

The March 21, 2006 meeting of the Town Board of the Town of Halfmoon was called to order at 7:00 pm by Deputy Supervisor Wormuth at the Town Hall on Harris Road with the following members present:

Melinda A. Wormuth, Deputy Supervisor  
Walter F. Polak, Councilman  
A. James Bold, Councilman  
Regina C. Parker, Councilwoman  
Robert J. Chauvin, Deputy Town Attorney  
Mary J. Pearson, Town Clerk

Kenneth J. DeCerce, Supervisor - Excused  
Lyn A. Murphy, Town Attorney - Excused

Also present: Frank Tironi, Director of Water; Steve Watts, Building & Development Administrator; Rodney Smallwood, Executive Assistant to Supervisor; Lisa Perry, Secretary to Supervisor; John Pingelski, Highway Working Supervisor; Bill Bryans, Highway MEO.

The Town Board Workshop was held in the Board Room at 6:15 pm; no action was taken. The Deputy Supervisor led the Pledge of Allegiance and stated that Supervisor DeCerce is not present because he became ill, and went home.

Deputy Supervisor Wormuth stated a presentation for Clifton Park Driving Range, submitted 12/1/2005 is the first item on the agenda.

Brian Ragone, Environmental Design Partnership, stated he is representing Ostoja Vucetic and is presenting a concept plan for a proposed seasonal commercial recreational planned development district and will ask the Board to refer to the Planning Board. He stated the existing Clifton Park Driving Range is 36 ½ acres on the east side of Route 9 opposite Parkwood Plaza. He stated there is 11+ acres in the Town of Clifton Park and they will work with them for a special use permit. He stated the intent of the project is to show a long range master plan that will be implemented and constructed over a long period of time and there is no intention of starting the construction right away. He stated all the proposed buildings won't be higher than one story. He stated there is a single entrance existing along Route 9. He stated they are proposing three large parking areas and they want to preserve the vegetation along the tops of the slopes and along the property line. He stated there will be on site septic, wells and storm water management. He stated the site already has sandy soils and good drainage. He stated in a previous application they submitted there were some concerns that the go carts would be too noisy, however they will be electric and the noise will be comparable to a golf cart. He stated the preliminary discussions with the Town resulted in the applicant committing to the following community benefits, the benefit is for senior and youth programs over a five year period: Baseball: 1 hour per week (\$50) for ten weeks; Miniature Golf: 1 hour per week (\$300) for ten weeks; Driving Range: 1 hour per week (\$90) for ten weeks, up to ten people. He stated the total value is estimated to be \$22,000 over a five year period. He stated the plan shows a variety of recreational uses but none are cast in stone, however, they believe the concept plan shows their intent to bring a family oriented recreational facility to the Town of Halfmoon.

Councilman Polak asked what kind of recreational uses there will be.

Mr. Ragone stated they are proposing go-karts, bumper boats, miniature golf, rock climbing, indoor laser tag, basketball courts, playground and water slides.

Councilman Bold stated in the brochure handed out previously there was a photograph of a trampoline where someone is sent up very high and then sent 80 meters in the air and asked if this is to be considered. He stated it is his opinion it is not an appropriate use

Mr. Ragone stated it is negotiable and the applicant is willing to work with the Board.

Councilwoman Wormuth stated it is like a reverse bungee jump where it shoots you up as opposed to starting out at the top.

Councilman Bold stated now the driving range is a large open area and asked if they should expect the applicant to come back and put some more higher intensity use into that driving arrange. He stated as part of the review before they looked at the steep grades to the north and east and one of the drawings has a sectional view through part of that and he would suggest before it goes to the Planning Board that they take that section available for review.

Mr. Ragone stated he believes the applicant would like to keep it as a driving range.

Councilwoman Parker asked the hours of operation.

Mr. Ragone stated they will be 8 am to 10 pm spring, summer and fall. He stated they will be working out the lighting.

Councilman Polak stated he has walked the site with the applicants on their last submittal and the slopes were taken into consideration and saving the greenery between the residential and the proposed area. He stated they must be aware of the traffic impacts and lighting and if a traffic light will be required at Route 9. He stated there was a lot of controversy from surround homes and the park the last and he suggests the applicant be prepared to answer the comments.

