

The October 17, 2006 regular meeting of the Town Board of the Town of Halfmoon was called to order by Supervisor DeCerce at 7:00 pm at the Town Hall on Harris Road with the following members present:

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

Also present: Frank Tironi, Director of Water; John Pingelski, Highway Working Supervisor; Lisa Perry, Secretary to Supervisor

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 Bold reported that the work along the Canal Towpath is about two-thirds completed and will be finished in just a few days. He reported on the Town Hall project stating there are often concrete trucks and they are working on the forms for the footings. He stated there are two well drillers on site and they are drilling some very deep holes.

Councilwoman Parker reported she would like to add a resolution for the fire fighters because this is Fire Prevention Week and they do a wonderful job for us.

She stated the last rabies clinic for this year is tomorrow evening at the animal shelter.

She stated she wants to commend Eric Hamilton and Henrietta O'Grady for the fine job they did on the Duathlon, which she attended and Supervisor DeCerce was the starter. She stated she was impressed by the dedication of the group of people who organized as well as all the runners and their families. She stated she heard the winning time was about one hour and nine minutes. She stated kudos to Krause's and Halfmoon for sponsoring the site again and also the Town highway department employees.

Supervisor DeCerce stated Eric Hamilton with the Mohawk Towpath Byway Coalition and Henrietta O'Grady really started this event and its grown annually; this year there were over 80 runners and bikers.

Councilman Polak reported on the Fall Clean Up and thanked the highway and transfer station employees for all their work. He stated the Town took in 20 tons of metal and received \$1,222. He stated the total cost to the Town for the clean up was \$13,499 and we received in metals, cardboard and paper, \$1, 276 and the total cost to the Town was \$12,222.

RESOLUTION NO. 249

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

WHEREAS, the month of October is Fire Safety Month; and

WHEREAS, the Town of Halfmoon has the services of four (4) volunteer fire companies, Clifton Park-Halfmoon Fire District; Hillcrest Fire District; Halfmoon-Waterford Fire District and West Crescent Fire District and the ambulance service of Clifton Park & Halfmoon Emergency Corp; and

WHEREAS, the Town of Halfmoon is blessed to have four volunteer fire departments and a volunteer ambulance corp. that performs their duties with the utmost of ability, care and consideration; and

WHEREAS, these are all volunteer services where the heart and soul of the organization is the volunteers who spend their time, without remuneration, in consideration of the greater public good; and

WHEREAS, these individuals have trained on their own time and learned to deal with firematic functions and emergency issues with exactitude and efficiency; and

WHEREAS, the dedication and bravery exemplified by these individuals is that which we seek to promote and to use as examples for our youth; and

WHEREAS, the firefighters and ambulance personnel are called out at all hours of the day and give of their time and, taking from their family time without complaint and, perform their tasks with unyielding consistency; and

WHEREAS, the risks and attendant dangers in their services are evident by the tragedy of all of those firefighters and paramedics who were lost responding to the terrorist attacks on the Twin Towers; and

WHEREAS, the general public has become accustomed to the tremendous care and treatment of these dedicated professionals; and they have come to expect and to accept their services without fully appreciating or understanding the risk and the danger these individuals place upon themselves every day; and

WHEREAS, the Town Board of the Town of Halfmoon and the people of the Town of Halfmoon wish to acknowledge and to commend these brave individuals for their unwavering dedication to the public and to the preservation of the public's health, safety, and welfare, and

WHEREAS, the Town Board of the Town of Halfmoon wishes to acknowledge all activities and firematic functions from the simplest crowd control and traffic control at fire scenes to those that enter burning buildings and perform CPR on critically ill patients; and

WHEREAS, they epitomize those ideals of self sacrifice and public service which only few strive to obtain; and

WHEREAS, the Town of Halfmoon acknowledges these individuals as the "Home Town Heroes" of our community.

