

The October 21<sup>st</sup>, 2008 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

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

At 7:00 pm the Supervisor opened the Public Hearing to Amend Code of the Town to add Chapter for Fair Housing; no one wished the Notice read.

Town Attorney Murphy stated the purpose of this amendment is to be in compliance with Federal grants we apply for. She stated what the amendment will do is prohibit anyone who rents or sells to the public at large from discriminating based on race, color, religion, sex, national origin or family status. She stated it is a very simple change to our current ordinance, which prohibits people from discriminating against anyone else.

The Supervisor opened the hearing to the public for questions or comments.

Henrietta O'Grady, Church Hill Road, and questioned if this ordinance could be read.

Attorney Murphy stated it is a simple change to our current ordinance but is six pages and she could be provided with a copy. She stated the reason it is so lengthy is to comply with the grant requirement and the same thing is often repeated. She stated it does not affect a private landowner renting out a room in your house and this is for commercial type sales or rentals and does include individual homeowners.

The Supervisor closed the public hearing at 7:04 pm as there were no further comments.

#### RESOLUTION NO. 249

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

RESOLVED, that the Town Board approved Local Law No. 4, a Local Law to amend the Code of the Town of Halfmoon to add the chapter Fair Housing as follows:

#### **To Add Chapter – Fair Housing**

##### **§ Purpose.**

For the purpose of providing and ensuring fair housing opportunities for all within the Town of Halfmoon, the Town Board of the Town of Halfmoon hereby obtains, enacts and publishes this chapter.

##### **§ Word usage and definitions.**

- A. General. For the purpose of this chapter, certain words or phrases herein shall be interpreted as follows, except where the context clearly indicates the contrary: words used in the singular include the plural, words used in the present tense include the future tense, the word “person” includes a corporation as well as in individual, and the word “shall” is always mandatory.
- B. Specific words or phrases. For the purpose of this chapter, certain terms or words herein shall be interpreted as follows:

DISCRIMINATORY HOUSING PRACTICE – An act that is unlawful under this Chapter

DWELLING – Any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

##### FAMILIAL STATUS

- (1) One or more individuals (who have not attained the age of 18 years) being domiciled with:
  - (a) A parent of another person having legal custody of such individual or individuals; or

- (b) The designee of such parent or other person having such custody, with the written permission of such parent or other person.
- (2) The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of security legal custody of any individual who has not attained the age of 18 years.

FAMILY – Includes a single individual.

PERSON – Includes one or more individuals, corporations, partnerships, associates, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

TO RENT – Includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

#### § **Discrimination in the sale or rental of housing.**

Except as exempted by section herein, it shall be unlawful within the Town of Halfmoon:

- A. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, national origin, handicap, or familial status.
- B. To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, national origin, handicap or familial status.
- C. To make, print, or publish, or cause to be made, printed or published, any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, national origin, handicap or familial status or an intention to make any such preference, limitation or discrimination.
- D. To represent to any person because of race, color, religion, sex, national origin, handicap or familial status that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
- E. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood or a person or persons of a particular race, color, religion, sex, national origin, handicap or familial status.
- F.
- G.

#### § **Discrimination in the financing of housing.**

It shall be unlawful within the Town of Halfmoon for any bank, building, and loan association, insurance company or other corporation, association, firm, or enterprise whose business consists in whole or in part in the making of commercial real estate loans to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, repairing, or maintaining a dwelling or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance because of the race, color, religion, sex, national origin, handicap or familial status of such person or of any person associated with him in connection with such loan or other financial assistance, or the purpose of such loan or other financial assistance, or of the present or prospective owners lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given, provided that nothing contained in this section shall impair the scope or effectiveness of the exception contained in section herein.

#### **Discrimination in the provision of brokerage services.**

It shall be unlawful within the Town of Halfmoon to deny any person access to or membership or participation in any multiple-listing service, real estate broker's organization, or other service organization or facility relating to the business of selling or renting dwellings or to discriminate against him in the terms or conditions of such access, membership, or participation on account of race, color, religion, sex, national origin, handicap or familial status.

