

The July 21, 2010 regular meeting of the Town Board of the Town of Halfmoon was called to order by Supervisor Wormuth at 7:00 pm in the A. James Bold Meeting Room at the new Town Hall, 2 Halfmoon Town Plaza with the following members present:

Melinda A. Wormuth, Supervisor
Walter F. Polak, Councilman
Regina C. Parker, Councilwoman
Paul C. Hotaling, Councilman
Craig A. Hayner, Councilman
Mary J. Pearson, Town Clerk
Lyn A. Murphy, Town Attorney
Matthew J. Chauvin, Deputy Town Attorney

The Town Board Workshop was held in the Board Room at 6:15 pm; no action was taken. The Supervisor led the Pledge of Allegiance.

At 7:01 pm the Supervisor opened the public hearing for the Sign Ordinance Amendment.

Attorney Murphy stated this is a simple adjustment to the current Sign Ordinance Section 165-52a details the exempt signs and refers to those signs remaining in compliance with 165 and currently reads 165-55 of the general regulations and what it refers to is actually the fees that are assessed for out of district user fees and should refer to Section 165-50 of the general regulations and is just a housekeeping matter to make the ordinance more user friendly. She stated further, Section 24 allows for farm stand signs to be exempt from our ordinances and in keeping with the rural nature of the Town this Board is concerned that farm stand signs not be legislated out of existence. She stated in order to help clarify that the Board has added some language that allows farm stands signs to be located off premises.

Supervisor Wormuth opened the hearing for comments from the public; no one wished to comment.

Supervisor Wormuth stated she received a memo today from our planning department listing some concerns they would like the Board to consider relative to farm stand signs to make sure they are well allowed in town displayed in a manner that maintains the health and safety of our residents. She stated she will share that memo with the Board as well as some recommendations from Ag & Markets that they forwarded to her. She stated the Board hasn't had the opportunity to review that memo as she just received it this morning.

Councilman Polak stated he wouldn't want to take any action on this until he has the opportunity to read the material.

RESOLUTION NO. 151

Offered by Councilman Polak, seconded by Councilman Hotaling: Approved by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

RESOLVED, that the Town Board adjourns this public hearing to the next Town Board meeting, August 4th, 2010.

At 7:05 pm the Supervisor opened the public hearing for the Fellows Road Realignment and abandonment of portions of the road. She stated this was on the last agenda and discussed but public notices were not sent out to all the adjoining landowners and it was adjourned.

The Town Attorney posted the map of the road and the hearing was opened to the public for comments.

Supervisor Wormuth stated that Mr. Fellows expressed some concerns at the last meeting and the Town Planner and herself were able to meet with Mr. & Mrs. Fellows and so a site visit on the property and she gave the Board an update and the discussion they had.

Meredith Fellow looked at the map that was posted and stated he disagrees with most of it. He stated years ago they talked about it and had a plan for where it was suppose to go and it never happened. He stated it is a dangerous corner and is a place that can't be fixed right without doing something you shouldn't be doing. He stated he understands they are going to be cutting the road down farther to try to make it not so steep. He stated nothing had to be done to the road

and nobody wanted to see what he is talking about and when you build another road you want to have it the best and the safest and the best way is with the least turns. He stated the Supervisor came up and saw what he was talking about and the man with her knew he was right. He stated they have made up their minds and don't see how much better it could be before it's too late. He stated he discussed this with Mr. Tanski and he agreed with him one day that he was right but the Town of Halfmoon didn't want that and asked if that was true.

The Supervisor stated subsequent to their meeting yesterday she spoke to our Town engineers, our Highway Superintendent and the Director of Water Frank Tironi. She stated the road is not being cut down to a depth that concerns Director Tironi and they are going to grade it slightly to match up with the other one. She stated since the regulations have changed what didn't use to be considered wetlands are now considered wetlands and when Army Corp came in and DEC and delineated the wetlands those are what the Town and the developer is bound to go by.

Mr. Fellows stated he will start making telephone calls.

Supervisor Wormuth closed the public hearing at 7:11 pm and opened for comments from the public and Board.

Councilman Polak commented that if it has been approved with our Highway department and our Water department and our engineers he is going to take their word that it's viable to take that route.

Councilwoman Parker asked if NYS Department of Transportation were involved.

Supervisor Wormuth stated the engineers reviewed to make sure it meets the regulations set up by DOT for slopes and curves by it is not approved by them although they did approve the curb cut on Route 146 and from an engineering and design point it meets all the standards that are set by DOT for roadways.

Attorney Murphy stated should the Board agree to approve this action it be approved contingent on the execution of all the necessary documents.

