

The July 15, 2008 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, 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
Matthew J. Chauvin, Deputy Town Attorney

Lyn A. Murphy, Town Attorney - Absent

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 first item on the agenda is a Resolution honoring Mechanicville High School Red Raider Softball Team.

Councilman Hotaling congratulated the team and the coaches and read the resolution as follows:

RESOLUTION NO. 162

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

WHEREAS, the Mechanicville High School Red Raider Varsity Softball Team is a 2008 New York State Class "C" Champion, winning on June 14, 2008 at Bagsai Softball Complex in Binghamton, New York.

WHEREAS, the Mechanicville High School Red Raider Varsity Softball Team is the 2008 Northeast Regional Champion and the Section II Class C-CC Champion and Section II Class CC Champion, and

WHEREAS, the Mechanicville High School Red Raider Varsity Softball Team has a 2008 record of 22 wins and 8 losses.

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 commends the following members of the Red Raider Varsity Softball team for their superior achievements and accomplishments and athletic skills:

Lindsey McKeever; Alysa Russell; Danielle Manupella; Kelly Murphy; Abby Maiello Lauren France; Nina Cervini; Mary Katherine Malone; Allison Ford; Toni Liberty; Joelle DiDomenico; Andrea Mastropietro; Alyssa Heller; Stephanie Cerkowski; Emily Hosley; Anna Arceneaux; Shannon McBride

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

4. That the Town Board directs that a certified 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.

Supervisor Wormuth stated Mr. Kevin Dailey will do a presentation on the Boni Planned Development District for a hospital. She stated the Board received a revised project narrative,

conceptual site plan and traffic impact study, dated 12/18/2007. She stated Scott Lansing from Lansing Engineering is also present.

Mr. Dailey stated they had a lot of input and worked very hard with the Town Planning Board and the product they see tonight is the fourth version. He stated what is before them tonight is the plan that was recommended by vote of the Planning Board back to the Town Board for consideration. Mr. Dailey stated originally they were looking at a larger proposal the hospital building itself is 225,000 square feet, 5 stories which is adequate and the right size for a full blown emergency room and up to 120 beds. He stated there is an additional, at one time 470,000 additional square feet and it was sized that large because at that time the Town was suggesting they build a north-south connector road to a future east-west connector road opposite Werner Road and go due south through the property next door to them. He stated through conversations with Town professionals looking at the Bolisky property other than an acre or two almost the entire property is wetland including standing water at the southern end. He stated they did some estimates and the cost of building a road was \$2.1 million but that would be for land you could build something on. He stated without a major positive intervention by the Army Corp of Engineers and DEC it would be virtually impossible to build a road at that location. He stated he had many discussions on how to build this road and it was suggested by Planning that this project was too many square feet and they downsized and cut in half the additional square footage for the bio medical research facilities and the other buildings and eliminated about 47% of the square footage. He stated at that time he came in and spoke to Supervisor Wormuth and tried to reach some general ideas and parameters how they could package the public benefit portion of this project and if he recalls through discussion and he thinks it was agreed that the hospital portion of the project was a public benefit. He stated the other portions they agreed were not necessarily public benefits but buildings occupied by for profit companies and they should be responsible for public benefit. He stated they asked if they could proportionally decrease their contribution to the Town by the same proportion of square footage they were eliminating and the number came out to \$1.2 million and he proposed they pay that to the Town at an appropriate time so they would be faithful to the Town to give a public benefit. He stated it would be in cash to be used to build a portion of that road or any other type of public benefit or infrastructure the Town deems fitting.

Kevin Dailey stated of the 81 acres that comprises the plot 29 acres are wet and they decided they would make the wetlands work for them essentially as boundaries between the various lots and try to use those as borders and incorporate into the landscaping and it should look great.

Kevin Dailey stated he agrees it is a big project and, if it is done right it can be the signature project for the Town of Halfmoon in terms of what this Town is all about, Route 146 is our major corridor and it will say a lot about the Town and the Town's future. He stated he feels strongly that if it's done right it will be a great credit to this community, architecturally design wise and function.

He stated he provided some information on the Berger Commission report, which is famous in New York State for advocating hospital consolidation and closure. He stated when you look County by County across upstate New York what they note for Saratoga County is the population growth in the southern part and according to DOH methodology 500 additional beds are warranted.