#### § **Exceptions.**

- A. Sales/rentals by owners.
- (1) Nothing in this Article (other than Subsection C) shall apply to:
 

Any single-family house sold or rented by an owner, provided that such private individual owner does not own more than three such single-family houses at one time; provided, further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale, or who was not the recent resident of such house prior to such sale, the exception granted by this subsection shall apply only with respect to one such sale within any twenty-four month period; provided, further, that such bona fide private individual owner does not have any interest in, nor is there owned or reserved on his behalf under any express or voluntary agreement, title to any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at one time; and provided, further, that the sale or rental of any such single-family house shall be excepted from the application of this chapter only if such house is sold or rented without the use in any manner of the sales or rental facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person, and without the publication, posting, or mailing, after notice, of any advertisement or written notice in violation of this chapter, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as may be necessary to perfect or transfer the title; or

  - (a) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains an occupies one of such living quarters as his residence.

- (3) For the purpose of this exemption, a person shall be deemed to be in the business of selling or renting dwellings if:
- (a) He has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;
  - (b) He has, within the preceding 12 months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or
  - (c) He is the owner of any dwelling designed or intended for occupancy, or occupied by five or more families.

B. Sales/rentals by religious organizations. Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association or society, from limiting the sale, rental, or occupancy of dwelling which it owns or operates for other than a commercial purpose to person of the same religion or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, religion, sex, national origin, handicap or familial status, nor shall anything in this chapter prohibit a private club not in fact open to the public which, as an incident to its primary purposes, provides lodgings which it owns or operates for other than a commercial purpose from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

C. Applicability.

- (1) Nothing in this chapter limits the applicability of any reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling, nor does any provision in this chapter regarding familial status apply with respect to housing for older persons.
- (2) As used in this Subsection C, "housing for older persons" means housing:
  - (a) Provided under any state or federal program that the Secretary of Housing and Urban Development determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program);
  - (b) Intended for, and solely occupied by, persons 62 years of age or older; or
  - (c) Intended and operated for occupancy by at least one person 55 years of age or older per unit.
- (3) Housing shall not fail to meet the requirements for housing for older persons by reason of:
  - (a) Persons residing in such housing as of the date of enactment of this chapter who do not meet the age requirements of Subsection C(2)(b) or (c), provided that new occupants of such housing meet the age requirements of Subsection C(2)(b) or (c); or
  - (b) Unoccupied units, provided that such units are reserved for occupancy by persons who meet the age requirements of Subsection C(2)(b) or (c).
- (4) Nothing in this chapter prohibits conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in Section 102 of the Controlled Substances Act (21 U.S.C. §802).
- (5) Nothing in this chapter requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

## § Administration.

- A. Authority and responsibility. The authority and responsibility for publicizing, administering, and enforcing this chapter shall be in the Code Enforcement Office for the Town of Halfmoon.
- B. Violations. Violations of this chapter shall be reported in person or in writing to the Code Enforcement Officer.
- C. Enforcement. Where sufficient cause exists to believe that the terms of this chapter have been violated, the code Enforcement Officer may institute a complaint in court against the alleged violator.
- D. Penalties. Where a person or organization has been found, after a trial on the merits, in violation of this chapter, a fine shall be imposed on such person or organization not to exceed \$500 for a first offense and \$1,000 for each additional offense. The minimum fine for violations of this chapter shall be \$100 for a first offense and \$500 for each additional offense. Each and every separate violation of this chapter shall be deemed an offense. Each and every separate violation of this chapter shall be a minimum fine of \$100 for a first offense and \$500 for each additional offense. Each and every separate violation of this chapter shall be deemed an offense for the purpose of imposing the appropriate fine.

**§ Amendments.**

The Town Board of the Town of Halfmoon may, on its own initiative or on petition, amend, supplement, or repeal the provisions of this chapter in conformity with applicable law after public notice and hearing.

**§ Interpretation.**

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, morals, and safety or the general welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the highest standards, shall govern.

**§ Short title.**

This chapter shall be known and may be cited as the “Fair Housing Law of the Town of Halfmoon”.

