

The April 18th, 2006 meeting of the Town Board of the Town of Halfmoon was called to order at 7:00 pm by Supervisor DeCerce at the Town Hall on Harris Road with the following members present:

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

Also present: Frank Tironi, Director of Water; Dick Lee, Executive Assistant to Supervisor; John Pingelski, Highway Working Supervisor; Laurie Sullivan, Deputy Town Clerk; Lisa Perry, Secretary to Supervisor.

The Town Board Workshop was held in the Board Room at 6:15 pm; no action was taken The Supervisor led the Pledge of Allegiance.

The Supervisor stated the first item on the agenda is the Superintendent of Shenendehowa School, Dr. Oliver Robinson and members of the School Board, who asked to speak about some things going on at the school. He asked Dr. Robinson to introduce the people with him.

Dr. Robinson introduced Gary DiLallo, President of the School Board, Janet Gray, Board member and Susan Martin, Director of Finance. He stated he wants to share of status of the School Budget and a report of the future school. He stated instrumental to that report is Dick Lee who is with the Town of Halfmoon. He stated the Board adopted the budget and the State Budget was very favorable to Shenendehowa and allows them to see significant reduction in their tax base. He stated the 2006-07 Budget carries a 2.6% tax impact, last years was 4.3% He stated the budget maintains current programs and services, will advance student learning and improves the accountability. He stated the budget will address class size at the secondary level, will provide additional staff support and improve academic intervention services at the middle school. He stated it also increases textbook funding; provides access to the districts network programs for students and parents; provide funding for a new student data system. He stated it will create an administrative structure to promote accountability among levels and grades and buildings. He stated the bus replacement plan would authorize the district to purchase 16 – 66 passenger buses and 1-20 passenger bus as part of an effort to keep the bus fleet in safe working order and decrease maintenance costs. He stated they have 200 busses on the road on any day and a lot of miles are being coverage and they need to adjust the wear and tear of those busses. He stated the new elementary school was approved by voters in 2000 and they looked at enrollment projections at that time. He stated, in 2000 enrollment was 4,060 and the projection for 2008-09 would be 4,700 but right now the enrollment is 4,516 students and is an example of the growth they are experiencing right now. He stated they divided the work into short term work versus long term work. He stated they worked with Town officials from Clifton Park, Halfmoon and Malta and representatives of organizations about planned construction and economic growth in the area. He stated based on that information growth will continue within the District for the next 15 to 20 years and will result in significant increases in student population. He stated the majority of the growth will be in the eastern portion of the district which is Halfmoon and the fastest growth trend is the Town of Halfmoon. He stated the land needed for each type of school would be 10 acres for an elementary school, 30 acres for a middle school and 40 acres for a high school. He stated to secure 80 to 100 acres over the next couple of years would allow the district to plan for whatever types of schools needed to address the estimated growth. He stated they need to plan now for seven years from now and there is about a 5 to 7 year span from conception to actually opening and occupied and the report is their first step and is a working document.

Supervisor DeCerce stated School Board Member and Halfmoon resident Charlie Huff come in and Mr. Lee has been working with this committee since its inception.

Councilman Polak commented that he asked previously that he and the Board be prudent in their budgeting and costs to try to save the average working person whatever they could. He stated he didn't know they had already had several hirees in excess of \$120,000 and doesn't think that is

being very prudent and the salaries affect the average working man in this Town. He also wanted to say that this Town studied growth and new growth and we had the opportunity to give them property for a facility but the previous board didn't elect to go there. He stated we knew growth was expanding here for the last five to ten years and the land was being exacerbated by developers and contractors because this is a prime area but they failed to listen to us at the time. He stated we have given them several opportunities to come here and they were reluctant to do that and he just wants to remind him of that

Councilman Bold commented on the new building and stated he can appreciate the difficulty trying to estimate the cost of construction today. He asked for clarification if they are going out and ask for the additional funds and if that is not approved can they still build the building.

Dr. Robinson stated they wouldn't be able to build the building as designed currently and the resolution is asking for authorization because their goal is to not have to borrow the full amount and, they have had several conversations with their legislative leaders about getting additional funds through State mechanisms to offset some of the expense. He stated he wanted to comment back to Mr. Polak that they try to be not only fiscally prudent but try to use additional State revenues to lower the tax impact which was over 4% and thru a lot of phone calls it is now lower.

Supervisor DeCerce thanked Dr. Robinson and the school board members for coming to the meeting tonight.

The Supervisor opened the public hearing for the Route 146 Performance Overlay District at 7:22 pm. He stated the process for this started in 2000 with Councilman Polak and a lot of work took place. He stated in addition Councilwoman Wormuth started working with him on that and the re-zoning. He stated they are now looking at the Route 146 corridor and thanked Councilman Polak for getting us this far.

