

**The March 21, 2012 regular meeting of the Town Board of the Town of Halfmoon was called to order by Supervisor Wormuth at 7:00 pm in the A. James Bold Meeting Room at the New Town Hall with the following members present:**

Melinda A. Wormuth, Supervisor  
Walter F. Polak, Councilman  
Paul L. Hotaling, Councilman  
Craig A. Hayner, Councilman  
John P. Wasielewski, Councilman  
Lyn A. Murphy, Town Attorney  
Lynda A. Bryan, Town Clerk

**Matthew J. Chauvin, Deputy Attorney- Excused**

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

**PUBLIC HEARING – Re-Zoning property west of Halfmoon Sunoco Gas Station 325 Route 146, from Residential to Commercial.**

**A resident asked that a map be provided. Lindsay Zepko left the meeting to provide the map. Supervisor Wormuth asked that the Board proceed with the Eagle Scout presentation while waiting for Ms. Zepko's return.**

**PRESENTSATION Honoring Seren Lambertson III – Eagle Scout**

**RESOLUTION NO. 70**

**Offered** by Councilman Hotaling, seconded by Councilman Hayner: Approved by the vote of the Board: Ayes: Wormuth, Polak, Hotaling, Wasielewski, Hayner

**RESOLVED**, that the Town Board recognizes and honors Seren Lambertson III for obtaining Eagle Scout

**Councilman Polak** introduced Eagle Scout Seren Lambertson III and presented he and his family with a plaque and Town Resolution

**Mr. Polak** said that Seren's ceremony was in Cohoes that he attended last Saturday. I have been to a lot of Eagle Scout Ceremony's, but this was by far the best presented one that I have ever been to. There was another Eagle Scout from Cohoes that was awarded his Eagle Badge at the same ceremony.

**Seren** and his parents came forward to accept the resolution

**WHEREAS, it has come to the attention of the Town Board of the Town of Halfmoon that Seren P. Lambersten, III, is the recipient of an Eagle Scout Award, which is the highest award a Boy Scout can receive; and**

**WHEREAS, it is the sense of this Board that when someone of extraordinary dedication to the values and principles of scouting is brought to their attention, the same should be memorialized for the emulation and edification of others; and**

**WHEREAS, a Town is only as great as those persons who give exemplary service to their community, whether through participation in voluntary programs, through unique personal achievement in their professional or other endeavors or simply through a lifetime of good citizenry; and**

**WHEREAS, Seren demonstrated dedication as soon as he began scouting by achieving the Arrow of Light, the highest award as a Cub Scout by completing Weblo's one and two in his first year. He was awarded the Campership Award at Camp Rotary, has earned thirty nine (39) merit badges, and managed to become a registered BSA lifeguard and CPR-First Aid Qualified, and**

**WHEREAS, such service, which is truly the lifeblood of the community and the Town, so often goes unrecognized and unrewarded; and**

**WHEREAS, Seren P. Lambersten, III, has had a long history of personal achievement both as a Scout and as an active member of the community; and**

**WHEREAS, Seren P. Lambersten, III created a wonderful picnic spot along the Mohawk River on Canal Road in the Town of Halfmoon for his Eagle Scout Project,**

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

**1. That the Town Board of the Town of Halfmoon recognize and commends, Seren P. Lambersten, III, as an outstanding citizen for his achievements and advances, one who is worthy of the esteem of both the community and the Town of Halfmoon.**

**2. That a framed copy of this Resolution be presented to Seren P. Lambersten, III.**

**MINDY A. WORMUTH**

**SUPERVISOR, TOWN OF HALFMOON**

**Councilman Polak** said that on behalf of the Town Board of the Town of Halfmoon, Supervisor Wormuth, Councilmen Hayner, Wasielewski, and Hotaling and myself, on the outstanding work that you have done to become an Eagle Scout and for the beautiful project that you did along our trails in Crescent along the Towpath Trail. May I congratulate you one more time on everything that you have earned? May you continue to soar like the Eagle that you have become? Not only are we proud of you but the community here is too. Thank you very much.

