

The December 5, 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  
Mary J. Pearson, Town Clerk  
Lyn A. Murphy, Town Attorney

Also present: Frank Tironi, Director of Water; John Pingelski, Highway Working Supervisor; Rodney Smallwood, Highway Laborer; Lisa Perry, Secretary to Supervisor

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.

Supervisor DeCerce introduced Dr. Michael McCarthy, Mechanicville School Superintendent who will provide a presentation on the Mechanicville School District and asked him to introduce his Board members who are present. Dr. McCarty introduced Frank Grimaldi, the President of the Board of Education and Vice President, John Southworth.

Dr. McCarthy thanked the Board for inviting them this evening and provided a pamphlet of information on the District. He stated they have a mission statement and it is a child centered statement and talks about a combination of resources from the home, school and community. He stated they try to ensure a stable and engaging learning environment committed to developing the passion in children and children that are confident and creative learners. He stated hopefully at graduation they have produced a child that can go out into the world to work or go on to college and become successful as an adult. He stated the city population is approximately 5,000 and the housing units are around 2,400 and, the irony is that the school district growth is outside the City of Mechanicville. He stated Halfmoon is where the school is located and the entire complex is in Halfmoon. He stated they serve Mechanicville, Halfmoon, Schaghticoke and Stillwater and there are large and small portions in each of these areas and, one of the big building complex areas is Fairway Meadows which is in the Town of Halfmoon. He stated it hasn't provided too many new students for them but has increased their population. He stated they feel they are a school system that provides a large school experience in a relatively small school setting. He stated in the BOCES they are a part of there are 31 schools and they are considered one of the larger midsize schools. He stated the enrollment is 1,365 students; they have a new elementary building and typically runs a little over 600 students a year and the class size is about 100 per grade; they have a full day kindergarten and full time teacher aids; each grade level has a pod area and is an area to work independently or small groups; they have a new library; the cafeteria not only is an area to feed students but there is a stage area. He stated the Middle School has an enrollment of about 325 to 350 students; has a new science lab; technology room with a video production area; three new classrooms and a brand new cafeteria which gives the students an identity; a family and consumer science room with all the up to date materials for cooking. He stated the High School is around 400 students and is 100 students per grade level; a new physics and chemistry lab and is quite nice; a new gymnasium; all their sports fields are in an around the facility. He stated between the two schools there is a corridor that intersect and is where the media center for the High School/Middle School is and allows the students from each school to access that area without going through the other school; a new distance learning lab. He stated they have several programs in each school, fire safety and prevention in the elementary, at all levels they have drug prevention and awareness, young scholars, character education program in elementary; the middle school has a career fair to talk about occupations, the high school also has special offerings and a full component of athletic programs. He stated they also offer a special education program. He stated this year they are trying to create a budget that will meet the needs of the students and also create a budget that meets the needs of the homeowners and taxpayers.

Supervisor DeCerce thanked Dr. McCarthy and the Board members for coming here. He stated they have worked on projects together and the Town Board came through for the traffic lights at the school for them. He stated they like the things they are doing with our children and we like

using the school for the summer Rec. Program and maybe someday it will work out for us to use the pool. He stated the Town will continue to cooperate and work with the school. He stated now they don't need baseball fields and we do need fields. He stated it has been a pleasure to have the three school superintendents come in and talk to the Town Board about the state of the school district.

Councilman Polak stated he wanted to thank Mr. McCarthy and his board members for being here and he has given the best presentation and it was very informative.

Councilwoman Wormuth stated one of the programs she represents and is a big part of what she does is the recreation program. She stated they wanted to help them out when they needed fields because they are part of the community and it worked out very well and they would like to continue that. She stated we utilized the school for the summer program last year and hopes it went as well for them as it did for us and is a revenue stream for them and we supplement our program for our residents at a very large expense to the Town and it is one of the best run programs in the area. She thanked them for coming tonight.

Attorney Murphy stated the Town has begun consultations with the other school districts with regard to the role of the School Board and the School in making a determination with regard to Article 78 Tax Certiorari Proceedings and based on the increasing expense of defending these lawsuits they have been approaching the other schools to determine their willingness to ensure that their needs are taken care of.

Supervisor DeCerce stated if the Town surpasses the funds we have put aside we may need some help.

Councilwoman Parker stated that the quality of education in a small school district is maybe sometimes much better for the children having taught school herself. She stated it is encouraging to know there are about 100 in the graduating class.

Councilman Bold commented that we are the sole provider of water for the school system and all the buildings and he trusts the water quality has been good and reliable and the pressures have been very high. He stated if they ever have problems please contact the Town as soon as possible.

