

The March 20, 2007 regular meeting of the Town Board of the Town of Halfmoon was called to order by Supervisor Wormuth at 7:00 pm at the Town Hall on Harris Road with the following members present:

Melinda A. Wormuth, Supervisor  
A. James Bold, Councilman  
Regina C. Parker, Councilwoman  
Mary J. Pearson, Town Clerk  
Paul Pelagalli, Attorney Representative

Walter F. Polak, Councilman - Absent  
Lyn A. Murphy, Town Attorney - Absent

Also present: Frank Tironi, Director of Water; Dick Lee, Executive Assistant to Supervisor; John Pingelski, Highway Working Supervisor; Lisa Perry, Secretary to Supervisor; Susie Espey Highway MEO.

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

Supervisor Wormuth invited Councilwoman Parker to present the first Resolution which is to honor Town resident Petra Elizabeth Acker a Gold Medal Ice Skater.

Councilwoman Parker stated she has known Petra since she was born and invited all the family members to come forward with her to receive this honor. The Councilwoman read the resolution as follows:

#### RESOLUTION NO. 81

Offered by Councilman Bold, seconded by Councilwoman Parker: Adopted by vote of the Board: Ayes: Wormuth, Bold, Parker

**WHEREAS**, Petra Elizabeth Acker was born on May 6, 1993, at Saint Claire's Hospital and currently resides in the Town of Halfmoon, and has become an accomplished skater winning gold medals in the 1000 meter and 1500 meter races during the 2007 US National Short Track along with the bronze medal in the 777 meter thereby awarding her the overall gold medallion for the juvenile girls division for thirteen and fourteen year olds; and

**WHEREAS**, Petra became the North American Champion on March 18, 2007; and

**WHEREAS**, Ms. Acker has been homeschooled since kindergarten and found her love of the ice at eight years old with the assistance of her grandfather, Howard Ganong; and

**WHEREAS**, Petra joined the Capital District Speedskating Club and continued to be taught by her Grandfather, who himself was a speedskating star both in the short and long track including, but not limited to winning the 500 meter in Berlin in 2000; and

**WHEREAS**, Petra was also coached by Casey Wagner and is now coached by Paul Marchese, skating four nights a week during the skating season; and

**WHEREAS**, Petra's family, including her Mom and Dad, Cindy and Don, and her grandparents, Ruth and Howard have always supported Petra's continuous efforts to strive towards excellence on and off the ice; and

**WHEREAS**, Petra is an example of unique personal achievement in her endeavors and has displayed a love of animals and a gift for skating;

#### **NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. That the Town Board of the Town of Halfmoon recognizes and commends Petra Elizabeth Acker for her commitment to skating and being a responsible young adult; and further
2. That the Town Board of the Town of Halfmoon hereby wishes Petra the best of luck in her efforts to represent the United States of America in the Olympics in 2010.

Mr. Mike Bianchino, Town engineer, Clough Harbour and Associates will provide a Presentation on the proposed Amendments to Town Zoning Code. He stated there are four main areas the Zoning committee is recommending for changes.

He stated the first one is in the Northern Halfmoon Planning Area Tabor Road/Ushers Road

Rezone the industrially zoned portions of Tabor Road/Ushers Road to Agricultural Residential

- Majority of land not suitable for Light Industrial or Manufacturing uses due to slopes, streams, wetlands, proximity to existing residential uses
- Residential uses more compatible with surrounding area
- Recent requests for Zoning Variances along Ushers Road to allow residential uses in Light Industrial Zone.
- Recent applications for two light industrial PDD's in the Route 146 area have increased the inventory of light industrial land available.
- Language was included in the Comprehensive Plan but map changes never made.

Action: Adopt zone changes as shown on attached map to be consistent with Comprehensive Plan recommendations.

