

The April 17, 2013 Regular meeting, 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
Paul L. Hotaling, Councilman
Craig A. Hayner, Councilman
John P. Wasielewski, Councilman
Lyn A. Murphy, Town Attorney
Matthew J. Chauvin, Deputy Attorney
Lynda A. Bryan, Town Clerk

The Supervisor opened the meeting at 7:00 pm by leading in the Pledge of Allegiance

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Councilman Hayner : Thank you, the first announcement, this Saturday is the 7th Annual Crescent Park Cleansweep. It is from 10:00-11:00am, and we will be meeting at Terminal Road. We will have gloves and trash bags for people who are participating. We have been announcing this right along throughout the Town Board Meetings and we will also make sure it gets up on our Facebook page. We are looking forward to another great year!

Also we have our final day of Summer Rec registrations. That is this Saturday April 20th from 9-12. Thank you.

Councilman Polak: I just have a couple of items. One is regarding the Spring Cleanup Friday and Saturday will be the last days. Friday as you know is from 12-5 and we have our extended hours on Saturday from 8-3.

Also coming up quickly, is our Shredding Day on May 4th from 9-11 at our Highway garage. We allow 3 boxes/bags per vehicle. There will be no charge but we are asking for donated goods for our area food pantries.

On other item that I have we will be accepting applications for a Planning Board Member and Planning Board Alternates. Please send applications to the Supervisor's office. She will get the applications to me and we will do our reviews. Thank you.

Supervisor Wormuth: The only thing that I have this evening is that I would like to Congratulate our Clerk Lynda Bryan and our Historian who unfortunately is not here with us today, Ellen Kennedy, for a wonderful presentation up at the County yesterday for the 225th Anniversary of the 4 initial towns in Saratoga County. That display will be here at different times throughout the year and at different events in order for you to enjoy and review. It has great bits of history in it so I hope that you take time to look at that and review it. They certainly put a lot of time and effort into it and it is a great piece of history that they have preserved for us and now have on display.

Clerk Bryan: Thank you.

PUBLIC PRIVILEGE (for discussion of agenda topics) No one came forward.

DEPARTMENT REPORTS – month of March

1. Town Clerk

Total Fees Submitted to the Supervisor - \$6,673.72

DEPARTMENT REPORTS – month of April

1. Town Justice Tollisen

Total # Cases - 26

Total Fees Submitted to the Supervisor - \$2,150

CORRESPONDENCE

1. Received from the Town Planning Board Resolutions approving the following: Sign Application for Donald Simmons located at 139 Meyer Road, Regarding a positive recommendation for the Proposed Halfmoon Assisted Living/Special Needs Assisted Living Facility PDD located 410 Route 146, for Approvals of Minor Subdivision Applications for the Proposed Synergy Tech Park – Phase I Subdivision located at US Route 9, for the Proposed Amann Subdivision located at 211 South Central Ave., for the Proposed Suchocki Subdivision located at 51 Harris Road, and for Grace Fellowship Church Addition to Site Plan Application, located at 1 Enterprise Avenue

Received, Filed & Print

2. Received from NYS Department of State notifying the town of the filing of Local Law #1-2013, which is the Ethic's Legislation.

Received, Filed & Copies available in the Clerk's Office



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

April 3, 2013

RECEIVED

APR 08 2013

TOWN OF HALFMOON
Office of the Supervisor

copy Town Clerk

Town of Halfmoon
2 Halfmoon Town Plaza
Halfmoon NY 12065

RE: Town of Halfmoon, Local Law #1. 2013, filed on 4/3/13

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.state.ny.us.

Sincerely,
Linda Lasch
Principal Clerk
State Records and Law Bureau
(518) 474-2755

3. Received from Mohawk Towpath Scenic Byway Coalition, Inc. their 2012 Annual Report.

Received & Filed

4. Received from Steve Watts, his letter of resignation as Chairman of the Town of Halfmoon Planning Board effective at the conclusion of the April 22, 2013 Planning Board Meeting.

Received, Filed & Copy Town Board

5. Received from NYS Department of Transportation, Regional Traffic Engineer, Mark Kennedy, a letter in response to the town's request for speed limit reduction on Clamsteam Road between Tow Path and Beach Roads. They found that the existing 35 MPH limit to be appropriate and that further reduction of the speed limit is not warranted.

