

The July 7, 2009 regular meeting of the Town Board of the Town of Halfmoon was called to order at 7:00 pm by Supervisor Wormuth in the A. James Bold Meeting Room at the New Town Hall with the following members present:

Melinda A. Wormuth, Supervisor
Walter F. Polak, Councilman
Regina C. Parker, Councilwoman
Paul L. Hotaling, Councilman
Craig A. Hayner, Councilman
Mary J. Pearson, Town Clerk
Lyn A. Murphy, Town Attorney
Matthew J. Chauvin, Deputy Town Attorney

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.

Councilman Hotaling stated that last year the Mechanicville girls softball team won the Section II Championship Class C and this year they moved up to Class B and won again. He stated there was a dinner in their honor at the "Fairways of Halfmoon" and he, Councilwoman Parker and Supervisor Wormuth attended and the resolution was presented and he would like to ask the Town Board to approve the resolution honoring the Mechanicville High School Red Raider Varsity Softball Team.

RESOLUTION NO. 155

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

WHEREAS, the Mechanicville High School Red Raider Varsity Softball Team is a 2009 New York State Class "B" Champion, winning on June 13, 2009 at Waterloo High School in Waterloo, New York.

WHEREAS, the Mechanicville High School Red Raider Varsity Softball Team is the Colonial Council Champion, 2009 Northeast Regional Champion, and the Section II Class B Champion, and

WHEREAS, the Mechanicville High School Red Raider Varsity Softball Team has a 2009 record of 25 wins and 5 losses and 1 tie.

WHEREAS, each and every team member contributed to the success and achievements of the team;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Town Board of the Town of Halfmoon acknowledges and commends the Mechanicville High School Red Raider Varsity Softball Team.
2. That the Town Board of the Town of Halfmoon acknowledges and commends the Mechanicville High School Red Raider Varsity Softball Team for their superior achievements, accomplishments and athletic skills:

Anna Arceneaux; Mary Katherine Malone; Joelle DiDomenico; Alysa Russell; Shannon McBride; Abby Maiello; Danielle Manupella; Kelsey Heines; Aubrey Moore; Allison Ford; Stephanie Cerkowski; Megan Coon; Lauren France; Amber Maiello; Brittany Ubrich; Liz Jones; Kylie Liberty

-3. That the Town Board further commends the Red Raider Varsity Softball Team Coaches: Don Arceneaux-Head Coach, Bruce Fellows and Abby Acreneaux – Assistant Coaches; and Manager/Coach-Paul DeVoe for their dedication and commitment.

4. That the Town Board directs that a copy of this Resolution be forwarded to the Red Raider Varsity Softball Team signed by the Town Supervisor, proclaiming the Town of Halfmoon's recognition of the Red Raider Varsity Softball Team.

The Supervisor opened the public hearing for the Glen Meadows Planned Development District at 7:06 pm.; no one wished the Notice of Public Hearing be read.

Gavin Vuillaume, Environmental Design Partnership stated he is present with Chris Abele, the applicant. He stated the project has gone through an extensive review process for about one year and they have been in front of Planning Board. He stated they have gone back and forth through plans and reports with the Planning Board and Clough Harbour analyzing everything from steep slopes to wetlands, an archeological study to check for artifacts and a traffic study.

He indicated the property and roads on the and stated it is a 176 acre parcel however they will only develop 148 acres which is being proposed to be rezoned from AR to a PDD. He stated it will stop at the MacDonald Creek and a little less than have would be considered as un-developable with steep slopes and wetlands and ravines. He stated the area they are looking to develop is an abandoned farm field and there won't be a lot of mature forests or trees that would be taken down. He displayed a map with the units broken out. He stated lots traditional single family homes would range between 10 and 15,000 square feet and be like the typical home in Sheldon Hills, from there you would go into another portion that would be twin homes and then a small section of multi-family 3 unit buildings. He stated they spread the units out and gave a little more greenery in between for privacy and the overall design concept has stayed the same. He stated they will bring sewer and water throughout the project and there is an existing water line on Upper Newtown they would connect to that. He stated they would probably hook the water through another subdivision, the proposed Swatling Falls subdivision as well as the sewer connection and they would hope to have a combined sewer system for the two projects and have a single pump station to take care of the sewer.