He stated the second suggestion is the Newtown Planning Area

Replace R-1 zoning with Conservation Residential Subdivision Zoning (draft legislation attached)

Draft Conservation Residential Zoning Districts both medium (CR-M) and low density (CR-L) have been developed for the Newtown area. The application of conservation density subdivisions allows for the continued development of residential housing but protects important resources such as wetlands, stream corridors, agriculture, important views and provides more opportunities for meaningful and usable green space. Key standards include:

- Maximum base density of 2 units/unconstrained acre land connected to public water and sewer in the CR-M zone and 1 unit/unconstrained acre of land connected to public water and sewer in the CR-L zone. Lots may be as small as 10,000 square feet.
- Quality Open Space defined as undeveloped (natural) lands and agricultural lands that are interconnected (not fragmented), accessible (not tied up in back lots) and that contribute to the aesthetic quality of the area. The total must include a minimum of 25% unconstrained lands. Minimum quality open space requirements are 20% of total project site for CR-M and 50% of total project site for CR-L. This land must remain permanently undeveloped.
- Contiguous quality open space parcels exceeding 20 acres within a development may be subdivided into 10-acre homesteads with deed restrictions to prohibit further subdivision.
- The conservation design layout procedure is a four-step process designed to assist the applicant, the Planning Board and the public in preparing and analyzing the materials for site plan and subdivision applications within the Conservation Residential zoning districts. The conservation design four-step resource analysis procedure which includes:
  1. Developing an existing resources and site analysis plan of the natural, cultural, and scenic features.
  2. Conducting a conservation analysis and development of conservation concepts.
  3. Proposed layout of the development concept that works in accordance with and complements the conservation concepts.
  4. Preparation of a summary preliminary plan incorporating the conservation and development concepts.

Action: adopt new legislation: Section 514 Conservation Residential Zoning District (CR-M, CR-L) of Local Law related to Zoning.

Mr. Bianchino stated the third area is Crescent, to develop a Gateway Overlay District to address the special needs of the Route 9.

- The Crescent Bridge Gateway overlay district will tie into the Crescent-Church Hill Road Historic District. The Gateway will include the boat dock area on the northeast side of the Crescent Bridge and both sides of Route 9 north to its intersection with Stone Quarry Road. The overlay district will encompass any parcel with frontage on Route 9 in this area.
- The Gateway will include the following design elements
  1. Placing buildings close to the Right-of-way.
  2. Maintaining existing trees in front and adding street trees and landscaping in the front.
  3. Parking in the rear of buildings
  4. Sidewalks
  5. Historic Lighting
  6. Crosswalks at Signals
  7. Business signage not to exceed 12 feet in height
- A landscaped roundabout at the northern terminus of the Overlay district (Route 9/Stone Quarry Road intersection). This would calm traffic and define the northern limit of the gateway.
- Redevelopment and upgrading of the boat dock area to include appropriate public access for fishing and boating, upgraded parking facilities and seating areas

Action: Adopt new legislation: Section 515 Crescent Gateway Overlay District (CG-Overlay) of the Local Law related to Zoning.

Extend the Crescent-Church Hill Overlay District (see map)

- Extend boundary to the west side of Route 9, west down Crescent Road and Canal Road to Whites Lane.
- The Overlay includes incentives to protect historically significant structures but no restrictions on use.
- Non-residential properties will be required to use historic lighting and continue the theme established on Route 9.

Action: Adopt boundary change as shown.

Mr. Bianchino stated these are the major items that the Zoning committee recommended for revision and will take up about half of the Town in area and is a big step in implementing some of the recommendations that went into the Comprehensive Plan.

Supervisor Wormuth stated she would like to commend Clough Harbour for their work on this and Councilman Polak has led the zoning committee through a very long process and has worked very hard. She stated they worked on the Route 146 overlay for over two years and this meeting is to get everyone familiar with the recommendations and allow time for the Town Board to receive public input.

Councilwoman Parker stated she also thanks the engineers for a job well done and especially Councilman Polak and thanked them for taking into consideration some of her suggestions.

Councilman Bold stated he would suggest setting the date for a public hearing at this time.

#### RESOLUTION NO. 82

Offered by Councilman Bold, seconded by Councilwoman Parker: Adopted by vote of the Board: Ayes: Wormuth, Bold, Parker

RESOLVED, that the Town Board schedules and sets a Public Hearing for the proposed amendments to the Town Zoning Code for April 17, 2007 at 7:00 pm.