Received & Filed

6. **Received** from NYS Department of Transportation, Regional Traffic Engineer, Mark Kennedy, a letter in response to the town's request for speed limit reduction on Brookwood Road. They found that the existing 45 MPH limit to be appropriate and that further reduction of the speed limit is not warranted.
Received & Filed

7. **Received** a letter from Chelsea Egan, a concerned resident about the Anna's Place PDD.
Received, Filed, Print & Copy Town Board

8. **Received** from US Army Corps of Engineers a copy of their letter to Dean Taylor, Leyland Development, LLC.
Received, Filed & Copy Planning

9. **Received** from US Army Corps of Engineers a copy of their letter to Heidi Nikiforov.
Received, Filed & Copy Planning

NEW BUSINESS

RESOLUTION NO. 102

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

RESOLVED, that the Town Board approves and orders paid
Vouchers numbered
815 through 919 as detailed.

===== FUND TOTALS =====

10 GENERAL FUND	\$100,654.23
20 HIGHWAY FUND	\$9,426.62
25 SPECIAL REVENUE	\$13,675.25
30 CONSOLIDATED WATER	\$157,135.35
35 MISC. CAPITAL FUNDS	\$1,476.00
40 LANDFILL POST CLOSURE	
50 CHURCHILL SEWER	\$3,000.00
65 LIGHTING DISTRICT	\$414.73
70 WATER DISTRICT #1	\$8,817.10

ABSTRACT TOTAL: \$294,599.28

RESOLUTION NO. 103

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

RESOLVED, that the Town Board approves the minutes of Town Board meeting of, April 3, 2013 as presented.

RESOLUTION NO. 104

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

RESOLVED, that the Town Board approves the April 2013 Water Report for water usage as submitted by the Director of Water.

RESOLUTION NO. 105

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

RESOLVED, that the Town Board approves the Cisco Maintenance renewal for Annese & Associates, Inc. off the State Contract #PT64525, in the not to exceed amount of \$4,072.50 per the review and approval of the Town Attorney.

Supervisor Wormuth: This is for our voice telephone system. It is a maintenance contract because the original warranty on it is up and this guarantees them to be here within a certain amount of time and provide a certain amount of hours of service at a discounted rate should we have a problem with the phone systems or any of the components of it.

RESOLUTION NO. 106

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

RESOLVED, that the Town Board of the Town of Halfmoon authorizes waiving the Building Permit fees associated with rebuilding the equipment shed that suffered fire damage for the Mechanicville-Stillwater Little League.

RESOLUTION NO. 107

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

RESOLVED, that the Town Board of the Town of Halfmoon authorizes waiving the Planning Board application fee plus associated public notice and postage for the proposed subdivision of lands owned by Saratoga County, for the purpose of subdividing a four acre parcel for a right of way and extension of the Zim Smith Trail.

Supervisor Wormuth: This is a piece of property that has gone into foreclosure with the County and the County wishes to obtain rights to a certain portion of it, so therefore they are doing a subdivision in order to be able to utilize Federal grants over it. If they just took it as an easement in use, they would not be able to utilize Federal dollars. The town is simply waiving the fee for another municipal entity which we have done in the past and they have done for us.

RESOLUTION NO. 108

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

RESOLVED, that the Town Board authorizes the Supervisor to make the attached 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 Revenues25-510
\$13,675.25
Subsidiary: 25-4-2189 Home and Community Services \$13,675.25
Credit: Appropriations 25-960
\$13,675.25
Subsidiary: 25-5-1440.40 Engineering Contractors Inspection \$13,675.25

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

NAME	AMOUNT
Anna’s Place	\$1,618.00
Chauvin LLC	\$145.00
Falcon Trace	\$618.25
Glen Meadows	\$6,649.98
Inglewood	\$145.00
Meadows of Halfmoon	\$635.00
Regency Park	\$725.00
Halfmoon Fire Dist. No. 1	\$580.00
Princeton Heights Subd	\$435.00
Windsor Woods	\$750.07
Sheldon Hills Ph III Insp	\$1,373.95
TOTAL	\$13,675.25

Councilman Polak: Madam Supervisor, before we go into Public Privilege, there are two more comments that I would like to make. One is we had a resident request for a streetlight on Towpath and Beach Road and that light has been installed and is working. There was also a resident that complained about the light at Timberwyck and Grooms Road, and that light has been replaced and is working.

One other one that I have, I would like Steve Watts to stand up. On behalf of this Board and the Planning Board, Steve, I would like to thank you for your dedicated service over the years, not only your intelligence and the wisdom that you brought to the Board and also your wit. I feel as though that you were more than fair to both parties, the Boards and the residents. I want to congratulate you and thank you for all of the great service.