RESOLUTION NO. 152

Offered by Councilman Polak, seconded by Councilwoman Parker: Approved by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

WHEREAS, the Town Board of the Town of Halfmoon has determined, based upon the advice of the Town Engineer and the Highway Superintendent that the intersection of Fellows Road and State Route 146 would be a more safe intersection if the road was re-aligned and the intersection relocated, and

WHEREAS, a the owners of the abutting properties have consented to the road realignment and intersection relocation and have executed the necessary documentation to effectuate the transfer of property necessary for the realignment of the road and the relocation of the intersection, and

WHEREAS, a public hearing was conducted on July 21, 2010 during which the public appeared and voiced their opinions on the realignment of the road and the relocation of the intersection, and

WHEREAS, the road realignment and intersection relocation is proper and will not cause injustice or hardship to the owners or occupants of any lands adjoining said highway or the public or residents of the Town of Halfmoon and will in fact increase the safety, well being and functioning of the roadways and intersection,

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That portion of Fellows Road described herein and made a part hereof as Exhibit "A" shall be realigned and the intersection of State Route 146 shall be relocated as detailed therein.

2. That the property transfers as detailed on Exhibit "A" will be filed with the Saratoga County Clerk's Office to effectuate the plan and design.

3. That the Town Supervisor, Melinda A. Wormuth, be authorized to execute a Quit Claim Deed of all the Town's right, title and interest to the properties as detailed in Exhibit "A".

DATED: November 10, 2010

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Councilman Polak reported on Clifton Park Household Hazardous Waste Day, which will be on Saturday, September 25 from 8 am to 4 pm at the Ray Road site near the Town of Clifton Park

transfer station and you must be register by September 15th. He stated the forms are available on-line and in the Town Clerk's office and is offered for Halfmoon residents

Councilman Hotaling stated because its been so hot out he wants to remind everyone to check on their neighbors, elderly people in your life and also your pets; Halfmoon Celebration will have a concert next Wednesday in the courtyard, July 28th and the band is "Sirsy".

Supervisor Wormuth stated based on concerns from a resident that were expressed to her this morning she would like the Board to consider applying to the State for a speed limit reduction request for Brookwood Road.

RESOLUTION NO. 153

Offered by Councilwoman Parker, seconded by Councilman Polak: Approved by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

RESOLVED, that the Town Board authorizes to request the Commissioner of Public Works in the County of Saratoga and the Department of Transportation to study Brookwood Road in the Town of Halfmoon for a possible speed limit reduction, and further

RESOLVED, that the Town Clerk send the necessary paperwork to the appropriation divisions.

The Supervisor opened public privilege for discussion of agenda topics; no one had questions or comments.

DEPARTMENT REPORTS – month of June

1. Town Clerk

Total fees remitted to the Supervisor - \$6,017.11

Filed.

CORRESPONDENCE

1. Received from Trick Shot Billiards, Inc., 1602 Route 9, Halfmoon, notification of intent to renew their liquor license.

Received, and Filed.

2. Received resolutions from July 12th Town Planning Board meeting approving the following: Change of tenant for Lifetouch National School Studios, 1406C Route 9; change of tenant and sign for John Meehan, J & M Automotive, 15 Dunsbach Road.

Received and Filed.

3. Received from Homeland Properties, LLC Site Plan and revised long EAF for Arlington Heights Phase II PDD Amendment.

Received and File and request to set public hearing for next meeting.

RESOLUTION NO. 154

Offered by Councilwoman Parker, seconded by Councilman Hotaling: Approved by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

RESOLVED, that the Town Board schedules a public hearing for the Arlington Heights Phase II Planned Development District Amendment for August 4, 2010 at 7:00 pm.

4. Received from KBM of Halfmoon, Inc., Grecian Gardens, 1612 Route 9, Halfmoon, notification of intent to renew their liquor license.

Received and Filed.

NEW BUSINESS

RESOLUTION NO. 155

Offered by Councilwoman Parker, seconded by Councilman Hotaling: Approved by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

RESOLVED, that the Town Board approves and orders paid all vouchers for all funds listed on Abstract dated July 21, 2010, totaling: \$188,452.87.

RESOLUTION NO. 156

Offered by Councilman Polak, seconded by Councilman Hotaling: Approved by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

RESOLVED, that the Town Board approves the Supervisor’s Report for the month of June 2010 as presented.

RESOLUTION NO. 157

Offered by Councilman Hayner, seconded by Councilwoman Parker: Approved by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

RESOLVED, that the Town Board authorizes the Town to renew membership in the Chamber of Southern Saratoga County for the annual membership dues of \$529.00 effective July 1, 2010 through June 30, 2011.