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

Councilwoman Parker reported that she has a phone number regarding the dog and cat food recall to verify if the food they are giving their animals is safe.

Councilman Bold reported that this coming Friday at 11 am at the construction site of the new building we will be raising an American flag over the steel structure.

Councilman Bold stated he will ask Paul Maiello, the Parks maintenance superintendent to do a short power point presentation that relates to the resolutions on the agenda relative to Town property purchases. Mr. Maiello provided a description and information on the park property.

Supervisor Wormuth stated there was an open space workshop on March 15<sup>th</sup> hosted by the Open Space Committee. She stated, unfortunately there was a problem with the Post Office doing the mailing, which they have corrected, and they will hold this same workshop again to allow everyone to have input in this process. She stated it will be held April 26<sup>th</sup> at 6 pm at the Senior Center.

The Supervisor stated that on March 14<sup>th</sup> the Board of Education honored former Supervisor, Ken DeCerce for all the work he has done in the community and they presented him with a plaque

Public privilege for discussion of agenda topics was opened, no one had questions or comments.

#### **CORRESPONDENCE**

1. Received, March 20, update to the January 29<sup>th</sup> Accident Analysis for Sportsplex of Halfmoon

Supervisor Wormuth explained that this update is on the data that their traffic engineers gathered from various sources and, the Board questioned the accuracy of some of that data and it was updated. She stated, in addition when they were here the last time the Board still needed details and information on the public benefit for the PDD

#### **OLD BUSINESS**

1. Resolution to take action on the amendment to the Abele Planned Development District, Sportsplex of Halfmoon. - public hearing held February 6<sup>th</sup>

Ed Abele, Sportsplex, Halfmoon Sports LLC, explained that they have defined a large scale event as an event permitted by would have attendance at any given time in excess of the capacity of the parking at the property determined by #1, parking spaces, one parking space being utilized for every two people within the peak anticipated attendance. He stated they are talking 500 or

600 people and their Attorney and the Town Attorney came up with. He stated there are limitations on large scale events that emanated from Planning Board discourse and no large scale events shall be conducted on Monday, Tuesday, Wednesday or Thursday and before 5 pm on Friday but any event that is not a large scale event may conduct it on any such days.

Mr. Abele stated, relative to public benefit which they worked on with the Town and received some very good guidance will be added to the language. He stated the Sportsplex or its successor shall provide for the equivalent of 250 hours of time in the facility consisting of 50 hours per year for a five year period. He stated times will be utilized by the Town of Halfmoon, its employees, agents or assigns beginning on the date the occupant receives a certificate of occupancy which permits the applicant to hold events permitted by this amendment. He stated the free facility use shall be subject to availability, must be scheduled in advance and shall be limited to the uses permitted under the PDD. He stated they appreciate the guidance and experience of the Town that was contributed to refine the public benefit.

Councilwoman Parker thanked Mr. Abele for having Creighton Manning go back and recheck the traffic accident analysis. She stated the error was in the information they received from other agencies. She also thanked them for extending the public benefit.

Councilman Bold commented that the attorney's have spent a lot of time and there has been a considerable exchange of information in both directions and the resolution will be contingent upon the final approval of the Town Attorney.

Mr. Abele stated he thinks the document, as currently written, is in very good form and something they have certainly looked at very closely and they are comfortable with it.

#### RESOLUTION NO. 83

Offered by Councilman Bold, seconded by Councilwoman Parker: Adopted by vote of the Board: Ayes: Wormuth, Bold, Parker

RESOLVED, that the Town Board approves the Abele Planned Development District, Sportsplex of Halfmoon subject to final review and approval of the Town Attorney

#### LOCAL LAW NO. 3 OF THE YEAR 2007

A local law amending Local Law #5 of 1995 of the Town of Halfmoon entitled "Local Law Relating to Zoning for the Town of Halfmoon", providing for the amendment of a Planned Development District known as the Chris Abele Planned Development District, which was created by Local Law #6 of 1994 and as previously amended by Local Law #2 of 1998 and Local Law # 2 of 2004.

