

The March 17th, 2010 regular meeting of the Town Board of the Town of Halfmoon was called to order at 7:00 pm by Supervisor Wormuth in the A. James Bold Meeting Room at the New Town Hall with the following members present:

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

Not present: Paul C. Hotaling, Councilman

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.

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Councilman Polak reported on the Transfer Station Spring Clean Up dates, April 13,16,17, 20, 23 and 24 open the regular hours and stated it is for household waste.

Councilman Hayner reported that the fourth annual Crescent Clean Sweep will be on April 17, from 10-11:30 am and they are looking for volunteers to help clean up the trail.

Councilwoman Parker gave the Supervisor a donation to Character Counts in memory of her son Taylor.

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

DEPARTMENT REPORTS – month of February

1. Town Clerk

Total fees remitted to the Supervisor - \$4,003.57

Filed.

2. Senior Express Dispatch

Total # of riders - 242 Total # of meals - 291

Filed.

CORRESPONDENCE

1. Received from State of New York Department of Transportation notification of response to 8/7/09 request for speed limit reduction on Dunsbach Road stating the 40 mph speed limit is appropriate and recommends enforcement of the existing posted speed limit.

Received and Filed.

2. Received from American Red Cross letter of thanks for the Town's participation and support of their Life Share Program.

Print - Received and Filed.

3. Received from State of New York Unified Court System notification of the Town of Halfmoon's award of a grant under the Justice Court Assistance Program in the amount of \$1,255.99.

Received and Filed.

OLD BUSINESS

Action on the Halfmoon Natural Resource and Open Space Conservation Plan- (public hearing held March 3, 2010)

The Supervisor stated they left the comment period open until this meeting and asked the Clerk if she received written correspondences. She responded she has not; the Supervisor stated Mr. Hayner has not received any and asked her secretary if there was any in her mail today and was informed there was not.

RESOLUTION NO. 57

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

WHEREAS, the Supervisor stated that no further public comments have been submitted relative to the Open Space Conservation Plan, now therefore be it

RESOLVED, that the Town Board closes the public comment portion of the Open Space Conservation Plan public hearing opened on March 3, 2010.

RESOLUTION NO. 58

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

WHEREAS, the Town Board intends to adopt the Natural Resource and Open Space Conservation Plan for the Town; and

WHEREAS, this project is a Type I action pursuant to the State Environmental Quality Review Act (SEQR) and therefore subject to the regulations of that law (6 NYCRR 617); and

WHEREAS, the Town Board is the only involved agency and therefore has established itself as Lead Agency pursuant to 6 NYCRR 617.6; and

WHEREAS, the Town Board has reviewed the potential impacts identified in the Parts 1 and 2 of the Full Environmental Assessment Form (EAF) and as a result has found no significant impacts that would potentially occur as a result of the project;

NOW, THEREFORE, BE IT RESOLVED, that a Negative Declaration shall be issued for the project in accordance with 6 NYCRR 617.7; and the attached Negative Declaration is to be filed and published in accordance with 6 NYCRR 617.12 and;

BE IT FURTHER RESOLVED, that the Natural Resource and Open Space Conservation Plan for the Town be officially adopted.

The Supervisor requested Mike Bianchino from Clough Harbour & Associates to elaborate on the next item to set a public hearing for Halfmoon Village & Yacht Club.

Mr. Bianchino stated at the last meeting the Town Board did deem the Draft Environmental Impact Statement as whole, in accordance with the State Environmental Quality Review Act and was deemed complete. He stated the next step in that process is that the Board referred it to the Planning Board for technical review and the next step is a public hearing, which is required by SEQRA. He stated they had suggested a joint public hearing because both Boards are reviewing the project. He stated the Town Board is the lead agency so they need to be involved in any SEQRA public hearing. He stated he discussed this with the Planning Board at their last meeting and they agreed with a joint public hearing on the night of the Town Board meeting. He stated as the meetings fall it is five weeks from tonight and complies with the SEQRA guidelines in terms of calendar days. He stated the Planning Board will hear this at their next meeting on Monday and will make a similar announcement at their meeting and it will be clear this is a joint public hearing at the Town Board's second meeting in April.

Supervisor Wormuth stated this is to review the technical merit of the DEIS and is not a public hearing to approve the project and we are not anywhere near that phase.

RESOLUTION NO. 59

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

RESOLVED, that the Town Board schedules a joint public hearing with the Town Board and Planning Board for Halfmoon Village & Yacht Club for April 21, 2010 at 7:00 pm.

