

The February 6, 2007 regular meeting of the Town Board of the Town of Halfmoon was called to order by Supervisor DeCerce at 7:00 pm at the Town Hall on Harris Road with the following members present:

Kenneth J. DeCerce, Supervisor
Walter F. Polak, Councilman
A James Bold, Councilman
Regina C. Parker, Councilwoman
Melinda A. Wormuth, Councilwoman
Mary J. Pearson, Town Clerk
Lyn A. Murphy, Town Attorney

Also present: Stephen Watts, Building & Development Administrator; Frank Tironi, Director of Water; John Pingelski, Highway Working Supervisor; Lisa Perry, Secretary to Supervisor

The Town Board Workshop was held in the Board Room at 6:15 pm; no action was taken. Supervisor DeCerce. The Supervisor stated a former employee and brother to a number of other employees passed away and a moment of silence was offered by Councilwoman Parker in memory of Ricky Ceremuga, a lifelong resident who passed away suddenly today. Councilman Polak stated he was also the son of former Councilman, John Ceremuga.

Supervisor DeCerce stated that last week he helped with the ribbon cutting for Berkshire Bank and accepting a \$500.00 for Character Counts. He requested that Councilwoman Wormuth and the Recreation staff present join him in this presentation. He stated it is with great pleasure that someone new is coming into the community asking what they can do for the community. He stated the Town always thinks of the kids and the great summer program we have.

Desiree Levay stated she is the Manager of the Halfmoon branch and Olesya Rounds is the Assistant Manager. She stated they just opened Berkshire Bank in The Crossings and they had the grand opening on January 25th. She stated they want to let everyone know they want to help and are here for the community and they want the Town to tap them and let them know what they can do for Halfmoon.

At 7:06 pm the Supervisor opened the Public Hearing for the amendment to the Abele PDD, Sportsplex of Halfmoon

Ed Abele, Abele Builders stated he is here with John Daniels from the Sportsplex and, also Mark Nadolny from Creighton Manning Engineering. He stated he will provide a recap of where they are with their application to amend the PDD. He stated they came before the Board in January and early in the process the obvious elements were at issue and in question, mainly the parking and the traffic impact. He stated they are trying to capture some level of trade shows and exhibition space. He stated when they built the facility they were very pleased that the folks who conduct those shows were very interested in the facility and our community seemed to have an interest in having them. He stated they received a positive recommendation from the Planning Board set very strong criteria for them, mainly related to parking and traffic and the dynamics associated with that. He stated over the last year or more they were charged with the task of looking into the traffic and parking, also looking into what type of shows they could have and not have. He stated they will summarize some of the highlights and will welcome any concerns or comments the Town Board might have. He stated they added a lot of parking capacity, currently there is 248 parking spots and 200 more will be available at 3 Corporate Drive, which is a building project they are gearing up to develop next door in addition to 75 more spaces that will be annexed to the Sportsplex of Halfmoon. He stated the questions were mainly some traffic and parking issues forwarded by Councilman Bold and he stated Creighton Manning engineering will highlight some of the traffic and parking issues for the project and some of the late concerns that came up.

Mark Nadolny, Creighton Manning Engineering, stated he will go through a brief over view of the parking and traffic evaluation for the Sportsplex. He stated it is located in the southwest quadrant of Route 9 and Corporate Drive. He stated with the addition parking from the extended overflow lots they will have a total of approximately 523 parking spaces available for any alternative land uses that the Sportsplex will try to attract to the building. He stated they did a comparison of some other similar facilities in the area, the Lake George forum another being the Adirondack Sports complex in Queensbury and. studied their parking versus the parking here.

He stated the Sportsplex of Halfmoon will have at least 50% more parking than both of those facilities and will provide a significant amount of parking over some of the existing facilities in the area provide. He stated they also did a trip generation of a couple of the events held in the other facilities to determine whether the Sportsplex could handle the parking going to small and large scale events. He stated it was determined that the main parking lot of the Sportsplex will be able to accommodate a smaller scale event and will be accommodated totally on site. He stated with the extended overflow being used for the larger scale events such as a boat show. He stated they would incorporate parking attendants and flaggers during the large scale events to direct patrons to the closer lots and available spaces in order to maximize ingress and egress. He stated it also recommended that a cross walk be installed on Corporate Drive to funnel all the pedestrian traffic at one location in addition to providing sidewalks along the overflow parking lots to insure pedestrian safety. He stated it was also recommended that a temporary pedestrian cross walk be installed on Corporate Drive only for the large scale events just to let people know an event is happening even though it will only be a few times a year. He stated there is a parking evaluation and people using the site will continue to use similar access to Route 9 and Sitterly Road via Corporate Drive. He stated the evaluation indicated that, with regard to delay those two access points in addition to the site driveways will continue to operate adequately in the future with the alternative events and the surrounding roadways will not be negatively impacted by the alternative uses at the Sportsplex. He stated the Towns engineer reviewed this parking and traffic evaluation and they worked with them along with the Planning Board and the conclusions and findings have been accepted by the TE and the Planning Board.

He stated they took a look at specific events that similar facilities are currently accommodating. He stated the Lake George forum had a boat show and took a look at the amount of traffic the boat show generated on a Saturday and it attracted approximately 246 cars over the course of the entire day. He stated that amount of cars coming to the Sportsplex facility will be easily accommodated by the existing main parking lot and these small vendors can be accommodated without any additional parking. He stated to determine how many trips a vender will generate they would be in connect with the producer of that show and get an idea of historical traffic volumes it generated. He stated they also looked at larger scale events that would necessitate the use of overflow lots. He stated there was a boat show and over the course of the show, during the peak hour of traffic, there were approximately 450 vehicles and included their vendors and 450 vehicles can be accommodated with the total number of parking spaces that will be available to the Sportsplex.

Mr. Abele stated the evaluation they did of the traffic indicated that the majority of the delay was going to be on Corporate Drive into Sitterly and left turns coming onto Sitterly into Corporate Drive would not be as much of an issue. He stated this development is not going generate much more than what is out there right now but will be redistributing what's out there. He stated the majority of the delay would be on Corporate Drive exiting.

Mr. Abele stated their current soccer customers often times are traveling to events and, they either go on the website and find the driving directors or in the case of trade shows as part of their advertising material they give driving directions to people and is part of their responsibility.

Councilman Bold stated right now the business park is mostly daytime business clientele. He stated soccer is different and would be week nights and week ends but his concern is when there is a show people come and go throughout the day but if people leave from an event at one time there is nothing that directs them around the long loop to come out at the traffic light at Sitterly and, instead they will go out onto 9 and try to make a left hand turn.

Mr. Nadolny stated they could put in temporary signing if there was an issue with people trying to get out onto Route 9 but in reality they want to try to funnel people toward the arterials and the signal does provide the added benefit. He stated that will allow a two stage left turn rather than one move and seems like a better situation. He stated there could be temporary signing or using the flaggers that are proposed to help the egress and ingress of the park. He stated he doesn't see a safety issue at this location right now. He stated he doesn't believe an accident evaluation was done for this report but they could try to get those reports from the State at that location. He stated he didn't believe the accident analysis was very current and is probably two or three years behind current patterns. He stated a sidewalk will be provided and is included in he plan and extends through the overflow lots to Corporate Drive and a cross walk will be provided on Corporate Drive. He stated they also looked at site distances on Corporate Drive to be sure pedestrians can be seen and there is adequate site distance to come to a complete stop.

Mr. Nadolny stated, relative to the traffic impact study, they obtained the latest three years of accident data from DOT. He stated they provided data for Route 9 from Sitterly Road to Plant Road and Route 9 to Woodin Road. He further described the accident data provided in the report from the available data and are only about one year old. He stated with this information they do not feel there is an accident problem at this location and they are not looking at any mitigation to solve any issue.

Councilwoman Wormuth stated they talked to the applicant recently about public benefit and she hasn't heard that commented on by the applicant. She stated she is not sure the Board is aware of the proposed benefit.

Mr. Abele stated they made a formal offer and had some guidance on public benefit element of PDD's and their offer involved utilization of 100 hours of field time principally to be utilized by the recreation department over two seasons. He stated when they looked at the letter they thought it may be more narrowly interpreted than they wanted. He stated it does not have to be limited to the recreation department and could be the Town of Halfmoon soccer or lacrosse or any other activities that could involve the seniors. He stated they are not insisting it be narrowly defined as a point of clarification but will involve utilization of their facility and was formalized a couple of weeks ago.

Councilwoman Wormuth stated she has been involved in this project for over two years and the project has come a long way with the help of the Town Board, the Planning Board, the applicant and the process they have gone through and have tried to be creative in looking at this use because it is unique in Town. She stated she has recently had discussion with the applicant about the public benefit being provided and is a permanent zone change to the property and allows the use to be there for the life of this project. She stated we have another facility in Town that provides 150 hours worth of service in their sports facility at the discretion of the Town for a five year period and would think they should look at the public benefit as they move forward. She stated when they look at a zone change and a PDD the Town Board has had the standard of requiring public benefit.

Councilwoman Parker stated the key to the travel study is that the available data is not sufficient because there has been accidents and, she has had other dealings with State DOT where she actually had to say she would sit in the middle of Woodin Road because they weren't willing to lower the speed limit. She stated she is not sure how good the DOT traffic study figures were.

She stated if this building is going to be used for more than sports and will be for mass gatherings has the number of rest rooms been addressed for mass gathering.

Mr. Abele stated they are in the process of doing that and there are two main issues related to that. He stated one is mainly the exiting and egress requirement for the building and with this type of use the State requires exiting for the size of the building independent of what it may be limited to. He stated the building will have exiting for over 6000 occupants however they have voluntarily limited the maximum occupancy to 1500 which they are comfortable with, however, in terms of code issues that the State and building department looks at they are going to be adding a bunch of doors to the many doors that are there already. He stated, regarding the bathrooms they have a lot right now that don't seem to get used, but technically they are just shy of 1500 with about 1200. He stated should they go forward tonight they will be applying for a variance for the number of toilets in the facility so there would be suitable toileting for 1500. He stated that is another step they will take that will be required of the Town building department.

Supervisor DeCerce asked if their intention is to add toilets.

Mr. Abele stated they have to in order to meet the 1500 occupant load they would have to add 3 or 4 additional toilets. He stated the men's room toilets were okay but they are deficient on the women's toilets. He stated the State code would require for 6000 people and they look at the number of people that would physically fit in the building regardless of what the Town or applicant limits themselves to. He stated they would apply with the assistance of an architect and they have already met with Greg Stevens but they will have to submit a variance to take it from toileting for over 6000 people down to over 1500 people. He stated they are thinking that if the State sees that the Town has limited the occupancy to 1500 they may feel it is a reasonable variance to grant.

Supervisor DeCerce stated, relative to DOT, on other projects, he has tried to seek and secure other data, and without a lead as to where to get the other data without lead as to where to get the other data he feels they are leaving him dangling. He asked if there is another place besides the State Troopers, State DOT and the Sheriff's department.

Mr. Abele stated, the information DOT has is a comprehensive history coming from DMV and anything coming from DMV goes to the State and then the State has their data based on that information.

Councilwoman Parker stated her objective was to get information from Troop G and from Sheriff Bowen and not everything goes to DOT.

The Supervisor asked if they reached out to them.

Mr. Abele stated the industry standard is typically to go to DOT first.

Councilwoman Wormuth stated DOT shows that between Sitterly Road and Plant Road on Route 9 there have been no accidents in three years and she drives up and down Route 9 every day and finds it very hard to believe. She stated she questions the reliability of the data to hear there has not been an accident in three years.

Mr. Abele stated usually they match up with cities and towns information.

Supervisor DeCerce stated he thought they had mentioned that they needed to go to the Sheriff's department and to the State Troopers and, if not this is an error on his part.