**Supervisor Wormuth** said that we not only recognize our Eagle Scouts commitment and dedication to this process, but also his parents. We realize that it takes a very long period of time and a lot of dedication from the family to keep him on this track. Many people ask why I sit back and let Walter do this. I do it because Walter was actually our first Eagle Scout here in the Town of Halfmoon. I think that he has a much deeper understanding of that commitment and the love of Scouting than I do. When the words come from him they have much more meaning. Although, please know that all of the Board is very, proud of you Seren, and your family and your service to the community.

**Councilman Polak** said that he is also proud to tell everyone this evening that Seren's younger Brother will be Eagle Scout shortly. So there will be two Eagles in the same family and that is pretty much unheard of. Congratulations on that too.

**Supervisor Wormuth** stated that at his time we will go back to the Public Hearing for the re-zoning of the property known as 325 Route 146 from residential to commercial and available up front is a map. Our Town Planner will point out the parcel on the map. Any person who would like to come up and see the map or ask any questions, please do so.

**Councilman Polak** wanted to give a little bit more information on that. As you look at the map you will see that it is a remaining parcel. That whole island there is commercial except for that one piece. Why that piece did not get transferred over during the last Master Plan reviews was that was part of the Frank Pelo farm. When he sold the farm, and his residence on that side, he actually built a new home on the farm field side on the other side of the road. That left that piece being AR-1, agricultural residential. This is the only section of land in that area that is not a commercial piece. It is only common sense that we continue that commercial zone out in that area. Just a little bit of background as to why it was left like that during the last Master Plan.

**Darlene Bagley**; 24 Stone Quarry Rd asked what the future was for this property, do we know? What is the reason for making it commercial other than everything else is around it? Do we have plans?

**Attorney Murphy** stated that there is no proposal before the Planning Board with regards to that parcel as we sit here today. Our goal is to get into compliance with our Comprehensive Plan, Master Plan, and the different corridor that we have laid out. So it is inconsistent to have a residential property amongst a whole lot of commercial properties. It more a cleaning up as Mr. Polak said.

**Darlene Bagley** said that there is so much more residential property on Route 146

**Attorney Murphy** stated that not in that one corridor, that is the only one.

**Darlene Bagley** said that you do not have any future plans? This does not have anything to tie into the hospital coming or anything like that?

**Attorney Murphy** said no

**There being no other comments or questions, the Supervisor closed the Public Hearing at 7:15 pm.**

## **RESOLUTION NO. 71**

**Offered by Councilman Polak, seconded by Councilman Hayner: Approved by the vote of the Board: Ayes: Wormuth, Polak, Hotaling, Wasielewski, Hayner**

**RESOLVED**, that the Town Board approves changing the zoning to C-1 to conform to our Master Plan.

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

**Councilman Polak** said that the upcoming Spring Cleanup will be April 10, 13, & 14. And again on the week of the 17<sup>th</sup>, 20<sup>th</sup>, & 21<sup>st</sup>. That will be at our Transfer Station on Route 146.

**Councilman Hotaling** said that if anybody in the audience who does not have any plans after the meeting can go over to the Halfmoon Senior Center, Bobby Dick is doing a 50's & 60's tribute tonight. Free admission

I would also like to let the Town Board know that all of the area McDonald owners are asking for April 3<sup>rd</sup> to be McTeacher's Night. Through this program McDonald's is going to do some fundraising where 20% of all their sales will go back to the schools and teacher's which will benefit over 25,000 students. I would ask this Board to recognize the 5<sup>th</sup> annual Capitol Region McTeacher's Night on April 3<sup>rd</sup>, 2012.

