

**The May 18, 2011 regular meeting of the Town Board of the Town of Halfmoon was called to order by Supervisor Wormuth at 7:02 pm in the A. James Bold Meeting Room at the New Town Hall with the following members present:**

Melinda A. Wormuth, Supervisor  
Regina C. Parker, Councilwoman  
Paul L. Hotaling, Councilman  
Lynda A. Bryan, Town Clerk  
Lyn A. Murphy, Town Attorney  
Matthew J. Chauvin, Deputy Attorney

Not Present: Walter F. Polak, Councilman, Craig A. Hayner, Councilman

**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.**

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

**Councilman Hotaling** reported that the Stage at the Town Park is about 90% done. They are waiting for the transformer to hook up the power and the Handicap ramp. He stated that the concerts would start on the new stage on June 22. He also invited the Town Board to attend the concert for the Ribbon Cutting and Grand Opening of the stage.

**Supervisor Wormuth** thanked him and asked that he handle the organizing of the event and is sure that Lisa Perry would be able to help also, stating that she is very good at coordinating these events.

**Councilwoman Parker** wanted to remind people that May 30<sup>th</sup> is Memorial Day and in honor of all of our fallen men and women, the American Legion will have a function at 11:00 am and all are welcome to attend.

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

## **DEPARTMENT REPORTS - month of April**

1. Town Clerk

Total fees Submitted to the Supervisor - \$11,616.78

*Filed*

2 Town Justice Tollisen

Total # case 384 Total fees submitted to the Supervisor \$ 31,781.25

*Filed*

## **CORRESPONDENCE**

1. Received from At the Park, Inc. 1707 Route 9 Suite 100, notification of intent to renew their liquor license.

*Received & Filed*

2. Received from the Town Planning Board resolutions for RGH Enterpririses site plan and Minor Subdivision application located on Liebich Lane in the Rolling Hills PDD, Phase III and for Mechanicville Hydroelectric Station site plan application, 951 Hudson River Road, the Lefner lot line Adjustment/minor Subdivision, Time Warner Cable Hub addition to site plan, 7 Milford's Way, sign application for Anvil Fence & Supply Co. 1626 Route 9, Change of Tenant & Sign at 205 Route 146, Change of Tenant for E Studio LLC, Shoppes of Halfmoon 1705 Route 9, Tailgators Sports Tavern at the St. John's Plaza 1683 Route 9, Crossfit at 1580 Route 9, and a Sign Application for the Fitness Artists Studio, 1581 Route 9.

*Received & Filed*

3. Received from Spare Time – Clifton Park, 1668 Route 9, notification of intent to renew their liquor license.

*Received & Filed*

## **NEW BUSINESS**

### **RESOLUTION NO. 125**

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

**RESOLVED**, that the Town Board approves and order paid all vouchers for all funds listed on Abstract dated May 18, 2011 totaling \$606,176.18.

### **RESOLUTION NO. 126**

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

**RESOLVED**, that the Town Board approves the minutes of Town Board meeting of May 04, 2011 as presented.

### **RESOLUTION NO. 127**

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

**RESOLVED**, to authorize the Town Board to enter into Agreement with Shenendehowa Central School District for use of their pool & locker rooms for the Towns six-week summer recreation program, per the review and approval of the Town Attorney and authorize the Supervisor to execute said agreement.

**Councilman Hotaling** said that his comment was for Councilman Hayner, that there were still Rec. signs available

### **RESOLUTION NO. 128**

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

**RESOLVED**, to authorize the Town Board to enter to authorize entering into Agreement with Mechanicville City Schools for use of their Cafeteria, Gym, Lobby, 2 Classrooms, Field& Playground for the Towns six-week summer recreation program, per the review and approval of the Town Attorney and authorize the Supervisor to execute said agreement.

### **RESOLUTION NO. 129**

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

**RESOLVED**, that the Town Board authorizes the Town to renew membership in the Saratoga County Chamber of Commerce for the 2011 membership dues of \$350.00.

