

The June 3, 2008 regular meeting of the Town Board of the Town of Halfmoon was called to order at 7:05 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, Town 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 requested that Eagle Scout Stephan Smith lead the Pledge of Allegiance.

Supervisor Wormuth stated the Board has a resolution honoring Eagle Scout Stephen Smith tonight. She stated Councilman Polak attended his ceremony and the Board did this once already but wanted to do it again at a meeting and recognize his outstanding accomplishment.

Councilman Polak asked Steve to come forward along with his parents. He stated that for every 100 boys that join Scouting only 1 will ever obtain the rank of Eagle and is the highest award in Boy Scouting and entails a tremendous learning experiment. He stated he was the first Eagle Scout in Halfmoon and the father of a Eagle Scout as was Mr. Bold who is in the audience. He stated Mr. and Mrs. Smith can be very proud because this is their second Eagle Scout, which is a lot of work for by the Scout himself, but also the Scoutmaster, the Scout committee and the parents. He stated they are to be commended. Councilman Polak read the following resolution he presented at the Eagle Board of Honor for Stephen Smith:

**WHEREAS**, it has come to the attention of the Town Board of the Town of Halfmoon that Stephen Smith is the recipient of an Eagle Scout Award, which is the highest award a Boy Scout can receive; and

**WHEREAS**, it is the sense of this Board that when someone of extraordinary dedication to the values and principles of Scouting is brought to their attention, the same should be memorialized for the emulation and edification of others; and

**WHEREAS**, a Town is only as great as those persons who give exemplary service to their community, whether through participation in voluntary programs, through unique personal achievement in their professional or other endeavors or simply through a lifetime of good citizenry; and

**WHEREAS**, such service, which is truly the lifeblood of the community and the Town, so often goes unrecognized and unrewarded; and

**WHEREAS**, Stephen Smith has had a long history of personal achievement both as a Scout, mastering skills in outdoor survival, citizenship, character development, leadership, and physical fitness, and as a member of the community by being a part of the Shenendehowa Football and Track Teams, a volunteer for the Captain Teen Talk and Phone-a-Friend hot lines, and his work at the Southern Saratoga YMCA after school program; and

**WHEREAS**, Stephen's Eagle Scout Service Project further illustrated his dedication and commitment to the community through his work obtaining donations and organizing the clean up of the main stream outlet of Pyramid Lake at the Pyramid Life Center in Schroon Lake, New York.

**NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. That the Town Board of the Town of Halfmoon recognizes and commends, Stephen Smith, as an outstanding citizen for his achievements and advances, one who is worthy of the esteem of both the community and the Town of Halfmoon.

2. That a copy of this Resolution be presented to Stephen Smith at a public meeting of the Town Board of the Town of Halfmoon.

At 7:10 pm the Clerk opened the one bid received for Kiosk Signs as follows:

**One-Day Signs, 105 Broad St., Waterford, NY.**

ITEM #1 - \$908 – total for four \$3,632      ITEM #2 - \$3,218      ITEM #3 - \$702

The Supervisor referred the bid to the Town Attorney, Councilman Hayner, the Grant writer and the Trails committee for their review and recommendation back to the Board.

**REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY**

Councilman Hotaling reported it is getting close to the beginning of the summer camp program and tomorrow night is another sign up and also on Saturday. He stated they have over 500 signed up so far with 40 for scholarship.

He stated Tony's Polka Band will start the Summer Concert series in the pavilion tomorrow night at 6:30 pm.

Councilwoman Parker reported that the Navigator has been sent out and hopes everyone has received it; she stated Mosquito Dunks are still available in the Town Clerk's office; she reminded people to immunize their pets because of the insects and bugs.

Councilman Hayner reported that Saturday, June 7<sup>th</sup> is National Trails Day and the public is invited to a ribbon cutting at the new Champlain Canal Trail and Carmella Mantello and John Demura will be the guest speakers. He stated Henrietta O'Grady would lead a trail tour afterwards.

Supervisor Wormuth stated last year they had a groundbreaking ceremony for this trail and this is a wonderful thing. She stated this was accomplished through Grant funding and they look forward to enjoying the trails. She stated they are looking at adding some trees and some safety features hoping to discourage motorized vehicles from using the trail that is not set up as a multi-use trail. She stated they have had good cooperation from the Sheriff's department and ENCON for future enforcement and want to keep it safe for everyone.

Supervisor Wormuth reported that there were two public information meetings held with the Planning Board; one regarding a hospital, and one regarding a subdivision on Harris Road. She stated the Town Board has been in receipt of several different correspondences that will be shared at future Public Hearings with input both in support and in concern on both projects.

