

**SPECIAL MEETING OF THE TOWN BOARD OF THE
TOWN OF NEW HARTFORD, NEW YORK, HELD
AT THE NEW HARTFORD HIGH SCHOOL AUDITORIUM
ON WEDNESDAY, FEBRUARY 25, 2004 AT 7:05 P.M.**

The Town Supervisor called the meeting to order at 7:05 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: Highway Superintendent Roger A. Cleveland
Police Chief Raymond Philo
Telecommunicator Supervisor Jeffrey Madden
Town Clerk Gail Wolanin Young, CMC/RMC and
Deputy Town Clerk I Margaret M. Jones

OTHERS: Attorney Vincent Rossi, Jr. (Arrived at 8:39 P.M.)

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

PUBLIC HEARING

7:06 PM

HIGBY ROAD WATER DISTRICT

At 7:06 P.M. the Town Supervisor opened the Public Hearing and the Town Clerk presented the Order Calling a Public Hearing, the Affidavit of Posting and the Proof of Publication (February 10, 2004 edition of the Observer Dispatch). Reading from the Order, the Supervisor announced that the purpose of the Hearing was to offer the public an opportunity to speak in favor of, in opposition to, or to comment upon the proposed establishment of the Higby Road Water District. After a presentation by Burley-Guminiak & Associates, any person wishing to speak must do so at the podium, giving their name and address for the record.

Highway Superintendent Cleveland welcomed those present, stating that he had received calls from residents either wanting water or experiencing problems with existing systems. The Highway Superintendent had researched funding sources for loans or grants and found it difficult to find the necessary money. Highway Superintendent Cleveland then contacted Burley-Guminiak & Associates to assist in finding a program and funding as well as to design a project to service the eastern part of the Town. A survey was taken a few years ago, which reinforced the quality and quantity problems as well as the need for

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a water system for this part of the Town. This Hearing is being held to listen to the concerns of the residents.

Robert Guminiak of Burley-Guminiak & Associates stated that the Town hired his firm in April 2001. A questionnaire was submitted to residents in the project area to determine what areas wanted and didn't want water. The results of the questionnaire showed that approximately seventy-three (73%) percent of the residents were interested in looking at water for the area. The water problems in this area include well water containing sulphur, iron, and/or chloriform.

Mr. Guminiak then presented a slide presentation to give the residents an overview of the project:

Why Consider a Town Water System

- Many documented water quality and quantity problems in this area of Town
- Requested in the past by some of the property owners
- Potential increase in property values
- Better fire protection
- Affordable funding available

Why Consider ... ?

- New State and Federal funding programs were developed in 1996, which have effected the local cost of a water project
- The cost to drill a well, pump and treat ground water, or purchase bulk water in the summer may be in excess of the costs to purchase community potable water for many
- Fire protection
- Good water pressure

[**Aside:** Fire insurance rates could possibly decrease, depending on insurance company.]

Engineering Report Details

- Potential water distribution system for the residents of the Town of New Hartford

[**Aside:** A map was available for the people to look at on this engineering report.]

Higby Road area Water Distribution System

- 8", 10" and 12" ductile iron distribution pipes
- 400,000+ gallon water storage tank
- hydrants every 600 feet
- all users will have water meters

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[**Aside:** Copper pipe to property line, and a curbbox at each home; and homeowner extends pipe to their home.]

The streets involved will be Higby Road, Mohawk Street, Mallory Road, Sessions Road and Roberts Road.

Water Supply

- district will purchase water from the Mohawk Valley Water Authority
- water quality is monitored by NYS Department of Health

Why a new tank?

- Existing tank is not high enough to supply the project area with adequate pressure
- Existing tank is not large enough to serve the existing and proposed Higby Service Area and provide for some growth

[**Aside:** A new storage tank is proposed to be located in Town of Frankfort on Higby Road across from the Dominion Transmission Corporation facility. A pump station will be needed to pump water from the new tank to provide adequate water pressure to the district.]

Water Project Costs

- Total system Cost - \$3,982,000

Water Project Funding and Financing

- Project funding agencies
 - NYS Environmental Facilities Corporation (EFC) – Drinking Water State Revolving Loan Fund (DWSRF)
 - Town submitted pre-application in 2002 for this project
 - EFC notified Town in June 2003 the project will be funded

Historically speaking ...