Councilman Polak stated he chaired the committee but he had a lot of hard working staff that evolved with many meetings and a lot of homework assignments to bring back to the committee. He stated these are not ideas and commitments the Board made but they did make the commitment to go out to the public and research what the public wanted and have informational meetings, developed our Master Plan and from the Master Plan the next step was to implement the changes to conform. He stated this is the first but there are other areas in the Town that will develop some overlays to help bring this Town to what our residents requested. Councilman Polak stated that Councilwoman Wormuth was his right arm on this project and he thanked her.

Supervisor DeCerce stated the point is that he and Mrs. Wormuth took on this piece and made it happen. He stated he knows that a lot of other people worked on it also and he knew he would recognize them.

Mike Bianchino, Clough Harbour and Associates stated they worked with the Zoning Committee and the Town Board on the Comprehensive Plan and also worked with the committee trying to implement some of the recommendations in the Comprehensive Plan. He stated the action plan component that was included in the Comprehensive Plan included various priorities in terms of land use and zoning. He stated the Zoning Committee was established and determined the priority items. He stated the first thing they did was some clean up of the existing code and some modifications done a year ago and the second step the committee choice was the Route 146 corridor area. He stated in the recommendation section of the Comprehensive Plan it indicates the Route 146 corridor. He stated the recommendation was to develop a plan for both Route 9 and 146 to address traffic and land use issues for proposed land uses of business, commercial, office and light industrial so those uses could function effectively and not impact surrounding residential uses and other resources in the area. He stated the plan identified a number of other issues that needed to be address as the zoning was implemented. He stated one of those was access management issues

1. PURPOSE AND INTENT

The purpose of this section is to provide performance standards that will preserve roadway capacity, improve public safety and welfare, enhance operation, reduce the need for costly remedial measures, manage access to land, minimize visual impacts of development and maintain aesthetic qualities, character, and property values along the Route 146 corridor in the Town of Halfmoon.

2. APPLICABILITY

This overlay district shall apply to all new development projects or site modifications on parcels identified on the Route 146 Corridor Plan, with the exception of those parcels with less than 400 feet of frontage or with less than 300

feet of depth. All pre-existing, non-conforming lots are grandfathered under the requirements of the underlying zoning.

The Route 146 Corridor Plan identifies potential or possible future land uses contemplated along the corridor and is not intended to imply a change of zoning. The underlying zoning remains in effect in the corridor. The plan also identifies potential locations for road connections and traffic signals to be considered during the review of development projects.

The standards of this section shall apply to any new development or site modification project within the Route 146 Performance Overlay District, in addition to the requirements of any underlying district,. If there is a conflict between this overlay and the underlying zoning district the more restrictive standards shall apply.

3. STANDARDS

A. Dimensional Requirements

These Dimensional Requirements shall apply to all new development projects or site modifications on parcels identified on the Route 146 Corridor Plan, with the exception of those parcels with less than 400 feet of frontage or with less than 300 feet of depth.

Minimum road frontage along Route 146 for newly created parcels:

200’ residential

400’ all non-residential uses

Height

As provided in underlying zoning.

Maximum Lot Coverage

As provided in underlying zoning.

Setbacks from Route 146 Right-of-Way

Other than signs as permitted herein, no new structure or new parking lot shall be allowed within 100’ of the Route 146 right-of-way.

B. Landscaping

Setback Area:

Landscaping requirements for the setback area parallel to the Route 146 right-of-way are as follows:

Except for approved curb cuts, a continuous fifty (50) foot wide strip running parallel with the Route 146 right-of-way shall be landscaped according to the following standards:

1. For each fifty (50) linear feet of frontage along the Route 146 right-of-way

An average of two (2) shade trees

Each shade tree must have a minimum caliper of three (3) to three and one-half (3 ½) inches and a height of at least 14 feet.

An average of fifteen (15) understory trees and/or shrubs (shrubs to be 24 to 36 inches in size)

An average of one (1) conifer tree (6 to 8 feet in height)

Only native species will be permitted.

2. The use of existing plant material (trees and shrubs) is strongly encouraged and will be counted toward the landscaping requirement.

3. Additional plant material may be required if existing topographic conditions and required plantings do not adequately screen the site.

Landscaping and buffers between uses

The following regulations set forth the landscaping and buffering requirements between adjacent land uses.

Where any commercial/industrial use is proposed adjacent to a residential use, a minimum landscape buffer fifty (50) feet wide shall be provided on the commercial/industrial lot.

The landscape buffer shall include:

A mix of shade and conifer trees planted on an average of one (1) tree for every twenty (20) feet of yard length.

Each tree must have a minimum caliper of three (3) to three and one-half (3 ½) inches and a height of at least 14 feet.