Mr. Vuillaume stated they would be looking at some future public benefits that could be a very extensive multi use trail system or connection toward Route 236 and there has been discussion on how they might connect this part of Town to other parts of town. He stated the total number of units is 100 all residential.

Mr. Vuillaume stated they have also done some preliminary design both with the storm water management areas and the road design of the project to make sure everything they planned will work. He stated it shows they will have very little disturbance to the site with the cuts and fills required to grade the property. He stated they have come to the conclusion of all the plans and studies they will be doing until it goes to a vote for a rezone.

The Supervisor closed the public hearing at 7:13 pm.

Councilman Hotaling commented they are going to run the water out to Upper Newtown Road and asked where the sewer will end up; Gavin indicated on the map where it will run out to a pump station where it will connect to the Swatling Falls subdivision with a second pump station there which will discharge toward Betts Lane or back out Upper Newtown getting to Route 146.

Supervisor Wormuth asked if the capacity in both those lines has been verified with the County Sewer District.

Supervisor Wormuth asked them to go over the additional public benefit for the other piece. Chris Abel stated the easement is not shown on the map but the Town of Halfmoon has a piece of land on Route 4 & 32 down by the Hudson River close to the intersection of Brookwood Road and 4&32 and he owns a 9-acre piece of land on that corner and as an additional public benefit he has agreed to give the Town easements both parallel to 4&32 and Brookwood Road to construct a bike trail or a multi- use path. He stated this is in addition to the mile of bike trail he has agreed to construct; Supervisor Wormuth stated so there isn't any confusion the construction of the bike trail, if the Town wishes to have it on this property because we are able to obtain other easements that will connect us Mr. Abele is willing to do it there, if not he is willing to either construct somewhere else on town owned property or to present the town with the value of that trail which they have calculated out in a dollar figure that will be included with the PDD so if this connection won't work in a reasonable time frame the Town would not lose any public benefit. She stated the piece of property referenced is on 4&32 across from a piece of property the Town currently owns and is developing a visioning plan for now as part of a waterfront project. She stated this would allow the Town to cross 4&32 from the Town owned waterfront park run along Mr. Abele's property and connect to our Water Treatment plant property and ultimately connect to the Champlain Canal Trail. She stated they feel it is a huge benefit to the Town.

Councilwoman Parker asked what the composite will be for the bike trail; Mr. Abele stated it will be blacktop; Supervisor Wormuth stated the language used to come up with the public benefit for the trail on this project was to construct a bike or walking trail for the Town, location to be determined by the Town, the length of the trail would be approximately one mile and the cost per foot is approximately \$28.00 per linear foot the spec includes 6" of crushed stone fabric, 2" of compact asphalt and the width will be 6'. She stated they calculated it out the value whether it gets constructed for the value comes to the Town. She stated the easement along Mr. Abele's other property is an easement to allow the town to construct the trail and there would be no construction by him and we have been very successful getting grant money.

Councilman Polak stated that Halfmoon lays between two rivers we have more access than a lot of communities and to connect our riverfront property to our canal trail is the long vision of our master plan and our trails committee who worked so diligently to put together and through development it is a win-win situation when we can interconnect trails especially the one along the Mohawk River and it is gratifying to see the people enjoying the trail and the riverfront property.

Councilman Hayner stated this is a nice looking project and they did a great job preserving the green space, 103 acres, and the fact they have some nature trails as well as being able to connect to a major trail. He stated it is a great looking project and is very marketable.

RESOLUTION NO. 156

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

RESOLVED, that the Town Board approves the legislation for the Glen Meadows Planned Development District.

Supervisor Wormuth opened the public hearing for the Town Sign Ordinance at 7:21 pm; no one wished the notice read. She opened the floor to the public for comments.

Al Picchi, 49 Orchard View Drive, is vice president and general manager for Realty USA, stated there are a couple spots in the sign ordinance that he feels is unfair to the real estate companies that have been operating for a long period of time. He stated they use open house signs and directional signs to direct people into subdivisions or open houses and he understands some things have taken place over the past year and a half not in keeping with what they are looking to do with signs. He stated he finds unacceptable to have signs on telephone poles, he sees signs in the middle of intersections that are unacceptable but to change the whole sign ordinance traffic so that signs cannot direct people into specific subdivision or open house probably 30-40% of their business comes from traffic driving around that specific day and getting directed to that house and it will certainly impact their business dramatically in a pretty challenging real estate market today. He stated he would hope they look at the sign ordinance and try to modify it a little and allow for directional signs or open house signs maybe within a certain radius of a subdivision as opposed to a blanket rule in the sign ordinance saying no open house signs and no directional signs except on a front lawn of a specific property or in a specific subdivision.

