

The September 2, 2008 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, in 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. Councilwoman Parker asked for a moment of silence in memory of Helen Chevalier, who has been a long time member of our community.

At 7:00 pm the Supervisor opened the Public Hearing for the Brookfield Place Planned Development District. The Supervisor stated this is a zone change for the PDD that has been before the Board previously, referred to the Planning Board and received a positive recommendation from the Planning Board.

Ivan Zdrahal, Ivan Zdrahal Associates, Engineering & Planning, stated he would present this project, which is a residential planned development district from Landmark Development. He stated it is for a 81 lot PDD on approximately 73 acres of land fronting on Guideboard Road and Harris Road. He stated the adjoining land to the north is Stage Run subdivision and existing parcels along Lapel Road, on the south includes Locust Lane and abuts the back yards of several houses which front on Guideboard Road and the major transmission line is located here. He stated on the east is an existing agricultural field on lands of Suchocki and further east are lands of Douglas and, across the street is the major farm of Suchocki. He stated the project is proposed for single family houses and is aimed for the empty nester market and there will common open space and land preservation areas. He stated they are proposing reducing the standard lots to smaller lots and the minimum will be 15,000 square feet and is designed as a land conservation subdivision and will be accomplished by two proposed land categories. He stated one is the common open space and the other is a land preservation area and is an overlay and overall encompasses almost 45% of the total project site. He stated the lots will accessible by three town roads, Milford Drive, Chester Drive and Braton Court and will comply with Town highway specifications. He stated utilities will be provided from existing water service mains on Harris Road and Guideboard Road, sanitary sewer will be a gravity system collecting to existing sewer mains, the storm water management will be through three areas and will comply with requirements. He stated this project went through complete review on the Planning Board level before being referred to Town Board including the layout, drainage and traffic impacts and resulted in a positive recommendation.

Supervisor Wormuth stated while the Planning Board did a review of this project it was for the zone change only and, is a conceptual review for the zone change and, it doesn't mean this is what the project would look like and, is still subject to engineering review, storm water management review and it may adjust and may look different.

Louis Dahoda, 8 Clippership Lane, stated it was said this is for empty nesters and asked if that makes it a community of 55 plus.

The Supervisor stated there is nothing proposed in a deed restriction now that would list this and they are talking about how the developer is marketing. She stated there has been proposals before this Board that has contained those types of things but this is not one of them.

Mr. Dahoda stated if it is being marketed towards that it should be 55 plus and, asked if it was marketed to that why make a decrease in the property. He stated empty nesters have their time and need to go out and do gardening and activities. He stated they are making it more convenient for the low income that don't have the time and doesn't understand why they would make the lots smaller.

Sean McMullan 5 Starboard Court stated this development is creating a cut through street from Harris to Guideboard and fears it will be used by people in Stage Run and Farmview and then cut

through to Clippership Lane to Stone Quarry to route 9 and will increase the number of people driving through the Rivercrest development. He asked what is the benefit the Town's receiving for making this zoning change.

Supervisor Wormuth stated the proposed benefit which she will ask the applicant to put in his words is going to be a donation toward future improvements in the Town. She stated originally there was a suggestion that we do a portion of a sewer line that would extend sewer further down Harris Road but did not connect to lots of properties or provide sewer to people but got us in the direction where the Town had asked the developer to look at sewer but didn't actually complete the phase. She stated then the Town Board considered looking at what the cash contribution to put that sewer in would be and then to be used at the Board's discretion.

Mr. Zdrahal stated the proposal for the public benefit which is a cash contribution will be \$2,500 per lot and works out to over \$200,000.

The Supervisor stated this would be written into the PDD language as to whether it would go to the General Fund or an Open Space Fund or traffic improvement fund or dedicated to a specific area of Town that has not been decided at this point.

Mr. McMullan stated \$200,000 is not a lot of money and would like to see it doubled to \$500,000 and see it go toward a bicycle path or lane along Harris so residents of Rivercrest and the developments could reach the new Town Park facilities.

