

The August 17, 2011 regular meeting of the Town Board of the Town of Halfmoon was called to order by Supervisor Wormuth at 7:00 pm in the A. James Bold Meeting Room at the New Town Hall with the following members present:

Melinda A. Wormuth, Supervisor
Walter F. Polak, Councilman
Regina C. Parker, Councilwoman
Paul L. Hotaling, Councilman
Craig A. Hayner, Councilman
Lynda A. Bryan, Town Clerk
Lyn A. Murphy, Town Attorney

Not present: Matthew J. Chauvin, Deputy Attorney

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

7:07 PM - PUBLIC HEARING - FALCON TRACE SENIOR LIVING LLC

Duane J. Rabideau from Gilbert VanGuilder's Land Surveyor, PLLC led the Public Hearing for the modification of the Falcon Trace Senior Living PDD, modification of section 166-721. There are two (2) components that we would like amended. The first corresponds with the correction of the number of units in the PDD. The first one had 3 – 11 unit independent Senior Apartments buildings. That will stay the same. That number is correct. The next one is the Senior Living Facility, which is the main building with the four (4) wings on it. The original PDD legislation had 120 units. That should be corrected to 124 units. The Luxury Apartment Building in the original PDD legislation had 13 buildings there are 11. That is a total of 278 units, which is below the 296 maximum allowed units for the PDD. That is the first amendment of the PDD that we would like to see.

The second one refers to the two (2) commercial lots (points to the location of these two lots). This amendment has to do with Lot #2. We would like an addition to what is allowed on these lots. He reads "Lot #2, as shown on maps entitled subdivision Falcon Trace LLC, dated July 14, 2010, last revised August 23, 2010, prepared by Gilbert VanGuilder Land Surveyor PLLC and filed in the Saratoga County Clerk's Office on November 1, 2010, Instrument number N2010209, would also permit storage of large construction equipment and construction of a maintenance repair shop for said large construction equipment." That is our 2 requests.

Supervisor Wormuth thanked him and opened the Public Hearing to comment at 7:07 pm.

Councilman Hotaling asked Duane about lot #2. He was wondering, what was originally proposed for building on that lot?

Mr. Rabideau said that at this point in time there was nothing was proposed. It was set up so that a commercial enterprise of some sort could be built there. They have had realtors look at the site and it is not a very viable commercial lot because of the seclusion of the lot.

Councilman Hotaling said that you are basically putting up a maintenance building to utilize that lot.

Mr. Rabideau said that's correct. That is what the proposed site plan that we will be presenting to the Planning Board will consist of. It is a very small portion of the lot, which we will be actually using.

Supervisor Wormuth stated that the reason for looking at the amendment to the PDD is because although the land is currently zoned commercial and with the original PDD approval it was. This use of the storage of the equipment is zoned M-1

and does not fall in the C-1 zone. So that is why we are looking to amend the PDD. She does not see it as a big change in what we ever imaged there, but she wants the Board to understand that is the reason for the amendment from the original PDD is because the zoning of the heavy equipment storage does not fit under the C-1 zone, it is an M-1.

Councilman Hotaling said that it is his understanding that there is only going to be one building.

Supervisor Wormuth said that is correct, it will be a single building. It is the use that is pushing the change for the amendment in the legislation. If anyone needed any more clarity she would ask Mr. Rabideau or Mr. Tanski to expound on it.

Councilwoman Parker stated that this is a lovely senior area, with a lot of nice amenities. She just wanted to clarify and recognize that there is a burhm and complete privacy and cannot be seen from the Luxury buildings and the apartments that the seniors will be living in.

Bruce Tanski it is over 500 feet from the senior building, it is a heavily wooded lot that is protected so it can't be disturbed and you can't see it from the building. It is behind New Country Pontiac, it is next to a tow truck service center and body shop, and the nearest neighbors are 600 to 800 feet away.

Councilwoman Parker stated that she knew that, but wanted to state for the record that they had complete privacy and that the people who live in these luxury apartments would not notice these vehicles.

Supervisor Wormuth said that the next option the Board has would be to declare a negative declaration for SEQRA and then approve the amendment to the PDD if the Board wishes. The alternatives to that would be to continue to look at the project and/or not approve it this evening. It is the Boards pleasure at this point.

