

The August 4, 2010 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
Mary J. Pearson, Town Clerk
Matthew J. Chauvin, Deputy Town Attorney

Lyn A. Murphy, Town Attorney - Not present

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

The Supervisor welcomed the “Clown” friends who are present. She stated they spent some time with the rec program and a good time was had and invited them to come forward while they Proclaim International Clown Week. “Sparky” introduced “Jazzy” and a new clown “Puddles” who joined her.

The Supervisor read the following proclamation:

WHEREAS, the people of the Town of Halfmoon recognize the importance of laughter in their lives; and

WHEREAS, Clowning encourages laughter in people from young to old, rich to poor; and

WHEREAS, Clowns can dissolve thoughts of prejudice, and intolerance of others, and,

WHEREAS, Clowns can make people forget their pain, sadness, illness, and distress,

NOW, THEREFORE, I, Mindy A. Wormuth, Supervisor of the Town of Halfmoon, do hereby proclaim the week of August 1 through 7, 2010 as:

*CLOWN WEEK
in the Town of Halfmoon, New York*

“Sparky” informed everyone about their new project which serves and supports all people who have been impacted by a catastrophe and respond in times of disaster and offer relief. She stated they developed a program to teach people in the community how to respond.

The Supervisor stated the Town has a disaster preparedness plan and work with lots of members of the community and Stefan Buck is our current organizer and she will get him in touch with her to come in and meet with them.

The Supervisor opened the public hearing for the Map, Plan & Report for the 2010 Consolidated Water District Extensions at 7:07 pm. She stated Carrie Dooley from Clough Harbour is here to give a brief rundown on what this entails and they will explain any questions. She stated a lot is just housekeeping issues to go along with subdivisions, pdds or developments that have already been approved and update our mapping.

Carrie Dooley stated she would go through the details of the Towns 2010 consolidated water district extension. She stated the primary reason for the District Extension is to include those properties in the Town that have been provided water service since the last District extension in 2007. She stated to formally extend the district boundary the Town Board authorized CHA to prepare a Map, Plan and Report and indicated on the map the Town’s current water district boundary and is divided into three zones. She stated the extension includes Brookfield Place, Fellows Road PDD (Halfmoon Heritage apartments and Pointe West town homes, the Moorings of Halfmoon, Stone Crest Preserve and Sheldon Hills. She stated Phase I of Fellows Road PDD and Sheldon Hill was included in the 2007 district extension. She stated no new infrastructure is needed for the water system by the Town to serve these properties and any infrastructure necessary has been taken care of by respective development. She stated the cost for the properties within the extension subject to a user charge and consists of a debt retirement cost and operation and maintenance cost and are typically billed on a yearly basis for the debt retirement portion and a quarterly basis for operation and maintenance. She stated properties are classified and the debt retirement varies between the zones and the properties in this extension will be Zone 3 users and based on the current debt retirement charge the estimate user cost is approximately \$535 per EDU, (single family home) and is less than the maximum user charge of \$677 which is what the State Comptroller set forth as the max for 2010. She stated this is a formality and administrative procedure to pull in the properties that have been serviced with water since this was last done in 2007.

No one had questions from the public.

Councilwoman Parker stated she wanted to be sure that if we expand we can expand more to other areas that may be developing and hook on in other areas.

Supervisor Wormuth stated this just defines the ones approved but doesn't prohibit anyone and we haven't reached a maximum which could happen if we stay on Troy water for an extended period of time and they may need to negotiate.

Ms. Dooley stated when they did this in 2007 the intent was to do this on a yearly basis however some things slowed down between 2007 and now and these were ready to go and permitted through DEC and there are others that would get included next year and is a rolling process to keep the legal boundary up to date.

Councilwoman Parker stated her only concern this year has been our capacity with the heat and exceeded our usage.

Supervisor Wormuth stated we have not had to include any water restrictions and they continue to monitor that and work closely with the City of Troy, the EPA and our environmental attorney's on the impact of the dredging.