Areas not planted with trees shall be maintained with shrubs or ground cover.

Additional plant material and/or a berm may be required if existing topographic conditions and required plantings do not adequately screen the site.

Only native species will be permitted.

C. Lighting

All lights shall be shielded in such a way as to direct all light toward the ground

Light fixtures or lamps shall be shielded/shaded in such a manner as to direct incident rays away from all adjacent property.

Lights on poles shall not be taller than the building whose area they illuminate nor taller than fifteen (15) feet whichever is shorter.

A study may be required to verify that ambient light will not migrate past the property line.

D. Access Management and Connectivity

Vehicular Access

All parcels of land proposed to be developed or modified as of (*date of this law*) within the Performance Overlay District shall be entitled to one (1) driveway or road access point from Route 146. Parcels subdivided per the Town of Halfmoon Subdivision Regulations shall provide access by internal subdivision roads, driveways, or service drives. No additional access points to Route 146 shall be allowed unless deemed appropriate by the Planning Board due to constraints of the parcel.

Access points

Opposite access points: Access points for new development parcels shall be aligned with those across the roadway to the extent possible. If alignment is not possible, access points shall be offset a minimum of 250 feet from the opposite side of Route 146. If the Planning Board, for good cause shown, does not believe that 250 feet is appropriate, this Board may vary the standard.

Adjacent access points: The desired separation of adjacent new access points shall be 350 feet.

Shared access: Adjacent property owners are encouraged to consolidate their access points by using a joint driveway system or frontage road for new development projects. All frontage roads are to be placed on private property a minimum of 50' from the Route 146 Right-of-way line.

Connectivity

The street system of a proposed subdivision or development shall be designed to coordinate with existing, proposed, and planned streets outside of the reasonable development area as noted in the Route 146 Corridor Plan, as much as possible.

Wherever a proposed development abuts undeveloped land or a future development phase, stub streets may be required to allow for future potential connections. The Town may also require the construction of the connection or easement for that improvement. *Town Planning Board is also authorized to require cross-easements between abutting parcels for future internal roadway connections*

Pedestrian connections throughout the development should be made in addition to all roadway connections.

E. Signs

All signs permitted within the Route 146 Performance Overlay District shall conform to Article X of the Town of Halfmoon Zoning regulations as well as the standards described herein.

Sign Landscaping

For all permitted directory and freestanding signs, an area equal to 3 times the size of the sign shall be landscaped using ornamental trees and shrubs, and ground covers, rock beds or other decorative ground treatments.

At a minimum, landscaped area surrounding the sign shall include:

- One ornamental tree per 150 square feet of required landscaped area.
- Two shrubs per 20 square feet of required landscaped area.

F. Parking

All standards and requirements set forth within Article VIII Parking shall apply with the following additions:

Parking Land Bank

Should the number of parking spaces required by the underlying zoning be deemed excessive by the applicant and the Town then the excess spaces shall not be constructed and must be land banked. The land must be developable as a parking lot but is to remain undeveloped and located adjacent to the developed parking area or otherwise properly located for driveway and building access. None of the parking land bank may be counted as part of required green space nor may it be located with setbacks.

Parking Area Landscaping

One shade tree is required for each 20 spaces. In parking lots with 50 or more spaces or with two or more aisles, at least one-half of the required trees must be in interior planting islands with at least 25 square feet of permeable area for each tree.

3. DEFINITIONS

Shade Tree: Usually a deciduous tree - rarely an evergreen - planted primarily for its high crown of foliage or overhead canopy.

Conifer Tree: An evergreen tree, usually of the pine, spruce or juniper genus, bearing cones and generally used for its screening qualities.

Shrub: A deciduous or evergreen woody plant, smaller than an ornamental tree and larger than ground cover, consisting of multiple stems from the ground or small branches near the ground, which attains a height of 24 inches or more.

Identification sign: Signs identifying the business or service establishment operated on the premises shall be allowed as provided herein.

Supervisor DeCerce asked to have the color scheme of the map identified so the purpose is recognized for the people present.

Mr. Bianchino provided the explanation.

Councilman Polak commented that they all looked at small lots on the corridor and a lot of long time residents and, when they talked about the buffering and the lighting they felt they needed to expand the buffers and lighting issues to protect the residents who live there. He stated they do that now on the Planning Board level but didn't have the opportunity at that level to have the 50' buffers but they will with this overlay zone and worked with the developers and builders to make sure they conform to those standards and protect the residents living in the area.

Rodney Daigle, 413 Route 146, stated he is wondering about the buffer zone and asked if that includes buffing from the Route 146 highway asking if something goes in there is the highway going to be buffered so they don't have to look at what is going in there.

Mr. Bianchino stated it will be and it is the intent that it is actually 100' of setback and 50' of buffer.

