

The May 6, 2008 regular meeting of the Town Board of the Town of Halfmoon was called to order by Supervisor Wormuth at 2:00 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
Craig A. Hayner, Councilman
Mary J. Pearson, Town Clerk
Lyn A. Murphy, Town Attorney

The Town Board Workshop was held in the Board Room at 1:15 pm; no action was taken. The Supervisor led the Pledge of Allegiance.

The Clerk opened the Bids received for Water Meters, American Made Brass Fittings and Mueller Brass as follows:

<u>BIDDERS:</u>		BLAIR SUPPLY	VELLANO	TI-SALES	FERGUSON WATER
		ROCHESTER, NY	LATHAM, NY	SUDBURY, MAINE	CLIFTON PARK, NY
		B I D		P R I C E	
<u>BID ITEMS FOR MUELLER BRASS</u>					
SIZE	ITEM				
5/8"X3/4"X3/4"	Angle Meter Stop -H-14258	\$20.99	\$28.00	NO BID	\$20.44
3/4" x 3/4"x1"	Angle Meter Stop -H14258	\$23.20	\$32.00		\$22.60
1"x1"	Angle Meter Stop -H-14258	\$28.75	\$39.00		\$28.00
3/4"	Meter Tail Couplings H-10890	\$ 5.40	\$ 7.00		\$ 4.78
1"	Meter Tail Couplings H-10890	\$ 8.40	\$11.00		\$ 7.35
<u>BID ITEMS FOR WATER METERS</u>					
	SIZE				
Neptune E-Coder R900i	5/8" x 3/4"	NO BID	NO BID	\$ 215.00	
	3/4"			\$ 271.00	
	1"			\$ 331.10	
	1 ½"			\$ 530.00	
	2"			\$ 699.30	
	4" w/Strainer			\$2310.00	
	6" w/Strainer			\$4179.00	
Compound E-Coder R900i	8" w/Strainer			\$6534.00	
	3" w/Strainer			\$3073.00	
	4" w/Strainer			\$3996.00	
	6" w/Strainer			\$6596.00	
	8" w/Strainer			\$7212.00	
<u>AMERICAN MADE BRASS FITTINGS</u>					
SIZE	ITEM				
3/4"	Ball Valve	\$ 15.65	\$16.00	\$ 6.00	\$ 5.51
1"	Ball Valve	\$ 19.80	\$19.00	\$ 9.10	\$ 8.58
1 ½"	Ball Valve	\$ 42.50	\$45.00	\$22.40	\$19.70
2"	Ball Valve	\$ 55.25	\$56.00	\$34.35	\$30.76

The Supervisor referred the bids to the Director of Water, Councilman Hotaling and Attorney Murphy for their review and recommendation back to the Board

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Councilman Hayner reported this past Sunday they had the first annual Community Day event and he thanks the Town Board, all the volunteers, the Waterford Halfmoon Fire department, Parks and Maintenance departments, Halfmoon baseball league, Halfmoon Celebrations, Trails Committee, Senior center, Recreation department and everyone who came to the event to make it a success.

Councilwoman Parker thanked everyone for coming to this meeting. She stated the Town has mosquito dunks available at the Town Clerks office for residents who are homeowners. And, there is no charge.

She stated on behalf of the Town Board they thank the highway department for a wonderful job with the spring clean up at the Transfer Station. She stated the total cost was \$19,446.58 of which we received two credits for metals and recyclables. She told John Pingelski he did a great job redirecting and improving the area and traffic was much easier and also he should thank his crew.

Councilwoman Parker stated May is Senior Citizen month in the Town of Halfmoon and she is their liaison and she is proud and happy to be liaison to this wonderful group of people. She

stated on behalf of the entire Town Board she thanks them for their continued dedication to each other and the association. She thanked them for their wisdom, friendship and humor.

She asked Supervisor Wormuth to help her make a presentation to Mr. Emmett.