Councilman Bold stated he would like to reinforce a couple of comments regarding the baseball fields. He stated there were a number of years when the school teams requested the use of our fields on a sporadic basis for a while but then when the school got into some difficulties two years ago with the field renovation work during that time period, our teams did struggle in an effort to accommodate and shift their schedules and everybody did the best they could do. He stated since that time we have requested some reciprocal help because now our fields are torn up and, from the top down we get a lot of support to help but when it comes time for our athletic people to contact their athletic people that flexibility seems to have waned a little. He stated if there is anything they can do to encourage their athletic people it would sure be a help. He thanked them for coming tonight.

Mr. McCarthy stated he apologizes and it would have been a nice power point presentation. He stated the Town did have a summer program at their school this summer and it was by far the best run program they have ever had and they did a great job. He stated they did try to accommodate the baseball people and if the Town does not get cooperation he wants us to let him know. He stated in addition the Town helped with the flashing lights which are outstanding and they appreciate it and will try to reciprocate to the best of their ability. He stated he would guess but the number of Halfmoon students could 25% - 30% but he could be off and he will get an accurate number.

#### **REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY**

Councilman Bold stated he has two change orders to report on relative to the piping project, Thousand Oaks being the contractor. He stated the first one is on Pohl Road, the cost is not to exceed \$9200; the second is on Route 146 and deals with the service to a private resident and the additional cost is \$2,000 for additional plumbing work required.

Councilwoman Parker reported that Thursday, December 7<sup>th</sup> is the Tree Lighting for the Town and also the Tree Lighting.

Supervisor DeCerce stated the Celebration committee is getting a lot of accolades for the Christmas parade and, it was outstanding.

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

#### **DEPARTMENT REPORTS – month of November**

1. Town Justice Wormuth

Total cases - 523 Total fees remitted to the Supervisor - \$29,235  
Filed.

2. Town Justice Tollisen

Total cases - 252 Total fees remitted to the Supervisor - \$25,830  
Filed.

#### **CORRESPONDENCE**

1. Received from Senior Planner notification of Planning Board positive recommendation for Hudson Ridge multi-family PDD, Stone Quarry Road.

#### **OLD BUSINESS**

Attorney Murphy stated, relative to the next item, that the Lead Agency and Negative Declaration have been amended to precisely detail that the study is being proposed as a Corridor Study as opposed to being an amendment to the Comprehensive Plan.

Councilwoman Wormuth asked that the amended language that does this as a Corridor Study versus becoming part of our Comprehensive Plan as discussed at the public hearing, if it puts it out there with enough lead and notice to the public that this is what we are doing and is a Board decision. She asked if there is a legal issue with this.

Attorney Murphy stated the Board would not need to have a public hearing to approve as a Corridor Study because it was recommended the study be conducted the Board complied with the recommendation of the Comprehensive Plan and is now acting in accordance with the Plan.

Councilwoman Wormuth stated it is her preference to do it as a Corridor Study because the concerns that were raised at the public hearing and the weight it would have being part of the Comprehensive Plan wasn't depicted as well as she thinks people would have liked to hear it.

Councilman Bold asked if the public hearing that was held was not a legal requirement even though it's good policy to hold it and listen to the public.

Attorney Murphy stated it is a legal requirement to amend the Comprehensive Plan but it is her understanding the Board is adopting this as a Corridor Study and an additional public hearing it is not needed due to that change.

#### **RESOLUTION NO. 289**

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

#### **ESTABLISHMENT OF SEQR LEAD AGENCY**

WHEREAS, the Town Board intends to adopt the Plan for Halfmoon Center in accordance with Town Law § 272-a; and

WHEREAS, the adoption of a land use plan is a Type I action pursuant to the State Environmental Quality Review Act (SEQR) and therefore subject to the regulations of that law (6 NYCRR 617); and

WHEREAS, the Town Board is the only involved agency;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board is Lead Agency pursuant to 6 NYCRR 617.6.

#### **SEQR DETERMINATION OF NON-SIGNIFICANCE**

For the adoption of the  
PLAN FOR HALFMOON CENTER

WHEREAS, the Town Board has established itself as Lead Agency in accordance with 6 NYCRR 617.6; and

WHEREAS, that preparation of the Full Environmental Assessment Form revealed no significant adverse environmental impacts associated with the adoption of the Plan for Halfmoon Center;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board has determined that the adoption of the Plan for Halfmoon Center will not have a significant environmental impact on the community and that the preparation of a Draft Environmental Impact Statement will not be required; and

BE IT FURTHER RESOLVED that the attached Negative Declaration is to be filed and published in accordance with 6 NYCRR 617.12.

