

The February 7, 2006 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 present:

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

Also present: Frank Tironi, Director of Water; Steve Watts, Building & Development Administrator; Dick Lee and Rodney Smallwood, Executive Assistants to Supervisor; John Pingelski, Working Supervisor; Lisa Perry, Secretary to Supervisor

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

The Supervisor stated first on the agenda is a resolution honoring Peter Keyrouze. He stated Peter did a lot of things in the Town of Halfmoon for Halfmoon Baseball and various other good things. He stated Peter is going to be the Saratoga County individual who is recognized as a deceased war veteran at the County Board meeting on February 28<sup>th</sup> at 2:30 pm and he invites everyone to come and be part of that ceremony. He stated he will bring the proclamation from the Town to the County meeting. He stated he is not going to read it but, we will bring the family back at the March 7<sup>th</sup> meeting and present it to his wife, Pat Keyrouze.

Councilman Bold commented that many people knew Peter and know of all his works. He stated he was active with the baseball league and the fields and he really left his “mark”.

#### RESOLUTION NO. 32

Offered by Councilman Polak, Seconded by Councilwoman Parker: adopted by roll call vote:  
Ayes: DeCerce, Polak, Bold, Parker, Wormuth

**WHEREAS**, Peter Keyrouze was born in the City of Troy, State of New York on November 13, 1921; and

**WHEREAS**, Peter Keyrouze graduated from Catholic Central High School and Siena College; and

**WHEREAS**, Peter Keyrouze was self employed in printing and publishing; and

**WHEREAS**, Peter Keyrouze was a member of the American Legion Mohawk Post 1450 and was actively involved in many of the activities at the Post resulting in his being awarded the Post’s “Man of the Year” award in 1971; and

**WHEREAS**, Peter Keyrouze was actively involved with the AABC Baseball Congress; and

**WHEREAS**, Peter Keyrouze joined the United States Navy in 1942 serving as a Pharmacists Mate; and

**WHEREAS**, Peter Keyrouze was honored with Campaign Ribbons from the American Area, the European-African-Middle Eastern Area, the Asiatic-Pacific and also received the Good Conduct Medal and the World War II Victory Medal; and

**WHEREAS**, Peter Keyrouze was awarded two Bronze Stars during the European-African-Middle Eastern Area Campaign for his conduct during the invasion of Normandy and the invasion of the South of France and one Bronze Star during the Asiatic-Pacific Campaign for his conduct during the Okinawa Gunto Operation; and

**WHEREAS**, Peter Keyrouze was deeply involved in the community including the formation of many area sports leagues, expansion of Cohoes Memorial Hospital, Chamber of Commerce, and the National Red Cross; and

**WHEREAS**, Peter Keyrouze died in his home in Halfmoon on June 2, 2005; and

**WHEREAS**, Peter Keyrouze is survived by his wife Patricia E. Keyrouze and, also by children, Kathy Ann Smith, Thomas P. Keyrouze and Edward J. Keyrouze;

#### **NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. That the Town Board of the Town of Halfmoon records and expresses deep appreciation for Peter Keyrouze’s contribution to the Town of Halfmoon and the United States of America, especially his service to our country.

2. That a certified copy of this Resolution will be entered into the Town records proclaiming the Town of Halfmoon's recognition of Peter Keyrouze.

3. That a certified copy of this Resolution be presented to his surviving family.

The Supervisor stated that Dr. Robinson, the new Shenendehowa School Superintendent has been holding meetings in the area. He stated he has three Board Members with him and Sue Martin, who does the financial computation and introduced Board of Education President DiLallo, Bill Casey and Charlie Hoff.

Dr. Robinson thanked the Board for the opportunity to be here and the purpose is for the opportunity to introduce himself to the community beyond his work as Superintendent. He stated he hopes this is the first of many times he will have the opportunity to come here. He stated he was Superintendent of Mohanson prior to coming to Shen and he is very familiar with Shen and the concerns. He stated the School District is constantly growing and presents the challenge of always addressing what they are doing. He stated their District goals are straight forward in terms of the things they are doing in. He stated they are a testing environment and for the first time this year they had standardized testing in Grades 3 through 8, in addition in is about how do they provide for all kids. He stated their organizational plan is to focus all their resources on what they do which is educate kids. He stated the district goals are to develop and implement high quality educational programs recognizing that children develop and learn at different rates and in different ways. He stated they will recruit, employ and retain qualified and well-prepared personnel in all capacities and provide the opportunity for professional growth and accomplishment of relevant district objectives. Dr. Robinson stated they will maintain a sound financial base for the support and expansion of programs through a comprehensive budget process. He stated they will maximize the use of available resources to support high quality instructional programs and provide quality facilities. He stated they will be sue appropriate resources are available to support effective and efficient operational processes and procedures to support the community assets. He stated the school is growing at about 120 new students a year. He stated 2 or 3 years ago they were projected to add 10,000 students by 2010 now it is 10,000 students by 2008. He stated this presents a challenge but also an opportunity because our size

Discussion followed.