**Supervisor Wormuth** stated that the Chamber has a new Director and is excited to work with him. She is looking forward to this upcoming year and being able to continue to promote economic development in the Town with the help of the Chamber.

### **RESOLUTION NO. 130**

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

**RESOLVED**, that the Town Board approves the Supervisor's report for the month of April 2011 as presented.

#### **RESOLUTION NO. 131**

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

WHEREAS, the New York State Department of State has awarded a Local Waterfront Recreation Program grant to the Town of Halfmoon for construction of the Hudson River Waterfront Park, and

WHEREAS, all applicable laws, including specifically General Municipal Law §103 and §104-b, and all other regulations governing public contracts for service, labor, and construction involving more than \$35,000 have been adhered to, and

WHEREAS, R & J Kerr was the lowest responsible bidder with a base bid amount of \$315,990, alternate #1 amount of \$10,600 and alternate #2 amount of \$5,500,

THEREFORE BE IT RESOLVED that upon the recommendation of the project consulting firm that the Town Board of the Town of Halfmoon authorizes the Town Supervisor, with review and approval from the Town Attorney, to negotiate and execute the contract and other documents with R & J Kerr Construction, Inc. for the construction of the Hudson River Waterfront Park including the base bid and both alternates #1 and #2.

**Councilwoman Parker** stated that it would be an exciting time to see this project get started.

#### **RESOLUTION NO. 132**

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

WHEREAS, the New York State Department of State (DOS) has awarded a grant to the Town of Halfmoon for the Connecting Trail between the Hudson Riverfront Park and the Champlain Canal Trail, and

WHEREAS, the New York State Department of State (DOS) has authorized the Town of Halfmoon to contract for design, engineering and construction services,

THEREFORE BE IT RESOLVED that the Town Board authorizes the Town Supervisor, with review and approval from the Town Attorney to negotiate and execute the contract with Elan Planning and Design, Inc. for design, engineering and construction inspection services.

#### **RESOLUTION NO. 133**

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

WHEREAS, the New York State Department of State (DOS) has awarded a grant to the Town of Halfmoon for the Hudson River Waterfront Park project, and

WHEREAS, the New York State Department of State (DOS) has authorized the Town of Halfmoon to contract for construction inspection services,

THEREFORE BE IT RESOLVED that the Town Board authorizes the Town Supervisor, with review and approval from the Town Attorney to negotiate and execute the contract with Elan Planning and Design, Inc. for construction inspection services.

**Supervisor Wormuth** wanted to take a moment to clarify that some of this is to do the actual building of the Park, and some of this is to do the connector trail between the two. They are separate grants. She wanted to clarify in case there was any confusion as to why it looks like we are doing 3 simultaneous resolutions. They are a little different.

#### **RESOLUTION NO. 134**

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

**RESOLVED**, that the Town Board retain the services of Ultima Consulting Appraisal Services for the purpose of preparing one (1) appraisal for 23 Sitterly Road for the amount of \$350.00.

WHEREAS, The Town of Halfmoon owns certain parcels of real property, described as:

**23 Sitterly Road      Tax Map No: 278. –1-16.12**

WHEREAS, Said parcels were occupied and used by The Town of Halfmoon Water Department but have been decommissioned and improvements thereto having been removed:

WHEREAS, the Town of Halfmoon has no further use or need of said parcel, it is the intention of the Town to offer it for sale,

WHEREAS, in order to ensure the Town of Halfmoon receives proper consideration for said sales, the Town must engage the services of an appraiser to determine the value of said parcels,

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Town Board of the Town of Halfmoon acknowledges the above and hereby agrees to retain the services of Ultima Consulting Appraisal Services for the purpose of preparing the appraisal of the aforementioned parcel.
2. That the Town Board of the Town of Halfmoon agrees to compensate Ultima Consulting Appraisal Services in the amount of \$350.00 for the appraisal prepared.

