

The December 1, 2009 regular meeting of the Town Board of the Town of Halfmoon 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  
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.

The Supervisor stated there is a presentation by Elan Planning & Design for the Hudson Riverfront Park. She stated they are working with the Town on developing a concept plan.

Mr. Jere Tatich stated he is with Elan Planning & Design and will go through the mission statement for the park and talk about the site and the proposed plan. He stated the committee members representing the community are Nelson Ronsvalle, Craig Hayner, Hanna Blake, Kim Martin, Chris Abele, Henrietta O'Grady, Charles Hoffman, PJ Maiello and Lindsay Zepko. He stated the site is 2 ½ acres along the Hudson River on Route 4 and currently has a residential property on it that they will be taking down. He stated they looked at the possibility of utilizing it in the design but it would be too expensive to rehab and reconfigure for use for the park. He stated the park is proposed to be a passive park that will accommodate non-motorized boat use such as canoes, kayaks and boats of that nature. He stated the site has a gorgeous view of the Hudson River and there will be parking for 25 vehicles and at the end is a staging area for the canoe / kayaks to unload. He stated there is a walkway that goes down to the shoreline and the landing is part of a larger greenway trail. He stated the walkway goes down to the river where there is a restroom facility and a slip at the south end there will be a seasonal dock that will be taken out and there will be a concrete pad. He stated there would be a walkway adjacent to the parking lot and connects to a route stone dust trail and at the center is a pavilion that will accommodate approximately thirty-five people. He indicated beautiful white oak trees and the committee wanted to retain the beautiful views from the river and the road. He stated the pavilion will be Greek revival style and will be a central location and will accommodate 6 to 8 tables. He stated the restroom is located closer to the road and serves the park and the trail and the style is similar to the pavilion and will be Greek revival style and will have two restrooms and a storage area in the back and a central urn. He stated there will be a sign at the entrance and would be low key.

Mr. Tatich stated they have had three meetings and went over design options and picked the design style. He stated they are working on the construction documents, still within budget, and bidding will be in January for spring construction.

Councilwoman Parker commented the brick building down there is going to be taken down and asked if there wasn't a way they could use that; Mr. Tatich stated there is the ranch house and a garage and to make it handicap accessible is a challenge and to make it function as a restroom was also a challenge and aesthetically it was not too accommodating toward what the park wanted to say; Supervisor Wormuth stated also the location on the site as far as the river views was also something they looked at.

He stated they will be putting in a new septic system; Supervisor Wormuth stated the Sewer District is doing a study of the viability of extending sewer on 4 & 32 and they will keep that in mind as this progresses; Mr. Tatich stated they electric and water going to the area Councilwoman Parker stated she doesn't understand why they can't use the existing septic and why they need a new septic; Councilman Polak stated with the age of the house and the septic system it is probably outdated; the Supervisor stated they are talking about extending the trail to reach our 4 & 32 trail at some point by getting some land from Mr. Abele as one of the public benefits for his project and imagines this would be highly utilized by the public on the trails if

the restroom is there; Councilwoman Parker stated there will only be parking for twenty vehicles.

Councilman Hayner stated he commends Jere, Ryan, Peter and Charlie for their work I getting this through and the thanks the committee members, although it is not finished yet, the committee has put in time, effort and great input to move this along within 3-4 meetings.

Supervisor Wormuth stated she commends Craig, Nelson and Kim as the staff involved as well as the other planning staff and parks department, they have done a wonderful job bringing this a point where they can look at it and get comments and review and have it done so quickly and having the grant money to support it.

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

Councilman Polak reported that the Town transfer station will be closed on Friday, December 25<sup>th</sup>, for Christmas, but will be open on Saturday, December 26<sup>th</sup>, regular hours with extra staff. He stated they will not be open an extra day for Christmas or New Year's.

Councilman Hotaling reported on Thursday, December 3 at 6:30 pm they will have the tree lighting ceremony at the Gazebo and everyone has been asked to attend; he stated that last Sunday they had a tremendous outpouring of help to deliver 122 turkey's to needy families in Town and thanks everybody for their hard work and efforts gathering food and getting people to help out.

Councilwoman Parker reported she thanks Sorrentino's market for their contribution of turkeys that they delivered.

Councilman Hayner reported that the Town Board has made arrangements to set up a meeting with Halfmoon Baseball on December 15<sup>th</sup> for the pre-meeting at 5:30 pm to discuss rules in the Park and get input and discuss what will go on inside the park and, is open to the public.