NOW, THEREFORE BE IT PROCLAIMED AS FOLLOWS:

1. The Town of Halfmoon Town Board proclaims the month of October Fire Safety Month"
2. The Town Board of the Town of Halfmoon hereby acknowledges our local fire companies, the Clifton Park-Halfmoon Fire District; Hillcrest Fire District; Halfmoon-Waterford Fire District; and West Crescent Fire District as well as the ambulance service of Clifton Park & Halfmoon Emergency Corp.

Supervisor DeCerco reported that Saratoga County Clerk, Kathy Marchione, received a resolution of congratulations from the County Board of Supervisors which congratulates Kathy and the County Clerk's employees on the award of the William H. Kelly Annual Archives Award for excellence in local government archival program development. He stated this award was offered without anyone asking for an award and she does a really good job. He stated her office went through all the volunteer firemen exemption certificates and one had connection with the present Board of Supervisors and it states that his Uncle Vic was given the exemption certificate in 1955 and was a member of the Clifton Park Volunteer Fire Department Inc., Clifton Park, Halfmoon.

Supervisor DeCerco reported that two years ago there was a piece of property that came up on the tax auction in Colonial Green on Bayberry Drive, across from the former water shed. He stated at the time we were concerned about the drainage because it looks like a piece of property someone would be excited about until they buy it and then realize they can't do anything with it because a drain runs through the middle. He stated the Town sent our Assessor to the auction with the intention of purchasing it. He stated Mr. Deets is the person who won the auction purchase and he decided to ask the Town if we wanted to purchase the property. The Supervisor stated it would cost the Town \$1000 to purchase and is just about the amount it will cost him to acquire it. He stated Mr. Deets offered \$650 and there are fees in the amount of \$984 attached and the Town could buy it from him for \$1000. The Supervisor asked the Board for a resolution to purchase this property from him and he will have it deeded over to the Town of Halfmoon.

Councilwoman Parker stated it is a piece of property we intended to purchase before and we will have a good use for it to expand drainage and is something we definitely want to pick up.

Supervisor DeCerco stated the Highway Superintendent is also in the same thought process.

RESOLUTION NO. 250

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

WHEREAS, the Town has been advised that the property on Bayberry Drive between Lots 48 & 50, SBL #278.10-2-61

WHEREAS the property constitutes approximately .44 of an acre; and

WHEREAS, there is a stream that runs through it and easements that run across it, and

WHEREAS, the Town wishes to keep the stream open for purposes of assuring drainage for the area, and

WHEREAS, the stream has not been kept open in the past and has created drainage problems, and

WHEREAS, the Town believes it would be in the best interest of the Town and the residents to acquire the parcel to assure that the stream can be kept open and maintained by the Town Highway Department, and

WHEREAS, the Town Highway Superintendent states that it is in the best interest of the Town to acquire the property,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Town Board authorizes the Town of Halfmoon to purchase said property in the not to exceed amount of \$1,200.00

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

DEPARTMENT REPORTS – month of September

1. Town Clerk
Total fees remitted to the Supervisor - \$6,388.38
Filed.

CORRESPONDENCE

1. Received notification of decision from Saratoga County Planning Board for Oak Brook Commons, LLC Zoning amendment, stating “No Significant County Wide or Inter-Community Impact”.

RESOLUTION NO. 251

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

RESOLVED, that the Town Board sets a public hearing for the Oak Brook Commons Planned Development District amendment for November 9th at 7:05 pm

2. Received from State of New York Department of State notification of receipt and filing of Local Law No. 4-2006, Senior Citizen exemption.

OLD BUSINESS

RESOLUTION NO. 252

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

RESOLVED, that the Town Board accepts the 2007 Town of Halfmoon Tentative Budget as the 2007 Preliminary Budget and, further

RESOLVED, that the Town Board sets the public hearing for the Preliminary Budget for Thursday, November 9th at 7:10 pm.