The Supervisor asked for an explanation of a directional sign; Mr. Picchi stated it is a small sign with two metal stakes in the ground and has an arrow that directs people to an open house or a "for sale". He stated they could be temporary in nature or for a week or two or longer and typically are in more rural areas where you need 2-3 turns to get to a certain house. He stated they hope they can find a way to work together on this.

Bruce Tanski, 11 Meyer Road, stated he has concerns and would like the Town Board to look into off site signage stating, he knows they don't like to do it, but he has a situation and feels they should have the opportunity to come to the Town Board and state their case for an off site sign. He stated one of his main issues is the golf course and is off the beaten path and he would like to be able to put a sign on Johnson Road, the same people he bought the property from also own a piece of property on Johnson Road and, because it is not contiguous to the golf course he can't put a sign there. He stated he would like the Town Board to revisit the issue of off-site signage. He stated he has another situation at Snyder's Restaurant and he would like to be able to advertise certain things if he wants to make a change or advertise a different breakfast and be able to put out a sandwich board for a short period of time and currently they can't do that.

Pete Belmonte, Belmonte Builders, stated he read the sign ordinance and discussed with his peers and the tattooing of telephone poles and creating landing strips in neighborhoods he is guilty of and he certainly got caught up in the masses and apologizes to the Board and it was never the intention to lessen the impression of the Town of Halfmoon. He stated there is an element of necessity when it comes to signs and permanent signs that go through lengthy reviews are not always the signs that every businesses needs. He stated he drove around and looked at the various types of signs and they are very important to businesses and their ability to succeed. He stated they are constantly challenged based on business environment, competition and just dealing with the realities of life. He stated people travel on Sunday's to see open houses and don't know the area and it is very easy for them to get lost and directions are put in fine print in advertisements because there is so much information. He stated to stop using open house, directional or for sale signs in the entirety is not only a struggle for the builders and the people trying to sell their homes but also a struggle for the Town. He stated the housing industry is one of the largest contributors to the economy and we all get the opportunity to enjoy the success of homes selling. He stated he hopes working together we can find a compromise and tasteful signs should be the only thing that is allowed and coming up with a well balanced tasteful sign ordinance he would hope would be a compromise the Town could see clearly to and signage within a reasonable vicinity to a home that is not left up for extended period of times and is not a hazard to traffic he would hope would be things they could consider. He stated signage is the single largest contributor to the sale of homes greater than any other form of advertisement..

Rich Cavagnolo, 55 Outlook Drive South, stated he sees a lot of these signs and asked what is a reasonable distance and some roads are plastered with signs and is very ugly to deal with and look at and people don't change all the time and they just stay there. He stated he understands there is a business side and they generate traffic but a sign that is two miles away isn't going to help anyone and thinks they should look at how far they are away.

Mary Baldi Fron, Dolce & Biscotti Bakery, Towne Center Plaza, stated they read through the sign ordinance and they are disappointed in what the Town has come up with and, they are hoping this review process will enlighten the Town Board as to the problems that a Plaza such as Towne Center has with the visibility aspect. She stated they are not seen by travelers going back and forth on Route 9 and her small sandwich board sign out front does help direct traffic and it is very difficult for people to read the standard sign that is out there due to the size of it. She stated people aren't going to realize they are there unless the sandwich board sign is out there. She stated with this new requirement they would only be able to put that sign up for 90 total days at a cost of \$300.00. She stated they have gone from having a sign out front that would allow people to find them and has increased their business significantly to now reducing that sign to a third of the year and being fined \$300 to utilize that and she finds that unacceptable.

Supervisor Wormuth stated, for clarification, that would be if the Board chose to adopt the portion of the sign definition that permitted it and, it is not a fine, but is a permit fee if the Board chose to adopt it. She stated, for the record, they could be fined \$250.00 a day for the sign they have out there now.

