

The August 18, 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 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

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.

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Councilman Polak reported on the Fall Clean up at the Town transfer station and stated the dates are September 14, 17, 18, 21, 24, 25 and the hours are Tuesday 8-noon, Friday Noon to 5 and Saturday 8 to 3; also the Clifton Park Household Hazardous Waste Day, which will be on Saturday, September 25 from 8 am to 4 pm at the Ray Road site near the Town of Clifton Park transfer station and you must be register by September 15th. He stated the forms are available on-line and in the Town Clerk's office and is offered for Halfmoon residents

Councilman Hotaling reported that on Wednesday, August 25th there will be a concert band in the courtyard; he stated he wants to thank the new recreation director and the two girls who work with her in the office for the fireworks and the cruise-in for doing the food to raise money for Character Counts plus a couple other programs and raised over \$2,000 and thanks them for their efforts.

Attorney Murphy reported she would like the Board to consider passing a resolution authorizing the Supervisor to enter into and execute a restrictive covenant construction easement with Hayner conservation easement and purchase agreement for restrictive covenant regarding the Pan-Am, southern Town of Halfmoon and Hayner farm agreement to mitigate some wetlands disturbances.

RESOLUTION NO. 176

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

WHEREAS, the Town of Halfmoon is the owner in fee simple of property located in the Town of Halfmoon, County of Saratoga, and State of New York, which property is more fully described in a deed recorded in the Saratoga County Clerk's Office as Instrument Number 2007028961 and being current Town Tax Parcel 273-2-89; and

WHEREAS, the Town of Halfmoon, in recognition of the continuing benefit to the permitted property, and for the protection of waters of the United States and scenic, resource, environmental, and general property values, has agreed to place restrictive covenants on the Property, which are attached hereto and made a part hereof as Exhibit "A"; and

WHEREAS, the Town of Halfmoon desires to place a perpetual restrictive covenant on the Property, to have the to guarantee their preservation for wetland and wildlife resources; and

WHEREAS, it is necessary for the Town of Halfmoon to execute a Temporary Work Easement allowing Pan Am Southern, LLC, the right to enter upon the property for the purpose of constructing the improvements authorized by the United States Army Corps of Engineers, New York District in accordance with the Federal Clean Water Act, 33 U.S.C. Section 1344;and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of Halfmoon authorizes the addition of the restrictive covenants for the Town Tax Map parcel 271-2-89, and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Town Board of Halfmoon authorizes the Temporary Work Easement allowing Pan Am Southern, LLC, the right to enter upon Town Tax Map parcel 271-2-89 for the purposes of constructing the improvements authorized by the United States of Army Corps of Engineers, and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Town Board of Halfmoon authorizes the Town Supervisor to take necessary actions to execute the Declaration of Restrictive Covenants and the Temporary Work Easement for Town Tax parcel 217-2-89

Councilwoman Parker reported she wanted to thank Mr. Tanski for his donations of food so Character Counts could benefit and the girls worked very hard with some volunteers to raise that money; she invites the public to the Town 9-11 Ceremony at 9:30 in front of the old Town Hall at the beautiful memorial built by Eagle Scout, Tommy Olsen.

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

DEPARTMENT REPORTS – month of July

1. Town Clerk

Total fees remitted to the Supervisor - \$6,542.67

Filed.

2. Building

Total permits - 102 Total fees remitted to the Supervisor - \$16,252.

Filed.

3. Fire Code

Total permits - 15 Total fees remitted to the Supervisor - \$ 543.

Filed.

CORRESPONDENCE

1. Received resolutions from Town Planning Board approving the following: Sign application for Capital Region Business Park, intersection of Route 9 and Corporate Drive; Sign application for Floor Source, 1466 Route 9; sign application for City Sports Grille in Spare Time Bowl, 1668 Route 9.

Received & Filed

2. Received from Sportsplex of Halfmoon, Inc., 6 Corporate Drive, Halfmoon, notification of intent to apply for a liquor license.

Received & Filed.