The Supervisor stated the next item will be the resolution honoring Sandra McBride. He invited Sandra and Tom to come forward and read the following resolution. He stated she grew up in Halfmoon, wrote the poems and they are very beautiful. He stated she credited her husband Tom as "being the wind beneath her wings".

#### RESOLUTION NO. 33

Offered by Councilwoman Parker, Seconded by Councilman Polak: Adopted by roll call vote: Ayes: DeCerce, Polak, Bold, Parker, Wormuth

**WHEREAS**, Sandy McBride was born Sandy Hosley in the City of Mechanicville on December 18, 1942 and has been a lifelong resident of the Town of Halfmoon; and

**WHEREAS**, Sandy McBride graduated from Mechanicville High School in 1960 as Valedictorian of her High School Class; and

**WHEREAS**, Sandy was married to Tom McBride in 1961 and moved onto the McBride Family Farm on Pruyn Hill Road in the Town of Halfmoon; and

**WHEREAS**, the McBride Family has owned the Family Farm since 1912 and this will qualify as a century farm in 2012; and

**WHEREAS**, Sandy has worked for several years as a Secretary to the Town of Halfmoon Planning Board under Russell George and Larry DeVoe from approximately 1968 to 1971; and

**WHEREAS**, Sandy also did public relations work for former Town Supervisor James Reich; and

**WHEREAS**, Sandy has authored a piece on the history of the Hillcrest Volunteer Fire Department for the Town's bicentennial booklet entitled "Halfmoon: A Peaceful Passageway"; and

**WHEREAS**, the McBride Family gave up the dairy farm in 1985 and Sandy went to work for the Mechanicville City School District in the administrative office and spent the next twenty (20) years in that position; and

**WHEREAS**, Sandy has enrolled in a writing course with the Institute of Children's Literature and has continued on to take additional courses; and

**WHEREAS**, Sandy has won numerous awards for writing, both poetry and fiction, and has published five (3) anthologies by June Cotner, as well as in Ms. Cotner's "Everyday Blessings 2006" calendar; and

**WHEREAS**, Sandy's writings have appeared in the "New England Writer's Network", "Once Upon a Time", "Mail Call Journal", "Magic Lark Journal", "Her Circle E-zine", and at historyonline.net; and

**WHEREAS**, Sandy has sold a short story to the prestigious children's magazine "Highlights for Children" and has also sold a poem to Harcourt Assessment for the State of Michigan's ELA testing program, and has published an award winning photo in "Hallowed Ground"; and

**WHEREAS**, Sandy McBride was honored by the Mechanicville District Public Library for National Poetry Month in April of 2004 with a month long display of her works and a reception in her honor; and

**WHEREAS**, Sandy has published "Mist Upon the Pond" in late autumn of 2005, which book is a diverse collection of her favorite poems written over the past six (6) years, including everything from humorous haiku and children's poems to spiritual poems to heart wrenching historical narratives, and upon the cover of "Mist Upon the Pond" there is a view of the McBride Farm pond on McBride Road in northern Halfmoon; and

**WHEREAS**, the Town of Halfmoon wishes to acknowledge the tremendous accomplishment of having her book of poems published;

**NOW THEREFORE, BE IT AGREED AS FOLLOWS:**

1. The Town Board of the Town of Halfmoon hereby recognizes the literary accomplishments of Sandy McBride, including but not limited to the publication of the book, "Mist Upon the Pond".
2. That a certified copy of this Resolution will be entered into the Town records proclaiming the Town of Halfmoon's recognition of Sandy McBride.
3. That a framed copy of this Resolution be presented to Sandy McBride.

Supervisor DeCerce stated next on the agenda is Joan Ostra who is with CAPTAIN and will make a brief presentation.

Ken Clemons, president of the Board of Directors of CAPTAIN youth and Family Services stated they are here to thank the Town Board of Halfmoon as well as the citizens of Halfmoon for the tremendous support they have provided CAPTAIN through the years. He stated one of their biggest programs is the one they have in Turf Park, Cheryl's Lodge and Halfmoon assisted with the expansion of the lodge this year. He stated they see the kids grow and prosper from the things they do and thanks them again.

Joan Ostra stated they want to publicly thank the Town Board for their support and they are very proud to be a part of the community because they serve a great need in this community in providing services. She stated she wanted to thank the Town on behalf of CAPTAIN and presented a plaque to the Town.

Supervisor DeCerce and Councilwoman Wormuth accepted the plaque on behalf of the Town.

The Supervisor stated next on the agenda is the presentation for the Hudson Ridge Planned Development District Stone Quarry Road.

Councilwoman Wormuth stated Mr. Hoblock is representing Capitol District Real Proprieties was here in December and provided an overview of the project.