#### **RESOLUTION NO. 135**

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

**RESOLVED**, that the Town Board requests a speed limit reduction for Plant Road in the Town of Halfmoon.

**Supervisor Wormuth** said that she understands that the Town Planning Office had prepared a letter of support to go with this to explain some of the background growth on Plant Road, as well as some of the impacts we are seeing that support the reduction of this. She asked if that the letter is in receipt of the Clerk's office.

**Madam Clerk** stated that she has received the letter.

**Supervisor Wormuth** stated that we would make sure the letter is attached with it and hope that as we continue to work with DOT, perhaps we will be more successful with this than we have been in the past.

#### **RESOLUTION NO. 136**

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

**RESOLVED**, that the Town Board to authorizes the Town Attorney's Office to commence an action in the Supreme Court of Saratoga County against U.S. Specialty Insurance Company, Midwest Claims Service, Inc. and Selective Insurance Company of America and to expend the necessary fees to commence and file said action."

#### **RESOLUTION NO. 137**

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

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

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

**Donna Monroe, 21 Upper Newtown Road** stated that she had submitted a letter to the Town Board on April 20, 2011 about the situation with the parking lot to the walking trail being quite close to her home. She stated that Supervisor Wormuth has walked the area with her husband, and she was wondering if anything has come of that.

**Supervisor Wormuth** stated that she has a meeting scheduled with the engineers to look into the original design of the trail plan, as well as the Director of Parks to look at it. Her concern is doing improvements on Town property that would benefit a private resident and whether or not that would interfere with the NYSEG easement, which she has the Planning department researching.

**Donna Monroe** was not there the day Supervisor Wormuth met with her husband and wanted to make sure everything was covered. She stated that first and foremost was the safety of her house as well as the safety of the neighboring houses near the path. She said that people walk after dark on the path and she has had to call the police. She stated that 2 weeks ago she called the Sheriff's because there was a car parked at 9:30 at night. She had also taken pictures on her cell phone if anyone wanted to see them. The Sheriff waited until the gentleman came back to his car. It turned out that he told the Sheriff that he was actually the Assessor of Halfmoon. He was actually walking out there in the dark, at 9:30 at night in the back of her home, which she really has concerns about. She is not sure what he is doing out there and he has access to the back of her house.

Secondly, people are walking their dogs on the path with out leashes and are coming up on her property. The dogs are doing their business on her property and then she needs to go out and pick it up. They continually add panels of fencing on the side of their property to prevent these dogs from coming upon their property. Her husband has actually had words with these people as they have walked their dogs and they are right back there in the next couple of days. She does not feel that they should be on guard 24 hours 7 at my home watching to see who is coming on her property, who is there with their dogs, and who is walking out there in the dark. Right now the trees and leaves are growing and the access is not as clear as it is in October to April when there is wide open spaces, but the dogs are still coming

through the gully. They have a fence down to a certain point and they are going to have to add on because the dogs still come on to their property.

Next she stated that the snow mobilers park by her house and are revving up their engines by her house at midnight and during the week. There is a sign 8-9 feet tall that says "No Trespassing". The Sheriff saw this and nothing was done about it, it is not being enforced. The parking lot becomes so busy at times that the cars are actually parking in front of their house all winter long. It becomes very upsetting.

It is her understanding that the property at the top of the street has been sold and they are having new homes being built. If that is the case, there is going to be even more activity going on the side of her house. Something needs to be done.

**Supervisor Wormuth** stated that were 4 things that she reviewed with her husband when they met and based on the discussions that they had, that she has contacted the Sheriff's department and asked them to increase the patrols down there and to be aware that there is a concern about people being there after dusk. She has reviewed it with the specific employee who was there, because his job had nothing to do with the reason why he was there, and does not why he identified himself as a Town employee. A member of the Sheriff's department thought that he had a reason to be there. She has discussed this with him because she understands that he has been making regular visits down there.

