

**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, SEPTEMBER 3, 2003 AT 7:06 P.M.**

The Town Supervisor called the meeting to order at 7:06 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 (Arrived at 7:11 P.M.)
Councilman John C. Waszkiewicz III
Councilman David W. Butler
Councilman Richard B. Woodland, Jr.
Supervisor Ralph B. Humphreys

OTHER TOWN OFFICIALS: Highway Superintendent Roger A. Cleveland
Planner Kurt L. Schwenzfeier
Town Clerk Gail Wolanin Young and Deputy Town Clerk II Nancy E. Kneller

OTHERS: Attorney for the Town, Vincent Rossi, Jr

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

PUBLIC PRESENTATIONS

Sherrillbrook Park maintenance

As a follow-up to his comments made at the August 6, 2003 Town Board meeting, Dennis Thompson of 6 Christopher Circle stated he had discussed the disrepair of a pavilion and a fireplace with the Parks and Recreation Director; and as of today, a Park employee is painting the pavilion and will take care of some boards. Mr. Thompson believes maintenance should be a priority for the pavilions.

[NOTE: Councilman Backman joined the meeting at 7:11 P.M.]

Relocation – New Hartford Adult Dining & Activity Center

Mr. Thompson had heard that numerous petitions had been submitted to the Town Board, opposing the relocation of the Dining & Activity center on Sherman Street to Commercial Drive. He understood that the Town Board had moved on this and that only Councilman Waszkiewicz opposed it. It was explained that the Town is considering acquiring real property on Commercial Drive, but that no definitive decisions have been made. The Town Board will of course, seek public input.

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Police Officer – Worker’s Compensation; GML 207-C

Shirley Riggles of 18 Golf Avenue questioned if the Police Officer who broke his thumb and applied for worker’s compensation under General Municipal Law, Section 207-C, had been working his regular shift with the Town. James Spellman, member of the Police Commission, responded that the Officer was working his normal patrol when his injury was sustained at the Sangertown Square Mall. He explained that the Town has a sub-station in Sangertown Square Mall, which saves considerable response time and can handle complaints from the western part of the Town.

REPORTS OF TOWN OFFICIALS:

DIRECTOR OF SENIOR SERVICES

Donation

Upon recommendation of the Director of Senior Services, Councilman Waszkiewicz introduced the following Resolution for adoption, seconded by Councilman Backman:

(RESOLUTION NO. 316 OF 2003)

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

NOW, THEREFORE, BE IT RESOLVED that said Town Board does hereby accept the donation of One Hundred Fifty Dollars (\$150) from The Rotary Club and does further authorize Director of Senior Services M. Eileen Spellman to purchase a digital camera for the computer at the New Hartford Adult Dining & Activity Center.

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.

HIGHWAY SUPERINTENDENT:

Vehicle & Traffic Sign – Liberty Ave

Having made an on-site inspection, the Highway Superintendent and Police Chief recommended the installation of a supplemental speed limit sign on Liberty Ave; motorists turning off Middlesettlement Road onto Liberty Avenue tend to gather speed

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along the stretch flat land, then have difficulty turning onto Shephard Ave. Since the area residents have requested the additional signage and have no objection to the sign being placed in the Town right of way in front of their home(s), Councilman Waszkiewicz offered the following Resolution for adoption and Councilman Butler seconded same:

(RESOLUTION NO. 317 OF 2003)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Highway Superintendent to erect a sign on Liberty Avenue, at an appropriate location to be determined by the Police Chief and Highway Superintendent, reminding motorists of the thirty (30) mile per hour speed limit.

A roll call vote ensued:

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.