3. Received from Crescent Boat Club, 142 Canal Road, Halfmoon, notification of intent to apply to the NY State Liquor Authority for a permit for their annual Labor Day event.

Received & Filed.

4. Received from Mechanicville Area Community Services Center, Inc. letter of thanks to the Highway Department for donations to the Emergency Food Pantry that were received as part of the Town's 1st "Shredding Day".

Received & Filed.

OLD BUSINESS

1. Action on public hearing adjourned from July 21, Town Board meeting for Article X - Sign Ordinance amendment.

The Supervisor opened the Sign Ordinance amendment for discussion.

RESOLUTION NO. 177

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

RESOLVED, that the Town Board approves the following Amendment to the Sign Ordinance:

ARTICLE X SIGNS

165-52(a) Exempt Signs

The following signs are exempt from the provisions or requirements of this article except that they must comply with section 165-50 General Regulations unless otherwise specified however, in any circumstance where the Code Enforcement Officer determines that an illegal sign is an immediate danger to public health and safety, they may remove the sign immediately, without notice:

(24) Farm stand signs. Farm stand signs that do not exceed 8 square feet in size may be located off premises *within a one mile radius of the farm stand* in accordance with the rural nature of the Town. *Any off premises sign must be removed once the farm stand is closed for the season.*

All other aspects of this local law that are not directly modified by the above changes shall remain in full force and effect.

NEW BUSINESS
RESOLUTION NO. 178

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

RESOLVED, that the Town Board approves and orders paid all vouchers for all funds listed on Abstract dated August 18th, 2010, totaling: \$758,503.60.

RESOLUTION NO. 179

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

RESOLVED, that the Town Board approves the Supervisor’s Report for the month of July 2010 as presented.

RESOLUTION NO. 180

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

RESOLVED, that the Town Board approves minutes of Town Board meeting of July 7, 2010 as presented.

RESOLUTION NO. 181

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

RESOLVED, that the Town Board authorizes the Supervisor to make the following 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 \$18,931.78
Subsidiary: 25-4-2189 Home & Community Services \$18,931.7
Credit: Appropriations 25-960 \$18,931.78
Subsidiary: 25-5-1440.40 Engineering Contractors Inspections \$18,931.78

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

| NAME | AMOUNT |
|---------------------------|-------------|
| Summit Hills | \$144.00 |
| Prospect Meadows | 133.00 |
| Glen Meadows | 1,273.00 |
| Stone Crest Preserve Insp | 2,114.28 |
| Brookfield Place | 13,890.50 |
| Plant Road PDD | 589.00 |
| Howland Park PDD | 654.00 |
| Linden Village PDD | 134.00 |
| TOTAL | \$18,931.78 |

A resolution is necessary to close out the Crescent Park Trail (Canal Road Bike Path) Capital Project. All monies have been received and expended.

Debit: Appropriations 35-5-960 \$530,000
Subsidiary: 35-5-7989.20 – Capital Outlay; Other Culture & Recreation- \$530,000

Credit: Estimated Revenues 35-4-510 \$530,000
Subsidiary: 35-4-3897.00 – Cultural & Recreation Capital Grant – \$301,600
35-4-5031 – Interfund Transfers \$228,400

Transfers between Appropriations:

| From Account | To Account | Amount | Reason |
|--------------------------------------|--|----------|--|
| 10-5-7110.40 Parks Contractual | 10-5-7110.20 Parks Equipment | \$1,118 | Transfer of appropriations needed within own budget to cover purchase of refrigerator, microwave and other equipment |
| 10-5-1990.40 Contingency | 10-5-3310.40 Traffic Signs Contractual | \$3,000 | Additional appropriations needed to cover purchase of signs thru year end |
| 10-5-1990.40 Contingency | 10-5-1355.41 Assessor | \$15,000 | Additional appropriations needed to cover legal fees for appraisals |

pressure differential relief valve located between the check valves and below the first check valve. These units are located between two tightly closing resilient-seated shutoff valves as an assembly and equipped with properly located resilient-seated test clocks.