Mr. Hoblock stated he will provide a presentation on the revised application for the Hudson Ridge PDD on the corner of Stone Quarry Road and Route 9. He stated they submitted the original application earlier along with a formal traffic study and a detailed analysis of the public benefits. He stated it is a 32 acre site and is vacant with the exception of one home and an outdoor commercial storage facility. He stated it is somewhat forested and has some wetlands and some grassy areas and is zoned C-1. He stated there are a total of 228 luxury apartments and is a true luxury multi-family community. He stated the original application was for 268 apartments. He stated there will be a boulevard type entrance coming in and, they are trying to

create a community that has a sense of itself with courtyard areas and clustering to keep as much green as possible. He stated it is a mix of six-unit buildings and is completely different than the traditional apartment building. He stated they have 2 style buildings, 6 units and 8 units and each has an attached garage. He stated they are building a condominium level product. He stated each building has a mix of some town home up/down and some traditional flats and inside the will all be very well appointed with wood floors and cathedral ceilings with very spacious and bright floor plans, walk in closets, double vanities, patio or balcony. He stated there is also a beautiful clubhouse. He stated they worked on the public benefit and, in addition to bringing a quality, vibrant multi-family community that offers an alternative to home ownership for empty nesters and young professionals, they are offering three specific benefits to the Town. He stated they are offering to improve the intersection at the western end of Stone Quarry Road where it crosses Woodin Road by cutting back the rock completely and level out Woodin Road to improve the site distance. He stated another benefit they propose would be on Stone Quarry where it meets Route 9 they would do a vertical realignment by cutting the road down. He stated there are significant sewer issues on Guideboard Road and they are working to elevate those as an off site public benefit. He stated this project is a good fit for this parcel and is in a core area where development should be targeted given it is the central part of the Town with access to Route 9. He stated this is zoned commercial but there is only about 100' of frontage on Route 9 which is completely wetlands and totally unusable and doesn't make for a viable commercial parcel. He stated if the parcel is not meant for commercial it is not really residential because of the close proximity to Route 9. He stated it is somewhat of an awkward parcel and they look for transitional pieces which go from a commercial area to a single family home area and that is what this does. He stated they feel that a true quality multi family community is a nice solution.

Mr. Hoblock stated they have a great general public benefit by bringing an alternative to traditional home ownership to an empty nester or young professional. He stated more specific benefit relates to traffic and cure a public safety hazard and the Guideboard Road sewer problems. He stated EDP is working on the sewer issues, along with Councilman Bold, on this benefit to come up with the best solution.

Councilman Polak asked if the Hudson Preserve project is completed and asked about the location.

Mr. Hoblock stated they have over 100 people living in the new project and stated it is right off Route 2 at the top of the hill. He stated he would welcome everyone to go there. He stated it is similar to what they are proposing here but it will be a step up here with the attached garages.

Councilman Polak stated the road improvements on Woodin and Stone Quarry will be a massive improvement that is needed. He stated on the other end at Route 9 will also be an improvement and maybe a right hand turn lane is needed and asked how they will work around the water lines. He stated it will be a nice project but will certainly impact that road as far as egress out to Crescent and egress out to Route 9 and they will be stacked at peak hours.

Councilman Polak stated to make the sewer improvements for Guideboard will be necessary to get the project in and to him is not a huge benefit and benefits them to make millions on the project and will not benefit any residents along the way.

Councilman Bold stated he met with Gordon Nickelson from EDP and we have a need for some sewer improvements on Guideboard Road, however, without those improvements this project does not work. He stated he believes the current thinking is that their sewer flows will go out the back onto Birchwood Drive and they would make some upgrades to the pump there but that route for sewer disposal is not going to work unless they go over and fix the problems at Guideboard Road and get the flows coming from Knoxwood, Lexington, Stage Run, Farmview and Rivercrest and get them out of that Guideboard Road line segment. He stated they need to make those improvements or they cannot build this project. He stated he wanted to be sure that is very clear.

Mr. Hoblock stated unless they go above and beyond and the solution they are talking about is actually connecting in or around the Salty's intersection the existing gravity line directly to the County line. He stated that is something that wouldn't be needed for this development.

Councilman Bold stated he disagrees it is needed for the development. He stated they made that very clear in the meeting with EDP, and stated either that or some other way.

Mr. Hoblock stated that Paul Fleming, their General Manager with an engineering background has worked with EDP very closely.

Mr. Fleming stated for clarification there is an awful lot to study here and they welcome the opportunity. He stated the reporting from EDP is just beginning and if they look at a number of different options they will come back and reflect on those and talk with them more on what those options are. He stated there could be a very quick fix for them but what they are really looking for is something that is not just going to be a resolution for their needs but also to bring public benefits that will help the Town.

Councilman Polak stated he wasn't involved in the sewer meetings and he was just stating his comments and his personal feelings and, certainly a quick fix may have an effect on the sewer.

Councilman Bold stated, relative to the intersection they spoke about at Woodin Road, he would urge them, their traffic people and the Planning Board to be creative on that intersection and don't think simple. He stated that is an important intersection and they will generate a lot of traffic. He checked his map and stated this will be an Out of District for water and they will not have any water available for this project before mid-2007.

He asked if they had any idea how many school age children this project might generate.

Mr. Hoblock stated they haven't done a direct calculation and they use the numbers out of Capital District Regional Planning Commission which is State wide. He stated in general those numbers are a worst case scenario because they are generated on a typical garden-style apartment. He stated they are still very low and much lower than single family homes especially when 30% are only one-bedroom and there are no three-bedroom. He stated they are targeting empty nesters and young professionals and typically are not the type of home that generates children and specifically school-age children. He stated that relates to traffic and this being something that generates your typical traffic on an am and pm basis. He stated multi-family communities generate typically much, much lower traffic volumes than single family homes. He asked everyone to look at the traffic impact study to see the traditional numbers, which like the school numbers, are a worse case scenario but that is how they calculate it and use conservative numbers.