**SECTION 2:** This Local Law shall take effect as provided in Section 27 of the Municipal Home Rule Law.

**REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY**

Councilman Polak reported on the Historical building and provided an update. He stated they have it all tied together and enclosed. He stated they are doing the underground services, the water is installed, they are doing the septic this week and, the underground electrical. He stated they hope within the next week and a half to have the concrete bases for the steps poured. He stated they went out for pricing on the heating and air conditioning systems and will let that work shortly so there will be temperature working this winter.

Councilman Hotaling reported that Halfmoon Celebrations is going to have a concert at the Senior Center and it will be a tribute to Neil Diamond. He stated it starts at 6:30 pm and is a free event and food will be for sale by the Seniors.

Councilwoman Parker reported on the New Town Park which is a field of nice green sod and there is lots of fencing going up. She stated the feature field may be finished today, all the fencing is completed and all the sod should be done by the second week of November. She stated they are hoping to pour the slab on the recreational building this week and finish the walls. She stated next week they will pour the slab and foundation for the maintenance building and, they are still under budget and hoping to open on time next fall.

Councilman Hayner reported on the Crescent Canal Road Trail stating they had a preconstruction meeting with the contractor, Rifenburgh. He stated they have already started on the project this week and it is expected to be about a two-month process to complete the trail.

Supervisor Wormuth reported on change orders, some already approved under the change order committee for the New Town Park to update the Board. She stated they did a change with Farina Electric, Inc. to increase the primary electric conduit from 4” to 5” for the reason when the park plan was originally created over four years ago it was acceptable to use 4” now NYSEG requires and recommends 5” and this change is a cost to the Town of \$4,212. She stated there is also a change with Mazone Plumbing & Heating, Inc. for an updated water-oil separator in the maintenance building, there was one required but wasn’t sized to be the right way based on the size of the building with the additional cost of \$2,975. She stated other costs for the bathroom; previously discussed to install an additional unisex ADA accessible bathroom within the recreation pavilion has several change orders to individual contracts. She stated the electrical contract change order is \$2,130, Farina Electric; change order for Bishop Beaudry Construction is \$5,686 and D & E Technologies, Inc. is \$528.00 for the wiring and Mazone Heating & Plumbing change order for the bathroom is \$3,985. She stated the only other change is a minor contract that the attorney has reviewed is to have Kingsley Arms, Inc. do the work directly contracted with the Town for the gas line installation and they are an approved New York State and National Grid installer of that line. She stated they will be doing that outside of the scope of the contract that was originally awarded to them.

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

**DEPARTMENT REPORTS -month of September**

1. Town Clerk

Total fees remitted to the Supervisor - \$9,554.52

Filed.

2. Senior Express Dispatch

Total # of Riders -298

Total # of Meals - 464

Filed.

**OLD BUSINESS**

**RESOLUTION NO. 250**

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 accepts the 2009 Town of Halfmoon Tentative Budget as the 2009 Preliminary Budget and, further

RESOLVED, that the Town Board sets the public hearing for the Preliminary Budget for Thursday, November 6<sup>th</sup> at 7:00 pm.

The next item is action on the Brookfield Place Planned Development District, Guideboard Road and Harris Road, public hearing was held on September 2, 2008.

Supervisor Wormuth stated the Board received correspondence from the applicant in response to asking for an increase to the public benefit since the last presentation to the Board. She stated it does have a schedule for how those payments will be made and the Board has reviewed it and presented publicly at the last meeting. She stated this proposal is back before the Board for action as to what the Board would like to do. She stated it has received positive recommendation from the Town Planning Board and the Board could require more information or vote to approve or disapprove the PDD.

**RESOLUTION NO. 251**

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

RESOLVED, that the Town Board approves Local Law No. 5-2008, Brookfield Place Planned Development District as follows:

**LOCAL LAW # 5 OF THE YEAR 2008**

**BE IT ENACTED** by the Town Board of the Town of Halfmoon as follows:

**Section 1.** This Local Law shall be known and may be cited as "Local Law #5, 2008, amending the zoning ordinance of the Town of Halfmoon, Local Law #5 of 1995, and the map and official regulations relating to zoning of the Town of Halfmoon" as codified in the Code of the Town of Halfmoon and added to Chapter 155 of said code, creating a Planned Development District known as "Brookfield Place".