Attorney Murphy stated the applicant was asked, at the last meeting, to obtain this information.

Councilman Bold stated he had questions about the limitations on the certificate of occupancy. He stated when they worked with the Planning Board the figure of 1500 was established and asked how that would be enforced.

Mr. Abele one of the ways to control, in addition to the positing of the facility would be occupancy control, counters, and turnstiles. He stated the number was derived from the parking availability between the new lots. He stated the large scale event they looked at drew 4000 over three days so 1500 over the course of the time period would be quite a few people to show up all at once. He stated the Sportsplex conducts a tournament on New Years and over the course of the week end there was probably 4000 or so patrons that attended which would be half the parking that would be available with their proposal.

Councilman Bold asked if they supplied a list of allowable uses.

Mr. Abele stated they did and they have that available if they are interested.

Councilwoman Wormuth asked if the Boat Show they reviewed what they anticipate to be the most intense use as opposed to the golf shows or soccer related things that certainly fit into the facility. She asked if have compiled data on these other uses.

John Daniels stated one of the reasons they chose the Boat Show is because it is a show they plan on hosting and one of the largest shows they are aware of. He stated, by comparison, some of the other shows are really small. He stated they have actually talked with the producers of that show and the timing is practical and would be an opportunity for them.

Councilwoman Wormuth stated some of the festivals she has been to have a lot of people.

Mr. Daniels stated they consider shows on a case by case basis and they are not going to hold every show that exists. He stated the Boat Show appears to be a good fit for them and that is why they really concentrated on that show.

Councilwoman Wormuth stated the zone change will be permanent and they will be approached by other people and wants to be sure what they are looking at doing now fits with the limitations on the facility.

Attorney Murphy stated initially there was a suggestion that the Planning Board be allowed to review the applicants site with regards to any parking issues that may arise or traffic issues that may arise and, initially the application mentioned after a two year period the planning board would do it on an on going basis and that, in the legislation, they would put forth language whereby they would have the ability to bring the applicant back before the Planning Board should parking or traffic become an issue without limitation as to when that would happen or when it will end.

Councilman Bold asked if concerts and other large entertainment activities are not included.

Mr. Abele stated during the Planning Board process there was a lot of concern about what would not be allowed and they scoped out six issues; no events involving any pornographic or lewd exhibits; no rock or other musical concerts open to the general public which are not merely ancillary and includes any events that tickets are sold mainly to provide entertainment through rock or other musical concert; no circuses defined as events; no events with wild animals; professional wrestling or professional fighting; no events involving exhibits provided by extremists groups promoting offensive hatred behavior and no pyrotechnic events will be allowed in the facility. He stated the prohibitions are very important in the planning process.

Councilman Bold questioned if the prohibitions become part of the legislation.

Attorney Murphy answered they absolutely will be included.

Mr. Abele stated they are planning on conducting, expos, golf, skiing, food shows, gun shows, wedding, dog shows, fashion shows, home & garden shows and they have about twenty items on their list. He stated they have received a lot of guidance from the Town with Mindy from day one through the Planning Board process and a lot of concerns and guidance was very, very helpful. He stated they feel they have a very attractive facility and somewhat of a venue deprived area and feels it is a real plus for the community and, given the amount of time they have put in they are very comfortable asking for approval, if the Board feels it would be appropriate tonight.

Councilman Bold stated one of the things they talked about, when they have one of the larger events that they might provide some direction for traffic flow particularly for exiting internal to the park.

Mr. Abele stated that is a very good suggestion and could be a condition of an approval and is very tractable and easily administered by them.

Supervisor DeCerce suggested that they have human bodies pointing toward both of the exists or trying to direct the traffic, either peace officers or someone directing traffic. The Supervisor stated maybe the largest event would be a boat show which may be 4000 over a weekend and would mean 1500 would be their goal to keep the numbers under. He stated what he is asking is how big is big.

Mr. Abele stated they are comfortably conducting those shows now over the course of a weekend with their soccer tournament reaching 500 to 600 people at any given hour but they never get a big a rush of people at any one time with their scheduled events. Their current maximum occupancy is 2000 and they are taking that down to 1500.

Supervisor DeCerce stated he is still concerned that the number they checked out. He stated he likes the program they have and likes what they have done for this Town.

Mr. Nadolny stated other thing he did look at regarding this project was site distance at the driveways and, usually a contributing factor to accidents would be restrictive site distance and he did a cursory review of the site distance but didn't actually go out and measure. He stated, based on the things he saw in the field and what he measured there is adequate site distance for the recommended guidelines and, with regard to accidents it would not be a result of poor site distance from the driveways.

Councilman Polak commented that the traffic studies, whoever does it, does not satisfy him. He stated for weekend events there are no peak work hours and no work traffic and the traffic is going to be what it is. He stated he can't believe there weren't any accidents on Route 9 because he hears all the call. He stated the traffic does flow very well on Saturday and Sunday during these event times on Route 9 and on Sitterly Road and, it would be the Friday nights where there may be an issue. He stated if there is an issue or problem the Planning Board would have the authority to review it as expeditiously as possible to get it corrected or under control. He stated he doesn't see 1500 at a Boat Show being a big impact on a weekend. He stated he feels it will be a big asset to this community to have a home show, boat show or a golf show right in Halfmoon and bring in people that will be stopping at the stores and getting gas. He stated he would like to see the benefit moved up from the 100 hours like the other facility who generously increased theirs.

Councilman Bold stated the suggestion of making it 50 hours a year is not a very high number of hours and 50 hours a year for a five year period for recreation or seniors or whichever public group doesn't seem like much of a burden to the owners of the facility and it would certainly enhance this package.

Mr. Abele stated they can and will do that and they are not opposed to strengthening the offer and they appreciate the guidance and would be willing to do that over a longer period of time.

Attorney Murphy stated, regarding the reference to a large event, for the purpose of the legislation they are stating that a large event will trigger persons to control traffic and different things and, she is struggling with "what is large" more than 400 people at a time? 500? She stated if it is not clear for the Board then enforcement becomes an issue and would also become an issue for them because they wouldn't know when they were in compliance.

Mr. Daniels stated probably the first show they run will have people on staff just as a precautionary measure to be on the safe side and will do it for the first few events. He stated he would go with 4,000 to 5,000 total attendees per weekend.

Attorney Murphy stated that would be impossible to track. She stated when they have conversations with the people who run the show prior to them coming and they discuss what the

facility can accommodate and they inform them what to expect in numbers. She stated what numbers make it a large event as compared to a small event, which they talked to the Planning Board about only having on weekends.

Mr. Daniels stated it is not something they can predict in advance but they can count as they come in. Mr. Daniels stated a large event would be like a boat show that they observed.

Mr. Abele stated anything that would trigger the use of the overflow lots would be a large event, any other use other than the main lot.

Attorney Murphy asked how many parking spots are in the original lot. Mr. Abele answered 248. Attorney Murphy stated any count over 500 would be a large event

Supervisor DeCerce stated they suggested 4000 over a weekend and if that is divided out it comes to around 1300 per day.

Councilwoman Wormuth commented on Friday during the daytime which was a concern on the planning level because of the current traffic already in the business park on Friday afternoon.

Steven Watts, Planning Board Chair stated one event mentioned was a wedding which everyone comes at one time and, leaves about the same time. He stated they are talking about different kinds of events and some are spread over a weekend and they could have events which are one time events and which have a large number of people who might attend.

Mr. Abele stated they have parking for over 500.

Councilwoman Wormuth stated for a musical recital there would be parents, grandparents and different people from Shenendehowa School and asked what they will use as a definition for the maximum number they would plan on arriving and leaving at one time to define if it is a large event or too large.

Attorney Murphy stated they have told her what quantifies a large event and if she uses 250 and they have a concert on a Thursday night for Shen and its 300, they will be in violation and their PDD and nobody wants that to happen.

Mr. Daniels suggested that the Town Attorney and their Attorney and hash it out and come up with a workable number for a threshold.

Attorney Murphy stated it was proposed to the Planning Board and to the Town Board that a large event it will not occur any other time except the weekends, that they will have traffic attendants and other measures in effect for other events.

Mr. Daniels stated they never explicitly said they will only host shows on the weekend and they will happen during the week, but the shows they will host will be simultaneous with any soccer and will usually be in their off season. He stated the large scale consumer shows will usually be run on the weekends.

Attorney Murphy stated the occupancy is 1500 and they will not limit them above that occupancy and, what she is saying anything over 400 would be a large event and, large events can only be held on the weekends.

Councilwoman Wormuth she is not having a problem with the number as much as the comment about holding events during the week when the Corporate Park is operating because every time she heard this project presented and her understanding of how the Planning Board interpreted it, was that these were going to be weekend events and Friday afternoons were specifically discussed because the Corporate Park is operating. She stated if they are revisiting what the Planning Boards positive recommendation to the Town Board they may need to check the Planning Board minutes.

Mr. Daniels stated he is turning down business and there won't be a problem with people coming into the building or with parking and traffic but because of the use restrictions he is turning it down. He stated they hold events during the week now that are small events.

Discussion continued regarding the size of the events and the number of attendees and the consensus was to work out all the details, including the traffic reporting, the Planning Board review process, and the benefits and when the Board votes it will be defined.

Councilwoman Wormuth stated the Board would like to have a chance to look any new reports prior to the next meeting.

Supervisor DeCerce closed the public hearing at 8:15 pm and stated they could look at this again at the next meeting on February 22nd.

The Supervisor opened the Public Hearing for the fee schedule changes for Zoning and Subdivision at 8:15 pm. and requested that Steve Watts, Building and Development Administrator provide the explanations.

Mr. Watts stated that the Building and Planning departments operate with various fees that people pay for various permits. He stated in 2003, based on their recommendations, the Town Board raised the fees and changed them around a little. He stated they are proposing a 12% increase in development and operating cost since the last increase in 2004 or 4% a year. He stated they need to raise the fees because their department is self sustaining and the money they generate pays for their day to day operation. He stated as the Town grows they have to have more people to work in the office to do the job. He stated right now he is there as a part time Building and Development Administrator and he is retired from the State so there is no pension or health insurance, a Senior Planner and a Planner, a Code Enforcement Director, a Senior Code Enforcement Officer and two Code Enforcement Officers and also two senior typists in the office and they are all full-time employees. He stated all are civil service employees including him self. He stated they had a meeting with the builders and developers to explain the fee increase they were proposing and were told they are the most user friendly operation they deal with. He stated people can get a building inspection the next day. He stated if residents come in to get a permit for work on their house, if they bring in all their paperwork and certificate of insurance, they are issued at the counter at that time. He stated they take pride in the building and planning department on the rapidity in answering questions for people. He stated as the Town grows they have code enforcement issues also such as neighbors burning trash, some being covered by Town code and they respond to all of them and went to a couple today. He stated there isn't anybody in the office that is not spending a lot of time on the job and he believes the fees were appropriate three years ago and the 12% increase over the coming three years is appropriate. He stated a burning permit went from \$10 to \$12, a minor demolition permit went from \$75 down to \$50 but a major went to \$84, sewer/septic permit went from \$15 to \$17. He stated they are fees the public has to pay and the builders and developers. He stated the increase should keep them self-sustaining if the Towns growth patterns continue like they have.

The Supervisor closed this portion of the public hearing at 8:22 pm.

Councilman Bold stated the fee increases seem appropriate, as they were described and the rational for them and, in order to stay current this is the way to do it with a 4% increase. He stated he commends Steve Watts and the staff, not just for the work they do but for staying on top of these fees and requesting that the Board approve the increases.

Councilman Polak commented that a notice was sent to all of them and actually went to other townships throughout the County to see where they are at and we were actually behind some of the other towns.

The Supervisor stated when he spoke to the builders and developers they credited the staff in total and, he is very proud of that.

Councilwoman Parker asked if the 12% increase is immediate.