Councilman Bold questioned the \$22,000 public benefit.

Mr. Ragone stated they estimate that is how much over the five year time period the benefit will provide the seniors and youth.

The Deputy Supervisor commented that the applicant has heard some comments tonight and unless the Board feels different she stated they would like them to go back and address the comments and come back with answers on lighting, the slopes and the public benefit. The consensus of the Board is to agree.

The Deputy Supervisor stated the next agenda item is the presentation for the Inglewood Planned Development District, submitted 1/17/2006.

Gavin Vuillaume, Environmental Design Partnership, stated he is representing the applicant Diamond Capital Development. He stated they are proposing to rezone the property on Cemetery Road currently zoned professional office residential and indicated the site location on the map. He stated they are trying to provide multi family residential housing that could be affordable for seniors. He stated multi family is not allowed in POR, offices and business use is allowed. He stated another thing going against them is that are just slightly under the 10 acre minimum and is 9.88 acres. He stated the design is simple with just a single access off Cemetery Road into the site with a cul de sac and they have a possible future connection point. He stated there has been some talks about doing improvements to Lawrence Circle and that vicinity and some interest about possibly another access to get traffic away from Old Route 146. He stated as part of this project they would provide a possible future connection to that stub street if the Town feels it would be beneficial. He stated they have 32 town homes that would have access off that town road and would all have private driveways, sidewalks and maintenance services. He stated it would be geared toward seniors and its important to be able to provide something that is easily maintainable and the lots are fairly small. He stated all the houses would be fronted on the town road except for a three unit building off Cemetery Road, which could be reoriented if it is a problem. He stated it will connect to municipal water; sanitary sewer they will bring down Cemetery Road to connect to an existing main; stormwater management has been established.

Councilman Bold requested details on the adjacent properties and the existing uses.

Mr. Vuillaume outlined the properties including the car auction, single families and apartments, the old library, cemetery, the church and a existing single family home.

Councilwoman Parker asked how they will buffer the back of the property that adjoins the auto auction.

Mr. Vuillaume stated they could propose landscaping and they hope to save a lot of the existing vegetation. He stated it is wooded and the property is somewhat like a open lawn in the front and heavily wooded in the back.

Councilwoman Parker asked about emergency vehicles going in and out the same entrance and stated it is almost imperative they have an emergency access.

Mr. Vuillaume stated there is one single entrance and they have a possibly of making and emergency connection.

Councilman Polak stated he has a concern with the density. He stated there are more POR's indicated on the Town maps and the reason it was placed there was to cut down on traffic and intensity in that area because of Cemetery Road, a secondary road and the access to Route 146 and 9. He stated this type of density will impact Cemetery Road and Route 146 and his feelings are there are two many units on that parcel and it certainly needs another access to help relieve the impacts on Cemetery Road. He stated one of his major concerns is the protection of the

residents who will be surrounded on Cemetery Road. He stated it would be his recommendation to the Planning Board to look at all these things and to buffer and protect that property because it is a residence and there would be a major impact.

Mr. Vuillaume stated there is room to take units out or move them around to get more buffer for that resident.

Councilman Polak stated there are some drainage issues on Lawrence Circle and wants to be sure that is looked at so it doesn't impact downstream or upstream toward Lawrence Circle.

Councilwoman Parker asked if they are setting up a homeowners association.

Mr. Vuillaume stated he doesn't know if they will do a HOA at this time but the applicant is looking at this.

Councilman Polak stated in most of these small PDD's the average senior couldn't afford to buy on a fixed income.

Councilman Bold stated the traffic situation on Cemetery Road is very difficult and he is unsure what percentage this project would add to it and a project like this cannot be asked to fix the whole road but we could ask for some upgrades from there to the intersection. He stated they could make some improvements at the intersection which is poorly graded and they could put walkway down the side of that.

Mr. Vuillaume stated they did look at trying to get a sidewalk down that area but because of the terrain and the narrow right of way he doesn't know if they will have room for the sidewalk and it may be difficult but they will look at it.

Councilman Bold asked what community benefit they are suggesting. He stated they are exempt from out of district water user fees and exempt from the GEIS area.

Mr. Vuillaume stated they are looking at a monetary benefit, maybe \$2000 a lot.