She has asked the Animal Control Officer to increase patrols down there and look for people who have their dogs off of their leashes and remind them of the law.

When she spoke to her husband, she said that they are currently looking into having a larger sign put up, or lowering the current sign. Perhaps it would be at a better level for people to look at it.

The Supervisor understands her concern. She stated that it was difficult to see a direct path with a close proximity into her yard without traversing what she would consider a pretty significant amount of brush and wetlands. She also understands that one of the utility companies was down there and cut quite a bit and that has made a difference for them.

**Donna** stated that they had a little bit of a barrier and then the Town came in and started cutting. Donna wrote a letter and put it on their window asking them to please, do not cut any further and knock down what little privacy that they have, and they did.

**Supervisor Wormuth** stated that it was the utility company that did the cutting and not the town. The utility company does have an easement there and they are allowed to be in there and maintain the wires. One thing that she had said to her husband that she is willing to do, is to talk to the Parks Director and see if he has any options for some plantings that might give them more privacy, or if he has any other options that he sees as perhaps viable that we could look at.

She also promised her husband that they would come back in the fall as seasonally things change and impact not only the visual aspect of it but also the access to it.

They are aware of it and will continue to monitor it. They are asking people to continue to increase things. The one thing the Supervisor asked of her husband, if he is dealing with a Police enforcement agency, whether it be the Troopers or the Sheriff's department, to please get a name. It makes it easier for her to access the Sheriff's, or one of the Commanders's at the Trooper's Agency and is able to follow up on this and be able to say that this is something that we want enforced. The park is closed from dusk till dawn and unless there is a water main break or another issue, there shouldn't be Town employees there; there shouldn't be anybody there.

**Donna** said that if the Sheriff's drive by, they cannot see the cars. They have to pull in the lot and physically come in to see the cars. This particular car that we are talking about, is parked behind the fence and under a tree, the cops just drive by and don't even see him. The gentleman that we are talking about, after the Sheriff's

talked to him that night; he was there the next night. It had no bearing on this gentleman. If the cops are not going to issue tickets to people out there after dark, then what's the sense, she said.

**Supervisor Wormuth** stated that she did not realize how tucked in he could be. She will reiterate that as she is asking them to do patrols down there.

**Donna** said that as far as the dogs go, every time the dogs come on her property and she calls the Dog Warden, she has to submit papers to file complaint, she should not have to do that. One day there was dog excrement in her driveway that she brought into her garage. People do not have the courtesy to take care of their dogs. She said that they have brought the fence down as far as they can with out going into this gully, but still the dogs still can come in through the gully to the house.

**Supervisor Wormuth** stated that they would continue to review it and look at what options are available. Again, she wanted to reiterate that the Town did expend a considerable amount of energy and what she thought was helpful to her when Donna originally called when the parking lot first became fairly active, to help do some shielding to the property. She said that they certainly could not put up a fence the whole length of the Champlain Canal Trail, it would not be utilized in the nature that it is.

**Donna** stated that they have already put up several panels of fencing and are extending it with another 4 panels. She asked that they please look into this thoroughly and not just brush this off.

**Supervisor Wormuth** said absolutely not. That they have been down there, they have taken pictures, she has meetings set up, she will continue to work with coordinating agencies and trying to address the issue. The Supervisor told her to feel free to call her office if there is increased activity or if there is a lack of response. She reminded Donna that it might take a few days in order to get everyone organized for what they were doing, as she has only just spoken to them at the end of last week. She will remind people again tomorrow and ask that those efforts get stepped up.

**Donna** asked about the signs. She asked for a "Do not Park in front of the house"

**Supervisor Wormuth** said that she would ask the Highway Superintendent to contact the County DPW, because it is a county road, and see if they are willing to do that.

**Donna** thanked the Supervisor.

**There being no further business to discuss or resolve, the meeting was adjourned at 7:25 pm**

**Respectfully Submitted,**

**Lynda A. Bryan,  
Town Clerk**