**Section 2.** Local #5, 1995, of the Town of Halfmoon, entitled "Local Law Relating to Zoning for the Town of Halfmoon" and the zoning map of the Town of Halfmoon, as set forth and enacted in Local Law #5 of 1995, as previously amended, codified and supplemented be and the same hereby are further amended by creating the residential Planned Development to be known and described as "Brookfield Place".

**Section 3.** The area comprising said "Brookfield Place" consists of approximately seventy three point three one (73.31) acres, tax map parcel numbers 279.-1-29 and 279.-1-30, and is located between Guideboard Road and Harris Road approximately two thousand, nine hundred (2,900) feet west of the Guideboard Road and Harris Road intersection, Town of Halfmoon, County of Saratoga, State of New York and is bounded and described as set forth in **Exhibit A** attached hereto and made a part hereof.

**Section 4.** There shall be constructed within the area of said "Brookfield Place Planned Development District", a project generally consistent with the Site Plan dated April 2007 and last revised on August 18, 2008, prepared by Ivan Zdrahal Associates, PLLC, consisting of a maximum of eighty one (81) single family residences together with the necessary infrastructure and improvements in general conformity with the Site Plan dated April, 2007, and last revised August 18, 2008, attached hereto as **Exhibit "B"** and in general conformity with the zoning ordinance of the Town of Halfmoon with relation to Planned Development Districts and in accordance with the negative declaration by the Town Board of the Town of Halfmoon attached hereto and made a part hereof as **Exhibit "C"**. All lots within the Planned Development District shall front of the Town road and shall have a minimum lot size of fifteen thousand (15,000) square feet, with a front building set back line of thirty five (35) feet and a minimum width at the building setback line of eighty (80) feet. Approximately forty three (43) percent of the property will be preserved.

**Section 5.** Before application is made for any building permit, preliminary and final site plan approval shall be obtained from the Planning Board of the Town of Halfmoon and the final plan shall be signed by all governmental entities having jurisdiction thereof including but not limited to the Halfmoon Water Department, Halfmoon Planning Department, and Saratoga County Sewer District #1. The final plan shall be filed either in total, or in phases, as approved by the Planning Board of the Town of Halfmoon, in the Saratoga County Clerk's Office. The exact location and specifications of roadways, buffers, green space and other related matters may be changed, altered or amended during the Town of Halfmoon Planning Board review process in a manner generally consistent with the Site Plan dated April, 2007, with the latest revision date of August 18, 2008.

**Section 6.** Sanitary sewer service shall be provided in general conformance with the requirements as set forth by the Saratoga County Sewer District #1, the Department of Health, Department of Environmental Conservation and the designs proposed by Ivan Zdrahal Associates, PLLC. All sewer mains and appurtenants will be installed and improved/upgraded by the Applicant to the Saratoga County Sewer District No. 1 standards and offered for dedication to the Saratoga County Sewer District No. 1 at no cost to the Saratoga County Sewer District No.1 or the Town of Halfmoon, with delivery to the Saratoga County Sewer District No. 1 of duly executed deeds, easements and bills of sale as appropriate.

**Section 7.** Potable water service for the Brookfield Place Planned Development District will be provided by the extension of existing water mains on Locust Lane and Harris Road and as approved by the Town Engineer and Water Department. A water district extension agreement with the Town of Halfmoon is required to provide water service for a portion of this project area located outside of the existing Town of Halfmoon Consolidated Water District. Thirty eight (38) of the eighty one (81) single family residences are located outside of the current water district boundaries.

**Section 8.** Approval of the New York State Department of Health, New York Department of Environmental Conservation and Town Engineer will be obtained for the potable water system and the sanitary sewer system, as appropriate.

