

The Tuesday, October 5, 2010 regular meeting of the Town Board of the Town of Halfmoon, rescheduled from Wednesday, October 6th was called to order by Supervisor Wormuth at 7:00 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
Walter F. Polak, Councilman
Regina C. Parker, Councilwoman
Paul L. Hotaling, Councilman
Mary J. Pearson, Town Clerk
Lyn A. Murphy, Town Attorney

Craig A. Hayner, Councilman – not present
Matthew J. Chauvin, Deputy Town Attorney – not present

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

Supervisor Wormuth read the 2011 Budget Highlights as follows:

The Town of Halfmoon is pleased to present its Tentative 2011 Budget. Our overall operating budget has increased from \$14,915,492 in 2010 to \$14,981,246 in 2011. This is only a .44% increase.

This negligible increase was achieved despite a projected 38% increase in retirement costs and a 12% increase in health insurance costs.

The Town faces the same dilemmas in our budgeting process as do our Town residents. We are faced with costs that in many ways we have little control over. The costs of fuel, power, health insurance, retirement are on a constantly upward spiral.

We have instituted various cost containments such as re-negotiating our insurance policies and health insurance, limiting hiring and purchasing to essential positions and items. Last year our employees received no pay raise. This year we are recommending a 2% increase.

Halfmoon has become a desirable community to reside in. Our new Town Park – Trails – Riverfront Improvements and many community activities are attractions that people want to move to.

We have had no Town tax for 32 years and no Highway tax for 26 years.

Very few communities in the State can claim this envious distinction. Unlike so many upstate communities we have experienced growth in our population. The Capital District Regional Planning Commission released figures that Halfmoon issued 200 building permits in 2009. The building permit fees and mortgage tax fees in addition to sales tax revenues help to balance our Town Budget.

We continue to operate an active seniors program with approximately 750 participants. We also have a very active Meals on Wheels program and a senior van providing transportation services for our seniors.

742 children participated in our summer recreation program. We received almost \$10,000 in donations through our Character Counts Program to provide support for needy children. Halfmoon residents truly care.

The allocation for the Clifton Park/Halfmoon Ambulance services for 2011 is earmarked at \$1,099,343. This is a 5% increase over 2010 essentially because of increased calls, ever increasing cost of fuel, utilities and supplies and maintenance of buildings and facilities. The CAPTAIN program is also budgeted for \$81,885. CAPTAIN dedicates time to our children and families for homework assistance and special efforts continue to be placed on literacy and providing a temporary haven for young people who have a problem living in their home environment.

The **Highway Fund** portion of the 2011 Budget plan totals \$2,919,782 which represents a 4.8% increase from the 2010 budget. This plan provides for the maintenance of all existing services, employee wages and benefits. The budget provides for the purchase of new equipment, maintenance, repair of existing equipment and maintenance of town roads. The increased costs of fuel and materials necessary for road repair and maintenance have been the driving force behind this increase.

The **Town Water Department** appropriations for Year 2011 total \$4,754,418 a 3.73% decrease from 2010. The 2011 water budget contains provisions for anticipated increases in the cost of utilities, chemicals, salaries and benefits.

The treatment plant expansion and new transmission pipeline projects are now complete. These capital projects are consistent with the Towns' aggressive approach to provide high quality water in adequate volumes to meet the needs of Halfmoon residences and businesses. We have projected revenues of 5 million dollars from sales tax. Our revenues have remained relatively steady since 2008 when they were 4.9 million.

I credit every Town Employee and the Town Board for continued cooperation in working to keep this spending plan affordable, while maintaining the highest quality of essential services. This budget demonstrates sound fiscal preparation and a conservative spending plan which maintains funds for essentials, keeps people working, provides necessary services, and does so with **NO TOWN TAXES** for General or Highway purposes.

Councilwoman Parker reported at the next meeting they will honor the four Town fire departments for Fire Prevention month. She stated she wants to commend Mrs. Wormuth for the fine job on the new animal facility in Saratoga and she saw some of the photos and TV coverage and she did a great job.