The Supervisor answered it is immediate.

RESOLUTION NO. 38

Offered by Councilwoman Wormuth, seconded by Councilman Polak: Adopted by vote of the Board: Ayes: DeCerce, Polak, Bold, Wormuth Nays: Parker Carried.

RESOLVED, that the Town Board approves the following Zoning and Subdivision fee increase as follows:

Residential Building Permit FeesType of Permit		
	2003 / 2006	2007
Building Permits: Homes, Additions, Garages, Decks, Sheds	\$50 min. charge	\$56.00 min.
Sheds in Mobile Home Park	\$ 5.00	\$6.00
Fireplace Permit	\$40.00	\$45.00
Pool	\$50.00	\$56.00
Burning Permit	\$10.00	\$12.00
Demolition - Minor / Small Res. Structure Major / Entire Home	\$75.00	Minor/\$50 Major/\$84

Sewer/ Septic	\$15.00	\$17.00
Commercial Building Permit Fees		
<i>Type of Permit</i>	<i>2003/2006</i>	<i>2007</i>
Building Permits: Commercial, Additions, Tennant Set-Up,	\$200 min. charge	\$224 min. charge
Demolition Permit	\$200.00	\$224 min. charge
Sign Permit	\$1.00/sq.ft. \$50 min. charge	\$1.12/sq.ft. \$56 min. charge
Sewer/Septic Permit	\$150.00	\$168.00
Blasting Permit	\$200.00	\$224.00
Land Clearing/Soil Disturbance	\$250.00	\$280.00
Mass Gathering Permit	\$300.00	\$336.00
Operational Hazardous Permit	\$75.00	\$84.00

The Supervisor opened the portion of the Hearing for the Fee Schedule for the GEIS and the Recreation fees at 8:23 pm. He stated engineer Mike Bianchino, Clough Harbour and Associates is present to provide information on the next portion. He stated when the GEIS was approved they set up a number of different responsibilities of the Town by law and a mitigation cost summary for each of these items - water, sewer, culverts, traffic, GEIS preparation, Open Space. He stated they also promised they would come back and revisit it and adjust and they have not done that.

Mr. Bianchino stated in 2001 the Town was under significant development pressure in the north end of Town and with a number of volunteers, some Town staff, Planning Board, and Town Board members prepared a Generic Environmental Impact Statement that was adopted in 2002. He stated the Findings outlined mitigation measures to help deal with the cumulative impacts of development in the north end of Town. He stated some of the mitigation measures included were capital improvements and several issues were included. He stated there were drainage issues identified as problems that could be exacerbated by growth, repairs and replacements of those culverts were identified and amounted to about \$200,000. He stated there were intersection improvements proposed on six different intersections and also several links in the approximate amount of \$3 million. He stated water improvements were also looked at in the proposed amount of \$4.6 million also included was a sewer trunk and the cost was about \$2.4 million. He stated also identified was a need for Open Space and came out to about 140 acres and the 2001 cost was approximately \$1.3 million. He stated the GEIS fees also included, as part of the mitigation the cost of preparation of the GEIS as about \$125,000. He stated the total fees in the findings were then projected as a per unit cost to any new project that was proposed within the GEIS area and the total of those fees was \$2,894 per unit in 2001 dollars. He stated the Findings also included a provision that the costs associated with these capital improvements would be reevaluated every two years if necessary to determine if the costs were still in line with current construction costs. He stated construction costs have increased significantly in the last several years. He stated, based on their analysis, the capital improvements in 2001 dollars was \$11.65 million and, in 2007 those same improvements are estimated at a little over \$15 million, approximately a 30% increase. He stated they have tried to get the developers, if they are in the area of the project, to construct those improvements as part of their project and then they would get a credit against the fees that they would owe as part of the project and would be their mitigation. He stated at this point they have had a few of the improvements constructed but not too many most are still waiting to be constructed. He stated based on a 30% increase they have prepared a chart that proposes some increased fees and they recommended to the Town a total fee which reflects about a 30% increase in the mitigation fees. He stated they have proposed a schedule where half of the fee increase would be accommodated now and the other half nine months from the time of adoption. He recited the fee schedule they are proposing.

Supervisor DeCerce stated he is the one that came up with idea to do something like this because this a very attractive area and attracts a lot of people to come into it. He stated if someone comes in they have to do a traffic study and the traffic study does not indicate anything that needs to be adjusted on the road. He stated the second one comes in right after, and no adjustment needs to be made, the third one comes in does the traffic study and he has to build a whole road. He looked into how to make it equal for all the individuals and that is where the GEIS came from and why they have this.

The Supervisor stated the second part of this hearing is with regard to the recreation fees. Mr. Bianchino stated the current fees identified in the regulations called for a per lot fee for residential subdivisions of \$500 a lot. He stated during the review of the financing for the park

projects there was significant discussion of additional needs and surveys and needs assessment were done. He stated as a result there was a significant improvement package with the major portion being the construction of the park on Route 236 adjoining the Town's highway garage parcel. He stated as a result there was a need for additional funds to help offset the cost of that. He stated the Town's current \$500 per unit cost versus some other municipalities in the area they made a recommendation to the town that there is a need for an increase in per unit park fees up to \$1500 per unit. He stated they recommended a stepped approach to the increase in these fees as well effective immediately. He stated this would be a \$250 increase and raise to \$750 and nine months from adoption there would be another \$250 increase raising the fee to \$1000 and then 15 months after the initial adoption there would be a \$500 increase raising it to \$1500.

Councilman Bold stated the recreation fee has been in place for over two decades and somehow they arrived at a \$500 fee twenty years ago. He stated to try to do all the things is doing today with the recreation programs and facilities they find it necessary to support our income to assist in providing these facilities to the public.

Supervisor DeCerce stated they don't bring out the costs of the different things the Town is doing especially to the recreation park, however the hoops they have to jump through for historic preservation they have already allotted \$48,000 plus \$50,000 for Phases I and II and planning, at least, another \$150,000 before we can start activity because of the artifacts.

Councilman Bold stated we have used a significant amount of this money toward the purchase of property along the Old Champlain Canal where we are in the process of developing a trail. He stated recreation funds will be used in the near future for the purchase of additional park lands for recreation purposes.

Dean Taylor, Johnson Road (land owner), stated he understands what was explained and there certainly are cost increases with everything. He stated he would like to offer his points and the first perspective is that construction pricing has been very volatile in the last few years and prices can be spiking or not at any time. He stated they use the Government CTI indicator and check the buying power now and in the past and use that to determine what to raise the fees to. He stated he feels it is an important thing to look at. He stated the Town is doing a good job collecting the fees and getting the work that is done. He stated the GEIS identified several project improvements for traffic and it is hard to establish what part went to an existing condition and what part was new. He stated Sheldon Hills will also pay \$75,000 towards a traffic light, Rolling Hills has already performed a \$284,000 water main extension identified in the document and they have committed to another \$105,000 off Tabor Road. He stated the Fairways of Halfmoon when they brought up what normally would an 8" sewer main they upgraded to a 12" to accommodate extra capacity it was \$125,000 and Adams Point subdivision has already committed to a \$20,000 water main extension. He stated he sees it as \$1.1million dollars already collected and the amount of money already collected is about \$350,000. He stated the building department wasn't able to get him the amount the building permits that were issued in the GEIS but he estimates it to be 120. He stated, from his landowner perspective, there has been \$1,459,000 in fees collected, spread out over 120 permits, for each permit amounts to \$12,158 and, in effect the Towns is ahead of the game on collections. He stated the four year increase arbitrarily puts the burden on new projects and approved projects have already reached an agreement on fees and he doesn't have anything approved and it doesn't affect him, but it would be tough to hit an increase for somebody who has already agreed to fees. He stated he has comments but doesn't have solutions. He stated that Sheldon Hills and Stonecrest will pay fees and they were not in the calculations of the yield of the GEIS area. He stated there was a four year wait and now fees are being implemented immediately at a 30% increase. He commented that he appreciates a nine month build out but in the process of developing it is a thin window. He stated the market establishes the value of a property and the value of the house establishes the value of the lot so any cost that come along with building the road for that lot are basically coming from the person who owns the land. He stated if the Town fees are \$4000 per lot he is going to pay \$4000 less. He commented that the fees for Howland Park worked out to \$5894 per lot and with the new proposal they will be \$8266 per lot. He stated it is a burden on the property owner. He stated, relative to the Park fees there is a decent amount of money in the fund and he sees land being donated by developers. He stated he would ask the Town if they might consider using the CPI indicator so they don't get subjected to spikes. He stated he sees this Board as being a reasonable Board.

Councilman Bold commented that Mr. Taylor has done a great job articulating many aspects of this and he would like to address these comments at this time.

Supervisor DeCerce stated he is not sure the identified GEIS project improvements is totally accurate because he does not remember all of the adjustments.

Mr. Bianchino stated the capital improvements included in the traffic portion of the GEIS did not include the improvement at Vosburgh Road and Route 146 because, when the analysis was done there was no Sheldon Hills proposal and no need for improvement at that intersection. He stated the improvement identified on Route 146 in the GEIS was the intersection of Pruyn Hill and 146 and was proposed for widening and a signal. He stated the improvements as part of Sheldon Hills were not included in the improvements identified in the GEIS, therefore, there is no money collected or money identified in the capital improvement plan.

He stated, what needs to be remembered on the capital improvements and the mitigation fees is that the mitigation fees are based on the entire package. He stated if developer "a" comes in and builds a piece of it he gets credit for what he builds and that fee doesn't have to be collected from anybody else but everybody else still has to pay that fair share because we still need the cash in order to do the improvements that are necessary.

Councilman Bold stated on Cary Road there was a credit given to the GEIS fees that would have been paid by that developer in that amount but instead of collecting the fees and then later building the pipe the pipe was built and is a \$284,000 pipe we don't have to build.

Mr. Bianchino stated the credit is given based on the Town putting the project out to bid and paying prevailing wage so the cost the developer actually pays for the installing of the improvements is generally less than the credit the Town gives him to put it in. He stated it is a benefit to the developers to do an improvement and costs them less out-of-pocket than it does if we just charged them the fees. He stated in Sheldon Hills fees will be collected for lots outside the study area however, the fees are based on a capital improvement package that includes only what we considered the developers share of those improvements.

Councilman Bold that not all the houses that are a part of that phase have been build and GEIS fees were collected until the CO is issued so that money has not been collected. He stated the fees collected go toward general community improvements and they do not beef up the GEIS pot.

Mr. Bianchino stated they looked at the CPA and determined what the overall increase in that number was over a six year period then they looked at specific bidding information they had so they used the index and they did a reality check to see if it was enough to cover the overall cost of construction. He stated what they arrived at in a combination of both of those was the numbers they had. He stated he thinks the costs they identified to cover the capital improvements identified are reasonable expectations of what the construction costs will be in 2007.

Further discussion followed.

Bernadette Czajkowski stated she and her husband own land that comes within the boundaries of this area. She asked if only the section she is in is covered by these fees and what happens if a development occurs outside that area.

Supervisor DeCerce stated the legislation only relates to that area in the northern third of the Town, with a boundary which is boundaryied around Vosburgh Road out to Route 146 down toward the river on an angle.

Councilman Bold stated the recreation fees apply uniformly throughout the Town and it is the GEIS fee that applies to a specific area.

Mrs. Czajkowski stated her land could be looked at as maybe not so desirable because of the fees they are implementing to the developer. She stated that will hurt her and also with all the developments she hasn't seen any improvement in McBride Road and, they don't have any water or sewer and asked how they will ever get that benefit. She stated she will be the loser because of the 30% fee increase and she won't get the value of her land.

Supervisor DeCerce stated all of the mitigation fees do relate to her segment of Town but he doesn't see her as a loser on it and hasn't seen too many developers or realtors back away from that section of Town because of these fees. He stated he can't say he disagrees in total that it doesn't affect the sale of her property but he hasn't seen a reduction in desire to move into those areas. He stated when these projects come in they leverage them the best they can to bring them sewer and water.