The Supervisor stated that the Town did lobby with the County when they repaved Harris to widen and put in both a pedestrian and/or a bike trail and the Town was unsuccessful with that as it is a County Road and they have control over it but it doesn't mean that they won't continue to explore those options.

Art Perry, 13 Oregon Trail, asked what the starting price of these houses will be and who is the builder.

Mr. Zdrahal stated the builder is Landmark Development, Marini Builders, and the price will be around \$300-350,000.

Supervisor Wormuth stated the Board doesn't base their opinion on that and hold the developer to that when a zone change is being suggested.

Warren Stout, 32 Oregon Trail asked if it is correct that a standard improved building lot is half an acre.

The Supervisor stated it varies based on how the property is zoned and on the availability of water and sewer so a blanket statement cannot be made. She stated if water and sewer are both available it is 20,000 square feet and varies on how the property is currently zoned.

Mr. Stout asked if they created plans on a contingency that doesn't approve the variance request.

Mr. Zdrahal stated they submitted a document to the Town, which showed a conventional subdivision and the PDD proposal. He stated the conventional proposal was for 66 lots and the PDD proposal is for 81.

Supervisor Wormuth stated it is a net gain of 15 lots to the developer and the open space increases which is one of the things the developer is proposing as part of a public benefit although not dedicated to the Town as common open space which would be used for a future park development.

Mr. Law 11 Oregon Trail - Supervisor Wormuth stated he submitted a letter which is entered into the minutes.

Mr. Law asked if there is a stoplight or traffic light planned at the corner of Harris and Middletown.

Supervisor Wormuth stated there is and is one of the things the traffic study showed based on this project being built is currently there is a need for a traffic light as part of the traffic study. She stated the County has agreed to install and pay for the traffic light as it is a County intersection and the Town does have receipt of that from the head of the County DPW and is scheduled for 2009 installation.

Mr. Law stated he could reinforce the need first hand for a light. He indicated his property on Oregon Trail that abuts this land and stated they are the recipient of the runoff from Lape Road to the creek and there are 50 homes. He stated when they moved here the creek was 5' across and now its 12 feet across with the addition of 50 homes and they are looking at tripling the amount of homes and the vast majority will come down into the creek and the whole area is a ponding area and bisects several property owners. He stated he would be glad to everyone walk through the area to see the type of flow and ponding without the new 86 lots. He

stated it is a huge concern. He stated as part of the original master plan this seems to go against of what the real intensity was in terms of a low-density development and he is really concerned about the stormwater management and the runoff. He stated at one of the Planning Board meetings there was a suggested right of access point across the farm and asked if that was secured.

Mr. Zdrahal stated the Planning Board requested they provide a potential for access, which they did as a paper street.

The Supervisor stated often the planning department or the Town Board will request that an access to vacant property be left but this Board is not in the position to compel a landowner to allow access or base future development on that. She stated sometimes the access point is never utilized because the plan may become different.

Mr. Law stated one of the key exit points out of Stage Run is Lape Road where it connects into Guideboard feels it represented more a model than a real life situation in terms of the unrealistic traffic flows not just during rush hour but the weekend and feels the study should look at how traffic backs up along Guideboard toward Middletown at various times of the day and blocks access for many people. He stated if the traffic engineering group had sat there at various times during the day they could see traffic backing up way down the road.

Supervisor Wormuth stated the Master Plan did recommend looking at medium to low density use in this area and was done through the zoning change committee and recommended as a zoning change which the Town Board held a public hearing on over a year ago. She stated many residents in areas came in recommending the zoning not be changed to low density as they felt it would adversely affect their properties. She stated this Board as well as the planning Board on various occasions expressed their frustration with traffic studies and how they are utilized. She stated they are a mathematical calculation but they look at current development and proposed development not just what already exists. She stated she agrees 110% that it does not reflect a real time model of what the people go through and feels every Board has expressed concern with that.

