

The November 18, 2008 regular Town Board Meeting 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
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. Supervisor Wormuth led the Pledge of Allegiance

At 7:01 pm the Supervisor opened the Public Hearing to amend Local Law Article 107, Mobile Home Ordinance; no one wished the Notice of Public Hearing read.

The Town Attorney stated the amendment to the local law will permit the Town Clerk to process the fees paid for the issuance of a Mobile Home License at time the application is filed. She stated currently it stands that the monies cannot be processed until the granting of the license which sometimes can be 8 to 9 months after the request for the license due to various violations occurring in the communities and this will allow for a more workable administrative procedure plus help the Town cover the costs incurred through the various inspections done through the planning and building department. She stated there also is a change in the fee itself which use to be \$50.00 per Mobile Home Park plus \$2.00 per lot and the recommended change from code and building department is for \$100.00 per Mobile Home Park and a \$5.00 per lot charge. She stated these fees have not been increased since 1992.

There being no questions or comments the Supervisor closed the public hearing at 7:04 pm.

RESOLUTION NO. 279

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 amendment to Local Law Article 107, Mobile Home Ordinance as follows:

**A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF HALFMOON
MODIFYING CHAPTER 107 REGARDING MOBILE HOMES**

Purpose – To ensure that the fees related to the administration and regulation of Mobile Homes are collected and due to the Town of Halfmoon prior to the Town expending time and resources to process the application for granting and renewal of the required licenses.

Section 107-4(B)(3) When approved in accordance with the procedures established the Town Clerk shall issue a supplemental license which will be effective from the date of issuance until and including June 30.

Section 107-4(C)(4) Fees for the Renewal license shall be payable upon application for the renewal of the license.

Section 107-4(D)(1) The applicant shall pay to the Town Clerk an application fee annually equal to the sum of one hundred dollars (\$100.00) plus five dollars (\$5.00) multiplied by the number of lots authorized by the permit.

The Supervisor opened the Public Hearing to Amend Local Law Article 165-76, Zoning Offenses; no one wished the Notice read. The Supervisor opened the hearing at 7:04 pm.

Attorney Murphy stated this amendment to our current section with regard to zoning applies specifically to the penalties for offences for zoning violations. She stated it clarifies with regard to compliance what exactly constitutes compliance and states you have to comply with your site plan, your building permit, your certificate of occupancy and also alleviates some of the confusion between some of the language used in the old Code which said a violation constituted one day per continuance of the act and, a seven day period also constituted a violation. She stated they got rid of the seven-day period constituting and made it so that every day that a

violation continues is another day someone could be cited for. She stated they are just doing some housekeeping to clean up the old code that has been in place since 1965.

Bruce Tanski questioned the compliance with the site plans and stated right now there are people in the building department with some common sense and what will happen if these people are no longer here and someone takes this zoning requirement to the eleventh degree and makes it difficult. He stated right now things can be worked out between Mr. Watts or Mr. Stevens but Steve Watts isn't going to be here forever or Greg Stevens and they could have to work with someone not as realistic. He stated right now he has a situation where he is having a hard time complying because of ADA issues and what happens if Steve or Greg is not here and no one understands these things or isn't willing to work with a developer.

Supervisor Wormuth stated she appreciates the compliments to the building and code enforcement office and they are all proud of the work they do and also likes to think the general tone of how our employees work with the public is an atmosphere set by the Board. She stated she has confidence in this Board and the people that will come after them as they will be elected by the people to serve the people. She stated they are not looking at changing any of the laws to make things more stringent but is just how they would be applied.

Mr. Tanski stated he has been before Boards in other Towns and has had the same thing said to him about people they had in office who were a lot like Steve and those guys changed and they got new people and they were absolutely impossible to work with.

Attorney Murphy reiterated that this doesn't create any new regulations and doesn't make him do something that he didn't have to do before. She stated they were required to comply before and they still are.

Supervisor Wormuth stated there is always the option of pleading a case before the judge, which is where these offenses wind up. She stated if it was felt the code enforcement officer was not handling things appropriately that would be a fair and impartial person to go to in the judicial system to balance it out.

As there were no further comments the Supervisor closed the public hearing at 7:09 pm.

RESOLUTION NO. 280

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 approves the following Local Law relative to Zoning offenses:

LOCAL LAW NO. 8-2008 ZONING

A Local Law to Amend Article XIII - 165-76. Zoning -Penalties for offenses

- A. A violation of this chapter or failure to comply with the terms and conditions, and/or restrictions of any permit, certificate of occupancy or site plan approval is hereby declared to be an offense, punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1000 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors and, for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations.
- B. In the event of a continuing offense of any section or provision of this chapter, each day that such offense shall continue shall be a separate violation and subject to a separate fine, imprisonment or combination thereof.

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Councilman Polak reported that the Historical building is now enclosed and they are working on the heat and, they are hoping to have the electric hooked up next week. He stated things are progressing well, they have the water and sewer hooked up and they will be able to work to finish up this winter.

