

The May 2, 2006 regular meeting of the Town Board of the Town of Halfmoon was called to order at 2:00 pm by Supervisor DeCerco at the Town Hall on Harris Road with the following members present:

Kenneth J. DeCerco, Supervisor
 Walter F. Polak, Councilman
 A. James Bold, Councilman
 Melinda A. Wormuth, Councilwoman
 Lyn A. Murphy, Town Attorney
 Mary J. Pearson, Town Clerk

Regina C. Parker, Councilwoman - Absent

Also present: Frank Tironi, Director of Water; Rodney Smallwood, Executive Assistant to Supervisor; Laurie Sullivan, Deputy Town Clerk; Dick Lee, Executive Assistant to Supervisor; Lisa Perry, Supervisor's Secretary.

The Supervisor led the Pledge of Allegiance and welcomed the senior citizens present.

At 2:00 pm the Clerk opened the following bids for water meters:

BIDDERS:		<i>BLAIR SUPPLY ROCHESTER, NY</i>	<i>VELLANO LATHAM, NY</i>	<i>TI-SALES SUDBURY, MAINE</i>
		B I D P R I C E		
<u>BID ITEMS FOR MUELLER BRASS</u>				
SIZE	ITEM			
5/8"X3/4"X3/4"	Angle Meter Stop -H-14258	\$17.20	\$17.75	NO BID
3/4" x 3/4"x1"	Angle Meter Stop -H14258	\$19.00	\$17.75	
1"x1"	Angle Meter Stop -H-14258	\$23.55	\$24.25	
5/8" x3/4"x3/4"	Straight Meter Stop -H-14348	\$31.80	\$33.00	
1"x1"	Straight Meter Stop -H-14348	\$48.80	\$50.25	
3/4"	Meter Tail Couplings H-10890	\$ 4.02	\$ 4.25	
1"	Meter Tail Couplings H-10890	\$ 6.19	\$ 6.40	
<u>BID ITEMS FOR WATER METERS</u>				
		SIZE		
Neptune E-Coder R900i		5/8" x 3/4"	NO BID	NO BID
		3/4"		\$ 209.46
		1"		\$ 258.94
		1 1/2"		\$ 312.68
		2"		\$ 476.12
		4" w/Strainer		\$ 610.04
Compound E-Coder R900i		6" w/Strainer		\$2084.06
		8" w/Strainer		\$3730.43
		3" w/Strainer		\$5775.36
		4" w/Strainer		\$2821.74
		6" w/Strainer		\$3731.88
		8" w/Strainer		\$6102.75
				\$8960.87
<u>AMERICAN MADE BRASS FITTINGS</u>				
SIZE	ITEM			
3/4"	Ball Valve	\$ 10.34	\$ 9.75	NO BID
1"	Ball Valve	\$ 13.03	\$13.50	
1 1/2"	Ball Valve	\$ 28.01	\$25.75	
2"	Ball Valve	\$ 36.42	\$32.25	

Supervisor DeCerco referred the bids to Councilman Bold, Councilwoman Wormuth, Frank Tironi and Attorney Murphy for their review and recommendation back to the Board.

The Supervisor stated the Town has received donations for Character Counts which is valuable for the summer recreation program. He invited Councilwoman Wormuth to join him and stated there are two donations they will receive, one from the McBride Corp., which is Sandra and Joseph, Jr. and they chose not to be here today. He stated the other is "Saratoga Sweets" and is the result of Halfmoon Harry. He introduced their representative, Meghan Albright. He stated there were sales at the Halfmoon Town Hall, Bruce Tanski at both "Snyder's" and "The Fairways"; the "Halfmoon Diner"; "Old Dublin Inn" and "Ocean Blue". Ms. Albright presented a check in the amount of \$1,000 from "Saratoga Sweets" and they would also like to thank all the citizens from the Town of Halfmoon.

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Councilman Polak welcomed the group and stated he is glad to see them all here. He stated he wanted to thank not only the staff but each and every senior because it is the work they all do, not just a certain few, that makes the senior center as great as it is and, he thanks them for that.

Councilman Polak reported the spring clean up was held this weekend and, they were backed up most of the time. He stated he should received the report from the highway department for the next meeting. He stated they took in a lot of metal which we are paid for and helps defray the costs. He thanked the highway group who controlled the traffic and helped unload the trailers and trucks and serviced our community.

Supervisor DeCerce stated it will be essential to learn how many boxes we had that went to County Waste because we get them at no cost.