Attorney Murphy reported she would like to ask the Board to pass a resolution awarding the bids regarding the Halfmoon Town Park and provided the information. She stated the Board has reviewed the bids as has the engineers, Fraser & Associates and, based on the comments received from both she would ask the Board to make the award.

The Supervisor stated this is a project they have worked on for several years and, certainly the amount of work that has gone into it supercedes several Board members here this evening and was a vision started a long time ago. She stated the original hope was that it would be built simultaneously with the Town Hall but due to several factors it didn't happen that way. She stated they are very excited the ground on this project will be broke and it will become a reality

#### RESOLUTION NO. 121

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

**WHEREAS**, the Town of Halfmoon has entered upon the Capital Project for the New Town Family Park and Site Improvements; and

**WHEREAS**, the Town of Halfmoon's Engineers, Planners and Architects have designed the plans for the New Town Park and let the bids for the New Town Park and Site Improvements on March 18, 2008; and

**WHEREAS**, the bids were opened on April 25, 2008; and

**WHEREAS**, the bid packages were reviewed by the Town Board, Deputy Town Attorney, and J. Kenneth Fraser and Associates, who is acting on behalf of the Town of Halfmoon for the Town Park Project; and

**WHEREAS**, a determination was made as to who submitted the low bid both for the base bid and with the added alternate of the program shelter for the project; and

**WHEREAS**, the low bid for contract No1GS for General Site Construction with the addition of the alternate of the program shelter is Kingsley Arms, Inc; and

**Kingsley Arms - Base Bid of \$4,022,000.00, plus Alternate Item 1GS1 in the amount of \$16,000.00, for a total of \$4,038,000.00**

**WHEREAS**, the low bid for contract 1P for the Plumbing work with the addition of the alternate of the program shelter is Mazone Plumbing and Heating, Inc.; and

**Mazone Plumbing and Heating - Base Bid of \$231,679.00, plus Alternate Item 1P1 in the amount of \$500.00, for a total of \$232,179.00**

**WHEREAS**, the low bid for contract 1H for HVAC Work with the addition of the alternate of the program shelter is D & E Technologies, Inc.; and

**D & E Technologies - Base Bid of \$40,495.00**

**WHEREAS**, the low bid for contract 1GB for General Building Construction with the addition of the alternate of the program shelter is Bishop Beaudry Construction, LLC; and  
**Bishop Beaudry - Base Bid of \$1,497,000.00, plus Alternate Item 1GB1 in the amount of \$117,209.00, for a total of \$1,614,209.00**

**WHEREAS**, the low bid for contract 1E for Electrical Work with the addition of the alternate of the program shelter is Farina Electric, Inc.; and  
**Farina Electric - Base Bid of \$431,900.00, plus Alternate Item 1E1 in the amount of \$8,400.00, for a total of \$440,300.00**

**WHEREAS**, the low bidders for all of the above referenced contracts have been determined by the Town with the assistance of J. Kenneth Fraser and Associates to be qualified the obligations as set forth in the bid documents;

**NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:**

**RESOLVED**, that the contract No1GS for General Site Construction with the addition of the alternate of the program shelter is hereby awarded to Kingsley Arms, Inc; and it is further

**RESOLVED**, that the contract 1P for the Plumbing work with the addition of the alternate of the program shelter is hereby awarded to Mazone Plumbing and Heating, Inc.: and it is further

**RESOLVED**, that the contract 1H for HVAC Work with the addition of the alternate of the program shelter is hereby awarded to D & E Technologies, Inc.; and it is further

**RESOLVED**, that the contract 1GB for General Building Construction with the addition of the alternate of the program shelter is hereby awarded to Bishop Beaudry Construction, LLC; and it is further

**RESOLVED**, that the contract 1E for Electrical Work with the addition of the alternate of the program shelter is hereby awarded to Farina Electric, Inc.

Supervisor Wormuth opened public privilege for discussion of agenda topics.

Henrietta O’Grady, Churchill Road, asked for clarification on No. 5, New Business in regard to the TEP Grant questioning if this is in addition to the segment of the Trail that they will open on Saturday and would this apply to another segment.

Supervisor Wormuth stated that is correct and they will continue to seek grants to extend any and all of our trails as they come available. She stated the Grant writer has been working diligently to find opportunities to help us be successful.

**DEPARTMENT MANAGER REPORT**

- 1. Assessor Report  
Submitted by, Assessor Ed Pearson

**DEPARTMENT REPORTS- month of April**

- 1. Building  
Total Permits - 87 Total fees remitted to the Supervisor - \$26,358.00  
Filed.