The Deputy Supervisor stated the Board has expressed their concerns about traffic and public benefit and asked if he wants to take the opportunity to incorporate some of the comments into the plan. She stated it is the first time they have heard a presentation.

Mr. Vuillaume stated they received good input they can add into the plan and they would be happy to present it again at a later date.

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

Councilman Polak reported on the Spring Clean up days at the Town Transfer Station starting April 18<sup>th</sup>.

He stated tomorrow night there will be a continuation of the Zoning Committee at 7 pm at the Senior Center.

Councilman Bold reported on the Water Treatment Plant projects first change order. He stated this is a deduct in the amount of \$40,000 and the change order committee has approved. He stated in the original design plans there was a set of sheet piling installed which were and item to be used in the distant future or never at all. He stated after consideration by the Town engineers and the contractors engineers, the contractor suggested that we change from a permanent sheet piling to a temporary sheet piling for construction and installation purposes and the price was negotiated.

Councilman Bold reported that bids were opened for the Water Source Improvement Project, Contract No. 5, the large water pipe going from the water plant up the canal, up Upper Newtown Road extending from there along Route 146 to Vosburgh and the highway garage. He stated he is offering a motion to award the contract to low bidder, Thousand Oaks Park, Gansevoort, New York in the base bid amount of \$3,582,430. He stated we were very fortunate to be significantly under our budget on this and there was very competitive bidding with 8 bidders.

## RESOLUTION NO. 74

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

WHEREAS, the Town of Halfmoon Phase II Water Source Improvement Project, let bids for Contract No. 5, and

WHEREAS, bids for contract No. 5 were opened on March 15, 2006 at 9:00 am, and

WHEREAS, bids were reviewed by the Water Committee and the Town Engineers and a recommendation made, now therefore be it

RESOLVED, that the Town Board awards the bid for Contract No. 5, Phase II Water Source Improvement project to low bidder, Thousand Oaks Corp. Route 9, Gansevoort in their base bid amount of \$3,582,430.

Councilman Bold reported on the proposed new Town Park archeology study the Town Board approved in October with Landmark Archaeology, Inc. to perform a Phase II study on that site in the amount of \$47,196.20 He stated it was approved but never executed and the Supervisor never signed the agreement due to an extremely wet October and we could not do the work. He stated a grant application, in the amount of \$350,000 was submitted many months ago but has not been awarded and if we are successful with that grant the archaeology study work is one of the things we would apply the money to. He stated as a part of that grant a stipulation is that we must go out and obtain proposals for the work. He stated an RFP was put together and it was sent out to four different firms recommended by Fraser. He stated two responses have been submitted, two declined because of their workload. He stated the two who responded were Landmark Archaeology, Inc. and Hartgen Archeological Associates, Inc. and Landmark is the lower of the two bids and is exactly \$47,196.20. He stated he consulted with Attorney Chauvin and he advised we do not need to do another resolution as there is no change and they will ask the Supervisor to proceed and execute the agreement.

Councilman Bold stated there is one more very difficult item to report on and has to do with the item brought before the Board at the public meeting two weeks ago and has to do with the consideration of using the Saab building on Route 146 for a Town Hall use instead of the plans we are currently proceeding with. He stated since it was presented several of them have gone to visit with the owners and toured the building. He stated he has convened a workshop session with representatives from our architects, Butler, Rowland and Mays and engineers, Clough Harbour and Associates. He stated they also have visited the building and have suggested, if we approve an expenditure not to exceed \$12,000 for Clough Harbour with Butler Rowland & Mays acting as a sub-contractor. He stated they would perform a preliminary or conceptual evaluation of the use of the Saab building as a town hall. He stated he doesn't know what the results of the report would be but knows the timing would be two to four and they will try to have it for the April 4 meeting but they couldn't promise. He stated it is an opportunity he has brought forth for discussion.

Councilwoman Parker stated she feels they should make a motion to do this study. She stated the opportunity as brought to us and she has toured the building and they should move forward and hopes it would be suitable and save the Town several million dollars.