Councilman Bold stated they know those things and certainly a low number per unit on 228 apartments is different than a high number per unit on single family homes. He stated what he was looking for is how many school age children and not a process of calculating that. He asked if they could make that number available to them.

Mr. Hoblock stated they will do it and have not so far because they thought the Planning Board would get into it more.

Councilwoman Wormuth commented, having worked with the project since it first came in, she described the intersections from Route 9 out to Crescent as bad, worse and not much better and they were very vocal with them about the concerns of traffic in the area of the intersections and, of the need for engineering in order for this project to work. She stated the sewer is something Councilman Bold has been involved with but his opinion that a large part of this is necessary to do the project leaves the question of the public benefit along with some of the improvements they will make are also necessary for the project. She stated, relative to the traffic study, they have all shared their opinions, about how inaccurately they can be and rely on our own engineers to take a look at some of those things as well as their proposals for their improvements. She stated because Clough Harbour is really going to need to review on a technical level it would be her hope that if this moves to the Planning Board the issue of public benefit is a large concern.

Mr. Hoblock stated they look forward to working with the Town Board and the Planning Board to really get into the technical issues and addressing them

Councilwoman Wormuth stated to refer to the Planning Board at this point will allow some engineering work to be done and a recommendation back to the Town Board is the next step. She stated they have reiterated their concerns and, until they start getting some engineering review relative to these issues is going to be necessary to consider this.

Attorney Murphy stated, prior to moving to the Planning Board this Board has decided they are going to take the lead agency status pursuant to SEQR and handle all the SEQR issues at this level.

#### RESOLUTION NO. 34

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

WHEREAS, the Halfmoon Town Board has determined that the proposed Hudson Ridges Multi-Family Planned Development District located on the north side of Stone Quarry Road immediately west of Rout 9 is subject to SEQR and may involve one or more involved or interested agencies; and

WHEREAS, the Halfmoon Town Board intends to undertake SEQRA lead agency status for this action not less than thirty (30) days from the date of this notice, pursuant to 6 NYCRR & 617.6(b)(3)(i) so long as none of the involved or interested agencies objects; and

WHEREAS, the Halfmoon Town Board has determined that the proposed Hudson Ridges Multi-Family Planned Development District is a Type I action pursuant to SEQRA; and

WHEREAS, the Halfmoon Town Board has determined that the following agencies are involved or interested: Town of Halfmoon Planning Board, Saratoga Planning Board, NYS Department of Environmental Conservation, NYS Department of Health, U.S. Army Corps of Engineers, Town of Halfmoon Water Department, Saratoga County Sewer District No. 1; now, therefore, be it

RESOLVED, that the Town Board of the Town of Halfmoon, hereby authorizes Clough, Harbour & Associates, LLP, to send out notice of Lead agency designation for the Hudson Ridge Planned Development District on Stone Quarry Road in the Town of Halfmoon.

#### RESOLUTION NO. 35

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

RESOLVED, that the Town Board refers the Hudson Ridge Planned Development District to the Town Planning Board for their review and recommendation back to the Town Board and further

RESOLVED, that said referral include the Town Board comments.

3. Received from State of New York Department of Transportation notification of speed limit study for Grooms Road in the Town of Halfmoon with determination that a reduction in the speed

#### REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Supervisor DeCerce reported that there has been discussion suggesting that we are going to cooperate with the Town of Clifton Park to achieve a unit called a Vacuum Jetter Truck. He stated the highway department requested this two years ago. He stated they are going to band together with Clifton Park and ask for grant funding and resolution would be needed to go forth. He stated the proposal amounts to a \$100,000 request from Clifton Park and \$100,000 from Halfmoon. He stated if we do not receive that amount he will come back and ask their ideas and attitudes as to whether they should accept what's coming. He stated it is just under \$300,000 for this unit and with the additional cost Clifton Park would share 65% and Halfmoon would share 35% if we do get this grant. He stated the equipment will be housed and cared for in the Town of Clifton Park. He stated he is asking a resolution to go forth with this proposal jointly with the Town of Clifton Park.

Councilman Polak commented that Rodney Smallwood has kept him informed on this and has met with both Highway Superintendents and staff and these agreements were approved by everyone involved as far as the maintenance and the cost of the equipment. He stated if they receive \$200,000 from the State it is a piece of equipment that would put us 2-3 years away from purchasing and would be a good idea.

Attorney Murphy stated, from being on the MS-4 Committee and looking at the storm water management issues that are quickly approaching in the new State mandates, one of the mandates is that we cooperate with our adjoining communities in doing purchases such as this. She stated at a recent meeting we were being highlighted as a community to follow based on these efforts.

Supervisor DeCerce stated this is second proposal we have made and the other one is for funds to bring a walk way across the bridge at Exit 8 and they are waiting for the decision for that.