Jim Ratchford, 11 Werner Road, asked if it made more sense to have the buffer between the residential uses rather than from Route 146. He stated he thinks residents would prefer the commercial building farther way from their house than farther away from Route 146. He stated

another thing was visual aesthetics and architectural elements that were in the GEIS and this might be a good opportunity to implement some of those.

Mr. Bianchino stated the parcels identified have a buffer in the back. He commented on the aesthetics stating the overlay includes additional requirements for landscaping, however they haven't identified the architectural issue yet.

Councilman Polak stated they don't have an architectural ruling yet but at the Planning Board level they are very cognizant of this and what they want to see in the corridor.

Mr. Bianchino stated he doesn't recall that being included as a recommendation in the Comp Plan but if it was it would be considered town wide.

Councilwoman Wormuth stated they have briefly discussed this at the zoning change Committee meeting about being aware of the districts as they go through and look at the zoning for them. She stated we have several historical overlay districts in Town and architectural is one of the things they have talked about implementing.

James Bryan, 15 Farm to Market Road, submitted the following letter:

To be inserted

Tracey Ratchford, 11 Werner Road, stated the traffic is heavy on Route 146 and, asked if they are going to work with DOT to try to widen it and put a turn lane in. She stated she is concerned about multi residential areas going in and possible commercial businesses.

Supervisor DeCerce stated whether we have more development or not we will continue to have more traffic from other counties, north and south and mostly from the west.

Councilman Polak stated the applications for development are submitted with their traffic studies and goes to the State for review on State highways and on County and Town highways it goes to the County for review. He stated he isn't usually happy with the response but it is out of our hands.

Councilwoman Wormuth stated what the overlay does with the traffic access management is try to line up intersections to make them where a light can be so someone doesn't have to make a major left-hand turn and 200' down the road another access to that. She stated that is one of the things they are trying to look with the planning to control the curb cuts and realize some of the roads and intersections that already exist.

Dale Rice, 14 Route 146 asked if thought was given to the impact on the aquifers and asked if this is the time to do this. He stated he is referring to the water he drinks and there is quite an impact on all aquifers. He asked if proper policing procedures will be done.

Mr. Bianchino stated the draft overlay does not speak to provisions for aquifer protection and the regulations in place now that the town uses for review will comply with the DEC requirements in terms of stormwater management and runoff. He stated as development projects come in the Planning Board looks at the surrounding land uses and how they get their water and sewer. He stated the Town Board and the Planning Board have both been very diligent in their review process determining what types of uses specifically at the site.

Councilman Polak stated he has a letter from Geoff Smullen and he will respond to him and talk about it at the next committee meeting.

Elizabeth Cannistraci, 6 Devonshire Way stated her concern is the volume of traffic on Route 146 between the Car Auction and tractor trailers and asked if there will be turn lane.

Mr. Bianchino stated part of the stipulations and requirements in the overlay require the setback and buffer and part of that is to allow the ability in the future for the road to be widened.

Councilwoman Wormuth stated it is a State road and is not in our hands but they will continue to lobby for those things.

Mr. Bianchino stated they are not changing the zoning and is not a proposed rezoning of the area to allow more development and they are trying to set up overlay standards to allow them to look at these things in the future as they occur.

Joseph Zappone, stated he is here on behalf of Joyce Kenya, 163 Route 146, and indicated the property she owns on the map. He stated his client bought the property and the concern is that his client bought the property for substantial money in August 2004 and at that time there was a Comprehensive Plan proposed and this area was indicated to be a commercial area along with a lot of the other spaces and it now appears to be residential. He stated she has approximately 875 feet of road frontage on Route 146 and slopes down and there is a pond and a creek off 146. He stated she is running a horse farm and asked the Board and Committee to reconsider this particular piece due to the act that the wetlands will not be an issue. He stated if a PDD was presented in the future and it is contingent on the overlay as residential it will make the burden much harder. He stated his client bought this with basic understanding that the original overlay indicated a commercial intent with the understanding there would still have to be a PDD He stated the parcel is approximately 21 acres and stated he would like to see his client in a situation where she does not have two hoops to jump through

Laura Perrault, 5 Werner Road stated her property is residential and across from her is residential, 377 Route 146 and they got a variance for a chiropractors office to go in. She stated it is small residential plot so the parking will face her house and the back yard will be the parking lot. She stated the setback and buffers for 146 but they need equal protection since their home faces the parking lot which he has verbally assured her he will put shrubs up but it is not a big parcel so there won't be much buffer room. She stated the notifications came for the variance hearing without identification of the property and asked that they please be aware to notify everybody. She stated she did complain to George Hansen and replied. She stated they like where they live and asked they not forget the little people who live along side the road.