- This area's water problems made it a **priority** NYS community for getting hardship funding
- Proposed project scored 100 points which allowed it to qualify for hardship funding
- Funding based on **Median Household Income** of the Town
- The Town of New Hartford median household income (**MID**), as per the 1990 Census, was \$34,429
- Funding is based on the **MHI** of the community
- This year the 2000 Census **MHI** numbers will be used
- The Town's **MHI** is 2000 is \$45,991

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- This year a score of 105 points is required

Water Project Funding and Financing

- 0% DWSRF Loan for 30 Years \$3,982,000
- DWSRF Equivalent Dwelling Units (EDU) 331 – 359
- Max. First Yr. Annual Capital Debt Cost \$ 106,187

- First Yr. Debt Cost/EDU (typical home) \$ 321
- Operation and Maintenance Cost \$ 218/year
- Typical Total Annual Cost per EDU \$539
- Typical Total Monthly Cost per EDU \$ 45

Equivalent Dwelling Units (EDU) are described as follows:

- Single family home is one (1) EDU
- Two-family home is two (2) EDU
- A vacant lot is considered one-half (1/2) EDU

The approximate operation and maintenance costs are based on using six thousand (6,000) gallons of water a month or seventy-two thousand (72,000) gallons a year which totals Two Hundred Eighteen (\$218) Dollars and is payable to the Mohawk Valley Water Association. With continued growth in the area, the costs should decrease. If a homeowner decides not to connect to the water, the homeowner is still responsible for paying the debt. Once a property owner connects to the water system, they cannot use their well water for residential plumbing due to the possibility of cross-contamination. The well water can be used for outside purposes such as watering lawns, washing vehicles, etc.

Water Project "Higby Water" District Costs

- Average Project 1st year cost per typical household will be approx \$359/yr.**using 331 EDU's.
- With each new user, the debt cost could drop

-**Based on a residential home using 72,000 gallons per year of water.

Scheduled Events for Project

- -District Formation Public Hearing
- -After the Public Hearing, the Town must decide whether to proceed or not

Conclusion

- District Formation Public Hearing
- Need to complete Application for DWSRF funding Agency by October 26, 2004

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- If supported, construction could start the Summer of 2005 and be completed in the Fall of 2005.

The Town Supervisor asked if anyone wished to speak in favor of this Project; the following persons came forth:

- Tom Blackstone, 602 Higby Road, in favor - His residence has good water but very hard water. One of Mr. Blackstone's concerns is that his back lot contains the remains of an ancient farm, and is confused and does not understand how a one inch (1") curb box could possibly handle six (6) houses on this lot should there be a proposed future development and who would be responsible for the costs of any additional curb boxes. Councilman Backman answered that the developers are responsible for costs. When the water main is installed, a one-inch (1") curb box will be placed for Mr. Blackstone's home, but as Mr. Guminiak stated, a curb box will **NOT** be placed where there are vacant lots. Mr. Blackstone asked about the placement of fire hydrants and if there will be any in Herkimer County, Town of Frankfort. Mr. Guminiak explained that there will be some placed in this area. The Department of Health regulates the placement of these hydrants.
- Daniel Berkhoudt, 9425 Mallory Road, in favor – The Berkhoudts have a bad sulphur problem and the yearly cost to pay for this water project is nothing compared to treating his well water.
- Herb Benn, 3698 Mohawk Street, in favor – This project is a great idea and as long as funding is available – go for it; the Town might not have a chance again.
- Ole Pettersen, 9555 Roberts Road, in favor – Mr. Pettersen stated that his water pipes clog up because of hard water and for the cost presented tonight, he would pay gladly. The costs presented are a lot less than what he expected. It is time to become civilized.
- Anthony Furino, 3773 Mohawk Street, in favor - Dr.. Furino has a good well, but this is a great project for the price and will be a good benefit to the Town.
- Janice Jahnke, 9668 Mallory Road, in favor – The Jahnkes would like to have sanitary sewers and was told that this project was for water only. Mrs. Jahnke asked what the hook-up cost would be. Mr. Guminiak stated that the hook-up costs would be approximately Eight (\$8) or Nine (\$9) Dollars per foot as per local contractors.
- Ralph Arnold, 9398 Mallory Road, in favor – Mr. Arnold also has had problems with sulphur for years and is very much in favor of this project.
- Pasquale Iannone, 9868 Sessions Road, in favor – Mr. Iannone agrees one hundred (100%) percent for water, but will they have to pay sewer charges on their water bill? In Utica, the problem has occurred where there was no sewer line but people were paying sewer charges. Mr. Iannone doesn't want to pay for

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sewers if none are provided. Councilman Backman stated that if there is no sewer district in the area, there shouldn't be a charge on the quarterly water bill.

