

The May 5, 2010 regular meeting of the Town Board of the Town of Halfmoon was called to order by Supervisor Wormuth at 2:00 pm 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
Regina C. Parker, Councilwoman
Paul L. Hotaling, Councilman
Craig A. Hayner (*arrived at 2:10 pm*)
Mary J. Pearson, Town Clerk
Lyn A. Murphy, Town Attorney

Walter F. Polak, Councilman - Absent

The Town Board Workshop was held in the Board Room at 1:15 pm; no action was taken. The Supervisor led the Pledge of Allegiance. The Supervisor thanked everyone for being here at the meeting today to celebrate Senior Month.

Supervisor Wormuth stated we are honored to have Dr. Oliver Robinson, Superintendent of the Shenendehowa School District present to talk about the school budget.

Dr. Robinson stated with him is Board member Rick Mincher in addition to their chief financial person. He stated it is a difficult year for them and right now there is a potential for \$5 million reduction in State aid for schools and right now there is no State budget and they are proposing their budget for May 18th. He stated as a result of the State aid reduction they were compelled to make serious reductions and one will be non personnel-non-staffing. He stated the proposed budget is an increase in spending that is less than 0.2% and is caused by the proposed gap elimination adjustment in state aid. He stated their goal was to hit a balance between preserving programs and minimizing the tax impacts and provide and promote quality programs. He stated last years budget increased by .8% because last year there was no increase in aid and this year they could face a reduction in state aid. He stated there would be staff reductions and reductions in teachers, sports staff, administration and every aspect of the school district. He stated they don't know until the State budget is in place what the impact will be and all depends on the finalized State budget. He stated they have three board seats up for election and four candidates up for those seats and they will also have a proposition for busses. He stated each year they purchase busses to keep the bus fleet in safe, working order and decrease maintenance costs. He asked everyone to come out and vote for the budget.

Dora Michaels asked is they are planning on laying off a lot of teachers or other staff.

Dr. Robinson stated yes they would be having layoffs of teachers, support staff and administrative staff because 80% of their budget is made up of salaries and benefits. He stated they would have a lot of people doing things differently next year and delivery of different programs. He stated most of the positions would be eliminated through attrition due to retirement or resignations.

Question from a senior citizen: how will this impact the class sizes.

Dr. Robison stated on the elementary level there would be minimal to no impact because of combinations of the system, secondary level, middle and high school it will impact how they deliver programs more so than class size. He stated right now they have comfortable class sizes.

Bob Bennett asked why they need new busses every year.

Dr. Robinson stated the busses are on a 10-year replacement cycle and they have many busses that are 10 to 12 years old and they have a replacement cycle to keep the average age about 10 years. He stated they have 198 busses that go 2.2 million miles a year and they have a lot of kids they transport out to places other than Shenendehowa.

Supervisor Wormuth stated she has a question from a senior who couldn't make the meeting regarding non-staffing cuts and what programs will be affected with this budget and will it be sports, special education or different programs.

Dr. Robinson stated the changes will be transparent and the delivery will be different and there won't be a situation where they cut out everything because all those things impact kids in some form. He stated they can't afford to do the slash and burn type budget and they recognize everything offered is important to a child.

Supervisor Wormuth stated next is the presentation of 2010 Budgeted Funds for the Halfmoon Senior Citizen Association and she appreciates everyone being here. She stated she will invite Ruth Smalley, Eileen Pettis and Councilman Hotaling to join her.

She stated she will ask for a motion to pass a resolution to declare the Month of May Senior Citizen Celebration month where they celebrate the history that our seniors bring to our community. She stated our community would not be what it is today without all of you who have been here throughout that and as a Supervisor she has gained knowledge and a sense of community from many of them here in this room and she thanks them very much. She stated they are important to us and our community would

not be as wonderful as it is without them and thanked them. She presented the seniors with a check for \$36,310 which is the same as last year and will handle their staffing at the front desk, Eileen is separate, but the reset of the money goes for their programming.