Supervisor DeCerce stated they have enough information and the intent of Councilman Polak and Councilwoman Wormuth is that they will take these items before the committee. The Supervisor closed the public hearing but will adjourn regarding taking Town Board action on the legislation for the overlay.

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Councilman Bold reported that the water line construction on Route 236 is about to start and it was about six years ago when the residents asked for water to be installed.

Councilwoman Parker reported that the Halfmoon Navigator was sent out recently and the center page has an article on being a part of Halfmoon history. She stated they are asking for people to donate if they want a living memorial and if anyone is interested she asked that they please call Dick Lee.

Councilwoman Wormuth reported that a month ago the Director of Code Enforcement resigned and, looking at replacing that position and keep the staffing level in the code enforcement office at a level to meet the demands of the community, we have to go through the process of hiring off a list. She stated at this time the list is old so they have talked to the County about creating a temporary part time position for a code enforcement officer that would last only up to ninety days while they move through this process. She stated this will allow the Town to serve our residents and their needs and continue to make sure that the community is operating in a safe manner

RESOLUTION NO. 95

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

RESOLVED, that the Town Board creates a temporary, not to exceed ninety (90) days, part time position for a Code Enforcement Officer, and further

RESOLVED, that the eligible candidate be required to meet the minimum requirements for the job description

Councilman Polak reported that the Zoning Committee meeting will be tomorrow evening at 7:00 pm at the Senior Center and they will discuss the items brought up tonight. He reported that this week and next week are Spring Clean Up days at the Transfer Station.

Attorney Lyn Murphy reported that she was provided with a Board of Supervisor’s resolution that adopts a Local Law for regulating the residency and other activity of sex offenders. She stated this is a county prohibition throughout the County.

Supervisor DeCerce reported on other action taken at the Board of Supervisor’s meeting today. He reported on the Ground Breaking ceremony for the Water Treatment Plant phase II which will be held Friday, April 21st at noon at the water treatment plant.

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

DEPARTMENT REPORTS – month of March

1.	Building		
Total Permits -	60	Total fees remitted to the Supervisor -	\$15,550.00
Filed			
2.	Fire Code		
Total Permits -	31	Total fees remitted to the Supervisor -	\$ 980.00
Filed.			

CORRESPONDENCE

1. Received from Town Planner notification of Planning Board denial of application by Lawrence and Joyce Tucker for proposed minor subdivision on lands located off Lower Newtown Road and Allen Drive. Based on request to create a second flag lot which is not allowed in the *Town of Halfmoon Subdivision Regulations*.

2. Received from Town Planner notification of Planning Board denial of application by Betty Floud for a proposed minor subdivision on lands located on the southerly side of Cary Road based on a residential lot not being a permitted use in the Light Industrial/Commercial zoning district as described in the *Local Law relating to Zoning of the Town of Halfmoon*.

Councilman Polak explained that these denials by the Planning Board is a process that needs to be done. He stated they go to the Planning Board knowing they need to go to the Zoning Board but the process says you have to be denied by the Planning Board, then you take your denial and go to the Zoning Board for your request. He stated it isn't just an outright denial.

OLD BUSINESS

RESOLUTION NO. 96

Offered by Councilman Polak, Seconded by Councilwoman Wormuth: adopted by roll call vote:
Ayes: DeCerce, Polak, Bold, Parker, Wormuth

WHEREAS, bids were opened on April 4th, 2006 for a 2006 Boom Mower for the Highway Department and reviewed by the Highway committee and a recommendation made, now therefore be it

RESOLVED, that the Town Board awards bid from Artco Equipment Sales, Inc. for a 2006 Boom Mower for the Highway department at their total bid price of \$46,983.

Supervisor DeCerce reported on the next agenda item to take action on the Boni Enterprises PDD, Route 146, stating at the last Board meeting there was a presentation by Kevin Dailey for this property and the intention of putting a medical complex with a hospital. He stated a number of adjustments have come in today and he is asking the Board if it is their intention to move it to the Planning Board.

Councilwoman Wormuth stated one of the comments she had at the last meeting was the need for the public benefit, because it is a zone change, to be worked out. She stated looking at the applicants response to that she still feels they are a long way off on defining the specifics of what the public benefits will be. She stated what the applicant is looking for today from this Board is for a recommendation to the Planning Board on the zone change and, it has been the policy of this Board to refer a project to the Planning Board while simultaneously continuing to identify exactly what the public benefit will be. She stated the referral to the Planning Board is simply for them to look at the zone change and how it would fit with the area and then refer back to the Town Board for the actual amendment to the zoning. She stated based on what they have done in the past and the additional information the applicant has provided and, depending on the Board's pleasure, she feels we have more information than we had before but they will need a lot more but the Planning Board can move through the process.