Mrs. Czajkowski stated it seems like they waited too long and increased it too high instead of doing it along the way and her land will be hit 30%. She stated her land will look less desirable and people with a home in a development get sewer and water and she doesn't see them ever getting it.

Councilman Bold stated he agrees that the Town should have been looking at the fees and she is also correct about the developer comes along and puts in these utilities for homes he is building and selling and, unless he has to go past her home, he is probably not going to run it down the road to her home. He stated they do not have the means to take general public funds and run these services on every public road in the Town. He stated they ran it down past the end of McBride Road and that was part of a district that the Town worked for seven years in order to get the funding and create that district and supply water to people on Vosburgh, Pruyn Hill Road, and a little of Johnson Road. He stated it would be very difficult to accomplish that on a single road such as McBride and would be a very unlikely area. He stated when the assessor looks at the selling prices of property, in the six years since the GEIS has been in effect, rather than seeing the selling price of the property decline he has seen selling prices increase. He stated he uses comparable sales and constantly finding himself in the position of having to consider higher assessed values for these properties because of the high selling prices. He stated he wants to compliment her and the other landowners because they are very astute people and, he doesn't think if a developer comes in and wants to take their land at an unreasonable price they will be very good at negotiating.

Bruce Tanski, Clifton Park, stated the Town could say these are the fees and they need to all be paid up front like some Towns do. He stated, in some instances, we are very lucky were we are, but he wants the Board to be cognizant of what they are going through. He stated they are dropping their prices and he just dropped the price of his townhouses \$25,000 a piece because he couldn't sell them and some are dropping their prices back to 2003 prices. He stated he has already walked away from two pieces of property because of the cost of the property and the fees associated with it and feels the tide has definitely turned. He stated another person hasn't sold a house in five weeks and has seen six increases in sheetrock in two years. He stated every time a fee is increased, even though they are needed, it falls on the homeowners and he thinks he is the only builder in Southern Saratoga County that builds a home for less than \$300,000. He stated he recently had to raise his lots \$2500 to satisfy the MS-4 regulations. He stated in Halfmoon our sons and daughters cannot buy a home for less than \$260,000 and, is something we all should be cognizant of even though it's a great place to live and, there is no Town or Highway tax and, it could be a lot worse. He stated he always prided himself in building and renting affordable housing in this Town and doesn't want to lose track of that in Halfmoon.

Chris Abele, Lower Newtown Road, stated he is not against the fee increase as proposed tonight. He stated the administrative fees for the building department are long over due and, he has no problem with that. He stated he always supported the GEIS and feels it is a great thing and showed progressive planning on the Town's part and he applauds that. He stated he is very proud of Sheldon Hills and he and his partners paid for most of the fees and admits it's a confusing thing and he does it for a living and, the issues are complicated. He stated everybody wants to provide an affordable house because want people to live here but it is increasingly hard. He stated, specifically he has a problem with the GEIS fees going up in a development that is already approved. He stated he has no problem with the fees going up because costs increase and nobody can really project what they are going to be and that is reasonable, but has a problem as one of the owners of Sheldon Hills because when he signed the PDD it said 323 units at \$2894 a piece and that's a contract in his mind. He stated he wants to honor that and wants the Town to honor that too. He stated their Performa was based on a contract with this figure and when they get a building permit it is \$2894 for the GEIS, \$1500 for the water ODU, \$500 for the park fee and about \$700 for the building permit and totals about \$6,000. He stated if this proposal goes forward and affects Sheldon Hills it will impact the community about half a million dollars and he thinks that is unfair. He stated if Sheldon Hills stays like it is they will have contributed to the town approximately \$2 million. He stated he is proud of that and wants to do that and, he has faith in how that money is being used and he respects the amount of time that Mindy and Jim have spent with him and he is comfortable when the money is given to the Town it is being used for a good use for everybody. He stated he is not against the increase but doesn't think it should apply to something that has already been approved.

Councilwoman Wormuth asked if his question and concern is on the project that is not in the GEIS, that he asked for a zoning amendment and the Town worked with him on the public benefit to allow that change in development.

Mr. Abele agreed and stated he is confused only from the viewpoint of paying \$2894 because he voluntarily agreed to do it whether or not his project was totally in the GEIS and that figure is identified in a document he signed and it says 324 units at \$2894.

Attorney Murphy stated she will review this and it definitely has to be addressed but for clarification it is not a contract because he didn't sign it but it is legislation.

Mr. Abele stated he commends the Board because the GEIS was progressive and is good planning and they are solving issues that have to be solved. He stated he is proud to be in the Town and proud to build here and he is very proud of Sheldon Hills but on this issue he hopes they see his point.

The hearing was closed at 9:46 pm.

Councilman Bold stated he feels they should acknowledge the quality of the housing developments and stated he can't think of one they are not proud of. He stated everyone works on these projects and is not something that happens automatically. He stated relative to the cost increases over a 5-6 year period the cost increases has been horrendous and is many thousands of dollars and the fees are not big dollar amounts.

Councilman Polak stated they did a lot of research on these fees and they are more than justifiable and, they look at other towns and we are lagging behind. He stated he deals with building costs every day and these fees haven't been raised in three years.

Supervisor DeCerce stated if the money did come in this way it would have to come in another way and if they didn't try to collect it evenly across the Board as these projects come along then the last one in gets saddled with that big number and it gets paid for. He stated this is the easiest way to work across the Board with everyone and that is what the attempt is.

Councilwoman Parker stated in 2002 they brought forth the plan for the Northern Halfmoon GEIS to fruition. She stated she is a strong proponent of no town tax she is not in favor of a 30% hike and, does not agree they should do this to people who have lived here all their life.

Councilwoman Wormuth commented that she feels the comments made tonight were well received and the Board will certainly take a look at how they increase them and continue utilizing the CPI and will continue to use and spend time looking at these on a more regular basis. She stated they looked at the stepped increases to help out those who are developing and building to make the increases more palatable.

Attorney Murphy asked, for clarification if this wouldn't apply to someone wanting to subdivide so their family can continue to reside on the property.

Councilman Bold stated any of the current statutes, four units or less, would not be changed by this and these increases would only apply to the already established fee schedules and there are no new fees. Councilwoman Parker asked if this will affect the PDD's.

Attorney Murphy stated each PDD is evaluated based on the language contained in the PDD and she will evaluate the outstanding PDD language.

Councilwoman Parker stated that a 30% increase is not far and the 12.23 would be more palpable.

RESOLUTION NO. 39

Offered by Councilman Polak, seconded by Councilman Bold, Adopted by vote of the Board:
Ayes: DeCerce, Polak, Bold, Wormuth Nays: Parker Carried.

RESOLVED that the Town Board approves the following fee increases and follow the stepped process as determined, as follows:

Implementation Schedule for Recreation Fee Increases per Residential Unit	
Currently	\$500.00
Effective immediately upon adoption of increase	\$750

Effective 9 months from adoption of increases	\$1,000
Effective 15 months from adoption of increases	\$1,500

	IMPLEMENTATION SCHEDULE FOR INCREMENTAL FEE INCREASES PER EDU						
Land Use	Water	Sewer	Culverts	Traffic	GEIS Prep.	Open Space	Total
2002 COSTS	\$4.635 mil.	\$2.39 mil.	\$200,000	\$3.00 mil.	\$125,000	\$1.30 mil.	\$11.65 mil.
2007 COSTS	\$6.03 MIL	\$3.11 MIL	\$260,000	\$3.9 MIL		\$1.7 MIL	\$15.125 MIL
Original Fees	\$1,151	\$594	\$50	\$745	\$31	\$323	\$2,894
<u>SCHEDULE ONE</u> Fees effective immediately upon adoption of increases	\$1,325	\$687	\$57	\$858	\$31	\$372	\$3,330
<u>SCHEDULE TWO</u> Fees effective 9 months from adoption of increases	\$1,500	\$780	\$65	\$970	\$31	\$420	\$3,766

The Supervisor opened the public hearing for the Hudson Ridge Planned Development District at 9:47 pm.

Bill Hoblock, Capital District Properties, LLC, stated at the Board requested information on three points and will provide that information, the first being the walking trail; the second are the improvements to Stone Quarry Road at the intersection with Route 9 and, the third being sewer service to the Vandenberg Park on Woodin Road in lieu of the \$1,000 per unit cash contribution. He stated they asked not only for information but to bring their engineers to answer any questions. He asked if everyone received the submission that they submitted last week. He stated they went through the issues and submitted a site plan that added the walking trail extension, a memorandum and the road plan profile prepared by Creighton Manning engineering regarding the proposed improvements to the Woodin Road/Route 9 intersection and they had EDP do a brief sewer study and explanation of the proposed sewer service to Vandenberg Park on Woodin Road.

He stated regarding the walking trail they show the extension from the clubhouse to Route 9 and it has been added to the site plan that was proposed. He stated the Board also asked for design of the walking trail and will be six feet in width with a three to six inch base and a lot of hard packed surface throughout the parking trail except for the part that goes through wetlands where they will use wood chips.

He stated the second issue was the improvement to Stone Quarry Road at the intersection of Route 9. He stated the improvement eliminates the hazardous “hump” in Stone Quarry Road just before the intersection with Route 9. He stated they will re-grade the road which is known as vertical realignment. He stated they were asked to show a profile of the existing grade and what the grade will look like after it’s shaved down. He stated they submitted a road profile and Tom Baird is here from Creighton Manning the engineering firm.

Mr. Hoblock stated Travis Mitchell is here from EDP to discuss the sewer.

Mr. Hoblock stated a question was asked, once it is graded how it improves the stopping site distance of the intersection, what it is now and what it will be. He stated today it goes from 130’ to 275’ and is about a 75% improvement, which is very substantial . He stated the last question was how, if at all, they can improve the site distance eastbound on Stone Quarry Road and come to the intersection. He stated they are not proposing to improve any site distance because that would involve grading a four lane DOT highway. He stated one of the solutions would be a light there but that is not an option through DOT/

Mr. Hoblock stated Tom Baird from Creighton Manning has been involved with this project since the beginning and has involved in the redesign of the Route 9 – Stone Quarry intersection but also in the massive redesign of the other end of Stone Quarry at Woodin Road.

Mr. Baird stated he would go over the plan and comment on the constraints and issues. He stated as you approach the intersection there is a limited amount of site distance which varies about 130 feet. He stated the primary constraint is the existing residential driveway and an environmental issue with the trees and also right of way issues. He outlined the area on the site map and stated they are proposing a maximum cut of approximately two feet between the driveway and Route 9 and would extend for a total length of about 275 feet of reconstruction. He stated the existing stopping site distance is 130 feet and they will improve it to 226 feet. He stated one issue is the driveway that is pitched down toward her house and they will be dropping the road about one foot in front of her driveway and will level it out for her and help with the water in her driveway. He stated the water sitting in her driveway is deteriorating her concrete and will be one benefit. He stated the resident is very concerned about her trees. He stated they brought their work limit right up to the limit of where the root balls would be which is 9 feet from the edge of the existing lane. He stated they accommodated the trees, stayed within the right of way and have not created a situation with the driveway. He stated they are fixing a bid situation she has right now and created the best profile they could. He stated, just past her driveway about 100 feet back they will gradually take the road down from nothing for a maximum of two feet and match Route 9 for approximately a 70% increase. He stated the speed limit is 40 to 46 mph but, as you approach the intersection people are slowing down. He stated it is a very simple fix.

Councilman Polak stated he envisioned they could take a little more of the hill out but he didn't want to impact the residents any more than they had to.

Mr. Baird stated they did look at other alternatives but it would move back beyond the right of way and in past the trees and the impact would have been significant.

