

The March 6, 2007 regular meeting of the Town Board of the Town of Halfmoon was called to order by Town Clerk Mary Pearson at 7:00 pm at the Town Hall on Harris Road with the following members present:

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

Also present: Dick Lee, Executive Assistant to the Supervisor; Steve Watts, Building & Development Administrator; Ed Pearson, Assessor; Laurie Sullivan, Deputy Town Clerk; Lisa Perry, Secretary to Supervisor; John Pingelski, Highway Working Supervisor; Steffen Buck, Highway Working Supervisor; Rodney Smallwood, Highway; laborer; Cindy Jensen, Water department; Lester Wormuth, Town Justice

The Town Board Workshop was held in the Board Room at 6:15 pm; no action was taken. The Town Clerk led the Pledge of Allegiance.

The Clerk stated that a letter of resignation was received from Mindy A. Wormuth as Town of Halfmoon Councilwoman.

Councilman Bold commented on the next resolution stating the Board had this vacancy for the next several months and they were very fortunate in that they had such an experienced person already on the Town Board. He stated to step into the position of Supervisor is not an easy thing to do and like many other jobs there is a lot to learn and a lot of new experiences to gain. He stated in this particular case they are fortunate enough to have one of our Council people who has been on the Board for four years and has certainly gained a great deal of experience. He stated he looks at this as a real opportunity and a real pleasure to make this resolution.

Councilman Polak commented, not only from her business knowledge but also from her years in the Planning and, working with the building and developers she knows the right things to do and the direction of this community and, is certainly an asset to this Board.

Councilwoman Parker commented, that Mindy Wormuth will take care of the people of this Town and she has no doubt. She stated that she has worked very hard with the recreation program and has helped with the seniors.

#### RESOLUTION NO. 72

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

WHEREAS, letter of resignation as Town of Halfmoon Councilwoman was received and accepted from Mindy A. Wormuth, it is therefore

RESOLVED, that the Town Board appoints Mindy A. Wormuth as Halfmoon Town/County Supervisor effective retroactive to March 1<sup>st</sup>, 2007 through December 31, 2007 to be paid \$42,836 prorated annual salary.

Supervisor Wormuth stated she is honored to have the support of this Board behind her and will continue to work with them and have the relationship they have had to run our government in the best manner they can. She stated she would like to ask her brother-in-law, Town Justice Wormuth and her family to join her while she takes her Oath of Office.

At 7:06 pm the Supervisor opened the public hearing for the Inglewood Planned Development District, Cemetery Road.

Gavin Vuillaume, Environmental Design Partnership, stated the Inglewood PDD project has been before the Town Board for approximately for six months and they had a Public Hearing before the Planning Board in November. He stated they have made some substantial changes to the project from comments from the public and the Planning Board but the overall project has not changed. He stated they are proposing rezoning approximately 9 acres of property located on Cemetery Road and is currently zoned professional office and they are opening to have a land use that is transitional and not a normal subdivision with detached single family. He stated some of changes include a decrease in the density from 33 units to 27 units and will provide additional buffers and common green space. He stated they also relocated some of the entrance road areas and push some of the vegetation back to provide a safe site distance. He stated they will provide more site distance improvements. He stated the emergency access

drive will connect to Lawrence Circle and will give emergency vehicles a second way into the project. He stated they have spoken with the emergency services people and they feel this is an adequate emergency access drive and could also be used by pedestrians to walk.

He stated they looked at three public benefits for this project. He stated one is a sidewalk and he provided the Board with a copy of the plan. He stated the sidewalk they would like to install along Cemetery Road would be on the northerly side of the road and, the only unfortunate thing about having it is there a lot of curb cuts and wide driveways and, in order to make the sidewalk really be safe there would have to be substantial improvements to the existing driveways and, they don't have control over that. He stated they can continue to look at it but putting a sidewalk in may be a little difficult due to the configuration at the intersection.