RESOLUTION NO. 158

Offered by Councilwoman Parker, seconded by Councilman Polak: Approved by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

RESOLVED, that the Town Board of the Town of Halfmoon chooses to accept its 2010 Sales Tax Revenues in cash, and further

RESOLVED, that the Town Clerk complete the 2011 County Sales Tax Levy – Sales Tax Application to be sent to the Saratoga County Real Property Tax Service, and further

RESOLVED, that Supervisor Wormuth be and she is hereby authorized to sign said application on behalf of the Town of Halfmoon.

RESOLUTION NO. 159

Offered by Councilman Polak, seconded by Councilman Polak: Approved by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

RESOLVED, that the Town Board authorizes the Supervisor to make the following Transfer between Appropriations and Creation of Appropriations:

A resolution is needed to create the following budget amendment of appropriations and revenues in the Special Revenue Fund for engineering fees for on site quality inspections. These funds are developer’s monies held in escrow by the Town in a regular checking account and used for the payment of costs for that particular project. This resolution is necessary to comply with proper accounting procedures as set forth by NYS Department of Audit and Control.

Debit:	Estimated Revenues	25-510	\$7,988.00	
	Subsidiary:	25-4-2189 Home & Community Services	\$7,988.00	
Credit:	Appropriations	25-960	\$7,988.00	
	Subsidiary:	25-5-1440.40 Engineering Contractors Inspections	\$7,988.00	

Information Only: The above was derived from the following breakdown of charges to be paid on the July Abstract for engineering and related fees:

NAME	AMOUNT
Arlington Heights	\$260.00
Bobrow Distributing	670.00
Duke’s Grove	536.00
Fred the Butcher	260.00
Pai’s Tae Kwon Do	786.00
Swatling Falls PDD	402.00
Tanski Mixed Use	333.00
Youth for Christ	604.50
Falcon Trace	1,054.00
Fellows Rd Realignment	312.00
Halfmoon Heritage	2,502.50
Pan Am Southern RR	268.00
TOTAL	\$7,988.00

A resolution is needed to appropriate the contributions from Walmarts and Sunoco-Rte 146 (Bruce Tanski) made to the Character Counts Program to be put toward the purchase of a defibrillator and from Kevin Tollisen for the summer recreation program for youths to attend summer camp as follows:
DEBIT: Estimated Revenues 10-510 \$900
Subsidiary: Community Gift Contributions 10-4-2705 - \$900

CREDIT: Appropriations 10-960 \$900
Subsidiary: Character Counts – Contractual 10-5-7989.2 - \$900

Transfers between Appropriations:

From Account	To Account	Amount	Reason
10-5-1990.40 Contingency	10-5-9050.80 Employee Benefits Unemployment	\$3,000	Additional appropriations needed to cover 2 nd quarter unemployment insurance

RESOLUTION NO. 160

Offered by Councilman Hayner, seconded by Councilman Hotaling: Approved by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

WHEREAS, the Town of Halfmoon has received grants to construct the Halfmoon Hudson Riverfront Park, and

WHEREAS, the Office of Parks, Recreation and Historic Preservation (OPRHP) has approved the design, engineering and construction plans for the Riverfront Park based on the completion of the Town’s archeological investigation, and

WHEREAS, the Office of Parks, Recreation and Historic Preservation as part of the approval is requiring the Town of Halfmoon to obtain approval from OPRHP for future ground disturbance plans, and

WHEREAS, the Office of Parks, Recreation and Historic Preservation as part of the approval is requiring the Town of Halfmoon to include a covenant in the Halfmoon Hudson Riverfront Park property deed regarding future ground disturbance plan approvals,

THEREFORE BE IT RESOLVED, that the Town Board of Halfmoon authorizes the addition of the covenant requiring notification to the OPRHP of future ground disturbance plans to the Halfmoon Hudson Riverfront Park property, and

THEREFORE BE IT FURTHER RESOLVED THAT the Town Board of Halfmoon authorizes the Town Supervisor to take necessary actions to execute the covenant, including but not limited to notifying OPRHP of this Town Board action.

RESOLUTION NO. 161

Offered by Councilman Polak, seconded by Councilman Hayner: Approved by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

**TOWN OF HALFMOON APPROVES THE ADOPTION OF THE STEWARDSHIP PLAN
FOR THE
HISTORIC SARATOGA – WASHINGTON ON THE HUDSON PARTNERSHIP**

WHEREAS, the Partnership received copies of the Draft Stewardship Plan for the Historic Saratoga Washington on the Hudson Partnership on May 3, 2010 and the plan is available at <http://upperhudsonpartnership.org> for review and comment, and

WHEREAS, the Partnership noticed and held public hearings on the received Draft Stewardship Plan for the Historic Saratoga Washington on the Hudson Partnership on May 20, 2010 in the Village of Fort Edward, Washington County, and May 24, 2010 in the Village of Schuylerville, Saratoga County, and a presentation of the Plan was made and comments received at these public meetings, and

