

**REGULAR MEETING OF THE TOWN BOARD OF  
THE TOWN OF NEW HARTFORD, NEW YORK,  
HELD AT THE KELLOGG ROAD COMMUNITY CENTER  
BUILDING ON WEDNESDAY, SEPTEMBER 15, 2004 AT 7:05 P.M.**

The Town Supervisor called the meeting to order at 7:05P.M. and led those in attendance in the Pledge of Allegiance to the American Flag. The roll was then taken with the following Town Officials and Department Heads being present during the progress of the meeting:

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

**OTHER TOWN OFFICIALS:** Director of Senior Services M. Eileen Spellman  
Highway Superintendent Roger A. Cleveland  
Parks and Recreation Director Michael W. Jeffery  
Police Chief Raymond Philo  
Town Clerk Gail Wolanin Young, CMC/RMC

**OTHERS:** Attorney Vincent J. Rossi, Jr. (Arrived at 8:18 P.M.)

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

**REPORTS OF TOWN OFFICIALS**

**DIRECTOR OF SENIOR SERVICES:**

**Senior Programs**

The New Hartford Adult Dining & Activity Center will sponsor a flu shot clinic on Thursday, October 21, 2004.

**PARKS AND RECREATION DIRECTOR:**

**Appointments – Seasonal Winter Employees**

Upon recommendation of the Parks and Recreation Director, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Butler:

**(RESOLUTION NO. 309 OF 2004)**

**RESOLVED** that the New Hartford Town Board does hereby appoint the following individuals to the various part-time seasonal positions and for the hourly wages set opposite their several names, for the Parks and Recreation Department, commencing on

**REGULAR TOWN BOARD MEETING**

**September 15, 2004**

**Page 2**

the dates noted hereunder and ending in the Spring of 2005; all wages to be paid bi-weekly:

**Recreation Center (Winter Season)– A7020.14**

**Effective September 13, 2004**

<b><u>NAME</u></b>	<b><u>POSITION</u></b>	<b><u>RATE OF PAY</u></b>
James Miller	Zamboni Driver	\$8.00 per hour
Robert Luker	Ice Attendant	\$5.85 per hour
Joshua Noggle	Ice Attendant	\$5.85 per hour
Michael Chiellino	Ice Attendant	\$5.85 per hour
Christopher Perra	Ice Attendant	\$5.85 per hour
Daniel Maycock	Ice Attendant	\$5.85 per hour
Jennifer Tesak	Ice Attendant	\$5.85 per hour
Sara Gros	Ice Attendant	\$5.85 per hour

**Winter Swim Program – A7230.1**

**Effective September 8, 2004**

<b><u>NAME</u></b>	<b><u>POSITION</u></b>	<b><u>RATE OF PAY</u></b>
Diane Muller	Pool Director	\$10.92 per hour
Anna Wanner	Lifeguard	\$ 7.50 per hour
Lauren Dunn	Substitute Lifeguard	\$ 7.50 per hour
Sean Dwyer	Substitute Lifeguard	\$ 7.50 per hour
Kevin Dwyer	Substitute Lifeguard	\$ 7.50 per hour
Erica Masi	Lifeguard	\$ 7.50 per hour
Craig Sherman	Boys Locker Attendant	\$ 5.75 per hour
Ashley Mundrick	Lifeguard	\$ 7.50 per hour

**Winter Basketball – Playgrounds A7140.11**

**Effective September 12, 2004**

<b><u>NAME</u></b>	<b><u>POSITION</u></b>	<b><u>RATE OF PAY</u></b>
Harold Kaffka	Basketball Supervisor	\$13.50 per hour.

Whereupon, the Town Board voted upon roll call:

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

**REGULAR TOWN BOARD MEETING**  
**September 15, 2004**  
**Page 3**

The Resolution was then declared unanimously carried and duly adopted.

**Cul-de-sacs, Maintenance of**

The Parks Department has been maintaining about thirty (30) cul-de-sacs annually, mostly in residential areas. In an attempt to relieve the Parks and Recreation Director and his staff of these duties, the Town Supervisor suggested contacting neighbors to determine if anyone is interesting in bidding for a season, to mow the cul-de-sacs on a timely basis. The Town Supervisor, Attorney Rossi and Director Michael Jeffery will discuss this proposal, including liability issues, to determine if this is a viable idea.