Be it enacted by the Town Board of the Town of Halfmoon as follows:

Section 1. Title. This Local Law shall be known and may be cited as Local Law No. 3 of 2007, a local law amending Local Law #5 of 1995 of the Town of Halfmoon entitled "Local Law Relating to Zoning for the Town of Halfmoon" as previously amended and supplemented, providing for the amendment to a Planned Development District known as Chris Abele Planned Development District created by Local Law #6, of 1994 and previously amended by Local Law #2, of 1998 and Local Law # 2 of 2004.

Section 2. Establishment of District. Local Law #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 previously amended, be and the same hereby are amended to be known and described as "Chris Abele Planned Development District".

Section 3. Boundaries. The area of said Chris Abele Planned Development District is bounded and described as set forth in the previous Local Laws regarding this site with the addition of the properties attached hereto and made a part hereof as Exhibit "A" and further described as Schedule "A" and with the addition of the area shown on a certain Site Plan map dated November 2006 entitled "Site Plan Subdivision Lot 3-Corporate Drive Capital Region Business Park, prepared by ABD Engineers & Surveyors.

Section 4. Development. In addition to the uses permitted under the original Planned Development District, lot 6 Corporate Drive may be utilized as follows:

In addition to the uses approved by Local Law No. 2 of 2004, the property known as 6 Corporate Drive in the Chris Abele Planned Development District (such property, including any additional lands hereinafter incorporated into 6 Corporate Drive, the "Property") may host and contract for recreational, fraternal, business, corporate, community and other events. In addition, the Property may host and contract for trade shows, expos, meetings and events in which private vendors and businesses display goods and services which are available for sale, rental or exhibition to other private businesses and the general public as outlined below. Possible events to be hosted by the Property include, without limitation, those listed on Exhibit "B" annexed hereto.

The permitted uses shall be limited as follows:

1. No events of any kind involving pornographic or other lewd exhibits shall be allowed.

2. No rock or other musical concerts open to the general public which are not merely ancillary to another event being hosted at the site shall be allowed. This includes a complete prohibition on any events for which tickets are being sold for the main purpose of providing entertainment through a rock or other musical concert.
3. No circuses defined as events with entertainment via wild animals and/or trapeze artists and the like shall be allowed.
4. No events involving professional wrestling and/or professional fighting shall be allowed.
5. No events involving exhibits provided by extremist groups defined as groups promoting offensive hatred behavior shall be allowed.
6. No pyrotechnic events shall be allowed.

No more than 1,500 people shall be permitted in attendance at any given time. The use of turnstiles to monitor and control occupancy shall be required. A “large scale event” shall mean a day on which an event permitted by this Amendment is reasonably anticipated to have attendance at any given time in excess of the capacity of the parking at the Property determined based on one (1) parking space being utilized for every two people within the peak anticipated attendance. No large scale event shall be conducted on Monday, Tuesday, Wednesday, Thursday or before 5 p.m. Friday, but any event which is not a large scale event and the set-up for a large scale event may be conducted on any of such days.

If any event is reasonably anticipated to have more than 500 people in attendance at any given time, parking attendants and traffic control people will be provided by Sportsplex of Halfmoon, Inc. and/or Halfmoon Sports, LLC and/or event coordinators, for such event on the affect days. Attendees will be directed to on-site or off-site parking locations. Attendees will be instructed not to park on Corporate Drive, Sitterly Road or Route 9. No charge for parking shall be permitted.

The owner of the Property shall cause installation of sidewalks and a cross walk between the parking on the north side of Corporate Drive and the facility, consistent with applicable Town standards. For large scale events, temporary pedestrian warning signs will be utilized on Corporate Drive to make motorists aware of the pedestrian traffic crossing Corporate Drive.