Mary Baldi stated the sign that is out there right is the sole means of what generates business into that Plaza and the way people can find it is the sandwich sign. She stated the main sign is not big enough due to the style and where they are located and the number of slots for people to make it out on Route 9. She stated Plazas like theirs with restricted views from Route 9 should have an exemption to this and they should be allowed to have additional signage. She stated it is very frustrating for people and the Town really needs to rethink this portion of the ordinance to allow small business like hers and many others to be able to flourish and provide a valuable service to the Town of Halfmoon by providing an Italian Bakery, which was a necessity.

The Supervisor closed the public hearing at 7:39 pm. She stated the Board has the option of making comments this evening and voting on the sign legislation as it stands; they have the option of spending time reviewing the comments they heard tonight and deciding if there are changes they would like to propose, if changes are significant in nature it will require the Board to schedule another public hearing which could be done this evening or it could be done after the work is done at a future meeting.

Councilman Polak stated he would like to wait before they make a decision because they had several residents speak and they need to evaluate things that were brought up.

Supervisor Wormuth stated she is willing to support that but thinks the Board needs to make a commitment to do that in short order so they can give the Code Enforcement office some direction on what to do because in the meantime there are businesses who we have asked to cooperate with the current sign ordinance and, not have illegal signs out, and they continue to be out there. She stated some of the reasons this was developed are for safety reasons and it makes it very difficult for code enforcement. She stated she receives lots of complaints from residents and thinks the board needs to commit to coming to a resolution in fairly short order.

RESOLUTION NO. 157

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

RESOLVED, that the Town Board authorizes and approves the determination not to take action and put the revised Sign Ordinance on hold at this time.

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Councilman Polak reported the Hazardous Waste Day at the Clifton Park site will be September 26th, 8 to 4 pm and the registration forms are available in the Clerks office. He reported that the Historical Building is 90% complete on the interior and there are just a few more trims and they will be moving furniture in, the outside is about 40% complete.

Councilman Hotaling reported that there were fireworks scheduled for last Wednesday night and the concert was held but the fireworks were rescheduled and the BelAires concert will be July 22 at 6:30.

Councilwoman Parker reported there are two change orders for the New Town Park, Farina Electric for \$1,505 and, the second change order for Farina Electric for \$1,520 with no resolution of the Board necessary.

Supervisor Wormuth reported on a resolution needed tonight to expend funds in the not to exceed amount of \$325,000 from the recreation fund for additional work to be done in the Town Park. She stated the additional work, which they have received prices for would include paving of the main road within the Park and pricing out some additional dugouts. She stated the only dugouts that were included in the original park bid were for the feature field. She stated when the project went out to bid a little over a year ago we continue to see an increase in the monies that come into the recreation fund based on the growth and development in the town and each new home generates a recreational fee that is set into a dedicated fund to be utilized for town recreation. She stated we have a healthy balance in that fund and the price of

asphalt has dropped significantly, almost half, and they would like to do this as a change order to the park project and provide additional amenities for the residents.

RESOLUTION NO. 158

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

WHEREAS, the Town of Halfmoon has enacted statutory provisions in the Zoning Ordinance for the collection of recreational fees for subdivisions and plots for which the parcel is not suitable for the location of a park of adequate size to meet the needs of the Town of Halfmoon; and

WHEREAS, those fees are collected and kept in a trust fund to benefit the recreational park needs of the Town of Halfmoon; and

WHEREAS, the Town Board of the Town of Halfmoon has authorized the creation of a new town park for the recreational needs of the Town of Halfmoon; and

WHEREAS, the Town Board of the Town of Halfmoon has determined that the project would benefit from expending funds to better the park including but not limited to paving areas not initially paved; and

WHEREAS, the Town Board of the Town of Halfmoon has determined that such proposed improvements on the park project would benefit not only the new subdivisions, but all of the residents of the Town of Halfmoon, and

WHEREAS, the Town of Halfmoon has determined that it would be an appropriate and purposeful recreation and park purpose and would be suitably located for recreational purposes and would benefit the Town and all of the residents of the Town; and

WHEREAS, the monies collected from the development of new plots is kept in separate trust funds; and

WHEREAS, those monies are dedicated for the exclusive purpose of the park;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Town of Halfmoon shall appropriate an amount not to exceed \$325,000 for betterment of the park including but not limited to paving areas not initially paved to be paid from the trust funds held in the recreational trust account.