**TOWN CLERK:**

**Competitive Bids – Release of Bid Specification Deposits/Sidewalk Project**

Upon recommendation of the Town Clerk, Councilman Woodland introduced the following Resolution for adoption, seconded by Councilman Backman:

**(RESOLUTION NO. 310 OF 2004)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Bookkeeper to release from the Trust and Agency Account the bid specification fees deposited by the following bidders that have returned said specifications relating to the following projects:

**Sidewalk Construction Project**

- Central NY Construction (non-bidder) - \$10.00
- Central Paving (bidder) - \$20.00
- Edgebrook Construction (bidder) - \$20.00.

The Town Clerk 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.

**Loan of Town Property – Morgan Butler picture**

After the Town Clerk presented the request of the New Hartford Historical Society

**REGULAR TOWN BOARD MEETING**

**September 15, 2004**

**Page 4**

submitted by Robert Dicker, the following Resolution was introduced for adoption by Councilman Waszkiewicz and seconded by Councilman Butler:

**(RESOLUTION NO. 311 OF 2004)**

**RESOLVED** that the New Hartford Town Board does hereby grant permission to the New Hartford Historical Society to borrow the original picture of *Morgan Butler* for reproduction purposes, contingent upon the following conditions:

- That the Town Clerk, custodian of Town records and property, receives a written guarantee that reproduction of the original picture will not damage the original
- That the original picture of Morgan Butler be returned undamaged to the Town Clerk within thirty (30) days of its borrowing
- That if more time is needed for the reproduction process, the Historical Society shall approach the Town Board for an extension.

The Town Board members then 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.

**Executive Session Matter**

The Town Clerk requested to discuss in Executive Session matters leading to the appointment/re-appointment of particular employees.

**POLICE CHIEF:**

**Local Revenues from Speeding Tickets**

The Police Chief had sent to Town Board members information on Governor Patacki's reassignment of traffic ticket moneys in the 2004 State Budget – away from the Towns and the State Comptroller takes more for the State. He said there has been an outcry from across the State concerning the loss of local revenue. Supervisor Humphreys said it would cost the Town \$60,000 and he's already sent letters to State Officials asking their assistance in reversing the Governor's action.

**REGULAR TOWN BOARD MEETING**

**September 15, 2004**

**Page 5**

**Executive Session Matter**

The Police Chief requested to discuss in Executive Session matters leading to the appointment/re-appointment of particular employees.

**Declaration of Surplus Vehicles**

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

**(RESOLUTION NO. 312 OF 2004)**

**RESOLVED** that the New Hartford Town Board does hereby declare as surplus one (1) 2001 Chevrolet Tahoe (mitigation vehicle), VIN 1GNEK13V61J270835; and be it

**FURTHER RESOLVED** that the Town Board does hereby authorize and direct the Town Clerk to place a Classified Advertisement to sell said Tahoe through the media of the Supervisor’s choice, with the Town Board reserving the right to reject any or all bids received.

After some discussion, the Police Chief will provide to the Town Clerk the Tahoe’s registered mileage. Town Clerk Gail Wolanin Young inquired whether the Board wanted a 7-day Classified Ad [estimated cost \$230], or a 7-day Legal Ad [estimated cost \$40]; publication costs are more expensive for a shorter advertised time; the Board consensus was for a Classified Ad because most people do not read the Legal Ads. Thereafter, the Town Board 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.

**MATTERS SUBMITTED BY COUNCILMEN**

**COUNCILMAN WASZKIEWICZ:**

**Agenda items**

- Annexation-New York Mills, Property on corner of Henderson and Commercial Drive - \*Property owner contacted – considering – is to respond – I will report at Oct 6<sup>th</sup> Town Board meeting
- Sidewalk Maintenance Sample Legislation - \*Submitted to full Board, suggested review and recommendation from Public Works Committee