Steve Watts: Thank you.

PUBLIC PRIVILEGE (for discussion of non-agenda items)

Chelsea Eagan, 94 Warner Road: I have lived at 94 Werner Road for 12 years. I have already sent a letter regarding my safety concerns for the proposed road at Anna’s Place

Supervisor Wormuth: The Board has been copied on that. That was a the beginning of the agenda.

Chelsea Eagan: Thank you. I am really hoping that the concerns of me and my neighbors are carefully considered before the road is made. I don’t feel that we have been listened to regarding this issue and we are only partially heard regarding the actual proposed development and this is verified when the development was approved.

However, I have a more urgent concern at this time. You may already know, but the house across the street from us which is 95 Werner Road was torn down on Thursday April 11th, 2013 and no warning was given to us. I have pictures to show you guys so that you have a better idea of how close all of this is to our front yard.

This house is part of the Anna's Place development. Gravel has already been put in the driveway. It looks like the beginning of a new road, but I know that they were using it to get the truck into the dumpster. The workers had that house flagged on Tuesday, warning about asbestos, but tore down the siding and removed the signs advising of the danger. Of course I was home sick that day, first time in months and had to experience it all first hand.

My family was woken up Friday morning at 6:45 am to two excavator's starting up their engines and a large gravel truck which was stopped in the middle of the northbound lane, right in front of our home and it was ready to load its dump of gravel. So it was actually stopped in the lane, just sitting there waiting for about 10 minutes, motors running before 7:00 in the morning. It happened that it was my husband's day off, so he was not real happy about being woken up so early that day. My daughter and I were woken up a little bit earlier, but. The excavator's were starting up their debris removal at 7:00 am sharp, and this was maybe 20 feet from the school bus stop and our driveway.

At first, there was not even a cone, a flagger or warning on the road to advise drivers of the big trucks coming partially in the road and sometimes even blocking the road. After a short time, a cone was put in the road, but it was still just one little cone. At each end of where they are working you have a blind intersection where cars are coming down a hill or they are coming up a hill and there was no warning whatsoever that these big trucks were coming and going, were parked right in front of our house. This is all before the bus even came to our house.

Do to safety concerns, we called the Shenendehowa School Bus Garage to ask if our daughter could be picked up at the lower driveway instead of the normal stop which is right in front of our house. But that happened to be right next to where the demolition was actually occurring. It is closer than that doorway of where they were doing the demolition and where the bus stop was for my daughter. Luckily, they could help us out that day.

I spoke to a representative at Town Hall and found out that the Town of Halfmoon does not have a noise ordinance between sunrise and sunset. I personally think that this is crazy. Halfmoon is one of the only towns that do not have an ordinance limiting early morning or weekend noise. This being the case, it appears that we can look forward to hearing the sound of construction from sunrise to sunset. I have the summer off for the first time in 20 years and it just feels like I am not going to be able to enjoy my yard ore summer vacation at my home if this continues.

The early morning chaos and the disregard for public safety was just not acceptable especially that day where it was right there where my daughter was.

I understand that they are making way for the new residents of Halfmoon, but we are current residents and I just feel like our current needs really need to be considered. I know that they are building it, but if they could just take into consideration the safety and being polite. 6:45 in the morning, are they going to do this on weekends? I do feel that we do need to resolve the problem with construction noise. It is not just us, but I know that it is happening to people all over our town where the construction is happening.

With all of the construction in Halfmoon, I am certain that this is an issue that many other residents have had to experience. Since it is now OK to have construction all over town, I think that it is time to consider a noise ordinance as to when construction can begin and when it should end and this should include weekends.

I do want to however, thank the demolition crew at 95 Werner Road for having the courtesy of not working over the weekend and also this past Monday, they were

considerate enough to wait until 7:30 to fire up the engines and they did not move the heavy equipment until after the school bus left. I am not sure if this is because they didn't have much work because the house was already torn down and the debris was already gone and all of that, or if it was a courtesy. Either way it was noticed, and greatly appreciated and it would be wonderful if this type of courtesy and consideration for safety is upheld through the duration of this and other projects in Halfmoon.

So it was the safety of the demolition happening right there, no knowledge to us until it started. The concerns about you seeing a sign right across from your house with asbestos, I do not know anything about asbestos; I just see this caution flags. So it is just a concern that there was no notification, just all of a sudden this stuff is happening and the noise this early in the morning. So if we could just maybe take into consideration something about a noise ordinance. The construction is all over Halfmoon and I think that my neighbors all would probably share my thoughts and feelings, so thank you very much.

