

The August 7, 2007 regular meeting of the Town Board of the Town of Halfmoon was called to order at 7:00 pm by Supervisor Wormuth at the Town Hall on Harris Road with the following members present:

Melinda A. Wormuth, Supervisor
Walter F. Polak, Councilman
A. James Bold, councilman
Regina C. Parker, Councilwoman
Paul L. Hotaling, Councilman
Mary J. Pearson, Town Clerk
Lyn A. Murphy, Town Attorney

Also present: Frank Tironi, Director of Water; Lisa Perry, Secretary to Supervisor; John Pingelski, Highway Working Supervisor; Kim Martin, Grants department

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 and a moment of silence was offered for the County Treasurer's wife, Jodi Pitcherale, who passed away this week.

The Supervisor read the following proclamation and invited the professional clowns to come forward to be honored.

RESOLUTION NO. 214

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

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

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

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

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

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

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

THEREFORE, I, Mindy A. Wormuth, Supervisor of the Town of Halfmoon, proclaim that the week of August 1 through 7, 2007 shall be recognized as International Clown Week within the Town of Halfmoon, and, shall encourage all citizens to give fitting recognition to the Clowns of the World.

The Supervisor stated there will be an update on the proposed Glen Meadows Planned Development District:

Gavin Vuilume, Environmental Design Partnership stated this is a rezone and the Board was looking for more information on the surrounding area and they now have a large aerial map. He indicated where the majority of the development would take place and the heavily wooded area that probably will not be developed. H stated it is wooded and there are creeks and they are referencing the other properties nearby for potential development and there is already some development. He stated they are working with a property owner talking about combining the two projects with a stub street or cul de sac. He stated when they are in front of planning board get more information on how they can do this. He stated another thing the Board wanted them to

look at is the site distance and they provided the Creighton Manning traffic study which detailed where the site distance is best and it is at the high spot and they own over 500' of frontage but there is only 200' of it where they would want to put the driveway. He stated it would be a very safe intersection. He indicated where the sewer would be put in with a force main sewer and connection to Betts Lane.

Chris Abele stated at the last meeting there was discussion about the HOA and if someone does not pay their dues what action the HOA could take. He stated information he obtained is that it has never been a problem with a couple of exceptions. He stated the HOA sends 3 notices to the homeowner who is delinquent on their dues and then if they don't pay the HOA puts a lien on the property but it has not been an issue.

Councilwoman Parker asked if they continue to do the upkeep on the property.

Mr. Abele stated it is a decision by the Board of the HOA.

Councilman Bold stated the experiences they remember are the ones before the liens.

Attorney Murphy stated what they have required recently is that the agreement turn into a tax lien with regards to the parcel.

Supervisor Wormuth stated the ones with problems in the past didn't really provide services that impact people and are a full homeowners package.

Mr. Abele stated he is aware of the problems the Town had and what they try to is to properly fund the HOA and give the HOA the power to do what is in the best interest of everybody. He stated the fee structure they implemented is extensive.

Councilman Bold stated he feels the way this Board is approaching this is the right way and they make an issue out of them with a lot of attention and that is the right thing to do by the Board and the applicants.

Councilwoman Parker asked what the lot sizes would be.

Mr. Abele stated 10,000 square feet is the smallest and the largest twin home lot is 20,000 square foot and the minimum square footage would be and the average 12,000-13,000. He stated in acknowledgement of a smaller lot size they are going to double landscape budgets to create privacy and beauty

Councilman Hotaling asked, on the 10,000 square foot lots what is the basic size house.

Mr. Abele stated most of the homes will be single story and footprint of the living area 1200 sq ft to 1800 sf but will also have a 400 sq ft garage and the total footprint will be close to 25,000 sf or about a quarter of the lot size. He stated normally the front yard set back will be 25' from the building line and side yard setback and the rear yard 25'.

Councilman Hotaling asked if the roads would be turned over to Town of Halfmoon.

Mr. Abele stated all the roads will be turned over to the Town and in the planning process there might be some recommendations from the Planning Board that HOA assume certain maintenance function.

