

The May 19, 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 L. Hotaling, Councilman  
Mary J. Pearson, Town Clerk  
Matthew J. Chauvin, Deputy Town Attorney

Absent: Craig A. Hayner, Councilman  
Lyn A. Murphy, 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.

#### **REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY**

Councilman Hotaling reported that on May 25<sup>th</sup> the Halfmoon Historical Society will have a meeting at the Historical building at 7 pm. He stated on Saturday, May 22<sup>nd</sup> from 9 am to 12 noon and Wednesday, May 26<sup>th</sup> from 6-8 pm there will be sign ups for the summer rec program and he thanks everybody who helps make it happen with the program from the Shenendehowa and the Mechanicville school systems and all our hard working Town employees.

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

#### **DEPARTMENT REPORTS- month of April**

1. Town Justice Tollisen

Total cases	-	386	Total fees remitted to the Supervisor	-	\$43,122
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*Filed.*

2. Town Clerk

Total fees remitted to the Supervisor	-	\$13,063.23
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*Filed.*

3. Senior Express

Total # of Riders	-	278	Total # of Meals	-	420
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*Filed.*

#### **CORRESPONDENCE**

1. Received from Town Planning Board: Resolution denying change of tenant application for Top Cat Landscaping & Snow Removal, 10 Guideboard Rd. denied on basis that the proposed use is considered an extension or enlargement of a pre-existing use; Resolution for denial of commercial site plan for I Love NY Pizza, 1 Plant Road, based on physical location creating a strong concern over vehicular and pedestrian safety exciting and entering site.  
*Received & Filed.*

2. Received from Town Planning Board resolutions approving the following: Sign application for Fastenal, Ameripride and Floor Source, 1466 Route 9; change of tenant and sign for Corepay, 2 Halfmoon Executive Park Drive; change of tenant for Judy Larock, 1471 Route 9; addition to commercial site plan application at 8 Enterprise Ave.; sign application for 1<sup>st</sup> National Bank, 1693 Route 9.  
*Received & Filed.*

3. Received from US Environmental Protection Agency notification of their decision to cover Halfmoon's incremental costs of obtaining Troy water until November 2012 and also cover the extra costs during all of the remaining dredging seasons until the Hudson River dredging is complete.  
*Received & Filed.*

4. Received from State of New York Department of Transportation response for speed limit study on Farm to Market Road between Rt. 9 and Route 146 with determination that a speed limit reduction is warranted between Rt. 9 and High View Way and will be reduced to a 45 mph for a 2.0-mile section.

*Received & Filed.*

Supervisor Wormuth commented on the letter from EPA stating we continue to work with them and although we have not received a formal notification of how this will work out she would call this a coo for the Halfmoon Town Board and our community for getting EPA to recognize that the impacts of this dredging project have certainly had a negative impact. She stated the fact they are willing to step up and take responsibility for us is a big celebration and we will wait for the final documents before we do a formal celebration. She stated they feel that there hard work and the support of this Board has been what has gotten us to this point and she thanks her Town Board for their support in supporting us as we challenged EPA on the need to protect our citizens and hopes their citizens are as proud as they are that we will have clean drinking water through 2012 and hopefully beyond that.

Councilman Polak stated they thank her for her steadfast work and knows the fight she put up for our community and our residents, not only taking it to Albany but also taking it to New York City and thanks to her and our Attorney's they are stepping up to the plate and paying us what we deserve. Councilwoman Parker and Councilman Hotaling seconded these thanks.

### **OLD BUSINESS**

1. Received, (on agenda 1/6/2010) Narrative and Conceptual Site plan for Dr. Jerry Bilinski PDD, Route 146, opposite Werner Road for Commercial Office building.

Supervisor Wormuth stated Mr. Kevin Dailey is here to provide a brief presentation on this conceptual plan for this piece of property. She stated the Town has the option of asking questions and/or referring it to the Planning Board.

