

The March 7<sup>th</sup>, 2006 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  
Lyn A. Murphy, Town Attorney  
Mary J. Pearson, Town Clerk

Also present: Frank Tironi, Director of Water; Paul Maiello, Recreation Supervisor; Rodney Smallwood, Executive Assistant to Supervisor; 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. The Supervisor led the Pledge of Allegiance.

Supervisor DeCerce stated the Saratoga County Board of Supervisors honors a deceased war veteran every month and recently they honored Peter Keyrouze from the Town of Halfmoon. He stated Pat Keyrouze is present and invited her to come forward and he will present the prepared resolution. He stated several presentations have been made honoring Peter Keyrouze

He read the following:

**WHEREAS**, Peter Keyrouze was born in the City of Troy, State of New York on November 13, 1921; and

**WHEREAS**, Peter Keyrouze graduated from Catholic Central High School and Siena College; and

**WHEREAS**, Peter Keyrouze was self employed in printing and publishing; and

**WHEREAS**, Peter Keyrouze was a member of the American Legion Mohawk Post 1450 and was actively involved in many of the activities at the Post resulting in his being awarded the Post’s “Man of the Year” award in 1971; and

**WHEREAS**, Peter Keyrouze was actively involved with the AABC Baseball Congress; and

**WHEREAS**, Peter Keyrouze joined the United States Navy in 1942 serving as a Pharmacists Mate; and

**WHEREAS**, Peter Keyrouze was honored with Campaign Ribbons from the American Area, the European-African-Middle Eastern Area, the Asiatic-Pacific and also received the Good Conduct Medal and the World War II Victory Medal; and

**WHEREAS**, Peter Keyrouze was awarded two Bronze Stars during the European-African-Middle Eastern Area Campaign for his conduct during the invasion of Normandy and the invasion of the South of France and one Bronze Star during the Asiatic-Pacific Campaign for his conduct during the Okinawa Gunto Operation; and

**WHEREAS**, Peter Keyrouze was deeply involved in the community including the formation of many area sports leagues, expansion of Cohoes Memorial Hospital, Chamber of Commerce, and the National Red Cross; and

**WHEREAS**, Peter Keyrouze died in his home in Halfmoon on June 2, 2005; and

**WHEREAS**, Peter Keyrouze is survived by his wife Patricia E. Keyrouze and, also by children, Kathy Ann Smith, Thomas P. Keyrouze and Edward J. Keyrouze;

**NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:**

That the Town Board of the Town of Halfmoon records and expresses deep appreciation for Peter Keyrouze’s contribution to the Town of Halfmoon and the United States of America, especially his service to our country.

That a certified copy of this Resolution will be entered into the Town records proclaiming the Town of Halfmoon’s recognition of Peter Keyrouze.

That a certified copy of this Resolution be presented to his surviving family.

At 7:08 pm the Supervisor opened the public hearing for the Trails Master Plan and introduced Henrietta O’Grady, Chairperson of the Trails Advisory Committee. No one wished the notice to be read

Henrietta O’Grady provided the following presentation and stated they are here tonight to present you with the final version of a Trails Master Plan, a project that took a year and a half to produce by a committed group of volunteers on the Trails Advisory Committee. She stated the members of the committee: George Hansen, Ellen Kennedy, Richard Krier, Keith Loomis, Ed Peck, Sandra Rohner, Matt Shea, Mara Sweeter and Jeff Williams.

Clough Harbor assisted in preparing the trails map and updated the technical aspects found in Chapter 6, Design. A draft plan was submitted to the Town Board in June of 2005. Constructive suggestions were made by the Supervisor’s office, Councilman Bold and the town attorney and were incorporated into this final version.

The Trails Master Plan developed as a result of the Town Comprehensive Plan which included recommendations for:  
Recreation Master Plan  
Pathways Master Plan  
Network of multi-use trails.

A town wide recreational survey conducted by the Town Board revealed that the most positive areas of responses from some 1450 families included:

Walking	Nature trails	Bicycling
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It is the vision and goals of the plan to:

- Provide access to parks, recreation areas, open space waterways, wildlife habitat, historical and cultural sites.
- Link neighborhoods.
- Promote fitness and healthy lifestyle in walkable communities.
- Provide a means for alternative transportation.
- Enhance social interaction and community pride.

Trails can provide access to cultural and historic sites, for example:  
Canal towpaths  
Hamlets  
Native American routes

Trails have the ability to link the past with the present and the future. Trails also provide for quality recreational opportunities for all ages like --

Walking and hiking	Jogging and running	Bicycling	Roller blading
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Strollers and wheelchairs    Cross country skiing and snowshoeing.

