

The February 22, 2007 regular meeting of the Town Board of the Town of Halfmoon was called to order at 7:00 pm by Supervisor DeCerce at the Halfmoon Senior Center with the 3 following members present:

Kenneth J. DeCerce, Supervisor
Walter F. Polak, Councilman
A James Bold, Councilman
Mindy A. Wormuth, Councilwoman
Mary J. Pearson, Town Clerk
Lyn A. Murphy, Town Attorney

Regina C. Parker, Councilwoman - Absent

Also present: Robert J. Chauvin, Deputy Town Attorney; Frank Tironi, Director of Water; Steve Watts, Building & Development Administrator; Dick Lee, Executive Assistant; Laurie Sullivan, Deputy Town Clerk; Lisa Perry Secretary to Supervisor; Ed Pearson, Assessor; Paul Maiello, Recreation Maintenance Supervisor

The Town Board Workshop as held at the Senior Center at 6:15 pm, no action was taken. Larry Gniewek was asked to lead the Pledge of Allegiance.

Supervisor DeCerce stated that Larry Gniewek is home on furlough from Iraq. He introduced him to the Board and stated they are very proud of him and what he is doing. He thanked him for all the material he has sent and an Iraqi flag.

Mr. Gniewek stated he kept them posted with e-mails to keep folks home apprised of what is happening. He stated he is an avid historian and the day Saddam was executed he had access to the court house where he was tried and sentenced and there was a bunch of flags as souvenirs and he flew them off the roof. He stated he wanted to present a certificate of authentication and present the flag that was flown on December 30, 2006, which they call execution day. He stated he also wanted to give the Supervisor a pin that has the U.S. Embassy on it and the American flag as well as the Iraq flag. He stated he realized over there that elected officials are responsible and Saddam Hassan found out the hard way by not being a responsible elected official.

The Supervisor asked that the framed certification be displayed for a month and stated then they will put in the hands of the Town Historian. He stated they are very proud of him and thanked him.

Supervisor DeCerce stated he is very pleased to have his family present tonight, his wife Rachel, his sons and daughter-in-laws and grandchildren, Melody and Zachery and thanked them for being here.

The Supervisor stated that Councilwoman Parker is unable to be here this evening.

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Councilman Bold reported, if anyone hasn't had an opportunity to drive through the area in the daytime, the steel is going up for the New Town Hall and the shape of the building is visible and is quite impressive.

Councilman Polak stated he wanted to thank the highway department one more time after the storm last week. He stated he had a family emergency and it was great to get back to the roads in Halfmoon because it was dreadful driving on other than Town roads. He stated it is nice to see the roads cleaned right down in the Town of Halfmoon.

Attorney Murphy reported that she has a request for the Board to pass a resolution to authorize the Supervisor to execute a car lease for Code Enforcement. She stated it is pursuant to State Contract and she has already reviewed the lease and it is a budgeted item but the lease does have to be signed by the Supervisor.

Supervisor DeCerce asked if one vehicle will be enough.

Councilwoman Wormuth stated she has talked to the Board about the need to purchase a vehicle at the end of last year they talked about leasing and see how that worked with this department. She stated they will try this as a trial and see how it goes and the Attorney, herself and code enforcement spent a lot of time reviewing the terms of the contract. She stated a

request will come forth shortly for an actual purchase of a vehicle and have looked at State Contract to make that purchase. She stated one of the reasons for this is the fact that the size of the code office has increased because of the continually increased work load.

RESOLUTION NO. 58

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

RESOLVED, that the Town Board authorizes the Town Code Enforcement to enter into a Lease Vehicle contract and further

RESOLVED, that the Supervisor be authorized to execute the vehicle lease contract on behalf of the Town.

Supervisor DeCerce reported that the Town has gone forth for some Congressional grants. He stated one is a \$3 million addition to the funds we received for Brookwood Road and the other is \$1.2 million for the Park but there is no guarantee for either of them. He stated they have been coached by the Congressional office that the money we are seeking ought to be for infrastructure and those kinds of things. He stated he doesn't want to come forth with the third item at this time.