Supervisor Wormuth reported that the Census Bureau is holding job workshops with testing sessions this month at Town Hall; one is December 10<sup>th</sup> at 10 am and one December 22<sup>nd</sup> at 10:00 am; information is in the hallway and phone numbers, these are temporary jobs at \$13 per hour.

The Supervisor stated they wanted to remind everybody that the United Way has set up in the Capital Region a hotline called 211 that families or individuals needing assistance can call for help with anything from child care issues, needing food, help paying your rent or mortgage, heat and will set up with an appropriate social service and see what they can do to help.

Supervisor Wormuth stated as follow up to Councilman Hotaling and Councilwoman Parker comments there are so many individuals and businesses who gave to our food donation it is hard to list them all here this evening and, as we move through the holidays at future meetings we will have a Thank You Ceremony for all of the businesses and individuals involved. She stated she knows New County has been very helpful and has been for years, Wal-Mart was, several Town employees and lots of other small and large businesses and they appreciate their generosity.

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

## **DEPARTMENT REPORTS – month of October**

1. Senior Express Dispatch

Total No. of Riders	-	223	Total No. of Meals	-	272
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***Filed.***

## **CORRESPONDENCE**

1. Received from Town Planner notification of Town of Halfmoon Planning Board decision to deny the Papa John's Pizza in the Plant Road Plaza pursuant to Article 6, Section 602 of the "Local Laws relating to Zoning of the Town of Halfmoon".

*Received and Filed.*

2. Received letter of resignation from Town Water Department employee, Thomas P. Lundquist II effective at close of business December 1<sup>st</sup>, 2009.

*Received and Filed.*

3. Received letter of thanks from the Mohawk Towpath Scenic Byway Coalition, Inc. for the Town's assistance with the 7<sup>th</sup> Annual Duathlon on October 14<sup>th</sup>.  
*Received and Filed.*

## **OLD BUSINESS**

### **1. Plant Road Planned Development District**

The Supervisor stated Gordon Nicholson from EDP is present to provide an update. She stated this project has been before the Board, referred to the Planning department and referred back to the Town Board with a positive recommendation for the zone change. She stated a presentation has been made to this Board and there were some outstanding questions relative to public benefit and how it related to some of the traffic improvements.

Mr. Nicholson stated the public benefit was crafted to provide benefit directly to the residents on Plant Road such as Orchard Park and Cardin Acres. He stated the road improvements they are proposing at the south end of Plant Road was the construction of a second southbound lane for right turns onto Route 9 and they are estimating that cost to Creighton Manning Engineering, the traffic engineers, at \$120,000 and, he stated they are looking at the north end of Plant Road the construction of a "T" intersection to remove the "Y" intersection and Creighton Manning has estimated the cost to accomplish that at \$350,000 and they feel those are the two existing primary issues with Plant Road they think would be the greatest benefit to the people who travel on Plant Road. He stated the third public benefit they are looking at is an 8" waterline loop from the site entrance north to the existing 12" waterline and Old Route 146 and the estimated cost to accomplish that is approximately \$150,000 for the 3,000 linear feet and this in conjunction with 2,000 linear feet of 8" water main extension from Orchard Park to the site entrance complete a loop to improve low pressure and flow concerns in Orchard Park which was expressed early on in the review process and the public benefit they are looking at is approximately a total of \$620,000 to accomplish those three improvements.

Councilman Hotaling commented that he went to the site today and improvements were made behind the plaza and asked where they will be widening the road on the south end because there is only a two foot shoulder on the plaza side and a big ditch and only eight to ten foot to the telephone poles on the other side of the road; Mr. Nicholson stated it will be a combination centered between both of those and they may have to move the ditch but that is something they will look at in the detailed engineering with Creighton Manning and they have been looking at it with Clough Harbour and had conversations about the best improvement possible to get the turn lane in; Councilman Hotaling stated he has concern because there is a gas pipe sticking up and the telephone poles are so close on the other side of the road; Mr. Nicholson stated it may require the relocation of some of the utilities and on the north end they will remove the telephone pole out of the middle of the "Y" and the expense of moving that is one of the reasons the Town hadn't embarked on that improvement in the past and was something they considered early on and one of the reasons why the expense is estimated at \$350,000.

Supervisor Wormuth stated the Town engineer has also reviewed the recommendations and feels that both of those benefits can be provided with minimal interruption to things and the costs associated are reasonable and if the costs exceeds the applicants estimation that will be on him. She stated the approval of the PDD will be based on those being completed and the ditch on the southern end is actually within the Town right of way so relocating is not a matter of if the current landowner would like it done or not.