Councilwoman Wormuth reported that the summer recreation program is opening enrollment an registration dates are May 13, 20 and June 3 from 9 to noon along with two evening registrations, May 24 and May 31 from 6 to 8 pm.

Councilman Bold reported on the water pipe construction and stated the Route 236 pipes are progressing very nicely and it won't be long before water is available for the residents. He stated they are just about to start on Woodin Road where the residents want and need the water.

He stated the construction is proceeding at the water treatment plant and the workers are in a very deep hole and they are getting ready to pour concrete.

The Supervisor stated they had a view of this work today and it is amazing.

Supervisor DeCerce reported on a magazine article about Rachael Ray who spent some time in this area and Norm Hayner showed her how to throw a ball and she thanked him in the article and she threw the ball in Fenway Park.

The Supervisor stated we are progressing rapidly with the water treatment plant and extending water lines and Saratoga County is in its preliminary stages of garnering funds from John Sweeney's office and Joe Bruno's office and Saratoga County is putting \$15 million as loan in order rot make that project work. He stated this project is so important because ewe need a regional water system, Halfmoon does not, however for economic development it is needed.

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

DEPARTMENT REPORTS – month of April

1. Town Justice Wormuth

Total cases - 256 Total fees remitted to the Supervisor - \$27,230.00
Filed.

Town Justice Tollisen

Total cases - 315 Total fees remitted to the Supervisor - \$35,036.30
Filed

NEW BUSINESS

Supervisor DeCerce stated, relative to the next item, it gives him great pleasure to honor the seniors. He stated the Town will present a \$10,000 check to the seniors.

Mr. Emmett, President of the Senior Citizens stated they appreciate it and will use it prudentially for their activities and programs.

RESOLUTION NO. 109

Offered by Councilman Polak, Seconded by Councilwoman Wormuth: Adopted by vote of Board: Ayes: DeCerce, Polak, Bold, Wormuth

RESOLVED, that the Town Board proclaims the month of May "Senior Citizen Month" in the Town of Halfmoon.

Supervisor DeCerce explained, relative to the next item, that the drivers of the senior van have given indication that it would be better if we had another smaller unit rather than the busses with the wheelchair ramp. He stated they know they are uncomfortable with the small unit but the drivers are telling them for some of the drops and pickups it might be a lot better to have another small unit. He stated they are researching this unit and will look for bids on one of them.

RESOLUTION NO. 110

Offered by Councilman Bold, Seconded by Councilman Polak: Adopted by vote of Board: Ayes: DeCerce, Polak, Bold, Wormuth

RESOLVED, that the Town Board authorizes letting bids for 2005 (or newer) mini-van with handicap ramp for wheelchair use for Senior Citizen transportation, to be opened May 16th, 2006 at 7:05 pm

Councilwoman Wormuth stated, relative to the next resolution, that the Code Enforcement office has spent lots of time making sure these renewals are done and received a lot of cooperation from the park owners and, she thanks the owners and the code enforcement.

RESOLUTION NO. 111

Offered by Councilman Bold, Seconded by Councilwoman Wormuth: Adopted by vote of Board: Ayes: DeCerce, Polak, Bold, Wormuth

RESOLVED, that the Town Board authorizes renewal of the following Mobile Home Park Licenses for the 2006-07 licensing year: Arrowhead, Martindale, Crescent City; Gregoire, Vosburgh, Smith Road; Springbrook; Rome; Midway; D & R Village and West Crescent, per approval of the Code Enforcement Office.

Attorney Murphy stated, relative to the next item, that the reduction is in alignment with the preliminary appraisals that we received from our Assessor and the people we hired to do appraisals.

Supervisor DeCerce stated that Ed Pearson, our Assessor is quite consistent with having a handle on what the needs our in this area and is doing real well for us.

RESOLUTION NO. 112

Offered by Councilman Bold, Seconded by Councilman Polak: Adopted by vote of Board: Ayes: DeCerce, Polak, Bold, Wormuth

RESOLVED, that the Town Board authorizes entering into Settlement Agreement with Aldi Inc., 1681 Route 9, SBL #272-2-61 reduced from \$1,286,900 to \$1,000,000 for 2004-05-06 and from \$1,000,000 to \$900,000 for 2007-08-09 and further

RESOLVED, that the Town Board authorizes Attorney Drobny, Hacker & Murphy to execute agreement.