- Michael Taurisano, 3695 Mohawk Street, in favor – Mr. Taurisano stated that the price is fair and reasonable and less than what he expected.
- Mark DeRocco, 382 Higby Road, in favor - Does the Town Board vote on this tonight? Councilman Backman explained that the Board members would vote for or against this project tonight, but Councilman Backman stated that a permissive referendum process is available to the people and the Town Clerk clarified requirements for a petition to bring about a permissive referendum. Further, the Town Clerk recommended that anyone opposing the project and wishing to force a referendum should contact the Oneida County Board of Elections since the petition must follow the format of a nominating petition. Mr. DeRocco was concerned about what would happen if the costs go over budget. Mr. Guminiak stated that should this happen the Town of New Hartford would have to go through the entire process again.
- Kevin Franz, 3482 Mohawk Street, in favor – Mr. Franz stated that he would like to see this project go forward.
- Councilman Emil Streeter from the Town of Frankfort, in favor – The Town of Frankfort appreciates the Board's efforts in considering their residents especially with the tank location and the Town's reconsideration of its location. Councilman Streeter asked that the Board keep the Town of Frankfort and their residents in mind when making this determination. They support any growth that effects both municipalities
- David Clements, 9820 Sessions Road, in favor – Mr. Clements questioned whether the cost of environmental impact is reflected in this study. Mr. Guminiak responded that it was. Further, Mr. Clements was wondering if the Town of Frankfort was part of this district especially those who reside on Graffenburg Road and what provisions have been made regarding the costs of this project to those residents and/or the Town of Frankfort. Mr. Guminiak reported that the Town of Frankfort is not part of this district. Councilman Backman concurred. Mr. Clements asked what provisions have been made or how does it apply to New Hartford's costs if those residents in the Town of Frankfort tap into the new tank. Mr. Guminiak stated that if the Town of Frankfort taps into the new tank then this would be an entirely separate water district, and the Town of New Hartford and the Mohawk Valley Water Authority would have to enter into some type of agreement with the Town of Frankfort. There will be an agreement between the Town of New Hartford and the Water Authority for the Town of New Hartford's district. Mr. Clements asked if the Two Hundred Eighteen (\$218) Dollar user fee basically covers the use of the water and that the Five Hundred Thirty-Nine (\$539) Dollar yearly fee includes the user fee of Two Hundred Eighteen (\$218) Dollars, but that the cost of hook-up is an additional fee; this was confirmed. David Clements further stated that initially he was not in favor of this project, but

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after listening to everyone here tonight he has changed his mind and is now in favor of the project.

- Donald Weimer from the Mohawk Valley Water authority stated that when the water mains are installed and accepted, residents would receive a letter spelling out the requirements to extend pipe from the curb box to their home.
- Keith Doyna, 603 Higby Road, in favor – Mr. Doyna stated that he is worried about the “big dig” issue and timeline. If the project goes over budget and the deadline isn’t met, what then? Robert Guminiak stated that there is a deadline to submit the application for the loan. After the application is submitted, then the project will go out to bid. If the costs come in higher, and the Town has to ask the State for additional funds, the Town will be required to go through public hearing process again.

The Town Supervisor asked if anyone wished to speak against this Project. No one came forth.

The Public Hearing was closed at 8:05 P.M.

Thereafter, Councilman Waszkiewicz presented the following Resolution for adoption, seconded by Councilman Backman.

(RESOLUTION NO. 68 OF 2004)

A RESOLUTION MAKING CERTAIN DETERMINATIONS IN RELATION TO AND FINDING IT TO BE IN THE PUBLIC INTEREST TO ESTABLISH A WATER DISTRICT IN THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK, TO BE KNOWN AS HIGBY ROAD WATER DISTRICT.