There being no further questions the Supervisor closed the public hearing at 7:15 pm.

RESOLUTION NO. 166

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

ORDER AND RESOLUTION

WHEREAS, the Town Board of the Town of Halfmoon has continued the implementation of its long-range planning for extended improvements and utilities to service Town residents, which services, it has been determined, should be wherever possible under Town control; and

WHEREAS, the Town entered into various contracts to extend water services to properties not currently contained in the Consolidated Water District; and

WHEREAS, The Town Board authorized Clough, Harbour & Associates, Licensed Engineers, to prepare a certain Map, Plan and Report concerning the extension of the Consolidated Water District to encompass the various areas currently be serviced; and

WHEREAS, the new Rules and Regulations of the NYS Department of Health and the New York State Department of Environmental Conservation require the Town to extend the Water District Service area to encompass the areas currently being serviced; and

WHEREAS, the Town Board has reviewed the Plan submitted to it by Clough, Harbour & Associates concerning the proposed extension of the Consolidated Water District and has caused a true and complete original of said Map, Plan and Report to be filed by the Clerk of the Town of Halfmoon at the Town Offices for more than ten (10) business days prior to the date of this Resolution; and

WHEREAS, all of the properties proposed to be serviced have previously indicated their intent to be incorporated in the Consolidated Water District; and

WHEREAS, the Town Board has conducted a Public Hearing for open discussion and consideration of the Petition for the extension of the Consolidated Water District on August 4, 2010; and

WHEREAS, the Town Clerk has duly posted, and there has been published in the official newspaper of the Town, official notice of the Public Hearing to be held at the Halfmoon Town Hall on the date of August 4, 2010 commencing at 7:00 p.m. or as soon thereafter as possible, and which posting and publication were completed more than ten (10) days prior thereto and less than twenty (20) days prior thereof, a copy of which Notice is annexed as "Appendix A"; and

WHEREAS, a Public Hearing on the Petition for the extension of the Consolidated Water District has been held commencing at or around 7:00 p.m. on August 4, 2010, at which time all persons interested in the proposal have been heard, and due deliberation has been had on the evidence and statements given upon such Hearing;

NOW THEREFORE, BE IT RESOLVED THAT THE TOWN BOARD OF THE TOWN OF HALFMOON FINDS AS FOLLOWS:

1. That the proposed Map, Plan and Report of Clough, Harbour & Associates for the extension of the Consolidated Water District dated July 2010 complies with the requirements known to this Board for sufficiency as to content and form; and

2. That the new contract and agreement of the owners providing for the extension to the properties is in the possession of the Town Clerk; and

3. That the said Map, Plan and Report is formally accepted and ratified by this Board, all property owners within the proposed Consolidated Water District being benefited thereby and all property and property owners benefited are included within the limits of the District and being included within the geographical limits of the Town and the proposed District; and

4. That all properties benefited by the proposed Consolidated Water District Extension are included within its boundaries; and

5. That it is in the public's best interest to grant approval of the Consolidated Water District Extension, it being this Board's determination that the proposed Consolidated Water District Extension is necessary and desirable; and

6. That due proof of posting and publication of the Notice of Public Hearing held on August 4, 2010, has been filed with this Board and made a part of its record;

BE IT FURTHER,

RESOLVED, that the petition for the Consolidated Water District Extension as proposed in the Map, Plan and Report of Clough, Harbour & Associates be approved, subject to all necessary approvals by reviewing agencies; and it is further

RESOLVED, that said Extension of the Consolidated Water District is to be bounded and described as set forth in "Appendix B" annexed; and it is further

RESOLVED AND DETERMINED, that no improvements of the Consolidated Water District Extension will need to be constructed and the services and lines therefore have previously been installed, all at the land owner expense or pursuant to prior approved public contracts; and it is further

RESOLVED, that costs of said Consolidated Water District Extension shall be assessed by the Town in proportion as nearly as may be practical to the benefit which each lot or parcel contained therein will derive therefrom, pursuant to the zone schedule of the Consolidated Water District and as designated on the said Map, Plan and Report made by Clough Harbour and Associates; and it is further

