

REGULAR TOWN BOARD MEETING

September 3, 2003

8:07 PM **Whitetail** Meadows Storm Water Drainage District

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

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

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

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

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

In the Matter of the Application of *

Whitetail Meadows Subdivision * (RESOLUTION NO. 323 OF 2003)

Corporation for the Establishment of *

The **Whitetail** Meadows Storm Water *

Drainage District *

* * * * *

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

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

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

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

RESOLVED AND DETERMINED, that

The aforesaid Petition is executed and acknowledged or proved as required by law and is otherwise sufficient; and

All of the property and property owners within the proposed District are benefited thereby; and

All of the property and property owners benefited are included within the limits of the proposed District;

It is in the public interest to grant in whole the relief sought;

and it is further

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

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

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

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

Beginning at a point, said point being the northwesterly corner of lot 11 as shown on the above-referenced plat map;

Thence; N 54 degrees -20' -23" E, a distance of 1176.84 feet, more or less, to an angle point;

Thence; S 23 degrees -42' -30" E, a distance of 208.04 feet, more or less to an angle point;

Thence; S 09 degrees -14' -30" E, a distance of 103.79 feet, more or less, to an angle point;

Thence; S 30 degrees -51' -30" E, a distance of 182.00 feet, more or less, to an angle point;

Thence; S 72 degrees -48' -00" W, a distance of 62.87 feet, more or less, to an angle point;

Thence; S 04 degrees -08' -00" E, a distance of 98.46 feet, more or less, to an angle point;

Thence; N 84 degrees -36' -38" E, a distance of 226.89 feet, more or less, to an angle point;

Thence; S 00 degrees -42' -56" E, a distance of 75.25 feet, more or less, to an angle point;

Thence; S 84 degrees -36' -38" W, a distance of 116.00 feet, more or less, to an angle point;

Thence; S 57 degrees -16' -41" W, a distance of 59.00 feet, more or less, to an angle point;

Thence; S 36 degrees -49' -43" E, a distance of 131.67 feet, more or less, to an angle point;

Thence; S 31 degrees -08' -01" W, a distance of 1041.94 feet, more or less, to an angle point;

Thence; N 35 degrees -39' -37" E, a distance of 1198.62 feet, more or less, to the point or place of beginning.

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

and it is further

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

The foregoing was voted upon roll call, resulting as follows:

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

The Resolution was declared unanimously carried and duly adopted.