

The November 3, 2010 regular meeting of the Town Board of the Town of Halfmoon was called to order at 7:00 pm by Supervisor Wormuth in the A. James Bold Meeting Room at the New Town Hall, 2 Halfmoon Town Plaza with the following members present:

Melinda A. Wormuth, Supervisor
Walter F. Polak, Councilman
Regina C. Parker, Councilwoman
Paul L. Hotaling, Councilman
Craig A. Hayner, Councilman
Mary J. Pearson, Town Clerk
Lyn A. Murphy, Town Attorney

Matthew J. Chauvin, Deputy Town Attorney -not present

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

At 7:00 pm Supervisor Wormuth opened the public hearing on the 2011 Town Budget; there were no questions or comments from the public or Board; the hearing was closed at 7:01 pm.

RESOLUTION NO. 221

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

RESOLVED, that the Preliminary Budget be and is hereby adopted as the 2011 Budget for the Town of Halfmoon, and further

RESOLVED, that said 2011 Budget be copied in its entirety in the 2010 Minute Book of the Town of Halfmoon.

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Councilman Hotaling reported that the Halfmoon Senior Center will have a Bazaar on Saturday November 13 from 9 to 2 and, on the same day the Historical Society will have their doors open from 10 to 2 for anyone who wants to stop by. He stated the Holiday parade would be on Sunday, November 14th at 2 pm.

Attorney Murphy asked the Board to consider a resolution to enter into a Tolling agreement with the Town of Waterford with regards to the lawsuit that is currently pending. She stated the Town of Waterford has sued the Town of Halfmoon over a contract dispute over the purchase of water and both communities agree they would benefit in tolling the lawsuit for at least a 6 month period pending the status of the lawsuit that both communities currently have against GE and the agreement both communities are working out with the EPA.

Supervisor Wormuth explained that the Tolling agreement basically allows the Town of Waterford an extended period of time to still file their suit without pushing it forward at this point which would cause us to expend extra money defending that suit. She stated that is based on the hope that the outcome with GE may relieve some or most of this burden and doesn't change anything just extends the time period.

RESOLUTION NO. 222

Offered by Councilwoman Parker, seconded by Councilman Hayner; Adopted by vote of the Board: Ayes-Wormuth, Polak, Parker, Hotaling, Hayner

WHEREAS, the Water Commissioners of the Town of Waterford served a Notice of Claim on the Town of Halfmoon on or about May 24, 2009 for damages arising from nonpayment and breach of contract; and

WHEREAS, the Town of Halfmoon denies breaching the contract and therefore does not owe the Water Commissioners of the Town of Waterford damages; and

WHEREAS, the Town Board of the Town of Halfmoon and the Water Commissioners of the Town of Waterford recognize that both communities would benefit from delaying proceeding with the law suit;

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. That the Town of Halfmoon and the Water Commissioners of the Town of Waterford shall enter into a Tolling Agreement preserving the rights of both communities for a period of sixth months.
2. That the attorneys appearing on behalf of the Town of Halfmoon are hereby authorized to execute the tolling agreement on behalf of the Town of Halfmoon.

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

DEPARTMENT REPORTS – month of October

1. Town Justice Wormuth
Total cases - 311 Total fees remitted to the Supervisor - \$35,800.
Filed.
2. Town Justice Tollisen
Total cases - 347 Total fees remitted to the Supervisor - \$40,821.50
Filed.

CORRESPONDENCE

1. Received from US Army Corps of Engineers notification of receipt of application from Krause Properties, LLC for hydraulic dredging on the Mohawk River at the proposed development known as “Halfmoon Village & Yacht Club”.
Received & Filed.
2. Received letter from Patricia Rushby, 47 Tabor Road, stating residents concerns with increased traffic and development on the road and also the lack of water on Tabor Road.
Received & Filed.
3. Received 2011 Budget Summary from Clifton Park-Halfmoon Fire District #1, Halfmoon Fire District #1, and West Crescent Fire District, filed with Town Budget Officer.
Received & Filed.
4. Received from State of New York Department of State notification of receipt of speed limit study request for Brookwood Road sent on July 22, 2010.
Received & Filed.
5. Received from Saratoga County Attorney notification of public hearing of the Saratoga County Sewer District No. 1 for November 3, at 9 am to consider the proposed sewer rates for 2011.
Received & Filed.
6. Received from Town Senior Planner Planning Board resolutions approving the following: change of tenant and sign at St. John Plaza, 1983 Rt. 9; sign application for 1st National Bank, 1693 Rt. 9; addition to commercial site plan Adirondack Basement Systems, 4 Jones Rd.; sign application for Falcon Trace PDD, Fellows Rd.; final approval for Falcon Trace PDD; major subdivision amendment for 50 Vosburgh Rd.
Received & Filed.
7. Received letter of resignation from Board of Assessment Review member Jeanne Warzek effective September 30, 2010.
Received & Filed.

NEW BUSINESS
RESOLUTION NO. 223

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

RESOLVED, that the Town Board approves and orders paid all vouchers for all funds listed on Abstract dated November 3, 2010, totaling \$198,768.87.