## RESOLUTION NO. 72

**Offered by Councilman Hotaling, seconded by Supervisor Wormuth: Approved by the vote of the Board: Ayes: Wormuth, Polak, Hotaling, Wasielewski, Hayner**

**RESOLVED**, that the Town Board recognizes April 3<sup>rd</sup>, 2012 as McTeacher's Night

**Councilman Hayner** stated that they had a productive couple of meetings last week. The Halfmoon Trails Committee met on Monday night of last week. The 6<sup>th</sup> Annual Crescent Canal Clean Sweep is going to be on Saturday April 21<sup>st</sup>. Everyone can meet down by the bridge by Stewart's. Then we breakout and pick up materials that have floated down by the river throughout the winter. This year should be a little less than usual. We get a great turnout between the Boy Scouts & Girl Scouts every year. We welcome the public to come and join in on that.

Next, I would like to mention that Paul Maiello, the Director of Parks gave a 25minute update on maintenance and things that they have been able to do with this mild winter. Maybe we can have him come in and update the Board as well.

We have our Town of Halfmoon Memorial Bench Program, which was announced at the last Town Board Meeting. For \$300.00 a family can sponsor a bench in the Park. I believe Madam Clerk that there have been three so far? We have 12 suggested locations in the Park, but can expand to other areas if asked.

We had our Ethic's Meeting last week. For two hours, we went through and dissected the Saratoga County Board of Ethics Legislation, and at the very end, started writing updated legislation to eventually bring to the Town Board for consideration.

**Madam Clerk** reported that the Senior Center will be holding their Spring Bazaar this Saturday from 9:00-2:00 pm. This is one of their two fundraisers for the year. They are having a Bake Sale and Grandma's Corner & all sorts of great things.

**Attorney Murphy** asked the Board to grant a resolution that permits Falcon Trace of Halfmoon PDD, temporary on site storage of domestic sanitary ethylene, consistent with the pumping schedule approved by our Town engineers, and all other provisions of Local Law 4-2009, obviously, will remain in full force and effect. Basically, what is happening is, and the Board is aware, there were some problems with the construction of the pump station due to no fault of the owner. That Saratoga County Sewer District is being accord with our continuing to allow the on-site storage with a regular pumping schedule, which has been happening. We additionally allowed this for a period of 50 days just to keep an eye on the progress and make sure everything is being complied with and it has been. We are being told by the Saratoga County Sewer District, that they expect that the situation will be resolved within 60 days. So, I would ask that the Board pass a resolution allowing that the on-site storage continues for an additional 60 days period.

**Councilman Hotaling** said that all of the effluents that are being taken out of the Falcon Trace PDD holding tank is being transferred down to the sewer plant and is on record of what is being disposed of and they are taking care of it as if it were being pumped down there so it is all being taken care of.

## RESOLUTION NO. 73

**Offered by Councilman Polak, seconded by Councilman Hotaling: Approved by the vote of the Board: Ayes: Wormuth, Polak, Hotaling, Wasielewski, Hayner**

**RESOLVED**, that the Town Board allows the on-site storage of domestic sanitary ethylene for Falcon Trace of Halfmoon PDD to continue for an additional 60 days.

**PUBLIC PRIVILEGE** (for discussion of agenda topics)

**CORRESPONDENCE**

1. **RECEIVED** from the Town Planning Board Resolutions approving the following: Change of Tenant and Sign Application for the proposed Financial Office Building located at 139 Meyers Road, for Change of Use at Lowe's Home Improvement, 476 Route 146, and regarding the Fronczek Lot Line Adjustment – Minor Subdivision.

*Received & Filed*

2. **RECEIVED** from the Town Planning Board Resolution denying the following: a Minor Subdivision Application for the proposed DEC Development, LLC located on Plank Road.

*Received, Filed & Print*

3. **RECEIVED** from Kevin Dailey, an amendment to the Halfmoon Healthcare PDD.

*Received & Filed*

4. **RECEIVED** from Ms. Therese Assalian correspondence regarding the Public Privilege portion of the Town Board Meeting held on March 7, 2012.

*Received, Filed, Print, Copy Town Board & Planning Board as requested. A response to the letter was generated from my office regarding it.*

5. **RECEIVED** from the US Army Corps of Engineers copy of their determination of the request submitted by Nadine Shadlock.