**Section 9.** A storm water management plan will be developed during the site plan review process. The applicant shall offer to the Town of Halfmoon the stormwater management area for dedication to the Town of Halfmoon upon request by the Town and shall post a one-year maintenance bond or letter of credit upon making the dedication. In the event that the dedication of the stormwater management area and any other areas proposed for dedication are not accepted by the Town of Halfmoon, the applicant shall be responsible for the periodic maintenance and/or repair of the system to the Town of Halfmoon at no cost to the Town of Halfmoon.

**Section 10.** All utilities, roads and/or streets within the Brookfield Place Planned Development District shall be constructed by the Applicant in accordance with the specifications approved during site plan review. Town roadways will be constructed. The roads shall be offered to the Town of Halfmoon for dedication to the Town. The applicant shall post a two-year maintenance bond or letter of credit upon making the dedication to the Town of Halfmoon. The roadway shall be constructed in conformance with the roadway specifications as set forth by the Town Highway Department and the Town engineers with the applicant being responsible for any and all costs associated with the proper inspection of the road. All roadways shall be dedicated in a manner consistent with the Town of Halfmoon Roadway Dedication Process.

Based upon the studies conducted by the Town including but not limited to the Town wide survey, Trail Study, Recreation Study, the open space work conducted on behalf of the Town, the Comprehensive Plan, and the studies conducted and reports prepared for the new Town Park, it is clear that although a proper case exists for requiring a park or parks suitably located for playgrounds or other recreational purposes, this parcel is not suitable for the location of a park of adequate size to meet the needs of the Town of Halfmoon, therefore the applicant shall be responsible for recreation fees as assessed by the Planning Board at the time of the subdivision and prior to the granting of Certificates of Occupancy. The Brookfield Place Planned Development District shall contain approximately eighteen point zero four (19.04) acres of common open space, which shall be maintained by a Homeowner's Association.

The Homeowner's Association shall also be responsible for maintaining the emergency access road, which shall be constructed as set forth in the plans dated April 2007, last revised August 18, 2008. The emergency access road shall connect to Locust Lane and shall have a gate preventing unauthorized vehicles from utilizing the emergency access. Locust Lane shall not be utilized as a construction access for Brookfield Place Planned Development District.

Additionally, the applicant will contribute two thousand five, hundred (\$2,500.00) dollars at the time of the application for a building permit for each and every one of the eighty one (81) units. These funds will go to the Town to be disbursed by the Town Board as it deems fit in a manner to increase the benefit to the public of the Brookfield Place Planned Development District.

**Section 11.** All buildings and improvements shall be designed and constructed pursuant to plans and specifications approved by a duly licensed architect or engineer and in strict compliance with established construction standards, regulations and codes (including the New York State Uniform Fire Prevention and Building and Construction Code). All construction, during the performance thereof and upon completion, shall be subject to the inspection and approval of the Town of Halfmoon Code Enforcement Officer, Engineer and Superintendent of Highways, and Fire Marshall.

**Section 12.** The Town of Halfmoon Planning Board shall not give final site plan approval unless and until all approvals required by each and every other government or governmental entity have been obtained. The Planning Board may, in its discretion, give approval conditioned upon the Applicant obtaining such approvals.

**Section 13.** Signs within the Brookfield Place Planned Development District shall comply with the requirements established by the town of Halfmoon Planning Board during site plan review. The architect or engineer performing the work herein described shall be employed by and at the expense of the developer.

**Section 14.** This Local Law shall take effect upon being filed in the Office of the Secretary of State as provided in the Town Law and/or Municipal Home Rule Law.

**Section 15.** The Town of Halfmoon Town Board may, upon the request of the then owner of the Brookfield Place Planned Development District, modify any of the provisions of this Local Law upon such terms as the Town Board shall determine to be reasonable.

**Section 16.** This Local Law shall be deemed automatically revoked and void, and the previous regulations shall apply, if within three (3) years from the effective date of this Local Law, or within such additional period as the Town Board may subsequently provide without a further public hearing, commencement of the construction of the Inglewood Planned Development District has not begun, or if, after construction has begun, substantial progress, weather permitting, is not continued without interruption.