- There are a number of proposed trails in the Trails Master Plan.
- Some are county owned like the Zim Smith Trail, which will be constructed because of a grant.
  - Some are on State owned property (DEC forest preserve) or along a State designated bike route(Rtes. 4 and 32).
  - Some are town owned like the Crescent Trail and town park recreational complex.
  - And, some will emerge from private sources or future planning to link with major trails.

Old Champlain Canal	Fairway Meadows	Sheldon Hills	Rolling Hills
Prospect Meadows	Summit Hills	Vosburgh Rd.	

Development    On road loops

Partnerships are critical to developing a workable trails plan. The Town recognizes the importance in maintaining relationships with the State, County, neighboring municipalities and local community groups. To name a but a few:  
CDTC Bicycle and Pedestrian Task Force, Saratoga PLAN,  
Town Open Space Committee, Mohawk Towpath Byway and local youth groups.

The Trails Plan will include guidelines for pedestrian and bicycle use on new roads or reconstructed roadways, by utilizing planning tools like a dedicated bicycle lane, or shared roadways. Highway shoulders and sidewalks are also addressed to allow for traffic calming features.

How will this plan be funded? There are several approaches to financing the objectives:

- Developer mitigation fees
- Developer constructing trails
- Grants
- Private and organizational donations
- In-kind services
- Bonding

Once a trail is created by the Town or turned over to the Town, maintenance is done and/or coordinated by the Town’s Parks Department. The Town is responsible for establishing all rules and regulations associated with trails.

- Management and maintenance include:
- Maintaining the functional use of the trails
  - Providing for fire mitigation
  - Eliminating potential hazards for public safety
  - Protecting natural and historic resources
  - Controlling litter
  - Providing for periodic inspections
  - Maintaining the aesthetic quality of the trail’s environment.

Public safety on trails is the same concern as public safety in other parts of the town. The more active a trail becomes, the less likely a problem develops. Trails users are the best deterrent to potential problems. Local law enforcement agencies will be responsible for policing trails, as they are in other areas of the town. Trail design recognizes the need for access by law enforcement and emergency vehicles.

Trails make good neighbors and the Town is sensitive to the needs of its citizens. As such, regulatory signs will be posted. Trails will be closed from dusk to dawn (unless otherwise posted).

Rights of property owners is important and they are recognized. Concerns will be addressed. Trails that are well marked direct trail users and additional signs can be added as a reminder to respect adjoining property owners. Buffers are important considerations for special circumstances where residents may be too close to a trail or a trail is too close to a road.

A local survey of residents living along the Mohawk Hudson Bike/Hike Trail produced the following results:

86% of the property owners used the trail.

88% said they were satisfied or neutral about the trail as a neighbor.

86% felt that they did not pose a risk to their own or their family's safety.

85% felt that the trail increased or had no effect on their ability to sell their homes.

80% felt that the trail improved the quality of the neighborhood or had no impact on it.

### ***Liability Issues***

Trails on town land are covered by the same provisions as other municipal parks and recreational areas. AND ....New York State law limits the liability of landowners who voluntarily allow access to their land for certain recreational activities.

In closing -- This trails master plan establishes a network of public trails that will invite residents to connect to their public open spaces, parks, recreational facilities and community activity centers. These trails are designed to enhance the enjoyment and quality of life for the citizens of Halfmoon.

The Supervisor opened the hearing for public comment.

John Dunsic, Smith Road stated when the GEIS came out in 2002 this trail was suppose to be from Halve Maen Manor through Kingsbrook up to Farm to Market Road and his property was untouched. He stated when he obtained a copy of the map from town hall he discovered there is suppose to be a trail going through his house. He stated he would like to see the trail go back to where it was originally envisioned by our professional engineers and he doesn't know why they decided to put it through his farm. He stated there is a DEC wetland R46 and they are surprised it isn't indicated and there are more on the other side of Smith Road in addition to it being reported there are problems on Smith Road. He stated we are going to be putting pedestrians on, across or along Smith Road and is just asking for trouble. He stated he has trouble with kids without a trail, shooting out car windows and feels its unrealistic to expect the police to patrol these trails and there is a lot of criminal activity. He stated he would prefer it be kept in Kingsbrook ands there are many constraints and he is also concerned about the taxpayers.

Supervisor DeCerce stated they haven't done studies on Smith Road but have done studies on traffic for Farm to Market Road. He stated the GEIS started out with potential for where trails would be based on where development was going and, there is no intention of anyone taking over his property or putting a trail into his house. He stated if he decides to sell his property to someone they will be compelled to consider putting a trail in as planned. He stated that will not happen if the property is kept as it is and the Town is not putting his money into trails.