- 2. Fire Code  
Total Permits - 51 Total fees remitted to the Supervisor - \$ 2,058.00  
Filed.

**- Month of May**

- 1. Town Justice Tollisen  
Total cases - 425 Total fees remitted to the Supervisor - \$39,440.00  
Filed.

- 2. Town Justice Wormuth  
Total cases - 421 Total fees remitted to the Supervisor-\$39,575.00  
Filed.

**CORRESPONDENCE**

- 1. Received from Town Senior Planner notification of Planning Board decision to pass a positive recommendation for the Boni PDD (Hospital & Biomedical Research Campus)

2. Received from Town Senior Planner notification of Planning Board decision to deny the Kivort Steel addition to site plan application based on proposed addition not meeting the required setback for a corner lot as described in *Local Laws relating to Zoning of the Town of Halfmoon*.

**NEW BUSINESS**  
**RESOLUTION NO. 122**

Offered by Councilwoman Parker, seconded by Councilman Hotaling, Adopted 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 June 3, 2008, totaling:\$276,735.44.

**RESOLUTION NO. 123**

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

RESOLVED, that the Town Board authorizes the Superintendent of Highways to install Stop signs on Town roads.

**RESOLUTION NO. 124**

Offered by Councilwoman Parker, seconded by Councilman Hotaling, Adopted 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:

The following creation of appropriations is needed in the Highway Fund based on money received for Insurance Recovery. This creation is to increase repairs budget to cover equipment damage that was repaired.

DEBIT: Estimated Revenues           20-510   \$450.00  
          Subsidiary:           20-4-2680 – InsuranceRecovery - \$450.00  
CREDIT: Appropriations               20-960               \$450.00  
          Subsidiary:           20-5-5130.40 – Machinery  
   Contractual - \$450.00

The following re-allocation is needed to amend a resolution that was prepared on October 3, 2006 for the increase in the construction of Capital project for the Town Hall and Town Family Park Facilities in the amount of \$1,200,000 from the General Fund Unappropriated Fund Balance.

The Allocation needs to be changed to 75-5-1620.20 - \$650,000 and 75-5-7110.20 - \$550,000. Originally the allocation was divided evenly at \$600,000 each project.

Transfers Between Appropriations:

From Account	To Account	Amount	Reason
20-5-5112.21 Highway Capital Improvements	20-5-5140.41 Highway Miscellaneous Fuel, Gas	\$20,000	Transfer of appropriations needed to cover expense of fuel and gas
20-5-9060.80 Benefits Medical Insurance	20-5-9050.80 Benefits Unemployment Taxes	\$600	Transfer of appropriations needed within own budget to cover unemployment taxes for year 2008
30-5-9060.80 Benefits Medical Insurance	30-5-9050.80 Benefits Unemployment Taxes	\$200	Transfer of appropriations needed within own budget to cover unemployment taxes for year 2008

**RESOLUTION NO. 125**

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

RESOLVED, that the Town Board approves the following:

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION REQUESTING 2008 ENVIRONMENTAL PROTECTION FUND GRANT FUNDING FOR THE DEVELOPMENT OF THE HALFMOON TOWN FAMILY PARK

WHEREAS, The New York State Office of Parks, Recreation, and Historic Preservation (NYSOPRHP) has issued a Request For Proposals for 2008 Environmental Protection Fund (EPF) grant funding to eligible New York State communities; and

WHEREAS, 2008 EPF grants made by the NYSOPRHP will provide communities with up to \$600,000 to fund parks development, historic preservation, and heritage area programs; and

WHEREAS, the Supervisor of the Town of Halfmoon is requesting authorization from the Town Board to file a 2008 EPF grant application with the NYSOPRHP for state funding not to exceed \$600,000.

RESOLVED, that Supervisor Mindy Wormuth is hereby authorized and directed by the Halfmoon Town Board to file an application for 2008 EPF funds from the NYSOPRHP for a grant amount request not to exceed \$600,000, and upon approval of said request to enter into and execute a project agreement with the NYSOPRHP.

#### RESOLUTION NO. 126

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

RESOLVED, that the Town Board approves the following:

#### AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION REQUESTING 2008 TRANSPORTATION ENHANCEMENT PROGRAM GRANT FUNDING FOR THE DEVELOPMENT OF THE CHAMPLAIN CANAL TRAIL

WHEREAS, The New York State Department of Transportation (DOT) has issued a Request For Proposals for the 2008 Transportation Enhancement Program (TEP) grant funding to eligible New York State communities; and

WHEREAS, 2008 TEP grants made by the DOT will provide communities with up to \$2,500,000 for the provision of facilities for pedestrians and bicycles; and

WHEREAS, the Supervisor of the Town of Halfmoon is requesting authorization from the Town Board to file a 2008 TEP grant application with the DOT for federal funding.