## RESOLUTION NO. 252

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 awards Bid Spec. No.8-2008 for Highway department Plow Truck to low bidder for Item #2, Medium Duty Plow Truck with Sander to West-Herr Ford, Hamburg, New York in the total bid amount of \$81,696, per recommendation of the Review Committee.

## NEW BUSINESS

## RESOLUTION NO. 253

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

RESOLVED, that the Town Board approves the Supervisor's Report for the month of September 2008, as presented.

## RESOLUTION NO. 254

Offered by Councilwoman Parker, seconded by Councilman Hayner, 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 October 21, 2008, totaling: \$321,866.31

## RESOLUTION NO. 255

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 authorizes the Supervisor to make the following Creation of Appropriations and Transfer between 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	\$17,747.42
	Subsidiary: 25-4-2189 Home & Community Services		\$17,747.42
Credit:	Appropriations	25-960	\$17,747.42
	Subsidiary: 25-5-1440.40 Engineering Contractors Inspections		\$17,747.42

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

NAME	AMOUNT
Pino Comm	\$683.50
Glen Meadows	2,110.50
Glen Meadows	1,174.50
Brookfield Place	570.25
Arlington Heights	9,349.77
Schuyler Hollow	918.50
Grosky Office Bldg	1,840.00
Cellco Verizon Wireless	495.00
Cellco Verizon Wireless	550.00
Cellco Verizon Wireless	55.00
TOTAL	\$17,747.02

A resolution is needed to close the Capital Project Fund for Water District Extensions to include Route 236, Upper Newtown Road (and a portion of Lower Newtown Road) and Woodin Road in the amount of \$379,600. The leftover monies and interest will be used as required for debt payments for Consolidated Water Zones 1, 2 & 3.

Debit:	Appropriations	35-960	\$379,600
	Subsidiary:	Transmission & Distribution Capital Outlay – 35-8340.20 - \$379,600	
Credit:	Estimated Revenues	35-510	\$379,600
	Subsidiary:	Serial Bonds 35-5710 - \$379,600	

A resolution is needed to appropriate the contribution from Republican Club made to the Character Counts Program for the summer recreation program for youths to attend summer camp as follows:

DEBIT: Estimated Revenues 10-510 \$1,660

Subsidiary: Community Gift Contributions 10-4-2705 - \$1,660  
CREDIT: Appropriations 10-960 \$1,660  
Subsidiary: Character Counts – Contractual 10-5-7989.4 - \$1,660

A Creation of Appropriations and Revenues is necessary in Water District #1 O&M Funds. The creation is necessary to provide adequate budgetary account for the 3<sup>rd</sup> & 4<sup>th</sup> quarter water billing in 2008. The additional appropriations and revenues are necessary due to the water main break this year.

DEBIT: Estimated Revenues 70-510 \$20,000  
Subsidiary: 70-4-2140 – Metered Sales - \$20,000

CREDIT: Appropriations 70-960 \$20,000  
Subsidiary: Source of Supply, Power & Pumping – Purchase of Water – 70-5-8320.40 - \$20,000

Transfers between Appropriations:

From Account	To Account	Amount	Reason
10-5-7140.10 Recreation Personal Services	10-5-7140.40 Recreation Contractual	\$8,000	Transfer of appropriations within own budget to cover expenses thru year end
10-5-1220.10 Supervisor Services	10-5-1230.40 Grant Contractual	\$3,000	Transfer of appropriations for expenditures through year end

## RESOLUTION NO. 256

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 approves minutes of Town Board meetings of September 2<sup>nd</sup> and 16<sup>th</sup>, October 3, 2008 as presented by the Town Clerk.

## RESOLUTION NO. 257

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 accepts the Water report for October billing as submitted by the Director of Water.

## RESOLUTION NO. 258

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 authorizes Highway department employee, Danny Hoyt to work and be compensated as an MEO to plow snow, only when needed.

Councilman Polak stated, relative to the next item for dedication of roads, that he thanks the Highway Superintendent for taking the lead on this and talking with the developer.

The Supervisor stated she would like to commend our Planning department who has continued to take the lead on the road dedication policy and organize these. She stated a lot goes through Planning because the bonds are held there and they do a wonderful job working in conjunction with the highway department.