Mr. Dunsic stated if a neighbor goes along with this he will be left with a stub street or trail against his property line and, he would rather see houses with back yards fronting his property and leave the infrastructure free.

Herb Tinger, 30 Stage Run, asked when some of these trails will be open and some of the subdivisions are already fairly built out with houses and he is not aware if the trails are available yet.

Mrs. O'Grady stated the Zim Trail has been in the planning stage since 1995 and they are at the stage now where the engineering work is complete and they should begin construction this year and they are hoping it does start in Halfmoon and is under a grant. She stated there is also a major trail along the Mohawk River and may start ate this year. She stated these are suggested trail routes and some may change and is not written in stone, it is a vision and it is hoped that things will develop.

Mr. Tinger stated when these subdivisions were proposed they clearly showed trails going through the developments and asked where the trails are.

The Supervisor stated that Summit Hills and Prospect Meadows both have trails under construction.

Ed Peck stated he lives at Summit Hills and the trail is under construction and he walks his dog and will probably be complete late this summer. He stated the one at Prospect Meadows has not been started yet and as these developments come forth they are trying to get the trails completed.

Councilman Bold stated the trail at Sheldon Hills has been constructed and has not yet been dedicated to the Town but will be.

Councilwoman Wormuth stated Sheldon Hills does have two types of trails; one will be an internal one maintained by the Homeowners Association and intended for the people who live there but there will also be a public access one that runs along the front of the project. She stated it has not been dedicated to the Town but is part of the construction and written into their PDD as to the timing.

Mike Stiles, Route 9 stated two things are wrong toward Liebiech Lane where there is commercial it is not a good deal in any part of Town when it has to cross traffic. He stated where the bike trails will be built traverse areas that were "forever wild" and owned by people that secure their privacy. He stated it will cost us money and is no good.

Joyce Kania, 163 Route 146 asked if a bike trail was put on Route 146 between Route 236 and Farm to Market Road. She stated there is increasing traffic and asked if there will be a lane for bicycles.

Mrs. O'Grady stated Route 146 is a State road and they marked it as a possible route because it goes from west to east and, they felt if the State made improvements they would ask them to consider the fact that this road is used by bicycles and they would like some features for the users. She stated it would take many years to implement.

Mr. Peck stated what makes this whole thing complex is that we have State roads, County roads and Town roads and the rules and regulations are slightly different for each and when they are re-designing the roads they might be able to get their foot in the door.

There being no further questions or comments the Supervisor closed the hearing at 7:37 pm.

Supervisor DeCerce stated those who have concerns about bike ways or walk ways along a State or County road the first step is to design a plan. He stated the Capital District Transportation Committee which he sits on, has received money for a study from them for a roadway from Okte to Springbrook Mobile Home Park to begin those projects. He stated they don't start unless somebody has some sort of plan as the Trails committee has come up with. He stated he expects this plan will go to the Capital District Transportation Committee because they have money for roadways and bike trails. He stated we are joining forces with Clifton Park along the Mohawk River on another grant we received from CDTC.

He stated he credits the planning group, the group that worked on the Comprehensive Plan and this group is a spin off out of that group. He stated we can't go any where without a plan.

Councilwoman Parker stated health and safety are her main concern and, we have watched and read about people who go on these trails and something happens to them and asked what kind of provisions will they provide along the trails for emergency help.

Mrs. O'Grady stated the trails have been designed to accommodate an emergency vehicle or policing. She stated when she goes walking she is either with someone or carries a cell phone. She stated in this plans there are a lot of trails proposed that going to be near people and won't be out in the wilderness and, she would expect if there is a problem they should be able to reach help. She stated, at this point, the only one she sees that might be considered in a rural area is the Zim Smith Trail and, even that one has a number of houses on one side of it.

Councilwoman Parker stated all the emergency people will have this information and maps but she wants to make sure they have covered all bases.

Mrs. O'Grady stated a lot of it is trail maintenance and the Town employees know how well a trail can be maintained and the necessary upkeep.

Matt Shea stated on the proposed trail between the Crescent Bridge to the Northway Twin Bridges runs alongside Canal Road and there will be a lot of access for rescue if there was a problem.

Ed Peck stated trails make it safer to exercise if you live on a busy road and is not safe. He stated they are trying to get people off and away from the road but also not out in the wilderness.

Councilman Bold commented, as a trail user, he and his wife use trails in many different areas and every trail is different and the people are different. He stated they do not go along a remote trail after dark or even close to dark and is just not good judgment. He stated they don't walk alone and trails are very widely used. He stated its not a perfect world stuff happens everywhere, but it is a nice system and a great form of outdoor exercise.