RESOLUTION NO. 92

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 proclaims the month of May “Senior Citizen Month” in the Town of Halfmoon and further

RESOLVED, that the Town Board presents the 2008 Budgeted funds to the Senior Citizen Association.

Supervisor Wormuth thanked Councilwoman Parker for the wonderful job representing the how the entire Town Board feels.

Bob Emmett stated he is the Senior Citizen Association President and thanks the Town Board for supporting them and stated they are blessed to have a facility like they do.

Supervisor Wormuth invited everyone to join them after the meeting for refreshments provided by the seniors.

Councilman Hotaling reported that this Saturday starts the sign ups for the summer camp program from 9 to noon at the Town Hall. He stated it will May 10, 17th and June 7th and also on Wednesday nights May 14th, 21 and June 4 from 6 to 8 pm.

He stated Halfmoon Celebrations is doing a wonderful job this year and throughout the Town Hall there are schedules for movies and concerts and they are all free. Schedules Halfmoon celebrations movies concerts

Councilman Polak reported that on Sunday afternoon he attended an Eagle Scout ceremony representing the Board and member of the community to congratulate the receipt, Stephen Smith. Who lives in Colonial Green. He stated 2 years ago he attended his brothers award ceremony, which is outstanding to have two Eagles in the same Family. He stated on May 50th they would award the proclamation.

Attorney Murphy stated she would request that the Board pass a resolution to schedule a public hearing for May 20th at 7 pm to increase the capital budget for the Town Park in the not to exceed amount of \$2 million dollars.

RESOLUTION NO. 93

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 sets a public hearing for May 20th, 2008 at 7:00 pm for the increase in the Capital Budget for the New Town Park in the not to exceed amount of \$2 million dollars.

The Supervisor stated she would like Henrietta O’Grady to come forward to speak to the Board about May being proclaimed National Bike Month and she has some safety tips for us.

Mrs. O’Grady stated May is National Bike Month and they have done things in the past with the Town Board and today she would like to mention that the Trails committee is involved in a program to make our residents aware there are rules for people walking or bicycling. She stated they are promoting a program that says Walk Left/Ride Right and they are going to distribute through the year and would like the public to be aware that there is an increased use of bicyclist on the roads and walkers.

Supervisor Wormuth stated the Town Planning Board will be holding a Public Information Meeting on Monday, May 12th at 7 pm at the Town Hall to get more input and updates on the

Boni PDD proposal for Route 146, also known as the Halfmoon Hospital and Medical Campus. She stated there have been some changes to the project and everyone is invited.

PUBLIC PRIVILEGE (for discussion of agenda topics)

Henrietta O'Grady, Church Hill Road stated there are two items on the agenda, one is #5 the Greenway Council and she hopes the Town will support this resolution. She stated she believes it will establish a partnership with other Hudson River Valley communities and would be a benefit to the Town.

She stated she also read the Town Board is going to authorize the bids for the interpretive kiosk signs for the Mohawk Towpath By-Way and, as secretary of that organization she is delighted to see this moving forward. She stated it is a follow up to grant monies for Halfmoon to help identify certain historical sites along the Byway and urges their approval.

DEPARTMENT REPORTS – month of April

1. Town Justice Wormuth

Total cases - 443 Total fees remitted to the Supervisor - \$35,130
Filed.

2. Town Justice Tollisen

Total cases - 884 Total fees remitted to the Supervisor -\$35,147
Filed.

3. Senior Express Dispatch

Total No. Of Riders - 242 Total No. of Meals - 460
Filed.

CORRESPONDENCE

1. Received from Town Planning department notification of Planning Board decision to deny the Northside Drive access point site plan application to provide access to US Route 9.

2. Received Annual Financial Report for the West Crescent Fire District for fiscal year ended 2007.

3. Received from Saratoga County Planning Board notification of receipt and review of the Swatling Falls PDD, Upper Newtown Road and decision to approve.