Councilman Hotaling stated he thanks Mindy and the staff for working on the budget. He stated he watched the news and saw that other Towns are letting people go and he is proud they don't have to let people go and that they will keep their jobs and will work forward. He stated he wants to thank everyone who helped out Saturday, they had a wonderful day with the Fall Festival and a lot of people put a lot of time into it and a lot of the young kids worked hard to help the little kids and it was a great time. He stated there were a lot of sponsors and they raised money for Character Counts. He stated October is breast cancer awareness month and there are 29 members from Halfmoon going to the Mechanicville-Stillwater breast cancer walk this Sunday at noon and they invite anyone who would like to join them.

Councilman Polak stated he thanks Supervisor Wormuth for all her work with all the departments on the budget and, as Paul said, when you look at other communities and the layoffs and tax raises they can sit here proud they don't have to go that route, are more economical than most and what it does is it proves not only the leadership of this Board but the leadership in all the departments where you are dealing with millions of dollars and all the responsibility that goes along with it. He stated "hats off" not only to Mindy but all the staff at the Town.

He stated regarding the Fall Clean up he commends John and all the highway guys for the great job they did and it is beneficial to the public and the Town and minimizes junk thrown along the river or back roads. He stated he has had 2–3 comments on what a great job our guys do helping the people unload their vehicles and trailers and he is very proud of that group and John and the way he runs it.

Attorney Murphy stated she would ask the Board vote on a resolution that would authorize the issuance of building permits for Falcon Trace subject to the review letter and conditions as set forth by our Town engineer. She stated the builder has been advised he would be proceeding at his own risk meaning, if for some reason, the project does not obtain final approval he would have to replace the property to its current condition at his own cost and the builder has accepted that as a condition to the passing of this resolution.

RESOLUTION NO. 202

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

WHEREAS, the Falcon Trace of Halfmoon Planned Development District located approximately one and one half (1.5) miles east of NYS Route 146 adjacent to Upper Newtown Road was approved by the Town Board of the Town of Halfmoon as set forth in section 166-724 in the Code of the Town of Halfmoon; and

WHEREAS, the Planned Development District, as approved, permits the Town Board to modify any of the provisions of this Local Law upon request of the applicant upon such terms as the Town Board shall determine to be reasonable; and

WHEREAS, the applicant for the Falcon Trace of Halfmoon Planned Development District has requested that the local law be amended to permit the issuance of building permits to the applicant despite the fact that the applicant has not received final sign off from the State agencies involved with the understanding that the applicant is proceeding at his own risk; and

WHEREAS, the Town Board of the Town of Halfmoon is desirous of ensuring the health, safety and well being of the citizens of the Town of Halfmoon; and

WHEREAS, the Engineers of the Town of Halfmoon have reviewed and approved the plans entitled “Falcon Trace of Halfmoon Planned Development District” last revised on September 30, 2010, and understand that any building permit will be issued only after that individual address is Engineer; and

WHEREAS, the applicant has provided the Town of Halfmoon with a letter acknowledging that he is proceeding at his own risk;

NOW, BE IT HEREBY,

RESOLVED, that the Town of Halfmoon hereby authorizes the issuance of building permits for the Falcon Trace of Halfmoon Planned Development District subject to receipt of the letter from the applicant acknowledging that he is proceeding at his own risk and subject to the sign off from the Town engineers on each permit to be issued; and it is further

RESOLVED, that all other provisions of the Falcon Trace of Halfmoon Planned Development District shall remain in full force and effect as set forth in section 166-724 in the Code of the Town of Halfmoon.

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

DEPARTMENT REPORTS – month of September

1.	Town Justice Tollisen				
Total cases-	348	Total fees remitted to the Supervisor	-	\$34,459.75	
Filed.					
2.	Town Justice Wormuth				
Total cases-	275	Total fees remitted to the Supervisor	-	\$34,605	
Filed.					
3.	Senior Express Dispatch				
Total # of Riders	-	323	Total # of Meals	-	408
Filed.					

- month of August

1. Senior Express Dispatch

Total # of Riders - 272

Total # of meals

392

Filed.