*Received & Filed*

6. **RECEIVED** from the US Army Corps of Engineers, copy of their order to Amy Di Modugno

*Receive, Filed & Print for Planning*

7. **RECEIVED** from the NYS Department of Transportation, a letter in response to the speed limit reduction request for Route 146 in the vicinity of the Sheldon Hills Development. It was determined that a reduction of the traffic light was not warranted at that time, but they will extend the 45 MPH speed limit on Route 146 further east to Pruyn Hill Road.

*Received, Filed & Print*



STATE OF NEW YORK  
DEPARTMENT OF TRANSPORTATION - REGION ONE  
328 STATE STREET  
SCHENECTADY, NEW YORK 12305  
www.dot.ny.gov

MARY E. IVEY  
REGIONAL DIRECTOR

JOAN McDONALD  
COMMISSIONER

March 9, 2012

Ms. Mindy A. Wormuth  
Supervisor, Town of Halfmoon  
5 Farrell Road, PO Box 370  
Willsboro, NY 12996-0370

Re: SPEED LIMIT REQUEST  
ROUTE 146  
TOWN OF HALFMOON  
SARATOGA COUNTY

*copy to clerk  
(concern)*

Dear Ms. Wormuth:

I am writing in response to your October 17, 2011 letter, on behalf of the Town Board, requesting a speed limit reduction on Route 146 in the vicinity of the Sheldon Hills Development.

The Region 1 Traffic Safety and Mobility office conducted speed limit investigations of the 55 MPH section of Route 146 between Upper Newton Road (end of the 45 MPH speed zone) and Pruyn Hill Road in 2002 and 2008. Based on each of these investigations, it was determined that a reduction of the speed limit was not warranted at that time.

In response to your recent letter, we again conducted an extensive review of this section of highway for a speed limit reduction. Included in each of our past studies and our most recent study, we collected radar speed measurements of traffic traveling through this corridor. These speed measurements consistently find most motorists to be travelling at or below the 55 MPH speed limit, with generally 10% to 20% of traffic exceeding the posted speed limit. Based on this information, a speed limit reduction would not be effective unless it received regular and aggressive enforcement.

*3/20/12*

With that being said, I can appreciate your concerns and those of the residents who live along or must regularly enter into this section of highway. Therefore, we will extend the 45 MPH speed limit on Route 146 further east to Pruyn Hill Road. It is suggested that the Town of Halfmoon work with the State Police and Saratoga County Sheriff, both of whom will be receiving a copy of this letter, to have this proposed speed zone periodically enforced. Our experience has shown that, without enforcement or the threat of enforcement, the speed limit will be ignored and the reduction will have failed to address your safety concerns and those of the residents.

We have written a Notice of Order extending the existing 45 MPH speed limit on Route 146 further east to Pruyn Hill Road. This Order is currently being filed with the Secretary of State. We will arrange to have the appropriate speed limit signs installed as our workload and the weather permit.

Thank you for your interest in traffic safety and taking the time to call this location to our attention.

Sincerely,



Mark J. Kennedy  
Regional Traffic Engineer

cc: D. Gabriel, Saratoga County Residency  
NYS Police, Troop "G" Traffic  
Saratoga County Sheriff

**Supervisor Wormuth** stated that what this means is that we have worked with NY State DOT to get a light put in at Sheldon Hills and have been unsuccessful, but we have been successful in getting them to reduce the speed limit, which is currently 55 mph to 45 mph down to the Pruyn Hill Road area. We had hoped to go all the way to Mechanicville, but we see this as a first step in the process. We are very glad and we appreciate the work that the Planning Department and the Code Enforcement Office put in on submitting backup information in order to support that request from our residents.

**8. RECEIVED** from a resident, Bernie Gilligan, Sheldon Hills Board Member, correspondence regarding letter received from Department of Transportation re: reduction of speed on Route 146.