RESOLVED, that a Negative Declaration in the form and manner annexed was adopted, confirmed and ratified, and it is further

RESOLVED, that the Town Clerk of the Town of Halfmoon shall, within ten (10) days after adoption of this Resolution, file certified copies thereof in duplicate in the Office of the State Department of Audit and Control at Albany, New York and at the Saratoga County Clerk's Office, together with Affidavits of Posting and Notice of Publication and shall post a copy at the Town Hall; and it is further

RESOLVED, that this Resolution and its appendices shall be forthwith posted and published as provided by Statute.

ALL VOTING YES: Melinda Wormuth, Craig Hayner, Walter F. Polak, Jr., Regina C. Parker, Paul Hotaling

The Supervisor opened the public hearing on the Arlington Heights PDD, Phase II. She stated the applicant, Mr. Belmonte and his engineer, Brien Ragone will present this to the Board. She stated the project has been before this Board and referred to the Town Planning Board and received a positive recommendation. She stated they addressed concerns raised by the Town engineers and the public. She stated the applicant has expressed an interest in working with the Board on exactly what the public benefit would be and would like feedback from the Board this evening.

Brian Ragone, landscape architect with the Environmental Design Partnership and with him is Mr. Peter Belmonte the applicant for the project. He stated they would present the second phase of the Arlington Heights subdivision which will require a PDD amendment to the original local law adopted in January 2006. He stated they have been progressing with the Town for the right type of units and the design and when last before the Town Board they 30 twin homes proposed and since decided to switch to single family detached homes. He stated they feel this offers the best project and keep the harmony of the existing neighborhood intact. He stated the overall parcel is 26.83 acres and is just north of the original Arlington Heights making it a continuation of what is being built today. He stated it is a maintenance free community and the plan proposes 26 single family lots in the phase II area and one additional lot once the hammerhead turnaround is removed in the phase I area. He stated the minimum lot area is 10,000 square feet and previously it was just over 7,000 square feet and will be surrounded by natural existing buffer except in a few lots adjacent to the phase I properties where they show proposed landscaping for screening. He stated this would make the entire phase II neighborhood isolated from its surroundings. He stated there are Army Corp. wetlands further illustrating natural buffer that will remain due to the protections and restrictions in place preventing development or expansion in this area. He stated the overall basic layout remains the same with one big loop with a 44' right-a-way, 8 foot utility easements on either side, sidewalks, street lighting and trees where there is one street tree proposed per lot and replicates phase I. He stated the building styles proposed are similar to phase I as well as new units evolving to meet the changing needs of buyers. He stated they anticipate the prices will start around \$350,000, 14 ½ acres of open space and will include undeveloped land some of the restricted wetlands and proposed recreational activities. He stated the ideas for the recreational activities are a possible bocce ball court, pavilion, a large picnic area and there has been some discussion on a community garden which all the residents would have access to, if agreed upon. He stated they have 5 parking spaces proposed for access to these areas by car. He stated the type of recreational activity is still open and flexible and they will leave it as a HOA issue. He stated the existing storm water management area will be expanded to the north catching all the surface runoff from both phases. The utilities proposed include a water main extension and gravity sewer to the pump station up Farm to Market Road. He stated the date on the map is April 26, 2010 and is a blow up of the 2009 map.

There being no comments from the public the hearing was closed at 7:25 pm.

Councilman Hotaling stated this is a homeowners association and asked if the wetlands will have deed restrictions against cutting into them.

Mr. Belmonte stated that is correct and they have an extensive set of rules and regulations as part of the neighborhood that precludes any cutting of any vegetation other than the grass without approval. He stated presently there is a heavy tree line between the farmed areas and as part of the plan and in the HOA information that treed area and line of vegetation will be maintained in between the two phases and not clear-cut. He stated the neighborhood will be an extension of the existing neighborhood and trying to cater more to maintenance free type family.