#### RESOLUTION NO. 36

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

RESOLVED, that the Town Board of the Town of Halfmoon approves a Shared Municipal Services Grant with the Town of Clifton Park to purchase a large vacuum/jetter truck unit to maintain storm drains and sewer connections in the amount of \$100,000.

The Supervisor stated before the next meeting a number of employees are leaving for the annual Association of Towns meeting in New York City.

RESOLUTION NO. 37

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

WHEREAS, Resolution No. 16-2006 authorizes Town employees to attend the 2006 Training School and Annual Meeting of the Association of Towns in New York City, February 19<sup>th</sup> through 22<sup>nd</sup> , it is therefore

RESOLVED, that the Town Board authorizes a cash advance in the amount of \$300.00 for each, for expenses of travel, meals and fees incurred in connection with attendance at the school, and further

RESOLVED, that each employee shall submit documentation for all expenses incurred and submit any unused funds in compliance with the Town Travel Policy.

Supervisor DeCerce reported there are a number of items on the Association of Towns agenda with the resolutions committee. He stated one that is very close is trying to do something to entice a Fire Department and Emergency Squad people to continue volunteering to serve us and the Association of Towns has worked fervently for a long time. He stated some ideas came about yesterday and he will bring them to counsel, including offering physical exercise through the “Y”; property tax abatement however a lot of volunteers don’t own homes or incentive to go to school. He stated they are looking at this and anyway we can entice people to volunteer is important.

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

**DEPARTMENT REPORTS – month of December 2005**

1 Building  
Total Permits - 31 Total fees remitted to the Supervisor - \$11,395.00  
Filed.

2. Fire Code  
Total Permits - 13 Total fees remitted to the Supervisor - \$ 520.00  
Filed.

**- month of January**

1. Town Justice Tollisen  
Total Cases - 258 Total fees remitted to the Supervisor- \$26,752.00  
Filed.

2. Town Justice Wormuth  
Total Cases - 397 Total fees remitted to the Supervisor - \$34,985.00  
Filed.

3. Town Clerk  
Total fees remitted to the Supervisor - \$ 5,032.00  
Filed.

4. Building  
Total permits - 22 Total fees remitted to the Supervisor-\$11,320.00  
Filed.

5. Fire Code  
Total permits - 12 Total fees remitted to the Supervisor - \$ 560.00  
Filed.

## **CORRESPONDENCE**

1. Received from Town Planner notification of Planning Board denial of application for Birchwood Road commercial site plan based upon not meeting the requirements in the *Local law Relating to Zoning of the Town of Halfmoon*.
2. Received from State of New York Department of State notification of receipt and filing of Local Law No. 10-2005, Oakbrook Commons PDD Amendment.
3. Received January 17, 2006, from Environmental Design Partnership, LLP, Narrative and Site Plan for Inglewood Residential PDD, Cemetery Road for 33 multi-family townhouse units.

## **NEW BUSINESS**

### **RESOLUTION NO. 38**

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

RESOLVED, that the Town Board approves minutes of Town Board meetings of December 6, 20 and 29, 2005 and January 3, 2006, as presented by the Town Clerk.

### **RESOLUTION NO. 39**

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

WHEREAS, the Town of Halfmoon is committed to providing a clean and accessible Town Transfer Station available to persons willing to pay to dispose of their garbage; and

WHEREAS, the Town of Halfmoon strives to provide excellent service and convenient hours of service at the Town Transfer Station, and

WHEREAS, environmental concerns and increases in costs due to changes in the economy have continued to increase the costs associated with operating the Town Transfer Station, and

WHEREAS, the Town of Halfmoon has not increased the cost for obtaining a punch card since the opening of the Town Transfer Station, and

WHEREAS, the cost of twenty dollars (\$20.00) per ten punch card remains an affordable alternative to curbside garbage service; now, therefore, be it

RESOLVED, that the Town Board of the Town of Halfmoon hereby increases the cost of a ten punch card for the Town Transfer Station from seventeen dollars fifty cents (\$17.50) to twenty dollars (\$20.00) effective March 31, 2006.

### **RESOLUTION NO. 40**

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

RESOLVED, that the Town Board designates Town employee Sean McCarthy as provisional full-time Water Maintenance Supervisor to be paid 2006 hourly rate.

### **RESOLUTION NO. 41**

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

RESOLVED, that the Town Board authorizes letting bids for Diesel Fuel for Town departments for fuel year effective April 1, 2006 through March 31, 2007, to be opened February 21, at 7:00 pm.



#### RESOLUTION NO. 42

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

RESOLVED, that the Town Board authorizes entering into a Third Party Custodian Agreement with JP Morgan Chase Bank, NA as an authorized depository for Town funds and further

RESOLVED, that the Town Board authorizes the Supervisor to execute said agreement per the review and approval of the Town Attorney.

#### RESOLUTION NO. 43

Offered by Councilwoman Parker, Seconded by Councilman Bold: Adopted by roll call vote:  
Ayes: DeCerce, Polak, Bold, Parker, Wormuth

RESOLVED, that the Town Board appoints James L. McBride, Sr. as buildings Laborer to be paid \$12.26 per hour worked effective February 27<sup>th</sup> through December 31, 2006.