4. Received from Savemore Beverage Corp. 1512 Route 9 Halfmoon, notification of intent to renew their liquor license.

5. Received from Clough Harbour & Associates, Town Engineer, notification of lead agency designation for Brookfield Place residential PDD, Guideboard Road.

6. Received from State of New York DOT notification of receipt of speed limit study request for Grooms Road, Town of Halfmoon

7. Received from Garden Homes Management Corporation Springbrook Mobile Home Park, letter of thanks for extraordinary efforts for the connection to public sewer.

OLD BUSINESS

Councilwoman Parker stated, regarding the next item that they have reviewed the bids for the Compact Excavator in addition the Highway Superintendent has tested the equipment.

Attorney Murphy stated this is being awarded to the low bidder.

RESOLUTION NO. 94

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 awards bid, opened April 15, for the Highway Department Compact Excavator to low bidder, Bobcat of Saratoga in their total bid amount of \$42,023.69 per the review and recommendation of the highway committee.

Supervisor Wormuth stated, relative to the next resolution that this is not to authorize additional funds but when the resolution was approved in 2007 it was believed that payment was made. She stated the Town was not billed and payment was not made.

RESOLUTION NO. 95

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 amends Resolution No. 210-2007 for Landmark Archeology Inc. to correct the total bid amount to be, in the not to exceed amount of \$155,529 as payment for the Data Recovery Plan preparation in the amount of \$3,572 was approved but payment was not made.

3. Update - Parkford PDD Amendment, Architectural Glass & Mirror, public hearing held April 15, 2008

Supervisor Wormuth stated the public hearing for Parkford was held in April and a representative will bring new information regarding the public benefit forward tonight.

Stefanie Bitter, Attorney for the applicant, stated from the public hearing held on April 15th they are making two requests with regard to the Parkford PDD Amendment. She stated one is to bring the 3 acre parcel into the PDD and the other is to accept the modification of 11 Solar Drive, which was modified during the Planning Board discussion creating the 3 acre lot as a flag lot. She stated since that time the client has discussed with the Supervisor the public benefit and they are proposing a \$15,000 contribution to address the public benefit.

The Supervisor stated when the applicant was here before the only outstanding issue that held the Board from moving this forward was the public benefit. She asked if there were any questions or comments for the applicant. There were no comments.

Attorney Murphy stated for clarification the motion is to pass the legislation to modify the language of the PDD.

RESOLUTION NO. 96

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 the following legislation,

LOCAL LAW 1 OF THE YEAR 2008

A local law amending Local Law #5 of 1995, of the Town of Halfmoon entitled "Local Law Relating to Zoning for the Town of Halfmoon" as previously amended and supplemented by the local laws, and the ordinance relating to zoning of the Town of Halfmoon and, amending the Local Laws providing for the Planned Development District known as Parkford Planned Development District more specifically Local Law 1 of the year 1972, and Local Law #2 of 1997 presently entitled "Parkford Planned Development District".

Be it enacted by the Town Board of the Town of Halfmoon as follows:

Section 1. Title. This Local Law shall be known and may be cited as _Local Law No. 1-2008, a local law amending Local Law #5, of 1995 of the Town of Halfmoon entitled "Local Law Relating to Zoning for the Town of Halfmoon" as previously amended and supplemented by the local laws and an Ordinance relating to zoning of the Town of Halfmoon, and further amending Local Law #1 of the year 1972 providing for the creating of a Planned Development District known as Parkford Planned Development District and Local Law #2 of 1997 amending same.

Section 2. Boundaries. The area of said Planned Development District is to included the area already detailed in the Parkford Planned Development District as previously amended together with the Schedule "A" description attached hereto and made a part hereof as further detailed on the map attached hereto and made a part hereof as Exhibit "B", prepared by Hershberg and Hershberg dated August 14, 2007 last revised February 11, 2008, entitled "Subdivision of the Lands of Johnson, Tax Map No. 272.00-3.44.111" stamped by Francis G. McCloskey.