Councilman Polak stated several residents of the existing Arlington Heights came in for the informational hearing addressing some issues and all those were resolved. He stated after the hearing there was no one with negative issues against phase II and pretty much satisfied and didn't want it to be different.

Councilwoman Parker stated the cost was said to be starting at \$350,000 and asked how much the HOA fees would be.

Mr. Belmonte stated they work very hard to keep the HOA fees as low as possible and right now they are at about \$150 and that takes care of all snow removal and all lawn care including trimming bushes, fertilizing lawns and removal of leaves, servicing the sprinkler system and is part of the standard offering trying to create that more homogeneous look. He stated they are always concerned with the economy and will try new products that will cater to a broader range of people and would be more affordable and work on those plans continuously.

Councilwoman Parker stated people are very happy to be in the Town of Halfmoon and their homes are very lovely and thanks him for that.

Mr. Belmonte stated when it comes to the public benefit of the neighborhood there are aware that part of their obligation and they are glad to make a contribution to public benefit they are hoping to be able to focus in on recreational things subject to the Boards recommendation and direction and it is high on their wish list to be focused in that direction.

The Supervisor stated the applicant is seeking additional comments and adjustments of the PDD amendment with the understanding the public benefit portion was need to be worked out and presented at a future meeting or they could bring them back at a future meeting or make a negative decision are the options.

Councilman Polak stated they could approve the PDD and work out the public benefit as they have in the past.

RESOLUTION NO. 167

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

RESOLVED, that the Town Board approves the Arlington Heights Phase II PDD as follows:

BE IT ENACTED by the Town Board of the Town of Halfmoon as follows:

Section 1. This Local Law shall be known and may be cited as Local Law No. 3-2010, amending the zoning ordinance of the Town of Halfmoon, Local Law No. 5 of 1995, and the map and official regulations relating to zoning of the Town of Halfmoon, a Planned Development District known as Arlington Heights Planned Development District Phase II.

Section 2. The area comprising said "Arlington Heights Planned Development District Phase II" consisting of approximately 26.83 ± acres in the Town of Halfmoon is bounded and described as set forth in Exhibit A attached hereto and made a part hereof.

Section 4. There shall be constructed within the area of said Arlington Heights Planned Development District Phase II a project generally consistent with the Preliminary Development Plan dated July 13, 2009, last revised April 21, 2010, and made by Environmental Design Partnership, LLP, consisting of a maximum of twenty seven (27) single family residential building lots, The plan proposes 26 single-family lots in the Phase II area and one additional lot once the hammerhead turnaround in Phase I is removed each to be improved by construction of a single-family residence together with the necessary infrastructure and utilities to support the development, stormwater management area, zone buffers and improvements appurtenant thereto in general conformity with the plan dated July 13, 2009, last revised April 21, 2010, attached herewith as Exhibit "B" and in general conformity with the zoning ordinance of the Town of Halfmoon with relation to Planned Development Districts.

Before application is made for any building permit, preliminary and final subdivision approval shall be obtained from the Planning Board of the Town of Halfmoon and the final subdivision plat shall be signed by all governmental entities having jurisdiction thereof and filed either in total or in phases as approved by said Planning Board in the Saratoga County Clerk's Office. The exact location and size of lots, roadways, buffer zones, green space, and other related matters may be changed, altered or amended during the Town of Halfmoon Planning Board subdivision approval process in a manner generally consistent with the Preliminary Development Plan dated July 13, 2009, last revised April 21, 2010, as detailed herein.

The Planned Development District shall contain a maximum of twenty seven (27) single-family residences with approximately 1,700 +/- linear feet of new roads, stormwater management areas and payment of recreation fees in lieu of park land. The minimum lot size shall be ten thousand (10,000) square feet. The applicant has volunteered to pay an additional two thousand dollars (\$2,000) in unrestricted funds to be utilized by the Town Board of the Town of Halfmoon as they deem appropriate to mitigate the cumulative impacts of the project and to achieve the goals of public benefit of the Town as determined by the Town Board in its sole and absolute discretion. Those payments will be made at prior to the issuance of a building permit. In addition to the fees noted above, recreation fees will also paid on a per lot basis.