He stated another public benefit they are looking at is possibly making a donation towards playground equipment for one of the Town parks this is going to be under construction.

He stated there also was some talk about doing some drainage improvements and they looked at a study from Clough Harbour. He stated because of the cost of that improvement, over \$300,000, for them to participate may not make a lot of sense and is a pretty large endeavor. He stated they have a very good solution for drainage on their project and will not affect the existing drainage.

Attorney Murphy asked the date of plan. Mr. Vuillaume answered it is December 27<sup>th</sup>.

Mark Nadolny, Creighton Manning engineering stated they were asked to perform a traffic study for the proposed project for 27 units, however when they did the study it was early in the process and was done for 32 townhouses. He stated the proposed project has one access road to Cemetery Road and they looked at the intersection of Old Route 146 and Cemetery Road and also the site driveway on Cemetery Road. He stated they conducted peak hour counts and studied the speed. He stated when they had an understanding of the existing conditions they wanted to get an idea of what will happen in the future and used the ITE trip generation standard. He stated the level of service analysis indicates that the Olds Route 146/Cemetery Road intersection will continue to operate at good levels of service after full build-out of the proposed development with little increase in traffic delay. He stated the sight distance analysis indicates that the available intersection sight distance for vehicles on Cemetery Road turning left into the site and on site access road looking left to turn out of the site exceed the AASHTO guidelines. He stated the available sight distance looking right from the site access roads is less than the AASHTO limit desired but is not critical and does not require the installation of an intersection warning sign. He stated the stopping site distance evaluation at the site access road indicates that there will be adequate stopping distance on Cemetery Road for vehicles traveling northbound and southbound and they meet and exceed the thresholds. He stated the site distance looking left and right from the development is critical limited due to some existing vegetation and they are recommending that an area across the site frontage be cleared and trees need to be removed. He stated removing the trees will increase site distance looking left and right from the site driveway. He stated with the clearing of the trees looking left it will be increased approximately 450' and looking to the right it will be increased to 490'. He stated to make a left hand turn from the access road looking left it will meet AASHTO standards for that site distance, however, to look left and right to make a left turn is a little longer and doesn't meet AASHTO guidelines but these distances aren't critical based on State standards. He stated there was a question about the vertical curve of Cemetery Road as it comes down into Old Route 146. He stated the Town standard for a grade is 3% and the existing road is 3.8% so they requested the accident information and they didn't find any accidents based on the State accident records so they don't feel there is an issue so they are not recommending any improvement as a result of this project. He stated the Town engineers concur with their conclusions and recommendations for the site.

Mr. Vuillaume stated an improvement they are making along the road is they are bringing sewer up from Old Route 146 as part of this project. He stated there is a gravity sewer connection down toward the Day Care and they would be bringing a gravity sewer connection up through there about 800 feet along Cemetery Road. He stated existing residents could connect in the future.

Henrietta O'Grady, Church Hill Road, stated she is Chairperson of the Trails Advisory Committee and asked if the sidewalk will be on the north side of Cemetery Road across the road from the project.

Mr. Vuillaume stated that is the better location because of the vegetation and other obstructions on the other side.

She stated it was mentioned that they are about 800 feet from the Day Care on Old Route 146 and thought that was a good idea. She stated they had a recent inquiry about the possibility of sidewalks on Cemetery Road and she thinks they are a good idea. She stated she is also interested in the emergency road connection to Lawrence Circle and it looks well graded.

Mr. Vuillaume stated it is and right now the Town has a right of way that goes through there and he doesn't think there is a necessity to put another Town road through there. He stated the emergency access road will be a gravel road that would be maintained by the Homeowners Association and, could be used by anyone and would be publicly owned. He stated a small section they will dedicate to the Town.

There being no further questions or comments the Supervisor closed the public hearing at 7:27 pm.

Councilman Polak asked if the sidewalk will end at the Day Care driveway he would like an engineer to take a look at that and he wants to make sure there is safe egress out to Route 146 and maybe they could kick in a little more money and make it safe.