RESOLUTION NO. 60

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

RESOLVED, that the Town Board amends Resolution No. 54-2010 proposal from Adirondack Trust Insurance for Town insurance coverage from carrier U.S. Specialty for insurance coverage (Property, General Liability, Auto, Public Officials and include OCP Policy, Umbrella Policy and Commercial Crime Coverage) in the amount of \$98,367.24.

NEW BUSINESS

RESOLUTION NO. 61

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

RESOLVED, that the Town Board approves and orders paid all vouchers for all funds listed on Abstract dated March 17th, 2010, totaling \$788,994.00.

RESOLUTION NO. 62

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

RESOLVED, that the Town Board approves the Supervisor's Report for the month of February 2010.

RESOLUTION NO. 63

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

RESOLVED, that the Town Board approves minutes of Town Board meeting of February 3, 2010 as presented by the Town Clerk.

RESOLUTION NO. 64

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

RESOLVED, that the Town Board enter into agreement with Halfmoon Senior Citizen Association for term effective April 1, 2010 through March 31, 2011 in the budgeted amount of \$36,310 and authorize the Supervisor to execute said agreement per review of the Town Attorney.

THIS AGREEMENT made this 17th day of March 2010 by and between the TOWN OF HALFMOON and the HALFMOON SENIOR CITIZENS ASSOCIATION, INC., having its office at 2 Halfmoon Town Plaza, Halfmoon, New York, 12065.

WITNESSETH

WHEREAS, it is recognized that there is a need for providing in-town programs for the Senior Citizens of the Town of Halfmoon, and
WHEREAS, the Association has been created for the purpose of providing such a program for Senior Citizens,

NOW THEREFORE, the parties agree as follows:

1. The Association agrees to provide alleviation from isolation and loneliness through social, cultural, educational and recreational activities; companionship; opportunities to discover new interests; a chance to use old skills; and make a contribution to the welfare of the community.
2. The Association agrees to provide leadership to coordinate the programs.
3. The Association shall, at all times and at its expense, carry insurance coverage in an amount not less than \$1,000,000 covering the Association and the Town of Halfmoon from any and all claims. The Association shall add or cause to be added to its insurance policies (of such coverage) Halfmoon as a named insured or assured. The association shall deposit with the Town Clerk of the Town of Halfmoon a certificate of insurance in such amounts and reflecting such coverage for the period of this agreement.
4. The Association agrees to indemnify, defend and hold harmless the Town from any claim out of its acts or omissions and from any and all losses whatsoever, whether for personal injuries or property damage, including but not limited to the costs of litigation, attorneys fees, filing fees and expenses of each and every nature.

5. The Association shall share the use and occupancy of the building commonly known as the Halfmoon Senior Center located at Lower Newtown Road, Halfmoon, New York for the term of the Agreement. The Town shall not be responsible for the cost of insurance coverage described herein but will provide and pay for all utilities to the premises for the use of the Senior Citizen Association, Inc. The Town reserves the right to utilize the building for Town purposes.
6. The Association agrees and stipulates not to sublease or otherwise allow the use of the demised premises for a fee or profit to any individual, organization or entity other than the parties to this Agreement.
7. The term of this agreement shall extend April 1, 2010 until March 31, 2011.

RESOLUTION NO. 65

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

RESOLVED, that the Town Board authorizes the Supervisor to make the following 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 \$8,693.51
Subsidiary: 25-4-2189 Home & Community Services \$8,693.51

Credit: Appropriations 25-960 \$8,693.51
Subsidiary: 25-5-1440.40 Engineering Contractors Inspections \$8,693.51

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

NAME	AMOUNT
Halfmoon Village/Yacht Club	\$6,492.02
AAA of Halfmoon	157.00
Harvest Bend	1,398.99
Kevin Hedley Ph II	645.50
TOTAL	\$8,693.51

A resolution is needed to appropriate the contributions from Halfmoon Fire Co., WK Mansfield Hose Company, Perry Textiles and Hillcrest Volunteer Fire Dept. made to the Character Counts Program for the summer recreation program for youths to attend summer camp as follows:

DEBIT: Estimated Revenues 10-510 \$1,000
Subsidiary: Community Gift Contributions 10-4-2705 - \$1,000

CREDIT: Appropriations 10-960 \$1,000
Subsidiary: Character Counts – Contractual 10-5-7989.4 - \$1,000

A resolution is needed to appropriate a \$1,255.99 grant awarded from NYS Justice Court Assistance Program. The Town is planning to purchase two security monitors and a shredder for the Justice Department. These purchases will be subject to the Town procurement requirements as applicable.