Compensation/Masonry Work - Highway Employees

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

(RESOLUTION NO. 318 OF 2003)

WHEREAS, Highway Department employee David DeBlois has given notice that he is no longer interested in performing masonry work at an additional fifty cents (\$.50) per hour; thereby, creating a vacancy for masonry work; and

WHEREAS, said vacancy has been posted in accordance with rules and regulations;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby appoint Corey Halpin to fill the vacancy for masonry work created by David DeBlois' resignation and that Corey Halpin and Christopher Moran, the latter of whom had worked with David DeBlois, be paid a stipend of fifty cents (\$.50) per hour when they are performing masonry work for the Town of New Hartford, effective August 31, 2003.

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The Board members voted upon roll call 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.

Agreement - Herkimer & Oneida County Inter-municipal Stormwater Project

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

(RESOLUTION NO. 319 OF 2003)

WHEREAS, the Town of New Hartford is regulated MS4, Federal Stormwater Management Regulations, and intends to participate in the proposed Herkimer and Oneida County Inter-municipal Stormwater Project;

BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct Town Supervisor Ralph B. Humphreys to execute a Letter of Intent between said Town and the Oneida County Soil and Water Conservation District, wherein the Town intends to provide Twenty-five Hundred Dollars (\$2500) in cash and an amount of Forty-one Hundred Dollars (\$4100) in in-kind services for two (2) years, i.e., eighty-two (82) hours per year at Twenty-five Dollars (\$25) per hour, toward the completion of the aforesaid Project.

A roll call vote was duly held 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.

Sewer Extension formula (Councilman Waszkiewicz's Agenda Item No. 5)

Councilman Waszkiewicz acknowledged that the Highway Superintendent had crafted a letter to U.S. Congressman Boehlert and the New York State Assembly and Senate

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representatives, asking for their review and consideration of funding a project with member item dollars – funding a study that will develop the formula with what would be consistent with what the Town has done in the past, etc. in order to develop a formula to implement a sewer extension to be equitable to all concerned.

MATTERS SUBMITTED BY TOWN ATTORNEY AND COUNCILMEN

COUNCILMAN WASZKIEWICZ: 7:39 PM

Agenda Items

- *New York Mills annexation* – the Town Planner is finalizing a map so Attorney Rossi and the New York Mills Village Attorney can crystallize a petition for residents to sign to initiate the annexation. It's anticipated to be done by the September 17, 2003 Town Board meeting
- *501 3 C status /Community Foundation* - Councilman Waszkiewicz had met with the Chief Financial Officer of Herkimer-Oneida County Community Foundation and they have what the Director of Senior Services was hoping to achieve and what the Town Board might want to achieve with the program. Grant dollars can be generated and earmarked for a certain fund; additional information is forthcoming. The Town Clerk will provide Board members with copies of information provided by Councilman Waszkiewicz
- *Planned Urban Development* way of the future – is not new, but progressive communities are heading in this direction
- *Higby Road water tower update* – this matter has been referred to Attorney Rossi

COUNCILMAN BACKMAN:

Software Presentation

Police Chief Philo and Councilman Backman will attend a dispatch software presentation on Friday, September 5, 2003 at 11:45 AM with a luncheon at noon. Town Board members were invited to attend.

Web site

The Town's new Web site has been changed and is on-line with only a few minor corrections such as phone numbers. In behalf of the Town Board, Councilman Backman extended thanks to Jim and Kathy Lawrence for their work.

Chapman Road Reconstruction

The first of three public informational hearings on improvements to Chapman Road will be conducted on September 16, 2003 at 7:00 P.M. in the Kellogg Road Community Center Building. Approximately \$2.2 million in federal, state and county funds have

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been set aside for road improvements. A second hearing is anticipated in late 2003, with the final hearing in Spring of 2004; construction is anticipated in 2005.

MATTERS SUBMITTED BY TOWN SUPERVISOR:

Audit of Vouchers

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

(RESOLUTION NO. 320 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. 30	\$ 9,874.33
General Fund, Whole-Town Abstract No. 31	\$ 53,124.08
General Fund, Part-Town Abstract No. 22	\$ 16,406.90
Highway Fund, Part-Town Abstract No. 20	\$ 27,761.38
Sewer Fund Abstract No. 12	\$ 4,804.11
Water Fund Abstract No. 4	\$ 1,844.70
Drainage Abstract No. 13	\$ <u>1,382.02</u>
TOTAL:	\$115,197.52.