#### RESOLUTION NO. 44

Offered by Councilwoman Parker, Seconded by Councilman Bold : Adopted by roll call vote:  
Ayes: DeCerce, Polak, Bold, Parker, Wormuth

RESOLVED, that the Town Board authorizes entering into Building System Service Agreements with Alarm & Suppression, Inc. for 2006 in the amount of \$300.00 per inspection for Town Hall (2 inspections); in the amount of \$250.00 per inspection for Town Garage (2 inspections) and Senior Center in the amount of \$300.00 (2 inspections), and further

RESOLVED, that a certificate indicating the systems are certified is provided after servicing and further

RESOLVED, that approval is per the review of Town Attorney and authorize the Supervisor to execute agreements.

#### RESOLUTION NO. 45

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

RESOLVED, that the Town Board sets a public hearing for Trails Master Plan, dated February 2006 to be held March 7, 2006 at 7:00 pm.

#### RESOLUTION NO. 46

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

WHEREAS, the contracts for construction prepared by Clough, Harbour and Associates authorize the Town's agent's to issue change orders; and

WHEREAS, it is the Town's policy not to permit any change orders to be authorized except by order of the Town Board of the Town of Halfmoon;

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. That in connection with all construction contracts for the Town of Halfmoon, no change order will be authorized by the Town agents unless approved by actual meeting of the Town Board of the Town of Halfmoon, or, if less than \$10,000.00, unless approved by Clough, Harbour and Associates, Frank Tironi, Director of Water, Councilman Bold, Town Board Liaison to Water Department and Deputy Supervisor Wormuth with approval of a majority of the committee, but only if it is necessary to approve said change order prior to a meeting so as not to delay construction

or cause a delay damage charge in the opinion of the Town engineers and upon the review and approval of the Town Attorney.

2. That the committee provide a report at the next Town Board meeting following the approval of a change order.

3. That a copy of this resolution shall be forwarded to the Town engineers, Clough, Harbour and Associates, to be entered upon their records.

RESOLUTION NO. 47

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.

Transfers Between Appropriations:

From Account	To Account	Amount	Reason
AO1990.4 Contingency	AO7140.41 Recreation Contractual	\$365.46	To restore unused appropriations of Year 2005 for donated money to help defray expenses for workshops
AO1990.4 Contingency	AO1355.22 Assessment Star Equipment	\$219.61	To restore unused appropriations for Year 2005 for Star Program
AO1990.4 Contingency	AO1355.42 Assessment Star Contractual	\$14,251.61	To restore unused appropriations for Year 2005 for Star Program
AO1990.4 Contingency	AO7989.40 Character Counts Contractual	\$1,327.99	To restore unused appropriations of Year 2005 for Character Counts Program
AO5010.10 Supt of Highways Personal Services	AO6772.10 Programs for the Aging Personal Services	\$58,244	Transfer of appropriations needed to change senior van personnel from highway to senior center in the 2006 budget
AO5010.40 Supt of Highways Contractual	AO6772.41 Programs for the Aging Contractual	\$9,000	Transfer of appropriations needed to change maintenance on senior vans from highway to senior center in the 2006 budget

RESOLUTION NO. 48

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

RESOLVED, that the Town Board extends appointment of part-time Cleaner, John Christopher to March 1, 2006.

RESOLUTION NO. 49

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

**RESOLUTION SUPPORTING AND CONCURRING IN SARATOGA COUNTY’S  
APPLICATION FOR RE-DESIGNATION OF CERTAIN AREAS WITHIN  
SARATOGA COUNTY AS AN EMPIRE ZONE**

**WHEREAS**, By Local Law 3 - 2000, the Saratoga County Board of Supervisors authorized an application for the designation of an Empire Zone, pursuant to Section 961 of the General Municipal Law, and the creation of such Zone was approved by the New York State Commissioner of Economic Development and such Zone was formally designated by the Empire Zones Designation Board on December 18, 2001.

**WHEREAS**, the New York State Legislature and the Governor have enacted into law changes to the Empire Zones program, whereby each existing Empire Zone must configure its existing zone acreage into up to six "distinct and separate contiguous" areas; the boundaries of said areas to be included in said Empire Zone within this municipality shall be as set forth in Schedule A, which is attached hereto and made a part hereof; and.

**WHEREAS**, pursuant to Sections 957(d) and 961 of the General Municipal Law, Saratoga County has proposed the re-designation of the existing Saratoga County Empire Zone into up to six "distinct and separate contiguous areas", which will include the Town of Halfmoon; and

**WHEREAS**, such re-designation could greatly benefit Saratoga County in that new businesses would be encouraged to locate in the zone area, existing businesses would be encouraged to expand in the zone area and new and expanded businesses would generate new jobs for Saratoga County residents; and

**WHEREAS**, Saratoga County intends to authorize the submission of an application for the re-designation of areas within Saratoga County as an Empire Zone; and

**WHEREAS**, the Saratoga County Board of Supervisors wishes to re-designate certain areas within the Saratoga County as part of the proposed Empire Zone; and

**WHEREAS**, the Town of Halfmoon is desirous of working with Saratoga County through the Empire Zone Program to provide enhanced job opportunities for its residents; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Halfmoon, New York, that it fully supports and concurs in the submission of an application by Saratoga County for the re-designation of certain areas as an Empire Zone.