## REGULAR TOWN BOARD MEETING

September 15, 2004

Page 6

- Professional Licensing Legislation - \*Same as Sidewalk Maintenance legislation
- Inter-municipal Comparison - \*Responses are coming in but I need to follow up with each Supervisor as not enough data received
- Cap on Assessment Changes; "Save Our Home" legislation \*Reviewing; I hope to submit sample for Board review by Oct 20<sup>th</sup>
- Homestead Property Tax Legislation - \*STAR program was to address this type of Homestead
- Enforcement of Existing Curbside Brush and Garbage Pickup Regulations - \*Recommendation needed from Public Works Committee

### COUNCILMAN BACKMAN;

#### Assessor Standing Committee

The Assessor Committee will meet in the Butler Memorial Hall Community Meeting room at 9:00 A.M. on Thursday, September 16, 2004 with a representative from the Office of Real Property Services; discussions will include dedication of town resources for the revaluation program, office space and number of hours staff will expend. A report will be made at the October 6, 2004 Town Board meeting.

#### Wilcox Property – Private Well/Sessions Road

Relative to the water problem that occurred on the Wilcox property during the relocation of a bend in Sessions Road, Dr. Wilcox has opted for hook up of the well and the Highway Superintendent was apprised of Dr. Wilcox's decision on September 3, 2004.

#### Citizen Survey

Relative to the Town survey that had been posted on the Town's Web site and which Councilman Backman wanted to post again, Councilman Waszkiewicz expressed concern that some Town residents don't have the ability to access the Web site and respond to the questions. Councilman Backman offered the Supervisor's office could make copies of the survey and mail them to residents who request the form. Councilman Waszkiewicz believes there may be a couple residents who are willing to refine the questions before it's posted again on the Web site; copies will be provided to the Town Board for review prior to the October 6<sup>th</sup> Town Board meeting.

### PUBLIC HEARING

8:01 P.M.

Public Hearing on Local Law Introductory No. "A" of 2004, A Local Law to amend the Code of the Town of New Hartford, Chapter 56 thereof entitled DOGS AND PETS, by establishing Pooper Scooper Regulations as either town-wide OR to apply to all town park facilities, including all Parks, Recreation Center and Sanger Public Works/Highway Garage fields.

## REGULAR TOWN BOARD MEETING

September 15, 2004

Page 7

At 8:01 P.M. the Town Supervisor opened the Public Hearing and stating that the purpose of the Hearing was to offer the residents an opportunity to speak for or against Local Law Introductory No. "A" of 2004, Pooper Scooper Regulations. The Town Clerk then read aloud said Local Law Introductory and presented the Notice of Hearing, Proof of Publication (September 2, 2004 edition of the Observer Dispatch) and Affidavit of Posting. Supervisor Humphreys initially believed the proposed law to require that dog owners remove feces of their dogs should be a town-wide law; however, after speaking with the Police Chief, he now believes the law would be difficult to enforce town-wide and easier to enforce within the parks/athletic field areas of the Town.

Supervisor Humphreys inquired if anyone present wished to speak in the matter of Local Law Introductory No. "A". The following persons came forth:

- Vincent Nesci, 9356 Cosmo Court - inquired how the law would be enforced.
- Police Chief Raymond Philo explained that the initiative for the Pooper Scooper regulations originated from the Parks and Recreation Director because of situations within the Parks, being confined areas and where large numbers of persons congregate, in the general picnic areas as well as the athletic fields. Chief Philo noted that the Town could easily build a case that the Animal Control Officer (ACO) would enforce.
- Parks and Recreation Director Michael Jeffery stated that Park staff could sign an affidavit of witness of any violation so that between the ACO, an occasional police officer and Park staff, within the confines of Parks and athletic areas where children are participating in sports activities, these regulations would be enforceable.
- Fred Carville, Stonebridge Road – asked if the Town's leash law was town-wide; yes and it is strictly enforced and has regulated dog owners and their dogs, according to the Police Chief.

Supervisor Humphreys then inquired if anyone present wished to speak in support of or in opposition to Local Law Introductory No. "A"; no one came forth.

As a point of information, Norman Batty, 10 Sherman Circle stated there is a club of ten (10) to twelve (12) dog owners that meet regularly in Sherrillbrook Park; while the dogs aren't leashed, they don't run wild. The Parks and Recreation Director acknowledged being made aware of this recently.

