

**The July 06, 2011 regular meeting of the Town Board of the Town of Halfmoon was called to order by Councilman Polak at 7:00 pm in the A. James Bold Meeting Room at the New Town Hall with the following members present:**

Walter F. Polak, Councilman  
Regina C. Parker, Councilwoman  
Paul L. Hotaling, Councilman  
Craig A. Hayner, Councilman  
Lynda A. Bryan, Town Clerk  
Lyn A. Murphy, Town Attorney  
Matthew J. Chauvin, Deputy Attorney

Not Present: Melinda A. Wormuth, Supervisor

**The Town Board Workshop was held in the Board Room at 6:15 pm; no action was taken.**

**Eagle Scout Thomas Veirling led the Pledge of Allegiance.**

**Councilman Polak** started that the first thing on the agenda this evening is to honor Eagle Scout Thomas Veirling. Mr. Polak had the pleasure of attending the award ceremony for Tom's Eagle Scout. He said it is remarkable the number of things that he did to achieve the rank of Eagle. As he stated at the Court of Honor, he was the first Eagle Scout in Halfmoon, and he has seen many boys that were in his troop when he was a Scout Master become Eagle. It is very gratifying for him, 50 years later, to see Scouting is so alive and well and we are turning out so many Eagle Scouts. Tom is probably the 5<sup>th</sup> one he has worked with and going through the ceremony. He has worked with 4 boys on their Eagle projects in Halfmoon. He said that it is very gratifying to see the good that the youth do, instead of the bad things that you hear of. It is not only a tribute to Tom for all of his hard work, but knowing all of the difficulties and struggles there are to become an Eagle Scout, being an Eagle Scout himself, he also knows the struggles of the parents helping the Scout to achieve the highest rank, being a Dad of an Eagle Scout too. He invited Tom to come forward with his parents while Mr. Polak reads the resolution.

## **RESOLUTION**

**WHEREAS**, it has come to the attention of the Town Board of the Town of Halfmoon that Thomas Vierling 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**, such service, which is truly the lifeblood of the community and the Town, so often goes unrecognized and unrewarded; and

**WHEREAS**, Thomas Vierling has had a long history of personal achievement both as a Scout and as an active member of the community; and

**WHEREAS**, Thomas Vierling converted a vacant courtyard at Shenendehowa High School into a Memorial Courtyard for graduates of the High School that have been killed while in service to our Country including a special engraved bench that was placed to honor a 1984 graduate who dies on Christmas Day in Iraq after serving two tours for our country,

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

1. That the Town Board of the Town of Halfmoon recognize and commends, Thomas Vierling, 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 Thomas Vierling.

DATED: May 18, 2011

MINDY A. WORMUTH, TOWN SUPERVISOR  
TOWN OF HALFMOON

**RESOLUTION NO. 151**

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

**RESOLVED**, that the Town Board approves the **Resolution Honoring Eagle Scout, Thomas Veirling**

**Councilman Polak** stated that once again on behalf of Mindy Wormuth, our Town Supervisor, the Town Board Members Paul Hotaling, Regina Parker and Craig Hayner, Town Attorney's Matthew Chauvin and Lyn Murphy, and the Town Clerk Lynda Bryan, we congratulate you, and wish you the best in your future endeavors. We congratulate your parents also and thank you for coming tonight.

**Presentation by Falcon Trace Senior Living LLC**

**Gilbert Van Guilder & Associates** representing Falcon Trace Senior Living LLC stated that there are 2 components of the legislation that we want to amend. Basically, the section that we do want to make minor amendments to is section 166-721. The first component of the amendment would be to fix some of the numbers that are somewhat in error. Falcon Trace PDD has 3, 11 unit Independent Senior Apartment Buildings (pointing to the map), that number stays the same. It has 124 unit Senior Living Facility, which the original PDD legislation had 120. Basically, 4 units are within the core of the buildings and there are 30 units in each of the wings. They originally said that there were 120 units and did not count the 4 units in the center of the main building. The last number that needed to be corrected, the original PDD legislation had 13, 11 unit Luxury Apartment Buildings, that number is really 11, 11 unit buildings (pointing to the map).

The other component that we would like to have amended in that same section is in this PDD legislation besides the units, there are also 2 Commercial lots that were created. The Southern entrance to the project created Lot #1, and the other, Lot #2, was created up in the Northern section of the parcel. Basically the original PDD legislation had the 2 commercial lots were to be created as part of the Falcon Trace Planned Development District "Only uses permitted in the C-1 Zone pursuant to the Zoning laws of the Town of Halfmoon shall be permitted on these lots." We would like that amended to include that on the Northern Lot #2, and only on that lot, that it be permitted to have storage of large construction equipment and construction of a maintenance repair shop for repairing of the construction equipment.

