

The July 5th, 2006 regular meeting of the Town Board of the Town of Halfmoon was called to order by Supervisor DeCerce at 7:00 pm at the Town Hall on Harris Road with the following members present:

Kenneth J. DeCerce, Supervisor
Walter F. Polak, Councilman
A. James Bold, Councilman
Regina C. Parker, Councilwoman
Melinda A. Wormuth, Councilwoman
Robert J. Chauvin, Deputy Town Attorney
Mary J. Pearson, Town Clerk

Lyn A. Murphy, Town Attorney – Excused

Also present: Lisa Perry, Secretary to Supervisor; Rodney Smallwood, Executive Assistant to Supervisor

The Town Board Workshop was held in the Board Room at 6:15 pm; no action was taken. The Supervisor asked Joshua Eiffe to lead the Pledge of Allegiance.

Supervisor DeCerce stated that Joshua Eiffe is a recipient of the State Eagle Scout Award. He stated that Art DeVoe from the VFW Post 1498 sponsored Joshua in the State and National competition and he won the State competition and he came in seventh in the National competition.

Art DeVoe, County Commander, President Shirley DeVoe, John Dahoda Senior Vice Commander Councilman Polak and Supervisor DeCerce announced what Joshua has won. Mr. DeVoe stated he receives a nice Eagle jacket and a Certificate of Recognition was presented by Councilman Polak with great pleasure. The Supervisor also presented an award from the Veteran's of Foreign Wars stating they were very proud of him. Joshua was also awarded \$300.00. Councilman Polak stated this is the highest rank in Scouting but it also exemplifies character, citizen and love of God and community and, having received that rank, Scouting does live on. Supervisor DeCerce asked Joshua to speak about his project at the Stratton Veterans Hospital.

Joshua stated he cleaned up the gazebo area and repainted, put in shrubs and a walkway and a path to the picnic tables. He stated a lot of time was put into the planning of this beautiful project. He thanked everyone present tonight for coming here to honor him and for their support.

The Supervisor opened the public hearing to Expend Monies for acquisition of property known as the Old Champlain Canal at 7:10 pm. The Clerk read the Notice of Public Hearing.

Deputy Town Attorney Chauvin stated this contract culminates several years of negotiations concerning the recreation improvements the Town was looking to make and, part of the Open Space Plan but also as part of the water line improvements and transmission mains which were approved as part of the Increase in Facilities. He stated they have been in negotiation with Mechanicville for a very long period of time. He stated Councilman Bold was in charge of the negotiations and this contract is the culmination over a long period of time and is separate and distinct from the eminent domain proceeding that commenced and resolved. He stated it will be the acquisition of a portion of the canal located within the Town of Halfmoon and, also will delineate how the monies are to be appropriated. He stated some will come from the capital reserve fund, \$100,000 and, will be subject to permissive referendum and the balance of \$50,000 will come from the Water Capital Improvement Fund. He stated the contract will be consummated subsequent to the expiration of the permissive referendum period, which is thirty days after the posting and publishing of the approval resolution. He stated the proposal is also to authorize the Supervisor to enter into the contract and sign the contract on behalf of the Town subject to permissive referendum.

Anthony Grande, Troy Topsoil Company, 748 Hudson River Road, stated he has battled with the Town of Halfmoon for almost 35 years. He stated he has documentation from an attorney when Mechanicville owned it and he went through the procedure of getting the paperwork in line as far as transfer and he owns the land of the abandoned canal. He stated people utilize the property and he has a mine on the west side of the canal that the attorney's have landlocked on him representing close to 75 acres. He stated the land was assessed at \$150,000 recently, \$500,000

three years ago. He stated Mechanicville approved and, he surveyed it and Mr. Chauvin is aware of this and also Supervisor DeCerce. He stated he can't cross the land and has to pay taxes on that land that the Town of Halfmoon and Clifton Park has landlocked. He stated he just lowered a house and got very little satisfaction on the assessment. He stated he spent over \$10,000 to get an easement done and it hinged on them getting a mortgage reassessment of property and pays over \$12,000 in taxes for one parcel. He stated if they come off the right of way they will be on his land. He stated all he wants is his easement and he will go to the Supreme Court to stop the water line and people will deal with him. He stated he is not happy about the assessments

Supervisor DeCerce stated this is a public hearing to hear concerns and they are hearing concerns but he has never met him. He stated what this is about is the Town of Halfmoon acquiring a piece of property in the Town from Mechanicville.