There will be approximately seventeen (17) acres to be designated as common areas, dedicated to and owned by a Homeowner's Association (HOA) to be formed for that and other purposes.

The project density will be 1.7 units per acre. The setback for the proposed structures from the nearest single-family property line abutting the project site will be determined during subdivision plan review by the Planning Board. Setbacks within the PDD shall include a 35' front yard setback, 10' side yard and 25' rear yard setback. The height of the structures will be 35' maximum.

The main access to the property will be Through Arlington Heights Phase I. There will be a forty-four (44) foot right of way with an eight (8) foot utility easement.

A detailed stormwater management plan will be developed during the subdivision approval process. The applicant or the HOA shall retain title to the stormwater management area as shown on the final subdivision plat for a period of one year after completion of site improvements and certification by the Town Engineers of their adequacy. Upon expiration of said one year period and certification by the Town Engineers, the applicant shall offer the stormwater management area for dedication to the Town if requested by the Town pursuant to Section 7 hereof and shall post a one-year maintenance bond or letter of credit upon making the dedication offer.

Existing vegetation to remain and act as a natural buffer between Phase I and Phase II. A vegetated berm shall be placed by applicant where vegetation does not exist.

Pursuant to the SEQRA Negative Declaration issued in September of 1999, the creation of the Arlington Heights Planned Development District was determined to meet the intent of the Town of Halfmoon Zoning Law regarding Planned Development Districts. The plan has not been modified greatly since the SEQRA Negative Declaration was filed.

Section 5. All buildings shall be designed and constructed in strict compliance with New York State Uniform Fire Prevention and Building and Construction Code. The construction of all buildings shall be subject to the inspection and approval of the Building Inspector of the Town of Halfmoon and Fire Marshall thereof.

Section 6. A building permit shall be issued for any building in the District only upon filing of the final subdivision plat, in phases as approved by the Planning Board, with all required governmental approvals affixed thereto, in the Saratoga County Clerk's Office.

Section 7. All utilities, roads and/or streets to be constructed pursuant to this Local Law shall be constructed pursuant to specifications for the construction of Town Utilities and Highways in the Town of Halfmoon except for roadway widths and type of curbing, and shall be subject to construction inspection pursuant to the Zoning and Planning Ordinances of the Town, and shall be dedicated to the Town at the Town's discretion with appropriate proof of ownership, maintenance and/or construction bonds or letter of credit, and title insurance in an amount approved by the Town Attorney.

Section 8. Approval of the State Department of Health and Town Engineer will be obtained for the water system, as appropriate.

Section 9. All improvements shall be designed and constructed pursuant to plans and specifications approved by a duly licensed architect or engineer and in strict compliance with the New York State Uniform Fire Prevention and Building and Construction Code. The Planning Board shall not give final subdivision approval unless and until all approvals required by each and every other government or governmental entity have been obtained. The Planning Board may, in its discretion, give approval contingent upon the applicant's obtaining all such other necessary approvals. The architect or engineer performing the work herein described shall be employed by and at the expense of the developer. All construction during performance thereof and upon completion shall be subject to the inspection and approval of the Enforcement Officer and Fire Marshall of the Town of Halfmoon.

Section 10. Upon satisfactory completion and connection in accordance with the requirements of the appropriate state agencies, all sewage facilities, including mains and manholes for the project site, shall be offered to Saratoga County Sewer District No. 1 at no cost to said district with delivery to said Saratoga County Sewer District No. 1 of duly executed deeds, easements and bills of sale as appropriate, together with easements for the maintenance, repair and replacement of all those portions of the system which lie outside the limits of the dedicated streets.