Attorney Murphy stated once a road is dedicated to the town the Highway Superintendent has absolute responsibility for maintenance.

Supervisor Wormuth asked how long the cul-de-sac is.

Mr. Vuilume stated about 1,000 feet.

Mr. Abele stated the sewer will definitely go through Glen Meadows to the Betts farm they will have control of that land to have common sewer pumping station and lines,

Councilman Bold asked if the acreage includes the long leg.

Mr. Abele stated it does but they are not planning on developing that. He stated a small piece of property added to next property boundary description needs to be changed and could be 40 areas it would come down. He stated the description of this would change.

Councilman Bold asked if any part of property would be dedicated to the town other than the roads and storm water.

Mr. Abele stated they understand there is Town benefit as part of the PDD process and they have had discussions to working with then Town in several ways. He stated part of it could be a trail system linkage or a financial contribution on a per lot basis and they are willing to work with the Town.

Councilman Bold stated when they begin to look at trails to keep in mind two targets for future connection one being the New Town Park on Route 236 and the other is the Champlain Canal trail currently under development.

Councilwoman Parker stated the topography is severe in the back and asked out of the 140 acres how much is not developable.

Mr. Vuilume stated there are roughly 60 or 70 developable acres and there will be 150 homes.

Councilman Hotaling asked how many phases are they planning.

Chris Abele stated that has not determined at this point but would say at minimum there would be 2 phases and single-family homes would be the first phase.

Councilwoman Parker stated if they are targeting empty nesters the twin homes are in the back where the topography is not good.

Chris Abele stated they intend to use to their advantage for a trail system and the McDonald creek for the HOA interlinked.

RESOLUTION NO.215

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

RESOLVED, that the Town Board refers the Glen Meadows Residential Planned Development District to the Town Board for their review and recommendation back to the Town Board.

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Councilman Polak reported on the collection day for Household Hazardous Wastes that will be held on September 29th. He stated that applications will be available in the Town Clerks office. He reported the dates for the Fall Clean Up at the Town transfer station.

Councilman Hotaling reported on and congratulated the Water department for the success with the recent water taste test.

He stated there will be a concert in the Town Gazebo and fireworks this Wednesday and a movie on Friday night.

The Supervisor thanked the Celebration Association for sponsoring these events.

Councilwoman Parker reported on the Congressional hearing that was held today at the Halfmoon Senior Center, which provided information to the seniors.

Councilman Bold reported on the Dunsbach Road Sanitary Sewer project was approved and awarded the contract to Schultz Construction. He stated they have started the work and our staff in reviewing the various funding sources have determined that we are over budget and we needed to make a correction because we didn't plan on using any Town funds. He stated he has a change order for a deduct and an add in the deduct amount of \$86,400 to remove the long side lateral assembly and the add is for \$3,000 to install the 8x8x4" wye and cap and the net result is a net deduct of \$83,400.

RESOLUTION NO. 216

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

RESOLVED, that the Town Board approves Change Order No. 1, Schultz Construction, Dunsbach Road Sanitary Sewer Project for the change in project requirements to delete long side lateral assembly and add the installation of wye and cap in the net deduct of \$83,400.

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

DEPARTMENT REPORTS – month of May

1. Building

Total permits - 123 Total fees remitted to the Supervisor - \$22,773.00
Filed.

2.	Fire Code				
Total permits -	30	Total fees remitted to the Supervisor -		\$ 1,161.00	
Filed.					
			month of June		
1.	Building				
Total permits -	151	Total fees remitted to the Supervisor -		\$38,831.00	
Filed.					
2.	Fire Code				
Total permits -	18	Total fees remitted to the Supervisor -		\$ 678.00	
Filed.					
			Month of July		
1.	Building				
Total permits -	98	Total fees remitted to the Supervisor -		\$21,954.00	
Filed.					
2.	Fire Code				
Total permits -	23	Total fees remitted to the Supervisor -		\$ 870.00	
Filed.					
3.	Town Justice Wormuth				
Total cases -	300	Total fees remitted to the Supervisor -		\$28,400.00	
Filed.					
4.	Town Clerk				
Total fees remitted to the Supervisor		-		\$ 8,583.69	
Filed.					