The Town of Halfmoon shall have the right, during the period ending two years after the effective date of this Amendment, to monitor traffic and parking patterns in connection with the additional uses of the Property which are permitted by this Amendment. If the Town of Halfmoon deems it required, Sportsplex of Halfmoon, Inc. and Halfmoon Sports, LLC shall work with the Town in a mutual effort to alleviate any traffic and parking logistical issues identified by the Town in connection with the uses permitted under this Amendment. Sportsplex of Halfmoon, Inc. shall work with the Town to alleviate any traffic and parking issues identified by the Town in connection with the uses permitted under this amendment. The Town will review the zoning change as permitted herein to determine if the expanded uses remain viable at the site.

Sportsplex of Halfmoon, Inc. or its successor shall provide a total of two hundred and fifty (250) hours of free facility use of the facility to the Town of Halfmoon Recreation Departments within five (5) years of the date that the applicant obtains a Certificate of Occupancy certifying that the building has been modified as required for the proposed uses or that appropriate variances have been granted so as to permit the issuing of a Certificate of Occupancy. The time shall be utilized by the Town of Halfmoon, its employees, agents or assigns and shall be subject to availability, must be scheduled in advance and shall be limited to uses permitted under the Chris Abele Planned Development District.

2. “The property in the Chris Abele Planned Development District shall henceforth include the following parcels:
  1. Parcel acquired by Sitterly Associates, LLC from Hewitt by deed recorded in the Saratoga County Clerk’s Office in Liber 1504 of Deeds at Page 406.
  2. Parcel acquired by Halfmoon Sports, LLC from Emerick by deed recorded in the Saratoga County Clerk’s Office in Liber 1692 of Deeds at Page 70.

The legal descriptions of the above-described parcels are attached as Schedule “A”, attached hereto and made a part hereof as Exhibit “A”.

All improvements shall be designed and constructed pursuant to plans and specifications approved by a duly licensed architect and/or engineer and in strict compliance with the New York State Uniform Fire Prevention and Building Code. All construction shall be performed subject to the direction and control of a duly licensed architect and/or engineer and, when completed, shall be certified as having been constructed in full compliance with the New York State Uniform Fire Prevention and Building Code. The engineer and/or architect performing the work herein described shall be employed by and at the sole expense of the developer. The Planning Board shall not give approval as referred to in said Local Law Relating to Zoning unless or until all approvals required by each and every other government or governmental entity have been obtained. All construction during the performance thereof and upon completion shall be subject to the inspection and approval of the Enforcement Officer and Fire Marshall of the Town of Halfmoon.

Section 6. Signs. All signs within the District shall comply with the requirements established by the Planning Board during site plan review and must be approved by said Planning Board.

Section 7. Letter of Credit. The developer shall file bonds or letters of credit in the amounts established by the Town Planning

Board and acceptable as to amount and form to the Town Engineers and Town Attorney to guarantee the following:

- A. Return of the site to its original condition after clearing and grading should this be deemed necessary by the Planning Board;
- B. The satisfactory completion of the utilities, paving and other infrastructure for the project;

C. The satisfactory completion and maintenance of landscaping on the project site.

The bonds or letters of credit shall be filed for the period of time to be determined by the Planning Board.  
Section 8. Zoning Map. Local Law #5 of 1995 is hereby amended by providing that Chris Abele Planned Development District map having been made by ABD Engineers & Surveyors dated April 2003, entitled "Concept Plan – Halfmoon Sports Complex, 6 Corporate Drive, Capital Region Business Park" together with the additions as detailed in the Site Plan Subdivision Lot 3-Corporate Drive Capital Region Business Park dated November 2006.  
Section 9. Revocation; regulations for construction completed at time of revocation; waiver.

A. This amending local law shall be automatically revoked and void and the previous statutory regulations shall apply under the following circumstances:  
(1) Commencement of the construction of amended Chris Abele Planned Development District has not begun within twelve (12) months from the effective date of this local law; or  
(2) Substantial progress is not being made without undue interruption after construction has commenced.  
(3) Completion of the proposed Planned Development is not completed within one (1) years from the start of construction.

B. As to the area within which a building or buildings have been constructed pursuant to this local law, there shall be no voiding of this amendment, and as to said area and buildings, this amending local law shall continue in full force and effect an the areas zoned by this local law shall be the area within which said building or buildings was or were constructed pursuant to this amended local law plus an additional area of fifty (50) feet of open space beyond the outside boundaries of each building constructed.