Councilman Polak commented on the intersection being discussed stating engineering wise it works and he wants to make sure it will work because it is narrow there he wants to make sure it doesn't hamper our highway departments ability to move snow and that the ditch line works so we don't get the flooding on Plant Road that we had previously. He stated they would be two major concerns and if that doesn't work he would like to make sure they come back before the Board and they will reevaluate the project and the turning lane is essential to the project; Supervisor Wormuth stated that is something if it doesn't work from an engineering point of view; Attorney Murphy stated based on the Board's concerns she has already had several discussions when that will be a requirement as part of PDD and for some reason it can't happen but everybody is telling them it can, they will have to come back before this Board so they can reevaluate the public benefit.

Councilwoman Parker commented there is already flooding and washing out from the new ditch area and has gone somewhat into the turning lane now so it is an issue going out onto Route 9. She stated there may not be flooding at Marina Wood's and Plant Road but there is trouble at Plant Road and Route 9; Mr. Nicholson stated there engineering work will include looking at the drainage there; Supervisor Wormuth stated she agrees while it continues to be concern the one thing she will say is that the Planning Board and engineers did a market job in improving it from what it had been.

Councilman Hayner commented that in the buffer area between the DeVoe property and this project a trail seemed to pop up and they asked it be taken out and questioned if it has; Mr. Nicholson stated it hasn't been removed from the plans but they are in agreement with removing it from the plans and the whole purpose of that trail in discussion with the Planning Board they suggested that some cross pedestrian movement may be something the Town wants to promote in the future which is why they illustrated the trail there but the removal of the trail is fine with them; the Supervisor stated that is something they will do at final site design and this Board can send it along with that and incorporate language in the PDD that would prevent a trail from being located within close proximity to the neighbors if the Board so wishes.

Councilman Hotaling stated he would like to request that both ends of Plant Road have improvements before a CO is given in the project and the waterline completion by about 30% build-out; Supervisor Wormuth questioned the suggestion so she understands it that they could start building and doing the development but not actually occupy the homes prior; Councilman Hotaling stated they would not get a CO until both ends of the road were improved and 30% build out they would have to have the waterline completed for the loop; Supervisor Wormuth stated they can draft some language that reflects that and review it with the applicant.

#### RESOLUTION NO. 253

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

RESOLVED, that the Town Board approves the Plant Road Planned Development District.

#### **NEW BUSINESS**

#### RESOLUTION NO. 254

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

RESOLVED, that the Town Board approves and orders paid all vouchers for all funds listed on Abstract dated December 1, 2009, totaling: \$1,200,918.40

Supervisor Wormuth stated, relative to next item, that she appreciates all the hard work the Code Enforcement office puts into doing these every year.

#### RESOLUTION NO. 255

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

RESOLVED, that the Town Board authorizes renewal of the D & R Village Mobile Home Park license for the 2009-2010 licensing year, per inspection and approval of the Code Enforcement office.

#### RESOLUTION NO. 256

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

RESOLVED, that the Town Board waives all building permit fees for construction of the shed at the Halfmoon Senior Center.

RESOLUTION NO. 257

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

RESOLVED, that the Town Board waives all building permit fees for the replacement of the pole barn at the Town Highway Garage.

RESOLUTION NO. 258

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

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

DATE: December 1, 2009  
TO: Town Board Town of Halfmoon  
FROM: Melinda A. Wormuth Supervisor  
SUBJECT: Creation of Appropriations and Transfer 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 \$14,626.76  
Subsidiary: 25-4-2189 Home & Community Services \$14,626.76  
Credit: Appropriations 25-960 \$14,626.76  
Subsidiary: 25-5-1440.40 Engineering Contractors Inspections \$14,626.76

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

NAME	AMOUNT
Fellows Rd Realignment	\$10,573.36
Pino Comm/Lt Ind Park PDD	402.00
Glen Meadows PDD	727.50
Harvest Bend	748.20
Boyack Road Insp	199.50
Stone Crest Preserve	1,976.20
TOTAL	\$14,626.76

A resolution is needed to increase appropriations for the Fishing access for physically challenged individuals to the Mohawk River. This project was created on December 28, 2007. This increase will be paid from Interest earned on the capital project monies.

Debit: Estimated Revenues 35 - 510 \$774.00  
Subsidiary: 35-4-5031.00 Interfund Transfers - \$774.00  
Credit: Appropriations 35 – 960 \$774.00  
Subsidiary: Special Recreational Trails 35-5-7180.20 - \$774.00

A resolution is needed to increase appropriations for the construction of Capital Project for the new Town Hall in the amount of \$150,000 for a new Town Hall project total of \$7,738,100. This increase will be paid for from the General Fund Unappropriated Fund Balance and there will be no new debt created for the Capital Project.

