

The August 4, 2009 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, 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  
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.

The Supervisor stated first is a Proclamation Recognizing August 1 through August 7<sup>th</sup> as National Clown Week and welcomed the Clowns. She stated they are coming to the Town summer camp carnival day tomorrow and the kids are very excited. She stated the summer camp serves over 750 children and she will present this Proclamation with the children and the clowns tomorrow. She stated there would be a couple hundred kids here tomorrow. She read the Proclamation as follows:

***Let it be known to all those present that the Electric City Clown Alley, Clowns of America International, and the Town of Halfmoon, New York shall take part in the celebration of International Clown Week***

***WHEREAS, the President of the United States did proclaim that the first week of August would be recognized as International Clown Week, and that all Governors and local officials shall encourage such recognition by their citizens, and***

***WHEREAS, Clowns are recognized the World over as messengers of good tidings, bringing happiness and joy to all those whose lives they touch, and***

***WHEREAS, it is universally known that laughter is the best medicine, and***

***WHEREAS, Clowns have helped us preserve our sense of humor and ability to laugh at ourselves, and***

***WHEREAS, Clowns encourage laughter in the young and old, and rich and poor, alike, now***

***THEREFORE, I, Mindy A. Wormuth, Supervisor of the Town of Halfmoon, proclaim that the week of August 1 through 7, 2009 shall be recognized as International Clown Week within the Town of Halfmoon, and, shall encourage all citizens to give fitting recognition to the Clowns of the World.***

The Supervisor invited the clowns “Sparky” and “Jazzie” to come forward and thanked them for attending.

The Supervisor wished Mrs. Murphy a Happy Birthday.

At 7:10 pm the Supervisor opened the Public Hearing for the Town Code Article 5- Section 165-14 C-1 Commercial District; no one wished the Notice of Public Hearing read.

Attorney Murphy stated this is an amendment to our current zoning ordinance that would allow for the sale of motor vehicles in both commercial and light industrial commercial districts. She stated the difference is, now if you are selling used motor vehicles, farm equipment or trailers you have to be incidental to a brand new dealership sales and would be a difficult statute to defend and the Town Board does not want to discriminate between new and used cars. She stated this is a slight adjustment in the wording of the zoning land use for those areas to allow for the sales of motor vehicles in general. She asked, before the Board decides to act regarding this, that they pass a Neg Dec pursuant to SEQRA. She stated the Town Planner has completed all the necessary documentation showing that this will not have environmental impacts on the Town.

There being no questions or comments the Supervisor closed the public hearing at 7:12 pm.

RESOLUTION NO. 178

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

RESOLVED, that the Town Board, as lead agency, adopts a Negative Declaration pursuant to SEQRA compliance for the following Amendment to the Town Code, and further

RESOLVED, that the Zoning Code Amendment be approved as follows:

CODE AMENDMENT:

165-14C-I Commercial District

(13) Sales of motor vehicles, farm implements, boat or trailer sales, or rental thereof including accessory service.

165-15. LI-C Light Industrial-Commercial District

(9) Sales of motor vehicles, farm implements, boat or trailer sales, or rental thereof including accessory service.

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Councilman Polak reported the Fall Clean up days at the Town Transfer Station are scheduled for September 15, 18, 19, 22, 25 & 26 but no toxic substances can be dropped off. He stated the Special Collection Day for Household Hazardous Waste in Clifton Park will be September 26<sup>th</sup> and forms are available in the Town Clerk’s office.

Councilman Hotaling reported he worked with the Water department and Supervisor Wormuth and they showed how strong they have been with the dredge issues by switching over to Troy water. He stated on Friday it spiked over the legal limit and goes to show we have all our “ducks in a row” and working hard.

He reported three water plant employees, Tom Lundquist, Bill Robitaille and Ron Fellows have completed and passed the Water Course “D” at Morrisville to get their “Class D” license to maintain the water system.

He stated tomorrow night Halfmoon Celebrations will have Mike & the Monsters in the courtyard.

Councilwoman Parker reported there was a \$300.00 change order to D & E for the HVAC Contract for the Town Park to re-orientate the boiler in the facility building to make it fit safely.

Supervisor Wormuth reported on a change order for the Town Park, Kingsley Arms, Inc. General Site Contract #1 for several different items; to substitute concrete for granite and add asphalt pavement at Park road, Clubhouse parking area and at maintenance facility in the amount of \$270,903; add retaining wall at south entrance parking, \$12,614; adjust manhole cover at south entrance, \$2,769; change type-3 binder to type-6 top at walks and Clubhouse Plaza, \$4,600; modify the guide rail at north entrance \$4,971 for a total change order amount of \$295,857.

She stated, as reported, there was a spike in the legal limit of PCB’s and we continue to be very proud of the decision this Board made to be on water full-time from the City of Troy so that we don’t have to worry about notification procedures with EPA or GE. She stated they have found them to not be consistent and reliable and she continues to be proud of the decision this Board made to purchase the water from Troy in order to protect our residents

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

DEPARTMENT REPORTS – month of July

1.	Town Justice Wormuth			
Total cases	-	562	Total fees remitted to the Supervisor	- \$38,445
<i>Received and Filed.</i>				
2.	Building			
Total Permits-	67		Total fees remitted to the Supervisor	- \$15,644
<i>Received and Filed.</i>				
3.	Fire Code			
Total Permits-	47		Total fees remitted to the Supervisor	- \$ 1,983
<i>Received and Filed.</i>				
4.	Senior Express			
Total # of Riders	- 292	Total # of Meals	- 309	
<i>Received and Filed.</i>				

## **CORRESPONDENCE**

1. Received from Halfmoon Fire District #1, Annual Financial Report for fiscal year ending December 31, 2008 and Annual Financial Report Update Document and Report of Independent Certified Public Accountants, dated December 31, 2008.