C. For proper cause shown, the Town Board may, under such terms and conditions as it deems proper, waive either or both of said requirements by resolutions, without first conducting a public hearing thereon and extend the time for completion or construction of additional facilities.

Section 10. Effective Date. This Local Law shall take effect upon being filed in the Office of the Secretary of State and the Office of the Comptroller as provided in the Municipal Home Rule Law.

#### RESOLUTION NO. 84

Offered by Councilwoman Parker, seconded by Councilman Bold: Adopted by vote of the Board: Ayes: Wormuth, Bold, Parker

WHEREAS, one Fuel Bid was received and opened on March 6<sup>th</sup> and was reviewed and a recommendation made by the Highway Committee, it is therefore

RESOLVED, that the Town Board awards the Fuel Bid for the 2007-2008 fuel year to bidder, G. A. Bove & Sons, Inc. Mechanicville, New York, subject to their bid pricing as follows: Price is based on Journal of Commerce, Albany, Rensselaer tank car low price plus a firm differential of \$.1890 per gallon and further

RESOLVED, that said bid be effective April 1, 2007 through March 31, 2008.

#### NEW BUSINESS

#### RESOLUTION NO. 85

Offered by Councilwoman Parker, seconded by Councilman Bold: Adopted by vote of the Board: Ayes: Wormuth, Bold, Parker

RESOLVED, that the Town Board approves the Supervisor's Report for month of February 2007 as submitted.

#### RESOLUTION NO. 86

Offered by Councilman Bold, seconded by Councilwoman Parker: Adopted by vote of the Board: Ayes: Wormuth, Bold, Parker

RESOLVED, that the Town Board approves and orders paid all vouchers for all funds listed on Abstract dated March 20, 2007, totaling: \$1,575,115.86

Supervisor Wormuth stated the next item is for software for the Planning department which will allow them to function more efficiently and be interactive with some availability with County software for both our planning and zoning office. She stated the money is in the budget and this will authorize the Supervisor to execute the agreement.

## RESOLUTION NO. 87

Offered by Councilman Bold, seconded by Councilwoman Parker: Adopted by vote of the Board: Ayes: Wormuth, Bold, Parker

RESOLVED, that the Town Board authorizes the Supervisor to execute agreement with SCA Software Consulting Associates Inc. for Planning and Zoning software in the amount of \$16,650 per review of the Town Attorney.

Councilman Bold stated, relative to the next item for survey work, that this parcel has frontage on both Route 236 and Harris Road and is also adjacent to property currently owned by the Town which is park land across Harris Road from Town Hall and will all tie in. He stated a portion will be cut out and retained by the current owners.

## RESOLUTION NO. 88

Offered by Councilman Bold, seconded by Councilwoman Parker: Adopted by vote of the Board: Ayes: Wormuth, Bold, Parker

RESOLVED, that the Town Board approves proposal from Gilbert Van Guilder, Land Surveyor, for subdivision work on 20.2 acre parcel on easterly side of Route 236, westerly side of Harris Road, Bouchard property in the not to exceed amount of \$4,800.

## RESOLUTION NO. 89

Offered by Councilwoman Parker, seconded by Councilman Bold: Adopted by vote of the Board: Ayes: Wormuth, Bold, Parker

RESOLVED, that the Town Board authorizes entering into an agreement with Halfmoon Senior Citizen Association for term effective April 1, 2007 through March 31, 2008 in the budgeted amount of \$35,302. per review of the Town Attorney and authorize Supervisor to execute said Agreement.

### AGREEMENT

THIS AGREEMENT made this 20<sup>th</sup> day of March, 2007 by and between the TOWN OF HALFMOON and the HALFMOON SENIOR CITIZENS ASSOCIATION, INC., having its office at 111 ROUTE 236, Halfmoon, New York, 12065.