#### **Schedule A**

#### **Town of Halfmoon Empire Zone – 166.55 ± acres**

**ALL THAT CERTAIN TRACT, PIECE OR PARCEL OF LAND SITUATE**, lying and being in the Town of Halfmoon, County of Saratoga, State of New York, lying Northerly and Southerly of NYS Route 146 (S.H. No. 1345), and being more particularly bounded and described as follows:

**BEGINNING** at a point at the intersection of the Southeasterly boundary of NYS Route 146 (S.H. No. 1345) with the division line between the lands now or formerly of Troy Sand and Gravel Co., Inc. as described in Book 1735 of Deeds at Page 115, Instrument No. 200601923 on the West and the lands now or formerly of James M. Patenaude, William W. Patenaude, Richard A. Patenaude, Charles R. Patenaude, George A. Patenaude and Norma J. Vickery (d.b.a. Best Eagle) as described in Book 1255 of Deeds at Page 227 on the East and runs thence from said point of beginning along the above mentioned division line the following two (2) courses: 1) South 13 deg. 39 min. 13 sec. West 584.50 feet to a point; and 2) thence South 16 deg. 39 min. 13 sec. West 1,022.00 feet to its intersection with the division line between the lands now or formerly of Troy Sand and Gravel Co., Inc. on the South and the lands now or formerly of James M. Patenaude, William W. Patenaude, Richard A. Patenaude, Charles R. Patenaude, George A. Patenaude and Norma J. Vickery (d.b.a. Best Eagle) on the North; thence South 78 deg. 41 min. 37 sec. East along the above last mentioned division line 180.00 feet to a point on the Westerly boundary of the former Champlain Canal; thence in a Southerly direction along the Westerly boundary of the former Champlain Canal the following seven (7) courses: 1) South 16 deg. 50 min. 47 sec. East 40.00 feet to a point; 2) thence South 00 deg. 27 min. 47 sec. East 63.87 feet to a point; 3) thence South 32 deg. 44 min. 13 sec. West 88.30 feet to a point; 4) thence South 22 deg. 50 min. 13 sec. West 35.49 feet to a point; 5) thence South 34 deg. 19 min. 43 sec. West 263.38 feet to a point; 6) thence South 28 deg. 35 min. 43 sec. West 135.38 feet to a point; and 7) thence South 18 deg. 12 min. 43 sec. West 147.16 feet to a point; thence through the lands now or formerly of Troy Sand and Gravel Co., Inc. the following three (3) courses: 1) North 80 deg. 44 min. 17 sec. West 209.53 feet to a point; 2) thence South 09 deg. 15 min. 43 sec. West 200.00 feet to a point; and 3) thence South 80 deg. 44 min. 17 sec. East 200.00 feet to a point on the above mentioned Westerly boundary of the former Champlain Canal; thence along the said Westerly boundary of the former Champlain Canal the following two (2) courses: 1) South 05 deg. 25 min. 43 sec. West 273.61 feet to a point; and 2) thence South 48 deg. 45 min. 43 sec. West 44.00 feet to