Section 3. Public Benefit. The applicant will contribute fifteen thousand dollars (\$15,000) to the Town of Halfmoon. The funds will go to the Town to be disbursed by the Town Board as it deems fit. The payment will be made prior to the receipt of a certificate of occupancy for the proposed building.

Section 4. Zoning Map. Local Law #5 of 1995 and the Official Zoning Map as revised, amended and supplemented is hereby amended by providing that Parkford Planned Development District be set forth on a supplementary map which is hereby made a part of this Local Law as Exhibit "B", dated August 14, 2007, and last revised February 11, 2008, the property set forth on such map is the same real property described in the description annexed hereto and marked Exhibit "A" made by

Section 5. Revocation; regulations for construction completed at time of revocation; waiver.

A. This amending local law shall be automatically revoked and void and the previous statutory regulations shall apply under the following circumstances:

- (1) Commencement of the construction of amended Parkford Planned Development District has not begun within twelve (12) months from the effective date of this local law; or
- (2) Substantial progress is not being made without undue interruption after construction has commenced.
- (3) Completion of the proposed Planned Development is not completed within one (1) year from the start of construction.

B. As to the area within which a building or buildings have been constructed pursuant to this local laws, there shall be no voiding of this amendment, and as to said area and buildings, this amending local law shall continue in full force and effect and the areas zoned by this local law shall be the area within which said building or buildings was or were constructed pursuant to this amended local law plus an additional area of fifty (50) feet of open space beyond the outside boundaries of each building constructed.

C. For proper cause shown, the Town Board may, under such terms and conditions as it deems proper, waive either or both of said requirements by resolutions, without first conducting a public hearing thereon.

Section 6. Effective Date. This Local Law shall take effect upon being filed in the Office of the Secretary of State and the Office of the Comptroller as provided in the Municipal Home Rule Law.

NEW BUSINESS

RESOLUTION NO. 97

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 May 6, 2008, totaling \$194,733.02.

RESOLUTION NO. 98

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 approves minutes of Town Board meetings of March 18 and April 1, 2008, as presented by the Town Clerk.

RESOLUTION NO. 99

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

WHEREAS, the Mechanicville City School District has requested the use of two Town of Halfmoon voting machines for their May 20th School Budget vote, it is therefore

RESOLVED, that the Town Board authorizes loaning two mechanical voting machines to the Mechanicville School District.

RESOLUTION NO. 100

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

Add Resolution to authorize the Town of Halfmoon to request designation of the Town of Halfmoon as a Greenway Community as part of the Greenway Council and Conservancy for the Hudson River Valley.

RESOLUTION NO. 101

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 is authorized to schedule a public hearing for May 20th at 7:00 pm for the proposed closure of Old Werner Road.

RESOLUTION NO. 102

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 the Town to let bids for interpretive Kiosk signs for the Mohawk Towpath Byway Erie Canal proposed to be opened June 3, 2008 at 7:00 pm.

RESOLUTION NO. 103

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

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

A resolution is necessary to create a capital project in conjunction with the NYS Department of State Coastal Resources Program in an amount not to exceed \$25,000. This Grant will be for the preparation of a Feasibility Study for extension of the Crescent Trail along the Mohawk River. The Town of Halfmoon will match this grant in the amount of \$25,000 for a total of \$50,750. The Town of Halfmoon will provide this match thru General Fund appropriations.

Debit:	10-599	Appropriated Fund Balance	\$25,000
Credit:	10-960	Appropriations	\$25,000
	Subsidiary:	10-5-9950.90 - \$25,000	
		Transfer to Capital Projects Fund	
Debit:	35-510	Estimated Revenues	\$50,750
	Subsidiary:	35-4-4889 – Cultural	
		& Recreation Capital Grant-Federal Trails - \$25,750	
		35-4-5031 – Interfund Transfers - \$25,000	
Credit:	35-960	Appropriations	\$50,750
	Subsidiary:	35-5-7180.21 – Special Recreational (Trails) - \$50,750	

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 property damage that was repaired.