RESOLUTION NO. 94

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

RESOLVED, that the Town Board declares the month of May as Senior Citizen celebration Month in the Town of Halfmoon.

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Councilman Hotaling thanked the Highway department, last Friday during the clean up when he got there about 17 people were in front of him and went very quick and they all pitched in; he thanked the Water department and all the other staff with the conversion to water and our parks and building department for the great job they are doing getting the Park running.

Councilwoman Parker thanked the Supervisor and her colleagues on the Town Board for always stepping and doing the right thing making sure our people have clean, safe water to drink and sometimes its not easy to fight EPA and GE but Mindy did a great job.

She thanked the highway department for the free shredding day last week and she felt safe and secure handing them over to the shredding truck.

She reported there is a free Rabies clinic at Ballston Spa 4-H building on Tuesday nights and May 18th is the last spring clinic

Councilman Hayner stated it is a great turnout today and thanked the recreation department, Amada and Shannon, who are working hard for the summer rec sign-ups. He thanked our Parks department and building department who have teamed up to take care of a lot of things in the brand new Town Park and working with the baseball. He thanked Supervisor Wormuth for all her hard work with the EPA and she is doing a tremendous job.

Supervisor Wormuth stated she certainly couldn't do the work she does with the EPA without her professional staff who support her, Lisa, Kim and Nelson, and our Director of Water, Frank Tironi has been a solid rock through this whole process with EPA and it is still on-going. She stated she thinks we won the battle and have them paying for water through 2012 for any additional costs for us but there are other avenues to explore and other things that will go on. She stated thank you for all their support.

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

The Clerk opened the one bid received for a new multi-use utility Tractor with Snow Blower and alternate Mower Deck for the highway department.

BIDDER

The Hudson River Tractor Company, 1917 Route 9, Clifton Park – Total Bid Price - \$46,384.59

With Alternate Heavy Duty Mower Deck - \$ 6,224.00

The Supervisor referred to the Parks department, Highway Superintendent and Councilman Polak for their review and recommendation back to the Board.

Supervisor Wormuth stated, not on the agenda, but we received a proposal from Clough Harbour and Associates in the lump sum of \$9,000 to decommission the well field for the Hoffman well utility as well as an easement associated with that. She stated the Board has been working on this since finishing Phase II of our treatment plant.

RESOLUTION NO. 95

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

RESOLVED, that the Town Board approves the proposal from Clough Harbour & Associates to perform professional engineering services for the Hoffman Well Field Utility Easement and Well Decommissioning in the lump sum amount of \$9,000.

DEPARTMENT REPORTS – month of April

1. Town Justice Wormuth

Total cases Filed.	-	330	Total fees remitted to the Supervisor	-	\$35,775
2. Building					
Total permits Filed.	-	70	Total fees remitted to the Supervisor	-	\$10,812
3. Fire Code					
Total permits Filed.	-	13	Total fees remitted to the Supervisor	-	\$ 630.

CORRESPONDENCE

1. Received from Town Planning Board resolutions approving the following: Sign application for Halfmoon Crossings; Change of Tenant for 6N Systems Inc., 3 Corporate Drive; Change of Tenant for Red Lotus Salon, Shoppe’s of Halfmoon, 1707 Route 9; Addition to commercial site plan for Edward Dalheim PDD, 69 Button Road.
Received and Filed.