Mr. Vuillaume stated they may speak to the people currently in the Day Care.

Councilwoman Parker stated she is concerned about the emergency exit off the back and, certainly they would want to meet the standards to be able to have the emergency trucks and equipment be able to get into that area.

Mr. Vuillaume stated sometimes they do gravel and sometimes paved and they are generally only 12 to 15 feet wide and the sub base is the most important.

Councilman Bold asked, regarding the sewer, they are proposing to bring in an 8” gravity line and asked if they are picking it up at Old Route 146. He asked if they have talked to the sewer district about the capacity in that line.

Mr. Vuillaume stated there is an existing manhole in front of the gate next to the Day Care driveway. He stated they have talked to the sewer district and they are okay to connect. He stated it is a gravity line and will work for the development they are proposing. He stated they would bring it up Cemetery to opposite their project.

Councilman Bold asked if the sewer in there is a much smaller line.

Mr. Vuillaume stated he believes it is a forced main for the apartments.

Bruce Tanski stated they ran an 8” sewer line and there is a manhole about 40’ before the intersection of Old Route 146 because they tied Halfmoon Court apartments to that. He stated they ran a forced main from Cranberry Estates and from Carole Jean they ran those the other way. He stated the gravity stops at the entrance to Halfmoon Court which will save probably 100 feet.

Councilman Bold asked how wide the existing travel lane is.

Mr. Vuillaume stated 11’ on each side.

Supervisor Wormuth commented that the Town Board saw this project in a higher density with a lot of improvements that aren’t shown here and sent it to the Planning Board for some technical work. She stated the Planning Board has worked with the applicant and the applicant has done a good job responding to the concerns raised at the Planning Board level and the project did receive a positive recommendation from the Planning Board back to this Board. She stated as the applicant has stated, we have not worked out the public benefit portion of this project and we continue to negotiate with the applicant.

Councilman Bold stated this has been a good update this evening and there are some improvements since they have seen it before and, he would like the opportunity to digest these and speak with some of the other Board members.

Mr. Vuillaume stated there is more and more interest in the sidewalks and they are willing to look into it more.

The Supervisor stated after they receive more details they will be invited back.

The Clerk opened the one bid received for Fuel for Town vehicles, as follows:

<u>BIDDER</u>	<u>TOTAL BID AMOUNT</u>
G.A. Bove & Sons Inc. Mechanicville, NY	\$2.1265 + .1890 differential

The Supervisor referred the bids to the Town Attorney, Councilman Polak and the Highway department for their review and recommendation back to the Board.

**REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY**

Councilman Bold reported on Water committee items and stated there are two change orders that were approved. He stated they are both from BCI Construction, the General Contractor; one is for \$998.53 and is to change the cover on the Coagulant Aid tank to allow the installation of the ultrasonic level sensors. He stated the other is for \$1,496.25 and is for controllers on the turbidimeters and this will allow us to change out the meters while the plant is operating and not have to shut down.

Councilman Bold stated, during the routine water system testing which is done on a very regular basis they uncovered one item that needed additional attention and the staff immediately called in the Department of Health representatives and they were on the site the next morning. He stated it was determined that his occurred in one isolated area in the Town and one piece of water main that was one a dead end line. He stated what happened was, between our staff and the Health Department they determined an immediate course of action and recommendations and every one of the recommendations were implemented He stated the water department staff know that it is there responsibility to do it and they also know that every member of this Town Board requires that they place full attention to any such item as this. He stated Supervisor Wormuth, who at this time was Deputy Supervisor made a trip down to

the plant to be sure that everything was proceeding in the proper manner. He stated to summarize, they found the problem, they addressed it and they are moving on from there.

Councilwoman Parker stated she has one item, agenda item #3 on the agenda which is very important to have in existence in the event of any kind of an emergency in the Town or the County.