Councilwoman Parker asked where the trees are.

Mr. Baird stated they are large maple trees that are between the driveway and Route 9 on the left hand side as you approach Route 9. He stated when they drop the road they have to grade the slope back and, if it is cut too deep the trees will have to come down. He stated they will assume a mow-able slope and the grass will be able to be maintained right up to the road. He stated balancing all the constraints they came up with a very good solution.

Councilman Bold asked, when at the white line at the stop sign and if you are in a sedan what is the site distance looking up Route 9. He asked what the required site distance there based on the average speed on 9 and what the actual site distance is.

Mr. Baird stated, looking left, he could see cars from the intersection of Route 236 just past the nursery and see their front bumpers and the top of the hood all the way from the intersection but he is not sure what the distance is exactly and is a fuzzy area. He stated it wouldn't be a standard but a guideline to shoot for and, would be between 700 and 710 feet at 60 mph in a stop position looking left. He stated to make a right turn you would want to look left 575 feet because people are more apt to pull out in front of you. He stated it is a very involved process because there is a slight crest on Route 9 and, to do it you have to go out with a tripod in the middle of traffic measure then move it. He stated he doesn't have the answer because they didn't do that.

Discussion followed relative to the traffic concerns.

Mr. Hoblock stated the last item they were asked to look into is the sewer service to Vandenberg Park in lieu of \$1,000 per unit cash contribution to the Town. He stated as discussed sewer service to Vandenberg Park was a public benefit geared more the neighborhood. He stated Travis from EDP is doing their entire off site utility work and is intimately familiar with the project. Travis stated they are proposing the installation of a grinder pump at the ball fields with a low pressure force main. He stated the sanitary sewer flow from the existing bathroom and extend a service lateral out to Woodin Road and, then runs a common force main about 2500 feet north on Woodin Road to Ponderosa Drive, which is the nearest gravity collector. He stated it is a Saratoga County Sewer District gravity system that flows into the Birchwood pump station which is the same station the project will eventually flow into. He stated as part of the Hudson Ridge project they will be upgrading that station to take additional flows and to provide the sewer district with a modern station. He stated as they move forward they will take a survey of the homes along the route and the force main sizing from the park will be based on the number of homes that are interested in connecting. He stated they anticipate the range from a 2" to 3" line depending on where the connections are.

Councilman Bold asked if they would install that line per the County's recommendations and then dedicated to the County.

Mr. Hoblock stated that is correct the line would be dedicated to the County and the only thing the Town would own would be the grinder pump and the lateral.

Councilwoman Parker stated she questioned the size of the piping and 2 to 3" doesn't seem adequate.

Travis stated when working with a force main it is different than a gravity main where the minimum size used is 8" line but with a force main the size has to be based on the number of connections they have in order to maintain sufficient flow in the line to prevent maintenance issues. He stated the County requires a 2 feet per second cleaning velocity in the line and certain formulas are used. He stated they will size the line as large as they can to maintain the 2 feet per second to give the most flexibility in the future for connections. He stated it will be important to get some idea of the homes that would like to connect as they initiate the design. He stated most likely it will be on the opposite side from the water line and they will perform full root survey and determine exactly where it goes as the project proceeds forward.

Supervisor DeCerce stated it is exciting because approximately a dozen homes can connect into it. He stated he understands the question about the size of the pipe he would want a bigger pipe too but with a force main there can't be a bigger pipe because it would not be forcible.

Tom Koval, Button Road, stated he travels the area quite a bit and owns property in the vicinity and the intersection is atrocious and thinks this will work out very well. He stated with the traffic improvements, water and sewer he is very much in favor of this project.

Henrietta O'Grady, Church Hill Road, asked if they looked at the impact to the intersection of Route 9 and Crescent-Vischer Ferry Road.

Mr. Baird stated with a project such as this the impact of volume will be very low and the intersection will not be impacted very much. He stated it will only generate a small increase in traffic.

Don Conti, 107 Cemetery Road, stated he sees a lot of positive growth and, since this proposal came in he and his wife are planning on retiring here and this is what they have been looking for and fully supports this project.

Ellen Kennedy, Stone Quarry Road, commented on the Route 9 analysis, and she hits the road and scrapes going out and the proposal for cutting down the hill at the top won't change that at all. She commented on making a left coming off Stone Quarry Road on Route 9 the lights completely disappear and she cannot see them.

Tom Baird indicated on the site proposal how they are proposing to change will transition the road to Route 9 so people won't get bottomed out and will take care of the problem. He stated it will be a gradual change of about two feet and will not impact the house on the corner and the tree they have. He stated it will increase the site distance and address the site distance. He stated they followed the established standards for guidelines for site distance.

Deborah Conti, 107 Cemetery Road, stated she and her husband have been looking in the area at new construction and this has a great curb appeal and everything they are looking for in size as empty nesters. She stated she is a real estate agent with REMAX and has sold hundreds of property and has spoken to many seniors in the area that would love to live in an area like this. She stated a lot of people are moving out of this area because they can't find apartments that meet their needs. She stated she is really for this project.

John Hickok, 91A-Woodin Road, stated he lives near the project and is an owner of a luxury duplex on Woodin Road and thinks this is a great project and the only thing he questions is the public benefit. He stated if this project is built the intersection needs to be changed with the increased traffic. He stated the benefit and values to the homeowners along both Woodin and Stone Quarry Road should be looked at closer. He stated he is all for luxury living and is a great benefit to the Town to have that type of living.

Jeff Everett, Canal Road, stated he is a long time resident and the intersection should be addressed and this is a great benefit. He stated the residential use this property will be used is a really good use of the property and would encourage the Town to continue to look for builders like this.

The Supervisor closed the public hearing at 10:30 pm.

Councilman Polak stated for years the Town has been trying to get that intersection somehow cleaned up and this project went above and beyond to make it a safe intersection on both ends. He stated, relative to the public benefits, this will give people who don't have water the opportunity to tap into water. He stated under the guidelines they could never afford to have the water for such a small district. He stated the septic system in the park has needed work for years and this will be a big plus and the public benefit has been looked at long and hard over the years.

Councilman Bold stated, John Hickok's suggestion that we make the connections available at the curb stop for the water is standard and, the Town requires it but questioned if it is possible on the sewer if it is not going to be used.

Discussion followed on the sewer line and it was stated it can't be done as readily on sewer as water.

Councilman Bold stated he was surprised when he read the traffic intersection report and understands that the standards they are required to work with and, the difference in perspective. He stated when the benefit package was put tighter it does add up to quite a bit

Supervisor DeCerce stated this is going to be a good project and he has a letter from Darrell and Lisa Bell supporting what they have done.

Councilwoman Wormuth thanked the applicant for the 15 meetings they attended and worked on in order to get this project to where it is and certainly it was a give and take.

Councilwoman Parker thanked the applicant for bringing such a good quality project into our Town.

RESOLUTION No. 40

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

RESOLVED, that the Town Board approves the Hudson Ridge Planned Development District as stated in the following legislation:

LOCAL LAW #2 OF THE YEAR 2007

BE IT ENACTED by the Town Board of the Town of Halfmoon as follows:

Section 1. This Local Law shall be known and may be cited as "Local Law #2, 2007, amending the zoning ordinance of the Town of Halfmoon, Local Law #5 of 1995, and the map and official regulations relating to zoning of the Town of Halfmoon", creating a Planned Development District known as Hudson Ridge Planned Development District.

Section 2. Local #5, 1995, of the Town of Halfmoon, entitled "Local Law Relating to Zoning for the Town of Halfmoon" and the zoning map of the Town of Halfmoon, as set forth and enacted in Local Law #5 of 1995, as previously amended and supplemented be and the same hereby are further amended by creating the residential Planned Development District to be known and described as "Hudson Ridge Planned Development District". **Section 3.** The area comprising said "Hudson Ridge Planned Development District" consists of approximately 32.01 acres, tax map parcel numbers 284-2-2.1 and 284-2-2.2, and is located on Stone Quarry Road at the northwest corner of the intersection of Stone Quarry Road and Route 9 in the Town of Halfmoon, County of Saratoga, State of New York and is bounded and described as set forth in **Exhibit A** attached hereto and made a part hereof.

Section 4. There shall be constructed within the area of said "Hudson Ridge Planned Development District", a project generally consistent with the Site Plan dated August 3, 2005 (revised June 16, 2006) prepared by BL Companies, consisting of twenty (20) apartment buildings with two hundred (200) total apartments, clubhouse, pool, and recycling center, together with the necessary infrastructure and improvements in general conformity with the Site Plan dated August 3, 2005 (revised January 4, 2007) attached hereto as **Exhibit "B"** and in general conformity with the zoning ordinance of the Town of Halfmoon with relation to Planned Development Districts and in accordance with the negative declaration by the Town Board of the Town of Halfmoon attached hereto and made a part hereof as **Exhibit "C"**.

Section 5. Before application is made for any building permit, preliminary and final site plan approval shall be obtained from the Planning Board of the Town of Halfmoon and the final plan shall be signed by all governmental entities having jurisdiction thereof including but not limited to the Halfmoon Water Department. The final plan shall be filed either in total, or in phases, as approved by the Planning Board of the Town of Halfmoon, in the Saratoga County Clerk's Office. The exact location and specifications of roadways, buffers, green space and other related matters may be changed, altered or amended during the Town of Halfmoon Planning Board review process in a manner generally consistent with the Site Plan dated August 3, 2005 (revised January 4, 2007).

Section 6. Sanitary sewer service shall be provided in general conformance with the Environmental Design Partnership report entitled "Proposed Off-Site Sanitary Sewer Connection for Hudson Ridge PDD, Stone Quarry Road, Town of Halfmoon, New York (August 2006)". As discussed therein, sanitary sewer service shall be achieved

by means of an on-site gravity collection system discharging to the existing Birchwood Pump Station owned by the Saratoga County Sewer District No. 1. The Applicant shall improve and upgrade the Birchwood Pump Station. In order to alleviate existing capacity issues in the Grooms Rd./Guideboard Rd. gravity sewer line, the Birchwood Pump Station discharge will also be redirected, by the Applicant, out of that gravity line and into the recently installed Saratoga County force main on the north side of Grooms Road.

In an effort to provide a direct positive impact on the immediate area, sanitary sewer service will be provided to Vandenburg Park on Woodin Road in general conformance with the Environmental Design Partnership report entitled "Proposed Sanitary Sewer Extension to Vandenburg Park Woodin Road, Town of Halfmoon, New York (January 2007)". As discussed therein, the Applicant will install a grinder pump at the ball fields with a low pressure force main extending along Woodin Road approximately one-half of a mile to the existing sanitary sewer collection system on Ponderosa Drive. The Applicant will further provide tap-in facilities for the benefit of landowners along the proposed utility extension service route that do not have such service but desire same. This will be completed prior to the granting of any certificates of occupancy.

All sewer mains and appurtenances will be installed and improved/upgraded by the Applicant to the Saratoga County Sewer District No. 1 standards and offered for dedication to the Saratoga County Sewer District No. 1 at no cost to the Saratoga County Sewer District No.1 or the Town of Halfmoon, with delivery to the Saratoga County Sewer District No. 1 of duly executed deeds, easements and bills of sale as appropriate.

Section 7. Potable water service for the Hudson Ridge Planned Development District will be provided by the extension of existing water mains in the vicinity of the parcel and as approved by the Town Engineer and Water Department. The Applicant shall further extend the water main down Stone Quarry Road to Woodin Road, thereby "looping" the existing water system. In addition, the Applicant will further provide tap-in facilities for the benefit of landowners along the proposed utility extension service route that do not have such service.