OLD BUSINESS
RESOLUTION NO. 96

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

RESOLVED, that the Town Board awards Water Department bids for Mueller Brass, Water Meters and American Made Brass Fittings, opened April 21 to low bidders, per their submitted bids:

<u>Ferguson Waterworks –</u>			
<u>Mueller Brass –</u>			
5/8”x ¾“ x ¾“ Angle Meter Stop		-	\$20.43
¾” x ¾” x 1” Angle Meter Stops-			\$22.58
¾” Meter Tail Couplings		-	\$ 4.78
<u>American Made Brass</u>			
1 ½” Ball Valve –			\$19.06
2” Ball Valve			\$29.16
<u>Ti-Sales-</u>			
<u>All Water Meters</u>			
Compound E-Coder R900i	Neptune E-Coder R900i	5/8" x 3/4"	\$193.50
		3/4"	\$237.35
		1”	\$303.75
		1 ½”	\$491.80
		2"	\$668.70
		4" w/Strainer	\$2310.00
		6" w/Strainer	\$4179.00
		8" w/Strainer	\$6534.00
		3” w/Strainer	\$3073.00
		4” w/Strainer	\$3996.00
		6” w/Strainer	\$6596.00
		8”w/Strainer	\$7212.00
<u>American Made Brass</u>			
¾“ Ball Valve		-	\$5.50
1” Ball Valve		-	\$8.50
<u>Vellano</u>			
<u>Mueller Brass,</u>			
1”x1” Angle Meter Stops		-	\$27.25
1” Meter Tail Couplings		-	\$ 7.25

NEW BUSINESS
RESOLUTION NO. 97

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

RESOLVED, that the Town Board approves and orders paid all vouchers for all funds listed on Abstract dated May 5, 2010, totaling \$155,551.92.

RESOLUTION NO. 98

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

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

RESOLUTION NO. 99

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

RESOLVED, that the Town Board approves proposal from Clough, Harbour & Associates for professional engineering services for the 2010 Consolidated Water District Extension in the total lump sum amount of \$11,900.

RESOLUTION NO. 100

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

RESOLVED, that the Town Board adopts an amendment to the Rules and Regulations for Dock Permits in the Town of Halfmoon.

RULES AND REGULATIONS RELEVANT TO PERMISSION FOR ACCESS TO NYS CANAL CORPORATION PERMITTED DOCKS ALONG CANAL ROAD Town of Halfmoon, New York

WHEREAS, the Town of Halfmoon is the upland property owner of portions of land adjacent to the Mohawk River between NYS Route 9 and the Northway; and

WHEREAS, the Town of Halfmoon recognizes the necessity of regulating access to the Mohawk River in an effort to maintain the health, safety, and wellbeing of the citizens of the Town of Halfmoon; and

WHEREAS, the NYS Canal Corporation regulates the placement of docks along the Mohawk River through a permit process; and

WHEREAS, the Town of Halfmoon must grant access across their property for any persons to obtain a permit from the NYS Canal Corporation in areas where the Town is the upland property owner; and

WHEREAS, the Town of Halfmoon recognizes the benefit of permitting local property owners to have regulated access to the waterfront that does not interfere with the general use of the town-owned property;

NOW THEREFORE BE IT RESOLVED, that the Town Board of Halfmoon shall hereby enact the following rules and regulations regarding access to property owned by the Town of Halfmoon for purposes of obtaining a permit from the NYS Canal Corporation.

RULES AND REGULATIONS

The following are rules and regulations for issuing permission to individuals applying for a NYS Canal Corporation Residential Dock Work Permit for access to the Mohawk River where the Town of Halfmoon is the adjacent upland owner of the NYS Canal Corporation lands. These rules and regulations do not apply to residents who are adjacent upland owners of the NYS Canal Corporation lands.

Private Access Permits

Permits that are obtained by individuals from the Town of Halfmoon to cross over town property to access dock space in compliance with the regulations contained herein but do not use the access for a commercial use, to obtain profit, or for anything other than their individual use as detailed herein.

Public Access Permits

Permits that are obtained by a person or persons from the Town of Halfmoon to cross over town property to access any facility which provides services or berthing places for watercraft for a commercial use, to obtain profit, or to receive a pecuniary benefit for the holder of the permit. This shall include but not be limited to rental of dock space for either long-term use or at a daily rate. It shall also include businesses who utilize the access permit to benefit a commercial enterprise or endeavor.