Henrietta O'Grady, Church Hill Road, stated she is chairperson of the Town Trails Advisory Committee and is here to strongly endorse and support the purchase of the Old Champlain Canal from the City of Mechanicville. She stated this 5.5 mile long former canal is a trail waiting to happen. She stated they have pictures of the old Lock 7 and Lock 8 which are old canal structures. She stated the Trails Master Plan and the Town Comprehensive Plan include provisions for endorsement and to acquire this Old Champlain Canal. She stated in 1975 the Saratoga County Bike Study report recommended that the abandoned canals in Saratoga County and the Town of Halfmoon be considered for trails at that time. She stated there is also a Champlain Canal gap report that was prepared in 2000 and the participates in that report where the NYS Canal Corp, the National Park service programs and NY Parks and Conservation Association and they strongly recommended a trail that would connect with Waterford, north as far as it could go in Halfmoon up to the National Park. She stated this is an opportunity to preserve Town history and provide additional recreation for the Town. She stated in case there is a problem with Route 4 & 32 where it was cut off between Waterford and southern Mechanicville this trail route would also be considered as an alternative transportation route. She stated they strongly endorse it.

Mr. Grande stated if we look to the railroad as an easement for a highway why use the canal and will be a very costly thing to make a bike path on and he doesn't understand how they will get by the properties. He stated he is not opposed to a bike path through there.

Supervisor DeCerce stated the purpose of this meeting is to listen to concerns and help them make a decision on whether or not to purchase the canal. He stated this Board has been working and negotiating with the City of Mechanicville for four or five years.

Gorge Hansen, Plant Road stated its a good idea for the Town to buy this land so we have control of it and so we can resolve some of these issues that have cropped up. He stated this land is better off in the ownership of the Town of Halfmoon and develop as we want. He stated there has been encroachments on the canal over the years that have led to the issues Mr. Grande has referred to.

Dorothy Lavigne, Church Hill Road, stated she would encourage the Town to acquire this property but would also to encourage the Town to help resolve the problem with Mr. Grande.

Keith Loomis, 116 Harris Road, stated he wants to ditto what everyone else is saying and this is a good purchase for a good price and he dealt with Mechanicville many years ago he knows what the negotiation had to be like and they should be very proud of themselves for getting it for the good price and thanked them.

Edward Peck, 30 Fairview Lane, stated he is happy to see this move forward and knows its been many years and, this Town needs some decent bike trails and off road walking, jogging, biking places. He stated the historical value is an extra benefit and there are grants to apply for.

Supervisor DeCerce closed the public hearing at 7:37 pm. He stated the Board will need to address issues brought up by Mr. Grande. He stated they never had control over it before and it is a piece of property in the Town and have worked to put the waterline in. He stated they were informed of a couple places where there were major rocks moved out and the State had a major concern. He stated the town will need to work with them and make adjustments and put things back the way they were and make it look like it did before. He stated there was some question as

to whether or not it would be sound for the Town to take it over because it seems like there may be a Consent Order for removal of the rocks.

Councilman Bold stated the State Historic Preservation on Peebles Island, in order to allow the eminent domain procedure to go forward, played a role in reviewing and approving the Town's plan for how the waterline will be installed.

Councilman Polak stated it seems like it has been forever and a lot of people have put a lot of time and effort into our historical property and maybe our kids and grandkids will acquire some great heritage. He stated this Board and the Master Plan committee and the land conservation are working toward the goals so we can preserve the property acquisition and lay the groundwork for the future.

Councilman Bold stated from the public they heard several people encouraging us to move forward with this and asked Attorney Chauvin if we are confident that Mechanicville has a clear title and they are lawfully able to convey this parcel to us.

Attorney Chauvin stated they are conveying it to us by warranty deed which is the best form of conveyance that could be done and they are assuring us they do own the title. He stated the title search has been made on the property.

Councilman Bold asked, following the time period for the proper procedures to go through, when and if we become the proper owners of the property if then we can lawfully enter into discussions with anyone about the use of the land.

Attorney Chauvin stated, at this time there is no legal authority to enter into any discussions about the use of the land until the thirty day permissive referendum period is resolved.

Supervisor DeCerce stated he has had the snowmobile club asking to use it.

Councilwoman Parker stated they have worked very hard for 2-3 years to bring this to fruition, not only to extend the waterline to people on the northern end of Town and they certainly want to make it better for our children and grandchildren.

Councilwoman Wormuth stated she wants to echo the importance of this for recreation, for open space, for control of it for the Town, She stated Councilman Bold's comments echo her's in that it wouldn't be appropriate at this point, having just received concerns today they will look for some kind of resolution.

Councilman Bold stated there is no one in the leadership of the Town of Halfmoon that has any desire to in any way, disrupt a business that goes on in this Town. He stated we are not interested in doing that and is not what we are about.

Supervisor DeCerce stated that is a very good point and the businesses are the life blood of this community and that is what helps keep the taxes low.

Deputy Attorney Chauvin stated that the Town Attorney prepared a formal resolution and he would ask that it be entered into the minutes because of the issue of the capital reserve expenditure.