Supervisor Wormuth: Thanks, we don't have a specific noise ordinance in town. We have looked at it several times for several reasons. We can certainly look at it again. But we do have limits to construction sites for when they can start and when they can work and some of them are limited to not working on Sunday's, not working before specific hours. We can ask our Code Enforcement team to meet with the developer and arrange something

Chelsea Eagan: That would be wonderful. The entire project is not right in front of our house

Supervisor Wormuth: So once they get back in it will be better

Chelsea Eagan: It could just be that the house that they were tearing down happens to be that close, however, they are going to build homes there also. I do not know when, but eventually it will become another issue

Supervisor Wormuth: We will work on it

Chelsea Eagan: Thank you, I appreciate it. Seeing them with those trucks, I have some pictures too where they have torn up some of our grass trying to back up and all that. Where the proposed road is, already seeing the way the big trucks are coming and going and the cars on the road just not paying attention, it just for me is very, it reemphasized my initial concerns about where that road is going to be. Some considerations

Supervisor Wormuth: We can ask them to look at flaggers and more cones and sign identification when they are there as well as if there is any destruction to your property, if you could please provide pictures or a verbal response to my office about it, we will make sure that it is restored to what it was ahead of time.

Chelsea Eagan: Thank you. This picture shows a very small part of the grass and it was the first day and that was one of my concerns. They are coming in and out of this road and it is so small, they are going to have to come on our property. Thank you very much for your time, I appreciate it.

Supervisor Wormuth: Thank you.

Joe Christopher, 96 Werner Road: I just have a few questions, easy ones. I was just wondering, how does the town, overall generate revenue from large construction projects, subdivisions, PDD's, I mean, does the income that I guess they generate sustain them without an additional tax burden residents, I mean maintaining like the infrastructure once these, once they are dedicated to the town?

Councilman Polak: I do not know, the water, sewer and utilities are the cost of the developer, and it has to meet all of the towns standards and the county's standards before it's turned over, but it all at their expense, not the town's.

Joe Christopher: Right, but I mean, once these projects go in, how does the town generate income or revenue from these large construction projects, or does the town generate some kind of revenue?

Supervisor Wormuth: Mortgage tax, sales tax, bonds on the roads to take care of them for an extended period of time, bonds on lines of credit on the water lines and the sewer lines

Joe Christopher: So that's, I mean, I guess what I'm getting at, that's kind of like more short term type income? I mean in the long term, do these projects create an additional burden to the existing residents, do they perpetuate themselves? Like, would you say that Anna's Place, when that goes in, of course the builder provides the infrastructure and everything else, then the roads and stuff get dedicated to the town and then the town has to pay for the upkeep of that thing. Does the initial money that is generated through that construction process, I mean, I know we do not have a town tax but the residents that's there, the future residents of any subdivision will pay tax to the county. Does the county give us more money because

Supervisor Wormuth: We get a share of the county sales tax, proportionately based on the census

Councilman Polak: the mortgage tax

Supervisor Wormuth: the mortgage tax, more people are shopping here, so they are spending money here, they are investing money back into the community, businesses are coming here and looking to locate here, so it does have a perpetual

Joe Christopher: would you say that ultimately at some point that the subdivisions become somewhat of a burden like to the existing residents, or do you think that they increase the town's budget? I mean if we had to, new construction were to cease right now, would that create an additional burden to the town? Is the revenue that is generated from new construction a significant part of the town's yearly budget? Do we depend on that?

Supervisor Wormuth: Well it certainly helps us to keep running the town with no town tax and no highway tax because we generate from our building department, we generate mortgage tax and again we increase sales tax in the amount of the proportionate sales tax that is given from the county to the town increases.

Joe Christopher: OK, so like if that development were to stop for some reason like a total build out, or for any reason, if that were to stop or slow down, bad economic times, whatever, I was just wondering if the town had any plans, like how would you absorb that lack of income?

Supervisor Wormuth: I guess we would have to look at creating town taxes, which this board and past boards has always tried to prevent, and not having town tax and not having town tax. But if you go to places like the Town of Waterford or different places where they have already built out and in order to continue the services they currently have without having any new building, just in the past couple of years, they have has a 25% in their town taxes and that was just one time and it has gone up proportionately in other years. Clifton Park has a Highway tax that Halfmoon does not have. I am not sure what you want me to say to that Joe

Councilman Polak: Joe, I do not think it is any more of a burden than all of the properties that your family sold off to developers over the years. I mean, what impact has that had on that area?