Scott Lansing, Lansing Engineering stated the site is approximately 81 acres and there is a small cleared area on the northeast side and the overall parcel is wooded and currently vacant and is zoned R-1 Residential and is identified as Mixed use Commercial. He stated the applicant is proposing a hospital, health care, medical office and medical related light industrial PDD. He stated they are proposing a town roadway that would go through 800 linear feet of roadway designed and constructed in accordance with Town specifications. He stated it would connect with Route 146 and propose a boulevard style entrance at the main portion to create a grand entrance for the project. He stated they have provided a means for a secondary access throughout the parcel with a secondary curb cut on 146 in addition to the primary curb cut and also where he cul-de-sac is proposed. He stated the hub of the project includes the hospital health care facility approximately 225,000 square feet and would be a 5 story structure with associated parking and will include surface parking and structured parking. He stated they are proposing main access way in the front and emergency room access and loading in the back portion. He stated beyond the core of the hub in the first phase of the project the applicant is

proposing 242,000 square feet of medical professional offices and related PDD and will be a mixture of 2 to 5 story structures with associated parking and the majority would be surface parking with the exception of the two larger buildings in the back. He stated they are showing it as a 7 lot project and the architecture would be a general theme for consistency.

He stated water would be extended from 146 to service individual structures and is within the water district and serve daily and fire flow needs; storm water will be managed on site with sites scattered throughout the parcel and will follow regulations; a sanitary sewer is proposed to service this project and the surrounding area and there is a system off to the west of the project which is at or near capacity and a central pump station is proposed located in the back to collect flows from this project and adjacent projects as well. He stated it will provide a benefit by relieving some impacts to the west. He stated a traffic study has been prepared and does require some mitigation at full build out for a traffic light and turning lanes. He stated wetland delineation has been done on the parcel and there is a mixture of both DEC and Army Corp wetlands and they are proposing some impacts to those wetlands and informed that some are conceptually permitted. He stated the applicant has committed to work with the Town on a trail system to connect the open space areas.

He stated with regard to public benefit first the health care and emergency services facility in the center, the sanitary sewer pump station is a public benefit to relieve the pressure on the infrastructure, the trail opportunities is another benefit. He stated they would like to ask for the Board to schedule the public hearing tonight.

Councilman Hotaling asked if they looked at moving the entrance to the New Werner Road intersection.

Mr. Dailey indicated on the new map that it is opposite the Bolisky property and is about 35 acres in that piece and they did take a look at that piece to bring a road in. He stated they looked at how they could make a connection to the east-west alternative road that the Town had been talking about. He indicate don't he map the up land closest to Route 146 but the balance is almost entirely wetland and in terms of bringing a road in there it would have been extremely difficult and would have gone through DEC wetlands almost the entire road and also they don't own the property.

Mr. Hotaling asked about the British America complex. He stated he is asking about it for their build out down the road when they try to develop more.

Mr. Dailey stated it goes out into a field and runs into a water course and a considerable amount of wetlands would have to be crossed. He stated they were trying to maintain at least two entrances in the original plans but with the amount of wetlands they were impacting they were consistently coming in at over half a acre of impacts and would have necessitated an individual permit. He stated then they decided to create a four lane boulevard to get emergency vehicles in and leave a roadway to bring them in from a second location.

Councilwoman Parker asked if there is only one entrance and exit.

Mr. Dailey stated there is one main entrance which is the four lane boulevard and a secondary entrance in the middle of the property with a driveway for emergency services so if there was ever blockage there is an alternate way go get in.

Councilman Hayner stated the proposal for the hospital is 120 beds and asked how they came up with that number.

Mr. Dailey stated it was based upon a conversation he had with a large regional hospital and was told in terms of build out that that was the proper number.

Councilwoman Parker asked if the public benefit mentioned in the memo of June 30th for \$1,127,000 has changed.

Mr. Dailey stated he hasn't gotten that far in his presentation yet.

Councilman Hotaling stated at the last meeting it was said that the plans are for a general hospital and asked if they are still looking at bring a hospital.