RESOLUTION NO. 113

Offered by Councilman Bold, Seconded by Councilman Polak: Adopted by vote of Board: Ayes: DeCerce, Polak, Bold, Wormuth

RESOLVED, that the Town Board approves and orders paid all vouchers for all funds listed on Abstract dated May 2, 2006, totaling: \$20,253.95

Councilman Bold stated, relative to the next item, that this is the work necessary before the archeologists go in and inspect the area for artifacts. He stated we put this resolution together in October in the hope we could accomplish both the plowing and disking before the winter months. He stated it got plowed but October was the second wettest October on record but we did not get it disked. He stated to get it going again it had to be disked twice and is the reason for the additional \$300.

Supervisor DeCerce stated the piece of property, known as the Wills farm, north of the Hayner farm stand. He stated they are looking for equipment to help with getting it seeded and hold the soil down.

RESOLUTION NO. 114

Offered by Councilman Bold, Seconded by Councilwoman Wormuth: Adopted by vote of Board: Ayes: DeCerce, Polak, Bold, Wormuth

RESOLVED, that the Town Board amends Resolution No. 363-2005 authorizing Lawrence Sweeney, Sweeney Farms to provide professional services to plow and disc the Town property for the Town Family Park in accordance with the Phase II SHPO requirement amending from \$3,000 to \$3,300.

Councilman Bold stated, relative to the next item, this is a piece of property that contains the historic Champlain Canal and going back to 1994 he had discussion with the “then” Councilmember’s in Mechanicville about exchange of ownership of that property and now, several years later approaching that.

Attorney Murphy commented that she feels it would be better to wait for the public hearing to get into details of the contact

RESOLUTION NO. 115

Offered by Councilman Bold, Seconded by Councilwoman Wormuth: Adopted by vote of Board: Ayes: DeCerce, Polak, Bold, Wormuth

RESOLVED, that the Town Board sets a public hearing for May 16th at 7:00 pm to purchase property known as the Old Champlain Canal from the City of Mechanicville for the contracted sum of \$150,000 to be paid from Water Source Improvements Phase II Capital project fund and the Town Recreation Fees fund, subject to permissive referendum

RESOLUTION NO. 116

Offered by Councilman Bold, Seconded by Councilman Polak: Adopted by vote of Board: Ayes: DeCerce, Polak, Bold, Wormuth

WHEREAS, the Mechanicville City School District has requested the use of two Town of Halfmoon voting machines for their May 15th school budget vote, it is therefore

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

RESOLUTION NO. 117

Offered by Councilman Bold, Seconded by Councilman Polak: Adopted by vote of Board: Ayes: DeCerce, Polak, Bold, Wormuth

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

A resolution is needed to appropriate the contribution from JD McBride Construction made to the Character Counts Program for use to sponsor two children for summer camp as follows:

Debit:	Estimated Revenues	A510	\$200
	Subsidiary: Community Gift Contributions		
	A2705 - \$200		
Credit:	Appropriations	A960	\$200
	Subsidiary: Character Counts – Contractual		
	A7989.4 - \$200		

A resolution is needed to appropriate contributions made to the Halfmoon Senior Van Express in memory of John Vallee. These contributions will be used at the discretion of the Town Supervisor.

Debit:	Estimated Revenues	A510	\$782
	Subsidiary: Community Gift Contributions		
	A2705 - \$782		
Credit:	Appropriations	A960	\$782
	Subsidiary: Programs for the Aging		
	A6772 - \$782		

From	To Account	Amount	Reason
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Account			
AO1990.4 Contingency	AO1310.20 Finance Equipment	\$12,410	Transfer of appropriations needed to purchase a Sharp MX-3501N Digital Color Document System on State Contract pricing. This copier will be utilized by all Town Departments
FO1990.4 Contingency	FO9050.80 Employee Benefits Unemployment Insurance	\$200	Transfer of appropriations needed to cover the increase in unemployment insurance

RESOLUTION NO. 118

Offered by Councilman Polak, Seconded by Councilwoman Wormuth: Adopted by vote of Board: Ayes: DeCerce, Polak, Bold, Wormuth

RESOLVED, that the Town Board lets bids for Truck Dump Body and Plow Equipment for highway department truck to be opened May 16th at 7:10 pm.

RESOLUTION NO. 119

Offered by Councilwoman Wormuth, Seconded by Councilman Polak: Adopted by vote of Board: Ayes: DeCerce, Polak, Bold, Wormuth

RESOLVED, that the Town Board appoints Greg Stevens as temporary Director of Code Enforcement effective May 6th for no longer than three months, to be paid prorated annual salary of \$45,121.

Attorney Murphy requested that the next resolution “and subject to the receipt of the necessary approvals, permits and easements from Saratoga County” be added on at the end.