**REGULAR TOWN BOARD MEETING**

**September 15, 2004**

**Page 8**

There being no one further to speak in the matter, the Town Supervisor declared the Public Hearing closed at 8:15 P.M.

The Town Board then discussed whether to adopt the Pooper Scooper Regulations on a town-wide basis or only to apply to parks and athletic fields in the Town, dogs' owners carrying appropriate equipment to remove feces and the authority that would enforce the regulations. Thereafter, Councilman Waszkiewicz moved that Local Law Introductory No. "A" of 2004 be adopted as Local Law No. One of 2004, as follows; seconded by Councilman Woodland:

**TOWN OF NEW HARTFORD, NEW YORK  
LOCAL LAW NO. ONE OF 2004**

A Local Law to amend the Code of the Town of New Hartford, **Chapter 56** thereof entitled **DOGS AND PETS**, by establishing Pooper Scooper Regulations (the removal of canine wastes) in all Town park facilities, including all Parks, the Recreation Center and the Sanger Public Works Building/Highway Garage fields.

**BE IT ENACTED** by the Town Board of the Town of New Hartford as follows:

**SECTION 1.** Chapter 56 of the Code of the Town of New Hartford, Section 56-1, is hereby amended by adding the following new section:

Section 56-1.2. Pooper Scooper Regulations; dogs

- A. It shall be the duty of each dog owner or person having possession, custody or control of a dog to remove any feces left by his/her dog in any of the Town park facilities, including all Parks, the Recreation Center and the Sanger Public Works Building/Highway Garage fields.
- B. Such dog owner or person shall, while walking their dog(s), have in their possession the appropriate equipment to remove such feces.
- C. The Pooper Scooper Regulations shall not apply to a guide dog, hearing dog, or service dog accompanying any person with a disability as defined in Subdivision 21 of Section 292 of the Executive Law of the State of New York.
- D. The Pooper Scooper Regulations shall be construed and operated in the same manner as Section 1310 of the Public Health Law of the State of New York.



**REGULAR TOWN BOARD MEETING**

**September 15, 2004**

**Page 9**

- E. The provisions of this Local Law shall be enforced by either the Animal Control Officer or a Town Police Officer.
  
- F. The Town Board reserves the right and shall have the authority to promulgate and adopt rules and regulations to carry out the intent and purposes of the Pooper Scooper Regulations. Said rules and regulations may supplement, modify and/or amend the express provisions hereof.

**SECTION 2.** All other provisions of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

**SECTION 3.** Invalidation of any of the provisions hereof shall not invalidate any of the other provisions hereof.

**SECTION 4.** This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

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

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

The Supervisor declared Local Law Introductory No. "A" of 2004 unanimously carried and duly adopted as Local Law No. One of 2004.

**REPORTS OF TOWN OFFICIALS**

**HIGHWAY SUPERINTENDENT:**

**Water Permits/NYS Department of Health - Mohawk Valley Water Authority  
Higby Road Water District**

At 5:30 P.M. on September 15, 2004 Patrick Becher, Executive Director of the Mohawk Valley Water Authority made a presentation to the Town Board and Town Planning Board about water availability, water extension projects and water permits issued by the State Health Department. After much discussion, Councilman Waszkiewicz offered the following Resolution for adoption, seconded by Councilman Woodland:

**REGULAR TOWN BOARD MEETING**  
**September 15, 2004**  
**Page 10**

**(RESOLUTION NO. 313 OF 2004)**

**RESOLVED** that the New Hartford Town Board does hereby authorize the Town Supervisor to forward a letter to the appropriate State agency(ies) in support of the Mohawk Valley Water Authority and its plans for additional water transmission lines for future growth in the area and does also authorize the Highway Superintendent and Attorney Rossi to craft a Resolution for the Board's consideration relative to this matter.

The Town Board members then voted 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.