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, and a plan and report in connection therewith; and

WHEREAS, said map, plan and report 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 is available during regular office hours for examination by any persons interested in the subject matter thereof; and

WHEREAS, the estimated cost of hook-up fees to the typical property in said District is \$600.00; and

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WHEREAS, the estimated cost of said District to the typical property therein is \$538.00 in the first year in which operation, maintenance, debt service and other charges and expenses are to be paid; and

WHEREAS, said capital project for said District and the establishment thereof has been determined to be a Type I Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Town Board has determined will not result in any significant adverse environmental effects; and

WHEREAS, an order was duly adopted by said Town Board on January 21, 2004, reciting a description of the boundaries of said proposed Higby Road Water District, the improvements proposed, the maximum amount proposed to be expended for said improvements, the proposed method of financing to be employed, the fact that said map, plan and report were on file in the Town Clerk's office for public inspection and specifying the 25th day of February, 2004, at 7:00 o'clock P.M., local time, at the New Hartford High School Auditorium, in New Hartford, New York, in said Town, as the time when and the place where said Town Board would meet for the purpose of holding a public hearing to consider the establishment of said Higby Road Water District and said map, plan and report filed in relation thereto and to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, notice of the aforesaid public hearing was duly published and posted in the manner and within the time prescribed by Section 209-d of the Town Law, and proof of publication and posting have been duly presented to said Town Board; and

WHEREAS, said public hearing was duly held at the time and place in said order as aforesaid, at which all persons desiring to be heard were duly heard; and

WHEREAS, said Town Board has duly considered said map, plan and report and the evidence given at said public hearing; **NOW, THEREFORE, BE IT**

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

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined as follows:

- a) The notice of hearing was published and posted as required by law and is otherwise sufficient;

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- b) All the property and property owners within said proposed Higby Road Water District, as described in the preambles hereof, are benefited thereby;
- c) All the property and property owners benefited are included within the limits of said proposed Higby Road Water District; and
- d) The establishment of said proposed Higby Road Water District is in the public interest.

Section 2. This resolution shall take effect immediately.

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

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

In addition, at such meeting, the following resolution was offered by Councilman Waszkiewicz, who moved its adoption, seconded by Councilman Backman, to-wit:

(RESOLUTION NO. 69 OF 2004)

A RESOLUTION APPROVING THE ESTABLISHMENT OF HIGBY ROAD WATER DISTRICT AND THE IMPROVEMENTS IN CONNECTION THEREWITH

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 Higby Road Water District, and a plan and report in connection therewith; and

WHEREAS, said map, plan and report 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 is available during regular office hours for examination by any persons interested in the subject matter thereof; and

WHEREAS, the estimated cost of hook-up fees to the typical property in said District is \$600.00; and

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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, said capital project for said District and the establishment thereof has been determined to be a Type I Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which is proposed, the Town Board has determined will not result in any significant adverse environmental effects; and

WHEREAS, an order was duly adopted by said Town Board on January 21, 2004, reciting a description of the boundaries of said proposed the Higby Road Water District, the improvements proposed, the maximum amount proposed to be expended for said improvements, the proposed method of financing to be employed, the fact that said map, plan and report were on file in the Town Clerk's Office for public inspection and specifying the 25th day of February, 2004, at 7:00 o'clock P.M., local time, at the New Hartford High School Auditorium, in New Hartford, New York, in said Town, as the time when and the place where said Town Board would meet for the purpose of holding a public hearing to consider the establishment of said Higby Road Water District and said map, plan and report filed in relation thereto and to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, notice of the aforesaid public hearing was duly published and posted in the manner and within the time prescribed by Section 209-d of the Town Law, and proof of publication and posting have been duly presented to said Town Board; and

WHEREAS, said public hearing was duly held at the time and place in said order as aforesaid, at which all persons desiring to be heard were duly heard; and

WHEREAS, said Town Board has duly considered said map, plan and report and the evidence given at said public hearing; and

WHEREAS, said Town Board has adopted a resolution on February 25, 2004 making the findings and determinations required pursuant to Section 209-e(1) of the Town Law;
NOW, THEREFORE, BE IT

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

Section 1. The establishment of Higby Road Water District in the Town of New Hartford, Oneida County, New York, to be bounded and described as hereafter set forth, and the improvements proposed therefore consisting of the construction of a water

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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, at a maximum estimated cost of \$3,982,000, is hereby approved. The method of financing the cost of said improvements shall be by the issuance of not exceeding \$3,982,000 serial bonds of said Town maturing in annual installments over a period not exceeding forty years, such bonds to be payable from assessments levied upon and collected 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 of and interest on said bonds.