Supervisor Wormuth reported that the Town received notification from the Colonie Landfill that they will be doing some evening work moving soil starting March 5<sup>th</sup>. She stated it will be from 8 pm to 6 am and, they don't feel it will add any increase in odor problems we have experienced in the past. She stated there may be some lights and truck traffic increased during the evening hours and they wanted to make us aware of it.

The Supervisor stated that the Town has sent out notices to Town residents about the Open Space workshop that will be on March 15<sup>th</sup> at the Halfmoon Senior Center from 6 pm and, anyone interested in Open Space can join them for an update and give their input and ideas.

Supervisor Wormuth stated, due to her resignation as a council person, there is now a vacancy on the Town Board and they invite anyone interested in applying for that position to submit resume's and letters of interest to the Supervisor's office. She stated they should be submitted by March 23 so they can move through the interview process in order to fill the vacancy and keep the government running in the smooth manner that it has been.

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

#### **DEPARTMENT REPORTS – month of February**

1. Town Clerk  
Total fees remitted to the Supervisor - \$4,337.45  
Filed.

#### **CORRESPONDENCE**

1. Received Annual Financial Report from West Crescent Fire District for fiscal year ended 2006.
2. Received Annual Financial Report from Fire District of Clifton Park-Halfmoon No. 1 for fiscal year ended 2006.
3. Received from Town Highway Superintendent notification of highway department summer hours, effective April 2<sup>nd</sup>, 2007, Monday through Thursday 6 am to 4 pm.
4. Received from Fairways of Halfmoon, 17 Johnson Road, Halfmoon notification of intent to renew their liquor license
5. Received from Route 9 Properties Inc., 1915 Route 9, Halfmoon notification of intent to renew their liquor license.
6. Received from Town Engineers, 2006 Annual Water Quality Assessment Report for the Town of Halfmoon Landfill.

#### **NEW BUSINESS**

##### **RESOLUTION NO. 73**

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

RESOLVED, that the Town Board approves minutes of Town Board meetings of January 2 and 16<sup>th</sup>, 2007, as presented.

Councilman Bold reported on the next item to accept the Town Insurance proposal, stating that this year differs because it is more formal. He stated for the past five years the Town has been insured through the New York State NYMIR Association which is a reciprocal firm put together by the Association of Towns and we have enjoyed good coverage through them. He stated in keeping with the Town's policies of "shopping the market" we asked our agent to do this for us this year and they did very well for us. He stated the firm Selective Insurance quoted \$119,299 and we researched the stability of this company and they are more stable than NYMIR and have a higher insurance rating and this rate \$28,000 lower than what it would have been if we had gone ahead and just renewed with NYMIR and this is actually considerably lower than last years premium. He stated in addition we have been able to increase the coverage for the value of the buildings and the Town's umbrella liability from \$5 million to \$10 million. He stated the good news is that we added benefits and dropped the price by \$28,000.

Supervisor Wormuth stated they appreciate all the hard work Councilman Bold put into reviewing this and certainly the response we received from our agent, Adirondack Trust Company and they are very pleased with the service they provided for us.

Councilman Bold stated Mrs. Pearson should be included in the thanks because she works along with this and provides the constant contact throughout the year.

#### RESOLUTION NO. 74

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

RESOLVED, that the Town Board accepts the proposal, retroactive to March 1, 2007 from Adirondack Trust Insurance for Town insurance coverage from carrier Selective Insurance for all coverage (Property, General Liability, Auto, Public Officials, etc.) in the total amount of \$119,299.95, for renewal period March 1, 2007 through March 1, 2008, per the review and approval of the Town Attorney.