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

Agricultural Districts

The Town Board and Planning Board will meet with Cornell Cooperative Extension on Monday, September 8, 2003 at 7:00 P.M. at the Kellogg Road Community Center Building to discuss agricultural districts; a notice of this meeting will be posted and provided to the newspaper.

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Tax Assessment Certioraris

The Town Board will attend a meeting with the New Hartford Central School Board at 4:00 P.M. on September 11, 2003 at the School to discuss tax certioraris; Attorney Rossi was asked to attend.

Fire Hydrant - Inspections

The Mohawk Valley Water Authority had contacted Supervisor Humphreys about the inspection of fire hydrants in the Town. The Willowvale Fire Company checks all hydrants within their jurisdiction and reports to the Water Authority. The Villages of New Hartford and New York Mills inspect those within their jurisdictions. The Mohawk Valley Water Authority will provide materials to paint the hydrants but someone may have to be hired to accomplish this task. Supervisor Humphreys had asked New Hartford Fire Chief David Reynolds if the New Hartford Fire Department would be interested in inspecting the 271 hydrants outside the Village but received no definitive response.

Minutes July 16, 2003 Regular Meeting

After reviewing minutes that had been mailed to all Board members, Councilman Waszkiewicz introduced the following Resolution for adoption, seconded by Councilman Butler:

(RESOLUTION NO. 321 OF 2003)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held **July 16, 2003** and does further waive the reading of the same.

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.

Sales of Surplus 1999 Ford Expedition

Supervisor Humphreys announced that two (2) bids were received for the sale of the 1999 Ford Expedition and that, in accordance with Board authorization, he had awarded the sale on August 31, 2003 to Edwards Ambulance, the highest bidder, per their bid in the amount of \$10,397.56.

PUBLIC HEARINGS

8:00 P.M. Whitetail Meadows Special Water District

At 8:00 P.M. the Town Supervisor opened the Public Hearing and the Town Clerk presented the Notice of Public Hearing, Affidavit of Posting, Proof of Publication and the Assessor's Certification that the petitioner represents at least 51% of the assessed value of the proposed Water District. Supervisor Humphreys announced that the purpose of the Hearing was to offer the public an opportunity to speak in favor of or in opposition to the creation of the Whitetail Meadows Special Water District. The Town Clerk also presented the Negative Declaration (SEQR) on this project, received from the Town Planner.

The Town Supervisor then inquired if anyone present wished to speak in favor of creating this Special Water District. John Maya, Attorney for Whitetail Meadows developer John Barkett, Jr., stated that the Special Water District would become active only in the event of failure of the Water Transportation Corporation.

Supervisor Humphreys questioned if anyone present wished to speak in opposition to creation of the Whitetail Meadows Special Water District; no one having come forth, the Public Hearing was closed at 8:06 P.M.

In the Matter of the Application of *
Whitetail Meadows Subdivision * (RESOLUTION NO. 322 OF 2003)
Corporation for the Establishment of *
The Whitetail Meadows Special Water*
District *

WHEREAS, a written Petition for the Establishment of Special Water District to be known as the **WHITETAIL MEADOWS SPECIAL WATER** dated July 28, 2003 has been duly presented to the Town Board of the Town of New Hartford, Oneida County, New York together with the necessary map and plan, and such other and further reports as have been required; and

WHEREAS, an Order was duly adopted by the Town Board on August 20, 2003 reciting the filing of the said Petition, the improvements proposed, the boundaries of the proposed Special Water District, and specifying the 3rd day of September, 2003, at 8:00 o'clock in the afternoon of that day as the time and the Butler Memorial Hall, Village of New Hartford, County of Oneida, New York as the place where the said Town Board would