Mr. Dailey stated he represents Dr. Jerry Bilinski who is a native of the Town of Halfmoon and there is a piece of property on Route 146 that has come through the family and the remaining piece of property is owned by Jerry. He stated the property is located on the south side of Route 146 opposite Werner Road and they filed an application for a new PDD and what he desires to do is develop the property and put a 12,800 square foot office building on the property. He stated he is very limited in terms of what he can do with it and most is wetlands, Federal or State and there is a setback from Route 146 with the new overlay zone. He stated they carefully put the building in, parking they have left a roadway for future use by the Town and they are talking about a small property swap between Boni next door and Jerry. He stated there is a small piece of up-land area that could be used by Jerry for storm water management. He stated they are seeking a referral to the Planning Board and they have met with the Planning Board chairman and the directors of the department.

Supervisor Wormuth stated the Board has had an opportunity to review it and look at the building structure and different things. She stated they talked about the overlay zone being a concern and they talked about the density issue being a concern but beyond that her personal opinion would be that it is ready to move to Planning Board to look at technical review and how it would fit in with the environment in the community.

### **RESOLUTION NO. 104**

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

RESOLVED, that the Town Board refers the Dr. Jerry Bilinski Planned Development District to the Town Planning Board for their review and recommendation back to the Town Board and further

RESOLVED, that the Town Board be the lead agency on this proposed planned development district.

#### RESOLUTION NO. 105

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

RESOLVED, that the Town Board awards Bid Spec. #4-2010 for Highway Department John Deere 5083E Utility Tractor with Snow Blower in total bid amount of \$46,384.59 and alternate heavy duty mower deck in additional amount of \$6,224 to The Hudson River Tractor Company, Clifton Park, New York, per recommendation of the review committee.

Councilman Polak stated this item was proposed for the 2010 budget and monies available.

#### **NEW BUSINESS**

#### RESOLUTION NO. 106

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

RESOLVED, that the Town Board approves and orders paid all vouchers for all funds listed on Abstract dated May 19, 2010, totaling: \$616,772.19.

#### RESOLUTION NO. 107

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

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

#### RESOLUTION NO. 108

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 authorizes entering into Lease Agreement with Shenendehowa Central School District for use of busses for the Town six week summer recreation program, per review of the Town Attorney and authorize Supervisor to execute said agreement

#### RESOLUTION NO. 109

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

RESOLVED, that the Town Board authorizes entering into agreement with Mechanicville City School District for use of the school, field and playground for staff orientation and the summer recreation program as per the review and approval of the Town Attorney

#### RESOLUTION NO. 110

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

RESOLVED, that the Town Board authorizes the Supervisor to execute the COBRA Administrative Services Agreement with First Niagara Benefits Consulting per review of the Town Attorney.

#### RESOLUTION NO. 111

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

RESOLVED, that the Town Board set a public hearing 2<sup>nd</sup> day of June 2010 at 7:00 pm in the matter of a proposed abandonment of a small portion of a Town Highway known as Arlington Heights in the Town of Halfmoon.

Supervisor Wormuth stated relative to the next item that they certainly feel this effort is very important based on what is going on not only to our water source but not have repeat PCB exposure.

#### RESOLUTION NO. 112

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

**WHEREAS**, the EPA has ordered the dredging of PCB's in the Hudson River by General Electric, and

**WHEREAS**, Phase I of the dredging has taken place, and Phase II of the dredging includes a review and comment period regarding the dredging, and

**WHEREAS**, the dredging has heretofore concentrated only on environmental remediation where the PCB's pose a public health threat, and

**WHEREAS**, the deposits of PCB's in the Hudson River have also compromised the navigable river channel, especially for commercial boat traffic, and

**WHEREAS**, the Hudson River - Champlain Barge Canal is an important transportation corridor providing economic benefit to the communities along the Hudson River and the entire Hudson River – Champlain Canal Region of New York State,

**THEREFORE BE IT RESOLVED**, the Town Board of Halfmoon supports the efforts of the NYS Canal Corporation to have the EPA ordered dredging by General Electric to include dredging of PCB's to restore the navigable channel of the Hudson River – Champlain Barge Canal.