Access Permission

Permission for access to the docks shall be granted by the Town in the form of either a Public Access Permit or a Private Access Permit. The Access Permit holder ("Permittee") shall comply with any and all New York State Canal Corporation Rules and Regulations and Standards, and the Town Rules and Regulations set forth herein. Failure to comply with either of the rules and regulations will result in an immediate termination of the Access Permit and termination of the NYS Canal Corporation dock permit.

Access Permits shall not be assignable or transferable. Any attempt to assign, transfer or convey any right or interest obtained by the Permittee will result in the automatic and immediate revocation of the permit.

The permit is revocable by either party on thirty days written notice whereupon it shall be the responsibility of the Permittee to remove, at Permittee's expense, all structures and works placed by the Permittee or during the time in which the Permittee held the permit, regardless of who placed the work or structure.

Use of Town-Owned Property

The Access Permit grants permission from the Town, where the Town is the upland property owner, to individuals for access to docks that are permitted by the NYS Canal Corporation. The Access Permit shall not be construed as conveying any exclusive right, ownership interest, title or any other type of interest to Town-owned property other than the right of access to the dock. Equipment or facilities related to the use of the dock shall not be erected or stored on Town-owned property unless otherwise approved.

Vehicular access to docks is prohibited except when installing, removing or maintaining docks. Parking on town-owned property or along Town Roads is prohibited except in designated areas.

No Alcoholic beverages shall be permitted on Town-owned property.

No open fires or fires of any kind shall be allowed except in the Town-provided structures.

No loud music or other loud noises shall be permitted.

There shall be no gatherings involving crossing Town Property of more than twelve (12) guests for Private Access Permit holders. Larger gatherings will require a separate permit from the Town.

The Town of Halfmoon shall not be responsible for any loss of real property or personal property of the Permittee.

Application Procedure

An applicant requesting an annual dock permit from the Town of Halfmoon must complete an application form prepared by the Town and provide the information, permits, reviews or permissions as indicated herein.

Access Permits

The number of Private Access Permits shall be limited to twenty (20) unless otherwise approved by the Town Board. The number of Public Access Permits shall be limited to five (5).

Private Access Permits shall be limited to one permit per household.

Size of Docks

The size of the dock should be in accordance with the Rules and Regulations of the NYS Canal Corporation.

Number of Boats

Private Access Permit holders shall permit no more than four (4) boats permanently moored to the dock and no more than two visiting boats moored to the dock. A visiting boat is defined as a boat that does not moor at a dock for more than three consecutive days or for more than three days over a period of seven days.

Public Access Permit holders shall supply the Town of Halfmoon a detailed drawing and description of the scope and layout of the dock configuration they will be utilizing for their commercial enterprise. At no point shall more than twenty eight (28) slips/boats permitted at a dock utilizing the Public Access.

Assignment of Access Permits to Docks

Access Permits will be limited to real property owners in the Town of Halfmoon.

The Town shall maintain a list (Town Dock Permit List) of names of residents wishing to apply for an Access Permit and a NYS Canal Corporation Permit. The order of names on the list will be in the same order as requests received by the Town Enforcement Office. The list will be maintained year round.

Town Residents wishing to apply for an Access Permit must place their name on the Town Dock Permit List at the Town Code Enforcement Office. The Resident's name will remain on the list until the Resident fails to apply for an Access Permit when selected from the list, fails to install a dock within six months of the issuance of an Access Permit, requests that their name be removed from the list, or their permit is revoked by the Town for just cause.

Access Permits shall be granted to applicants on the Town Dock List as of 4:00 p.m. on February 1st of each year in descending order according to the following:

1. The next Town resident on the list who has received and maintained an Access Permit and a dock permit from the Canal Corporation the previous year.
2. The next Town Resident who lives in a household located along the adjacent town road or within 200 feet of the adjacent town road.
3. The next Town Resident

Access Permits shall be valid beginning on the date of issue and ending April 1 of the following year.