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meet to consider the Petition and to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, such Order was duly posted and published as required by law and the hearing of the matter was duly held by the Town Board on the 3rd day of September, 2003 at 8:00 o'clock in the afternoon of that day as the time and the Butler Memorial Hall, Village of New Hartford, County of Oneida, New York, and all persons desiring to be heard having been duly heard;

NOW, THEREFORE, on the evidence given at such hearing and on Motion of Donald C. Backman, Councilman, seconded by Richard B. Woodland, Jr., Councilman, it is hereby

RESOLVED AND DETERMINED, that

- a) The aforesaid Petition is executed and acknowledged or proved as required by law and is otherwise sufficient; and
- b) All of the property and property owners within the proposed District are benefited thereby; and
- c) All of the property and property owners benefited are included within the limits of the proposed District;
- d) It is in the public interest to grant in whole the relief sought;

and it is further

RESOLVED AND DETERMINED, that the proposed improvement and all of the expenses thereof shall be paid for in full by the Petitioner, Whitetail Meadows Subdivision Corporation, and the permission of the State Comptroller is not required for the establishment of said District and the construction of the improvement and the provision of services therein; and it is further

RESOLVED, DETERMINED AND ORDERED, that the Special Water District as proposed in the said Petition be and the same hereby is established; that the improvement(s) therein mentioned be constructed upon the required funds being made available or provided for and such services therein as may be required be furnished from such facilities and improvements or in such manner as this Board may hereafter and from time to time designate on such terms as this Board may hereafter from time to time establish; and that said Special Water District be designated and known as the "Whitetail

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Meadows Special Water District in the Town of New Hartford” and shall 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 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:
 - 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;

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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;
 - 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.

and it is further

RESOLVED, DETERMINED AND ORDERED, that the Town Clerk of this Town shall, within ten (10) days after the adoption of these Resolutions and Orders, file a certified copy of these Resolutions and Orders in the Office of the Clerk of Oneida County, New York, at Utica, New York.

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

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye

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

The Resolution was declared unanimously carried and duly adopted.

8:07 PM Whitetail Meadows Storm Water Drainage District

At 8:07 P.M. the Town Supervisor opened the Public Hearing and the Town Clerk presented the Notice of Public Hearing, Affidavit of Posting, Proof of Publication and the Assessor's Certification that the petitioner represents at least 51% of the assessed value of the proposed **Storm Water Drainage District**. Supervisor Humphreys announced that the purpose of the Hearing was to offer the public an opportunity to speak in favor of or in opposition to the creation of the **Whitetail Meadows Storm Water Drainage District**. The Town Clerk also presented the Negative Declaration (SEQR) on this project, received from the Town Planner.

At the August 20, 2003 Town Board meeting, the Board had received information from Bond Counsel that a prior Town Board had created a town-wide storm water drainage district; however, since that meeting, Attorney Rossi has been told that the Town doesn't have a town-wide district and so it's appropriate to go forth with this district in the event the Town needs to perform some work in the future; only the people in the district would share in the cost of improvements – only those benefited, said Attorney Rossi.

Supervisor Humphreys questioned if anyone present wished to speak in favor of creating the Whitetail Meadows Storm Water Drainage District. Addressing his remarks to the Highway Superintendent, Councilman Backman asked about work or deficiencies of the development. Highway Superintendent Cleveland replied there is a bond and some work that the developer needs to do and that will probably be done within a month. Councilman Backman would like the deficiencies taken care of before the district is created, not after. Attorney Rossi stated that the Town Board can require the developer's attorney to provide written confirmation that the deficiencies have been taken care of or provide sufficient security for the Town to perform the work. Attorney Rossi had talked with Attorney Maya, noting that the Town can withhold accepting the roads as town highways until Attorney Rossi "...is sure that Roger (Highway Superintendent) is sure that everything's been done according to the approved plans (and Town Code)."