## RESOLUTION NO. 259

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 accepts for dedication as Town Roads, roads in Arlington Heights, Gladstone Circle, Chantry Boulevard and Saville Road, as they have satisfied the standards set by the Town Roadway Dedication Procedure.

Councilman Hayner stated, relative to the next item, that he thanks our Grant coordinator, who has been doing a tremendous job providing these grants and our Supervisor who has been very proactive in this.

#### RESOLUTION NO. 260

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

WHEREAS, *Preserve America* is a White House initiative developed in cooperation with the Advisory Council on Historic Preservation the U.S. Department of the Interior, and the U.S. Department of Commerce; and

WHEREAS, the goals of this initiative include a greater shared knowledge about our Nation's past, strengthened regional identities and local pride, increased local participation in preserving the country's irreplaceable cultural and natural heritage assets, and support for the economic vitality of communities; and

WHEREAS, this initiative is compatible with our community's interests and goals related to historic preservation; and

WHEREAS, designation as a *Preserve America* Community will improve our community's ability to protect and promote its historical resources, now, therefore be it

RESOLVED, that the Town of Halfmoon will apply for the designation of the Town of Halfmoon as a *Preserve America* Community; and be it further

RESOLVED, that the Town Board of the Town of Halfmoon will protect and celebrate our heritage, use our historic assets for economic development and community revitalization, and encourage people to experience and appreciate local historic resources through education and heritage tourism programs.

#### RESOLUTION NO. 261

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

RESOLVED, that the Town Board authorizes the Town Supervisor to apply for a grant from the Preserve America Historic Preservation Fund Grant to develop interpretive materials, signage and web-based information in the not to exceed amount of \$20,000.00.

#### RESOLUTION NO. 262

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

RESOLVED, that the Town Board authorizes rejecting the one bid received for the Wide Format Scanner and Printer, opened October 6<sup>th</sup>, 2008.

#### RESOLUTION NO. 263

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

RESOLVED, that the Town Board appoints Gaither Espey as full-time Building Laborer, effective immediately at Grade 2, base pay.

#### RESOLUTION NO. 264

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

WHEREAS, Seren Lambertson has resigned his position as Highway department Working Supervisor, it is therefore

RESOLVED, that the Town Board appoints Seren Lambertson as Highway department MEO, effective Saturday, October 25<sup>th</sup> at Grade 5, Step 6.

RESOLUTION NO. 265

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

RESOLVED, that the Town Board appoints William Suchocki as Highway department Working Supervisor effective Saturday, October 25<sup>th</sup> at Grade 7, Step 6.

Supervisor Wormuth stated she received a request through the highway department via some concerns of residents that the Town request a speed limit reduction on Farm to Market Road from Route 9 all the way down to Route 146.

She requested that the Town Clerk hold off sending this request for a couple of days so we can work with the highway department and ask planning to create some of the reasons we think the reduction is warranted. She stated in a couple of days, the Supervisor's office, planning and highway will get this together.

RESOLUTION NO. 266

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

RESOLVED, that the Town Board authorizes to request the Commissioner of Public Works in the County of Saratoga and the Department of Transportation to study Farm to Market Road for a possible speed limit reduction between U.S. Route 9 and U.S. Route 146, and further

RESOLVED, that the Town Board send the necessary paperwork to the appropriate divisions

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

Henrietta O'Grady, Church Hill Road, stated she wanted to thank the Town of Halfmoon for its participation in this past Sunday's Duathlon with almost 100 finishers in a very grueling race. She stated the Supervisor started the race and, she personally thanks her and also thanks the Town highway department and, there were several workers who came and worked on traffic control. She stated it was a successful race and they had a good time and look forward to next year.

The Supervisor stated she also thanks Mrs. Parker who joined her at that event and thanks everyone who participates in the 6<sup>th</sup> Annual Duathlon.

There being no further business to discuss or resolve the meeting was adjourned at 7:20 pm by motion of Councilman Polak, seconded by Councilman Hotaling.

Respectfully submitted,

Mary J. Pearson, Town Clerk