The Supervisor stated this is his last Board and, at the end he will say good-by. He stated he has enjoyed the work he has done with this Board and the feeling of strength and trust.

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

CORRESPONDENCE

1. Received from Kenneth J. DeCerce letter of resignation as Town and County Supervisor of the Town of Halfmoon effective February 27, 2007.

Councilman Bold stated, relative to the next item that he will make the motion, with reluctance, to accept the letter of resignation.

RESOLUTION NO. 59

Offered by Councilman Bold, seconded by Councilman Polak: Adopted by vote of Board: Ayes: DeCerce, Polak, Bold, Wormuth

RESOLVED, that the Town Board accepts the letter of resignation submitted by Kenneth J. DeCerce as Town/County Supervisor of the Town of Halfmoon.

Councilman Bold stated he would like to interrupt the agenda at this time to present an additional resolution. He invited Supervisor DeCerce, Rachel DeCerce and the Town Board to join him in the front of the room. He stated the Supervisor is forever honoring other people and, this time they would like to honor him today. He asked the Clerk to read the following resolution:

RESOLUTION NO. 60

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

WHEREAS, Kenneth J. DeCerce (Ken) has served as the Town Supervisor for the Town of Halfmoon since January 2000 always putting the needs of the citizens of the Town of Halfmoon first; and

WHEREAS, Ken has lived in the Town of Halfmoon for much of his life and been active in the community both civically and socially; and

WHEREAS, Ken served on the Town of Halfmoon Planning Board from January 1, 1998 until December 31, 1999; and

WHEREAS, Ken showed exemplary service to our community, through his work with the Town Board and the County Board of Supervisors including, but not limited to his involvement in the Northern Halfmoon GEIS, securing grants for numerous needed projects throughout Town and across municipal boundaries, establishing the Citizen Facilities Committee, providing additional Sheriff Deputy's to the Town to ensure

public safety, participating in numerous capacities to ensure that the PCB dredging of the Hudson River does not negatively effect life on the Hudson, the Water Treatment Plant and the New Town Hall; and

WHEREAS, Ken's experiences growing up on a farm in the Town of Halfmoon and returning here after achieving many accomplishments both professional and personal.

He has completed further education in the fields of agriculture, teaching and administration. He has been active in professional service in the areas of NYS Education Department, NYS Turf Grass Association and private landscaping business. He is a member of the Rotary, NYS Cooperative Extension and numerous other community service organizations.

WHEREAS, Ken is the beloved husband to Rachel, and father to Charlie and David, and grandfather to Gabrielle, Zachary, and Melody;

WHEREAS, Ken has always made himself available to the public and been responsive to the needs and concerns of our citizens and the "dude" approach if you have a problem; and

WHEREAS, Ken demonstrated devotion to maintaining an open government for the citizens of the Town of Halfmoon while always having his gavel at the ready to maintain order at public meetings, always held in strict compliance to Robert's Rules of Order; and

WHEREAS, Ken is an example of unique personal achievement in his professional and personal endeavors and has displayed a lifetime of good citizenry;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Town Board of the Town of Halfmoon recognizes and commends Kenneth J. DeCerce for his years of service to the Town of Halfmoon and the community; and it is further resolved
2. That a copy of this Resolution be presented to Kenneth J. DeCerce in recognition of his dedicated service to the Town.

Councilman Bold complimented Rachel for the great job she did bringing as many of family as she could here tonight.

Councilman Bold commented that anyone in a position such as this goes through and works on things there are so many projects and, many have gone through fruition and there are a whole group of projects that are going to be completed after he actually is no longer in office and, they really go to the credit of his administration. He stated, for example the water plan expansion project which is only weeks away from completion, the new Town Hall under construction, the park they are still working on, the Brookwood Road project and, the list goes on and on including the grants he has worked on to make a viable grant application will come about in due time. He stated even though he won't be sitting here with a gavel in his hand they things he initiated will still go on and he deserves a lot of credit for that.