### WITNESSETH

WHEREAS, it is recognized that there is a need for providing in-town programs for the Senior Citizens of the Town of Halfmoon, and

WHEREAS, the Association has been created for the purpose of providing such a program for Senior Citizens,

NOW THEREFORE, the parties agree as follows:

1. The Association agrees to provide alleviation from isolation and loneliness through social, cultural, educational and recreational activities; companionship; opportunities to discover new interests; a chance to use old skills; and make a contribution to the welfare of the community.
2. The Association agrees to provide leadership to coordinate the programs.
3. The Association shall, at all times and at its expense, carry insurance coverage in an amount not less than \$1,000,000 covering the Association and the Town of Halfmoon from any and all claims. The Association shall add or cause to be added to its insurance policies (of such coverage) Halfmoon as a named insured or assured. The association shall deposit with the Town Clerk of the Town of Halfmoon a certificate of insurance in such amounts and reflecting such coverage for the period of this agreement.
4. The Association agrees to indemnify, defend and hold harmless the Town from any claim out of its acts or omissions and from any and all losses whatsoever, whether for personal injuries or property damage, including but not limited to the costs of litigation, attorneys fees, filing fees and expenses of each and every nature.
5. The Association shall share the use and occupancy of the building commonly known as the Halfmoon Senior Center located at Lower Newtown Road, Halfmoon, New York for the term of the Agreement. The Town shall not be responsible for the cost of insurance coverage described herein but will provide and pay for all utilities to the premises for the use of the Senior Citizen Association, Inc. The Town reserves the right to utilize the building for Town purposes.

6. The Association agrees and stipulates not to sublease or otherwise allow the use of the demised premises for a fee or profit to any individual, organization or entity other than the parties to this Agreement.
7. The term of this agreement shall extend April 1, 2007 until March 31, 2008.
8. The Town shall contribute to the Halfmoon Senior Citizen Association, Inc., the sum of \$35,302.00 to be utilized towards the employment of a person or persons to assist the Halfmoon Senior Association, Inc. with financial issues.

RESOLUTION NO. 90

Offered by Councilman Bold, seconded by Councilwoman Parker: Adopted by vote of the Board: Ayes: Wormuth, Bold, Parker

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	\$8,493.83
	Subsidiary: 25-4-2189 Home & Community Services		\$8,493.83
Credit:	Appropriations	25-960	\$8,493.83
	Subsidiary: 25-5-1440.40 Engineering Contractors Inspections		\$8,493.83

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

NAME	AMOUNT
Halfmoon Jewelers	\$130.75
Spinuzza	504.00
Harvest Bend	4049.33
General Mechanical-Addition	252.00
Boni PDD	3095.00
Inglewood PDD	462.75
TOTAL	\$8493.83

Transfers Between Appropriations:

From Account	To Account	Amount	Reason
10-5-1990.4 Contingency	10-5-7140.41 Recreation Contractual	\$1,088.80	To restore unused appropriations of Year 2006 for donated money to help defray expenses for workshops
10-5-1990.4 Contingency	10-5-1355.22 Assessment Star Equipment	\$51.59	To restore unused appropriations for Year 2006 for Star Program
10-5-1990.4 Contingency	10-5-1355.42 Assessment Star Contractual	\$10,977.74	To restore unused appropriations for Year 2006 for Star Program
10-5-1990.4 Contingency	10-5-7989.40 Character Counts Contractual	\$665.96	To restore unused appropriations of Year 2006 for Character Counts Program
10-5-1990.4 Contingency	10-5-3610.20 Code Enforcement Equipment	\$16,662	Transfer of appropriations needed to purchase a 2007 Jeep Liberty Sport under state contract to replace 1996 Jeep
10-5-1990.4 Contingency	10-5-6772.41 Programs for the Aging Contractual	\$25,302	Transfer of appropriations needed to increase allocation given to Senior Center for clerks and programs for 2007

Councilman Bold stated, relative to the next item, that the Town does this annually to insure that our alarm systems are up to code and in good working order.