The reason why we would like that amended, and this would be appropriate for this lot, is the fact that this lot is really not conducive for a C-1 use in the sense that it is

really not a destination lot, the location of this lot is very isolated. It is basically set up in back of New Country Auto Sales 600 feet from the Main building, and the distance is about 750 feet from these buildings (pointing to map) to this lot. The distance from the Auto Body Facility and the nearest residence to this parcel is about 350 feet away. Also, there is about 25-foot elevation so that isolates this parcel quite a bit. All of this area (pointing to the map) is basically protected woods, DDC Protected Wetlands and there is really nothing that can be done there. There are intense commercial use and Auto sales here (pointing to the map). This map shows in larger scale this lot, which is what is being proposed as far as the construction building. They are putting a burme and trees there. There will be a couple of parking spots in the front; all of the rest of the activities will be in the back. Basically we kept that under an acre of disturbance, even within the lot itself, it is actually quite secluded.

Basically, that is our request before the Board.

**Councilman Polak addressed Mr. Tanski** he said that when looking at the map, he asked about the maintenance shop, are you are going to have to go out to Fellows Road, you are not going to be adjoined by any of the internal workings?

**Mr. Tanski** said No, that it 600 –700 feet away.

**Councilman Polak** said, but that will be in place for the continuance of the build out and it will be there forever more.

**Mr. Tanski** said right. We just have no place to work our equipment. 99% of the time our equipment is elsewhere. We have equipment at Joe Lucarelli's in Ballston Spa, we have it down in Colonie, I am half owner of the company, there is stuff all over the place. The only time stuff would be there would be in the wintertime for servicing. Even in the wintertime, the loaders are at the apartments moving snow.

**Councilman Polak** stated that he was just curious.

**Councilwoman Parker** asked if they needed to set up a Public Hearing

**Councilman Polak** said No, they would need to refer it to the Planning Board.

**Deputy Attorney Chauvin** stated that you refer this to the Planning Board for their review and after they finish having a chance to look at it, you set the matter for a Public Hearing, procedurally, that is the way you would do it.

**Councilman Polak** stated that he was sure that is what Attorney Murphy said the policy was.

**Councilman Hotaling** stated that he make a recommendation to send it to the Planning Board.

## **RESOLUTION NO. 152**

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

**RESOLVED**, that the Town Board recommends to refer the amendments to the Falcon Trace Senior Living LLC to the Planning Board.

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

**Councilman Hotaling** said that they would try again next Wednesday evening for the Ribbon Cutting on our new stage, hopefully the weather holds out. The ribbon

cutting will be at 5:50 at the Stage, and followed sharply at 6:00 pm. by the Schmooze Concert. The Town Board and Officers will be serving food, and all of the proceeds from the event will be going to the Character Counts Program.

**Town Attorney Murphy** asked that at this time, the Town Board consider a resolution authorizing the Town Supervisor to execute the credit application and guarantee with Firestone Complete Auto Care Services.

**RESOLUTION NO. 153**

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

**RESOLVED**, that the Town Board authorizes the Town Supervisor to execute the credit application and guarantee with Firestone Complete Auto Care Services.

**Councilman Polak** opened up public privilege for discussion of agenda topics; no one had any questions or comments.

**DEPARTMENT REPORTS - month of June**

Town Clerk		
	Fees Submitted to Supervisor	\$7,218.12
Town Justice Tollisen		
Total # Cases	351	Fees Submitted to Supervisor \$32,670
Town Justice Wormuth		
Total # Cases	318	Fees Submitted to Supervisor \$29,743
Building		
Total # Permits	96	Fees Submitted to Supervisor \$42,066
Fire Code		
Total # Permits	21	Fees Submitted to Supervisor \$1,806

**CORRESPONDENCE**

- Received** from the Town Planning Board resolutions approving the following: Kosowsky Minor Subdivision, 30 Werner Road; sign application for Dr. Morrison, 1524 Route 9; change of tenant application for Old Glory Computers, 1524 Route 9; addition to commercial site plan for Stewart’s Shop #112, located at 1403 Route 9; addition to commercial site plan for Nine North Professional Park, 1407 Route 9.  
*Received & Filed*
- Received** from the Town Planning Board resolution denying a commercial site plan application for the proposed Zappone Chrysler Jeep Dodge Ram Inc., located at 1613 Route 9 due to proposed showroom building not meeting side yard setback requirements as described in Zoning, 165 Attachment 1 - Schedule A – Commercial District in the Town’s Local Laws.  
*Received & Filed*
- Received** from Halfmoon Diner Inc, 231 Grooms Road, Halfmoon, and notification of intent to renew their liquor license.  
*Received & Filed*
- Received** from Tai Pan Chinese Restaurant, 1519 Halfmoon Parkway, Halfmoon, NY, notification of intent to renew their liquor license.  
*Received & Filed*

5. **Received** from Roger & Betty Cardin, a thank you letter to John Pingelski & the Highway Department, congratulating them on the wonderful job they did on Plant Road.

*Received & Filed*

**Councilman Polak** told John Pingelski, the Highway Superintendent that he has heard a number of congratulatory remarks regarding the job that they have done on the roads, and everyone is very pleased.