Debit: Estimated Revenues 75 – 510 \$150,000  
Subsidiary: Interfund Revenues 75-4-5031 - \$150,000  
Credit: Appropriations 75 – 960 \$150,000  
Subsidiary: Building 75-5-1620.20 - \$150,000  
Debit: Unappropriated Fund Balance 10-599 \$150,000  
Credit: Appropriations 10-960 \$150,000  
Subsidiary: Transfer to Capital Projects 10-5-9950.90 - \$150,000

Transfers from Appropriations

From Account	To Account	Amount	Reason
20-5-9060.80 Employee Benefits Medical Insurance	20-5-9710.70 Interest Serial Bonds	\$30,000	Transfer of appropriations needed to cover interest payment for serial bond
20-5-5140.41 Miscellaneous Contractual Fuel, Gas	20-5-9710.70 Interest Serial Bonds	\$50,400	Transfer of appropriations needed to cover interest payment for serial bond
30-5-9710.70 Interest Serial Bonds	30-5-9710.62 Debt Service Zone 2 Principal Debt	\$2,699	Transfer of appropriations within own budget to cover debt expense thru year end
30-5-9710.70 Interest Serial Bonds	30-5-9710.73 Debt Service Zone 3 Interest Debt	\$5,225	Transfer of appropriations within own budget to cover debt expense thru year end
30-5-8320.20 Source of Supply, Power & Pumping Equipment	30-5-8310.42 Administration Contractual Legal Fees	\$24,680	Transfer of appropriations to cover legal fees for Hudson River dredging
30-5-9710.70 Interest Serial Bonds	30-5-8310.42 Administration Contractual Legal Fees	\$33,000	Transfer of appropriations to cover legal fees for Hudson River dredging
30-5-8330.42 Purification Contractual Chemicals	30-5-8310.42 Administration Contractual Legal Fees	\$23,115	Transfer of appropriations to cover legal fees for Hudson River dredging
10-5-3610.40	10-5-3610.20	\$360.00	Transfer of appropriations needed within own

Code Enf. Contractual	Code Enf. Equipment		budget to cover purchase of filing cabinets
10-5-1990.40 Contingency	10-5-1620.20 Buildings Equipment	\$125,000	Transfer of appropriations needed for emergency replacement of the Highway Salt Shed domed roof

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

Bruce Tanski, Clifton Park, stated he would provide an update on Fellows Road. He stated they blacktopped the main part of the road except for the last twenty feet on top. He stated they stopped because of darkness and he promised the Supervisor they wouldn’t be out there past dark so they still have that to do and the main part of Fellows Road is done. He stated they will close the back loop tomorrow out to Route 146 and they are only putting binder in because they will removed. He stated they painted stripes on the existing lines and if the weather permits they will be 100% done tomorrow with the blacktop. He stated they are having a problem with the removal of the telephone poles and he has filed a complaint on Friday and Verizon sent out an engineer and they will take them down but not in time to get blacktopped until spring. He stated at least everything will be able to be plowed and they are well on their way.

Supervisor Wormuth stated the only outstaying issue we have is the Board is still waiting to hold a public hearing on the closure of Fellow’s Road which they are awaiting legal descriptions from their legal teams and if they could forward to our legal team that would help the process.

Mr. Tanski stated he got a map from Lansing that shows the new driveways and wonders if the Board should board look at them or if they should have a public hearing based on the new maps.

Attorney Murphy stated he will need to have a public hearing to do the abandonment and the Board should have a copy of the changes that were made prior to proceeding. She stated in addition to the map they will need the legal descriptions of what portions are going to the adjoining landowners and there is controversy as to who wants what.

Supervisor Wormuth stated they would receive the legal descriptions and the proposal of the way it would look and hold the public hearing and adjust it based on the public hearing. She stated this Board would not want to be in the position of forcing someone into accepting property they do not want need descriptions.

Mr. Tanski stated the other issue is the well for Meredith Fellows. He stated they realize the well is on Town property and they are going to hook them up to Town water in the spring and asked them to call Jeff Williams to be sure he is on board with it.

Councilman Polak asked if they shimmed the road shoulders, as they were dangerous.

Mr. Tanski stated they shimmed them and backed then all up with 8-10” of crusher run.

Councilman Polak stated he sympathies with him getting satisfaction with the utilities.

Supervisor Wormuth asked Mr. Tanski to consult with Mr. Pingelski to make sure he is satisfied with the plow-ability of the roads.

On motion by Councilman Polak, seconded by Councilwoman Parker the meeting was adjourned at 7:39 pm.

Respectfully submitted,

Mary J. Pearson  
Town Clerk