RESOLUTION NO. 253

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

RESOVLED, that the Town Board awards bid for sale of 1999 Ex-Mark Lazer-Z - Zero Turn Riding Mower, opened October 3rd to high bidder, Eugene Phelps, Pruyn Hill Road in the bid amount of \$1,009.99, per recommendation of the review committee

RESOLUTION NO. 254

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

RESOLVED, that the Town Board amends Resolution No. 243-2006 correcting hourly rate of pay for Court Officer Gregory Burke from \$11.78 to \$14.78 retroactive to October 3rd.

Councilman Bold stated, relative to the next item, that five bids came in and the engineers did a background check on the low bidder and a recommendation came through. He stated he would ask the attorney to take a look at the bidder's financials.

RESOLUTION NO. 255

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

RESOLVED, that the Town Board awards the bid for Water Source Improvement Project, Phase II, Contract 7, opened October 11th to low bidder, Town & County Bridge & Rail, Inc., Albany, NY, in the low bid amount of \$24,447, and further

RESOLVED that said award be per the review and approval of the Town Attorney.

Supervisor DeCerce stated that the Town had a meeting last week with the inspector from the Department of Labor and the intent is make sure we are following all the steps that need to be taken, which he believes we are, when we go out to bid or have a job set up with individuals other than our own staff. He stated we are doing a good job, however, he gave the impression that he wants to be sure we are in that mode because he will be visiting all the companies that will be engaged in any kind of work in this community and any other community. He stated he has been to every other Town in Saratoga County.

Attorney Murphy stated he came to update us regarding prevailing wage and our responsibility and if we are in compliance. She stated he is new to the area and just wanted to touch bases in case we had any questions or concerns and is just doing a proactive visit.

Councilman Bold stated it is extremely difficult for small companies for small bids and it is difficult to get anybody to bid on them.

Attorney Murphy stated our responsibility is just to notify them what the prevailing wage rates are and hand out a sheet in accordance with the statute, per the Towns responsibility.

Supervisor DeCerce stated he feels the complaints are accurate but we have to follow all the steps. He stated if the business owner is the only person working on a particular project.

Councilman Polak if there are employees it is required to have the prevailing wage documents and they must be on site in their project office so if the Department of Labor comes on the site they will look for the documents.

NEW BUSINESS

RESOLUTION NO. 256

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

RESOLVED, that the Town Board approves the Supervisor's Report for month of September 2006 as presented.

RESOLUTION NO. 257

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

RESOLVED, that the Town Board approves and orders paid all vouchers for all funds listed on Abstract dated October 17, 2006, totaling: \$1,646,129.48

RESOLUTION NO. 258

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

RESOLVED, that the Town Board authorizes Supervisor Kenneth DeCerce to attend Capital District Regional Planning Commission, Wind Energy Land Use Planning session on November 1st for fee of \$30.00

RESOLUTION NO. 259

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 appoints Kenneth Hassett as provisional promotional Senior Code Enforcement Officer to be paid \$18.67 per hour retroactive to October 16th through 2006

Supervisor DeCerce stated, relative to the next item, that he has asked him to outline the steps that need to be done and the individuals that need to be involved in which programs for NIMS. He stated he has made contact with the Town of Malta for a program that is necessary.

RESOLUTION NO. 260

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 appoints Kenneth Hasset as the Town Emergency Coordinator responsible to perform all duties and/or be technical adviser, pertaining to preparing, responding and recovering from an emergency/disaster situation, at no additional compensation

Attorney Murphy stated, relative to the next item, that the Town is not mandated to do this, but if we didn't do it we wouldn't be eligible to receive Federal funding in any form.