***Received, Filed & Print for the Board***

Good Morning:

On behalf of myself and the residents of Sheldon Hills, I would like to thank you for all of your efforts in having the speed limit reduced on Rte. 146 to 45mph. This will give us some assistance in leaving our community until the day we have a traffic light at our entrance.

Thank you again,  
Bernie Gilligan  
Sheldon Hills Board Member

**Supervisor Wormuth** stated that again, it was a thank you letter.

**9. RECEIVED** from a resident, Joseph Christopher, correspondence regarding his concerns for Anna's Place PDD.

***Received, Filed, Copy Planning Board, Town Board & Print***

**10. RECEIVED** from a resident, Anthony Monticup, Jr., correspondence regarding concerns about shrubs blocking view from Cambridge Drive turning onto Woodin Road  
*Received, Filed, Copy for Highway Superintendent*

## **OLD BUSINESS**

### **RESOLUTION NO. 74**

**Offered** by Councilman Wasielewski, seconded by Councilman Polak: Approved by the vote of the Board: Ayes: Wormuth, Polak, Hotaling, Wasielewski, Hayner

**RESOLVED**, that the Town Board awards Bid Spec. #1-2012, Truck Diesel Fuel received and opened March 7<sup>th</sup>, to G.A. Bove & Sons, Inc., 76 Railroad Street, Mechanicville, NY at bid markup from low posting in plus amount of .1750 per gallon, per review and approval of the Highway Committee.

**BID PRICE: Truck Diesel Fuel - \$3.3475                      Plus Differential - \$.1750**

**The Supervisor referred the bid to the Highway Superintendent and Councilman Polak for review and recommendation back to the Board.**

## **NEW BUSINESS**

### **RESOLUTION NO. 75**

Offered by Councilman Hayner, seconded by Councilman Polak: Approved by the vote of the Board: Ayes: Wormuth, Polak, Hotaling, Wasielewski & Hayner

**RESOLVED**, that the Town Board approves and order paid all vouchers for all funds listed on Abstract dated, March 21, 2012 totaling \$374,406.66.

### **RESOLUTION NO. 76**

Offered by Councilman Wasielewski, seconded by Councilman Hayner: Approved by the vote of the Board: Ayes: Wormuth, Polak, Hotaling, Wasielewski & Hayner

**RESOLVED**, that the Town Board approves the minutes of Town Board meeting of March 07, 2012 as presented.

### **RESOLUTION NO. 77**

Offered by Councilman Polak, seconded by Councilman Hayner: Approved by the vote of the Board: Ayes: Wormuth, Polak, Hotaling, Wasielewski & Hayner

**RESOLVED**, that the Town Board enters into agreement with Halfmoon Senior Citizens Association for term effective April 1, 2012 through March 31, 2013 in the budgeted amount of \$36,310.00 and authorize the Supervisor to execute said agreement per review and approval of the Town Attorney.

### **RESOLUTION NO.**

Offered by Councilman Polak, seconded by Councilman Hayner:

Councilman Hotaling asked that Resolution #4 and #5 be tabled to review the duties of the people in the departments and maybe see if we can make things more efficient.



The Town Board appoints Stefan Buck as Code Enforcement Department Manager, at no additional compensation retroactive to March 1<sup>st</sup>, 2012 through December 31, 2012.

The Town Board appoints Jeffrey Williams as Planning Department Manager, at no additional compensation retroactive to March 1<sup>st</sup>, 2012 through December 31, 2012.

#### **RESOLUTION NO. 78**

**Offered by Councilman Hotaling, seconded by Councilman Wasielewski: Approved by the vote of the Board: Ayes: Wormuth, Polak, Hotaling, Wasielewski, Hayner**

**RESOLVED**, that the Town Board table Resolutions #4 and #5 to review the duties of the people in the departments and see if we can make things more efficient.