2.7.3 Double check valve assembly. The approved double check valve assembly consists of two internally loaded check valves, either spring-loaded or internally weighted, installed as a unit between two tight closing resilient-seated shutoff valves and fittings with properly located resilient-seated test clocks. This assembly shall only be used to protect against a non-health hazard (that is, a pollutant).

2.8 Contamination

An impairment of a potable water supply by the introduction or admission or any foreign substance that degrades the quality and creates a health hazard.

2.8 Cross-Connection

A connection or potential connection between any part of a potable water system and any other environment containing other substances in a manner that, under any circumstances would allow such substances to enter the potable water system. Other substances may be gases, liquid or solids, such as chemicals, waste products, steam, water from other sources (*potable or non potable*), or any matter that may change the color or add odor to the water.

2.9 Cross-Connection – Controlled

A connection between a potable water system and a nonpotable water system with an approved backflow-prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

2.10 Cross-Connection Control by Contaminant

The installation of an approved backflow-prevention assembly at the water service connection to any customer’s premises, where it is physically and economically unfeasible to find and permanently eliminate or control all actual or potential cross-connections within the customer’s water system; or it shall mean the installation of an approved backflow-prevention assembly on the service line leading to an supplying a portion of a customer’s water system where there are actual or potential cross-connections that cannot be effectively eliminated or controlled at the point of the cross-connection.

2.11 Hazard, Degree of

The term is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

2.12.1 Hazard – health. A cross-connection or potential cross-connection involving any substance that could, if introduced into the potable water supply, cause death or illness, spread disease, or have a high probability of causing such effects.

2.12.2 Hazard – plumbing. A plumbing-type cross-connection in a consumer’s potable water system that has not been properly protected by an approved air gap or an approved backflow-prevention assembly.

2.12.3 Hazard – non-health. A cross-connection or potential cross-connection involving and substance that generally would not be a health hazard but would constitute a nuisance or be aesthetically objectionable, if introduce into the potable water supply.

2.12.4 Hazard – system. An actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer’s potable water system or of a pollution or contamination that would have a protracted effect on the quality of the potable water in the system.

2.13 Industrial-Fluids System

Any system containing a fluid or solution that may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration, such as would constitute a health, system, pollution, or plumbing hazard, if introduced into an approved water supply. This may include, but not be limited to, polluted or contaminated waters; all types of process waters and used waters originating from the public potable water system that may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalis; circulating cooling waters connected to an open cooling tower; and/or cooling towers that are chemically and biologically treated or stabilized with toxic substances; contaminated natural waters, such as wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems, and so forth; oils, gasses, glycerin, paraffin’s, caustic and acid solutions, and other liquid and gaseous fluids use in industrial or other purposes for fire-fighting purposes.

2.14 Pollution

The presence of any foreign substance in water that tends to degrade the water quality so as to constitute a non-health hazard or impair the usefulness of the water.

2.15 Water - Potable

Water that is safe for human consumption as described by the public health authority having jurisdiction to make the determination.

2.16 Water – Nonpotable

Water that is not safe for human consumption or that is of questionable quality.

2.17 Service Connection

The terminal end of a service connection from the public potable water system, that is, where the water purveyor loses jurisdiction and sanitary control over the water and its point of delivery to the customer’s water system. If a meter is installed at the end of the service connection, then the service connection shall mean the down-stream end of the meter. There should be no unprotected takeoffs from the service line ahead of any meter or backflow-prevention assembly located at the point of delivery to the customer’s water system. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system.

2.18 Water – Used

Any water supplied by a water purveyor from a public potable water system to a consumer’s water system after it has passed through the point of delivery and is no longer under the sanitary control of the water purveyor.

Section 3 Requirements

3.1 Water System

3.1.1 The water system shall be considered as made up of two parts: the utility system and the customer system.

3.1.2 The utility system shall consist of the source facilities and the distribution system and shall include all those facilities of the water system under the complete control of the utility, up to the point where the customer’s system begins.