#### RESOLUTION NO. 75

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

RESOLVED, that the Town Board enters into a Mutual Aid & Assistance Agreement for Disasters and other related emergencies with the County of Saratoga to provide for the sharing of resources, personnel and equipment in the event of a local disaster or other emergency for a term of five years, as per the review and approval of the Town Attorney

#### RESOLUTION NO. 76

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

RESOLVED, that the Town Board approves and orders paid all vouchers for all funds listed on Abstract dated March 6<sup>th</sup>, 2007, totaling: \$55,569.18

Councilman Bold commented on the next item, stating the contract with Malone & Tate for the new Town Hall includes a bore under Route 236 and a pump so the new building will discharge directly into the County's force main on the other side of Route 236. He stated, in an effort to keep the cost lower when we uncertain how the bids would come in we did not carry that service any further on the site. He stated, at this point, we have asked them for a quote to extend that sewer service over to the front end of this building and there will be two manholes and a crossing of the boulevard entrance, a crossing of the stormwater management area and it seems very important, if we ever are going to do this, we should do it now otherwise the future costs would be a great deal more.

Supervisor Wormuth stated as a member of the change order committee, we have been very diligent in keeping this project within the budget and with the new boulevard entrance we wouldn't want to rip that up.

#### RESOLUTION NO. 77

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

RESOLVED, that the Town Board approves New Town Hall, Change Order No. 6 Contract No. 1, Malone & Tate Builders, Inc., to provide an extension of the new sewer collection system in the total amount of \$31,311.

Councilman Bold explained the next change order stating that this change order is within the new part of the Water Treatment facility. He stated, with the large tanks there is a steel stairwell and a series of catwalks or platforms that extend across the tanks and along the tanks and, are for staff that is up there every day for maintenance purposes or for testing. He stated what was determined after the tanks were installed and the building steel was up was that there was a better way to do this than what was previously approved. He stated it seems like now is the time to make that improvement before the staff is into everyday operation.

RESOLUTION NO. 78

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

RESOLVED, that the Town Board approves Change Order No. 11, Contract 4G, BCI Construction for Phase II Water Source Improvement Project for the platform changes over Tanks 4 and 5 in the additional amount of \$28,455.50

Dick Lee, Executive Assistant to Supervisor, stated relative to the next resolution, that a little over a year ago there were Federal grant funds through Congress in the amount of \$1.3 million for the Brookwood Road Slope Stabilization Rehabilitation project. He stated the grant was an 80/20% with the Town putting up the 20%. He stated this is a Marchiseli item and they put money aside to help small communities be able to afford to do a project like this. He stated this is the paperwork to follow up on this grant application.

Councilman Polak stated that we recently received construction plans for this project and Councilman Bold, the Highway Superintendent and he have reviewed the plans, made comments and sent them back to the engineers and, they are pretty close to a final design.

RESOLUTION NO. 79

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

**Authorizing the implementation, and funding in the first instance 100% of the federal-aid and State "Marchiseili" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore.**

WHEREAS, a Project for the Brookwood Road Slope Stabilization/Roadway Rehabilitation, P.I.N. 1757.48 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the Town of Halfmoon desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Right of Way Incidentals and Right of Way Acquisition.

NOW, THEREFORE, the Town Board, duly convened does hereby

RESOLVE, that the Town Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Town Board hereby authorizes the Town of Halfmoon to pay in the first instance 100% of the federal and non-federal share of the cost of Right of Way Incidentals and Right of Way Acquisition work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$64,600.00 (Sixty four thousand six hundred dollars and no cents) is hereby appropriated from Town of Halfmoon Highway Fund and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Town Board of the Town of Halfmoon shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Town Supervisor of the Town of Halfmoon be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Town of Halfmoon with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project. and it is further

RESOLVED, this Resolution shall take effect immediately

RESOLUTION NO. 80

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

RESOLVED, that the Town Board appoints the following seasonal Parks department employees for 2007 at their hourly rate of pay: Sean Coppola-\$8.15, Denny Landry, Evan Leggett, Gaither Espey- \$8.55, Larry Marshall-\$9.45, James Flannigan-\$11.35, Paul Tragni-\$11.95, effective immediately.

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

There being no further business to discuss or resolve the meeting was adjourned at 7:50 pm.

Respectfully submitted

Mary J. Pearson  
Town Clerk

3-6-2007