2. That the not to exceed amount of \$325,000 shall be paid from the dedicated trust fund for recreational purposes.

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

DEPARTMENT REPORTS – month of June

1. Town Justice Wormuth

Total Cases – 421	Total fees remitted to the Supervisor	-	\$42,826
Filed.			

2. Senior Express Dispatch

Total # of Riders	-	276	Total # of Meals	-	336
Filed.					

3. Building

Total permits	-	86	Total fees remitted to the Supervisor	-	\$20,726
Filed.					

4. Fire Code

Total Permits	-	41	Total fees remitted to the Supervisor	-	\$ 1,662
Filed.					

CORRESPONDENCE

1. Received from Town Senior Planner notification of Planning Board determination of positive recommendation to the Town Board for the Plant Road Residential Planned Development District.

2. Received from Town Senior Planner notification of Planning Board recommendation to the Town Board, acting as Lead Agency, that a positive declaration in accordance to the SEQRA process is appropriate for the proposed Halfmoon Village & Yacht Club PDD, Beach Road.

The Supervisor reported that this would require a resolution for the Board to take on lead agency status for a positive declaration.

RESOLUTION NO. 159

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

RESOLVED, that the Town Board, as Lead agency for the Halfmoon Village & Yacht Club Planned Development District that a positive declaration in accordance to the SEQRA process is appropriate.

3. Received from State of New York Department of Transportation notification of receipt of speed limit request for Farm to Market Road.

4. Received from Tai Pan Chinese Restaurant, 1519 Route 9, Halfmoon notification of intent to renew their liquor license.

5. Received from Clifton Park-Halfmoon Fire District #1 annual financial report for year ending December 31, 2008.

6. Received from State of New York Department of Transportation notification of determination of speed limit reduction requests for McBride, Pruyn Hill and Johnson Roads, based on their findings a reduction in the speed limits is not warranted at this time

Supervisor Wormuth requested entering into the record a correspondence from Linda Sala, 87 Pruyn Hill Road, regarding some safety concerns she has on Pruyn Hill Road as it relates to the reduction of the speed limit request. She stated the Board has agreed that the Highway Superintendent and herself will look at the area and respond to her.

The letter is as follows:

OLD BUSINESS

Supervisor Wormuth reported, relative to the next item, that the Inglewood PDD was approved as a PDD with Diamond Development LLC Corp being the applicant. The lands are owned by Paul Weber and the property has reverted to him as they have not followed through on their clause to purchase the property and his request is that the PDD extension be granted for a two-year period in order to allow it.

RESOLUTION NO. 160

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

WHEREAS, a proposal has been submitted for an amendment to the Planned Development District Legislation known as Inglewood Planned Development District, proposing to extend for two (2) years the time period for construction, and

WHEREAS, an application has been received proposing to extend and modify Article XLIX, Section 166-637 to extend the period for construction for two (2) years without public hearing as is provided in the original Local Law, and

WHEREAS, the proposal does not require a public hearing, and

WHEREAS, the Town Board has reviewed the proposal and the letter application, and

WHEREAS, the proposal is in accordance with the originally adopted Local Law,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the proposed extension of the Local Law and the provisions for the commencement of construction for two (2) years, be and the same hereby is approved.

2. That Section "5" of the Local Law previously adopted, be and the same hereby is amended as follows:

"Section 5" This Amendment shall be deemed automatically revoked and void, and the previous regulations and laws shall obtain, if within two (2) years from the effective date of this Amendment to the Local law, commencement of the construction of Inglewood Planned Development District has not begun, or if after construction has begun, unless substantial progress continues without undue interruption thereafter, or if the development is not complete within four years of such approval. As to the area within which a building or buildings have been constructed pursuant to this Local Law there shall be no voiding of the Amendment and as to said area and building or buildings, this amending Local law shall continue in full force and effect and the area zoned by this Local Law shall be the area within which said building or buildings was or were constructed pursuant to this amending Local law. For proper cause shown the Town Board of the Town of Halfmoon may, upon such terms and conditions as it deems proper, extend either the two (2) year period or may waive the requirement that substantial progress shall continue without undue interruption. Any such extension of time or waiver may be made by the Town Board without a public hearing. In the event no application is made to the Planning Board for final site plan approval within two (2) years of this amendment, or substantial progress is not made on said application within two years thereafter, this Local Law shall be deemed automatically revoked and the previous zoning shall apply.