WHEREAS, the Partnership, at the meeting on June 28, 2010, since it is the only involved agency, declared itself lead agency for the Stewardship Plan for the Historic Saratoga Washington on the Hudson Partnership, and conducted a review for the purposes of SEQRA, and

WHEREAS, the Partnership, at the meeting on June 28, 2010, received copies of the Environmental Assessment Long Form on June 28, 2010, and made the finding of a Negative Declaration under SEQRA for the Stewardship Plan for the Historic Saratoga Washington on the Hudson Partnership, and

WHEREAS, the Partnership received the Final Draft of the Stewardship Plan for the Historic Saratoga Washington on the Hudson Partnership and the Executive Summary on June 28, 2010 and selected to post the documents online for review and comment for a two week period at <http://upperhudsonpartnership.org>, and

WHEREAS, the Partnership, at the meeting on June 28, 2010, moved to send the Final Draft of the Stewardship Plan for the Historic Saratoga Washington on the Hudson Partnership to the communities within Partnership Area for individual approval, and

NOW THEREFORE BE IT RESOLVED AS FOLLOWS; The Town of Halfmoon, as a participating municipality in the Historic Saratoga Washington on the Hudson Partnership, approves the adoption of the Stewardship Plan by the Historic Saratoga Washington on the Hudson Partnership.

Supervisor Wormuth stated this resolution will allow us to continue to apply for grants through this which we have been successful in the past and certainly helps us score a little higher on the grant applications and will not cost the Town any money and allows us access to funds.

RESOLUTION NO. 162

Offered by Councilman Hayner, seconded by Councilwoman Parker: Approved by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

WHEREAS, the Erie Canalway National Heritage Corridor (ECNHC) has created the Erie Canalway Partner Program, and

WHEREAS, the Erie Canalway Partner Program is intended to advance the goals of the Erie Canalway Preservation and Management Plan, and

WHEREAS, the Erie Canalway Partner Program will create an environment of mutual collaboration between the ECNHC staff and heritage site sponsors, and

WHEREAS, the ECNHC will give its Canalway Partners priority for technical and financial assistance,

THEREFORE BE IT RESOLVED, that the Town Board of Halfmoon authorizes the Town Supervisor to apply for “Erie Canalway Point of Interest” status for 1) Crescent Park, 2) Halfmoon-Hudson Riverfront Park, 3) Historic Champlain Canal Structures and 4) Dunsbach Ferry Crossing under the Erie Canalway Partner Program, and to take other necessary actions to receive this designation from the Erie Canalway National Heritage Corridor.

Supervisor Wormuth stated this does not cost the Town any money and allows us destination points of interest, which could improve tourism and give us the opportunity to apply to grants.

RESOLUTION NO. 163

Offered by Councilman Polak, seconded by Councilman Hotaling: Approved by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

RESOLVED, that the Town Board schedules a public hearing for August 4th, 2010 at 7:00 pm for Map, Plan and Report for 2010 Water District Extensions.

RESOLUTION NO. 164

Offered by Councilman Hayner, seconded by Councilwoman Parker: Approved by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

RESOLVED, that the Town Board authorizes entering into a Stipulation Agreement with Aldi, Inc., 1681, Route 9, Halfmoon, New York, SBL #272.-2-61 reduced from \$900,000 to \$775,000 for tax year 2010 and further

RESOLVED, that the Town Board authorizes Attorney Cathy Drobny to execute agreement.

RESOLUTION NO. 165

Offered by Councilman Hotaling, seconded by Councilman Polak: Approved by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

RESOLVED, that the Town Board approves Change Order No.2, Contract No. 1, R. DeVincentis Construction, Brookwood Road Tank Rehabilitation, for piping modification for installation of mixing system in the increase amount of \$12,212.

The Supervisor opened public privilege for discussion of non-agenda items.

Councilman Polak commented that this past weekend he had the opportunity to attend a 90th birthday party for one of our residents and on Friday he had a request from several residents and the fire departments for our Senior van to take our senior firemen to Slingerlands, New York

where Leo Chevalier was presented with a distinguished award from the Hudson Mohawk Fireman's Association for 73 continuous years of service to the fire department. He stated at the party on Sunday not only the residents and firemen but other people who attended couldn't thank him and the Board enough for allowing those firemen, who may not have had a chance to go, to see Leo get that award. He stated he wanted to thank his Board members, Mindy and Mindy's staff Lisa, John Pingelski and his staff for helping put this together at last minute.

There being no further business to discuss or resolve the meeting was adjourned on motion by Councilwoman Parker, seconded by Councilman Hotaling at 7:25 pm.

Respectfully submitted,

Mary J. Pearson
Town Clerk

7/21/2010