less;

THENCE westerly along the northerly bounds of Parcel Nos. 350.00-2-56 and 350.00-2-60.1 to the southwest corner of Parcel No. 350.00-2-62, a distance of 1,256 feet, more or less;

THENCE northerly along the westerly bounds of Parcel No. 350.00-2-62 to the northwest corner of Parcel No. 350.00-2-62, a distance of 604 feet, more or less;

THENCE easterly along the northerly bounds of Parcel Nos. 350.00-2-62 and 350.00-2-63 to the northeast corner of Parcel No. 350.00-2-63, a distance of 350 feet, more or less;

THENCE northerly across the Sessions Road right-of-way continuing northerly along the easterly bounds of Parcel Nos. 350.00-2-61.1, 350.00-2-77.2, 350.00-2-77.3 and 350.00-2-77.1 to the southwest corner of Parcel No. 350.00-2-67.1, a distance of 1,530 feet, more or less;

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THENCE easterly along the southerly bounds of Parcel No. 350.00-2-67.1, across the Sessions Road right-of-way continuing easterly along the southerly bounds of Parcel No. 350.00-2-67.1 to the southeast corner of Parcel No. 350.00-2-67.1 a distance of 2,575 feet more or less;

THENCE northeasterly along the easterly bounds of Parcel No. 350.00-2-67.1 to the northwest corner of Parcel No. 350.00-2-19 a distance of 1,354 feet more or less;

THENCE westerly along the northerly bounds of Parcel No. 350.00-2-67.1 to a point on the northerly bounds of Parcel No. 350.00-2-67.1, a distance of 1,002 feet, more or less;

THENCE northerly across the Mallory Road right-of-way, continuing northerly along the westerly bounds of Parcel No. 350.00-2-15.2 to the northwest corner of Parcel No. 350.00-2-15.2, a distance of 462 feet, more or less;

THENCE easterly along the northerly bounds of Parcel No. 350.00-2-15.2 to the southeast corner of Parcel No. 350.00-2-15.1, a distance of 1,010 feet, more or less;

THENCE northerly along the westerly bounds of Parcel No. 350.00-2-20.1 to the northeast corner of Parcel No. 340.00-3-15.2, a distance of 2,060 feet, more or less;

THENCE easterly along the southerly bounds of Parcel Nos. 340.00-3-14 and 350.00-2-26 to the northeast corner of Parcel No. 350.00-2-25, a distance of 1,776 feet, more or less;

THENCE southerly along the easterly bounds of Parcel No. 350.00-2-25 to the southwest corner of Parcel No. 350.00-2-26, a distance of 831 feet, more or less;

THENCE easterly along the southerly bounds of Parcel No. 350.00-2-26, a distance of 2,364 feet more or less, back to the point of beginning.

(B)

BEGINNING at a point, said point being the northwest corner of Parcel No. 340.00-2-7;

THENCE easterly along the northerly bounds of Parcel No. 340.00-2-7 and 340.00-2-8 to the northeast corner of Parcel No. 340.00-2-8, a distance of 210 feet, more or less;

THENCE southerly along the easterly bounds of Parcel No. 340.00-2-8 to the southeast corner of Parcel No. 340.00-2-8, which is also a point on the Higby Road northerly Right of Way, a distance of 415 feet, more or less;

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THENCE easterly along the northerly bounds of the Higby Road Right of Way to the intersection of the northerly Higby Road Right of Way and the westerly bounds of the Valley View Road Right of Way, a distance of 780 feet, more or less;

THENCE southerly across the Higby Road Right of Way continuing southerly along the easterly bounds of Parcel No. 340.10-1-24.1 to the southeast corner of Parcel No. 340.10-1-24.1 a distance of 170 feet, ore or less;

THENCE westerly along the southerly bounds of Parcel No's. 340.10-1-24.1, 340.10-1-24.9, 340.10-1-24.8, 340.10-1-24.7 and 340.10-1-23 to the southwest corner of Parcel No. 340.10-1-23 a distance of 820 feet, more or less;

THENCE northerly along the westerly bounds of Parcel No. 340.10-1-23 to the northwest corner of Parcel No. 340.10-1-23 a distance of 310 feet, more or less;

THENCE northwesterly across the Higby Road Right of Way to the southwest corner of Parcel No. 340.00-2-7 a distance of 275 feet, more or less

THENCE northerly along the westerly bounds of Parcel No. 340.00-2-7 a distance of 440 feet, more or less, back to the point of beginning.

EXECUTIVE SESSION

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

(RESOLUTION NO. 52 OF 2004)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss an assessment certiorari initiated by Sangertown Square Mall vs the Town and to discuss possible land acquisition (police/court facilities).

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 Clerk were then excused from the meeting at 9:18 P.M.

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[NOTE: The following transcript was provided by the Town Supervisor on Thursday, January 22, 2004.]

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 53 OF 2004)

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 10:52 P.M. The regular portion of the Town Board meeting was immediately reconvened.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made by Councilman Waszkiewicz and seconded by Councilman Woodland, the meeting was adjourned at 10:54 P.M.

Respectfully Submitted,

*Margaret M. Jones
Deputy Town Clerk I*

*Gail Wolanin Young, CMC/RMC
Town Clerk*