Another item that Councilman Polak said that he failed to mention earlier is our Household Hazardless Waste Day. As you know everyone has to register for that and we do it with the Town of Clifton Park. Waste Day is September 10<sup>th</sup> at 8:00am-4:00pm. You need to get a form from our Town Clerk's Office, and it has to be registered and filed by September 7, 2011.

## **OLD BUSINESS**

### **RESOLUTION NO. 154**

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

**RESOLVED**, That the Town Board awards the Woodin Road Culvert Replacement Bid opened June 30, 2011, to low bidder, Jersen Construction Group, LLC, per submitted bids:

Jersen Construction Group, LLC	\$54,739.00
ANJO Construction, Ltd	\$57,800.00
Gallo Construction Corp	\$77,700.00
Kubricky Construction Corp	\$83,066.00
Stephen Miller General Contractors, Inc	\$89,753.00

We have reviewed the Bidders Qualifications Questionnaire submitted by the Jersen Construction Group, LLC and contacted the following references:

- Toby Chadwick, Town of Poestenkill with reference to the towns water service upgrade project. Mr. Chadwick indicated that the project went well with no issues.
- Rich Thyrring, Town of Waterford with reference to the town UV disinfection project. Mr. Thyrring indicated that he was very pleased with Jersen and the work.

We have also spoken with Andy Swedick of Jersen Construction Group, LLC to discuss the bid. Mr. Swedick had no issues and is very anxious to begin working on the project.

**Based on our review of the bids received, and discussions with the low bidder and several references, we recommend the project be awarded to Jersen Construction Group, LLC for the base bid of \$54,739.00.**

## **NEW BUSINESS**

### **RESOLUTION NO. 155**

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

**RESOLVED**, that the Town Board approves and order paid all vouchers for all funds listed on Abstract dated July 06, 2011 totaling \$ 582,772.77.

### **RESOLUTION NO. 156**

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

**RESOLVED**, that the Town Board approves the minutes of Town Board meeting of June 16, 2011 as presented.

**RESOLUTION NO. 157**

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

**RESOLVED**, that the Town Board approves the June 2011 Water Report for water usage as submitted by the Director of Water.

**RESOLUTION NO. 158**

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

**RESOLVED**, that the Town Board appoints James McBride as MEO Grade 5 Step 5, effective July 02, 2011.

**RESOLUTION NO. 159**

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

**RESOLVED**, to authorize 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	\$25,079.12
	Subsidiary: 25-4-2189 Home & Community Services		\$25,079.12
Credit:	Appropriations	25-960	\$25,079.12
	Subsidiary: 25-5-1440.40 Engineering Contractors Inspections		\$25,079.12

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

NAME	AMOUNT
Duke’s Grove	\$137.00
Inglewood PDD	\$137.00
Stewarts Shop	\$548.00
Arlington Heights	\$2,494.00
Schuyler Hollow	\$268.00
Stone Crest Preserve Ph III-Insp	\$21,495.12
Total	\$25,079.12

A resolution is needed to appropriate the contributions from TOH Planning Board, Steve Watts, Lyn Murphy, Halfmoon Celebrations, Sons of American Legion and a 50/50 raffle made to the Character Counts Program for the summer recreation program for youths to attend summer camp as follows:

DEBIT: Estimated Revenues     10-510 \$868  
                    Subsidiary: Community Gift Contributions  
                                    10-4-2705 - \$868

CREDIT:           Appropriations                      10-960                      \$868  
                         Subsidiary: Character Counts – Contractual  
                                    10-5-7989.4 - \$868

A creation of appropriations is necessary to create the project budgetary accounts for the Woodin Road Culvert Replacement. This capital project is a long term solution in this area to prevent further deterioration. Provisions were made in the Town of Halfmoon’s Highway Budget to undertake the work in 2011 in the amount of \$150,000.

Debit:                      Estimated Revenues     35-510 \$150,000  
                         Subsidiary:     35-4-5031 - \$150,000  
                                    Interfund Transfers

Credit:                      Appropriations 35-960                      \$150,000  
                         Subsidiary:     35-5-5112.22 - \$150,000  
                                    Highway Improvements –  
                                    Woodin Road

Transfers between Appropriations:

From Account	To Account	Amount	Reason
20-5-5112.22 Highway Improvements Capital Outlay Chips	20-5-5112.21 Highway Improvements Capital Outlay	\$100,000	Transfer of appropriations within own budget to cover expenses charged to improvements for Chips
30-5-1990.40 Contingency	30-5-8310.42 Water Admin. Contractual Legal Fees	\$30,000	Transfer of appropriations needed to cover legal fees for Hudson River PCB Matter

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

They’re being no further business to discuss or resolve, on motion by Councilman Hotaling and seconded by Councilwoman Parker the meeting was adjourned at 7:22 pm.

Respectfully Submitted,

Lynda A. Bryan,  
Town Clerk