**Competitive Bids – Sewage Pump Station Upgrade**

The Highway Superintendent reported that the following bids were received for the Sewage Pump Station Upgrade on September 15, 2004:

- |                                      |                  |   |            |
|--------------------------------------|------------------|---|------------|
| • Central NY Construction, Inc.      | Base Bid         | - | \$177,470  |
| • Usmail Electric, Inc.              | Base Bid NEMA#3R | - | \$ 94,750  |
|                                      | Base Bid NEMA#4X | - | \$139,575  |
| • Huen New York, Inc.                | Base Bid         | - | \$ 94,000  |
| • John R. Wilkins Construction, Inc. | Base Bid         | - | \$105,802. |

Shoemaker Engineering has canvassed all bids and the apparent lowest bidder is Huen New York, Inc., out of Syracuse. Upon recommendation of Highway Superintendent Cleveland, Councilman Woodland introduced the following Resolution for adoption, seconded by Councilman Backman:

**(RESOLUTION NO. 314 OF 2004)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Highway Superintendent to issue a *Notice of Intent to Award* the Sewage Pump Station Upgrade contract to Huen New York, Inc., of Syracuse, New York who will then be

**REGULAR TOWN BOARD MEETING**  
**September 15, 2004**  
**Page 11**

required to submit the required bonds and insurance for Attorney Rossi to review; if the documents are satisfactory, a Notice to Proceed can be issued.

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 Resolution was declared unanimously carried and duly adopted.

**MATTERS SUBMITTED BY ATTORNEY**

**Notice of Claim against the Town and the Town Police Department**

Upon recommendation of Attorney Rossi and Police Chief Raymond Philo, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Woodland:

**(RESOLUTION NO. 315 OF 2004)**

**WHEREAS**, Attorney Rossi had been served, via certified mail, with a "First Supplemental Notice of Claim Against the Town of New Hartford and the New Hartford Police Department" by Richard W. Favaloro;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize and direct Attorney Vincent J. Rossi, Jr., to serve notice upon Richard W. Favaloro that the Town will conduct a General Municipal Law 50-h Hearing, which he will be required to attend.

The Town Clerk 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.

**REGULAR TOWN BOARD MEETING**  
**September 15, 2004**  
**Page 12**

**Cedarbrook Homes (Charles Sitrin Healthcare Project)**

Attorney Rossi is waiting for further developments relating to this proposal by the Charles T. Sitrin Healthcare facility.

**Assessment Certiorari**

Beginning Monday, September 20, 2004, Attorney Rossi will be defending the Town in the matter of the Sangertown Square Mall/Pyramid assessment certiorari.

**FINAL ORDER – Higby Road Water District**

\*\*\*\*\*  
In the Matter \*  
of \*  
The establishment of a Water District in the Town of \*  
New Hartford, Oneida County, New York, to be \*  
Known as the Higby Road Water District \*  
\*\*\*\*\*

**ORDER NO. 2**  
**OF 2004**

The following Resolution was offered by Councilman Backman who moved its adoption, seconded by Councilman Butler, to-wit:

**WHEREAS**, a map, plan and report, including an estimate of cost, have been filed in the office of the Town Clerk of the Town of New Hartford, Oneida County, New York, in relation to the establishment of Higby Road Water District; and

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

**WHEREAS**, the maximum amount proposed to be expended for said improvements is \$3,982,000; 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 therefor, 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 25<sup>th</sup> day of February, 2004, at 7:00 o'clock P.M., Prevailing 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

**REGULAR TOWN BOARD MEETING**

**September 15, 2004**

**Page 13**

holding a public hearing to hear all persons interested in the subject thereof concerning the same; and

**WHEREAS**, such order was duly published and posted in the manner and within the time prescribed by Section 209-d of the Town Law and proof of such publication and posting has been duly presented to said Town Board; and

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

**WHEREAS**, following said public hearing and based upon the evidence given thereat, said Town Board duly adopted a resolution determining in the affirmative all of the questions set forth in subdivision 1 of Section 209-e of the Town Law and a resolution approving the establishment of said Higby Road Water District; and

**WHEREAS**, such resolution establishing the District was adopted subject to permissive referendum and a referendum was held on June 3, 2004 at which the voters approved the establishment of such District; and

**WHEREAS**, an application for approval to establish Higby Road Water District to the Office of the State Comptroller was not required based on the \$538 annual cost to the typical property in said District; **NOW, THEREFORE, IT IS HEREBY**

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

Section 1. Higby Road Water District, in the Town of New Hartford, Oneida County, New York, is hereby established, to be bounded and described as set forth in Appendix A attached hereto and made a part hereof.