Kathy Suchocki, 52 Harris Road, indicated her parcel and stated the zoning change from last year but that had to do with the opposite side of Harris Road and this project was already in the works and had nothing to do with this property. She stated they met with Ivan to try to do a 50' no cut buffer unfortunately when driving down Harris Road you go to see the backs of houses and no matter how many trees you leave that is the view you will now have. She stated her main concern now is that they will do a zoning change and do whatever they want when initially it was for a sewer line which is a huge public benefit. She stated the County already said a red light was needed and that public benefit is gone. She asked what happened to the idea of having the sewer line run and connect in for Harris and Guideboard Road.

Supervisor Wormuth stated the preliminary discussion with the Board and is still on the table and hasn't been decided but because it was a sewer line that would only serve 3 or 4 parcels right now it opens up to concerns about higher density development. She stated she thinks a portion of this parcel was included in the zone change but she will be happy to research and check it for her.

Ms. Suchocki asked what is the next position for the Town Board to approach the developer in terms of public benefit.

Supervisor Wormuth stated the Board will finish hearing comments and make comments and then decide whether they go back into negotiations with the developer or if the project is going to be approved or denied and will be based on comments from the Board when they are done taking comments from the public. She stated there is no predetermination at this point.

Ms. Suchocki stated she is putting the Board on notice that she would be very disappointed in the Board that when Ivan first approached them to purchase this entire lot they vehemently said no because they are in favor of open space and their one public benefit was having the sewer line run up Harris Road and now they are taking that away from them and is putting a bad taste in her mouth for \$2,000 a house.

Attorney Murphy stated, so the Board is aware, she did caution the Board with regards to the extension of sewer and that the Comprehensive Plan specifically calls for that area not getting the extension of the sewer because of the concerns the Board expressed time and time again with regard to density. She stated for clarification they are following the Comprehensive Plan not that the issue has been resolved.

Kathy Suchocki stated they are putting them on notice they would like to have that as a public benefit and, if they rounded up enough support for it they would hope the Town Board

would take into consideration. She stated the \$200,000 going into a general fund; they can do what they want with it without having any input and without having the public benefit of the properties that are being affected by the actual project. She stated the slopes are steep as can be and will continue with the number of houses that will be put through and the more traffic, the more problems, the more water and the land will start to disappear. She stated it seems to her that's what the Town Board is in favor of by putting through these types of projects.

Joanne Kehn, 75 Harris, asked how much of this property is actually developable and it looks to her like every portion will be developed.

Supervisor Wormuth asked what the difference would be if a conventional subdivision was done with the open space.

Ivan Zdrahal stated he provided a comparison of conventional lots and the proposed PDD and it showed 81 lots with less area proposed for development of a lot. He stated he does not have a percentage with him but is part of the record in the Planning department, but he will provide it.

Mrs. Kehn stated she feels what the developers do, but she feels they should be able to develop their property, as they want to, but she is concerned the PDD's cluster all the houses and benefits the developer and leaves open space that is not usable.

The Supervisor stated they would try to get a more definitive answer.

Tom Koval, Button Road commented on the water runoff on the unknown stream, which runs through Button Road and is a constant issue for the Town, himself and for his neighbors, one who lost his driveway a few times to the overflow of this stream. He stated adding another development with unrestricted flow of the water will most defiantly cause problems and potentially cause him problems. He stated his children's school bus passes over the culvert and the Town started some drainage projects there this week to try to correct some of the problems. He stated the public benefit seems to him that a lot of these projects get pushed through to benefit the entire town in general but never really benefits the people it directly impacts. He stated if these developments go in with initial approval saying they are running water or sewer liens and, at the last minute the carpet is pulled out from under their feet and the job never gets done and the developers ends up making out. He stated worthless land gets donated to the Town and we have a lot of acres that are basically wetlands and we can't do anything with. He stated he would like a little more scrutiny to be put on what gets donated what we are taking over and what benefit it will really have to the Town and someone impartial, not tied up with the developers, should be in charge in the Town and really go look and is something that actually benefits the town.

Supervisor Wormuth asked if this land is proposed to be owned by the Homeowners Association or donated to the Town.

Ivan stated the two open space parcels will be owned by the HOA and the builder is planning to enhance the entrance to the project site and some lights and the HOA will be responsible for maintaining. He stated there is a common open space property and there is nothing proposed for it and will be HOA property.