RESOLUTION NO. 181

Offered by Councilman Polak, seconded by Councilman Hayner: Approved by the vote of the Board: Ayes: Wormuth, Polak, Hotaling, Parker, Hayner

RESOLVED, that the Town Board approves a negative declaration for SEQRA to the Falcon Trace Senior Living PDD project amendment.

Supervisor Wormuth said that the next thing that would come before the Board is to approve the actual change in the PDD legislation, now that we have done the negative declaration for SEQRA.

RESOLUTION NO. 182

Offered by Councilman Polak, seconded by Councilman Hayner: Approved by the vote of the Board: Ayes: Wormuth, Polak, Hotaling, Parker, Hayner

She asked if there were any questions for the applicant. Hearing none Motion Approved

RESOLVED, that the Town Board approves the amendment to the Falcon Trace PDD.

Supervisor Wormuth closed the Public Hearing at 7:14 pm.

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Councilman Polak wanted to remind everyone about the Fall Cleanup at the Transfer Station in September. The scheduled dates are September 13, 16, 17, 20,

23, & 24. Saturday's they will be open 8:00-3:00 pm, and not close at the usual time of 1:00 pm. It will be the same as we usually do.

Councilman Polak also wanted to remind everyone about the Hazardless Waste Day which is in conjunction with Clifton Park at the Clifton Park Transfer Station on September 10th. However, if you want to bring any type of paints or chemicals to that sight, you must register by September 7th. We do have registration forms on the counter tonight or you can pick them up at the Town Clerk's Office any time during the week.

Councilwoman Parker wanted to thank the Highway Superintendent and the Building & Grounds department for making sure the Senior's now have a safe back entrance to the building. She appreciates the cutting of the curb and putting down the materials. In the wintertime it is very hazardous for the senior's to walk from the back parking lot to the back of the building. She said that the senior's are very happy and thankful.

Supervisor Wormuth said that she had the opportunity this morning to tour the Capital District Intermodal Facility with Congressman Gibson and Senator McDonald. In our area it has been around for the past couple of years and know it is going to be developed. It is a very large project that she thinks will bring in a lot of jobs and opportunities to our area. To be down there and see the amount of work that they have done in the past two years and the fact that the project went from being a State funded project to a privately funded project and now does not take any State dollars. It is going to be a great economic boost to our area is amazing. We have two shovel ready sites on the top of the hill in Mechanicville that are just waiting for business opportunities to come and warehouse opportunities. The Intermodal facility has a contract with Ford, they expect to be up and running in the first quarter of this year. To see the amount of development that has gone on down in that site is absolutely amazing. We spent the better part of 2.5 hours touring this site. The welcome that we have gotten from the neighbors from the adjoining towns, which a portion of the property is in Mechanicville, the access of the property is in Stillwater, and 90% of it is in the Town of Halfmoon as far as the property lies. The impacts will certainly be greater in these communities than it will be in ours. Our Planning Board took on such a big project and big task in taking on lead agency for that. To be there today and hear the people from Norfolk Southern Pan Am, which is a National company and actually they go Internationally, to hear them talk about how great our people are to deal with, and our county was to deal with, was impressive to me. To have the Congressman and Senator there by my side and to talk about the economic growth that this has for Southern Saratoga County is amazing.

She looks forward to seeing this develop and look forward to the spin off jobs that this will project. They are projecting that just the railroad there will be 80-90 jobs within the first year. The railroad projects that for every one (1) job that they do, it enhances or creates four other jobs, whether it be at Target, or at a Ford Distribution or another agency. Based on how they unload the materials and how close they are to the distribution center we have here, Target, Ace, Home Depot, all the large distribution centers we have here are their customers. The fact that we can get materials to them quicker and cheaper with out having to have trucks on the road, with out wearing on the road, and with out utilizing gas, can only impact the economy in a positive way, and we look at that.

They were very gracious about our Planning process, about our Town built Ford process and about utilizing this. The fact about the neighbors we have within the community and the relations we have whether it is the Fairways of Halfmoon Golf Course or Saratoga County Zim Smith Trail. Are all willing to work together and work collaboratively. The Town of Stillwater, City of Mechanicville, again that crosses party lines, whether it be Republican or Democrat, this is a good thing for

the county. Everybody came together and decided to make this happen and it is happening with out taxpayer's dollars. This is a great thing for the region. I am proud to have been here throughout the process and be a part of it.