The project is not currently within, nor is it served by any existing water district. The project is anticipated to be served by the Town of Halfmoon Municipal Water Supply by reason of an Agreement for Extension of Town of Halfmoon Consolidated Water District to be entered into between the applicant and the Town upon terms and conditions acceptable to the Town Board. The execution of that Agreement for Extension of Town of Halfmoon Consolidated Water District is a condition precedent to any construction, building permits, or development within the site. As part of the agreement for the extension of water to the site the applicant will be required to extend existing water mains in the vicinity of the parcel per approval of the Town Engineer and Water Department. The Applicant shall further extend the water main down Stone Quarry Road to Woodin Road, thereby "looping" the existing water system. In addition, the Applicant will further provide tap-in facilities for the benefit of landowners along the proposed utility extension service route, including owners on the opposite side of the road, that do not have such service. The applicant is aware that potable water will not be available from the Town of Halfmoon Municipal Water Supply until mid 2007.

Section 8. Approval of the New York State Department of Health, New York Department of Environmental Conservation and Town Engineer will be obtained for the potable water system and the sanitary sewer system, as appropriate.

Section 9. A storm water management plan will be developed during the site plan review process. The Applicant shall retain title to the storm water management areas, as shown on the final site plan, and shall be responsible for the maintenance of all such areas and facilities. The applicant shall offer to the Town of Halfmoon the stormwater management area for dedication to the Town of Halfmoon if requested by the Town and shall post a one-year maintenance bond or letter of credit upon making the dedication. In the event that the dedication of the stormwater management area and any other areas proposed for dedication are not accepted by the Town of Halfmoon, the applicant shall be responsible for the periodic maintenance and/or repair of the system to the Town of Halfmoon at no cost to the Town of Halfmoon.

Section 10. All utilities, roads and/or streets within the Hudson Ridge Planned Development District shall be constructed by the Applicant in accordance with the specifications approved during site plan review and shall remain private.

In order to remedy the significant public safety issues associated with the existing road system in the vicinity of the Hudson Ridge Planned Development District, the Applicant shall make the following multiple major road improvements.

The intersection of Stone Quarry Road and Woodin Road will be completely redesigned via removal of the rock on the southeast corner of the intersection, as well as the vertical and horizontal realignment of Woodin Road, in general conformance with the concept road plans and profiles prepared by Creighton Manning Engineering dated August 24, 2006. At the intersection with Route 9, Stone Quarry Road will be vertically realigned to greatly improve the limited site/stopping distance and a right-turn lane will be added on Stone Quarry Road, in general conformance with concept road plan and profile dated January 2007.

The road improvements will be reviewed and approved by the Town Engineer and, if applicable, New York State Department of Transportation.

No Certificates of Occupancy shall be issued until the above road improvements are completed.

The trails and sidewalks shall constructed as depicted in Exhibit A and/or as modified by the Halfmoon Planning Board during final site plan approval.

Based upon the studies conducted by the Town including but not limited to the Town wide survey, Trail Study, Recreation Study, the open space work conducted on behalf of the Town, the Comprehensive Plan, and the studies conducted and reports prepared for the new Town Park, it is clear that although a proper case exists for requiring a park or parks suitably located for playgrounds or other recreational purposes, this parcel is not suitable for the location of a park of adequate size to meet the needs of the Town of Halfmoon, therefore the applicant shall be responsible for recreation fees as assessed by the Planning Board at the time of the subdivision and prior to the granting of Certificates of Occupancy.

Section 11. All buildings and improvements shall be designed and constructed pursuant to plans and specifications approved by a duly licensed architect or engineer and in strict compliance with established construction standards, regulations and codes (including the New York State Uniform Fire Prevention and Building and Construction Code). All construction, during the performance thereof and upon completion, shall be subject to the inspection and approval of the Town of Halfmoon Code Enforcement Officer, Engineer and Superintendent of Highways, and Fire Marshall.

Section 12. The Town of Halfmoon Planning Board shall not give final site plan approval unless and until all approvals required by each and every other government or governmental entity have been obtained. The Planning Board may, in

its discretion, give approval conditioned upon the Applicant obtaining such approvals.

Section 13. Signs within the Hudson Ridge Planned Development District shall comply with the requirements established by the town of Halfmoon Planning Board during site plan review. The architect or engineer performing the work herein described shall be employed by and at the expense of the developer.

Section 14. This Local Law shall take effect upon being filed in the Office of the Secretary of State as provided in the Town Law and/or Municipal Home Rule Law.

Section 15. The Town of Halfmoon Town Board may, upon the request of the then owner of the Hudson Ridge Planned Development District, modify any of the provisions of this Local Law upon such terms as the Town Board shall determine to be reasonable.

Section 16. This Local Law shall be deemed automatically revoked and void, and the previous regulations shall apply, if within three (3) years from the effective date of this Local Law, or within such additional period as the Town Board may subsequently provide without a further public hearing, commencement of the construction of the Hudson Ridge Planned Development District has not begun, or if, after construction has begun, substantial progress, weather permitting, is not continued without interruption.

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Councilwoman Wormuth reported there is an Open Space Committee meeting scheduled for February 15th, 7 pm at the Senior Center. She stated the Board adopted a proposal from the engineers that will move the Town through the open space process with a defined scope and they will get it out to the committee and getting an update of the work they did last year and getting specific goals.

Councilman Bold reported on a Change Order for the waterline project with 1000 Oaks in the amount of \$104,000 deduct due to materials left over at the end of the project. He stated the amount will be split between the Water Source project and the District Extension project.

He stated there is a change order on the Town Hall project for an additional cost of \$3,196 for Malone & Tate Builders, Inc. to add a third color to the siding package which was quoted with two colors and the committee has chosen a third color.

He reported on a change order in the amount of \$1,241.68 from BCI for the Water Treatment project and the change is with the crane system in the pump room in the new water plant. He stated the change came about because of the steel manufacturing came in a little different than what was expected.

Councilwoman Parker reported HEAP is available through the Office for the Aging and the Halfmoon Senior Center tax preparation schedule is up and running and the center can be contacted to make an appointment. She stated the seniors can watch channels 6-10 & 13 to see if the senior center is closed during inclement weather and also to reserve for Meals on Wheels that are served daily for \$2.00.

Supervisor DeCerce stated he has had requests from Bishop Hubbard and Marina Woods apartments and the American Legion to try to get generators for those facilities. He stated he has talked with Senator Bruno's office and it was suggested he get specs and they will work on that. He stated he has made attempts to contact our new Congresswoman but so far has been unsuccessful and will keep knocking on her door.

The Supervisor opened public privilege for discussion of agenda topics.

Dick Krier, 89 Tabor Road, stated he has a comment, compliment and a concern about Item No. 4, Rolling Hills Water Agreement. He stated the developer did an excellent job, speaking as a member of the Town Trails Committee, early on they put in an excellent trail and a couple of really excellent bridges and they should be commended. He asked how the resolution to bring the water relates to Phase I.

Attorney Murphy stated this agreement allows them to go forward with the paperwork they need to do to expand the water district to allow the homes to have water but it doesn't change any of the timetable. She stated the water isn't even available until our Water Treatment facility is completed and functional and this is something they are doing to make sure they have all their ducks in a row.

Mr. Krier stated his concern is with the proposed intersection on Tabor Road, with the additional development, the traffic has been increasingly heavy and the proposal is to put an intersection off Tabor Road onto Liebiech Lane. He stated they were told the purpose was to divert traffic more efficiently down to Route 9 and he is concerned the design of that doesn't seem to be at all effective. He stated he would ask that at an appropriate point the Town could work with the developer since the road hasn't been built yet to take a look at the design again and moving the intersection could make it a smoother intersection. He stated maybe the Town could share the burden of the redesign cost and it may be a benefit to the entire Town.

Henrietta O'Grady stated they looked at the trails at Rolling Hills and walked part of it and it is very nice and will compliment the neighborhood.

She questioned Items 15 and 16, the communications system for the Water Department, asking why we need to do this now and go across the river into another county. She asked if alternatives were looked at and if the cost of this will be shared by all three Water District Zones.

The explanation will be provided at that point in the agenda.

DEPARTMENT REPORTS – month of December 2006

1. Building

Total Permits -	55	Total fees remitted to the Supervisor -	\$20,560.00
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Filed.

2. Fire Code

Total Permits -	18	Total fees remitted to the Supervisor -	\$ 720.00
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Filed.

2006 Year End Report submitted by: Town Clerk; Town Justice Wormuth month of January 2007

1. Town Justice Wormuth

Total Cases -	297	Total fees remitted to the Supervisor -	\$32,660.00
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Filed.

2. Town Justice Tollisen

Total Cases -	342	Total fees remitted to the Supervisor -	\$32,420.65
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Filed.

3. Town Clerk

Total fees remitted to the Supervisor	-	\$ 5,275.09
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Filed.

4. Building

Total Permits -	36	Total fees remitted to the Supervisor -	\$ 6,355.00
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Filed.

5. Fire Code

Total Permits -	14	Total fees remitted to the Supervisor -	\$ 530.00
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Filed.

CORRESPONDENCE

1. Received from Town Planner notification of Planning Board denial of application of Mr. Duane Rabideau, VanGuilder & Associates for the Halfmoon Jewelers, 1686 Route 9 commercial site plan; decision based on not meeting area requirements in the *Local Laws relating to Zoning of Town of Halfmoon*.

OLD BUSINESS

1. Presentation - Inglewood Planned Development District

Gavin Vuillaume, Environmental Design Partnership, stated he is representing the applicant Diamond Capital Development and will provide the Board with an update of the proposed project. He stated they have worked with the Planning Board for the last few months and had a Public Informational meeting with them. He stated they addressed changes to improve the project and also all the concerns of neighbors. He stated they proposed fencing and landscaping to increase the buffers for the project for the property along Cemetery Road. He stated another concern along Cemetery Road was the available site distance and they can discuss the improvements in more detail with Creighton Manning relative to the driveway access to the project. He stated they also have a secondary access and would be emergency access only and also gives them another access. He stated the overall density for the project has gone from 33 units down to 27 and will implementing more green area toward Cemetery Road and introducing an open space lot specifically allocated for residents within the project. He stated it will all be serviced by a sewer connection out to Cemetery Road, connecting to an existing sewer and run gravity up to the project. He stated they will leave a few “stubs” for residents along the way. He stated they will have public water and on site storm water management.

Mr. Vuillaume stated they will go into more detail and they have some renderings of the building they would present at the public hearing and additional information.

Councilman Polak stated in the narrative it states the emergency access road will be gated and another sentence states it can be used year round by the residents.

Mr. Vuillaume stated it can be used as a pedestrian path and connects to Lawrence Circle and connects to a commercial area that some residents may chose to walk there.

Councilwoman Wormuth stated there were several comments addressed at the Planning Board level and some were a result of the Town Board level relative to the traffic and site distance and the Planning Board minutes from that meeting will be adopted and available to the Town Board and she would ask that the Town Board review those to hear the comments from the Planning Board and the concerns addressed. She stated it would also be important to have the information from the traffic engineer available. She stated they have worked very hard with the Planning Board

Mr. Vuillaume stated the traffic engineer would be available at the public hearing with the specific traffic analysis.

Councilwoman Wormuth stated she would recommend setting a public hearing for the first meeting in March.

Councilman Bold asked, if at the public hearing relative to the property toward the north, if it would make sense to provide the possibility of a future connection. He stated he would also like to look at the narrative reference to, in lieu of providing money to go toward playground equipment, if the Board chose, they could divert that money toward road improvements in that area. He stated if they could come back with a suggestion on what road improvement might be beneficial. He stated he made a suggestion of sidewalks and would like that to be defined why it may not be practical.

Supervisor DeCerce stated they may want to consider working on some of the drainage further north. It was stated it may be beneficial to the Town Engineer.