Supervisor DeCerce thanked Attorney Murphy and Deputy Attorney Chauvin for all the work they do on the resolutions stating it means a lot to him.

Henrietta O'Grady, chairperson of the Trails Advisory Committee stated if it wasn't for Ken and his colleagues on the Board we wouldn't have had a Trails Advisory Committee and wants to thank him personally. She stated there are going to be trail projects that we received grants for that he has been interested in and be part of in the future. She stated she also wants to thank him for his interest and for his encouragement, cooperation and endless energy.

Supervisor DeCerce stated without the Town employees and individuals who are good people none of these things could happen and he could never do it by himself and thanked everyone.

Councilman Polak commented that he has been around for a long time and is very proud to serve his community. He stated he has worked with Supervisor Dudek, Supervisor DeVoe, Supervisor Marchione but he is the Supervisor with the most open door policy and he can't believe he ever said "no" to anybody. He stated it has been his pleasure these past years and thanked Ken for what he did for him and what he did for the community.

Councilman Bold said after the meeting is over a small group is going to Salty's restaurant and everyone is invited to join them there.

The Councilman stated at the next Town Board meeting, March 6th it is very likely that the Town Board will take up the matter of filling the Town Supervisor vacancy.

2. Received from Town Planner notification of Planning Board decision to deny application by Lansing Engineering for the Lawrence Circle Commercial Site Plan application for proposed Dunkin Donuts due to it not having a harmonious relationship with the adjacent district.

OLD BUSINESS

1. Abele Planned Development District, Sportsplex of Halfmoon, public hearing held February 6th

Councilwoman Wormuth stated relative to the Abele PDD amendment that the Town Attorney has received correspondences from the applicant's attorney but the Board hasn't had an opportunity to review those.

Councilman Bold stated it is his understanding there are still some additional details.

Attorney Murphy stated there are additional details that need to be worked out and she has been corresponding daily in an effort to achieve consensus.

NEW BUSINESS

RESOLUTION NO. 61

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

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

RESOLUTION NO. 62

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

RESOLVED, that the Town Board approves and orders paid all vouchers for all funds listed on Abstract dated February 22, 2007, totaling: \$1,329,892.28

Councilman Bold commented, relative to the next item, that Paul Maiello has been attending the trails committee meetings and observing some of the trail work that is under construction and, he is sure he will be a good addition to the committee.

RESOLUTION NO. 63

Offered by Councilman Bold, seconded by Councilman Polak: Adopted by vote of the Board: Ayes: DeCerce, Polak, Bold, Wormuth

RESOLVED, that the Town Board appoints Town Recreation Maintenance Supervisor, Paul Maiello to the Trails Advisory Committee, replacing the Town Recreation Director as a member.

RESOLUTION NO. 64

Offered by Councilman Polak, seconded by Councilman Bold: Adopted by vote of the Board: Ayes: DeCerce, Polak, Bold, Wormuth

RESOLVED, that the Town Board authorizes letting bids for Diesel Fuel for Town departments for fuel year effective April 1, 2007 through March 31, 2008, proposed to be opened March 6 at 7:05 pm.

Councilman Bold commented, relative to the next item, that there a number of steps on the BBrookwood Road project including environmental steps and many State agencies and, it is a very detailed project. He stated he received the detailed plans today and he brought them to the highway department so they can review and, the Board will review them in great depth..

Supervisor DeCerce stated the Town has received \$3 million in grant monies and we are asking for an additional \$1.3 million for this project.