DEBIT: Estimated Revenues 10-510 \$1,255.99
Subsidiary: 10-4-3089.10 – Other General Government State Aid - \$1,255.99

CREDIT: Appropriations 10-960 \$1,255.99
Subsidiary: 10-5-1110.20 – Justice Tollisen Equipment - \$628.0010-5-1111.20 – Justice Wormuth Equipment - \$627.99

RESOLUTION NO. 66

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

RESOLVED, that the Town Board approves proposal from Bollan, Sheedy, Torani & Co., LLP to provide annual audit and consulting services to the Town in their estimated amount of \$25,500 to \$26,500 for auditing financial statements; \$2,000 to \$3,000 for Justice Court report; hourly rates for accounting and consultations subject to review and approval of the Town Attorney and authorize the Supervisor to execute.

Councilman Polak stated, relative to the next item, that Bove was within a fraction of a cent of the County but there is some savings going with the County due to the amount of fuel we are using now and they decided to purchase from the County instead of Bove.

RESOLUTION NO. 67

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

RESOLVED, that the Town Board rejects one bid received from G. A. Bove & Sons, Inc., Bid Spec. #1-2010, Truck Diesel Fuel, received March 3, and authorize the purchase of diesel fuel from the County of Saratoga.

Councilman Polak stated, relative to the next item, for the record the Highway Superintendent and his assistant Bill reviewed the uniforms and are actually going to cut back on some of the jackets and have money for shirts and it will still be an overall

savings over last years costs. He stated the guys are doing a diligent job trying to save money for the Town and it is appreciated by this Board.

RESOLUTION NO. 68

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

RESOLVED, that the Town Board awards Bid Spec. #2-2010 for rental and service of Uniforms for the Town Highway Department and Transfer Station department for a 3-year period at their low bid amounts to Ameripride Services, 1466 Route 9, P. O. Box 4640, Clifton Park, New York, per review and recommendation of the Highway Committee.

RESOLUTION NO. 69

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

RESOLVED, that the Town Board awards bids, opened February 24th, for Halfmoon Water Infrastructure Improvements to low bidders: Contract #1, Brookwood Road Water Storage Tank Rehab, R. DeVincentis Construction in total bid amount of \$274,050; Contract #2, Button & Upper Newtown Road Infrastructure Improvements, Rifenburg Contracting, in total bid amount of \$538,761.

Supervisor Wormuth stated, relative to the next item, that these employees are not starting right now this authorization just allows them to and if PJ needs to bring them in to any thing it will be on a minimum basis.

RESOLUTION NO. 70

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

RESOLVED, that the Town Board appoints the following employees as seasonal Parks department laborers for 2010 at their hourly rate of pay: Will Bryans & Joe Navojosky- \$8.55; Brandon Brooks, Kyle Bryans, Cody Miller, Matt Coughlin, Travis Taylor, Ted Simmons, Jacob Cardinale, Mark Davin- \$8.15, effective immediately.

RESOLUTION NO. 71

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

RESOLVED, that the Town Board appoints A. James Bold as a member of the Board of Assessment Review for term effective October 1, 2009 through September 30th, 2011.

Supervisor Wormuth thanked Mr. Bold for his continued service to our community.

RESOLUTION NO. 72

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

RESOLVED, that the Town Board appoints Code Enforcement Officer, Steffen Buck, as Sr. Code Enforcement Officer at Grade 7 Step 7, effective March 18, 2010.

RESOLUTION NO. 73

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

RESOLVED, that the Town Board appoints Amanda Smith, part-time Recreation Director at Grade 5 Step 4, effective March 18, 2010.

Supervisor Wormuth stated both Mr. Buck and Miss Smith apologized for not being able to be present, Amanda has school this evening and Steffen had a previous commitment with his fiancé. She stated both thanked the Board for their support.

RESOLUTION NO. 74

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

RESOLVED, that the Town Board approves the Sheldon Hills, Phase II and III, Route 146, Water District Extension Agreement, and

further authorize the Supervisor to execute said contract agreement on behalf of the Town, per review and approval of the Town Attorney.

RESOLUTION NO. 75

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

RESOLVED, that the Town Board enters into contract with Capital District Physician Health Plan for employee medical insurance and enter into a contract with Guardian for employee dental insurance, effective April 1, 2010 through March 31, 2011 and authorize the Supervisor to execute said contracts, per review and approval of the Town Attorney.

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

There being no further business to discuss or resolve on motion by Councilwoman Parker, seconded by Councilman Polak the meeting was adjourned at 7:30 pm.

Respectfully submitted,

Mary J. Pearson
Town Clerk