Councilman Bold stated he is comfortable with the concept of going ahead and having the benefit defined as we go along but he would like to put a very strong emphasis on the benefit in two areas. He stated one is the connector road, which we need through to Fellow Road and, the public benefit associated with this has to play a very major role in the construction of that; the second part of that benefit is the recreation portion of our Town activities because recreation is a health benefit before someone gets to the point they need these health care facilities. He stated it is a very important part to tie that to this. He stated, relative to the hospital, these things were said at the last meeting but he wants to repeat it tonight that this hospital with its ER facility, it is his understanding would be in the Phase I and no Phase II would be approved until the hospital has been either constructed or well on its way.

Councilwoman Wormuth stated the revised report doesn't specifically spell out any percentage that will be done but it does phase the project. She stated the applicant has made a committee that the hospital will be Phase I of the project and would be developed and they would have more than a commitment and be moving tough the process and making sure that exists and functions the way they heard with a full emergency facility.

Councilman Polak stated there has been a lot of onus put on this Board about moving this project because of the hospital but there are a lot of other factors in this development that will occur besides the hospital that this Board and the Planning Board will need to work on. He stated he doesn't think the applicant has adequately answered all of their questions and before it

comes back for approval they will make sure they have the answers. He stated there is a long list of items to be ironed out and he is assure the applicant is aware of them and they are going to commit to seeing those items in writing. He stated if the hospital is the first thing in Phase I he will gladly move it to the Planning Board

Councilwoman Parker stated if we have an accident in Town which contains a trauma incident the first hours are extremely critical and if we have something located in Southern Saratoga County it would be very beneficial for anyone who was hurt. She stated she wishes to see this come to fruition but also note that they will follow the rules and regulations that every other applicant does when they come before the Planning Board and Town Board.

Councilman Polak stated one of the critical paths in this development is road access and tonight there was a public hearing on the zoning and the comments were heard from residents along Route 146 and the applicant will have to be prepared will how he will deal with the traffic. He stated there will be huge numbers of people at those public hearings.

RESOLUTION NO. 97

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

RESOLVED, that the Town Board refers the Boni Enterprises, Planned Development District, Route 146 to the Town Planning Board for their review and recommendation back to the Town Board, and further

RESOLVED, that the minutes of the April 4, 2006 Town Board meeting and comments made by the Town Board at this meeting shall be included with the referral to the Planning Board.

Report on SAAB building, Route 146

Supervisor DeCerce stated at the Board meeting in early March there was an action that took place based on an identification of a building that might be applicable to use for Town Hall. He stated at that meeting the Board decided to spend the money and ask our engineering firm and our architect to review that so we would know what was available how it was available and a report was received. He stated Dick Butler, Butler Rowland & Mays and Mike Bianchino, Clough Harbour and Associations will provide the report.

Dick Butler stated they went to the building, had access to the design drawings which were very helpful. He stated the town hall departments fit well in the SAAB building but not without a lot of renovations. Mr. Bianchino provided additional explanations and results of the following report they submitted today.

Supervisor DeCerce thanked Dick Butler and Mike Bianchino for the work they did on this suggestion. He stated they appreciated having this idea come forth and it is a great idea. However, he stated a lot of work has been done and this offer is similar to the Town's offer to Shenendehowa. He stated it was upward of 125 community people who were involved in the overall project starting in 1999 beginning with the Town athletic fields and then the project shifted to the Town Hall. He stated the community decided we needed a new Town Hall and plans have been made. He stated the plan for a "green building" is very important. He stated we needed to save a major amount of money and the property there is extremely valuable. He stated he has had a lot of conversations and the thinking is in both directions, however he is having difficulty meeting the criteria he has set up. Therefore, he is in the thought process of really appreciating having this opportunity to look at the building but in his mind it doesn't match what he thought they needed to match.

Councilman Bold stated he appreciates the owners and management of the SAAB facility who have been very accommodating and they have allowed us and our consultants to visit and tour the building on several occasions. He stated he wants to publicly thank Bruce Tanski for challenging the Board. He stated it created a very major diversion away from our efforts to keep moving forward on the new building but he can't fault someone who challenges them and all he can say is thank you. He stated the consultants, both the engineers and architects, they were asked to take on a task, work in short time period, and do the best they can and, they have done absolutely that. He stated when they put the costs together it is so difficult and the changing cost environment and we had the benefit of having two different experienced firms that joined forces and have counter balanced each other in putting together the cost estimates. He stated that is very significant and raises our confidence level.

He stated his concerns with the project is first the two story layout and the citizens committee went through an evaluation several years looking at one story versus two story and ultimately choose a one-story configuration. He stated the whole basis is convenience for our residents and what this facility is all about is resident services and they chose the one story but can't do that here. He commented on the maze of hallways and the obscure hidden stairwells and, one of the things they were trying to do creating

clear shots for resident services with no stairs, no multiple turns and no elevators and no stairwells. He commented on the location and stated they have tried hard to bring together a municipal complex and bring together the senior center, court facility, part of the recreation program and a possible pedestrian connection. He stated all the facilities will join and fit together. He stated the “green” features were brought out months and years ago and the geothermal system we are planning has a 6.6year pay back and by the time we get into this with the price of fuel going up that pay back will get shorter and shorter. He stated it can be debated but it would be \$40,000 that would come off the tax roll. He commented on the entry door and the limited, but adequate lobby, but in the building being proposed there would be a grand lobby area and lighting system and the location for a security desk and all the connections would be in the floor and is a whole different approach . He stated he agrees it is a great plan but does not meet the plans we had in mind.

Councilman Polak commented that the SAAB dealership should be commended and Greg Stevens. He stated he went there on a Saturday and the manager took them through the building and they looked at everything and certainly is a beautiful building. He stated he wasn’t surprised at the costs to renovate the building and all the costs are escalating at a rampant rate and suppliers will not hold any materials and to stall the original design is easily \$10-20,000 a month every time we stall. He stated it was the citizens who designed the new building. He stated there is not a substantial savings to go to he SAAB building. He stated he is in favor of building our Town Hall right here.

Councilwoman Wormuth stated it was important to research the possibility of saving our taxpayers money and is something they here on a regular basis. She stated the Board did a wonderful job looking at that possibility and looking at it quickly. She stated they had answers from the firms that have utilized in the past.

Councilwoman Parker stated she has been on the committee longer than anybody and she would like to say the words “move that bus”.

Supervisor DeCerce stated thanks again for the innovative idea and the thought process and they looked at it very hard. He stated he hears a consensus indicating that we appreciate looking at the building. He stated he thinks its important for the taxpayers of the community to have another business there to keep the tax base going.

NEW BUSINESS

RESOLUTION NO. 98

Offered by Councilwoman Wormuth, Seconded by Councilwoman Parker: adopted by roll call vote:
Ayes: DeCerce, Polak, Bold, Parker, Wormuth

RESOLVED, that the Town Board approves Supervisors Report for month of March 2006, as presented

RESOLUTION NO. 99

Offered by Councilwoman Parker, Seconded by Councilman Bold: Adopted by vote of 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 April 18th, 2006, totaling: \$600,771.08.

RESOLUTION NO. 100

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

RESOLVED, that the Town Board approves minutes of Town Board meetings of January 17, February 7th & 21st, March 7th & 21st, 2006, as presented by the Town Clerk.

RESOLUTION NO. 101

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

RESOLVED, that the Town Board authorizes letting bids for Water Meters, American Made Brass Fittings and Mueller Brass for the Water Department, to open May 2, 2006 at 2:00 pm.

RESOLUTION NO. 102

Offered by Councilwoman Parker, Seconded by Councilman Bold: adopted by vote of Board:
Ayes: DeCerce, Polak, Bold, Parker, Wormuth

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

A resolution is needed to create the following budget amendment of appropriations and revenues in the Special Revenue Fund for engineering fees for on site quality inspections. These funds are developer's monies held in escrow by the Town in a regular checking account and used for the payment of costs for that particular project. Necessary to comply with proper accounting procedures as set forth by NYS Department of Audit and Control.

Debit:	Estimated Revenues	CM510	\$8,012.00
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Subsidiary: CM2189 Home &
Community Services \$8,012.00

Credit:	Appropriations	CM960	\$8,012.00
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Subsidiary: CM1440.4 Engineering
Contractors Inspections \$8,012.00

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

NAME	AMOUNT
Ellsworth Landing	\$1,587.00
Rosewood	\$240.00
Halfmoon Dev PDD	\$120.00
Stone Quarry Estates	\$702.00
NY Long Term Care	\$228.00
Pino Comm/Lt Industrial Park	\$151.00
Spinuzza	\$177.00
Hedley Professional Office	\$342.00
Ayva Subd	\$240.00
Clemente PDD	\$699.00
Schuyler Hollow Res PDD	\$1,465.00
Stewarts	\$342.00
Klersy PDD	\$870.00
Lands of Jerry Paris	\$849.00
Total	\$8,012.00

Transfers Between Appropriations:

From Account	To Account	Amount	Reason
FO8320.20 Source of Supply, Power & Pumping Equipment	FO8310.20 Administration Equipment	\$8,000	Transfer of appropriations needed to purchase Pitney Bowes inserting system and Laser Printer for Water Billing

RESOLUTION NO. 103

Offered by Councilman Bold, Seconded by Councilman Polak: Adopted by vote of Board: Ayes: DeCerce, Polak, Bold, Parker, Wormuth

RESOLVED, that the Town Board appoints any qualified Water Department employee, as designated by the Director of Water, within allowable job description duties to perform inspections for infrastructure improvements for the Town Capital Projects to be paid \$33.00 per hour worked, paid out of Capital project and, time and ½ after 40 hours worked, effective immediately.