RESOLVED, that Supervisor Mindy Wormuth is hereby authorized and directed by the Halfmoon Town Board to file an application for 2008 TEP funds from the DOT, and upon approval of said request to enter into and execute a project agreement with the NYS-DOT.

Supervisor Wormuth stated, relative to the next item, Highway Superintendent John Pingelski has sent the proposal to the Town Board and, has talked about looking at planting trees along roads to help with erosion, help create green space and, to help beautify the Town. She stated this would allow for a future plan to increase plantings in Town.

#### RESOLUTION NO. 127

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

RESOLVED, that the Town Board approves the following:

#### **RESOLVED:**

That Melinda Wormuth, as Town Supervisor of the Town of Halfmoon, or such person's successor, is hereby authorized and directed to file an application for 50% matching funds in an amount not to exceed \$20,000 Grant Amount, and upon approval of said request to enter into and execute a project agreement with the New York State Department of Environmental Conservation for such financial assistance to the Town of Halfmoon for the Halfmoon Tree Inventory and Management Plan.

#### RESOLUTION NO. 128

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

RESOLVED, that the Town Board approves the following:

#### **Appointment of the Supervisor of the Town of Halfmoon to the Historic Saratoga-Washington on the Hudson Partnership**

Whereas, Article 42 of the NYS Environmental Conservation law establishes the Historic Saratoga-Washington the Hudson Partnership as body corporate and public and invites the Supervisor of the Town of Halfmoon to become a member of the Partnership, and

Whereas, the local legislative body of the Town finds that participation in the Partnership with other Hudson Riverfront municipalities with regard to matters of common interests including management of historic, natural, scenic, and recreation resources and economic development will be in the public interest of the Town, and now,

Therefore, the Town Board of the Town of Halfmoon hereby resolves that the Supervisor of the Town of Halfmoon Mindy Wormuth is hereby authorized to become a member of the Historic Saratoga-Washington on the Hudson Partnership.

#### RESOLUTION NO. 129

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

RESOLVED, that the Town Board appoint the following Summer Beautification employees for 2008, to each be paid \$7.15 per hour, effective June 30<sup>th</sup> for six weeks: Kyle Bryans, Christopher Moll, Mark Davin, Travis Taylor, Brandon Brooks, Brian Wolfe, Cody Miller, Jacob Cardinale.

Attorney Murphy stated regarding the next item, that for quite some time the Town has been working to codify all of our local laws. She stated they are passed by year and the number for that year and if someone comes in to research it is difficult to do. She stated they would all be put in one system with an index that would be available in a bound copy. She stated in order to do that they have to pass another local law that says it superceded all the past laws out there. She stated it doesn't change any of the existing local laws.

#### RESOLUTION NO. 130

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

RESOLVED, that the Town Board approves and authorizes scheduling a public hearing for June 17, 2008 at 7:00 pm for the proposed Town Code Adoption Local Law.

Supervisor Wormuth stated, relative to the next item, in the New Town Hall several large pots were purchased and, part of the budget is to purchase indoors trees. She stated it will be much more extensive than regular house plants and, requires different types of maintenance and routine care. She stated it was determined that at least for the first year this is something we need to do to provide proper care.

#### RESOLUTION NO. 131

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

RESOLVED, that the Town Board authorizes entering into a Contract with Faddegon's Nursery for Interior Plant Maintenance effective immediately through June 2009 at the monthly maintenance service fee of \$71.26 per review and approval of the Town Attorney and authorize the Supervisor to execute said Contract.

Councilman Hotaling stated, relative to the next item, that the Water Department uses this GIS strongly especially for water samples and is a valuable tool for them.

Supervisor Wormuth stated it is a tool these departments have used for several years.

#### RESOLUTION NO. 132

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

RESOLVED, that the Town Board approves proposal from Clough, Harbour & Associates, LLP to continue to maintain and support the Maps Online GIS web sites developed for the Water Department and Assessor's office for a combined annual fee of \$3,600, subject to review of the Town Attorney and authorize the Supervisor to execute agreement.

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

On motion by Councilman Polak, seconded by Councilman Hayner the meeting was adjourned at 7:30 pm.