Supervisor Wormuth opened up public privilege for discussion of agenda topics; no one had any questions or comments.

CORRESPONDENCE

1. **Received** from the Town Planning Board resolutions for a sign application for Pizza Hut located in the Midas Muffler Plaza at 1689 Route 9, Change of tenant for Dan Brazell Appraiser at Crescent Commons Plaza, 1471 Route 9, and for Aquifer Drilling at 430 Hudson River Road, for Duke's Grove addition to Commercial Site Plan located at 482 & 486 Hudson River Road, regarding the Camber Court Major Subdivision and the McBride Minor Subdivision.

Received & Filed

2. **Received** from the Town Planning Board resolution regarding preliminary layout of the Arlington Heights Phase II Planned Development District Residential Subdivision.

Received & Filed & Print for the Board

3. **Received** from the Town Planning Board resolution for Duke's Grove addition to Commercial Site Plan located at 482 & 486 Hudson River Road.

Received & Filed

Supervisor Wormuth stated that the application is minor as far as the adjustments and the Board has already seen it. If anybody wants a copy, they are available in the Planning Department and can be printed, other wise we will save the trees.

4. **Received** from the Crescent Boat Club, Inc. notification of their request for a permit for a refrigerated beer-dispensing trailer for their Annual Labor Day event being held September 2nd through September 5th, for their members and guests.

Received & Filed

5. **Received** from the William's on 26 Cemetery Road, a letter of thanks to the Highway Department and all who shared in the great job on 26-28 Cemetery Road, a very dangerous drive. It was much appreciated.

Received, Filed & Print to be copied and posted in the Highway Department.

6. **Received** from the US Army Corps of Engineers, a copy of a letter to Amy Dimodugno stating that Ms. Dimodugno has failed to provide the agreed upon information to the Army Corp of Engineers, by the extended date of August 03, 2011.

Received & Filed

Supervisor Wormuth stated that this is an issue with a drainage problem down along Routes 4 & 32 that has been on going. It is an issue that the town has researched, our engineers have researched and based on this letter, the Army Corps of Engineers has been involved. If anybody requires further information, it is available not only in the Clerk's office but in my office.

NEW BUSINESS

RESOLUTION NO. 181

Offered by Councilwoman Parker, seconded by Councilman Polak: Approved by the vote of the Board: Ayes: Wormuth, Hotaling, Parker, Hayner

RESOLVED, that the Town Board approves and order paid all vouchers for all funds listed on Abstract dated August 17, 2011 totaling \$278,435.94.

RESOLUTION NO. 182

Offered by Councilman Hayner, seconded by Councilman Hotaling: Approved by the vote of the Board: Ayes: Wormuth, Hotaling, Parker, Hayner

RESOLVED, that the Town Board approves the minutes of Town Board meeting of August 03, 2011 as presented.

RESOLUTION NO. 183

Offered by Councilman Hayner, seconded by Councilman Hotaling: Approved by the vote of the Board: Ayes: Wormuth Hotaling, Parker, Hayner,

RESOLVED, authorizing the Supervisor to sign the Minor Contracts agreement for Youth Week 2011 Activity Reimbursement for \$2,112.00 from Saratoga County. **Supervisor Wormuth** stated that this has been an on going contract that we have with the county that allows us to employ youth during the County gets State funds for it and passes it on to the local municipalities. This is something that we do without a cost to the town. This is just a resolution to accept that money.

RESOLUTION NO. 184

Offered by Councilman Hotaling, seconded by Councilman Hayner: Approved by the vote of the Board: Ayes: Wormuth Hotaling, Parker, Hayner,

RESOLVED, authorizing the Town Board to enter into a Stipulation Agreement with Carrols Corporation #464, SBL # 272-2-1, reduced from \$876,300 to \$806,000 for tax year 2011-12 and authorize Attorney Cathy L. Drobny to execute agreement.

RESOLUTION NO. 185

Offered by Councilman Hayner, seconded by Councilman Polak: Approved by the vote of the Board: Ayes: Wormuth, Hotaling, Parker, Hayner

RESOLVED, authorizing the Town Board to enter into a Stipulation Agreement with Freihofer Sales Co., SBL # 278.-1-22.112, reduced from \$975,00 to \$840,100 for tax year 2011-12 and authorize Attorney Cathy L. Drobny to execute agreement.