#### **RESOLUTION NO. 79**

Offered by Councilman Hotaling, seconded by Councilman Polak: Approved by the vote of the Board: Ayes: Wormuth, Polak, Hotaling, Wasielewski, Hayner

**RESOLVED**, that the Town Board amends resolution No. 43-2012 where roads associated with the Brookfield Place PDD – Phase II were accepted for dedication to indicate the specific road names: 1. remainder of Chester Drive and 2. Milltowne Drive (formerly known as Milford Drive).

#### **RESOLUTION NO. 80**

Offered by Councilman Hayner, seconded by Councilman Hotaling: Approved by the vote of the Board: Ayes: Wormuth, Polak, Hotaling, Wasielewski, Hayner

**Councilman Hotaling** said this was done in conjunction to adapt to have a food supplier. The Clubhouse that is there is not efficient to making french fries etc. Being that we are growing and having bigger events, we are looking for someone to handle this without it being a liability to the Town and where we would have to spend a lot of money to utilize our building.

**Councilman Hayner** added that Councilman Hotaling and he have been working with the Halfmoon Baseball League

**RESOLVED**, that the Town Board authorizes Accepting Bids for Food Concession Trailer at the Halfmoon Town Park for the dates of April 27, 2012 through October 31, 2012. Bid Specs can be picked up at the Town Clerk's Office.

#### **RESOLUTION NO. 81**

**Offered** by Councilman Hayner, seconded by Councilwoman Parker: Approved by the vote of the Board: Ayes: Wormuth, Polak, Hotaling, Wasielewski, Hayner

**RESOLVED**, that the Town Board authorizes the Supervisor to sign agreement with Davis Vision for elective insurance payroll deductions for Town employees, subject to review and approval of the Town Attorney.

#### **RESOLUTION NO. 82**

**Offered** by Councilman Hayner, seconded by Councilman Hotaling: Approved by the vote of the Board: Ayes: Wormuth, Polak, Hotaling, Wasielewski, Hayner

**RESOLVED**, that the Town Board accepts dedication of the Kingsbrook Estates Stormwater Management Area, lying southwesterly of and adjacent to Moreland Drive and being shown as "Stormwater Management Area" on maps entitled "Phase II Kingsbrook Estates", made by Percy B. Cotton Associates and filed in the Saratoga County Clerk's Office on August 9, 1994 in Drawer K, Map Number 211A thru 211I. Subject to the review and approval of dedication documents by the Town Attorney.

**RESOLUTION NO. 83**

**Offered** by Councilman Hayner, seconded by Councilwoman Parker: Approved by the vote of the Board: Ayes: Wormuth, Polak, Hotaling, Wasielewski, Hayner

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

A resolution is needed to create the following budget amendment of appropriations and revenues in the Special Revenue Fund for engineering fees for on site quality inspections. These funds are developer’s monies held in escrow by the Town in a regular checking account and used for the payment of costs for that particular project. This resolution is necessary to comply with proper accounting procedures as set forth by NYS Department of Audit and Control.

Debit:   Estimated Revenues       25-510  
          \$2,798.50  
          Subsidiary: 25-4-2189 Home and Community Services       \$2,798.50

Credit:   Appropriations       25-960  
          \$2,798.50  
          Subsidiary: 25-5-1440.40 Engineering Contractors Inspection       \$2,798.50

Information Only: The above was derived from the following breakdown of charges to be paid on the March Abstract for engineering and related fees:

NAME	AMOUNT
Atlantic British Addition	\$1,029.25
Anna’s Place Werner Road	\$966.25
6 Liebich Lane	\$141.00
Halfmoon Village/Yacht Club	\$662.00
TOTAL	\$2,798.50

Transfers between Appropriations for 2011:

From Account	To Account	Amount	Reason
30-5-9710.70 Serial Bond Interest	30-5-9710.71 Zone One Interest	\$10.00	Additional appropriation needed for interest payment.

**PUBLIC PRIVILEGE (for discussion of non-agenda items)**

There being no further business to discuss or resolve, on a motion by Councilman Polak and seconded by Councilman Hayner, the meeting was adjourned at 7:27 pm.

Respectfully Submitted,

**Lynda A. Bryan**  
**Town Clerk**