CORRESPONDENCE

1. Pursuant to Town Law the 2011 Tentative Town Budget was submitted to the Town Board.

Received & Filed.

2. Received from Town Senior Planner Planning Board resolution approving the following: Sign application for R.J. Carignan, 1396 Crescent Vischer Ferry Rd.; change of tenant for Koval Contracting LLC, 10 Guideboard Rd.; Brookview Court lot line adjustment; change of tenant 213 Fellows Rd.; Murray storage building special use permit, 425 Route 146; Dudek Dairy Farm major subdivision Brookwood Rd.

Received & Filed.

OLD BUSINESS

RESOLUTION NO. 203

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

RESOLVED, that the Town Board awards Bid Spec. #5-2010, opened September 29th for Dump Body & Hoist for the Highway department to bidder, T & T Sales Inc., Latham, N.Y. at their total bid amount of \$25,131.

NEW BUSINESS

RESOLUTION NO. 204

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

RESOLVED, that the Town Board approves and orders paid all vouchers for all funds listed on Abstract dated October 5, 2010, totaling \$736,894.00.

RESOLUTION NO. 205

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

RESOLVED, that the Town Board approve minutes of Town Board meeting of September 15, 2010 as presented.

RESOLUTION NO. 206

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

RESOLVED, that the Town Board accepts for dedication as Town Roads, Stone Crest Preserve, Estates of Halfmoon-Phase II, portion of Stone Crest Drive and Fort Hill Drive, as they satisfy the standards set by the Town Roadway dedication procedure.

RESOLUTION NO. 207

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

RESOLVED, that the Town Board authorizes renewal of the following Mobile Home Park Licenses for the 2010-2011 licensing year, per inspection and approval of the Code Enforcement Office: West Crescent Mobile Home Park; Vosburgh Mobile Home Park; Turf Mobile Home Park; D & R Village Mobile Home Park.

Supervisor Wormuth stated, she thanks the Code Enforcement office, they work diligently and spend a lot of time in and out of these communities ensuring the safety of all the residents and appreciates their efforts.

RESOLUTION NO. 208

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

WHEREAS, the Town of Halfmoon, New York and its Assessor have been engaged in litigation with MRK Real Property, LLC, over a claimed excessive assessment on a parcel situate within the Town; and

WHEREAS, the Town of Halfmoon has relied upon the services of Hacker & Murphy, LLP, David R. Murphy, of counsel, to assist it in the defense of contested assessment proceedings on the subject parcels; and

WHEREAS, at the recommendation of Hacker & Murphy, LLP, the Town retained Bauer Appraisal Group to provide preliminary market valuation studies on the subject parcels to assist the Town Board in deciding what constitutes a fair and equitable assessed value for said parcel; and

WHEREAS, the Town Board had previously authorized David R. Murphy, Esq., to engage in negotiations with attorneys MRK Real Property, LLC, to effectuate a settlement; and

WHEREAS, a settlement proposal has been recommended to the Town Board for adoption which, in the view of its outside attorneys and valuation consultants, is a fair and equitable assessment and will save the Town further costs of litigation and the uncertainty of a decision after trial; and

WHEREAS, the Town Assessor has participated in negotiations and supports the proposed settlement as fair and equitable; and

WHEREAS, a draft document of stipulation for submission to the Court has been prepared by the attorneys in the case;

NOW, BE IT THEREFORE RESOLVED that David R. Murphy, Esq., is authorized to enter into a formal assessment agreement between the Town of Halfmoon and MRK Real Property, LLC, agreeing to the following assessment changes for the parcel indicated for the years 2009 and 2010:

PARCEL 278.4-2-84

<u>Year</u>	<u>Original Value</u>	<u>Corrected Assessment</u>	<u>AV Reduction</u>
2009	\$966,000	\$720,000	(\$246,000)
2010	\$966,000	\$700,000	(\$266,000)

AND BE IT FURTHER RESOLVED that David R. Murphy, Esq., is authorized by the Town Board to take all other steps necessary to effectuate this negotiated settlement, it being determined by the Board that said settlement is fair and equitable, and that said settlement will also save the Town substantial attorney’s fees, expert consultant costs, and court costs.