RESOLUTION NO. 186

Offered by Councilman Polak, seconded by Councilman Hayner: Approved by the vote of the Board: Ayes: Wormuth, Hotaling, Parker, Hayner

RESOLVED, authorizing the Town Board to enter into a Stipulation Agreement with Cannon Building of Troy Associates, et. al., SBL # 286.-1-5.2, reduced from \$1,900,000 to \$1,585,800 for tax year 2010 and authorize Attorney Cathy L. Drobny to execute agreement

RESOLUTION NO. 187

Offered by Councilman Polak, seconded by Councilman Hotaling: Approved by the vote of the Board: Ayes: Wormuth, Hotaling, Parker, Hayner

RESOLVED, authorizing the Town Board Board to enter into a Stipulation Agreement with Pine Ridge I, LLC, SBL # 278.-1-47, reduced from \$1,710,280 to \$1,488,000 for tax year 2011 and authorize Attorney Cathy L. Drobny to execute agreement.

RESOLUTION NO. 188

Offered by Councilwoman Parker, seconded by Councilman Polak: Approved by the vote of the Board: Ayes: Wormuth, Hotaling, Parker, Hayner

RESOLVED, that the Town Board authorizes renewal of the following Mobile Home Licenses for the 2011-2012 licensing year, per inspection and approval of the Code

Enforcement office: D&R Village MHP , Hollner MHB, Gregoire MHB, Springbrook Community, Midway Village MHP , Rome MHP, West Crescent MHP, Crescent City MHP, Martindale MHP, Arrowhead MHP, Vosburgh MHP, and Halfmoon Mobile Home Parks. **Supervisor Wormuth** states that our Code Enforcement Office spends a lot of time looking at and inspecting these properties. He has signed off on all of them as being up to New York State code as well as our town codes and feels comfortable in renewing their licenses for the year.

Councilman Hotaling dittoed the Supervisor’s comments. He said that the Code department works very hard in making sure they are all in compliance.

RESOLUTION NO. 189

Offered by Councilwoman Parker, seconded by Councilman Hotaling: Approved by the vote of the Board: Ayes: Wormuth, Hotaling, Parker, Hayner

RESOLVED, that the Town Board approves the Supervisor’s Report for the month of July 2011.

RESOLUTION NO. 190

Offered by Councilman Polak, seconded by Councilman Hotaling: Approved by the vote of the Board: Ayes: Wormuth, Hotaling, Parker, Hayner

RESOLVED, to authorize the Supervisor to make the Transfer between Appropriations and Creation of Appropriations.

DATE: August 17, 2011
TO: Town Board, Town of Halfmoon
FROM: Melinda A. Wormuth, Supervisor
SUBJECT: 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 25-510 \$11,872.61
Subsidiary: 25-4-2189 Home & Community Services \$11,872.61

Credit: Appropriations 25-960 \$11,872.61
Subsidiary: 25-5-1440.40 Engineering Contractors Inspections \$11,872.61

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

NAME	AMOUNT
Stone Crest Preserve Ph III-Insp	\$10,028.11
Arlington Heights	684.50
Bethel Subd	898.00
Duke’s Grove	137.00
Harvest Bend	125.00
Total	\$11,872.61

A resolution is needed to appropriate the contributions from Town of Halfmoon 50/50 raffle made to the Character Counts Program for the summer recreation program for youths to attend summer camp as follows:

DEBIT: Estimated Revenues 10-510 \$1,226.16
Subsidiary: Community Gift Contributions
10-4-2705 - \$1,226.16

CREDIT: Appropriations 10-960 \$1,226.16
Subsidiary: Character Counts – Contractual
10-5-7989.4 - \$1,226.16

Transfers between Appropriations:

From Account	To Account	Amount	Reason
10-5-1990.40 Contingency	10-5-5010.41 Supt. of Highways Contractual: Senior Van	\$3,000.00	Transfer of appropriations needed to cover senior van expenses.