3.1.3 The source shall include all components of the facilities utilized in the production, treatment, storage and delivery of water to the distribution system.

3.1.4 The distribution system shall include the network of conduits used for the delivery of water from the source to the customer’s system.

3.1.5 The customer’s system shall include those parts of the facilities beyond the termination of the utility distribution system that are utilized in conveying utility-delivered domestic water to points of use.

3.2 Policy

3.2.1 No water service connection to any premises shall be installed or maintained by the water purveyor unless the water supply is protected as required by state laws and regulations and this backflow general policy. New York State Cross-Connection Control Laws and Regulations can be found on the Cross-Connection Control Program page on the NYS Department of Health website; www.health.state.ny.us.

An application for approval of Backflow Prevention Devices (DOH-347) must be submitted to the NYS Department of Health, an application form can be obtained from the Department of Health website or by contacting the Department of Health at the following address:

NYS Department of Health
Bureau of Public Water Supply Protection
547 River Street
Flanigan Square, Room 400
Troy, NY 12180-2216
Or call 1-800-458-1158 ext. 27650.

Service of water to any premises shall be discontinued by the water purveyor if a backflow-prevention assembly required by the backflow policy is not installed, tested and maintained, or if it is found that a backflow-prevention assembly has been removed, bypassed, or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

3.2.2 The customer's system should be open for inspection at all reasonable times to authorized representative of the Town of Halfmoon Water Department to determine whether cross-connections or other structural or sanitary hazards, including violations of this policy exist. When such a condition becomes known, the Director of Water shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with state and city statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto.

3.2.3 An approved backflow-prevention assembly shall be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served; but in all cases, before the first branch line leading off the service line wherever the following conditions exist:

3.2.3a In the case of premises having an auxiliary water supply that is not or may not be of safe bacteriological or chemical quality and is not acceptable as an additional source by the Director of Water, the public water system shall be protected against backflow from the premises by installing an approved backflow-prevention assembly in the service line, appropriate to the degree of hazard.

3.2.3b In the case of premises in which any industrial fluids or any other objectionable substances are handled in such a fashion as to create any actual or potential hazard to the public water system, the public water system shall be protected against backflow from the premises by installing an approved backflow-prevention assembly in the service line, appropriate to the degree of hazard. This shall include the handling of process waters and waters originating from the utility system that have been subject to deterioration in quality.

3.2.3c In the case of premises having (1) internal cross-connections that cannot be permanently corrected and controlled, or (2) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impractical or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow-prevention assembly in the service line.

3.2.4 The type of protective assembly required under sections 3.2.3a, 3.2.3b, and 3.2.3c shall depend upon the degree of hazard that exists as follows:

3.2.4a In the case of any premises where there is an auxiliary water supply as stated in subsection 3.2.3a of this section and it is not subject to any of the following rules, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow-prevention assembly.

3.2.4b In the case of any premises where there is water or substance that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system shall be protected by a double-check valve assembly.

3.2.4c In the case of any premises where there is any material dangerous to health that is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow prevention assembly. Examples of premises where these conditions will exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries, and plating plants.

3.2.4d In the case of any premises where there are "uncontrolled" cross-connections, either actual or potential; the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow-prevention assembly at the service connection.

3.2.4e In the case of any premises where, because of security requirement or other prohibition or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system shall be protected against backflow from the premises by either an approved air-gap separation or an approved reduced-pressure principle backflow-prevention assembly on each service to the premises.

3.2.4f In the case of any premises where, in the opinion of the Director of Water, an undue health threat is posed because of the presence of extremely toxic substances, the Director of Water may require an air-gap at the service connection to protect the public water system. This requirement will be at the discretion of the Director of Water and is dependent on the degree of hazard.