RESOLUTION NO. 169

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

WHEREAS, the Town of Halfmoon has contracted to purchase property from the City of Mechanicville, located at tax map numbers 274-1-28 and 274-1-28.1 being known and described as the Old Champlain Canal in the Town of Halfmoon, County of Saratoga and State of New York from the City of Mechanicville, and

WHEREAS, the Town of Halfmoon will create appropriations from the Town Recreation Fees Fund and the Water Source Improvements, Phase II, Capital Project Fund for the financing of said property purchase, and

WHEREAS, the contract for the purchase of the land provides for the purchase of land for One Hundred Fifty Thousand (\$150,000.00) Dollars, and

WHEREAS, it is necessary that the Town Board approve and ratify the proposed contract signed by the Town Supervisor, and

WHEREAS, it is further necessary that the Town of Halfmoon have a public hearing on the proposal to expend the monies from the Capital Reserve Fund, which shall be appropriated from the

Town Recreation Fees Fund and the Water Source Improvements, Phase II, Capital Project Fund upon expiration of the permissive referendum period.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the purchase of the land is in the public interest.
2. That the contract for the purchase of land as stated above for One Hundred Fifty Thousand (\$150,000.00) Dollars be and the same hereby is ratified and approved and the Town Supervisor is authorized to sign the contract on the part of the Town of Halfmoon.
3. That the proposed financing will be subject to Permissive Referendum.
4. That the amount to be expended from the Town Recreation Fees Fund shall be One Hundred Thousand (\$100,000.00) Dollars and the amount to be expended from the and the Water Source Improvements, Phase II, Capital Project Fund is Fifty Thousand (\$50,000.00) Dollars upon expiration of the permissive referendum period, the balance to be transferred for this capital project and shall fund said Fifty Thousand (\$50,000.00) Dollar balance, together with additional costs of closing fees, title insurance, recording costs, etc. not to exceed Ten Thousand (\$10,000.00) Dollars for a total of Sixty Thousand (\$60,000.00) Dollars from the Water Source Improvements Phase II, Capital Project Fund.
5. That the purpose and affect of this Resolution is to authorize the purchase by the Town of Halfmoon of the property located at tax map numbers 274-1-28 and 274-1-28.1 being known as the Old Champlain Canal in the Town of Halfmoon.
6. That the Town Supervisor of the Town is authorized to execute this contract subject to Permissive Referendum.
7. That pursuant to Sections 82 and 90 of the Town Law, the Town Clerk shall post and publish a Notice, which Notice shall set for the date of the adoption of the Resolution, which shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof and it shall specify that the Resolution is adopted subject to permissive referendum; shall publish this notice in the newspaper published in the County of Saratoga having general circulation in the Town of Halfmoon.
8. That the Town Clerk shall cause to be posted on the sign board at the Town Hall, a copy of such notice within ten (10) days after the date of adoption of the Resolution.

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Councilman Bold reported on the archaeological work that ids bring performed at the new Town Park area off Route 236. He stated they have been working on a Phase II archaeological study for many months and we now have the report, which will be on file in the Town Clerk's office. He stated copies of the report have gone to the State Historic department on Peebles Island. He stated the report mentions sensitive sites that we should attempt to avoid or do a Phase III Study. He stated he doesn't know how we can avoid any of the sites without causing a major detraction from the park plans which will lead us into more study. He stated there are four prehistoric sites and one historic site that have been recommended for the Phase III field work. He stated there are 12 sites where they recommend taking existing artifacts and do additional analysis and some additional field work as well. He stated he doesn't have information relative to the timing or the cost and, costis to be determined. He stated the site where the old house and barns were located is not eligible for the historic register. He stated the other historic site that is eligible has a buried foundation and that house was gone by the 1866 map. He stated the prehistoric site s are the predominate features and they collected several thousand items and consist of stone points, stone tools, stone fragments, fire crack rock from fire pits, bone fragments, ceramic items, clay tobacco pipe fragments, several fire pits, manufactured stone tools. He stated the folks came through the area at various time period some in the 8,000 to 6,000 BC period and others in the 3,000 to 1,000 BC period.

Councilwoman Parker reported that she wanted to thank our code enforcement, highway department and West Crescent for working through flooding last week. She stated they did have to evacuate and post roads and all our employees worked very hard in trying to keep the damage to as little as possible.

Supervisor DeCerce reported on a call to go the Legislative and Research of Saratoga County where they met regarding the Sexual Predators and spent time asking for help protecting the children. He stated in addition there were requests for help with PCB dredging and discussion about the new CHIP fab facility and Luther Forest Technology Campus welcomes AMD.