The Supervisor opened public privilege for discussion of non-agenda items.
Deanna Stephenson of 7 Cindy Lane, Clifton Park, came forward to speak. She stated that she had the privilege to attend the Saratoga County Supervisor’s Meeting yesterday at Saratoga County. One of the Local Laws that was brought up for resolution and voted upon, was the threshold of population of when you move from 20,000 to 25,000. The group was allowed to vote on it yesterday. I just wanted to know and understand that, and I did not see the minutes for July and August, I just wanted to make sure that when the Supervisor comes back, that the comment is made about what happens in these meetings and if it was up for public hearing, the representation, because that law would have allowed for a 2nd Supervisor in the Town of Halfmoon. I do not know if that was brought up for Public Hearing and discussed previously.

Supervisor Wormuth stated that it was not discussed at this board level because it is was county board decision. I was very clear with that on the record yesterday with the press. I have discussed with the Board that the fact that it was an option to move that and the Board felt that it should be a decision left with the Board of Supervisor’s because it is a function of the County Board of Supervisor’s. If any one has a different opinion or disagrees with me please feel free to chime in add to that.

Attorney Murphy stated that it is a Local Law passed as a County Local Law and not a Town Local law, so the Town Board does not have jurisdiction to act with regard to a County Local Law, so at the County level, they did have a Public Hearing, which they are required to do by law in order to make a determination.

This Board does not have jurisdiction nor authority to make any determination with regards to the threshold as set by the County, for the County Board of Supervisor’s.

Deanna Stephenson said that the only comment that caught my attention was the fact that when the other Supervisor’s were able to make comment, they had said that Halfmoon, because there was no comment from Halfmoon yesterday when we were sitting there other than when you talked to the press, was that Halfmoon is well represented. When I heard that I said hmm, I didn’t hear about that and it was not caught in the minutes. So I wanted ask that question.

Supervisor Wormuth said again, whenever you have any comments or questions, I would more than welcome them by me or this Board. I actually gotten a lot of questions about things that you may have opinions on. So, if you have them, I would like to talk to you about them.

Deanna Stephenson said I certainly appreciate that.

Supervisor Wormuth said that this Board was well aware that this was a County decision that was being made, and well aware that if they felt that I should weigh in differently, that I would do that because I feel that as a representative from the town, when I go to the County, that this Board is my guidance on how I act when I am there and how I vote. So I include them in as many decisions as we can. Again, it was a county decision on how the county functions. This Board felt that the County should decide that, and if they had chosen to have a second Supervisor, this Board would have respected it, and the community would certainly have weighed in on it. I think that it would have been an additional expense to the County to pay

another Supervisor's salary and another Supervisor's benefits. I do not see the number as a great increase. It is still a weighted vote and when I go there, my Board is very well aware of the things that are going on in the County. They have full access to it as well as do the people of the community. So if they have a different opinion on what happens, they are more than welcome to share it. I always hope that I am open and receiving it.

Deanna Stephenson thanked her.

Clerk Bryan stated that as President of the Halfmoon Republican Club, we have a annual Golf Tournament each year at the Fairways of Halfmoon, with a raffle. The proceeds of the raffle go to the Character Counts program for the kids. I am pleased to present to the Board, a check in the amount of \$1603.00 for Character Counts.

Supervisor Wormuth stated that it is a honor to receive this and again, our Character Counts Program goes to support not only children for our Summer Program whose parents who might not be able to afford to send them and allow them to participate in that program, but the Senior's at holiday times, food baskets, families for gifts at Christmas time. Although, we can't as a town, give away town funds, this is one way we take in money and through referrals from Social Services and referrals from the schools and guidance counselors, try to support people in our community who are needy. We certainly appreciate not only the Republican Club support of this, but also our local businesses that do this on an annual basis, and create an opportunity for not only children and seniors, but families in need to be able to receive services that are so greatly needed, especially lately we have seen an increase in the need. So this is welcomed and very much appreciated.

Councilwoman Parker said that she would like to recognize Mr. Tanski. Mr. Tanski each year gives anywhere from \$1000.00 to \$3000.00 along with New Country, to fund the Thanksgiving and Christmas baskets that go out. Without that money and the increase in the economic downfall, it is going to be even greater this year. All the businesses reach out to us and they never say no.

There being no further business to discuss or resolve, on motion by Councilwoman Parker and seconded by Councilman Polak the meeting was adjourned at 7:35 pm.

Respectfully Submitted,

**Lynda A. Bryan,
Town Clerk**