Section 2. The construction of a water distribution system, including water mains, a water storage tank, a booster pump station, hydrants, valves, as well as the acquisition of land or rights-in-land, original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, as more fully described in the aforesaid map, plan and report, is hereby authorized and approved. The maximum estimated cost to said Higby Road Water District pursuant to these proceedings for said improvements shall not exceed \$3,982,000. Said cost of said improvements for said District shall be financed 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, payable in the first instance from assessments upon the taxable real property in said District at the same time and in the same manner as ad valorem taxes, in an amount sufficient to pay the principal and interest on said bonds as the same become

**REGULAR TOWN BOARD MEETING**  
**September 15, 2004**  
**Page 14**

due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 3. This order shall take effect immediately.

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

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

The Order was thereupon declared duly adopted.

**APPENDIX A**

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

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

**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;

**REGULAR TOWN BOARD MEETING**

**September 15, 2004**

**Page 15**

**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;

**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;

**REGULAR TOWN BOARD MEETING**

**September 15, 2004**

**Page 16**

**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;

**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;



**REGULAR TOWN BOARD MEETING**

**September 15, 2004**

**Page 17**

**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;

**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;

**REGULAR TOWN BOARD MEETING**

**September 15, 2004**

**Page 18**

**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;

**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;

**REGULAR TOWN BOARD MEETING**

**September 15, 2004**

**Page 19**

**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;

**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;

**REGULAR TOWN BOARD MEETING**

**September 15, 2004**

**Page 20**

**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;

**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

**REGULAR TOWN BOARD MEETING**

**September 15, 2004**

**Page 21**

**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.

**BOND RESOLUTION – Higby Road Water District**

The following resolution was offered by Councilman Waszkiewicz who moved its adoption, seconded by Councilman Butler to-wit:

**(RESOLUTION NO. 316 OF 2004)**

**BOND RESOLUTION DATED SEPTEMBER 15, 2004.**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF \$3,982,000 SERIAL BONDS OF THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK, TO PAY THE COST OF THE ESTABLISHMENT OF HIGBY ROAD WATER DISTRICT IN SAID TOWN.**

**WHEREAS**, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 12-A of the Town Law, the Town Board of the Town of New Hartford, Oneida County, New York, has established Higby Road Water District of the Town of New Hartford; and

**WHEREAS**, it is now desired to authorize the financing of the improvements proposed for such District; **NOW, THEREFORE, BE IT**

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

*Section 1.* For the specific object or purpose of paying the cost of the improvements in connection with the establishment of Higby Road Water District, consisting of the construction of a water distribution system, including water mains, a water storage tank, a booster pump station, hydrants, valves, as well as the acquisition of land or rights-in-land, original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, as further described in the map, plan and report prepared in connection with the establishment of such District, there are hereby authorized to be issued \$3,982,000 serial bonds of the Town of New Hartford, Oneida County, New York pursuant to the provisions of the Local Finance Law.

*Section 2.* The project has been determined to be an “Type I Action” for purposes of the State Environmental Quality Review Act, which the Town Board as lead agency has determined will not result in any significant adverse environmental effects.

## **REGULAR TOWN BOARD MEETING**

**September 15, 2004**

**Page 22**

Section 3. It is hereby determined that the maximum estimated cost of the aforescribed improvements is \$3,982,000 and that the plan for the financing thereof is by the issuance of \$3,982,000 serial bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The faith and credit of said Town of New Hartford, Oneida County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the same respectively become due and payable. To the extent not paid from other sources, there shall be annually assessed upon and collected from the several lots and parcels of land within said Higby Road Water District at the same time and in the same manner as ad valorem taxes, an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the Town, including, but not limited to, the power to sell said serial bonds to the New York State Environmental Facilities Corporation, provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor.

**REGULAR TOWN BOARD MEETING**  
**September 15, 2004**  
**Page 23**

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution, which takes effect immediately, shall be published in summary form in *The Observer Dispatch*, the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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.