RESOLUTION NO. 261

Offered by Councilwoman Parker, seconded by Councilman Polak, adopted by vote of the Board: Ayes: DeCerce, Polak Old, Parker, Wormuth

WHEREAS, In Homeland Security Presidential (HSPD)-5, the President directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for federal, state, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, the collective input and guidance from all federal, state, local and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

WHEREAS, it is necessary that all federal, state, local, and tribal emergency management agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, to facilitate the most efficient and effective incident management it is critical that federal, state, local, and tribal organizations utilize standardized terminology, standardized organizational structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

WHEREAS, the NIMS standardization procedures for managing personnel, communications, facilities and resources will improve the state's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes; and

WHEREAS, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the state, including all public safety and emergency response organizations training programs; and

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System; now, therefore, be it

RESOLVED, that the Town Board of the Town of Halfmoon hereby mandates the National Incident Management System be utilized for all incident management in the Town of Halfmoon, effectively immediately.

RESOLUTION NO. 262

Offered by Councilwoman Parker, Councilwoman Wormuth, adopted by vote of the Board: Ayes: DeCerce, Bold, Parker, Wormuth Abstain: Polak

RESOLVED, that the Town Board authorizes Clough, Harbour & Associates to perform Environmental Monitoring for the Town of Halfmoon Landfill for 2006 for annual fee of \$9,000, subject to review and approval of Town Attorney.

RESOLUTION NO. 263

Offered by Councilwoman Parker, seconded by Councilman Bold, adopted by vote of Board: Ayes: DeCerce, Polak, Bold, Parker, Wormuth

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	CM510	\$18,949.15
	Subsidiary:	CM2189 Home & Community Services	\$18,949.15
Credit:	Appropriations	CM960	\$18,949.15
	Subsidiary:	CM1440.4 Engineering	

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

NAME	AMOUNT
A&M Sports	\$684.00
Adirondack Basement Systems	171.00
Clemente PDD	177.00
Clifton Temple Baptist	658.50
Inglewood PDD	1,407.00
Lussier's Autobody	477.00
Princeton Heights	1,527.00
Rolling Hills	11,366.65
Sportsplex of Halfmoon	1,198.00
Westbrook	1,283.00
Total	\$18,949.15

From Account	To Account	Reason
AO5010.40 Superintendent of Highways Contractual	AO5010.20 Superintendent of Highways Equipment	Transfer of appropriations within own budget to purchase cabinet and chair for Highway Office
AO1990.4 Contingency	AO3610.40 Code Enforcement Contractual	Transfer of appropriations needed to restore encumbrance from last year appropriations to this year
AO1990.4 Contingency	AO1650.40 Central Communication Contractual	Transfer of appropriations needed to restore encumbrance from last year appropriations to this year
AO3120.40 Police & Constable Contractual	AO1680.40 Central Data Processing Contractual	Transfer of appropriations needed to purchase financial software from Tyler Technologies
AO1990.40 Contingency	AO1940.20 Purchase of Land /Capital Outlay	Transfer of appropriations needed to purchase parcel in Colonial Green in order to maintain water drainage process
AO3120.40 Police & Constable Contractual	AO3310.20 Traffic Control Signs Equipment	Transfer of appropriations needed to purchase two school flashing beacons at Mechanicville School, Pruy Hill Rd, Cty Rd 1345 per Town Board Resolution

RESOLUTION NO. 264

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

RESOLVED, that the Town Board approves the Water Report for October billing as submitted by the Director of Water.

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

John Dunsic, Smith Road, stated he has not received any reply from the Town or the insurance company about his claim.

Attorney Murphy stated the Town did receive the information and notified our insurance company and she will provide the information to him. She stated the Deputy Town Attorney handled this but she will get the information and will get it to him and only needs his address.

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

The next scheduled Town Board meeting is Thursday, November 9th, 7:00 pm.

Councilwoman Parker reminded the public of the Thanksgiving food baskets they will be delivering on November 18th.

The Supervisor also reminded everyone of the Christmas Parade that will beheld on November 25th at 2:00 pm in addition to fireworks scheduled for that date.

Respectfully submitted,

Mary J. Pearson
Town Clerk