RESOLUTION NO. 41

Offered by Councilwoman Wormuth, seconded by: Adopted by vote of the Board: Ayes: DeCerce, Polak, Bold, Parker, Wormuth

RESOLVED, that the Town Board sets a public hearing for the Inglewood Planned Development District for March 6th, 2007 at 7:00 pm

NEW BUSINESS

RESOLUTION NO. 42

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

RESOLVED, that the Town Board approves the Supervisor's Report for month of December 2006, as presented.

RESOLUTION NO. 43

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

RESOLVED, that the Town Board approves minutes of Town Board meetings of October 17th, November 9th & 21st and December 5 19 & 29, 2006 as presented

RESOLUTION NO. 44

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

RESOLVED, that the Town Board authorizes including the following appointments to the January 2, 2007 Organizational meeting:

1. Councilwoman Mindy Wormuth add to the Town Water Committee
2. Eileen Pettis, Senior Center Director as a Town Department Manager
3. Robert Beck, alternate Planning Board member – retro 1/1/07 through 12/31/10

Councilman Bold stated, relative to the next item, that these agreements connect some off site piping that is part of Phase II and III and includes some connections.

RESOLUTION NO. 45

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

WHEREAS, the Town of Halfmoon recognizes the importance of providing municipal water to the citizens of the Town of Halfmoon; and

WHEREAS, Rolling Hills development is requesting permission to extend the existing water district to provide service to Phase II and III consisting of eighty-three units requiring potable water from the municipality; and

WHEREAS, Clifton Park Materials Group, LLC, has executed a contract to provide for the extension of the existing water district which details the payment of funds to the Town of Halfmoon for the receipt of potable water after the completion of the expansion of the water treatment facility; and

WHEREAS, the Town Attorney has reviewed and approved the terms and conditions set forth in the Water District Extension Agreement; and

WHEREAS, the Town's Water Regulations set forth the water rates charged on behalf of the Town; now, therefore, be it

RESOLVED, that the Town Board of the Town of Halfmoon hereby authorizes the Town Supervisor for the Town of Halfmoon to execute the Water District Extension Agreement for Phase II and III of the Rolling Hills development upon receipt of the associated fees as detailed in the Water District Extension Agreement.

Councilman Bold commented, relative to the next item, how hard Supervisor DeCerce has worked on this over the last five years.

RESOLUTION NO. 46

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

WHEREAS, the Town of Halfmoon recognizes the importance of providing municipal sewer to the Springbrook Mobile Home community; and

WHEREAS, the most efficient and affordable manner to provide the Mobile Home community with municipal sewer is to establish the Dunsbach Road sewer line to be owned and maintained by the Saratoga County Sewer District #1; and

WHEREAS, the Town of Halfmoon recognizes the need for monetary assistance to provide the Dunsbach Road sewer line; and

WHEREAS, there is monies available through the obtainment of a Small Cities Grant to aid in the cost of establishing the Dunsbach Road sewer line; and

WHEREAS, Garden Homes Management Corporation, the owning organization of Springbrook Mobile Home Park shall contribute three hundred thousand dollars (\$300,000) towards the cost of the Dunsbach Road sewer line so that they may provide adequate and safe sewer service to the residents of the Mobile Home community and meet the safety/sanitary requirements as set forth by the New York State Department of Environmental Conservation; and

WHEREAS, the Town of Halfmoon agrees to utilize these monies once the sewer line is available to accept flows from the Mobile Home Community; now, therefore, be it

RESOLVED, that the Town Board of the Town of Halfmoon hereby authorizes the supervisor, subject to the review and approval of the Town Attorney, to execute the agreement with Garden Homes Management Corporation to utilize the three hundred thousand dollars set aside by Garden Homes Management Corporation towards the cost of the Dunsbach Road sewer line.

RESOLUTION NO. 47

Offered by Councilwoman Parker, seconded by Councilman Bold: Adopted by vote of the Board: Ayes: DeCerce, Bold, Parker, Wormuth Abstain: Polak Carried.

WHEREAS, the Town of Halfmoon recognizes the importance of providing municipal sewer to the Springbrook Mobile Home community; and

WHEREAS, the most efficient and affordable manner to provide the Mobile Home community with municipal sewer is to establish the Dunsbach Road sewer line to be owned and maintained by the Saratoga County Sewer District #1; and

WHEREAS, the Town of Halfmoon recognizes the need for proper engineering to be conducted to ensure the safety and viability of the Dunsbach Road sewer line; and

WHEREAS, there are monies available through the obtainment of a Small Cities Grant to aid in the cost of establishing the Dunsbach Road sewer line which cannot be used for engineering services; and

WHEREAS, Garden Homes Management Corporation, the owning organization of Springbrook Mobile Home Park shall contribute three hundred thousand dollars (\$300,000) towards the cost of the Dunsbach Road sewer line so that they may provide adequate and safe sewer service to the residents of the Mobile Home community and meet the safety/sanitary requirements as set forth by the New York State Department of Environmental Conservation; and

WHEREAS, the Town of Halfmoon agrees to utilize these monies once the sewer line is available to accept flows from the Mobile Home Community; and

WHEREAS, the Town of Halfmoon has incurred engineering costs for the services of Clough Harbour and Associated in association with the design of the Dunsbach Road sewer line that will be paid by the Garden Homes Management Corporation once the funds are accessible to the Town of Halfmoon as detailed above; now, therefore, be it

RESOLVED, that the Town Board of the Town of Halfmoon hereby authorizes the payment of the expenses incurred by Clough Harbour and Associates for the engineering and design of the Dunsbach Road sewer line to be reimbursed with interest to the General Fund once the funds from the Garden Homes Management Corporation are accessible per the contract between them and the Town of Halfmoon.

RESOLUTION NO. 48

Offered by Councilwoman Parker, seconded by Councilwoman Wormuth: Adopted by vote of the Board: Ayes: DeCerce, Polak, Bold, Parker, Wormuth

RESOLVED, that the Town Board approves a one year Maintenance Agreement with Central Business Equipment Inc. for the copier shared by the Building and Planning departments in the annual amount of \$554.88 and further

RESOLVED, that said agreement be subject to approval of the Town Attorney.

Attorney Murphy stated, relative to the next item that the Board has sent out Lead agency notices more than 30 days prior to today's date, therefore they can move forward with the negative declaration.

RESOLUTION NO. 49

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

WHEREAS, the Town Board has established itself as Lead Agency in accordance with 6 NYCRR 617.6 for the development of the Canal Road Multi-Use Path (PIN 1754.56); also known as the Crescent Park Trail; and

WHEREAS, the Town Board has reviewed the potential impacts identified in the Parts 1 and 2 of the Full Environmental Assessment Form and as a result has found no significant impacts that would potentially occur as a result of the project;

NOW, THEREFORE, BE IT RESOLVED, that a Negative Declaration shall be issued for the project in accordance with 6 NYCRR 617.7; and

BE IT FURTHER RESOLVED, the attached Negative Declaration is to be filed and published in accordance with 6 NYCRR 617.12.

RESOLUTION NO. 50

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

RESOLVED, that the Town Board authorizes the Town highway department to enter into a Preventative Maintenance Agreement with Overhead Door Company of Albany for normal maintenance, including routine inspections, adjustments, lubrication and tightening of the Highway Garage overhead doors. (The only cost would be for replacement parts and labor)

RESOLUTION NO. 51

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

RESOLVED, that the Town Board approves and orders paid all vouchers for all funds listed on Abstract dated February 6, 2007, totaling: \$359,049.39.

RESOLUTION NO. 52

Offered by Councilwoman Wormuth, seconded by Councilwoman Parker: Adopted by vote of the Board: Ayes: DeCerce, Polak, Bold, Parker, Wormuth

RESOLVED, that the Town Board approves Matthew Gundrum's request for reinstatement as part-time Court Officer to be paid \$15.06 per hour worked, effective immediately through 2007

RESOLUTION NO. 53

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

RESOLVED, that the Town Board authorizes the Supervisor to make the following Creation of Appropriations.

A resolution is necessary to create a capital project for the Colonial Green subdivision drainage system. This portion of the project is to approve proposal from Clough Harbour & Associates to provide survey and base mapping in the amount of \$7,500; preparation of design plans in the amount of \$35,000 and public bidding in the amount of \$3,000.

DEBIT:	HO 510 Estimated Revenues	\$45,500
	Subsidiary: HO5031 – Interfund Transfers -	\$45,500
CREDIT:	HO 960 Appropriations	\$45,500
	Subsidiary: HO8540.20 –Drainage Improvements -	\$45,500

A resolution is needed to appropriate the contribution from Greater Berkshire Foundation, Inc made to the Character Counts Program for the summer recreation program for youths to attend the summer camp as follows DEBIT:

	AO510 Estimated Revenues	\$500
	Subsidiary: Community Gift Contributions AO2705 -	\$500
CREDIT:	AO960 Appropriations	\$500
	Subsidiary: Character Counts – Contractual AO7989.4 -	\$500

Councilman Bold stated, relative to the next item, that \$160.00 is one half of the \$320.00 per EDU and, at the last meeting we had a question from a resident along there and they looked into it and it was a very valid suggestion and they responded to that.

Councilwoman Wormuth thanked the Water Department for all the work they did gathering the information and getting the list together and providing the Board with the information.

Councilwoman Parker asked that the Supervisor send a copy of the resolution they are passing along to the residents. Supervisor DeCerce stated the Water Department Director will draft the letter.

RESOLUTION NO. 54

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

WHEREAS, the Town Board has knowledge that the extension of public water for the properties designated on the list attached hereto and made a part hereof as Exhibit "A" will not be completed and available to provide water service to the designated properties until the summer of 2007, and

WHEREAS, the owners of the properties detailed on Exhibit "A" paid one hundred and sixty dollars (\$160.00) per Equivalent Dwelling Unit (EDU) for service for 2007 based upon the Town Board's belief that the water would be available to the residents at the beginning of 2007, and

WHEREAS, it is clear, apparent, and manifest that the residents will not have an opportunity to obtain Town water until the summer of 2007, and

WHEREAS, the fees collected per EDU are intended to be applied toward the maintenance, operation, enlargement and improvement of the water system and for the payment of the principal and interest of bonds issued for the purposes of providing potable water,

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That one half of the fees paid by the owners of the properties detailed on Exhibit "A" for water as assessed through the Equivalent Dwelling Unit shall be refunded to the property owners listed on Exhibit "A" so long as the monies have been previously paid to the Town of Halfmoon. These monies represent the first six months of 2007 during which water service will not be available, and