Councilwoman Wormuth stated for clarification it is her understanding that this is a recommendation for a tool for planning and envisioning and is not a mandate that these tools be built or share a roadway.

Supervisor DeCerce stated that is correct and when a project comes in a trail goes along with it and, at that time the planning group has an opportunity to make adjustments. He stated they are not going to take a house and put a trail on it.

Councilman Polak stated at the point a project comes before the Town Board or the Planning Board those trails have been re-redesigned or re-positioned because neighboring people had concerns and voice them at the public hearing and safety is an issue. He stated trails come about as part of the Master Plan and, in survey's it was identified that this is what the people wanted and it was a vision of this committee. He stated this isn't law and could be put in place as projects come back for further reviews and public hearings. He stated he commends on being involved in the Master Plans and the work they have done and the progress and is very much in favor of it.

Attorney Murphy stated the SEQRA determination that was made as part and parcel to the Comprehensive Plan be passed takes into account of fact that this Trails Master Plan would be completed therefore, there is no need for a separate SEQRA determination with regard to this project. She stated the Trails Committee has had many meetings in the Senior Center to discuss and she was able to benefit from going to some of those meetings and saw that they took in a lot input from the public before making any determinations and they did a wonderful job.

Supervisor DeCerce asked if they were going to take action to adopt what we have here as a vision and as an advisement type of plan.

Councilman Polak stated he would like to move forward and feels that the questions asked were adequately answered.

Supervisor DeCerce thanked everyone for being involved and helping with this.

Mrs. O'Grady thanked Councilman Bold for being the Town Board liaison on this committee and his support tonight.

## RESOLUTION NO. 59

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

RESOLVED, that the Town Board adopts the Trails Master Plan as prepared and submitted

### REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Councilwoman Wormuth reported that the Open Space committee meeting will be held on March 28<sup>th</sup> at a different location. She stated it will be held at the Clough Harbour office at 3 Winners Circle. She stated directions are available in the Clerk's office if anyone needs them. She stated the reason for using their office is to use some of the media tools they have available. She stated it will be from 6 to 8 pm and is a public meeting and everyone is welcome to attend.

Councilman Polak reported that the highway department will be starting their summer hours starting April 10<sup>th</sup> and hours will be Monday through Thursday 6 am to 4 pm. He stated there will be coverage and someone will be available at all times any type of emergency or needs of the community. He stated they have people on staff that will be working on Friday's.

He reported we will have our Spring Clean Up on April 18, 21, 22, 25, 28 and 29<sup>th</sup> for town residents and the hours will be Tuesday 8 am to noon, Friday noon to 5 pm and Saturday 8 am to 3 pm. He stated it will be limited to Town residents.

Councilman Polak stated that the next Zoning Committee meeting will be held on Wednesday, March 22<sup>nd</sup>; after this meeting they will go back to holding them on Thursday.

He stated the public hearing for the Route 146 corridor will be set for April 18<sup>th</sup> at 7 pm. He stated they went through the tax rolls for parcels in the area and all landowners and adjoining landowners will be notified of the public hearing.

Mike Bianchino, Clough Harbour and Associates stated, similar to the Trails Master Plan the Zoning Committee was an off shoot of the work done in the Comprehensive Plan. He stated the Zoning committee was established to look at implementing some of the recommendations in the Comprehensive Plan and, it was recommended that the corridor study be done on Route 146 to look at land uses. He stated the issues raised in the Comp Plan and the Northern Halfmoon GEIS was to promote set backs, to look at business park type settings and preserve the integrity of the Route 146 corridor and, to look at preventing a possible strip type development for that corridor. He state the committee defined what they project in land uses. He stated the map outlines the corridor and is from Parkford Drive east to about the middle of the hill going down toward Mechanicville. He stated the critical elements identified were the set back issues, access management and aesthetics and it was determined that the best way to approach these important items is to do an overlay zone. He stated they prepared a corridor plan identifies land uses but not rezoning the area but putting in some overlay requirements that will help the Planning Board and the Town Board in controlling the type and layout of the development.

He stated the adjoining landowners will be notified and he suggested to the Clerk that draft performance standards and the map be posted on the web page. He stated he also provided the Clerk with 40 copies for anyone interested to review.

He stated, as with the Towns Trails Master Plan, the overlays are consistent with what was identified in the Town Comprehensive Plan and the GEIS and from the SEQRA standpoint no additional SEQRA action will be required with the adoption of this.

Supervisor DeCerce asked Mr. Bianchino to indicate the Empire Zone on the map and stated this is a coup for the Town.

Mr. Bianchino stated it was a great point he made about the way these things get started is to have a master plan or a plan in place and it was an excellent point he made about the trails.