Mr. Dailey stated their first choice is to bring a hospital in that exists in the Capital District and they have had conversations with just about everybody with mixed results. He stated this is a big population center and growing and everybody has health insurance and are good customers. He stated they spoke to Ellis, Bellevue, Saratoga, St. Peters, Albany Med. and Seton Health. He stated they all said they can't do anything because the property needs a zoning change. He stated we are at a point where we can demand better health care and this is a the

large piece of land between the Mohawk River and Exit 12 that would be appropriate for this use.

He stated they submitted to Clough Harbour a wetland delineation study of the project and have been very careful in dealing with the Federal wetlands and State DEC wetlands. He stated they designed their buildings to avoid the wetlands and they have about ½ acre of impact, which is unavoidable in terms of gaining access to the site. He read a sentence from a letter from Rich Spiedel regarding the DEC permit. He stated the plan they sent to DEC was not a plan that the Planning Department liked so they pulled things together a little further and Scott's office did a great job in terms of reorienting the buildings and then sent the revised plan back to DEC. He stated they still need to get a DEC permit.

He stated they did an endangered species study and heard back from the Fish & Wildlife Service; they did a traffic study; they did a archeological study and they did find a site where they will need to do a Phase I a and Phase I b and Phase 2.

He stated the traffic study was done by Creighton-Manning for Route 146 and they studied the need for a right and left hand turn lane and a traffic signal.

He stated he has heard that there are some neighbors in the vicinity who have expressed concern about the project and they prepared a map to address the concerns for visual, sound and light impacts. He stated the subdivision Dater Woods is where some of the neighbors live and between the hospital building and the nearest house is 2,833 linear feet. He stated in that distance there are woods, industrial warehouse, more woods, a hill, a State highway, a barrier of 614' of wooded area before you get to the hospital building. He stated in terms of linear feet (driving) from the nearest entrance in the subdivision to the hospital building is almost 1 mile.

He stated he would supply more information on the property values regarding if a hospital will decrease or increase. He stated having a hospital will raise the values and will bring professionals into the community who will be buying property. He stated they would have pictures for the public hearing on the visual impacts, which they have been working on extensively. He stated at the Planning Board meeting a commissioner of the fire district made some statements but he wasn't aware that he had met a year ago with the rescue squad and fire department to talk about the height of the building and the capabilities of the existing fire equipment. He stated the building will be 80 feet high, 5 stories of 16' each, the truck the fire department has is capable of going up 102' and, he has between told that is not a concern with the fire department.

Mr. Dailey stated with regard to public benefit they understand and are willing to build some trails and sidewalks and they are looking for some direction from the Town on what they would like for this site. He stated picking up sewage from across the street or right next to D & R is a good thing and they are willing to do that but they realize that is not enough for a project of this magnitude or size. He stated they had been asked to consider building a north-south roadway for a connection opposite Werner Road through Bolisky's property and he obtained a price of \$2.1 million to build such a road. He stated they worked extensively on this possibility and discussed building a portion of this road. He stated he asked if the hospital itself could be considered as a public benefit and for the balance could they downsize the contribution proportionally accordingly to something they could afford. He stated they would pay it to the Town either in work or cash for a public benefit or a project that would be determined and, they are working on that.

The Supervisor stated this project has been presented to the Town Board as a PDD for a zone change and has been referred to the Planning Board and has gone through an extensive review process which she commends and thanks the Planning Board. She stated this is the first time that the Town has ever seen a project of this size, magnitude or nature and certainly as they move forward in getting some input from the public they ask the Planning Board to take a much more extensive look at this project because of the potential impact and thanks them for their hard work, diligence and for taking their time with this and looking at a lot of the aspects to bring back some more technical information to this Town Board.

Supervisor Wormuth said to Mr. Dailey that for the public hearing they want to make sure they are have set is that they looking at the same maps and are the same ones the Planning Board had for the positive recommendation.

Mr. Dailey stated that the maps he recently dropped off were the latest maps and there have not been any changes and, they are the same as the Planning Board. He stated there is a new map today because they wanted to see some distances and how high the trees are. He stated

for a resident, other than at the main entrance where you can look in and see the building, he doesn't think you will know it is back there. He stated there will be no sound, light or visual impact and this is about as good a neighbor as you could possibly have.