*Received and Filed.*

2. Received from State of New York Department of Transportation Notice of Order amending existing 40 mph speed limit on Johnson Road, extending it further west to Cary Road.

*Received and Filed.*

3. Received notification from Saratoga County Planning Board that they concur with the Town Board decision to assume role of Lead Agency for Zoning Amendment, Article 10 Signs.

*Received and Filed.*

4. Received notification from Saratoga County Planning Board that they concur with the Town Board decision to assume the role of Lead Agency for the Zoning Amendment Section 165-14 (13) C-1 Commercial District & 165-15 (9) LI/C Light Industrial/Commercial-Motor Vehicle sales.

*Received and Filed.*

5. Received notification from Town of Halfmoon Planning Board that they concur with the Town Board decision to assume the role of Lead Agency for the Zoning Amendment Section 165-14 (13) C-1 Commercial District & 165-15 (9) LI/C Light Industrial Commercial-Motor Vehicle sales.

*Received and Filed.*

6. Received letter from Cynthia M. Zobel and Residents of Dunsbach Road South regarding the increase in traffic and speed on Dunsbach Road.

*Received and Filed.*

## **RESOLUTION NO. 179**

Offered by Supervisor Wormuth seconded by Councilman Polak : Adopted by vote of the Board: 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 Dunsbach Road for a possible speed limit reduction and further

RESOLVED, that the Town Board authorizes the Town Clerk to send the necessary paperwork.

## **NEW BUSINESS**

### **RESOLUTION NO. 180**

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

RESOLVED, that the Town Board approves and orders paid all vouchers for all funds listed on Abstract dated August 4, 2009, \$225,751.25.

### **RESOLUTION NO. 181**

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

RESOLVED, that the Town Board approves minutes of Town Board meeting of June 16<sup>th</sup>, 2009 as presented by the Town Clerk.

### **RESOLUTION NO. 182**

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

RESOLVED, that the Town Board authorizes the Supervisor to apply for a grant from the Justice Court Assistance Program for a State Grant in the not to exceed amount of \$4,000

RESOLUTION NO. 183

Offered by Councilwoman Parker, seconded by Councilman Hotaling: Adopted by vote of the Board: Wormuth, Polak, Parker, Hotaling, 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 \$2,942  
Subsidiary: 25-4-2189 Home & Community Services \$2,942  
Credit: Appropriations 25-960 \$2,942  
Subsidiary: 25-5-1440.40 Engineering Contractors Inspections \$2,942

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

NAME	AMOUNT
Moorings of Halfmoon	\$1,145.00
Moorings of Halfmoon	666.00
Sheldon Hills Ph II-Insp	1,131.00
TOTAL	\$2,942.00

A resolution is needed to appropriate the money made from Concessions to the Character Counts Program for the summer recreation program for youths to attend summer camp as follows:

DEBIT: Estimated Revenues 10-510 \$404  
Subsidiary: Community Gift Contributions 10-4-2705 - \$404  
CREDIT: Appropriations 10-960 \$404  
Subsidiary: Character Counts – Contractual 10-5-7989.4 - \$404

A creation of appropriations is necessary to create the project budgetary accounts for the Hudson River Park Phase I for Engineering and Final Design. The Town of Halfmoon owns approximately 2.5 acres of land on State Routes 4 & 32. The parcel has approximately 270 feet of Hudson River frontage, and is located near the Brookwood Road intersection with State Routes 4 & 32. A small, ranch style house of approximately 1260 sq. ft. is located on the property. This house serves as the office location for the Town’s Maintenance Department. The Hudson River Waterfront Park project will transform the property into a riverfront park with the following amenities: Picnic area with pavilion/gazebo; Handicapped accessible boat launch for small, car-top watercraft, such as canoes, kayaks, etc; Docking appropriate for small watercraft; Restroom facilities with new septic/leaching system, and Parking area. This project requires either razing or moving the building that currently houses the Maintenance Department offices. The cost of Phase I is \$110,000 of which NYS Environmental Protection Fund (EPF) allocated to the Local Waterfront Revitalization Program (LWRP) administered by the NYS Department of State, Division of Coastal Resources for \$55,000 and the balance of \$55,000 will matched by the Town.

Debit: Estimated Revenues 35-510 \$110,000  
Subsidiary: 35-4-4889 - \$55,000  
Culture & Recreation Capital Grants 35-5031 - \$55,000  
Interfund Transfers  
Credit: Appropriations 35-960 \$110,000  
Subsidiary: 35-5-7150.21 Culture & Recreational – Parks - \$110,000

RESOLUTION NO. 184

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

RESOLVED, that the Town Board approves proposal from Clough Harbour & Associates to work with the Open Space Committee to complete an Open Space Plan in the not to exceed amount of \$27,500.

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

The Supervisor announced that the next Town Board meeting, scheduled for August 18 is being rescheduled to Thursday, August 20 at 7:00 pm.

On motion of Councilwoman Parker, seconded by Councilman Polak the meeting was adjourned at 7:25 pm.

Respectfully submitted,

Mary J. Pearson  
Town Clerk