Section 2. Said District shall be bounded and described as set forth in Exhibit A.

Section 3. This resolution is adopted subject to permissive referendum.

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

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

The resolution was thereupon declared duly adopted.

EXHIBIT A

Boundaries of Proposed Higby Road Water District in the Town of New Hartford, Oneida County, New York

Proposed Higby Road Water District

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.

REPORTS OF TOWN OFFICIALS

HIGHWAY SUPERINTENDENT:

Training School

Upon request of Highway Superintendent Cleveland, the following Resolution was introduced for adoption by Councilman Butler and duly seconded by Councilman Backman:

(RESOLUTION NO. 70 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 Roger A Cleveland, Highway Superintendent to attend the 15th Annual Local Government Conference on March 31, 2004 in Watertown, New York, with expenses to be borne by said Town as budgeted.

The Resolution was voted upon by roll call as follows:

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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 – Road Striping

Upon request of Highway Superintendent Cleveland, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Butler:

(RESOLUTION NO. 71 OF 2004)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to execute the 2004 Road Striping Agreement between the Town of New Hartford and the Oneida County Department of Public Works wherein said County will provide road striping within the Town; the cost of which will be determined upon completion of the work.

Supervisor Humphreys inquired as to the pricing for this matter and if it is good for the Town of New Hartford. Superintendent Cleveland felt that it was O.K.. Councilman Backman stated that the Town should revisit the costs for striping before next year's agreement becomes due. 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.

Real Property Sale – Auction

Highway Superintendent Cleveland reviewed the sole bid received today from Anthony Karrat in the amount of Five Hundred Dollars (\$500).

[**Note:** Attorney Rossi arrived at the meeting at 8:39 P.M.]

Councilman Backman wants to reject the bid, stating that he is “looking out for the taxpayers.” Councilman Butler wants to accept the bid of Five Hundred Dollars (\$500).

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Councilman Butler moved to accept the bid of Five Hundred Dollars (\$500). There was no second. The discussion continued regarding the justification of selling the land at the amount offered or to hold out to see if a better offer would be forthcoming. Upon recommendation of the Town Supervisor, Councilman Woodland offered the following Resolution for adoption, seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 72 OF 2004)

WHEREAS, at the February 4, 2004 Town Board meeting, authorization was given for a Real Property Auction for the property described hereinbelow:

A parcel of land located on the north side of Seneca Turnpike, having forty (40) feet frontage on Seneca Turnpike and bounded on the east by property owned by Barkett Group, Inc. and on the west and north by property owned by Anthony Karrat having Tax Map No. 327.000-7-1;

WHEREAS, the sole bid for this property was opened in the Town Clerk's Office on February 25, 2004 at 11:00 A.M.; that bid being from Joseph Karrat, Anthony Karrat, John Karrat and Adele Habib, in the amount of Five Hundred Dollars (\$500);

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize the Town Supervisor to contact the bidder to determine their willingness to buy the land from the Town in the amount of One Thousand Dollars (\$1,000); the price offered the Town last year to purchase the above-mentioned property.

Upon roll call, the Town Board voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Agreement - Applewood Pump Station Construction

Attorney Rossi reported that there is ongoing discussion between the Town Superintendent of Highways and Mr. Hanna over the Applewood Pump Station. Mr. Hanna rejected the tentative settlement, and the Attorney for the Town is attempting a Resolution. The Town has offered Fifty Seven Hundred Dollars (\$5700), but Mr. Hanna wants Fifteen Thousand Dollars (\$15,000), which is not warranted.

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Private trash hauler/collection (Councilman Waszkiewicz' Agenda Item)

Highway Superintendent Cleveland was to follow-up to see if haulers have changed the number of times that they are collecting. Residents are calling the Highway Superintendent and have acknowledged receiving a letter from the hauler.

POLICE CHIEF:

Highway Department – “Accolades”

Police Chief Philo stated that the Highway Department should receive accolades for the work they have completed at Burrstone and French Road, knocking down the snow banks for this weekend's Heart Association Run/Walk. This will improve visibility and safety for those involved.