David Maxfield, 83 Guideboard Road, stated he also has concerns with the traffic and has seen accidents through the years and the traffic has increased heavily. He stated they have a hill where they propose to do the entrance and the traffic is very fast coming over that hill and is concerned about accidents at the entry way. He stated in front of their house there are ditches and with heavy rains those ditches get flooded fast and has seen it flooded over Guideboard Road. He stated he would also be appreciative if sewer did come down Guideboard Road for the few of them that don't have it.

Ivan stated he met with the Maxfield family and they will be improving the drainage issue as Mr. Maxfield just mentioned and they will install a new storm system.

Supervisor Wormuth stated for public information any of a zone change that is approved has to meet the MS-4 requirements in New York State which means the post development discharge can't be greater than the pre-development discharge and the project would be engineered to insure it and is a requirement and a condition of the approval.

Henrietta O'Grady, Church Hill Road, Trails Advisory Committee chairperson and would like to remind the Board that he Trails Advisory Committee did make a recommendation on this project for a pathway that would connect Guideboard Road with Harris Road along Chester Drive. She

stated they felt because they are connecting two county roads that it would be a safe consideration for people to be able to use a paved pathway so people can either walk or bicycle. She stated the committee did feel a bikeway was a good idea and people will find the shortest way to get to work regardless of where traffic and lights are.

Bruce Tanski, Clifton Park, stated he takes issue with the comment that the town doesn't do enough for public benefit and goes on record to say the Town Board and the Planning Board are not stupid and they do a great job with public benefits with all these developments. He stated there is a good cliental and a good class of developers in this Town and, feels everybody wants what is best for everybody and the statement is not correct.

The Supervisor closed the public hearing at 7:48 pm.

Councilwoman Parker commented that certainly it is not low-income housing and she has a lot of concerns for traffic, sewer, and water. She stated over the last two years we had 100-year floods and has a big concern about the water on the back end of this. She stated she is not happy about the density and she only received Mr. Law's letter this afternoon and that is not enough time to make any decisions for herself.

Supervisor Wormuth stated, for the record, the letter was submitted via e-mail on August 27 and received into the Supervisor's office this morning and that is because she was on vacation.

Councilwoman Parker stated she resents the comment that they be labeled and is not the way they act and run business here and they are extremely cognizant of making the right decisions and is not a snap decision. She asked who did the traffic study.

Mr. Zdrahal stated it was prepared by Creighton Manning engineers.

Councilman Hotaling stated he will make a motion to table this for another meeting.

RESOLUTION NO. 206

Offered by Councilman Hotaling, seconded by Councilman Hayner, Adopted by roll call vote of the Board: Ayes: Hotaling, Hayner, Parker Nays: Polak, Wormuth Carried.

RESOLVED, that the Town Board, by roll call vote, approves tabling action on the Brookfield Place Planned Development District for a future date.

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Councilman Polak reported the new Historical Society Building was delivered and they will be finishing it up and hope to have it occupied before cold weather

Councilman Hotaling reported that on Saturday night from 7 to 10 pm in the pavilion Halfmoon Celebration will be having country line dancing with WGNA.

Councilwoman Parker reported that September 11th at 6:30 pm there will be a 9-11 Celebration and Remembrance Program; the Hazardous Waste Day is 9/20 hazardous waste in conjunction with 3 or 4 other towns and applications are available in the Town Clerk's Office; resident Fall Clean Up is also in September, and there is a charge for tires.

Supervisor Wormuth reported, as part of the public hearing, she submitted a copy of the letter received from Christopher R. Law, 11 Oregon Trail, to the Clerk as part of the public hearing record. She stated it is her request, as Supervisor, at the next meeting the first item on the agenda be to remove the item that was tabled for further discussion.