Permitees who have had a permit revoked for just cause shall not be allowed to be placed on the list again for a minimum of five years.

Insurance

The recipient of a Private Access Permit shall provide to the Town a certificate of general liability insurance in the amount of \$300,000 naming the Town of Halfmoon as additional insured together with the completion of the hold harmless/indemnity form provided by the Town. A certificate of insurance shall be included with the application for the Access Permit. The insurance company is required to provide thirty day written notice of cancellation to the Town of Halfmoon. A hold harmless agreement will also be executed by the Private Access Permit holder.

The recipient of a Public Access Permit shall provide to the Town a certificate of general liability insurance in the amount of one million dollars naming the Town of Halfmoon as additional insured together with the completion of the hold harmless/indemnity form provided by the Town. A certificate of insurance shall be included with the application for the Access Permit. The insurance company is required to provide thirty day written notice of cancellation to the Town of Halfmoon. A hold harmless agreement will also be executed by the Public Access Permit holder.

Location of Docks

The location of docks shall be approved by the Town. The Town shall reserve the right to assign locations of docks to applicants, and to restrict the locations of docks along certain areas of the shoreline.

The approval or assignment of a location for a dock shall not be construed as conveying any exclusive right, title or interest to Town-owned property other than the right of access to the dock.

Construction of Docks

Docks shall be constructed and maintained in accordance with the rules and regulations of the NYS Canal Corporation.

Storage of Docks

Docks shall be removed from the shoreline and Town property by November 1 and shall be stored on private property in accordance with current zoning regulations or stored on town-owned property as designated by the Town.

Docks shall be removed in a manner as not to cause damage to Town-owned land. Damage to property shall be repaired at the expense of the Permittee within 30 days of notification by the Town. Failure to repair damage shall result in revocation of the permit.

Upon failure of the Permittee to remove docks or personal property from Town property, the Town of Halfmoon or its representatives may, without further notice, summarily enter upon and remove from Town property any and all docks and/or personal property at the Permittee's cost and expense. These costs and expenses shall include but not be limited to any expenses incurred to recoup the expense of the removal of the docks and/or personal property.

Maintenance

Permittee shall be responsible for maintenance of the shoreline and ground surface area surrounding the dock and the approach to the dock. Modification of the shoreline or town-owned property, except mowing, is prohibited. The Permittee shall not cut trees or other natural vegetation on Town property.

The Permittee is responsible for removing any and all refuse and/or garbage from the dock and the area surrounding the dock. Upon failure of the Permittee to remove refuse and/or garbage, the Town of Halfmoon or its representatives may, without further notice, summarily enter upon and remove from Town property any and all refuse at the Permittee's cost and expense. These costs and expenses limited to, any expenses incurred to recoup the expense of the garbage and/or refuge.

Fees

The fee for the Access Permit shall be as stated on the application form. The fee does not include the fee required by the NYS Canal Corporation.

PROCEDURES

1. Individuals may submit an application to be included on the Town Dock Permit List at any time of the year with the Town Code Enforcement Office.
2. The Town Code Enforcement Office shall place the individual’s name on the list on the next available line. The name will remain on the list until the individual fails to apply for a dock permit, fails to install a dock, requests that the name be removed, or the permission for access to the dock is revoked as detailed herein.
3. At 4:00PM on February 1, or the first official business day thereafter, the Town Code Enforcement Office shall make a record of the List, and this list shall be used to assign permits.
4. Names shall be selected from the list in accordance with the rules and regulations, and applications shall be sent to the individuals from the list that will be allowed to apply for a permit.
5. The applicant will return the permit application along with the necessary fees to the Town Code Enforcement Office no later than April 1. If the application is not submitted by the designated time, or an eligible applicant decides not to apply for a permit, the next eligible person on the list will be sent an application with a notification that they may apply for a dock permit.
6. When the application, fees and necessary insurance documentation are received and deemed acceptable by a Town representative(s) designated by the Town Supervisor, the Access Permit shall be signed by the Town Code Enforcement Office and returned to the Applicant.
7. The Applicant will then be responsible for forwarding three copies of the Access Permit along with the NYS Canal Corporation permit application for a dock permit. The NYS Canal Corporation will sign one copy of the Access Permit and return it directly to the Town.