Councilman Polak commented that certainly the last thing he wants to see is any child get hurt at the school zone but for the Town to have to accept this liability when its on a County road is upsetting when it’s a County road and they are neglecting to do this. He stated if there is a lawsuit and this Town has to come forth then he will be knocking personally on the County’s door to accept some of this responsibility. He stated in order for the light to be functional there will have to be a future resolution after we have the yearly cost for electric.

Attorney Murphy stated we are not yet aware of that cost and it is her recommendation that when that issue arises that the Board actually hires an agency to be responsible for the maintenance, etc. with regard to the lights. She stated that is not part of this resolution because it has to be determined who would be appropriate.

Councilman Polak stated there will be a cost to the Town for the power and would be a separate resolution.

Councilwoman Wormuth stated it was her understanding we are exploring the option of having a company do the installation and maintenance which may reduce some of the liability to the Town. She stated we want to keep the children safe but we have to look out for the increased risk to the Town and, she would ask that we continue to pursue that in the meantime.

Councilman Bold stated he supports this but will express his disappointment that the County with its County road has not taken the responsibility to install this light and the same disappointment goes for the school district. He stated we have a school district and a county and a road system and neither of these agencies have chosen to step forward and provide this safety feature and now the Town has to step in and cover for this and that is a disappointment.

Supervisor DeCerce asked Attorney Murphy to react to this matter with the school and he’ll react to the County because he is very upset with the County as well.

Attorney Murphy stated with regards to the school district the State Comptroller has issues an opinion that states that the school district cannot pay for the installation of a traffic control device, however the issue with regard to maintenance is being discussed.

Supervisor DeCerce stated he is the Towns representative in Saratoga County and he fully expected that Saratoga County was going to cover this expense and it decided not to. He stated he took it to the Public Works Committee and there were three Supervisors on this committee who each said their Board did it in their Towns. He stated to him it is still a County responsibility but this Board is taking a stand in a direction and the direction is being requested by our Congressman John Sweeney who gave us money for another road, however, we are making an adjustment in our budget to make sure this happens. He stated he doesn’t like to

threaten individuals but he told his colleagues if something happens to one of those kids on that road he will ask counsel to come after them. He stated he doesn't feel it is something we have time to fight further and we need to put the light in to draw attention to people who speed down that road in front of the school with kids trying to cross and school busses going in and out. He stated he appreciates. He stated he appreciates the Boards support in trying to get this done.

RESOLUTION NO. 120

Offered by Councilman Polak, Seconded by Councilwoman Wormuth: Adopted by vote of Board: Ayes: DeCerce, Polak, Bold, Wormuth

RESOLVED, that the Town Board approves the purchase of two school flashing beacons at Mechanicville School, Pruyn Hill Road, County Road #1345, in the not to exceed amount of \$12,000 subject to review and approval of the Town Attorney of the necessary quotes and further

RESOLVED, that the approval resolution be subject to the receipt of the necessary approvals, permits and easements from Saratoga County.

Councilman Polak reported there will be a Zoning Committee meeting on Thursday at the Senior Center at 7 pm.

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

Ed Faulkner, Hayner Road asked who gets the artifacts that are found on Town property.

Supervisor DeCerce stated if we have a process to curate them the Town is allowed by the State of New York to keep them, if we don't they house them in a secure area to curate.

Councilman Bold stated technically they belong to the property owner, however, the property owner must demonstrate a means and a process to maintain, protect and preserve the artifacts. He stated if we are not able to come with such a process, approved by the State historic division we won't get them.

Mr. Faulkner commented that they must have been spoken to because the truck traffic on Hayner Road in the past two weeks he hasn't seen a truck. He stated they were asking if a sign could be put up like the one on Church Hill Road indicating no truck traffic.

Supervisor DeCerce stated the Town had posted roads up until last year. He stated that he discovered that the roads were posted not according to State policy or Town Law. He stated they have the right to give the Highway Superintendent the authority to post the road for a short period in the spring for the purpose of protecting the road but they have no authority to do anything other than that unless they establish truck routes.

Attorney Murphy stated there are strict prohibitions in the Town Law, Vehicle & Traffic Law and through the State that prohibit placing limitations on roads unless there are particular purposes. She stated they are always reviewing the various roads based on the requests of citizens and the Superintendent of Highways.

Supervisor DeCerce stated he spoke with a couple of the trucking companies and they were under the impression it was a shortcut but they agreed it wasn't really a shortcut. He stated they have a right to drive the road and the Town does our best to work with them.

There being no further business to discuss or resolve the meeting was adjourned at 2:50 pm.

Respectfully submitted,

Mary J. Pearson
Town Clerk