3.2.5 Any backflow-prevention assembly required herein shall be a model and size approved by the Director of Water. The term *approved backflow-prevention assembly* shall mean an assembly that has been manufactured in full conformance with the standards established by the American Water Works Association titled:

ANSI/AWWA C510-89 – *Standard for Double Check Valve and Backflow-Prevention Assembly*, and AWWA C511-89 – *Standard for Reduced-Pressure Principle Backflow Prevention Assembly*, and have met completely the laboratory and field performance specification of the Foundation for Cross-Connection Control and Hydraulic Research (FCCCHR) of the University of Southern California established by "Specification of Backflow-Prevention Assemblies" – Sec. 10 of the most current issue of the *Manual of cross-connection control*.

Said AWWA and FCCCHR standards and specifications have been adopted by the Director of Water. Final approval shall be evidenced by a "Certificate of Approval" issued by an approved testing laboratory certifying full compliance with said AWWA standards and FCCCHR specifications.

The following testing laboratory has been qualified by the Director of Water to test and certify backflow preventers: Foundation for Cross-Connection Control and Hydraulic Research University of Southern California, University Park, Los Angeles, CA 90089.

Testing laboratories, other than the laboratory listed above, will be added to an approved list as they are qualified by Director of Water.

Backflow preventers that may be subjected to backpressure or backsiphonage that have been fully tested and have been granted a certificate of approval by said qualified laboratory and are listed on the laboratory's current list of approved backflow-prevention assemblies may be used without further testing or qualification.

3.2.6 It shall be the duty of the customer-user at any premises where backflow-prevention assemblies are installed to have certified inspections and operational tests made at least once per year. In those instances where the Director of Water deems the hazard to be great enough, certified inspections may be required at more frequent intervals. These inspections and tests shall be at the expense of the water user and shall be performed by a tester certified by the New York State Department of Health in accordance with Part 5-1.31 of the New York State Sanitary Code. It shall be the duty of the Director of Water to see that these tests are made in timely manner. The customer-user shall notify the Director of Water in advance when the tests are to be undertaken so that the customer-user may witness the tests if so desired. These assemblies shall be repaired, overhauled, or replace at the expense of the customer-user whenever said assemblies are found to be defective. Records of such tests, repairs and overhaul shall be kept and submitted to the Director of Water.

3.2.7 All presently installed backflow-prevention assemblies that do not meet the requirements of this section but were approved assemblies for the purpose described herein at the time of installation and that have been properly maintained, shall, except for the inspection and maintenance requirements under section 3.2.6, be excluded from the requirements of these rules so long as the Director of Water is assured that they will satisfactorily protect the utility system. Whenever the existing assembly is moved from the present location, requires more than minimum maintenance, or when the Director of Water finds that the maintenance constitutes a hazard to health, the unit shall be replaced by an approved backflow-prevention assembly meeting the requirements of this section.

Supervisor Wormuth reported, regarding the next item that Mr. Buck was appointed to this position temporarily and will now be made permanent on a probationary period as do all our employees when they receive their original appointment.

RESOLUTION NO. 184

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

WHEREAS, the County of Saratoga has advised that Steffen Buck has acquired civil service status, it is therefore

RESOLVED, that the Town Board appoints Steffen Buck as permanent full time Sr. Code Enforcement Officer effective immediately at current grade and step.

RESOLUTION NO. 185

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

RESOLVED, that the Town Board approves extra work authorization for Clough Harbour & Associates for the Champlain Canal Recreational Trail project in the not to exceed amount of \$22,250.

Supervisor Wormuth stated, relative to the next item, this extra work is being done because the bids that came in under the grant came in much lower than expected so additional work can be done on the trail.

RESOLUTION NO. 186

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

RESOLVED, that the Town Board authorizes a change order increase for Casale Excavating for the Champlain Canal Trail Recreational Trail project in the amount not to exceed \$70,945.

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

Supervisor Wormuth stated there will be an open house at the Fairways on Friday evening at 8:00 and our neighboring Supervisor, Mr. Barrett will be performing.

There being no further business to discuss or resolve on motion by Councilwoman Parker seconded by Councilman Hotaling the meeting was adjourned at 7:08 pm.

Respectfully submitted,

Mary J. Pearson
Town Clerk