Joe Christopher: Well, I don't know if you really want me to speak to that, my family selling property?

Councilman Polak: I don't figure what you speak to but it is a fact, I mean you are complaining about everyone else coming in here

Joe Christopher: I didn't feel like I was complaining, I thought that I just asked a question. I asked if the town had any

Councilman Polak: You asked if it was putting a burden on the town.

Supervisor Wormuth: and I think that I answered you as best I could.

Joe Christopher: I don't think that I have ever complained about the type of development that is on my family's property, Timberwyck. I probably would welcome that. I am talking about apartment complexes

Councilman Wasielewski: Joe, it is not really a one dimensional issue in that there is not one answer for that because like we said,

Joe Christopher: I know that these are complex questions, but if it were to dry up, I would assume, I expect that you guys have some solutions right? I mean people have said that the town is beholden to the construction and I think that we have established here that in some sense the town's budget is beholden to new construction. I mean,

Supervisor Wormuth: I would disagree with that

Joe Christopher: But you just said that, OK, that's OK

Councilman Wasielewski: I agree with the apartment issue personally as opposed to single family residences. It's different.

Joe Christopher: It is different.

Councilman Wasielewski: its apples and oranges, it really is

Joe Christopher: Right, like Timberwyck II on our family's farm.

Attorney Murphy: As a Board, this Board is not allowed to discriminate with regards to the cost of someone's home or if it is owner occupied. I have said this many times, I want to make sure you are clear

Joe Christopher: I am talking about PDD's

Attorney Murphy: Legally, they can't say because this house is pleasing to me and this house isn't, we are going to approve this

Joe Christopher: I am talking about circumventing zoning laws

Supervisor Wormuth: Anna's Place wasn't a PDD, it was approved a standard subdivision and that was the specific example

Joe Christopher: but it started as that

Supervisor Wormuth: but it didn't get approved as that

Joe Christopher: Well that's true and I feel like I am going to take some credit for that and other people who spoke out against it. I mean, do you think Cemetery Road is representative of smart growth? The apartments, the nature of the build out of Cemetery Road, I mean, John, you live there, do you think Cemetery Road, you think you call it smart growth?

Councilman Wasielewski: There is room for improvement

Joe Christopher: OK, thank you.

Deanna Stephensen, 7 Cindy Lane: I was going to go one way, but I want to make sure that everybody has a chance to come up here and give their opinion. I do not know why we would argue with a resident, they are coming up to state an opinion and to bring personal pieces into it, I think that's going above and beyond. That's my opinion, I am not up here to argue but you need to take that into consideration.

Regarding planned PDD's. I know you were putting a Zoning Committee together, I think that's great, I hope it is going to happen sooner rather than later. However, having said that, I would like the Board to consider a resolution that would take PDD's off the slate going forward, and just to relook at zoning as a whole, OK. It's possible that, and I look at what a PDD is "it should produce open space and recreation areas" I do not know if we are seeing a lot of that in them. "a pattern of development which preserves trees outstanding natural topography, geological features and prevent soil erosion" I know we talked about that, but I do not know if we are preserving as much as we should. "a creative approach to the use of land related physical development, an environment of stable character in harmony with the surrounding development" When we talk about, I hear a lot about somebody wants to, and I am making it up, I am sorry, from this duplex, they will say, there is other duplexes characteristic are in the surrounding areas. So, I guess we need to be true to that, is it or is it not?

The purpose of the plan, the PDD, is to promote and encourage innovative development that is sensitive to surrounding land use and to the natural environment. If this necessitates varying from certain standards proposed development should demonstrate community benefits." I think that is where I am going to hang my hat on this, because I'm not sure that community benefits that have been put through on PDD's are being accomplished. In fact, I just put through a FOIL from 2005 asking for all of the community benefits that have been accomplished in all of the PDD's. I am anxious to see that and see what we have done.

So I am just putting it out there for thought, food for thought, when you put this zoning committee together, which I hope that I am a part of. Thank you.

Supervisor Wormuth: Thank you.

There being no further business to discuss or resolve, on a motion by Councilman Wasielewski and seconded by Councilman Polak, the meeting was adjourned at 7:30 pm.

Respectfully Submitted,

Lynda A. Bryan, Town Clerk