APPLICATION FOR PERMISSION FOR ACCESS TO A RESIDENTIAL OR COMMERCIAL DOCK

TO BE COMPLETED BY APPLICANT:		
Name of Applicant	Home Phone No.	Work Phone No.
Street Address	Town/Village/City	State/Zip Code

Medical	Unemployment		
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Supervisor Wormuth opened public privilege for discussion of non-agenda items.

Senior Citizen Question: asked about the construction of the new road from Fellows Road that goes over to Route 146.

Supervisor Wormuth stated the developer who developed Halfmoon Heritage apartments and the town houses is currently working with our attorneys on submitting easement descriptions and we will hold a public hearing on that abandonment and their hope is to have it done this construction season.

Bob Bennett asked when Halfmoon is going to be a partner with Clifton Park on the Library and have an equal number of trustees, they have 7 and we have 4.

Supervisor Wormuth stated she doesn't have the legislation with her. She stated the public voted on the legislation and that was how it was put forth and until there is a referendum it would not change. She stated she is not sure the Town of Halfmoon has the right to call for a referendum to change the number of directors although she will consult with the Town Attorney.

Dorothy Lavigne stated she really appreciates what the Town Board has done to rectify the water situation and her big concern was all the water stored in the water tanks before we know we are in trouble and how much damage is done until they decide to change the water source.

Supervisor Wormuth stated from the time we switched there was a period of time after the dredging stopped that we were drawing water from the river and from the time they reported to us that there were high levels of PCB's in the river that water was in our water tanks but always ran through our water system. She stated it is scientifically tested to remove 98% of the PCB's in the water and the water that went into our homes was never at a level that was unsafe to drink. She stated any increase is not fair for the Town residents to take that burden on and is why we argued with them to pay for the alternative water source. She stated our filter in our system removes 98% of any PCB's that would have been in the water so there is not a chance that it would ever have exceeded a safe drinking level.

Dora Michaels asked the status of the hospital on Route 146 and they haven't heard anything and it is very important to them

Supervisor Wormuth stated there was a piece of land on Route 146 just west of the highway garage that was proposed to have a hospital site on it. She stated the Town Board along with the Planning Board worked for a couple of years to make sure the infrastructure and the property could handle that project and it was approved as a PDD to allow that type of zone change. She stated if there was a hospital interested in building here certainly they could pursue that and the next level of approval for a hospital in New York State is the New York State Department of Health and any entity would have to obtain a certificate of need. She stated there were several hospitals that applied to put in free standing emergency rooms as a start to a hospital and all three were denied certificate of need by the New York State Department of Health. She stated there is still interested in putting in some sort of an upgraded urgent care center that would be available 24 hours a day and perhaps provide a cardiac care unit in the area and they are still going through the process. She stated the Town has not control over this and are doing everything they can to actively entice any entity that would like to be here but everyone is bound by the Department of Health.

Senior Citizen Question: what about a post office?

Supervisor Wormuth stated this is an issue the Town has wrangled with for a very long time and we currently have been engaging Congressman Murphy to work with the Federal government on. She stated were have previously worked other Congressman with no relief and they will continue to work on that because they see it as important for our own Town identity.

The Supervisor invited everyone to remain and enjoy the refreshments provided by the Senior Center.

Leann Nacy thanked Paul Hotaling for standing by the seniors and helping them in every way possible.

Supervisor Wormuth stated they appreciate Councilman Hotaling's undying dedication to all of the projects he works on.

On motion of Councilwoman Parker, seconded by Councilman Hotaling the meeting was adjourned at 2:40 pm.

Respectfully submitted,

Mary J. Pearson
Town Clerk

5/5/2010