The Supervisor thanks the Planning Board and the applicant for everything they have done and the next step for the Town Board would be to consider getting some input from the public.

Councilman Polak stated even before it went through the Planning Board never did he say the project couldn't be built; his inclination through it was that it was going to be very difficult to build in that area. He stated this is a plan he feels will work and it is exciting, not only for Boni Development but for this Town and the community and thanks Mr. Dailey, Mr. Boni and Steve and his group and they have come a long way. He stated he would make a motion to set the public hearing.

Mr. Dailey stated the Planning Board pushed them pretty hard, at all levels and, made them come up with a better plan.

RESOLUTION NO. 163

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

RESOLVED, that the Town Board sets a public hearing for the Boni Enterprises Planned Development District, hospital, for August 19, 2008 at 7:00 pm

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Councilman Hotaling reported summer camp is going very well and they have 699 children attending; he reported tomorrow there is a concert in the gazebo at 6:30 pm.

Councilwoman Parker reported she thanks the highway, grounds and Halfmoon Celebrations for the wonderful fireworks and well organized happening on July 2; she reported that last week the Town had the Ground Breaking for the Town Park and thanks the Grounds people who helped get everything ready and it was very exciting; the Senior's clam steam is July 30 and reservations can still be made; starting July 21 the senior van will go to the local farm stands in Town and there are several local farms that have stands and it is nice to support them.

Supervisor Wormuth stated she also would like to thank the highway department who were instrumental in helping us move forward with the New Town Park. She stated it is Fair Week in Saratoga County this week.

Supervisor Wormuth opened public privilege for discussion of agenda topics.

Henrietta O'Grady, Church Hill Road, stated she wanted to comment on item number 13 to let bids for the Canal or Crescent Road Trail project. She stated this has been worked on for more than 5 years ago with a vision and a feasibility study and, a report called "Join Us". She stated the study was incorporated into the Trails Master Plan, which was adopted by the Town Comprehensive Plan. She stated the money for the Crescent Trail project came to the Town through a Federal Enhancement Transportation Grant and they were very excited they had some money that could be applied to a very visible trail, which they consider one of the two Heritage Trails in the Town. She stated the Trails Advisory Committee has worked hard with the Town on this project and they believe this trail will rival and exceed the Trail on the south side of the river and will be even better. She stated the Trails Advisory Committee wants to thank the Town Board for moving on this project and being supportive to moving to the bidding stage.

DEPARTMENT REPORTS – month of June

1 Town Clerk

Total fees remitted to the Supervisor - \$6,559.34

Filed.

2. Building

Total Permits - 99 Total fees remitted to the Supervisor - \$34,716.00

Filed.

3 Fire Code
Total Permits - 38 Total fees remitted to the Supervisor - \$1,578.00
Filed.

4. Senior Express Dispatch
Total No. of Riders - 248 Total No. of Meals - 445
Filed.

CORRESPONDENCE

1. Received from State of New York Department of State notification of receipt and filing of Local Law No. 1-2008, Parkford PDD Amendment.

NEW BUSINESS

RESOLUTION NO. 164

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

RESOLVED, that the Town Board approves the Supervisor's Report for month of June 2008.

RESOLUTION NO. 165

Offered by Councilman Hotaling, seconded by Councilman Hayner, Adopted 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 15, 2008, totaling \$185,358.13.

RESOLUTION NO. 166

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

RESOLVED, that the Town Board approves minutes of Town Board meetings of May 20th, June 3 and 17, 2008 as submitted by the Town Clerk.

RESOLUTION NO. 167

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

WHEREAS, the County of Saratoga has advised that Terri Russell has acquired civil service status, it is therefore

RESOLVED, that the Town Board appoints Terri Russell as permanent full time Payroll Clerk, effective immediately to be paid current hourly rate.

Supervisor Wormuth congratulated Terri.

RESOLUTION NO. 168

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

RESOLVED, that the Town Board authorizes membership in the Chamber of Southern Saratoga County for annual membership dues in the amount of \$505.00 for renewal period covering 7/1/2008 through 6/30/2009.

RESOLUTION NO. 169

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

RESOLUTION NO. 173

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

RESOLVED, that the Town Board authorizes obtaining written quotes for concrete foundation work for the Town of Halfmoon Historical Society Building, Lower Newtown Road, Halfmoon, to be opened July 22, 2008 at 3:00 pm.