The Town Supervisor invited anyone present wishing to comment in opposition to creating the Storm Water Drainage District to come forth. No one having appeared, the Public Hearing was closed at 8:16 P.M.

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With the assurance of Attorney Rossi and the Highway Superintendent, Councilmen Backman and Waszkiewicz presented the following Resolution:

In the Matter of the Application of *
Whitetail Meadows Subdivision * **(RESOLUTION NO. 323 OF 2003)**
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 duly presented to the Town Board of the Town of New Hartford, Oneida County, New York together with the necessary map and plan, and such other and further reports as have been required; and

WHEREAS, an Order was duly adopted by the Town Board on August 20, 2003 reciting the filing of the said Petition, the improvements proposed, the boundaries of the proposed Storm Water Drainage District, and specifying the 3rd day of September, 2003, at 8:00 o'clock in the afternoon of that day as the time and the Butler Memorial Hall, Village of New Hartford, County of Oneida, New York as the place where the said Town Board would meet to consider the Petition and to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, such Order was duly posted and published as required by law and the hearing of the matter was duly held by the Town Board on the 3rd day of September, 2003 at 8:00 o'clock in the afternoon of that day as the time and the Butler Memorial Hall, Village of New Hartford, County of Oneida, New York, and all persons desiring to be heard having been duly heard;

NOW, THEREFORE, on the evidence given at such hearing and on Motion of Donald C. Backman, Councilman, seconded by John C. Waszkiewicz III, Councilman, it is hereby

RESOLVED AND DETERMINED, that

- a) The aforesaid Petition is executed and acknowledged or proved as required by law and is otherwise sufficient; and
- b) All of the property and property owners within the proposed District are benefited thereby; and

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- c) All of the property and property owners benefited are included within the limits of the proposed District;
- d) It is in the public interest to grant in whole the relief sought;

and it is further

RESOLVED AND DETERMINED, that the proposed improvement and all of the expenses thereof shall be paid for in full by the Petitioner, Whitetail Meadows Subdivision Corporation, and the permission of the State Comptroller is not required for the establishment of said District and the construction of the improvement and the provision of services therein; and it is further

RESOLVED, DETERMINED AND ORDERED, that the Storm Water Drainage District as proposed in the said Petition be and the same hereby is established; that the improvement(s) therein mentioned be constructed upon the required funds being made available or provided for and such services therein as may be required be furnished from such facilities and improvements or in such manner as this Board may hereafter and from time to time designate on such terms as this Board may hereafter from time to time establish; and that said District be designated and known as the "Whitetail Meadows Storm Water Drainage District in the Town of New Hartford" and shall 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.

and it is further

RESOLVED, DETERMINED, AND ORDERED, that the Town Clerk of this Town shall, within ten (10) days after the adoption of these Resolutions and Orders, file a certified copy of these Resolutions and Orders in the Office of the Clerk of Oneida County, New York, at Utica, New York.

The foregoing was voted upon roll call, resulting 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)

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HIGHWAY SUPERINTENDENT:

Jubilee Estates – Road dedication

Discussion followed on the question of accepting the Jubilee Estates roads as public highways. In the past, several Building Permits had been approved but no Certificates of Occupancy had been issued with the one exception where the homeowner's furniture was on a truck and they had nowhere to live. Highway Superintendent Cleveland and Attorney Rossi have discussed this matter and the Highway Superintendent has forwarded his letter of approval to Attorney Rossi.

POLICE CHIEF:

Donation

Upon recommendation of Police Chief Philo, the following Resolution was introduced for adoption by Councilman Butler and seconded by Councilman Woodland:

(RESOLUTION NO. 324 OF 2003)

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

NOW, THEREFORE, BE IT RESOLVED that said Town Board does hereby accept the Six Hundred Dollar (\$600) Donation from **TARGET** to the Police Department and does further authorize the Police Chief to purchase a digital camera.