#### RESOLUTION NO. 113

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

**WHEREAS**, the National Park Service (NPS) administers the Save America's Treasures grant program, and

**WHEREAS**, grants are available for preservation and conservation work on nationally significant historic properties, and

**WHEREAS**, the Town of Halfmoon seeks to preserve the historic structures of the Champlain Canal, including the stone arched culvert and waste water weir at McDonald Creek and Old Lock 7,

**THEREFORE BE IT RESOLVED**, the Town of Board authorizes the Supervisor to apply for a Save America's Treasures grant in the amount of \$200,000 to preserve the historic structures of the Champlain Canal including the stone arched culvert and waste water weir at McDonald Creek and Old Lock 7.

#### RESOLUTION NO. 114

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

RESOLVED, that the Town Board authorizes the Town to renew membership with the Saratoga County Chamber of Commerce for the 2010 membership investment of \$340.00.

#### RESOLUTION NO. 115

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

#### **ESTABLISHMENT OF SEQR LEAD AGENCY**

For the

**TOWN OF HALFMOON CHAMPLAIN CANAL TRAIL PHASE II PROJECT**

WHEREAS, the Town Board intends to adopt Lead Agency for the Champlain Canal Trail Phase II project 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 has conducted coordinated review with the involved agencies pursuant to 6 NYCRR 617.6 and no agencies objected to the Town Board’s request to act as Lead Agency;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board declares itself Lead Agency pursuant to 6 NYCRR 617.6.

The Supervisor stated she thanks our Grants department for working so diligently on that project.

RESOLUTION NO. 116

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

**SEQR DETERMINATION OF NON-SIGNIFICANCE**  
For the  
**TOWN OF HALFMOON CHAMPLAIN CANAL TRAIL PHASE II PROJECT**

WHEREAS, the Town Board has been established itself as Lead Agency in accordance with 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

BE IT FURTHER RESOLVED, the attached Negative Declaration is to be filed and published in accordance with 6 NYCRR 617.12.

RESOLUTION NO. 117

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

**WHEREAS**, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) awarded the Town of Halfmoon a Recreational Trails Program grant in the amount of \$200,000 for the Champlain Canal Trail Construction Project,

**AND WHEREAS**, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) has authorized the Town to advertise and open construction bids,

**THEREFORE BE IT RESOLVED**, that that the Town Board authorizes the Supervisor to solicit construction bids for the Champlain Canal Recreational Trail Construction Project, to be received by 2:00 pm on June 14, 2010.

RESOLUTION NO. 118

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 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 \$5,306.42  
Subsidiary: 25-4-2189 Home & Community Services \$5,306.42  
Credit: Appropriations 25-960 \$5,306.42  
Subsidiary: 25-5-1440.40 Engineering Contractors Inspections \$5,306.42

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

NAME	AMOUNT
Bobrow Distributing	\$130.00
Tanski Mixed Use Rte 146	1,067.50
Youth for Christ Rec. Center	661.50

Glen Meadows	1,286.00
Harvest Bend-Insp	503.00
Glen Meadow PDD	800.00
Linden Village	268.00
Brookfield Place	590.42
TOTAL	\$5,306.42

Transfers between Appropriations:

From Account	To Account	Amount	Reason
10-5-7110.40 Parks Contractual	10-5-7110.20 Parks Equipment	\$310	Transfer of appropriations within own budget to cover post hole digger purchase
30-5-8320.20 Source of Supply, Power & Pumping Equipment Contractual	30-5-8310.42 Administration Contractual Legal Fees	\$10,000	Transfer of appropriations needed to cover legal fees for water department

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 of Councilwoman Parker, seconded by Councilman Hotaling the meeting was adjourned at 7:17 pm.

Respectfully submitted,

Mary J. Pearson  
Town Clerk