2. That no additional fees shall be refunded to the property owners.

Town of Halfmoon
Upper Newtown Road Extension

Service Area Parcel Identification List

Section-Block-Lot	Primary Owner	Secondary Owner	Property Address		Class	Property Type	Acres	EDU
3.-1-14.12	David M Kopyc		225 Upper Newtown		220	2 Fam Res	2.19	2.01
3.-1-14.112	Lance Skarrup	Carol Skarrup	227 Upper Newtown		210	1 Fam Res	1.4	1.00
3.-1-15.1	Thomas F. Keyoskey	Deborah J. Keyoskey	256 Upper Newtown	Mechanicville NY 12118	210	1 Fam Res	2.00	1.01
3.-1-16.12	Donald S Pingelski	Karen S. Pingelski	213 Upper Newtown	Mechanicville NY 12118	210	1 Fam Res	2.00	1.01
3.-1-16.2	Frank Pingelski	Amelia Pingelski	221 Upper Newtown	Mechanicville NY 12118	210	1 Fam Res	2.73	1.02
3.-1-18.12	Helen Pohl		13 Pohl Dr	Mechanicville NY 12118	210	1 Fam Res	2.09	1.01
3.-1-18.2	William Pohl	Elizabeth Pohl	15 Pohl Dr	Mechanicville NY 12118	210	1 Fam Res	0.60	1.00
3.-1-18.3	John M. Pohl		21 Pohl Dr	Mechanicville NY 12118	210	1 Fam Res	0.93	1.00
3.-1-18.4	Gary H. McClements	Ruth A. McClements	23 Pohl Dr	Mechanicville NY 12118	210	1 Fam Res	0.86	1.00
3.-1-20.111	Lester Slade	Mary A. Slade	179 Upper Newtown	Mechanicville NY 12118	240	Rural Res	1.72	1.01
3.-1-20.112	Joseph Coppola	Deborah A. Coppola	119 Upper Newtown	Mechanicville NY 12118	210	1 Fam Res	1.00	1.00
3.-1-20.113	Sandra Milter		Upper Newtown	Mechanicville NY 12118	314	Rural Vac<10	1.00	0.10
3.-1-20.13	Edward Martel	Joan Martel	135 Upper Newtown	Mechanicville NY 12118	210	1 Fam Res	4.67	1.04
3.-1-20.141	John A. Vozzy		131 Upper Newtown	Mechanicville NY 12118	210	1 Fam Res	3.45	1.02
3.-1-20.142	David Garfinkel	Marybeth K. Garfinkel	129 Upper Newtown	Mechanicville NY 12118	210	1 Fam Res	3.95	1.03
3.-1-20.143	Joseph Vumbaca		Upper Newtown	Mechanicville NY 12118	314	Rural Vac<10	3.53	0.13
3.-1-20.144	Damian D. Foti	Alicia M. Foti	125 Upper Newtown	Mechanicville NY 12118	210	1 Fam Res	3.03	1.02
3.-1-20.16	Edward S. Walsh Jr.	Amanda L. Walsh	7 Pohl Dr	Mechanicville NY 12118	210	1 Fam Res	1.98	1.01
3.-1-21.31	Steven M Herring	Gloria M. Herring	113 Upper Newtown	Mechanicville NY 12118	210	1 Fam Res	1.17	1.00
3.-1-21.32	Michele D. Carney		115 Upper Newtown	Mechanicville NY 12118	210	1 Fam Res	3.74	1.03
3.-1-22	James McGloine	Constance McGloine	79 Upper Newtown	Mechanicville NY 12118	210	1 Fam Res	1.00	1.00
3.-1-23	Edward P. Stephenson		81 Upper Newtown	Mechanicville NY 12118	210	1 Fam Res	1.28	1.00
3.-1-24	Victor P Witko		83 Upper Newtown	Mechanicville NY 12118	210	1 Fam Res	0.92	1.00
3.-1-25	Cady D. Herrick	Patricia Herrick	87 Upper Newtown	Mechanicville NY 12118	210	1 Fam Res	0.92	1.00
3.-1-26	Ronnie J. Blanchette		91 Upper Newtown	Mechanicville NY 12118	210	1 Fam Res	0.92	1.00
3.-1-27	Ronald P. Bagnoli		95 Upper Newtown	Mechanicville NY 12118	210	1 Fam Res	0.92	1.00
3.-1-28	James W. Henderson	Helene Henerson	101 Upper Newtown	Mechanicville NY 12118	210	1 Fam Res	0.92	1.00
3.-1-29	Henry W. Soucy	Joan W. Soucy	105 Upper Newtown	Mechanicville NY 12118	210	1 Fam Res	0.92	1.00
3.-1-30	Glen Swatling		162 Upper Newtown	Mechanicville NY 12118	110	Livestock	2.75	1.02
3.-1-71.2	Paulsen Development of Albany		176 Upper Newtown Rd		210	1 Fam Res	0.92	1.00
3.-1-71.3	Scott Fischer	Heather Fischer	174 Upper Newtown Rd		210	1 Fam Res	0.96	1.00
3.-1-74	Alexander Gorniakowski	Sophia Gorniakowski	264 Upper Newtown	Mechanicville NY 12118	240	Rural Res	1.83	1.01
3.-1-78	Roland V. Balch	Katherine Balch	1 Pohl Dr	Mechanicville NY 12118	210	1 Fam Res	0.92	1.01
3.-2-7.21	Gordon E. Smith	Katherine A.Smith	122 Upper Newtown	Mechanicville NY 12118	210	1 Fam Res	2.60	1.02
3.-2-7.22	Amy A VanNatta	Daniel T. Muasau	118 Upper Newtown	Mechanicville NY 12118	210	1 Fam Res	1.80	1.01
3.-2-7.3	John H. Gorsky		108 Upper Newtown	Mechanicville NY 12118	220	2 Fam Res	6.03	2.05
3.-2-8	Frederick J LaRose Jr.	Charlene C. LaRose	100 Upper Newtown	Mechanicville NY 12118	210	1 Fam Res	0.95	1.00
3.-2-9	Conrad C O'Connor	Margaret O'Connor	96 Upper Newtown	Mechanicville NY 12118	210	1 Fam Res	1.96	1.01
3.-2-10	Frank J. Robyck	Ruth Robyck	92 Upper Newtown	Mechanicville NY 12118	210	1 Fam Res	0.92	1.00
3.-2-11	Patrick A. DeMarco	Lynne DeMarco	88 Upper Newtown	Mechanicville NY 12118	210	1 Fam Res	0.40	1.00
3.-2-12.2	Patrick A. DeMarco	Lynne DeMarco	Upper Newtown	Mechanicville NY 12118	314	Vacant	0.20	0.10
3.-2-13	Michael Cox		86 Upper Newtown	Mechanicville NY 12118	210	1 Fam Res	0.40	1.00
3.-2-14	John A. Stephenson	Joan C. Stephenson	82 Upper Newtown	Mechanicville NY 12118	210	1 Fam Res	1.42	1.00
3.-2-15	Timothy Severance	Nancy H. Severance	80 Upper Newtown	Mechanicville NY 12118	210	1 Fam Res	1.06	1.00
3.-2-16	Ernest J. Turcotte	Sharon L. Turcotte	74 Upper Newtown	Mechanicville NY 12118	210	1 Fam Res	0.46	1.00
3.-2-17	Rudolph C. Bechand	Agnes M. Bechand	72 Upper Newtown	Mechanicville NY 12118	210	1 Fam Res	0.92	1.00
4.-2-1.1	Brian C. Bagnoli Sr.	Mary A. Bagnoli	69 Upper Newtown	Mechanicville NY 12118	210	1 Fam Res	1.77	1.01
4.-2-1.2			Upper Newtown	Mechanicville NY 12118	314	Vacant Rural	0.50	0.10
4.-2-2			68 Upper Newtown	Mechanicville NY 12118	210	1 Fam Res	0.98	1.00
4.-2-3			63 Upper Newtown	Mechanicville NY 12118	210	1 Fam Res	4.94	1.04
4.-2-46.2			36 Upper Newtown	Mechanicville NY 12118	210	1 Fam Res	1.01	1.00
4.-2-47.1			46 Upper Newtown	Mechanicville NY 12118	210	1 Fam Res	1.58	1.01
4.-2-54			65 Upper Newtown	Mechanicville NY 12118	210	1 Fam Res	3.10	1.02
4.-2-55			62A Upper Newtown	Mechanicville NY 12118	210	1 Fam Res	2.04	1.01
0.-1-28			5 Lower Newtown	Rural Res	322	Rural Vac>10	29.41	0.10
0.-1-37			1 Lower Newtown	Single Family	210	1 Fam Res	0.43	1.00
0.-1-38			9 Lower Newtown	Single Family	210	1 Fam Res	0.44	1.00
0.-1-39	Heather L. Van Alostyne	Daniel J. St. Gelais	15 Lower Newtown	Rural Res	240	Rural Res	22.60	1.00
						1 Fam Res	1.24	1.00
						Vacant	0.52	0.10
						Storage Building	0.40	2.00
						Vacant	0.42	0.10
						Total	146.13	59.1

Councilman Bold stated, relative to the next item, that this is an upgrade to the equipment we already have.

RESOLUTION NO. 55

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

RESOLVED, that the Town Board approves Change Order No. 7, Contract No. 4G, BCI Construction for Phase II Water Source Improvement project for change in the Chemical Feed Systems in the total additional amount of \$21,827.40. (For item #2 to replace two pipe runs, #3 to replace the 100 gallon day tank & #4 to run new tubing to three existing filters.

Councilman Bold stated relative to items #15 and #16, that the existing communication system between the raw water plant and the main water treatment facility and the Brookwood Road tank pump station at the foot of Brookwood is the extent of the system. He stated the problems with that system is the big high hill and, in order to correct that and to expand the capability and be able to include the Werner tanks and the Harris pump station and tie them all together and not get a lost signal because of the hill the town would have to install a very tall tower at the foot of Brookwood. He stated it would certainly be in excess of 100 feet and probably much higher. He stated what happens with the new system is it will put an antenna on the side of the building on Bald Mountain and now there is line of site so with Brookwood Road tank or a Werner Road tank or any tank calling for water it sends the signal to Bald Mountain which relays it back to the Water Plant. He stated when the Water Plant needs water from the raw water station again it goes to Bald Mountain and back down to the Raw Water Station. He stated it puts it up where you get rid of all interferences and dropped signals and the system works a lot better.

Mr. Tironi stated there is a benefit if there is a future pump station or tank almost anywhere in Town that site will handle it. He stated it also does a dual radio system and if one goes down the other takes over. He stated it will also carry more data and there will be remote security cameras on site if they want. He stated they would need to have a 160 foot tower.

Supervisor DeCerce stated it will also provide insurance that we won't have the difficulties we have had in the past from 24/7 inter-communication.

RESOLUTION NO. 56

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

RESOLVED, that the Town Board authorizes entering into a lease agreement with WNYT to utilize their facility on Bald Mountain to facilitate the Town's Water Department communications system, in the amount of \$380.00 per month for first year, \$385.00 per month for second year and \$395.00 per month for third year, and further

RESOLVED, that said approval be subject to receipt of signed agreement from WNYT and review and approval of the Town Attorney, and

WHEREAS, the Town of Halfmoon recognizes the importance of providing potable municipal water to the residents of the Town of Halfmoon; and

WHEREAS, the Town of Halfmoon recognizes the advancement in technology that have occurred to assist in the provision of potable water to the citizens of the Town of Halfmoon; and

WHEREAS, one of the most efficient and affordable manners to provide the citizens of the Town of Halfmoon with potable water is to utilize radio transmission antennas to permit the Town of Halfmoon to monitor the Town's water treatment facility, water storage tanks and delivery system remotely; and

WHEREAS, the Town of Halfmoon recognizes the need to place these antennas in an area that will provide accessibility to the water treatment facility, water storage tanks, and the delivery systems so as to provide a safe and efficient means of operating the system remotely; and

WHEREAS, WNYT-TV, a Delaware corporation operating 715 North Pearl Street, Albany, New York 12204, has a tower located at 244 Bellview Road that provides an optimum location for a radio antenna that will provide accessibility to the water treatment facility, water storage tanks, and the delivery systems for the Town of Halfmoon; and

WHEREAS, the Town of Halfmoon must enter into a lease with WNYT-TV to place the radio antenna on their property; now, therefore, be it

RESOLVED, that the Town Board of the Town of Halfmoon hereby authorizes the supervisor, subject to the review and approval of the Town Attorney, to execute the lease agreement with WNYT-TV, to utilize the building located at 244 Bellview Road to place a radio antenna for utilization of remote access to the water treatment facility, water storage tanks, and the delivery systems for the Town of Halfmoon.

RESOLUTION NO. 57

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

RESOLVED, that the Town Board approves Change Order No. 8, Contract 4-G, BCI Construction for Phase II Water Source Improvement project for additional radio communications equipment in the additional amount of \$19,687.50

The Supervisor opened public privilege for discussion of non-agenda items. No one had questions or comments.

Supervisor DeCerce stated for information the next Town Board meeting is scheduled for Thursday, February 22, at 7 pm at the Senior Center.

There being no further business to discuss or resolve the meeting was adjourned at 11:25 pm

Respectfully submitted,

Mary J. Pearson
Town Clerk