## RESOLUTION NO. 60

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

RESOLVED, that the Town Board sets the public hearing for the Route 146 Performance Overlay District as designated by the Route 146 Corridor Plan for April 18, 2006 at 7:00 pm.

Supervisor DeCerce reported, relative to dredging that GE is soliciting for small businesses and they have made brochures relative to things like construction, concrete framework, heating, air conditioning, steel fabrication etc. He stated if anyone is interested to please stop in his office.

He stated they discovered that all the stuff we have to do for the State Historical Preservation they don't have to do it. He stated there are seven or eight vessels that have been sunk in the Hudson River by Fort Edward and because they have PCB's around them they are going to destroy them. He stated he and his colleagues are making a lot of noise about it and they can't sit still for that. He stated he can't believe we are under these restrictions and they are not.

He reported that at the Association of Towns Conference last month he obtained some information on the Office of Unclaimed Funds. He stated he discovered that his father had some money somewhere and they found that some of his relatives including himself have unclaimed money. He stated everyone should submit with them for it.

The Supervisor reported there have been resolutions that benefit the emergency services and they working on these with the Association of Towns. He stated our emergency services personnel who are volunteer are saving this State \$7 billion dollars a year which is what it would cost to buy these services of emergency personnel. He stated he credits these individuals and last week end we have a major catastrophe at Twin Lakes and he wanted to do something special to credit them but they said “that’s our job” don’t recognize us. He stated the people who work for the Town but also those who are fire department emergency services people who are on tap. He stated one you don’t think about sprained her ankle over there and that is our Animal Control officer, Beth Abramson.

Supervisor DeCerce reported that the resolution for tax assessment relief is something they have been moving on with the Association of Towns and, when they talk together in force they make more of an impression.

The Supervisor stated he substituted for Assembly people who had to leave a meeting at Salty's of Halfmoon. He stated Assemblymen Reilly McDonald, and Tedesco were there but the Assembly had a meeting at 9:00 am. He stated the Chamber asked him to talk about Halfmoon and he talked about the good things they are working on. He stated there were different questions about education and special work with autism that was asked by Senator Bruno's staff person and he said he would follow up on it. He stated they also asked about the County water system. The Supervisor explained that we took a \$10 million grant from Senator Bruno last week and was a major step and, he informed them that this Town doesn't need water, however, in order to bring those jobs to this community, we need to have that water project and make it happen in that area. He stated as long as Saratoga County can fund it without an advaloram and without taxing his people we'll support it. He stated he was also asked the potential for a hospital in Halfmoon and he and the Board are very excited about it and, they will be meeting with the developer. He stated he has received many calls about when it's coming. He stated the potential is for 120 beds and for a 24 hour emergency room facility as well as gynecological and pediatric specialties. He stated the rest of the proposal is a campus and they assure they will work through this.

Councilman Bold questioned the Supervisor's about his comment regarding autism.

Supervisor DeCerce stated there will be something coming forth and he will follow through with Senator Bruno's office.

Councilman Polak stated, relative to the people who work at the Town Hall he had the unfortunate experience to go to Twin Lakes the next day after the fire. He stated Mrs. Parker contacted him and they went over to meet with the groups and it is mind boggling to stand in the background and see how professional our staff from Town Hall work with the people. He stated, not that we didn't have excellent cooperation throughout the County for mutual aid and our firemen who we take a lot for granted. He stated they all made sure the residents were well taken care of and had a place to go the next afternoon. He stated it made him very proud of the people we employ.

Supervisor DeCerce stated in the future we should do something formal and he is totally right.

Councilwoman Parker stated there were ten fire companies there that night and every single one of them was needed. She the people who were rushed to the hospital were two of our firefighters and because of them we could have lost lives but we didn't. She stated local restaurants and stores provided food and supplies and other people who had property available who stepped forward for housing including Mr. Tanski.

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

**DEPARTMENT REPORTS- month of February**

1. Town Justice Tollisen

Total Cases-98  
Filed.                      Total fees remitted to the Supervisor   -   \$30,510.00

- ## 2. Town Justice Wormuth

Total Cases-317 Filed.	Total fees remitted to the Supervisor -	\$37,253.00
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- ### 3. Town Clerk

Total fees remitted to the Supervisor Filed.	\$ 5,614.59
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## CORRESPONDENCE

1. Received Annual Financial Report from West Crescent Fire District for fiscal year ended 2005

2. Received from Town Planner notification of Planning Board denial of sign application of Dr. Michael Dudiak for 377 Route 146 based on the sign exceeding the maximum signage allowed in the *Local Laws Relating to Zoning of the Town of Halfmoon*.