Councilman Hotaling reported he thanks everyone who has helped out for the food drive on Saturday, he stated they have over 100 turkeys available to go to needy people in our Town. He stated Saturday at 2:00 pm is the holiday parade and there will be fireworks and a bon fire and hopes everybody has a good time.

Councilman Hayner reported they will hold an Open Space committee meeting on Thursday, December 11th at 7:00 pm. at Town Hall and they do have a few vacancies on the committee and if interested he can be contacted through the Supervisors office.

Councilwoman Parker reported that Ellis Hospital presented five life-packs to Clifton Park-Halfmoon Ambulance Corp and the life-packs help save lives and these will definitely help save lives; the crosswalk has been completed from the Gazebo on the north side of Harris Road to the south side by our Town and the County and will make it safer; Salty's restaurant and the Clifton Park Halfmoon Fire House will be having thanksgiving meals next week; the Park is coming along and is a field of green, the sod is completely down, the fencing should be completed by the end of next week and we are still under budget and should be finished when promised or sooner.

Councilman Polak stated as everyone knows the Town Board takes the youth in the community very seriously and support all our youth groups as well as Scouting. He stated all through his life he as worked with Eagle Scouts in the community. He stated Town Councilman Craig Hayner and Paul Maiello from the Parks department and he met Saturday with an Eagle Scout and he is working with another one and one of them will be doing something in our New Park and the other will be doing a project along our waterfront trails. He stated they have to get an idea, write up a report and send it to the National Council for approval. He stated after they get it approved they will come back to our Board and submit the project and is their last major requirement for their Eagle rank. He stated as that progresses he will have the boys come to a meeting and introduce their projects to the public. He stated it is gratifying work to be part of the youth projects.

Councilman Hotaling stated he thanks Mindy and Frank Tironi, as we are getting closer to the dredge, this week they bored into the land for the new alternative water line that is coming from Troy. He stated things are moving forward to protect the people in our Town.

Supervisor Wormuth stated they continue to work with the other communities involved as well as EPA over the issue of payment for that water during the dredging process. She stated she is sure she is not the only one that has grave concerns about EPA and the decisions they are making and their lack of what seems to be reasonable protection for our community. She stated she knows she is not the only Supervisor in the County who feels that way and they will continue to advocate for safe drinking water during this process and, certainly the line being installed is a good step in the right direction. She stated she hopes it is finished in time before the dredging because EPA has not guaranteed that they won't start dredging if the pipe is not finished, she stated she appreciates the support.

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

DEPARTMENT REPORTS – month of October

1. Senior Express
Total # of Riders – 269
Filed.

Total # of Meals - 543

DEPARTMENT MANAGER REPORT

1. Parks Department

Paul Maiello, Recreation Supervisor, reported on updates to projects they are working on this fall for next spring and summer. He stated this past summer he had a full crew and it was a great crew and they were very productive. He stated with the purchase of the new hydro-seeder they were able to do several spots around the Town complex and the highway has also used it. He stated they went down to the water plant this fall to hand remove a species of purple loose strife in the wetland areas. He stated they hand cut it and let dry and then burn. He stated behind the pavilion they started setting up an ice rink the rec dept. bought last winter and it will be open to the public. He stated they are getting ready for the holiday parade this weekend; they started to winterize several locations; close down the ball fields for the winter; today they finished

installing a kiosk sign at the Crescent Trail; they helped put a new roof on the Middletown pump station along with the building and water departments; helped install power/sewer lines at the historical building; closing up outside ground work and will work on winter equipment and maintenance. He stated next year they will work at the Crescent cemetery installing white vinyl fence; more trail work at Crescent and the Champlain Trail and expose more of the canal wall blocks and remove more debris; use the hydro-seeder to touch up spots on the soccer field and playground area; upgrades to the gazebo benches; landscape the new message sign. He stated he wants to thank everybody on the Town Board for their continued support each year for all their projects and the personnel they hire and feels they accomplish a lot with their help

Supervisor Wormuth thanked Paul and commented on the departments working together and cooperating with each other and they see that on an ongoing basis. She stated the parks, highway, water department, building department everybody works together in a cooperative manner to provide the best services at a reasonable rate and they appreciate all the departments and the work they have been doing cooperatively.

CORRESPONDENCE

1. Received from State of New York Department of Transportation notification of receipt of request for speed limit study for McBride, Pruyn Hill and Johnson Roads.
2. Received from Town Senior Planner notification of Planning Board decision to pass a positive recommendation for the amendment to the Fellows Road PDD.

RESOLUTION NO. 281

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 sets the public hearing for the Fellows Road Planned Development District amendment for December 2, 2008 at 7:00 pm.