RESOLUTION NO. 209

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

RESOLVED: that Mindy Wormuth, as Town Supervisor of the Town of Halfmoon is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of the Recreational Trails Program, in an amount not to exceed \$250,000 and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Town of Halfmoon for the Champlain Canal Towpath Trail.

RESOLUTION NO. 210

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

RESOLVED, that the Town Board authorizes the Supervisor to make the Transfer between Appropriations and Creation of Appropriations:

A resolution is needed to create the following budget amendment of appropriations and revenues in the Special Revenue Fund for engineering fees for on site quality inspections. These funds are developer’s monies held in escrow by the Town in a regular checking account and used for the payment of costs for that particular project. This resolution is necessary to comply with proper accounting procedures as set forth by NYS Department of Audit and Control.

Debit: Estimated Revenues 25-510 \$5,282
Subsidiary: 25-4-2189 Home & Community Services \$5,282
Credit: Appropriations 25-960 \$5,282
Subsidiary: 25-5-1440.40 Engineering Contractors Inspections \$5,282

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
AAA of Halfmoon	\$130.00
Swatling Falls PDD	268.00
Brookfield Place PDD	4,156.00
Glen Meadows PDD	134.00

Stone Crest Preserve	594.00
Total	\$5,282.00

On September 15, 2010 a creation of appropriations was made for project budgetary accounts for the Erie Canal Community Connector Project with Clifton Park. The Towns of Halfmoon and Clifton Park are collaborating to construct a multi-use trail on the north shore of the Mohawk River. A creation of appropriations is necessary for budgetary accounts for Town of Halfmoon Recreation Fund.

Debit: Unappropriated Fund Balance 25-599 \$133,000
Credit: Appropriations 25-960 \$133,000
Subsidiary: 25-5-9950.90 - \$133,000 Transfer to Capital Projects

A resolution is necessary to close out the Town Hall Capital Project in the amount of \$7,738,100. All monies have been received and expended. Money left over will be returned to the General Fund.

Debit: Appropriations 75-960 \$7,738,100
Subsidiary: Buildings 75-5-1620.20 - \$7,738,100
Credit: Estimated Revenues 75-510 \$7,738,100
Subsidiary: Serial Bonds75-4-5710 - \$7,588,100 Interfund Transfers 75-4-5031 - \$150,000

A resolution is necessary to close out Miscellaneous Capital Project for Zoning Committee which was set up to prepare amendments to the zoning code and subdivision regulations in the Task A proposal amount of \$140,000. Money left over will be returned to the General Fund.

A resolution is needed to appropriate the contributions from Friends of Kathy Marchione Committee; John & Claudia Mazula and Jennifer Whalen. made to the Character Counts Program for the summer recreation program for youths to attend summer camp as follows:

DEBIT: Estimated Revenues 10-510 \$160
Subsidiary: Community Gift Contributions 10-4-2705 - \$160
CREDIT: Appropriations 10-960 \$160
Subsidiary: Character Counts – Contractual 10-5-7989.4 - \$160

Transfers between Appropriations:

From Account	To Account	Amount	Reason
10-5-1990.40 Contingency	10-5-1220.40 Supervisor Contractual	\$1,000	Additional appropriations needed to cover expenses thru year end
10-5-1990.40 Contingency	10-5-3310.40 Traffic Signs Contractual	\$3,400	Additional appropriations needed to cover expenses thru year end

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

Councilwoman Parker stated she wanted to thank Mindy and Mrs. Temple for all the hours they worked on the budget and she is really pleased and proud that they are able to keep it to .44% but more importantly to give our employees a raise this year especially with the cost of things and thanked her and appreciates her efforts

There being no further business to discuss or resolve on motion by Councilwoman Parker seconded by Councilman Polak the meeting was adjourned at 7:15 pm.

Respectfully submitted,

Mary J. Pearson
Town Clerk

10/5/2010

10/2/2010