On June 16th agenda: Swatling Falls PDD positive recommendation & updated narrative

The Supervisor stated, relative to the Swatling Falls PDD has been before the Town Board previously, referred to the Planning Board and received a positive recommendation from the Planning Board and this is the first time the Town Board has seen it back since it went to the Planning Board.

Scott Lansing, Lansing Engineering, stated the project is located at 162 Upper Newtown Road and the overall parcel is 94.79 acres; existing zoning is AR and requires a minimum lot size of 20,000 square feet. He displayed an aerial photo of surrounding areas with a lot a vacant land, agricultural land, single-family homes but mostly agricultural lands throughout the area. They have taken a look for Army Corp. wetlands, 5.51 acres located in the lower portion of the project near McDonald Creek. He stated there are forested areas, nice hillsides and rolling terrain, existing agriculture area and a very nice specimen tree and the biggest attribute is a waterfall in the northwestern portion. He stated the applicant is proposing 4 basic uses for the parcel, 2 family units twin homes, carriage homes, traditional homes and an estate lot that the current owner of the property wishes to retain and reside in. He stated the Carriage homes, which are single-family homes and will be moderately priced and, will be on the northeastern portion of the parcel. He stated the size would be 10,000 square foot minimum per lot. He stated they are proposing middle-sized Traditional neighborhood single-family homes that will be situated along the eastern property line in the southern portion of the parcel. He stated they would have 10,000 square foot

minimum per lot. He stated there would be two-family homes that will be duplex town homes and will be along the northern property line. He stated they would be 20,000 square foot minimum per lot and 10,000 square foot minimum per individual unit. He stated individual ownership is proposed for each side of the units.

He stated there would be a total of 100 units in the cluster development and will include roadways to be designed and constructed to Town standards and, be dedicated to the Town. He stated public water and sewer would be extended to the project and, storm water would be managed on site. He stated they calculated and determined that 97 units would be permitted under conventional calculation and this is 7 units extra that they are requesting the Board's consideration for.

He stated what they are proposing to off-set this, as a community benefit, would be the open space provided, proposing approximately 45.07 acres of open space. He stated there is an error in the narrative and it stated 56 acres. He stated there is also the Waterfall in the back portion of the parcel, which is a beautiful natural feature and will be incorporated into the open space. He stated there is public parkland they are proposing as Town owned open space and, a trailhead and a trail system throughout the entire project and is proposed to be within a Town owned corridor and would be open to all residents of the Town.

Supervisor Wormuth asked if the 43 acres of open space as part of the public benefit is proposed to be owned by one person or one entity.

Mr. Lansing stated the open space would be two fold and would be a mixture of both town owned and HOA. He stated the initial application to the Town Board had all the open space proposed as Town owned open space but they have carved that up. He stated the primary area by the waterfall, the trailhead and all the trails would be town owned and indicated on the map the areas of HOA land, primarily the area around McDonald Creek and the waterfall.

The Supervisor asked if they are proposing that the trails be constructed, Mr. Lansing stated they are proposing the trails be constructed and, at this time the applicant is proposing a walking trail perhaps stone dust or bark mulch approximately 6 feet wide. He stated they would work with the Planning Board and trails committee to see exactly what fits the needs of the Town and would be open space donated to the Town.

Councilman Polak asked who is going to maintain all the green area to the east; Mr. Lansing stated there is existing forested area they are trying to maintain and there is only 5.51 acres of wetlands on the overall 94 acre parcel and there is a mixture of HOA land and part of the estate lot but not the Town with the exception of the trail corridor that would be dedicated to the Town.

Councilman Hotaling asked if the sewer pump station would be using the same station as Glen Meadows using the same discharge line but independent pump stations; Scott Lansing stated that is correct and they have met with Environmental Design Partnership and talked about different ways of doing that but don't have all the details yet but they are working together; Supervisor Wormuth commented capacity wise they will both stand on their own together with Saratoga County Sewer District.

Councilman Parker stated the area of the waterfalls that will be dedicated to the Town is a huge liability and asked how big that parcel is; Mr. Lansing stated it is 27.93 acres.