RESOLUTION NO. 65

Offered by Councilman Bold, seconded by Councilman Polak: Adopted by vote of the Board: Ayes: DeCerce, Polak, Bold, Wormuth

ESTABLISHMENT OF SEQR LEAD AGENCY

For the

TOWN OF HALFMOON BROOKWOOD ROAD PROJECT

WHEREAS, the Town Board intends to adopt Lead Agency for the Brookwood Road Slope Stabilization / Roadway Rehabilitation project for the Town; and

WHEREAS, this project is a Type I action pursuant to the State Environmental Quality Review Act (SEQR) and therefore subject to the regulations of that law (6 NYCRR 617); and

WHEREAS, the Town Board has conducted coordinated review with the involved agencies pursuant to 6 NYCRR 617.6 and no agencies objected to the Town Board's request to act as Lead Agency;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board declares itself Lead Agency pursuant to 6 NYCRR 617.6.

RESOLUTION NO. 66

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

SEQR DETERMINATION OF NON-SIGNIFICANCE For the **TOWN OF HALFMOON BROOKWOOD ROAD PROJECT**

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 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.

Councilman Bold commented, relative to the next item, that there are five pieces of private property where we need to obtain a little bit of the very steep slope in order to perform this improvement on the road stability. He stated this resolution has to do with following all the State procedures we need to follow including the property appraisals.

RESOLUTION NO.67

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

ROW ACQUISITION AUTHORIZATION For the **TOWN OF HALFMOON BROOKWOOD ROAD PROJECT**

WHEREAS, the Town of Halfmoon has assumed the responsibility for administering the federally aided Brookwood Road project;

WHEREAS, the Town must comply with the State and Federal requirements for the acquisition of real property for the right-of-way needed for the Brookwood Road project;

WHEREAS, the real property parcel acquisition process will be a cooperative and coordinated effort involving the Town of Halfmoon; Clough, Harbour & Associates LLP, the Town's engineering consultant; R.K. Hite & Co., Inc., the Town's right of way sub consultant; and the New York State Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes and directs the Town's representatives to take such steps and perform such acts as are necessary for the Town of Halfmoon to acquire the real property for the right of way for the Brookwood Road project.

RESOLUTION NO. 68

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

RESOLVED, that the Town Board authorize the Supervisor to request that the New York State legislators review and conduct a comprehensive study and evaluation of all existing State property tax limitations to provide necessary property tax reform for the benefit and relief of all New York State residents.

RESOLUTION NO. 69

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

RESOLVED, that the Town Board approves \$750.00 stipend for the Clifton Park-Halfmoon Memorial VFW Post #1498 for the year 2007.

Councilman Bold stated, relative to the next item, that this is a property across the street from the Town Hall that Mr. Lee has worked on, and the Board has approved a resolution to proceed with the purchase.

RESOLUTION NO. 70

Offered by Councilwoman Wormuth, seconded by Councilman Bold: Adopted by vote of the Board: Ayes: DeCerce, Bold, Wormuth Abstain: Polak Carried

RESOLVED, that the Town Board approves proposal from Clough, Harbour & Associates for Wetlands Assessment and Phase I Environmental site assessment for approximately 17.63 acres of land at 174 Harris Road, Bouchard property in the not exceed amount of \$3,900, subject to review and approval of the Town Attorney.

Councilman Bold commented, relative to the next item, stated this is a part of the Heritage Apartment project on Fellows Road the sewer line to serve that will traverse across the Town park area and will discharge into the new County line. He stated this is a great asset to not just the developer but also to the Town. He stated this is a long 15” pipe with a pump station that the Town would have, otherwise had to provide the funding for as part of the Park project.

RESOLUTION NO. 71

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

RESOLVED, that the Town Board authorizes the Town of Halfmoon to grant a temporary work easement to Bruce Tanski, his employees, and or assigns for the purpose of completing the work necessary to comply with any and all approvals granted by the Saratoga County Sewer District #1, subject to review and approval of the Town Attorney of the Certificate of Insurance

Supervisor DeCerce 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 Supervisor adjourned the meeting at 7:40 pm.

Respectfully submitted,

Mary J. Pearson
Town Clerk

February 22, 2007