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

DEPARTMENT MANAGER REPORT

1. Grants Coordinator, Nelson Ronsvalle

The Supervisor stated she hired Nelson when she first became Supervisor and he is gem and they are glad to have him and Kim working on the grants. She stated a lot of hard work went into it before he was here, with Dick Lee, former Board members and former Supervisor and, they are

glad to see him continuing that work and moving it to the next level of professionalism. She stated she supports the dedication of this Board in supporting with not only matching funds but also the support staff necessary to carry those out.

Councilman Polak stated he personally thanks Nelson because he is dealing with the most difficult agencies in the Country and, until you get involved you can't imagine the paperwork, calls and all that hard work certainly pays off.

DEPARTMENT REPORTS – month of August

1. Town Justice Wormuth
Total Cases - 364 Total fees remitted to the Supervisor - \$31,645
Filed

CORRESPONDENCE

1. Received from American Legion Mohawk Post 1450, Grooms Road, Halfmoon notification of intent to renew their Club Liquor License

OLD BUSINESS

Supervisor Wormuth stated, relative to the next item, that this would be used not only by the Parks department but other departments including the highway as part of the unfunded mandates New York State passed down for the MS-4 permitting for seeding.

RESOLUTION NO. 207

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 awards bid, opened August 19th for one 2008 Trailer Mounted Hydroseeder for the Parks department to bidder Wolbert & Master, Inc. in the total bid amount of \$22,953.60, per recommendation of the review committee.

NEW BUSINESS

RESOLUTION NO. 208

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 and orders paid all vouchers for all funds listed on Abstract dated September 2, 2008, totaling: \$11,518,981.32.

RESOLUTION NO. 209

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	\$33,693.48
	Subsidiary:	25-4-2189 Home & Community Services	\$33,693.48
Credit:	Appropriations	25-960	\$33,693.48
	Subsidiary:	25-5-1440.40 Engineering Contractors Inspections	\$33,693.48

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

NAME	AMOUNT
Boyack Road Subd	1,664.63
Arlington Heights	13,412.17

Arlington Heights	18,616.68
TOTAL	33,693.48

A resolution is needed to appropriate the contribution from ticket sales to Enchanted Forest made to the Character Counts Program for the summer recreation program for youths to attend the summer camp as follows:

DEBIT: Estimated Revenues 10-510 \$240
 Subsidiary: Community Gift Contributions 10-4-2705 - \$240

CREDIT: Appropriations 10-960 \$240
 Subsidiary: Character Counts – Contractual 10-5-7989.4 - \$240

Transfers between Appropriations:

From Account	To Account	Amount	Reason
10-5-3510.40 Animal Control Contractual	10-5-3510.20 Animal Control Equipment	\$125	Transfer of appropriations within own budget to purchase a shredder
30-5-1990.40 Contingency	30-5-8320.41 Source of Supply, Power & Pumping Contractual Electric	\$30,000	Transfer of appropriations within own budget to cover expenses for electric.

Supervisor Wormuth stated, relative to the next item, that the need for this is any money taken out of the Capital Reserve Fund for water is subject to public hearing and permissive referendum.

RESOLUTION NO. 210

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 authorizes scheduling a public hearing for September 16th to consider whether the Town Board should spend Water Capital Reserve Funds to purchase a Trailer Mounted Vacuum System for the Water Department.

RESOLUTION NO. 211

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 appoints Harry Conerty as a member of the Board of Assessment Review for term effective September 30th, 2008 through September 30th, 2013.

RESOLUTION NO. 212

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

WHEREAS, the Town of Halfmoon Highway Superintendent has determined that the Highway Department is in need of a Bucket Truck to meet the needs of the citizens of the Town of Halfmoon; and

WHEREAS, Highway Superintendent has determined that there are no other bucket trucks available in the area and that it would be an empty formality to request bids as there is no competition based upon the price and the condition of the bucket truck to be purchased, and

WHEREAS, a Resolution is in order to waive compliance with the Purchasing Policy of the Town of Halfmoon, and

WHEREAS, the 2008 budget for the Town of Halfmoon Highway Department has sufficient monies remaining to allocate towards the purchase of the bucket truck as equipment; and