DEBIT:	Estimated Revenues	20-510	\$614.00
	Subsidiary:	20-4-2680 – Insurance Recovery - \$614.00	
CREDIT:	Appropriations	20-960	\$614.00
	Subsidiary:	20-5-5110.40 – Repairs Contractual - \$614.00	

The Supervisor stated, relative to the next item, that this resolution awards the bid in the total amount including the add alternate.

RESOLUTION NO. 104-2008

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 awards the bid, opened April 29th, for the Physically Challenged Fishing Access Project to low bidder R & J Kerr, Inc. in their total bid amount of \$48,900, as per review and recommendation of the Town engineers and Town Attorney.

STATE OF NEW YORK)
COUNTY OF SARATOGA) ss.:
TOWN OF HALFMOON)

I, MARY J. PEARSON, Town Clerk of the Town of Halfmoon, Saratoga County, New York do hereby CERTIFY that the foregoing copy of RESOLUTION AWARDING BID for PHYSICALLY CHALLENGED FISHING ACCESS PROJECT (R.&J.Kerr, Inc.) is a true and correct copy of such original and the whole thereof.

IN TESTIMONY WHEREOF, I HEREUNTO set my hand and affixed the seal of said Town, this 25th day of June, 2008.

Mary J. Pearson, Town Clerk
of the Town of Halfmoon
Saratoga County, New York

PUBLIC PRIVILEGE (for discussion of non-agenda items)

Tom Koval, Button Road, stated he is not sure if they are aware of what is going on with the R.J. Valente gravel pit and the issues he and his neighbors have been having with the new building. He stated about a year ago R.J. Valente was given approval to build a 8,000 or 7,000 square foot truck repair facility on Button Road in a residentially zoned area by our Planning Board, which was an illegal move. He stated the residents have had to deal with this problem. He stated he wrote a letter about their feelings on it and what they would like to see done.

He read the letter as follows:

Supervisor Wormuth stated all the issues can't be addressed tonight but they have spoken on the phone and the Town has a plan that will be started immediately in order to decide where we go next and what can be done and he will be kept informed as we go along. She asked if he would provide the Town with a copy of that letter and a list of the other neighbors. She stated they have not received a copy of the Zoning Board of Appeals decision that was just rendered last night. She stated the Board will need to have those in order to formally move forward but they have a meeting set up a meeting with Valente to come in and meet and discuss where we go from here. She stated Mr. Valente is aware that the Town will look to expedite this and not allow it to continue and make corrections deemed necessary and appropriate in a short order and he has agreed to cooperate with the Town

Mr. Koval stated he will provide copies of the letter for the Board.

Dorothy Lavigne, Church Hill Road, stated she was at the meeting at the Waterford High School last regarding the EPA meeting and the concern of officials for the PCB effects on our water system and she was disappointed to see that Halfmoon wasn't there officially. She stated she saw that Stillwater and Mechanicville were there and Mr. Tironi was there and it gave the illusion we didn't back them officially. She stated they brought out a lot facts and figures that caused concern in our water supply for the future once they begin dredging she would strongly recommend that the Town support their efforts to have the EPA furnish clean water source during Phase I because there should be a health concern. She stated she is saying they should take an official stand.

Supervisor Wormuth stated they have worked closely with Waterford Supervisor Lawler, both herself and former Supervisor DeCerce and the EPA is very clear on their position and they have gone on the record publicly at several meetings that they feel people of Halfmoon that are exposed to the water be offered and supplied at no cost an alternate drinking source. She stated they will have representatives from EPA here in the near future to come in an answer any questions and do a presentation on what their proposals are. She stated we continue to lobby our local representatives concerns did extend initiation not a lot of room for input

On motion by Councilwoman Parker, seconded by Councilman Polak the meeting was adjourned at 2:50 pm.

Respectfully submitted,

Mary J. Pearson
Town Clerk