The Supervisor stated, relative to the next item, that this is apart of a development being done in that area and she thanks the Planning department for sending out notifications to residents of Vosburgh Road who may be affected by this as well as working with the Town Board in having information available. She stated there are no houses directly in the affected areas and everyone will still have access and they made notifications to the appropriate emergency services in that area and she appreciates the Planning department taking on this responsibility.

RESOLUTION NO. 174

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

WHEREAS, John Pingelski, the Superintendent of Highways of the Town of Halfmoon has duly certified that a portion of Vosburgh Road, approximately from 49 Vosburgh Road to 74 Vosburgh Road, is necessary to be closed for traffic improvements and construction purposes for a period of time from August 7, 2008 to August 22, 2008; and

WHEREAS, contact has been made with local emergency services providers, law enforcement agencies and utilities providers; and

WHEREAS, the owners of all abutting and affected land have been notified of the impending temporary closure; and

WHEREAS, appropriate signage will be installed at the intersection of Vosburgh Road and Werner Road; the intersection of Vosburgh Road and Smith Road; and the intersection of Vosburgh Road and Route 146; and

WHEREAS, the temporary closure is proper and necessary and is required for the improvements to be made and will not cause unjust hardship to the owners or occupants of the land adjoining said highway, nor to the public or the residents of the Town of Halfmoon;

NOW THEREFORE, BE IT AGREED AS FOLLOWS:

1. That a portion of Vosburgh Road, more particularly from approximately 49 Vosburgh Road to 74 Vosburgh Road, be and the same hereby temporarily closed from the period of time from August 7, 2008 to August 22, 2008, weather and field conditions permitting, at the request of John Pingelski, the Superintendent of Highways of the Town of Halfmoon and pursuant to approval of the Planning Board of the Town of Halfmoon and approval of the Town Board of the Town of Halfmoon.

2. That a copy of this Resolution is to be sent to the New York State Police, the Saratoga County Sheriff's Department, Clifton Park / Halfmoon Ambulance Squad and Saratoga County 911 and any other involved or appropriate party or entity.

3. This Resolution shall be in full force and effect immediately.

The Supervisor stated, relative to the next item, that this is a requirement that municipalities need to have done by the end of this year and they put out an RFP for this and will be for accounting purposes.

RESOLUTION NO. 175

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

RESOLVED, that the Town Board accepts proposal from Armory Associates LLC for GASB 45 Post-employment Benefits Actuarial Services in the amount of \$7,500

RESOLUTION NO. 176

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

RESOLVED, that the Town Board authorizes letting bids for the Canal Road Trail project, subject to receipt of all appropriate approvals, bids to be opened August 25, 2008 at 2:00 pm.

The Supervisor stated the Canal Road Trail project describes the mapping that Clough Harbour has on file here, but to those in the Town it is known as the Crescent Trail and, once the bids are awarded can re-name it appropriately to the Crescent Trail.

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

Tom Sarris, Manchester Drive, stated he has lived in Town for fifteen years and over the last 4-5 years he is annoyed there are junk cars and junk vehicles that he has to look at every day. He stated there are several properties that are dumps and the waste facility takes better care of clean up. He stated there is a home at 150 or 152 Woodin Road where there is a vehicle and junk piled up. He stated he could provide pictures and ordinances from other Towns. He stated he would like to see an ordinance on the books regarding junk vehicles and junkyard properties. He stated property values have decreased.

Supervisor Wormuth stated the Town ordinance does allow for unregistered vehicle on a persons property. She stated the Code Enforcement officers could be asked to go out and take a look at it. She stated our code enforcement officers are very diligent about following up on complaints so they will ask them to look at it. She stated there is also a New York State property maintenance code that does give the Town some leeway as far as not mowing their lawns or other things. She stated they could ask the attorney to provide samples of legislation that the Town Board may wish to look at adopting. She stated if the Board was to do that they would need to hold a public hearing prior to adopting.

On motion by Councilwoman Parker, seconded by Councilman Polak the meeting was adjourned at 8:19 pm.

Respectfully submitted,

Mary J. Pearson
Town Clerk

7/15/2008