3. Received from Red Robin Restaurant. One Halfmoon Crossing, notification of intent to renew their liquor license.

Councilwoman Parker – Excused herself at 8:10 pm

**OLD BUSINESS**

**RESOLUTION NO. 61**

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

RESOLVED, that the Town Board awards Bid Spec.#1-2006, Truck Diesel Fuel to G.A. Bove & Sons Inc., 76 Railroad Street, Mechanicville at bid markup from low posting in amount of .169 cents.

**NEW BUSINESS**

**RESOLUTION NO. 62**

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

RESOLVED, that the Town Board designates Town employee, Scott Houle as provisional full time Water Maintenance Worker to be paid 2006 hourly rate.

Councilman Bold stated, relative to the next resolution, that we are within the budget and there is no increase other than less than \$50.00 and, the reason for that is due to our good record and our loss prevention is very good. He stated we have increased value to our buildings and added additional vehicles but we still held the rate. He explained that we have increased the replacement cost value for all our buildings to 7%, due to the horrendous cost increase in replacement costs, and is all reflected in the total cost.

Supervisor DeCerce stated we made a good decision when we went to the Reciprocal and seems to be working, however he and Councilman Bold are going to start to look for next year and interviewing some other company's and if we can do a better deal with them they will.

Councilman Bold stated we are entering into our fifth year and there was a five year collateralization cost to be a part of this program.

**RESOLUTION NO. 63**

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

WHEREAS, the Town has obtained a proposal from Adirondack Trust Insurance, now therefore be it

RESOLVED, that the Town Board accepts quote from Adirondack Trust Insurance for Town Insurance coverage, from carrier New York Municipal Insurance Reciprocal, for all coverage (Property, General Liability, Auto, Public Officials, etc.) in the total amount of \$148,435.65 renewal period March 1, 2006 through March 1, 2007, (installment 4 of 5)

RESOLVED, that said proposal be and is subject to review and approval of the Town Attorney.

**RESOLUTION NO. 64**

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

RESOLVED, that the Town Board appoints Matthew Reilly and Matthew Gundrum as part time Court Officers, conditioned upon successful completion of security guard basic training to each be paid \$14.20 per hour worked.

**RESOLUTION NO. 65**

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

RESOLVED, that the Town Board appoints the following seasonal Parks Department employees for 2006 at their hourly rate of pay as follows: Laborers; Evan Leggett, Dennis Landry - \$8.00; Stephen Devoe - \$8.40; Larry Marshall - \$8.90; Crew Leader; James Flannigan, John Van Chance- \$9.80; Senior Crew Leader; Robert Govin - \$10.60, Paul Tragni - \$11.40, Matt Hickok - \$10.70 effective immediately

RESOLUTION NO. 66

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

RESOLVED, that the Town Board authorizes the Supervisor to execute agreement between the Town and NYS Department of State for the Town of Halfmoon Waterfront Visioning project.

RESOLUTION NO. 67

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

RESOLVED, that the Town Board accepts proposal from Clough, Harbour and Associates to provide a conceptual land use plan for the waterfront area in the lump sum amount of \$15,000, per review and approval by the Town Attorney.

Councilman Bold stated, relative to the next resolution, that there were several items of preliminary work that we had to have done before we got to this point. He stated some was done by Environmental Design for the site planning, some by our owners rep. Clough Harbour, and we are now ready to proceed.

RESOLUTION NO. 68

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 the Town to send out lead agency status for the new Town Hall project.

Councilman Bold commented, relative to the next resolution that this is to go forward with several of the remaining zoning issues recommended by the Comprehensive Plan and, is in addition to the Route 146 zone.

Councilwoman Wormuth stated there were other recommendations made to go through different particular zoning uses and land uses.

Councilman Polak stated he receives phone calls regarding different areas that are commercial and residential and they will revisit as a courtesy to the residents as part of this process.

RESOLUTION NO. 69

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

RESOLVED, that the Town Board approve proposal from Clough Harbour and Associates for zoning amendments in the proposal amount of \$60,000, per review and approval of the Town Attorney.

December 2, 2005

Hon. Ken DeCerce, Supervisor  
Town of Halfmoon  
111 Route 236  
Halfmoon, New York 12065

**RE: TOWN OF HALFMOON ZONING AMENDMENTS  
REVISED SCOPE OF WORK AND FEE  
CHA PROPOSAL NO. X-11102**

Dear Supervisor DeCerce:

As we wrap up the performance overlay zoning for Route 146 it is time to consider the Town’s next steps in revising the zoning code in conformance with the Town’s Comprehensive Plan. So far we have been addressing the zoning in small pieces, which has worked well in getting the committee’s “feet wet” in the process and has resulted in good progress towards implementation of the Comprehensive Plan (among the several other planning initiatives in the Town). However, each task has taken some time to complete and I suspect it will be hard to maintain your committee for a multi-year process. At this point, we suggest that the Town move forward with the rezoning in its entirety. We believe it is possible to accomplish this in less than a year and would put the Town in a much better position to deal with the heavy development pressure, providing consistency and clarity in the development process Town-wide. To that end we offer the following scope of services (revised from our June 9, 2004 proposal) for your consideration.