RESOLUTION NO. 224

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

RESOLVED, that the Town Board approves minutes of Town Board meeting of October 5, 2010 as presented.

RESOLUTION NO. 225

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

RESOLVED, that the Town Board authorizes closing the following roads on Sunday, November 14 at 2:00 pm for the Holiday Parade: Independence Blvd., Lape Road, Guideboard Road, Harris Road and Route 236.

RESOLUTION NO. 226

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

RESOLVED, that the Town Board appoints Robert Govin as temporary seasonal part-time Transfer Station attendant effective retroactive to October 25th, 2010 to be paid \$11.00 per hour worked.

The Supervisor stated Bob is coming back to cover shifts while we have people out for periods of time and will allow us to continue to operate the transfer station in a cost effective manner and they are happy to have him back as he has worked there before.

RESOLUTION NO. 227

Offered by Councilman Polak, seconded by Councilwoman Parker: Adopted by vote of the Board: Ayes-Wormuth, Polak, Parker, Hotaling, 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 \$15,543.50
 Subsidiary: 25-4-2189 Home & Community Services \$15,543.50
 Credit: Appropriations 25-960 \$15,543.50
 Subsidiary: 25-5-1440.40 Engineering Contractors Inspections \$15,543.50

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

NAME	AMOUNT
Bilinski PDD	\$1,182.00
New Country Sales & Service	857.00
Pan Am Southern RR	134.00
Sheldon Hills Ph III	12,157.50
Adams Point	1,213.00
Total	\$15,543.50

The following creation of appropriations is needed in the Highway Fund based on money received for Insurance Recovery. This creation is for the repairs to the highway trucks that were damaged.

DEBIT: Estimated Revenues 20-510 \$9,809.48
 Subsidiary: 20-4-2680 – Insurance Recovery - \$9,809.48
 CREDIT: Appropriations 20-960 \$9,809.48
 Subsidiary: 20-5-5130.40 – Machinery Contractual - \$9,809.48

Transfers between Appropriations:

From Account	To Account	Amount	Reason
10-5-1990.40	10-5-5010.40	\$700	Additional appropriations needed to cover

Contingency	Supt. Of Highways Contractual		expenses thru year end
10-5-1410.40 Town Clerk Contractual	10-1410.20 Town Clerk Equipment	\$360	Appropriations needed to purchase two calculators
30-5-1380.43 Fiscal Agent Fees Zone 3	30-5-1380.41 Fiscal Agent Fees Zone 1	\$10	Additional appropriations needed to cover expenses thru year end
10-5-1990.40 Contingency	10-5-5010.41 Supt. Of Highways Contractual-Sr Van	\$2,000	Additional appropriations needed to cover expenses thru year end

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

Patricia Rushby 47 Tabor Road read her letter as follows:

She stated she is just very frustrated because she has tried to understand how this came about and does appreciate the efforts that Mindy is making. She stated she went to the Town Planning Board and got the information on the PDD that was issued and she feels that all these years she has lived on Tabor Road that many, many negatives have happened because of the development that's going on. She stated she doesn't object to development or to other people getting water however, this is a real issue for the residents of Tabor Road and, if there is ever going to be a time that they could get water it would be now when they are bringing water down Tabor Road again. She stated all the new people moving into Halfmoon are having things they have been denied for 34 years water is a real concern and she knows people who don't have water on Tabor Road. She stated she feels between the water and the unsafe conditions her whole life on Tabor Road has changed and she doesn't dare walk on Tabor Road anymore with the traffic and the speed is terrible. She stated the consequence of having all this development has impacted her wells and the water is way down and the quality has been negatively impacted with bacteria in it. She stated she is looking for some encouragement or direction from the Town Board because she doesn't know what else to do and truly believes if they don't get water when it comes onto Tabor Road that they won't get it at all.

Supervisor Wormuth stated she appreciates her being here and sharing her concerns publicly with the Board. She stated when that PDD was done an extension was not put in and they can't compel the developer to do it at this point. She stated there is undeveloped land in that area and she has worked with the Town engineers and the Director of Water and they have put together rough cost estimates. She stated they inventoried the vacant land and, should it develop it would be a priority if it develops as a PDD. She stated if it develops as a standard subdivision we cannot compel a builder to do that and is how the infrastructure in Town is developed. She stated they looked at the cost of extending the water district and the amount of homes that would be served versus what the State allows to be charged per home exceeds that and, their hands are tied. She stated they understand her frustration.

Mrs. Rushby stated she is desperate and wonders why Tabor wasn't included in the development in 2002 when they knew they needed water.

Supervisor Wormuth stated there are certain cost burdens that are put on projects and unfortunately she can't fix that and all she can do is move forward. She stated she is sure there were reasons.

There being no further business to discuss or resolve on motion by Councilwoman Parker seconded by Councilman Polak the meeting was adjourned at 7:18 pm.

Respectfully submitted,

Mary J. Pearson
Town Clerk

11/3/2010

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