Councilman Polak stated we are in the final stages of going to contract with out new town hall but certainly we have to evaluate this building and see if it's a savings to our Town and our taxpayers and do it as expeditiously as possible because we are under time constraints and we may lose our construction season for the town hall complex. He stated he feels it is a critical path and we must take it and have an obligation to investigate it.

Councilman Bold commented on the timing and, at this time, we do not know when the building will be available for sale or occupancy. He stated his gut feel is that the cost of purchasing and renovating the Saab may well be less than the cost of constructing the building we are currently planning. He stated he will not throw out a number but he expects it to be less and then this Board will have to make a very difficult decision on two bases. He stated one is that it would be two story as opposed to a single story and some of the resident services must be upstairs and is not an apples to apples arrangement. He stated another point is there were citizens committees that worked for many long hours, many nights and consisted of both staff and the interested town residents and was all done on a volunteer basis. He stated they came forward

and put forth ideas and were following those ideas. He stated now we have one person come along with a suggestion, and it is an excellent suggestion but we have to be cautious that we form citizens committees, listen to them and promote for long hours of volunteer time and then come along and say we are not going to use your recommendation but are going to use the recommendation of this one other person. He stated it is an awkward position they place themselves in and wants the Board to be aware they by going forward with this they are creating that situation.

Councilwoman Wormuth commented that one suggestion she has, and she agrees with everything Councilman Bold said and she thinks it will be a difficult decision and as Councilman Polak has pointed out it's an option they need to explore but because this new opportunity has arisen we get some of the same people who worked on the committee to give their feedback on this option and understands timing is of the essence.

#### RESOLUTION NO. 75

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

RESOLVED, that the Town Board approves proposal from Clough Harbour and Associates to provide a preliminary evaluation of the SAAB dealership building on Route 146, Halfmoon to evaluate the building for possible use as a Town Hall in the proposal amount of \$12,000

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

#### DEPARTMENT REPORTS – month of February

1. Building

Total Permits -	31	Total fees remitted to the Supervisor -	\$5,595.00
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Filed.

2. Fire Code

Total Permits -	17	Total fees remitted to the Supervisor -	\$ 640.00
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Filed.

#### CORRESPONDENCE

1. Received letter of resignation from Timothy Murphy, Director of Code Enforcement, effective March 17, 2006.

2. Received from State of New York Department of Transportation notification of Kinns Road, I-87 bridge replacement with identifying detour using Route 9, Ushers Road and Pierce Road

3. Received Annual Financial Report from Halfmoon-Waterford No. 1 Fire District, for year ending 2005.

#### NEW BUSINESS

#### RESOLUTION NO. 76

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

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

#### RESOLUTION NO. 77

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

RESOLVED, that the Town Board approves and orders paid all vouchers for all funds listed on Abstract dated March 21, 2006, totaling: \$889,053.79

RESOLUTION NO. 78

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

RESOLVED, that the Town Board authorizes entering into an Agreement with Shenendehowa Central School District for use of busses for the Town six-week summer recreation program, per the review and approval of the Town Attorney and further

RESOLVED, that the Town Board authorize the Supervisor to execute said agreement.

RESOLUTION NO. 79

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

RESOLVED, that the Town Board authorizes membership for 2006 in the New York State Turfgrass Association for the membership fee of \$260.00.

Councilman Polak commented, relative to the next resolution that he would like to thank our staff who worked diligently on securing this years health plan. He stated everyone is aware of the escalating health care and the staff worked hard, negotiated and did a great job for our employees and saving tax payer dollars.

Councilman Bold commented that they did hold an employee information meeting last week and explained the changes and they informed the employees about next year.

RESOLUTION NO. 80

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

RESOLVED, that the Town Board authorizes entering into a contract with Capital District Physicians Health Plan for employee medical insurance for term effective April 1, 2006 through March 31, 2007 and further

RESOLVED, that the Supervisor is authorized to execute said agreement subject to review and approval of Town Attorney.

RESOLUTION NO. 81

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

RESOLVED, that the Town Board enters into agreement with the Halfmoon Senior Citizen Association for term effective April 1, 2006 through March 31, 2007 for budgeted amount of \$10,000, per review of the Town Attorney and further

RESOLVED, that the Town Board authorizes the Supervisor to execute said agreement

THIS AGREEMENT made this 21<sup>st</sup> day of March, 2006 by and between the TOWN OF HALFMOON and the HALFMOON SENIOR CITIZENS ASSOCIATION, INC., having its office at 111 ROUTE 236, Halfmoon, New York, 12065.