3. Received from Town Senior Planner notification of Planning Board decision to deny the "I Love NY Pizza", Commercial Site Plan application, based on safety concerns regarding proposed entrance and proximity to Route 9/Plant Road intersection.
4. Received from Office of Community Renewal, NYS Housing Trust Fund Corporation notification of receipt of the Town's response addressing the findings identified during a monitoring conducted July 29, 2008.
5. Received from Time Warner Cable, Albany Division notification of possible routine changes in channels or programming services
6. Received from Capital District Regional Planning Commission notification of request from US Census Bureau and New York State for community participation in the 2010 Census Complete Count Committee program.

NEW BUSINESS

RESOLUTION NO. 282

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 the Supervisor's Report for month of October 2008 as presented.

RESOLUTION NO. 283

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 and orders paid all vouchers for all funds listed on Abstract dated November 18, 2008, totaling: \$1,129,203.93.

RESOLUTION NO. 284

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:

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	\$1,116.50
	Subsidiary: 25-4-2189 Home &Community Services		\$1,116.50
Credit:	Appropriations	25-960	\$1,116.50
	Subsidiary: 25-5-1440.40 Engineering Contractors Inspections		\$1,116.50

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

NAME	AMOUNT
Loomis Minor Subd	\$203.25
Bank of America (ATM)	525.25
Brookfield Place	130.00
Howland PDD	258.00
Total	\$1,116.50

A resolution is needed to appropriate the contribution from Regina Parker made to the Character Counts Program for the recreation program for youths for Thanksgiving baskets as follows:

DEBIT:	Estimated Revenues	10-510	\$25
	Subsidiary: Community Gift Contributions	10-4-2705 -	\$25
CREDIT:	Appropriations	10-960	\$25
	Subsidiary: Character Counts – Contractual	10-5-7989.4 -	\$25

Creation of Appropriations – Landfill Post-Closure Care Capital Fund per Resolution of 10/16/07 authorization was given to Clough, Harbour to perform quarterly Environmental Monitoring Services at the Town Landfill site in accordance with NYSDEC approved Post-Closure Monitoring & Maintenance per the operations manual not to exceed \$7,500 annually. This creation will set up one year of funding in Post-Closure Care Capital Fund. Monies for the Post-Closure Care Reserve Fund will fund these expenditures. Create as follows:

Debit:	Appropriated Reserves	40-2-0511.00	\$7,500
Credit:	Appropriations	40-5-0960.00	\$7,500
	Subsidiary:	40-8160.20 – PC Landfill Capital Outlay -	\$7,500

RESOLUTION NO. 285

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 minutes of Town Board meetings of October 7th and 21st, 2008, as presented by the Town Clerk.

Councilman Polak stated, relative to the next item, that the streetlight is for Farm to Market Road and Outlook which is a four-way intersection and there is a knoll and the sight distance is very difficult.

RESOLUTION NO. 286

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 authorizes NYSEG to install an additional street light on Farm to Market Road, for Farm to Market Road and Outlook Drive at the annual charge of \$94.77.

RESOLUTION NO. 287

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 accepts for dedication as Town roads, roads with the Pointe West Town homes, Fellows Road PDD; Pointe West Drive, Sunny Pointe, and Breezy Pointe, as they have satisfied the standards set by the Town Roadway Dedication Procedure

RESOLUTION NO. 288

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 appoints the following Town employees, Tom Lundquist and James McBride to work, as needed, to plow snow for the Highway department, to be paid their current hourly rate, effective immediately.

RESOLUTION NO. 289

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

WHEREAS, a proposal has been submitted for an amendment to the Planned Development District Legislation known as Adams Pointe Planned Development District, proposing to extend for one (1) year the time period for construction, and

WHEREAS, an application has been received proposing to extend and modify Section 166-597 to permit the extension of the period for construction, and

WHEREAS, pursuant to Section 166-597, the Town Board may extend the period for the commencement of construction without conducting a public hearing, and

WHEREAS, the Town Board has reviewed the proposal and the letter application, and

WHEREAS, the proposal is in accordance with the originally adopted Local Law,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Local Law permitting the Adam's Pointe Planned Development District is hereby amended to extend the allowable time period for the commencement of construction until December of 2009.
2. That Section 166-597 of the Local Law previously adopted, be and the same hereby is amended as follows:
"Section 166-597" This Amendment shall be deemed automatically revoked and void, and the previous regulations and laws shall apply if, within one (1) year from the effective date of this Amendment to the Local law, commencement of the construction of Adam's Pointe Planned Development District has not begun, or if after construction has begun, unless substantial progress continues without undue interruption thereafter, or if the development is not complete within one (1) year of such approval. As to the area within which a building or buildings have been constructed pursuant to this Local Law there shall be no voiding of the Amendment and as to said area and building or buildings, this amending Local law shall continue in full force and effect and the area zoned by this Local Law shall be the area within which said building or buildings was or were constructed pursuant to this amending Local law. For proper cause shown the Town Board of the Town of Halfmoon may, upon such terms and conditions as it deems proper, extend the one (1) year period or may waive the requirement that substantial progress shall continue without undue interruption.

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

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

Respectfully submitted,

Mary J. Pearson
Town Clerk

11/18/2008