## **RESOLUTION NO. 290**

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

### **Corridor study with the amendments as set forth by the Town Board**

WHEREAS, the Town of Halfmoon's 2003 Comprehensive Plan identified the need to conduct a study regarding the Halfmoon Center Plan to refine the town's future land use vision for the Halfmoon Center area; and

WHEREAS, the Town of Halfmoon received a grant from the Capital District Transportation Committee Linkage planning program to aid in the completion of the Halfmoon Center Plan study; and

WHEREAS, public outreach was conducted to receive and incorporate the concerns and needs of the citizens of the Town of Halfmoon; and

WHEREAS, a public hearing was held on October 3, 2006; and

WHEREAS, the Town Board of the Town of Halfmoon made minor amendments to the Halfmoon Center Plan which attached to and made a part of the plan as Exhibit "A"; and

WHEREAS, the Town of Halfmoon recognizes the existing and increasing use of certain traffic arteries within the Town by pedestrians and bicyclists; and

WHEREAS, the Town of Halfmoon recognizes the increase in traffic and growth of the Town's population and density; and

WHEREAS, the Town of Halfmoon wishes to develop safe pedestrian and bicycle routes connecting population centers with Town parks, shopping areas, recreational areas, cultural governmental sites, and neighboring towns; now, therefore, be it

WHEREAS, the Town of Halfmoon's plan for the Halfmoon Center was referred to the County Planning Board and received a positive response; and

WHEREAS, the Town of Halfmoon completed SEQR review and determined that the Halfmoon Center plan was consistent with the plan as detailed through the Comprehensive study;

NOW, BE IT HEREBY

RESOLVED, that the Town of Halfmoon hereby adopts the Plan for the Halfmoon Center with the amendments as adopted by the Town Board of the Town of Halfmoon as follows:

1. An adequate buffer shall be established between any proposed development and existing residences.
2. The intent of the new connector road is two fold. First, the connector will provide an alternate route between the active commercial route nine areas via less heavily traveled route with fewer signals to the Town's municipal Center. Secondly, the connector will provide some mitigation to traffic growth on the existing routes.
3. There is no requirement nor preference for a building sixth stories in height.
4. The extensive wetlands that exist in the open area are regulated to a great extent. These rules govern the use, avoidance and mitigation measures that may be considered at the time of development.
5. Constructing a road and trail is more likely to be the case rather than constructing a trail only.
6. There are no current plans to change the zoning from residential to commercial. Should a PDD be presented with a mixed use as suggested in the study, proper planning and public hearing procedures will be followed.

## **NEW BUSINESS**

## RESOLUTION NO. 291

Offered by Councilwoman Parker, seconded by: Adopted by vote of the 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 December 5, 2006, totaling: \$6,317,885.46

Councilman Bold stated, relative to the next resolution that this change order is recommended by the Change Order Committee to the entire Town Board. He stated at the time we did the base bid process there was an item called Add Alternate No.2 which was to supply not only the transfer switch but the entire generator system and, at that time, the Board chose not to award Alternate No. 2 because of the excessively high price so subsequently they asked for a proposal to do the automatic transfer switch only and if it is not done now it can't be done later. He stated they will probably come back at a later time and make a recommendation to the Board to re-bid the generator under a different specification.

Supervisor DeCerce stated he tried to get an alternate source of energy but so far he has not been successful in that effort as of yet but will try again.

Councilman Polak asked if this allows all the pre wired conduits through penetration walls.

Councilman Bold stated the penetrations and conduits through the walls and the floor are really a part of the electrical base bid and, this is the new transfer switch and the connections to the power panel and sub-panels.

## RESOLUTION NO. 292

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

RESOLVED, that the Town Board approve New Town Hall, Change Order No. 1, Comalli Electric to provide and install a 1600 amp Automatic Transfer Switch and related conduit and wiring for Generator in the total amount of \$44,800.

## RESOLUTION NO. 293

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

WHEREAS, documentation has been submitted stating the Roadway Dedication Procedure standards have been satisfied for dedication of Farmview Phase II (remainder of Farmview Lane) and Fairway Meadows, Phase II, Camber Court and portion of Stableford Place, it is therefore

RESOLVED, that the Town Board hereby accepts the remainder of Farmview Lane and Camber Court and portion of Stableford Place as Town roads.

## RESOLUTION NO. 294

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

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

A creation of appropriations is necessary to create the project budgetary accounts for the Crescent Park Trail (Canal Road Bike Path). The objective of this project is to provide safe and efficient transportation alternative for bicyclists, pedestrians and other non-motorized users between the NYS Route 9 and the Town of Clifton Park along the Mohawk River, and to improve public access to the Mohawk River. Part I is for consultant services to complete the preliminary phase of this project. The cost of this Part I project is \$93,000 of which \$74,400 will be federal funds.

DEBIT: Estimated Revenues H-510  
H-4889 - \$74,400 Culture & Recreation  
Capital Grants H-5031 - \$18,600 Interfund Transfers

Transfers between Appropriations:

