

The December 19, 2006 regular 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, Supervisor  
Walter F. Polak, Councilman  
A. James Bold, Councilman  
Walter F. Polak, Councilman  
Regina C. Parker, Councilwoman  
Melinda A. Wormuth, Councilwoman  
Mary J. Pearson, Town Clerk  
Lyn A. Murphy, Town Attorney

Also present: John Pingelski, Highway Working Supervisor; Steve Watts, Building & Development Administrator; 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.

Supervisor DeCerce introduced Hawke Jacobsen the CEO at the Degussa Plant who called him to schedule a time to get together and he stopped in at his facility in Albany. He stated he showed him a robot that picks up material at the chemical plant and he invited him to come tonight. The Supervisor stated he gave the Town a check for \$600 for the refreshment fund..

Mr. Jacobsen stated they are happy to help any time. He stated they have been doing business in Waterford for 15 years and their property is half in Waterford and half in Halfmoon. He stated they need the support of both Towns and they work very well together. He stated they like being active in the community.

Supervisor DeCerce stated at the time of the tire dump fire this is the company that provided 32 placards for the rescue crews.

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

Councilwoman Parker wished everyone a Happy Holiday.

Councilman Bold reported on one change order for the New Town Hall project for Malone & Tate in the amount of \$2,603 to install additional rip rap, drainage swales and drain ridges near the entry plaza. He stated this is an enhancement of the storm water management system for the new building. He stated there is another change order on the agenda that requires Town Board action.

Supervisor DeCerce stated today he received contracts and provided them to Counsel about the police services for Clifton Park and Halfmoon with the Sheriff's department and another for police services with Wilton and Halfmoon. He stated they are two different contracts and they will be on the Organizational Meeting in January, however, they are two arrangements we made. He stated the one with Clifton Park is on going, the one with Wilton they picked up only because Clifton Park did not need another half-service and Wilton was interested. He stated he made an arrangement with the Sheriff that neither one of us would house the car but it would be in Malta. He stated we have a 6 am to 2 pm arrangement with Clifton Park; Clifton Park picks up a 6 pm to 2 am. He informed Milton that we don't need another car early in the morning, however Milton does and they will pick up a 7 am to 3 pm and we will take a 4 pm to 12. He stated in the contract it indicates that two people will ride in the car.

Councilman Bold stated that will cover the other part of the day that we were not able to cover with arrangement for the past few years.

Councilman Polak stated as fast as our town is growing he feels we need the additional coverage and is a plus for the citizens.

Supervisor DeCerce reported Henrietta O'Grady picked up a news article on Northumberland Supervisor Peck who works on Open Space making a statement that any County roads that are to be refurbished, in the future, he would like walk ways put in. He stated they haven't taken it further yet but its something we need to especially because Harris Road is scheduled to be refurbished this coming year.

Councilwoman Parker stated she is in favor of any County roads having this done but it will cost extra to have the walkway.

Supervisor DeCerce stated he believes this Supervisor will support the activity of Saratoga County adding this in not the Town because it is a County road and is a County responsibility. He stated he is hoping for support from other Supervisors.

Councilman Bold stated in our Trails Master Plan Harris Road is identified as one of the linkages for a walk-able area to tie some of the other areas such as the municipal center and the Trails Committee is asking if the Halfmoon Town Board would like to send our support to the County for consideration of this.

Supervisor DeCerce stated if someone would offer a resolution to suggest to Saratoga County to put a trail through there which would made the connection onto the cross-town as we designed.

Councilwoman Parker asked if we could pass a resolution and have our Attorney take care of that for us.

Attorney Murphy stated if the Board makes a motion now and passes it she knows what the Board’s intent is and what the resolution should be and come up with the verbiage after.

Supervisor DeCerce stated the intent is to send a resolution to Saratoga County indicating that we want them, when they build this road, to put a trail in it.

Councilwoman Parker asked if they should put in on all County roads and make it one resolution.

Councilman Bold stated he is not aware of when the next County road is even scheduled with the Town.

Supervisor DeCerce suggested taking this one step regarding Harris Road.

Councilman Polak stated the Supervisor’s are aware in advance what roads are coming up and we could do a resolution at that time.

RESOLUTION NO. 295

Offered by Councilman Bold, seconded by Councilwoman Parker: Adopted by roll call vote:  
Ayes: DeCerce, Polak, Bold, Parker, Wormuth

RESOLVED, that the Town Board authorizes a suggestion to the County DPW to give consideration to providing a walk-able area on the side of Harris Road during their next reconstruction project on Harris Road.

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

DEPARTMENT REPORTS-month of November

1.	Town Clerk			
	Total fees remitted to the Supervisor	-		\$5,674.58
	Filed.			
2.	Building Department			
	Total permits - 54	Total fees remitted to the Supervisor	-	\$8,415.00
	Filed.			
3.	Fire Code			
	Total permits - 13	Total fees remitted to the Supervisor	-	\$ 430.00
	Filed.			

CORRESPONDENCE

Councilwoman Wormuth questioned, relative to the next resolution, if the developer is going to come in and do a presentation prior to the public hearing or will the Board just set the public hearing. She stated typically when the Board receives a recommendation the applicant is invited to come in and do a presentation for the Board so the Board can see what changes were made and then set the public hearing. She stated she is unsure if the whole Board has seen it since they went to the Planning Board and it is an extensive project.

Councilwoman Parker stated she agrees with Councilwoman Wormuth that they should look at it on the 2<sup>nd</sup> and maybe vote on it on the 16<sup>th</sup>.

Attorney Murphy stated usually the applicant comes before the Board and gives a presentation because there are most often extensive changes from the last time the Town Board saw it to the time it comes before the Town Board based on the work of the Planning Board.

1. Received from Town Planner notification of Planning Board positive recommendation for amendment to the Abele PDD for the Sportsplex of Halfmoon to set the public hearing for January 2 or 16.

#### RESOLUTION NO. 296

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 schedules a presentation for the Abele Planned Development District amendment for the Sportsplex of Halfmoon for January 2, 2007 and sets the public hearing for January 16<sup>th</sup> at 7 pm

2. Received from Town Planner notification of Planning Board positive recommendation for the Pino PDD, Route 146.
3. Received from Town Planner notification of Planning Board denial of application submitted by Lawn Care Storage for a proposed temporary Storage Structure to the site at 164 Ushers Road

#### OLD BUSINESS

1. On December 5<sup>th</sup> agenda: positive recommendation was received from the Senior Planner for Hudson Ridge multi-family PDD, Stone Quarry Road. Applicant to present project to Board.

Councilwoman Wormuth stated that Mr. Hoblock is present on behalf of the Hudson Ridge PDD to provide the presentation.

Mr. Hoblock stated he is with Capital District Properties and, also present is Travis Mitchell, EDP. He stated they have done a lot of work with the Town Planning Board and the Town engineer over the last 9 or 10 months. He stated the Hudson Ridge PDD is a luxury multi-family community on the corner of Route 9 and Stone Quarry Road. He stated they were last year in February and, at that time they were referred to the Planning Board for their review. He stated they are back because they received a unanimous positive recommendation from the Planning Board. He stated tonight they will regroup to update the Board with all the changes that have been made and where the project stands today. He stated we started this process in mid 2005 and, they met with the Town for over six months before a public hearing was held and they had multiple meetings with various people and various agencies. He stated they reduced their density from 300 residences to 268 and then down to 228 and now down to 200. He stated they had a full traffic impact study done in coordination with New York State DOT as well as the Town engineer. He stated they also worked to formulate a good public benefit at that time that has increased and gotten better. He stated the last several months they have worked diligently with the Planning Board and Clough Harbour and had several meetings; worked through the traffic impact study and they explored all the various options, specifically the improvement on Stone Quarry and Woodin Roads. He stated for the last nine months they have brought a design to actual engineering conceptual level drawings. He stated they also studied all of the options associated with the off site sewer connections and improvements. He stated they worked on increasing their public benefit; brought their unit count down to 200; prepared and expanded on the full environmental assessment which touched on and discussed every single potential environmental impact that the project could have; addressed all the site plan and site design issues; modified the parking layout and configuration; altered the access; changed the location of a couple of the buildings including a recycling center; improved the sidewalk and the walking trail system.

Mr. Hoblock described the proposal stating it is 32 acres with one house and a facility that houses commercial equipment and is zoned C-1 with a mobile home park to the north and undeveloped land; to the there are a few homes and is basically undeveloped and Route 9. He provided a site plan as it sits today with the changes and modifications. He stated there is a 30% decrease in units from the original, still maintaining a boulevard entrance way, old English cast period lamps, courtyards scattered throughout the community, 70% of the entire 32 acres

remains untouched or green space and has increased with the drop in density. He stated the site will retain a lot of the natural features associated with it and the sidewalk system. He stated the buildings are a mix of six, eight or twelve unit and resembles a large home and they are a mix of town homes and flats and they are building a condominium or owner occupied quality product but in a rental community environment. He stated the exterior quality has remained the same with top quality vinyl siding, premium windows fiberglass railings and wrapped fascia. He stated the interior is very well appointed and is spacious with a floor plan that contains well-appointed finishes. He stated they have wood floors and a cathedral ceiling, a spacious and bright kitchen and high end appliances. He stated every residence has a private entrance and patio or balcony and every residence has a attached garage. He stated it is not like a typical apartment complex and is a new generation of rentals. He stated the high quality of the residential product has never changed but over the last nine months they have been able to tweak and modify the site plan to make it less dense and more appealing. He stated another improvement is the public benefit which is numerous and significant. He stated the first traffic improvement is down through Stone Quarry to Woodin Road and the best solution the traffic engineers came up with is a full redesign. He stated they will fully cut back the rock and eliminate the hump in the road and the bend will be straightened out and will be a massive improvement. He stated there will be two improvements at the other end of Stone Quarry Road, one is the hump that will be shaved down and graded and the other is new and is the addition of a right turn lane on Stone Quarry Road to help with the flow of traffic on Stone Quarry & Route 9. He stated, regarding the sewer, they are proposing a connection with the Birchwood pump station and the connect would plug into the County force main which goes up Route 236. He stated this will take away 20% of the capacity that sits in that line so it not only accepts theirs but helps the capacity issue that is there today. He stated a new public benefit is a \$1,000 contribution per unit to the Town to see as the Town deems fit and equates to \$200,000. He stated that is in addition to the other impact or mitigation fees that this project would feed to the Town which are about an additional \$300,000. He stated there was a comment made at the public informational meeting that questioned why that contribution wasn't earmarked specifically to this area of the Town because it will impact this area of the Town the most.

He stated one option they are exploring preliminarily is the lack of sewer at the ball fields off Woodin Road and running sewer there and fixing a problem they are aware of. He stated they bring it up as one issue they are trying to work through everything they have heard over the last 9 or 10 months. He stated the public benefit should be viewed as a package because it is a good package and addresses a lot of the different concerns raised from Board members, the public and other agencies they listened to and work with. He stated the reason they are true public benefits is that they are conditions that have existed for years and they didn't create it but they will fix it. He stated when the package is looked at as a whole this is something that will really help the community because if they don't fix it sits.

He stated a questions was asked why this is a good parcel for what they want to do. He stated the property sits in a core area under the Town Comprehensive Plan and, is a very good piece of property for a quality multi-family community. He stated it is zoned C-1 with 100 feet of frontage on Route 9 and it is all wet and there is no usable frontage on Route 9 and if it is not commercial it fall back to residential. He stated this will become a transitional and fantastic transitions piece. He stated their proposal is a much better alternative to the uses that are permitted in C-1 zones. He stated they have worked very hard with the Boards to get to this point.

Supervisor DeCerce asked if he had a revised site plan and narrative.

Mr. Hoblock stated he will provide the Board with the updated paperwork.

Councilwoman Wormuth stated this is the first time the Board has seen since the recommendation from the Planning Board. She stated, like other proposed projects, the minutes from these meetings have to be digested. She stated there were several questions and comments and issues relative to public benefit. She stated as they set the public hearing the Board would need time to formulate questions and it is a very large project.

Councilman Polak stated there were several planning board comments that went along with the recommendation to the Town Board and he feels everyone should see them. He stated this project has come a long way.

Councilwoman Parker asked the monthly rental amounts.

Mr. Hoblock stated one and two bedrooms are various square footages and the smallest one bedroom run about 850 square feet and will be over \$900 and the largest residences go up to 1500+ square feet and will exceed \$1500.

Councilwoman Parker asked if there will be right lane going south on Route 9. She asked if sewer will be available for residences to hook in if they want to.

Mr. Hoblock stated now everyone will follow right.

Mr. Hoblock stated the residents will be able to hook in and it will be at their cost. He stated they met with some of the neighbors and that was a concern and they offered, if they feel sewer hookup will be a benefit to them because they are bringing the sewer right to their home they would go a step farther and offer it right into their home.

Councilman Bold cautioned that for this to be dedicated to the County they will need to ensure they can deliver. He asked what they are going to do for water as the other developer has not materialized with his water line.

Mr. Hoblock stated if that project doesn't bring the water onto Stone Quarry they will, but further they will also be looping the water line all the way down Woodin and will be an 8" line, and, they have had initial discussions with the Director of Water.

Councilman Bold stated that is very significant and wants to understand what he heard regarding the water, that if the other developer doesn't do it they are going to take it all the way to Woodin Road

Mr. Hoblock stated public benefit has been a very significant issue and what he feels is that looping a water system is a major public benefit but he didn't want to say it's a public benefit. He stated it is roughly 800 feet away from Route 9.

Councilman Bold stated he is interested in knowing more about the roads as both ends are very important and this is very critical to the project.

Mr. Hoblock stated he will provide the Board members with a copy of the report.

Councilman Bold stated they have met with the residents to determine the interest level and the majority if the people responded that they would like to and this developer would bring to the property curb stops and the Town would then circulate the necessary petitions to form a water district extension. He stated they have determined the level of interest because it has become very gray and they didn't know when the water line would be there but we would facilitate that. He stated the Woodin Road field is a public use area and is a very good one.

He requested if the Planning Board minutes could be made available.

Councilman Bold asked if the sidewalks and trails are for private internal use only or are they for public access; and asked if the roads were Town roads or private roads

Mr. Hoblock stated for the most part they are private because if you didn't live here you wouldn't walk here and is part of the amenity package. He stated the walking trail was extended up to Route 9 but there isn't much to connect to.

Councilman Bold stated he really appreciates two things and one is that he kept working with the Town Board and Planning Board and they hung in and just kept working on it and he appreciates that and the comprehensive approach to this project.

Councilman Polak stated he likes that they cut down the overall density and also that the units back off the road. He stated he should also be commended with the amenities. He stated he would like to see the Planning Board comments first before the public hearing

Councilwoman Wormuth suggested they come back at the January 2<sup>nd</sup> meeting and allow the Board to have discussion as to the status of the proposal at this time.

## **NEW BUSINESS**

### **RESOLUTION NO. 297**

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 the Supervisor's Report for month of November 2006 as presented.

RESOLUTION NO. 298

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 and orders paid all vouchers for all funds listed on Abstract dated December 19<sup>th</sup>, 2006, totaling: \$1,324,914.32

RESOLUTION NO. 299

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 Change Order, Contract No. 1, Malone & Tate Builders in the amount of \$105,462 and Change Order, Contract No. 5, Comalli Electric in the amount of \$5,700 for New Town Hall Entry Boulevard and rear paved parking in the total amount of \$111,162.

RESOLUTION NO. 300

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 Supervisor to make the following Creation of Appropriations and Transfer between Appropriations:

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

Debit:	Estimated Revenues	CM510	\$17,980.25
	Subsidiary: CM2189 Home &Community Services		\$17,980.25
Credit:	Appropriations	CM960	\$17,980.25
	Subsidiary: CM1440.4 Engineering		
	Contractors Inspections		\$17,980.25

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

NAME	AMOUNT
Summit Hills Ded	\$289.45
Windsor Woods	474.68
Prospect Meadows Ded	310.45
Farmview	253.45
Pino Comm	120.00
Pino Comm	120.00
Bast Hatfield	1,052.50
Rolling Hills	4,646.48
Westbrook	6,186.24
Hudson Ridge PDD	114.00
Princeton Heights Subd	1,272.00
Howland PDD	1,152.00
Halfmoon Jewelers	456.00
Halfmoon Family Dental	882.00
Guideboard Retail	120.00
Boni PDD	240.00
Lussiers Autobody	57.00
Abele PDD Sheldon Hills	114.00
Beeche Light Industrial	120.00
Total	\$17,980.25

A resolution is needed to appropriate funds available to the Town of Halfmoon per agreement with Saratoga County by its Youth Bureau for expenses incurred in sponsoring activities for local youth in conjunction with Youth Week 2006.

DEBIT:	Estimated Revenues	A510	\$2,222.39
	Subsidiary: A3820 - \$2,222.39 Youth Programs		
CREDIT:	Appropriations	A960	\$2,222.39
	Subsidiary: A7140.4 - \$2,222.39 Recreation Programs		

A resolution is needed to appropriate contribution from Wal-Mart’s (\$500) and Abele Builders (\$100) made to the Character Counts Program for use in purchasing holiday presents and miscellaneous expenses for the Holiday Baskets.

DEBIT:	Estimated Revenues	A510	\$600
	Subsidiary: Community Gift Contributions		
	A2705 - \$600		

CREDIT: Appropriations: A960 \$600  
Subsidiary: Character Counts – Contractual  
A7989.40 - \$600

Transfers between Appropriations:

From Account	To Account	Amount	Reason
DA5140.10 Miscellaneous Personal Services	DA5142.10 Snow Removal Personal Services	\$20,817	Transfer of appropriations within own budget to cover payroll thru year end
DA5110.10 General Repairs Personal Services	DA5142.10 Snow Removal Personal Services	\$49	Transfer of appropriations within own budget to cover payroll thru year end
DA5112.20 Improvements Personal Services	DA5142.10 Snow Removal Personal Services	\$320	Transfer of appropriations within own budget to cover payroll thru year end
DA5112.21 Improvements Capital Outlay	DA5110.40 General Repairs Contractual	\$40,000	Transfer of appropriations within own budget to cover expenses thru year end
AO8020.20 Zoning Equipment	AO8020.40 Zoning Contractual	\$400	Transfer of appropriations within own budget to cover expenses thru year end
AO7140.10 Recreation Personal Services	AO7140.20 Recreation Equipment	\$200	Transfer of appropriations within own budget to cover purchase of a digital camera
AO1310.20 Finance Office Equipment	AO1310.40 Finance Office Contractual	\$1,144	Transfer of appropriations within own budget to cover expenses thru year end
AO1990.4 Contingency	AO3610.10 Code Enforcement Personal Services	\$15,000	Additional appropriations needed to cover payroll thru year end
AO8160.20 Transfer Station Equipment	AO8160.10 Transfer Station Personal Services	\$5,000	Transfer of appropriations within own budget to cover payroll thru year end
AO1220.11 Supervisor Personal Services	AO1010.10 Town Board Personal Services	\$1131	Transfer of appropriations to cover Deputy Supervisor Pay for 2006
AO1990.4 Contingency	AO1940.20 Special Item Purchase of Land	\$50	Additional appropriations needed to cover land purchase
AO1990.4 Contingency	AO8020.10 Planning Personal Services	\$8,000	Additional appropriations needed to cover payroll thru year end
AO1990.4 Contingency	AO9730.70 Bond Anticipation Interest	\$1,250	Additional appropriations needed to cover interest expense for BANS due in December

RESOLUTUION NO. 301

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 authorizes entering into Settlement Agreement with American Tissue Mills of New York, SBL #268.-1-4 reduced from \$2,754,500 to \$2,000,000 for 2002/2003 and further

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

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

There being no further business to discuss or resolve the meeting was adjourned at 8:20 pm tonight until Friday, December 29<sup>th</sup> at 11:30 am for action on end of year items.

Respectfully submitted,

Mary J. Pearson  
Town Clerk