CORRESPONDENCE

- Received from Crescent Boat Club, Inc. 142 Canal Road, Town of Halfmoon, notification of intent to review their liquor license.
- Received request from resident for speed limit reduction on Upper Newtown Road.

OLD BUSINESS

Supervisor Wormuth reported on the next item stating a public hearing was held and no action was taken to allow the Attorney to do some research on information presented that evening as well as to explore the necessity of whether or not the emergency services had a sue for this property. She stated they stated they do not have a use for it in addition to the highway superintendent that the Town has no use for this portion of Vale Drive and therefore she would recommend they move forward with the abandonment pursuant to statue

RESOLUTION NO. 217

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

WHEREAS, Lee Buck, Superintendent of Highways in the Town of Halfmoon has duly certified in writing that a portion of Vale Drive, an unimproved street in the Town of Halfmoon, is no longer necessary or useful for public purposes, and

WHEREAS, certain owners of the abutting property have applied for an abandonment of said highway, and

WHEREAS, the owners of all the abutting land thereto have consented to an abandonment thereof, and

WHEREAS, an abandonment is proper and will not cause injustice or hardship to the owners or occupants of any lands adjoining said highway or the public or residents of the Town of Halfmoon,

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

- That a portion of Vale Drive, that being an unimproved street, be, and the same hereby is, abandoned at the request of Lee Buck, Superintendent of Highways in the Town of Halfmoon, and at the request of all the abutting property owners, subject to a permanent easement to the Town of Halfmoon, and Lee Buck is to proceed in accordance with and to mark on the official highway map of the Town of Halfmoon, the abandonment of said portion of the roadway which is hereby consented to.
- That the property abutting said highway shall be conveyed to the abutting owners, Richard J. Martin, Agnes A. Martin and Jodi B. Aubin, by Quit Claim Deed, and have it be annexed to their parcel that lies between their lot line in the center of the unimproved street known as Vale Drive

3. That the Town Supervisor, Melinda A. Wormuth, be authorized to execute a Quit Claim Deed of all the Town's right, title and interest to the property abandoned to the contiguous owners subject to a permanent easement to the Town of Halfmoon.

4. That a copy of this Resolution be sent to the County Superintendent of Highways, for his approval and consent.

5. Delivery of the appropriate quit claim deeds shall be subject to obtaining a release from the property owner of any claim for damages by reason of the abandonment of the highway and a permanent easement in the form appended.

6. That this Resolution approving said abandonment is subject to the receipt of a fully executed Easement to be granted by Richard J. Martin, Agnes A. Martin and Jodi B. Aubin to the Town of Halfmoon.

RESOLUTION NO. 218

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

RESOLVED, that the Town Board authorizes the Town to declare lead agency and adopt a Negative Declaration in accordance with SEQR for the Champlain Canal Trail project.

RESOLUTION NO. 219

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

RESOLVED, that the Town Board schedules a public hearing for Waterfront Visioning Plan for August 21 at 7:00 pm

RESOLUTION NO. 220

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

RESOLVED, that the Town Board authorize payment to the Mechanicville City School District in the amount of \$10,452 for use of the building for the Town of Halfmoon summer program and further

RESOLVED, that the Town Board authorize payment to Mechanicville City School District for custodial fee in the amount of \$392.70.

RESOLUTION NO. 221

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

RESOLVED, that the Town Board awards bid, opened on July 27th, reviewed and recommendation made by Clough Harbour & Associates for the Brookwood Road Slope Stabilization/Roadway Rehabilitation project to low bidder Rifenburg Construction in the total bid amount (including base bid and the add alternate) of \$2,949,495.65.

RESOLUTION NO. 222

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

RESOLVED, that the Town Board approves rescheduling the September 18th Regular Town Board meeting to September 19th at 7:00 pm at the Halfmoon Senior Center, due to the Primary Election in the Town of Halfmoon being set for September 18th.