## ***I. SCOPE OF SERVICES***

### **Rezoning**

CHA will assist the Town with the process of rezoning lands in accordance with the Town's Comprehensive Plan. The Comprehensive Plan represents guidance on major land use decisions. It will now be necessary to make specific zoning recommendations that are consistent with the intent of the Plan. To begin to make these recommendations, CHA will assist the Committee in preparing a list of those areas of Town that warrant immediate consideration for zoning change and those areas that require further research through future Action Plan tasks, such as corridor studies or neighborhood master plans. This list of recommendations will be presented to the Town Board for approval prior to moving forward with the next phase. The second phase of this task will involve research and recommendations for specific zones and density. Once these new zones have been identified and approved by the Town Board, CHA will assist the committee in drafting the amendments.

It is anticipated that this task will involve considerable effort and close contact with the Committee. CHA will prepare for and attend up to ten (10) Committee meetings for this task. Once the draft zoning is prepared, we will undertake up to four (4) rounds of revisions to achieve the final zoning language.

### **Public Participation**

A community workshop should be conducted prior to the public hearing process for adoption of zoning amendments. This should occur after draft zoning recommendations have been identified. CHA will assist the Committee in preparing for and running the workshop. It is assumed that members of the Committee will assist in facilitating discussions as participants are broken out in groups. The intent of the workshop is to provide a relaxed, non-threatening atmosphere whereby workshop participants can discuss alternatives and provide recommendations.

Given that we are dealing with Town-wide rezoning, many more people will be effected and may have concerns that can be discussed and worked out in a less formal atmosphere, helping to minimize the potential for a contentious public hearing. In addition, the purpose of zoning is to take a much closer look at the land use recommendations. Actual zoning boundaries may end up being somewhat different than the land use component of the Comprehensive Plan. It will be necessary for the public to review any such modifications and perhaps to recommend their own changes that the Committee might overlook.

CHA will assist the Town in conducting one public hearing on the zoning amendments.

### **State Environmental Quality Review**

Rezoning and the adoption of amendments to the Zoning Ordinance and Subdivision Regulations by the Town is a Type I Action pursuant to 6 NYCRR 617.4 of the State Environmental Quality Review (SEQR) regulations. The Comprehensive Plan included a draft and final Generic Environmental Impact Statement that discussed the environmental/community implications of the various land use recommendations. Providing the zoning amendments are consistent with the recommendations of the Plan, it is our opinion that the SEQR process for adoption of the Plan was sufficient to cover the rezoning effort identified in this Scope of Services.

To provide the appropriate documentation CHA will prepare a Full Environmental Assessment Form (EAF) that will address consistency with the Comprehensive Plan. If the Town Board determines the amendments consistent with the Plan then CHA will prepare a Negative Declaration for Town action. If the Town Board determines that a Generic Environmental Impact Statement is necessary to address the amendments, then CHA will provide the Town with a scope and fee to complete this work.

## ***II. ADDITIONAL SERVICES***

### **Incentive Zoning**

Incentive zoning is a powerful tool to help a community incorporate important amenities through the design/development process. Initially, the primary focus of incentive zoning legislation will be the preservation of open space. Therefore, incentive zoning may come forward as a recommendation to the Town Board from the Open Space Committee. It may be more appropriate for the Open Space Committee to draft the incentive zoning language. CHA can assist with this effort as applicable.

### **Development Guidelines**

The process of creating development guidelines was briefly initiated in earlier zoning tasks. However, it became apparent that the identification of guidelines is partly dependent on other zoning tasks and studies. At this point, we recommend that the rezoning take place first to better define specific needs for project review. Similar to incentive zoning, the first set of guidelines may be proposed as a result of recommendations from the Open Space Committee.

## ***III. SCHEDULE AND FEE***

For the services listed in I. above, we propose to be compensated in accordance with our hourly charge-out rates as specified by our Municipal Agreement. We recommend budgeting \$60,000 plus legal fees for this work. Although we would be happy to initiate this work immediately, we recommend that our efforts be focused on completing the Route 146 rezoning in a timely manner and begin the new year with the broader rezoning effort. We anticipate a 6-8 month schedule to complete the zoning.