**Private Water Systems within the Higby Road Water District**

Councilman Backman initiated discussion on this matter, stating he had sent a letter in August 2004 to the Highway Superintendent in an attempt to determine an in-house estimate of the value of the DeBlois and the Giotto private water systems. The DeBlois had asked for consideration of reimbursement in February 2004 and the Giottos gave the Highway Superintendent/Engineer information on their system in May 2004. Attorney Rossi suggested that Burley-Guminiak be contacted for their opinion on this.

**REGULAR TOWN BOARD MEETING**  
**September 15, 2004**  
**Page 24**

**Election Worker/State Employee**

The Town Clerk was made aware by Town resident and election worker Kelly Kohl, also a State employee, that a new State employee handbook prohibits State employees from working for other governmental agencies; and therefore, because he had made a commitment to the Town to work Primary and General Election Day 2004, he would do so as a volunteer and would not be able to be paid for either day. This information will be conveyed to the respective political party so that a replacement may be appointed for the year 2005.

**MATTERS SUBMITTED BY TOWN SUPERVISOR**

**FINANCIAL AND OTHER ROUTINE REPORTS:**

**Audit of Vouchers**

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

**(RESOLUTION NO. 317 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. 45	\$ 2,390.89
General Fund Whole-Town Abstract No. 46	\$ 24,127.38
General Fund Whole-Town Police Abstract No. 47	\$ 43.30
General Fund Part-Town Abstract No. 23	\$ 1,875.23
Highway Fund Part-Town Abstract No. 19	\$ 8,393.75
Street Light Fund Abstract No. 10	\$ 6,410.13
Drainage Abstract No. 10	\$ 2,793.23
<b>TOTAL:</b>	<b>\$ 46,033.91</b>

The Town Board voted upon roll call as follows:

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

This Resolution was declared unanimously carried and duly adopted.



**REGULAR TOWN BOARD MEETING**  
**September 15, 2004**  
**Page 25**

**Induction Celebration – Oneida County Historical Society**

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

**(RESOLUTION NO. 318 OF 2004)**

**WHEREAS**, the Oneida County Historical Society will be inducting Town of New Hartford founder Jedediah Sanger (1788) and the late State Senator James H. Donovan (Town of New Hartford Councilman/ Town Supervisor, 1962-65) into its Hall of Fame;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize and direct Town Supervisor Ralph Humphreys to represent the Town of New Hartford and to attend the September 23, 2004 induction ceremony and dinner, with expenses to be borne by the Town.

Whereupon, 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.

**Economic Development Dinner Meeting**

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

**(RESOLUTION NO. 319 OF 2004)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to represent the Town of New Hartford and to attend the Board of Directors dinner meeting of the Mohawk Valley Economic Development District at the Best Western Motor Inn, Little Falls, New York on September 30, 2004.

A roll call vote was duly held and resulted as follows:

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

**REGULAR TOWN BOARD MEETING**  
**September 15, 2004**  
**Page 26**

Supervisor Humphreys - Aye.

The Supervisor declared the Resolution unanimously carried and duly adopted.

**EXECUTIVE SESSION**

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

**(RESOLUTION NO. 320 OF 2004)**

**RESOLVED** that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss matters leading to appointment/re-appointment of particular employees and to discuss litigation involving Richard W. Favaloro.

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, were then excused from the Town Board meeting at 9:32 P.M.; those who remained included the Town Clerk and the Police Chief. After discussing a matter, the Town Clerk left the Executive Session at 9:48 P.M.

**END OF EXECUTIVE SESSION**

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

**(RESOLUTION NO. 321 OF 2004)**

**RESOLVED** that the New Hartford Town Board does hereby move to end its Executive Session and to reconvene the regular portion of the Town Board meeting.

The Board members voted upon roll call that resulted as follows:

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

**REGULAR TOWN BOARD MEETING**

**September 15, 2004**

**Page 27**

The Supervisor declared the Resolution unanimously carried and duly adopted; the Executive Session ended at 10:07 P.M. The regular portion of the Town Board meeting was immediately reconvened.

**ADJOURNMENT**

There being no further business to come before the Town Board, upon motion of Councilman Butler, seconded by Councilman Waszkiewicz, the meeting adjourned at 10:08 P.M.

*Respectfully submitted,*

*Gail Wolanin Young, CMC/RMC  
Town Clerk*