Councilman Hayner asked for clarification on the trail down by the estate section and will it ultimately connect to the Champlain Canal and Town Park or is it basically for that community only; Scott stated there are connection points toward the northern portion of the project, up to Upper Newtown Road and the adjacent Glen Meadows project; the Supervisor stated it gives us some options and is not a direct line to get us further toward the canal but the unique feature is the waterfall and is a nice separate area, however our town attorney does have some concerns with having a public access and the liability associated with that.

Supervisor Wormuth asked where the roadway connection is to the Glen Meadows project being referred to; Scott indicated the area for the layout on the map.

Supervisor Wormuth stated they would like more time to go over the maps.

RESOLUTION NO. 161

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

RESOLVED, that the Town Board sets a public hearing for the Glen Meadows Planned Development District for July 21st at 7 pm.

NEW BUSINESS

RESOLUTION NO. 162

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

RESOLVED, that the Town Board approves and orders paid all vouchers for all funds listed on Abstract dated July 7th, 2009, totaling \$393,942.52.

RESOLUTION NO. 163

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

RESOLVED, that the Town Board approves minutes of Town Board meeting of June 2, 2009 as presented.

RESOLUTION NO. 164

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

RESOLVED, that the Town Board authorizes a cash advance in the amount of \$250.00 each for travel expenses for Water Department employees Ron Fellows, Thomas Lundquist and William Robitaille to attend the Water Operator Certification Course at Morrisville State College on July 21st through July 22nd, 2009.

RESOLUTION NO. 165

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

RESOLVED, that the Town Board authorizes waiving fee for Permit #8557 issued for the Town Historical building.

RESOLUTION NO. 166

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

WHEREAS, the Town of Halfmoon is applying to the Hudson River Valley National Heritage Area and the Hudson River Valley Greenway for a grant under the Hudson River Valley Quadrcentennial Implementation Grant for a project entitled “Town of Halfmoon and Halfmoon Historical Society Quadrcentennial Exhibition”,

WHEREAS, the grant application requires the applicant municipality to obtain the approval/endorsement of the governing body of the municipality;

NOW THEREFORE BE IT RESOLVED, that the governing board of the Town of Halfmoon hereby does approve and endorse the application for a grant under the Hudson River Valley Quadrcentennial Implementation Grant Program, for a project known as “Town of Halfmoon and Halfmoon Historical Society Quadrcentennial Exhibition”.

RESOLUTION NO. 167

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

RESOLVED, that the Town Board authorizes the Superintendent of Highways to submit the following items to Auctions International, e-mail Auction site: 1) 2-charcoal Grills; 2) 1-Construction Trailer; 3) 7-Concrete Barrel Risers.

RESOLUTION NO. 168

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

RESOLVED, that the Town Board authorizes the Supervisor to make the following 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	\$28,573.77
	Subsidiary: 25-4-2189 Home & Community Services	\$28,573.77
Credit:	Appropriations 25-960	\$28,573.77
	Subsidiary: 25-5-1440.40 Engineering Contractors Inspections	\$28,573.77

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

NAME	AMOUNT
Plant Road PDD	\$2,001.50
Pino Comm/Lt Ind	326.00
Werner Subd	984.30
Werner Subd	1,481.00
Temple Baptist Church	1,467.50
Temple Baptist Church	264.00
Specialized Audio-Visual	528.00
Harvest Church	2,191.50
Harvest Church	503.50
Swatting Falls Residential	2,785.50
Swatting Falls Residential	1,332.80
Glen Meadows PDD	1,203.50
Summit Hills Dedications	132.00
Abele PDD-Sheldon Hills	562.50
Abele PDD-Sheldon Hills	155.00
Abele PDD-Sheldon Hills	1,366.00
Abele PDD-Sheldon Hills	528.00
Pan-Am Southern RR	3,022.00
Pan-Am Southern RR	4,414.50
Pan-Am Southern RR	3,324.67
TOTAL	\$28,573.77

Transfers from Appropriations:

From Account	To Account	Amount	Reason
10-5-1990.40 Contingency	10-5-8020.40 Planning Contractual	\$3,500	Transfer of appropriations needed to cover advertising for planning board fees and permits

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

Richard Cavagnolo, 55 Outlook Drive South, asked what the status was of the Acting Deputy Town Attorney, Paul Pelagalli investigation.

Supervisor Wormuth stated he reported to her last week that he would be out of town for a week on vacation expecting to be wrapping up things this week. She stated she would ask him to be at our next Town Board meeting on July 21 either in person or provide a written report to her.