its intersection with the division line between the lands now or formerly of Troy Sand and Gravel Co., Inc. as described in Book 1735 of Deeds at Page 115 on the North and the lands now or formerly of Whitehead Brothers Co. as described in Book 1574 of Deeds at Page 714, Instrument No. 200104413 on the South; thence along the above last mentioned division line the following five (5) courses: 1) South 83 deg. 21 min. 03 sec. West 195.05 feet to a point; 2) thence South 13 deg. 52 min. 23 sec. West 25.00 feet to a point; 3) thence North 76 deg. 07 min. 37 sec. West 392.66 feet to a point; 4) thence North 00 deg. 22 min. 37 sec. West 183.48 feet to a point; and 5) thence North 65 deg. 52 min. 37 sec. West 1,413.72 feet to its intersection with the division line between the lands now or formerly of Troy Sand and Gravel Co., Inc. as described in Book 1735 of Deeds at Page 115, Instrument No. 200601923 on the Southeast and the lands now or formerly of Ernest D. D'Alberto and Adele M. D'Alberto as described in Book 1084 of Deeds at Page 297 on the Northwest; thence North 23 deg. 22 min. 23 sec. East along the above last mentioned division line 2,322.66 feet to its intersection with the Southwesterly boundary of NYS Route 146 (S.H. No. 1345); thence along the above last mentioned Southwesterly highway boundary the following two (2) courses: 1) South 64 deg. 08 min. 17 sec. East 180.26 feet to a point; and 2) thence South 56 deg. 54 min. 17 sec. East 37.53 feet to its intersection with the Southerly projection of a common division line between the lands now or formerly of Richard D. Pino and Loe Anne Kimball Pino as described in Book 1267 of Deeds at Page 784 on the East and the lands now or formerly of William Lane and Jean Lane as described in Book 438 of Deeds at Page 339, lands now or formerly of Walter P. Boleski and Richard W. Boleski as described in Book 1406 of Deeds at Page 136 Instrument No. 9503798 and lands now or formerly of David S. Leggett, Douglas N. Leggett, Diane E. Saunders, Carol S. Walko, Sandra J. Fisher and Sylvia G. Leggett as described in Book 1626 of Deeds at Page 759, Instrument No. 200301858 on the West; thence North 13 deg. 26 min. 10 sec. East along said common division line projection crossing NYS Route 146 (S.H. No. 1345) and along the above mentioned common division line 2,700.79 feet to its intersection with the division line between the lands now or formerly of Richard D. Pino and Loe Anne Kimball Pino on the South and the lands now or formerly of David S. Leggett, Douglas N. Leggett, Diane E. Saunders, Carol S. Walko, Sandra J. Fisher and Sylvia G. Leggett on the North; thence North 78 deg. 43 min. 30 sec. East along the above last mentioned division line 79.30 feet to its intersection with the division line between the lands now or formerly of Richard D. Pino and Loe Anne Kimball Pino on the East and the lands now or formerly of David S. Leggett, Douglas N. Leggett, Diane E. Saunders, Carol S. Walko, Sandra J. Fisher and Sylvia G. Leggett on the West; thence North 14 deg. 32 min. 30 sec. East along the above last mentioned division line 318.06 feet to its intersection with the common division line between the lands now or formerly of Richard D. Pino and Loe Anne Kimball Pino on the South and the lands now or formerly of Harry W. Clements and Catherine B. Clements as described in Book 1035 of Deeds at Page 1155, lands now or formerly of Thomas E. Johnson and Janice B. Johnson, Trustees of the Johnson Family Trust as described in Book 1643 of Deeds at Page 5, Instrument No. 200305707 and lands now or formerly of Albert Amann and Florence Amann as described in Book 698 of Deeds at Page 110 on the North; thence along the above last mentioned common division line the following two (2) courses: 1) South 76 deg. 43 min. 10 sec. East 737.05 feet to a point; and 2) thence South 68 deg. 41 min. 00 sec. East 420.52 feet to its intersection with the common division line between the lands now or formerly of Richard D. Pino and Loe Anne Kimball Pino on the West and the lands now or formerly of Albert Amann and Florence Amann as described in Book 698 of Deeds at Page 110 and lands now or formerly of John J. McBride, Jr. and Jean S. McBride as described in Book 1021 of Deeds at Page 58 on the East; thence South 02 deg. 53 min. 00 sec. West along the above last mentioned common division line 673.05 feet to its intersection with the division line between the lands now or formerly of Richard D. Pino and Loe Anne Kimball Pino on the North and the lands now or formerly of Ralph E. Hanna and Rosanne S. Hanna as described in Book 1534 of Deeds at Page 715, Instrument No. 0002196 on the South; thence North 87 deg. 02 min. 40 sec. West along the above last mentioned division line 444.70 feet to its intersection with the division line between the lands now or formerly of Richard D. Pino and Loe Anne Kimball Pino on the West and the lands now or formerly of Ralph E. Hanna and Rosanne S. Hanna on the East; thence along the above last mentioned division line the following three (3) courses: 1) South 02 deg. 57 min. 20 sec. West 464.50 feet to a point; 2) thence South 01 deg. 41 min. 40 sec. East 385.84 feet to a

point; and 3) thence South 01 deg. 25 min. 20 sec. West 154.22 feet to its intersection with the division line between the lands now or formerly of Richard D. Pino and Loe Anne Kimball Pino on the Northwest and the lands now or formerly of Irvin P. Krank and Joyce Newell as described in Book 1283 of Deeds at Page 716 on the Southeast; thence South 53 deg. 50 min. 30 sec. West along the above last mentioned division line 1,085.83 feet to its intersection with the division line between the lands now or formerly of Richard D. Pino and Loe Anne Kimball Pino on the West and the lands now or formerly of Irvin P. Krank and Joyce Newell on the East; thence along the above last mentioned division line the following two (2) courses: 1) South 20 deg. 31 min. 20 sec. West 190.05 feet to a point; and 2) thence South 21 deg. 09 min. 10 sec. West 196.70 feet to its intersection with the Northerly boundary of NYS Route 146 (S.H. No. 1345); thence South 19 deg. 33 min. 08 sec. West crossing said NYS Route 146 (S.H. No. 1345), a distance of 193.31 feet to a point on the Southerly boundary of said highway; thence along the Southerly and Southeasterly boundary of said NYS Route 146 (S.H. No. 1345) the following four (4) courses: 1) South 77 deg. 35 min. 17 sec. East 269.57 feet to a point; 2) thence South 87 deg. 45 min. 27 sec. East 144.30 feet to a point; 3) thence South 87 deg. 13 min. 27 sec. East 310.80 feet to a point; and 4) thence North 61 deg. 03 min. 43 sec. East 436.65 feet to the point or place of beginning and containing 166.55 acres of land, more or less.

#### RESOLUTION NO. 50

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 the January 2006 Water Report as submitted by the Director of Water.

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 8:55 pm.

Respectfully submitted,

Mary J. Pearson  
Town Clerk