If our proposal is acceptable, please contact me and we will proceed. We would also be happy to go through this proposal with you in greater detail, if it would be helpful.

Councilman Bold, commented on the next resolution, that this will extend water to Stone Quarry Estates which is a ten unit housing project and will bring an 8” water main along Route 9 and down Stone Quarry Road to service this area. He stated that residents along the way are not included in this specific extension, however, all the service connections will be installed and they will proceed to make contact with the residents to determine their interest level.

#### RESOLUTION NO. 70

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

RESOLVED, that the Town Board authorizes the Supervisor to execute the Stone Quarry Road Water Extension Agreement Contract, per review of the Town Attorney.

Supervisor DeCerce reported on the next resolution, stating this is the work that needs to be done by an engineering firm to implement the Sweeney grant money in the amount of \$470,000.

Councilman Bold commented that what drives the engineering cost so high on this project relates to in order to obtain the grants there is a set of steps we have to go through and requires the professional engineering services to provide the design of this expensive service.

Supervisor DeCerce stated we are not equipped to satisfy the needs of this project. He stated there is no funding planned from the Town of Halfmoon.

#### RESOLUTION NO. 71

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

RESOLVED, that the Town Board approves Agreement with Clough Harbour & Associates to provide professional engineering services for the Dunsbach Road sewer improvement project in the lump sum amount of \$256,500.

#### RESOLUTION NO. 72

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

RESOLVED, that the Town Board approves and orders paid all vouchers for all funds listed on Abstract dated March 7, 2006, totaling: \$164,462.61

Supervisor DeCerce commented, relative to the next item, that this is the result of the negotiations consistently done in the Assessor’s office and through the courts to make changes.

#### RESOLUTION NO. 73

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

RESOLVED, that the Town Board authorizes entering into Settlement Agreement with Accent on Health, Route 9, SBL #272.-2-53.11 reduced from \$2,446,100 to \$2,371,100 for 2003 and reduced from \$2,412,100 to \$2,337,100 for 2004 and further

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

Supervisor DeCerce stated he recently spoke to Jim Bescha, Albany Engineering, who is the person who made the genrators at the Hudson River Local No. 2 work again. He is going to turn another one on in two weeks and is planning on working at Lock No. 1 to put another power plant

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

Bruce Tanski. 11 Meyer Road, stated he has a way to save the Town about \$4 million and wants to laud everyone for all they have done working on the new Town Hall. He stated he knows the Town has already spent upwards of 1/2 million dollars to begin work. He stated there is a state of the art building in Halfmoon and is the Saab building and is on 6 acres of land, 482’ of frontage, in a PDD zone and is 16,565 square feet. He stated out of the square footage the garage is 4500 square feet, the ceilings are 20’ feet high which would double the space and put the building at 20,000 square feet. He stated it is handicapped accessible, sewer, water and gas, finished parking lots and more centrally located than the one the Town wants to built, close to the Highway department. He stated he thinks it’s a lot cheaper to buy than build a new building and he has talked to the owner, Darryl and he gave him first option on the building. He stated the building was appraised in 2003 for \$2.6 million. He stated there

would be very little engineering costs and the money that could be saved could be re-introduced into what the Town wants to do with the Park and Pavilion. He stated another thing is the four ball fields that will have to be destroyed and redone wouldn't have to be touched. He stated he would buy the building from Darryl, work with the Town to do the engineering so it wouldn't have to go out to bid, construct the offices on the inside, on time and material basis and, then flip it over to the Town. He stated every 20 square feet of floor has an electrical box with capping and looks like a municipal center with 20' ceilings, the landscaping is gorgeous, plenty of parking lot and a 10" slab. He stated he has enough knowledge to oversee a rehab on this building to make it adaptable so the Town could use it. He stated it will be across from maybe our new hospital. He stated if the Town didn't want to buy it he would buy it and lease it back to the Town.

Supervisor DeCerce thanked Mr. Tanski for bringing this to us. He stated this is the same thing the Board did to Shenendehowa School District when they offered them something after they were down the road a long way and they said no. He stated he needs to think about it.

Councilman Bold commented "no idea is a bad idea" and he will need to sit back and think about it.

Attorney Murphy stated she will caution the Board about their fiscal obligation with regard to contracting and making sure that people are paid the contract wage rate. She stated the Board can't circumvent requirements.

The Supervisor thanked Mr. Tanski for coming in with this and stated they need to listen and check it out.

Councilwoman Wormuth stated she agrees that "no idea is a bad idea" and should consider it as an option.

There being no further business to discuss or resolve the meeting was adjourned at 8:50 pm.

Respectfully submitted,

Mary J. Pearson  
Town Clerk

3/7/2006