Respectfully submitted,

Mary J. Pearson  
Town Clerk

June 3, 2008

Town of Halfmoon  
2 Halfmoon Town Plaza  
Halfmoon, NY 12065

Attn: Mindy Wormuth, Town Supervisor

Re: Contract for Interior Plant Maintenance  
- For the period \_\_\_\_\_ 2008 - \_\_\_\_\_ 2009

This is the new service agreement for the maintenance of interior foliage plants at the service location referenced above, for the contract term referenced above.

1. Faddegon's Nursery, Inc., "the Contractor", will visit Halfmoon Town Hall, 2 Halfmoon Town Plaza, Halfmoon, NY 12065 (Client") weekly to maintain the health and appearance of all plants either installed by or assumed by "the Contractor". The following services will be provided as needed:
  - Water & fertilize all plants as necessary.
  - Keep all plants trimmed and oriented to proper light.
  - Remove any damaged or unsightly foliage.
  - Remove debris from planters & maintain all planters in a neat & orderly manner.
  - Treat all plants for disease and insects as necessary.
  - Apply chemicals, fertilizers & insecticides as necessary.
2. **Cost of guaranteed monthly maintenance service will be \$71.26. Monthly cost for Bloom Rotation will be \$n/a., (if applicable).** Invoices will be generated the first of each month for the current month's service. Payment will be due within forty-five (45) days of receipt of invoice and signed voucher. Failure to pay within sixty, (60) days may result in termination of the Contract. Finance charges at the rate of 2% per month (24% ARP), or the maximum interest allowed by law, whichever is lower, will be generated on all undisputed invoices more than fifteen days past due.
3. A replacement guarantee provided for all plants either installed by or accepted by "the Contractor" for as long as the service contract is in effect. "The Contractor" accepts no responsibility for maintenance of plants owned by "the Client" or its employees unless the plants are incorporated into this agreement. If a particular plant is not available "the Contractor" reserves the right to replace it with another species of the same height and appearance. "The Client" will be responsible for the full cost of replacement in the event of damage caused by any of the following:
  - Unauthorized watering including introduction of any liquids into the plant soil \_\_\_\_\_ by personnel other than "the Contractors" employees, i.e., emptying of water pitchers, coffee cups, cleaning/mop water, alcoholic beverages, etc.
  - Damage to either the plants or planters including vandalism, theft or \_\_\_\_\_ construction.
  - Damage incurred during moving of plant, if moved by any party other than "the Contractor". ". The "Contractor" will not be responsible for plants moved by "Client" from optimal light locations to locations not approved by "Contractor."
  - Damage due to temperatures above 80 degrees F or below 65 degrees F during winter including plants near doors frequently opened or used as door props.
  - Lack of access to any plant(s) due to client meetings, striking employees, unoccupied or locked offices; obstructions such as boxes, furniture, or other heavy objects, or any other reasons not under "the Contractors" control.
  - "The Contractor" recommends the use of waterproof decorative containers and will not be responsible for water damage due to use of non-waterproof containers.
4. In accordance with Environmental Conservation law sec. 33-1001, "the Contractor" will supply labels of chemicals, which may be applied in "the Client's" location.



5. This Contract shall be in effect for the "Contract term" referenced above. Either party can terminate the Contract at any time with thirty, (30) days written notice.
6. Monthly rate is subject to additions and / or deletions to plants serviced.
7. "The Client" agrees not to employ the services of any employee of "the Contractor" for the purpose of plant purchasing, leasing, rentals, or maintenance for 1 year following the date of employee's termination or cancellation of this contract.
8. If "the Contractor" is required to retain an attorney to recover any money due from "the Client" under this contract, or to enforce any of its provisions, "the Client" agrees to reimburse "the Contractor" for all attorney's fees and costs incurred, if "the Contractor" is the prevailing party.
9. If "the Client" is required to retain an attorney to enforce the provisions of the contract, including the services of the attorneys employed by "the Client", "the Contractor" agrees to reimburse "the Client" for all attorney's fees and costs incurred if "the Client" is the prevailing party.
10. "The Contractor" agrees to hold harmless and indemnify "the Client" from and against any and all damages for claims for personal injury, death or property damage that may occur by reason of the "the Contractors" use, except loss or damage attributable or arising from any negligent act or omission of "the Client" and its agents or employees
11. Each of the separate provisions of this agreement is to be read and interpreted separately. A question regarding the legality or constitutionality of any one paragraph or part thereof shall not affect any other paragraph, and if determined illegal, unlawful, or unconstitutional, the specific paragraph or part thereof shall be severed from this Agreement and the balance of the Agreement shall remain in full force and effect.