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 thereafter declared unanimously carried and duly adopted.

Resignation – Part-time Animal Control Officer

Part-time Animal Control Officer Jordan Spinella has resigned to accept a full-time employment elsewhere.

Retirement – Part-time School Traffic Officer/Higby Road

MaryJane Firsching has submitted her letter of retirement as Part-time School Traffic Officer at Higby Road. Councilman Butler questioned whether the Hughes Elementary School had been contacted about Ms. Firsching's retirement and inquired if the Town

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intends to fill the vacancy. The Police Chief stated that the Higby Road site does not have children regularly crossing Higby Road – that the School Traffic Officer “...only occasionally had a child crossing”, adding that a school bus does transport children in that area. Councilman Waszkiewicz asked if the Police Commission had discussed the School’s position on this matter. Chief Philo believes if the School Traffic Officer isn’t retained, then the school zone on Higby Road is eliminated; he does not believe that the Town should fill the vacancy if children are not regularly crossing Higby Road. Councilman Waszkiewicz requested that either the Police Chief, New Hartford School Board or PTA submit a letter stating that no School Traffic Officer is needed on Higby Road. The Police Chief stated he would submit his written recommendation that the Town Board not fill this vacant position. Councilman Waszkiewicz stressed that he doesn’t want the position eliminated; and because he doesn’t believe the matter has been thoroughly researched, he doesn’t want the Town Board to authorize the Chief to deactivate the 25-mile-per-hour flashing lights. Chief Philo said he has researched this matter and has consulted with the New York State Department of Transportation and the Highway Superintendent.

Vacancy – Part-time School Traffic Officer/Higby Road

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

(RESOLUTION NO. 325 OF 2003)

RESOLVED that, based upon the Police Chief’s testimony that no children are being crossed on a regular basis at the Higby Road school site, the Town Board elects not to fill the vacant Higby Road Part-time School Traffic Officer position at this time.

The foregoing Resolution was voted upon by roll call 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.

Higby Road School Crossing Zone – Deactivate Flashing Lights

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

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(RESOLUTION NO. 326 OF 2003)

WHEREAS, the Town Police Chief has confirmed that in the absence of a School Traffic Officer assigned to the Higby Road school location and by the Town Board not filling the vacancy in such position occasioned by Ms. Firsching's retirement, the school-crossing zone cannot be enforced;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Police Chief to deactivate the 25-mile-per-hour flashing lights in both directions, effective immediately.

The Supervisor polled the Town Board members who voted as follows:

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

The Supervisor declared the Resolution carried and duly adopted. Chief Philo stated that if any residential, parental or school concerns are received, he will meet with the people and bring their concerns to the Town Board. The Town Supervisor was directed to send a letter to the New Hartford Central School Superintendent, Principal of Hughes Elementary School and the PTA, explaining the Town Board's action and reasoning.

Proposed No Parking Zone – Irving Road

Councilman Woodland has received complaints of a parking problem along Irving Road near the Ground Round on Seneca Turnpike (aka New York State Route 5) and inquired if legislation might be considered in the future. Chief Philo confirmed that motorists are parking right up to Route 5 and that he proposes a No Parking Zone on Irving Road for a certain distance from Route 5. After legislation is drafted and introduced, the Town Board will be required to conduct a Public Hearing.

“Children At Play” sign – Mulvihill Drive

In response to Councilman Woodland's request, Chief Philo performed an on-site inspection of Mulvihill Drive, noting there are seven (7) houses on this dead-end street, three (3) on one side and four (4) on other. Two (2) “Children At Play” signs currently exist directly across from each other near the Merritt Place-Mulvihill Drive intersection, alerting motorists on Merritt just before Mulvihill. A third sign would constitute sign pollution.