**WITNESSETH**

WHEREAS, it is recognized that there is a need for providing in-town programs for the Senior Citizens of the Town of Halfmoon, and

WHEREAS, the Association has been created for the purpose of providing such a program for Senior Citizens,

NOW THEREFORE, the parties agree as follows:

1. The Association agrees to provide alleviation from isolation and loneliness through social, cultural, educational and recreational activities; companionship; opportunities to discover new interests; a chance to use old skills; and make a contribution to the welfare of the community.

2. The Association agrees to provide leadership to coordinate the programs.
3. The Association shall, at all times and at its expense, carry insurance coverage in an amount not less than \$1,000,000 covering the Association and the Town of Halfmoon from any and all claims. The Association shall add or cause to be added to its insurance policies (of such coverage) Halfmoon as a named insured or assured. The association shall deposit with the Town Clerk of the Town of Halfmoon a certificate of insurance in such amounts and reflecting such coverage for the period of this agreement.
4. The Association agrees to indemnify, defend and hold harmless the Town from any claim out of its acts or omissions and from any and all losses whatsoever, whether for personal injuries or property damage, including but not limited to the costs of litigation, attorneys fees, filing fees and expenses of each and every nature.
5. The Association shall share the use and occupancy of the building commonly known as the Halfmoon Senior Center located at Lower Newtown Road, Halfmoon, New York for the term of the Agreement. The Town shall not be responsible for the cost of insurance coverage described herein but will provide and pay for all utilities to the premises for the use of the Senior Citizen Association, Inc. The Town reserves the right to utilize the building for Town purposes.
6. The Association agrees and stipulates not to sublease or otherwise allow the use of the demised premises for a fee or profit to any individual, organization or entity other than the parties to this Agreement.
7. The term of this agreement shall extend April 1, 2006 until March 31, 2007.
8. The Town shall contribute to the Halfmoon Senior Citizen Association, Inc., the sum of \$10,000.00

#### RESOLUTION NO. 82

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

RESOLVED, that the Town Board approves agreement for Cash Management Services and Service Order Program through Citizens Bank to provide for internet transfer of funds between accounts, and further

RESOLVED, that said agreement is per the approval of the Town Attorney.

#### RESOLUTION NO. 83

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

RESOLVED, that the Town Board approves purchase agreement with North Country Xerographics, Inc. for purchase of copier for Court office in the amount of \$2,116.63 and further

RESOLVED, that the Town Board authorizes Town Justice Wormuth to execute annual maintenance agreement in the amount of \$299.00, subject to the review and approval of the Town Attorney.

#### RESOLUTION NO. 84

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

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

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

Debit:	Estimated Revenues	CM510	\$3,138
	Subsidiary: CM2189 Home &		
	Community Services	\$3,138	
Credit:	Appropriations	CM960	\$3,138
	Subsidiary: CM1440.4 Engineering		
	Contractors Inspections	\$3,138	

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

NAME	AMOUNT
Spinuzza	\$120.00
Pino Comm/Lt Industrial Pk	\$828.00
Schuyler Hollow Residential	\$958.00
Klersy Major Residential Subd	\$878.00
Stewarts Shop	\$354.00
Total	\$3,138.00

Councilman Polak commented on the next resolution, stating it is in the budget.

RESOLUTION NO. 85

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

RESOLVED, that the Town Board authorizes letting bids for Highway Department Boom Mower, to be opened April 4<sup>th</sup>, 2006 at 7:00 pm

Councilman Polak stated, relative to the next resolution, that he would like to ask the Board to waive action on this to provide time to evaluate.

The Town Board tabled action on the following: approval of proposal from Albany Mechanical Services, Inc. for HVAC System for entry, corridor and right front office area in the Town Hall in the proposal amount of \$12,100 and authorize waiving the Town purchasing policy requiring quotes, per the approval of the Town Attorney.

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

There being no further business to discuss or resolve the meeting was adjourned at 7:55 pm.

Respectfully submitted,

Mary J. Pearson  
Town Clerk