Inter-municipal Agreement – Electronic Fingerprint

Upon recommendation of Police Chief Raymond Philo, Councilman Waszkiewicz offered the following Resolution for adoption, seconded by Councilman Butler:

(RESOLUTION NO. 73 OF 2004)

RESOLVED, that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to sign an Inter-Municipal Agreement with the City of Utica, City of Rome, Town of Whitestown, Village of Yorkville, Village of New York Mills, Town of Kirkland, Village of Herkimer and Village of Ilion to establish a multi-agency partnership for the purpose of the electronic submission of fingerprint and digital mug shot data to the New York State Division of Criminal Justice Services (DCJS).

The Resolution was voted upon by roll call and resulted 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.

Bicycle Rodeo

Police Chief Philo stated that he did not see an enforcement issue regarding the Kids Health & Safety Day being sponsored by St. Elizabeth Medical Center, which is requesting the use of the New Hartford Recreation Center on June 12, 2004, from 9:00 – 11:00 A.M. The volunteers would arrive around 7:30 A.M. and should be over with by

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11:30 – 11:45 A.M. The Police Chief stated that he would contact St. Elizabeth Medical Center regarding parking, but sees no problem for the Board to approve this request.

TOWN CLERK:

Personnel – Retirement of Francis Kelly

Town Clerk Gail Wolanin Young stated that the auditor had requested a Resolution stating the actual retirement date for Highway Department employee Francis Kelly; thereafter, Councilman Backman presented the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. 74 OF 2004)

WHEREAS, Francis Kelly has retired as a Heavy Equipment Operator in the Highway Department, his last day of work having been October 20, 2003;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby acknowledge Mr. Kelly's retirement from Town employment effective October 21, 2003.

The Resolution was voted upon by roll call and resulted 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.

Use of Voting Machine

The Town Clerk presented the request of the Village of New Hartford for use of a Town voting machine. Councilman Butler presented the following Resolution for adoption; seconded by Councilman Backman:

(RESOLUTION NO. 75 OF 2004)

RESOLVED that the New Hartford Town Board does hereby grant permission to the Village of New Hartford for use of one (1) Town voting machine for their Village Elections to be conducted on Tuesday, March 16, 2004, said voting machine to be transported and set up by the Town Voting Machine Custodian at no cost to the Town of New Hartford.

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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.

TELECOMMUNICATOR SUPERVISOR

Pamet Software

Telecommunicator Supervisor gave an update to the Board regarding the new software program for the Emergency Dispatch.

REPORT OF SPECIAL COMMITTEES

BOARD OF ASSESSMENT REVIEW (BAR)

Jana McDonald's term of office as a BAR member having expired on September 30, 2003, Councilman Waszkiewicz contacted her and learned she would be moving out of the area. After a brief discussion and inquiry by the Town Board, Catherine Lawrence expressed interest in this position. Thereafter, Councilman Backman presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 76 OF 2004)

WHEREAS, the term of office of Board of Assessment Review Member for Jana McDonald expired on September 30, 2003; and

WHEREAS, Jana McDonald will be moving from the area and will be ineligible for re-appointment;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby appoint Catherine R. Lawrence, 67 Imperial Drive, New Hartford, NY, as a Member of the Board of Assessment Review, effective February 26, 2004 and ending September 30, 2008.

Upon roll call, the Board members voted as follows:

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

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Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was declared unanimously carried and duly adopted.

MATTERS SUBMITTED BY COUNCILMEN

COUNCILMAN BACKMAN:

Utica Transit Authority Representative

Councilman Backman had been contacted by the Utica Transit Authority regarding Carmen Graziano's absence from meetings due to an illness. Councilman Backman urged the Board to look into this matter and find a replacement. Supervisor Humphreys will communicate with Mr. Graziano and will have a response by the March 3, 2004, Town Board meeting.

COUNCILMAN WASZKIEWICZ:

Agenda items:

- Material storage/NYSA Grant status – J.O'Connell & Associates offered two (2) grant courses for attendees at the Association of Towns meeting. Councilman Waszkiewicz will schedule a meeting with J. O'Connell & Associates and the Town Board to discuss possible future grant work. Because of distance, Councilman Waszkiewicz suggested that he meet with Supervisor Humphreys and himself.
- Administrative office layout analysis – Councilman Waszkiewicz and Police Chief Philo have received some layouts.
- Status of 501 C 3/New Hartford Activity Funding Foundation – The Committee has met with Eileen Spellman, and Nathaniel Richmond was to have contacted Councilman Waszkiewicz but he has not. Patrick Tyksinski was to meet with Eileen Spellman, Mr. Richmond and the full Committee.
- Route 12 Task Force update – Councilman Waszkiewicz will give the minutes to the Town Clerk for anyone interested. In meeting with the Department of Transportation, their overall plan is to raise Route 12 through the Utica above grade and they are trying to find the best way to approach that improvement. Met to reaffirm the Department of Transportation's commitment for the North-South corridor improvement for a priority statewide. If this happens, the Town's GEIS in that part of the town is important.
- Ad Hoc Committee on administrative restructuring of Utica Transit Authority (UTA) meeting – Councilman Backman attended this meeting for Councilman Waszkiewicz and another meeting will be scheduled due to the death of Utica Transit Authority Chairman Carmen Arcuri.

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Upon the recommendation of the Councilman Waszkiewicz, Supervisor Humphreys presented the following resolution for adoption, seconded by Councilman Butler:

(RESOLUTION NO. 77 OF 2004)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct Councilman Waszkiewicz to vote at the next Utica Transit Authority Ad Hoc Committee on administrative restructuring of the Utica Transit Authority should Carmen Graziano not be present at this meeting.

The Board Members voted as follows 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.

- Sewer Extension coinciding with Water System expansion; formula and funding – Councilman Waszkiewicz has approached State Senator Meier and Assembly representative Townsend as well as Congressman Boehlert regarding the type of funding which might be available for sewer extensions.
- Parks & Recreation Advisory Committee review and recommendation regarding recreation path dedication in honor of Philip Rayhill – A subcommittee has been formed to review signage for the recreational path and a report is expected by the March 3, 2004 Town Board meeting.
- Pro-ration of cost of previously paid improvements in relation to Higby Road Water District (specific residence) - Robert Guminiak to get back to Town on this matter.

COUNCILMAN WOODLAND:

Agenda item:

- School bus Stop Ahead sign, NYS Route 12B – State Department of Transportation has misplaced the Town’s written request for this sign and Frank Maggiolino is now working on this matter.

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL AND OTHER ROUTINE REPORTS:

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Audit of Vouchers

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

(RESOLUTION NO. 78 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. 9	\$ 2,054.70
General Fund Whole-Town Abstract No. 10	\$113,604.66
General Fund Whole-Town Abstract No. 11	\$ 5,031.18
General Fund Part-Town Abstract No. 6	\$ 965.00
General Fund Part-Town Abstract No. 7	\$ 1,094.61
Highway Fund Part-Town Abstract #4	\$ 94,244.27
Sewer Fund Abstract No. 4	\$ 5,938.32
Sessions Road Project Abstract No. 1	\$ <u>900.00</u>
TOTAL:	\$217,894.42

Upon roll call, the Board members voted as follows:

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

This Resolution was declared unanimously carried and duly adopted

NEW BUSINESS:

Rodeo

Parks and Recreation Department Director Michael Jeffery and Recreation Center Manager John Cunningham will be consulted regarding the request of St. Elizabeth Hospital to conduct a "Kids Health & Safety Day" on June 12, 2004. (See Page 21 of these Minutes).

Proposed Sidewalks – Rehabilitation of Chapman Road

No action was taken on the request of Oneida County that the Town consent to construction of sidewalks within the Town, pursuant to Section 102 (15) of the Highway Law. The matter will be addressed at the March 3, 2004, Town Board Meeting.

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EXECUTIVE SESSION

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

(RESOLUTION NO. 79 OF 2004)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss individual certiorari cases Massoud, Telkneeta, and Worosylo versus the Town; litigation Sears-Galligano (Zoning/Civil); and acquisition of real property.

A roll call vote ensued:

Councilman Waszkiewicz	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Councilman Woodland	-	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 9:56 PM. The Town Police Chief remained for the Executive Session.

[NOTE: The following transcription was provided by Supervisor Humphreys on February 26, 2004.]

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 80 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 Butler	-	Aye
Councilman Backman	-	Aye
Councilman Woodland	-	Aye
Supervisor Humphreys	-	Aye.

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The Supervisor declared the Resolution unanimously carried and duly adopted; the Executive Session ended at 10:55 P.M. The regular portion of the Town Board meeting immediately reconvened.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilman Waszkiewicz, seconded by Councilman Woodland, the meeting adjourned at 10:56 P.M.

Respectfully submitted,

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

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