RESOLUTION NO. 104

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

RESOLVED, that the Town Board authorizes entering into agreement with Fiscal Advisors to provide annual financial information for Town of Halfmoon Serial Bonds for a fee of \$1800 per year and authorize the Supervisor to sign said Agreement, as per review of the Town Attorney.

RESOLUTION NO. 105

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

RESOLVED, that the Town Board approves amendments to the Town of Halfmoon Water Regulations, effective immediately per review of the Town Attorney.

RESOLUTION NO. 106

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

RESOLVED, that the Town Board approves the Water Report for April 2006 Water Usage as submitted by the Director of Water.

RESOLUTION NO. 107

Offered by Councilman Bold, Seconded by Councilman Polak: Adopted by vote of Board: Ayes: DeCerce, Polak, Bold, Parker, Wormuth

RESOLVED, that the Town Board authorizes entering into Settlement Agreement with Cascades Tissue Group NY Inc., South Main Street, SBL #268.-1-4 reduced from \$2,754,000 to \$2,000,000 for 2003, 2004 and 2005 and further

RESOLVED, that the Town Board authorizes Attorney Drobny, Hacker & Murphy to execute agreement

RESOLUTION NO. 108

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

RESOLVED, that the Town Board approves Maintenance Agreement with Central Business Solutions Inc. for recreation department copier in the amount of \$708.90 subject to the review and approval of the Town Attorney.

The Supervisor commented that Board members received from his office an indication of the need for another copy machine and it would be a color copy machine. He stated there is potential for the "Navigator" to be copied on it and they will provide more information. He stated the machine at the senior center is gone and they are using the machines in town hall offices and they would like to consider moving the big machine to the center.

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

Councilwoman Parker questioned if it is on State Contract.

Supervisor DeCerce opened public privilege for discussion of items not on the agenda.

Joseph DeVito, 2 Dewey Avenue, stated about 21 months ago he started a project trying to get a designated school zone for Mechanicville High School. He stated they got one cross walk which wasn't enough and they got another crosswalk and that's not enough. He stated just recently they finally got the speed limit reduced to 20 mph. He stated the problem now is they still are not abiding by that speed and its not enough. He stated his children come out of school and walk on the shoulder of the road and, there are no sidewalks. He stated he is amazed no one has gotten hurt. He stated he sat at the site with a reporter who had a radar gun and the average speed they clocked was 51 mph. He stated he strongly urges the Board to put this on the agenda for the next meeting and they need to get flashing lights.

Supervisor DeCerce stated he and the Superintendent went to the County because it's a County road and, if it was a Town road this Board would have immediately addressed it and made a decision on which way to go. He stated when he brought it to the appropriate committee at least four other Supervisor's on the committee chuckled and said "we paid for our lights in our community".

Councilwoman Parker asked if the school provides a crossing guard at that intersection.

Mr. DeVito stated there is nothing there.

Supervisor DeCerce stated the school crossing guard in the City of Mechanicville was provided by the City when the school was in the City. He stated part of the problem we have are the legal restrictions. He stated the school is not allowed legally by the Education Department to put the light on the County road.

Attorney Murphy stated there is a Comptroller's decision that states the school cannot provide street lights for a County road and she would caution an interpretation of street light as being extrapolated to a safety measure for the school.

Supervisor DeCerce stated they moved it and tried to get Congressman Sweeney however the adjustment is not rapid enough. He stated if the Town goes forth the Town would have to cover the cost of electricity and the cost of repair.

Councilman Polak asked who accepts the liability if someone is injured if the town installs the light.

Attorney Murphy stated we would assume the liability if there was a malfunction of the light.

Mr. DeVito stated he understands the Towns frustration.

Attorney Murphy stated the Board has been working diligently in an effort to insure the safety of the children. She stated, based on her advise, they are continuing to look into this.

Supervisor DeCerce stated the good things like the strips in both places, the signs and the reduction in speed is the result of this Boards action.

Councilwoman Wormuth stated one of the things being said is that they just need to finish gathering some information on what the actual costs are and what, if any, is the increase in liability and digest it and bring it back.

Mr. DeVito stated he fully appreciates that.

Supervisor DeCerce stated they will keep moving on this matter.

There being no further business to discuss or resolve Supervisor DeCerce adjourned the meeting at 9:50 pm

The Supervisor stated the next regular Town Board meeting is May 2, 2006 at 2:00 pm.

Respectfully submitted,

Mary J. Pearson
Town Clerk

4/18/2006