WHEREAS, Upstate Auto Sales, Inc. is willing to sell the bucket truck to the Town of Halfmoon for eleven thousand three hundred twenty dollars (\$11,320.00) and the closest competitor was located in Pennsylvania and offered same or similar vehicles at a cost of twenty five thousand to forty five thousand (\$25,000-\$45,000); and

WHEREAS, the Highway Superintendent has had the bucket truck with VIN number 1GBM7HIJ2WJ103205 inspected on three separate occasions to insure the quality of the vehicle;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Town Board is waiving the purchase policy to authorize the Highway Superintendent to utilize funds from the 2008 Highway budget purchase a bucket truck VIN number 1GBM7HIJ2WJ103205 for eleven thousand three hundred twenty dollars (\$11,320.00).
2. That the purchasing policy is being waived based upon the lack of competition in this area thereby making the bid process an empty formality.

RESOLUTION NO. 213

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 that the Supervisor be directed to file an application for funds from the Hudson-Fulton-Champlain Quadricentennial Grant program in an amount not to exceed \$1,800 and upon approval to enter into and execute a State Assistance Contract with the DEC for financial assistance.

That Mindy Wormuth, as Town Supervisor, of Town of Halfmoon, or such person's successor in office, is hereby authorized and directed to file an application for funds from the Hudson-Fulton-Champlain Quadricentennial Grant Program in accordance with the Hudson-Fulton-Champlain Quadricentennial Act, in an amount not to exceed \$ 1,800.00, and upon approval of said request to enter into and execute a state assistance contract with the Department of Environmental Conservation for such financial assistance to this or Town of Halfmoon for Town of Halfmoon and Halfmoon Historical Society Exhibition of Quadricentennial Artifacts.

Councilwoman Parker asked if the Board could "un-table" the resolution for the public hearing that was tabled so everyone gets a chance to speak tonight as everyone probably did not understand what was going to happen.

The Supervisor stated it is her thinking that the public hearing was closed and the Board voted on it she is not sure it can be "un-tabled" at the same meeting. She stated she would place this on the agenda for discussion at the next meeting for people who would like to come back and see if the motion gets un-tabled by a vote of the Board.

The Supervisor stated the Highway Superintendent has asked the Board to let bids for a new light duty plow truck with a sander as well as a new medium duty plow truck with a sander. She apologized for not bring this up with her report. She stated money was budgeted and they are looking at keeping up with a maintenance program as vehicles are aging out. She stated they are asking that bids be let and have a bid opening on September 24, reviewed and awarded at the first meeting in October.

RESOLUTION NO. 214

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 let bids for a new light duty plow truck with sander and a new medium duty plow truck with sander to be opened September 24th at 2:00 pm.

The Supervisor opened public privilege for discussion of non-agenda items.

Tom Koval, Button Road, stated he apologizes if he was misunderstood and is not saying the Town Board has done anything inappropriate as far as the money being spent or where the money goes but just wants to make sure the residents of the surrounding projects are the first ones to benefit from the project as opposed to the whole Town. He stated since he has moved into the Town 14 years ago the Town has changed tremendously to the good and he has young children and programs that Town has offered have been tremendous and they like everything that is done around here and thanks the Town for that and has made it a pleasure.

He asked if there have been any new developments on the issues on Button Road and if anyone has spoken to EnCon in the last few days. He asked if Mrs. Murphy has gotten any clarification from Mr. Potter as to where we stand.

Supervisor Wormuth it is an on going issue that may be subject to litigation so she won't comment on the specifics publicly. She stated as Town Supervisor she and the Town Attorney have been in contact and will continue to be in contact with EnCon and also working diligently with the Planning department in order to sort out exactly where this issue stands and report on it at a future meeting.

Mr. Koval asked what the Town is doing on Button Road with the drainage.

The Highway Superintendent stated the drainage pipe underneath Button Road has undermined a little bit and they are doing ditch work.

Supervisor Wormuth stated this has been a result of residents concerns regarding the runoff.

There being no further business the meeting was adjourned on motion of Councilwoman Parker, seconded by Councilman Polak at 8:10 pm.

Respectfully submitted,

Mary J. Pearson, Town Clerk