Mr. Cavagnolo stated he also mentioned that he would go out to their development and he has not done that yet and feels it should be part of the process for the report; the Supervisor stated she hasn't had a specific discussion with him about that but would be happy to and, if he agreed to it she is sure he will follow through on it and she will contact him and follow up within the next couple of days.

Mr. Cavagnolo stated he submitted a FOIL request and the information he requested might be information that Mr. Pelagalli would need to do a thorough investigation and wonders if he has the information. He stated his FOIL has been extended twice over twenty business days and if not received by Friday would be a denial.

Brendan Lyons, 139 Vosburgh Road, asked about zoning for a subdivision of a parcel and he thought what would be required would be a site plan application maybe a SEQRA determination and a resolution of the Planning Board.

Attorney Murphy stated, pursuant to the regulations at that point in time, if asking today yes it would be required; Mr. Lyons it relates to a FOIL he filed in April for records on the subdivision of a parcel of land in the rear of Vosburgh Road in the AR parcel and the only thing that was turned over to him directly related to the subdivision was a map that showed Summit Hills and this parcel and the Town planning board has a record receiving from the Town that this parcel was subdivided in 2001. He stated it was a large FOIL asking for other things and that particular information wasn't provided and wasn't provided on appeal. He stated the appeal wasn't properly answered and, the Board as governing body of the Town they are empowered to enforce FOIL in the Town and they ultimately can make decisions on these FOILS. He stated he is asking if someone from the Board would get them these records as there has to be something from 2000. He stated it would help them in their research and be valuable to Mr. Pelagalli.

Supervisor stated, from her conversation with Mr. Pelagalli prior to his vacation last week is that he has received and compiled information relative to that FOIL request specific to that subdivision and that he is reviewing it. She stated she also understood that he had responded to our appeal and let him know he is looking into it. She stated she is not sure why he is feeling like he didn't get a response and she will follow up with him tomorrow.

Mr. Lyons stated he thinks a lot is laying on the shoulders of the Town Clerk in the process and he brought copies of Bob Freeman's, Committee on Open Government letter, and asked him to please give him an opinion and he submitted a 5-page opinion. He stated it is his opinion the law wasn't

followed in this response; Supervisor Wormuth stated she will accept the letter and keep an eye out for the letter in the mail and stated Mary is responsible for mailing out the information that is compiled but without knowing what he submitted to Mr. Freeman she doesn't know what he based his information on and she would be happy to review it with Paul Pelagalli who has been handling this, based on his request that our attorney's recuse themselves from this.

Mr. Cavagnolo stated it is important that Mr. Pelagalli said his request was denied and access was blocked and it is up to the Town to determine.

The Supervisor stated she will call him tomorrow morning and sort it out and ask him to provide a written response to the Board so they have the opportunity to see it prior to the next meeting.

Mr. Lyons asked if the Town has a records appeal officer; Supervisor Wormuth answered that it is herself; Mr. Lyons asked the Board to review Mr. Freeman's input and think about the process of FOIL in the Town and how it is handled and reconsider the information and, at this point his only recourse is to file an Article 78 and pay a filing fee. He stated the attorney's give advise and it is probably sound advice but, they have the power and authority to make the decision; Supervisor Wormuth stated she can't respond without talking to the attorney handling it and without seeing Mr. Freeman's letter.

Mr. Lyons stated a couple residents have asked him about property at 27 Vosburgh Road as having a demolition permit and they were alarmed the trucks were taking the siding and, it was their understanding there was a \$10,000 cost for asbestos abatement and they were concerned the siding was just being ripped off and workers were not wearing protective gear. He stated they didn't know whether it was a danger to them; the Supervisor stated she will have Code Enforcement go to the site and see what permits were issued first thing in the morning.

Mr. Cavagnolo stated this is information they are trying to get and it is important to them to get prior to the next meeting and they need the Town's help and haven't gotten a lot of help from the Town. He stated they were shut out from the planning department and when they request something people look the other way. He stated he is sure Mr. Pelagalli is doing a good job but they need some help.

Motion by Councilwoman Parker seconded by Councilman Hotaling to adjourn at 8:25 pm.

Respectfully submitted,

Mary J. Pearson
Town Clerk

7/7/2009