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Executive Proclamation – Police Officer Scott Adsit Day

Police Chief Philo read an Executive Proclamation honoring Police Officer Scott Adsit for exceptional valor displayed on March 16, 2003 and declaring September 3, 2003 as Scott Adsit Day in the Town of New Hartford. Officer Adsit had responded to an incident involving a mentally disturbed person who was carrying an 8' metal pole in one hand and a bible in the other, saying God told him to do damage the televisions at Circuit City. In behalf of Officer Adsit and the Town Police Department, Chief Philo extended thanks to the Town Board for the proclamation.

Health Insurance - Part-time Dispatchers

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

(RESOLUTION NO. 327 OF 2003)

WHEREAS, the Teamsters Health and Hospital Fund requires the Town of New Hartford to pay Six Dollars and Thirty-eight Cents (\$6.38) per day [subject to change] for any day worked, or part thereof, for all part-time bargaining unit employees; and

WHEREAS, the Town's intent is to offer this to any employee desiring this benefit with the cost to be absorbed by the employee; and in the event an employee does not need this benefit, the Town of New Hartford will cover this cost;

NOW, THEREFORE, BE IT RESOLVED that, effective immediately, the New Hartford Town Board shall offer any part-time employee hired to a permanent position [as in Police and Dispatch] after February 2003 the opportunity to participate in the health insurance plan in which the Town is currently enrolled, if the Town is required to contribute to the plan. This is a benefit for part-time employees, not a right and this benefit is subject to change by resolution by the Town Board at any time; and be it

FURTHER RESOLVED that, if enrollment is required, the policy below will be followed:

- If an employee wishes to take advantage of the health insurance plan, the Town will make every effort, with no guarantee, to get the employee the qualifying thirty-six (36) days in a quarter. The employee would then be responsible to pay the cost, which is Six Dollars and Thirty-eight cents (\$6.38) per day. An employee wishing to participate with the Plan will begin having contributions deducted the first month of a qualifying quarter.

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- All part-time permanent employees hired after February 2003 not wanting the insurance will not be required to pay the premium; however, they may be restricted from working less than an eight (8) hour shift.
- If, in the future, an employee may choose to participate, they will then follow the guidelines set forth in paragraph (bullet) one (1) above.
- Non-participating employees will have restrictions placed on their scheduling above and beyond the twenty (20) hour rule of Civil Service. Example: A non-participating employee would not be able to split a shift with another non-participating employee unless authorized by the Dispatch Supervisor.
- If it is found that a non-participating employee qualifies for and submits claims for benefits (working thirty-six [36] days in a benefit quarter), they will be required to reimburse the Town for the full premium of that benefit quarter. A monthly reimbursement will be deducted from the employees' paycheck until all reimbursement has been received.
- It will be the participating employees' responsibility to bring it to the Supervisor's attention if they are falling short of their thirty-six (36) day minimum in a quarter. This needs to be brought to the Supervisor's attention as soon as possible to allow enough time to adjust the schedule accordingly.
- In the event that a participating employee falls short of the minimum qualifications for the quarter, they have the option of purchasing COBRA for that quarter at a rate of Three Hundred Twenty-four Dollars (\$324) for single coverage; Seven Hundred Seventeen Dollars (\$717) for two (2) persons; or One Thousand Thirty-five Dollars (\$1,035) for family coverage. Premiums will remain in effect, unchanged, even in the event of a non-qualifying quarter. The employee and the Teamster's Health and Hospital Fund will handle COBRA.

Upon roll call, the Town 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; the Employee Handbook will be updated to include this policy.

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EXECUTIVE SESSION

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

(RESOLUTION NO. 328 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 9:30 P.M. Attorney Rossi and Highway Superintendent Cleveland remained for the Executive Session.

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 329 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 9:43 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 Backman and seconded by Councilman Waszkiewicz, the meeting was adjourned at 9:48 P.M.

Respectfully Submitted,

Gail Wolanin Young, CMC/RMC
Town Clerk