RESOLUTION NO. 91

Offered by Councilman Bold, seconded by Councilwoman Parker: Adopted by vote of the Board: Ayes: Wormuth, Bold, Parker

RESOLVED, that the Town Board authorizes entering into Building System Service Agreements with Alarm & Suppression Inc. for 2007 in the amount of \$300.00 per inspection for Town Hall



(2 inspections); \$250.00 per inspection for Town Garage (2 inspections); \$300.00 per inspection (2 inspections) for Town Senior Center per review of the Town Attorney and further

RESOLVED, that the Town Board authorizes the Supervisor to execute said Agreements.

Councilman Bold stated, relative to the next item, that Phase 1A does not mean that anyone is going to be digging holes and, does not mean there will be archeological field work done. He stated this is the company that did all the work on the adjacent parcel and it seemed appropriate to have the same people do this work. He stated the Attorney requested that this resolution and the others relative to the property to ensure that the Board is fully informed on the condition and status of the property.

#### RESOLUTION NO. 92

Offered by Councilman Bold, seconded by Councilwoman Parker: Adopted by vote of the Board: Ayes: Wormuth, Bold, Parker

RESOLVED, that the Town Board approve proposal from Landmark Archaeology, Inc. for Phase 1A Archeological Assessment for the Hayner parcel, Route 236 in the not to exceed amount of \$500.00 per review and approval of the Town Attorney.

Councilman Bold stated, relative to the next item, that the wetlands assessment is not the same thing as wetlands delineation and does not provide the kind of detail that would allow us to be able to go to another agency for approval and, is only a general assessment on the extent of the wetlands. He stated this work is weather dependent and the biologist cannot do the work at this point.

Supervisor Wormuth stated one of the things the Board is looking to accomplish as we purchase property and expend Town money is to make sure they are aware of the potential constraints on any land and the possibility for development on that land.

#### RESOLUTION NO. 93

Offered by Councilman Bold, seconded by Councilwoman Parker: Adopted by vote of the Board: Ayes: Wormuth, Bold, Parker

RESOLVED, that the Town Board approves proposal from Bagdon Environmental for Wetlands Assessment for portion of the Hayner parcel, Route 236, in the not to exceed amount of \$800.00, per review and approval of the Town Attorney.

Councilman Bold stated, relative to the next item that as the resolution will state this is a subdivision because we are not purchasing the entire parcel and only the rear section.

#### RESOLUTION NO. 94

Offered by Councilman Bold, seconded by Councilwoman Parker: Adopted by vote of the Board: Ayes: Wormuth, Bold, Parker

RESOLVED, that the Town Board approves proposal from Gilbert Van Guilder, Land Surveyor, for subdivision related work on the 16 acre parcel on westerly side of Route 236, Hayner property in the not to exceed amount of \$4000.

#### RESOLUTION NO. 95

Offered by Councilman Bold, seconded by Councilwoman Parker: Adopted by vote of the Board: Ayes: Wormuth, Bold, Parker

#### SEQR DETERMINATION OF NON-SIGNIFICANCE

WHEREAS, the Town Board has been established itself as Lead Agency in accordance with 6 NYCRR 617.6; and

WHEREAS, the Town Board has reviewed the potential impacts identified in the Parts 1 and 2 of the Full Environmental Assessment Form (EAF) and as a result has found no significant

impacts that would potentially occur as a result of the Dunsbach Road Sewer Improvement project;

NOW, THEREFORE, BE IT RESOLVED, that a Negative Declaration shall be issued for the project in accordance with 6 NYCRR 617.7; and

BE IT FURTHER RESOLVED, the attached Negative Declaration is to be filed and published in accordance with 6 NYCRR 617.12.

RESOLUTION NO. 96

Offered by Councilman Bold, seconded by Councilwoman Parker: Adopted by vote of the Board: Ayes: Wormuth, Bold, Parker

RESOLVED, that the Town Board appoint Robert Govin as seasonal Parks department employee for 2007 to be paid \$10.60 per hour worked, effective immediately.

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

There being no further business to discuss or resolve the meeting was adjourned at 7:40 pm by Supervisor Wormuth.

Respectfully submitted,

Mary J. Pearson  
Town Clerk

3-20-2007