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

DEPARTMENT REPORTS – month of June

1. Town Justice Wormuth
Total Cases - 301 Total fees remitted to the Supervisor - \$29,416
Filed.

NEW BUSINESS
RESOLUTION NO. 170

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

RESOLVED, that the Town Board authorizes the Town to provide Mohawk Towpath Scenic Byway Coalition with financial support in the amount of \$550.00 for 2006.

RESOLUTION NO. 171

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

RESOLVED, that the Town Board amends Resolution No. 10-2006 changing hourly pay rate for Recreation bus driver David Kohls from \$14.75 to \$15.00 retroactive to May 13, 2006, and further

RESOLVED, that the Town Board amends and changes hourly pay rate for substitute Recreation bus driver William Uber from \$13.25 to \$13.50 retroactive to May 13, 2006.

Councilman Bold commented on the next resolution and stated it is spelled out but the thickening of the slab is a recommendation from the plumbers who felt it will work out better. He stated the sluice gates were over specified and now they are properly specified and the recommendation came from the contractor and the same thing with the calving and the change order committee is recommending this change. He stated there is another part, which is not part of the resolution, but there is another change order they are processing under the electrical contract and is a credit in the amount \$1831, and does not require action just that they report on it.

RESOLUTION NO. 172

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

RESOLVED, that the Town Board approves Water Source Improvement Project Change Order No. 2 - Contract 4-G, BCI Structural Inc. for:

- 1. Provide a thickened slab as indicated on the drawings provided by CHA to accommodate plumbing embedment and slopes. Add to the contract \$11,054.00.
- 2. Changing the specified heavy duty sluice gates to normal duty sluice gates. Deduct to the contract in the amount of \$6,612.00.
- 3. Changing the specified 24” gate valves to 24” butterfly valves. Deduct to the contract in the amount of \$4,442.00.
- 4. The change in the contract due to these three items is \$0.00.

RESOLUTION NO. 173

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

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 project of preparing amendments to the zoning code and subdivision regulations in the proposal amount of \$60,000 for accounting purposes as follows:
Create additional appropriations within the General Fund 2006 Adopted Budget for the approved amount of \$60,000.

Debit:	Appropriated Fund Balance	A599	\$60,000
Credit:	Appropriations	A960	\$60,000

Subsidiary: A9950.9 - \$60,000 Transfer to Capital Projects Fund
Create appropriations within the Capital Project Fund known as Zoning Code, which will allow the appropriations for the project to remain in effect through end of the project.

Debit: Estimated Revenues H510 \$60,000
Subsidiary: H5031 - \$60,000
Interfund Revenues
Credit: Appropriations H960 \$60,000
Subsidiary: H1440.4 - \$60,000
Engineering Services Zoning Project

A resolution is needed to appropriate the contribution from Clifton Park Driving Range made to the Character Counts Program for summer recreation camp as follows:

Debit: Estimated Revenues A510 \$500
Subsidiary: Community Gift Contributions
A2705 - \$500
Credit: Appropriations A960 \$500
Subsidiary: Character Counts – Contractual
A7989.4 - \$500

Transfers Between Appropriations:

From Account	To Account	Amount	Reason
FO8320.43 Source of Supply, Power & Pumping Maintenance	FO8340.20 Transmission & Distribution Meter Purchases	\$10,000	Transfer of appropriations within own budget to cover additional purchase of meters for 2006
FO8320.20 Source of Supply, Power & Pumping Equipment	FO8340.20 Transmission & Distribution Meter Purchases	\$10,000	Transfer of appropriations within own budget to cover additional purchase of meters for 2006

RESOLUTION NO. 174

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

RESOLVED, that the Town Board approves and orders paid all vouchers for all funds listed on Abstract dated July 5, 2006, totaling: \$20,344.29

RESOLUTION NO. 175

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

WHEREAS, the Code Enforcement Officers have cited the owners Stanley & Kim Lermiesz upon failure to comply with the statutory requirements of the State of New York and the Local Laws of the Town of Halfmoon, and

WHEREAS, the Town Board of the Town of Halfmoon is concerned about the risk to the health, safety, and well being of the residents of the Town of Halfmoon based upon their knowledge that there are numerous tires being stored in a facility that has not been granted a certificate of occupancy and that the building is not in compliance with the State regulations regarding building and fire suppression systems, now, therefore, be it

RESOLVED, that the Town Attorney’s Office is hereby authorized to file a Supreme Court action against Stanley & Kim Lemiesz to obtain an injunction prohibiting any occupation of the accessory building in the Town of Halfmoon; and it is further

RESOLVED, that the Town Attorney’s Office may expend two hundred and ten dollars (\$210.00) to obtain an index number in Supreme Court and ninety-five (\$95.00) to file a request

Public privilege for discussion of non-agenda items was opened by the Supervisor; no one had questions or comments.

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

Respectfully submitted,

Mary J. Pearson
Town Clerk

7/5/2006