RESOLUTION NO. 223

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

RESOLVED, that the Town Board appoints Nathaniel Gniewek as a temporary Clerk to be paid \$8.00 per hour retroactive to July 23rd.

RESOLUTION NO. 224

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

WHEREAS, the Town of Halfmoon is part of the Saratoga County Reverse 911 System; and

WHEREAS, as part of at he System, the Saratoga County Emergency Services Bureau has prepared the Saratoga County Community Alert System Polices and Procedures; and]

WHEREAS. the County has requested that the Town of Halfmoon adopt the attached Policies and Procedures as authorized by the Saratoga County Safety Committee and approved by the Saratoga County Board of Supervisors; and

WHEREAS, the 911 Coordinator for the Town of Halfmoon has reviewed the proposed Polices and Procedures and recommends the adoption by the Town Board; and

WHEREAS, the Town Board concurs with the Policies and Procedures as proposed, now therefore be it

RESOVLED, that the Town of Halfmoon as part of the Saratoga County Reverse 911 System hereby adopts the Saratoga County Community Alert System Policies and Procedures; and be it further

RESOVLED, that the Supervisor is hereby authorized and directed to execute a copy of the Policies and Procedures signifying acceptance to the Saratoga County Directory of Emergency Services, and, be it further

RESOLVED, that the Supervisor is authorized to designate a contact person for the Town of Halfmoon

Resolution No. 117 was adopted at a meeting of the Town Board of the Town of Halfmoon duly conducted on August 7, 2007.

RESOLUTION NO. 225

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

RESOLVED that the Town Board authorizes the Supervisor to make the following Transfer between Appropriations and Creation of Appropriations.

A resolution is necessary to setup the capital project for the Brookwood Road Slope and Roadway Improvements. This project will be funded by federal, state and general fund monies. This funding will help rebuild Brookwood Road and also prevent any failure in the road, which would not only disrupt travel on the road, but could also affect the adjacent water line which is the main distribution line for the southern portion of Halfmoon. The breakdown of funds is as follows:

DEBIT: 35-4-510	Estimated Revenues	\$3,700,000
	35-4-4589.0	Transportation Federal Grant - \$1,052,800
	35-4-3589.0	Transportation State Grant - \$246,750
	35-4-5710.0	Serial Bonds - \$2,400,450
CREDIT:	35-5-960	Appropriations \$3,700,000
		Subsidiary: 35-5-5112.21 - \$3,700,000
		Highway Improvements

A resolution is needed to appropriate a \$7500 grant award from NYS which is administered through Division of Coastal Resources. This money was used for the Halfmoon Waterfront Visioning Project which provided the opportunity for the Town to examine issues, such as: historic preservation; protection of the waterfronts as a community resource; public access to waterfronts; increasing education and awareness of the importance of the waterfront to the town’s residents; planning for the development of the waterfront for passive and active recreational opportunities; and preserving and improving the water quality of the Hudson and Mohawk Rivers.

CREDIT:	10-5-960	Appropriations	\$7,500
		10-5-7150.40 – Special Recreational Facilities, Trails - \$7,500	

From Account	To Account	Amount	Reason
30-5-8320.42 Source of Supply, Power & Pumping Purchase of Water	30-5-8330.41 Purification Contractual Water Test	\$20,000	Additional appropriations needed to cover expenses thru year end for water testing

RESOLVED, that the Town Board approves Town Buildings laborer, James McBride, Sr. as an authorized Town cell phone user, effective immediately.

RESOLUTION NO. 231

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

RESOLVED, that the Town Board approves agreement with Butler Rowland Mays Architects, LLP, for Furnishings Services for New Town Hall to provide research, design, selection, ordering and installation of interior furnishings in the lump sum amount of no less than \$8,000 plus a \$500.00 allowance for reimbursables.

RESOLUTION NO. 232

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

RESOLVED, that the Town Board requests the State of New York Department of Transportation and the County of Saratoga Commissioner of Public Works to study Upper Newtown Road for a possible lower speed limit.

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

There being no further business to discuss or resolve the meeting was adjourned at 8:00 pm.

Respectfully submitted,

Mary J. Pearson, Town Clerk