Sanitary Waste water disposal will be achieved by construction of a waste water pumping station within the site connecting it to gravity sewer system and the Farm to Market Road. This subdivision is in the Central Halfmoon Sewer Corporation service area and an agreement will be necessary between the applicant and the Central Halfmoon Sewer Corporation.

Section 11. In the event that dedication of the stormwater management area and any other areas proposed for dedication is not accepted by the Town, the applicant shall dedicate same to the Homeowners Association, which shall be responsible for the periodic maintenance of all areas and facilities not accepted by the Town. The specific portions of the project site for possible conveyance to the Homeowners Association shall be determined during the subdivision approval process. In the event the Town does not accept any areas proposed for dedication, with respect to all those portions of the stormwater management facilities, including pipes, catch basins, manholes and retention areas, which lie outside the limits of dedicated streets, easements for emergency maintenance and/or repair of the system shall be conveyed to the Town of Halfmoon at no cost to the Town of Halfmoon if requested by the Town of Halfmoon at any time.

Section 12. Any signs within the District shall comply with the requirements established by the Planning Board during subdivision approval.

Section 13. Cast and/or poured in place concrete curbing will be used to form the storm drainage gutters within the street cross section. Proposed Road "A" will have a 44 foot right of way. A 10' wide landscaped boulevard entrance with 16' wide drive isles on either side will be constructed at the site's entrance for a length of 230+/- feet from the Right of Way of Farm to Market Road. A typical pavement section of 28' with poured in place or pre-cast concrete curb for proposed Roads "B", "C" and a portion of Proposed Road "A". The circle, landscape islands and boulevards shall also have concrete curbing. All improvements except for the roadways shall be maintained by the Homeowner's Association to be created. Cast and/or poured in place concrete sidewalks will be constructed adjacent to the roadways, with an Easement on the lots outside of the road right-of-way, also to be maintained by the Homeowner's Association. Ornamental lighting and street tree plantings are proposed along the public road with a 5' wide pedestrian sidewalk along proposed public roads.

Membership in the Homeowner's Association will be mandatory for each residence constructed within the development. The Homeowner's Association will be responsible for the ownership, operation and maintenance of

all common areas, landscape and maintenance of all landscape islands within the Town's right-of-way, maintenance of all streets, trees, sidewalks and lawn care of each residential lot.

Section 15 Based upon the studies conducted by the Town including but not limited to the Town wide survey, Trail Study, Recreation Study, the open space work conducted on behalf of the Town, the Comprehensive Plan, and the studies conducted and reports prepared for the new Town Park, it is clear that although a proper case exists for requiring a park or parks suitably located for playgrounds or other recreational purposes, this parcel is not suitable for the location of a park of adequate size to meet the needs of the Town of Halfmoon, therefore the applicant shall be responsible for recreation fees as assessed by the Planning Board at the time of the subdivision and prior to the granting of Certificates of Occupancy.

Before application is made for any building permit, preliminary and final site plan approval shall be obtained from the Planning Board of the Town of Halfmoon and the final plan shall be signed by all governmental entities having jurisdiction thereof including but not limited to the Halfmoon Water Department, Halfmoon Planning Department, and Saratoga County Sewer District #1. The final plan shall be filed either in total, or in phases, as approved by the Planning Board of the Town of Halfmoon, in the Saratoga County Clerk's Office. The exact location and specifications of roadways, buffers, green space and other related matters may be changed, altered or amended during the Town of Halfmoon Planning Board review process in a manner generally consistent with the Site Plan detailed herein.

The project is within the North Halfmoon GEIS. The site has been created to conform in theory with the statements and recommendations of the GEIS.

Additionally, the applicant will contribute \$3766 in mitigation costs for each and every one of the 27 units to mitigate the cumulative impacts of the project on the GEIS Study Area as is required within the GEIS for GEIS parcels. The applicant is aware and has consented to be responsible for paying the GEIS fees as approved by the

Town Board at the time the applicant files for building permits and shall be responsible for any increase in fees as adopted by the Town Board. The numbers set forth herein represent the current fees but the amount may increase prior to development of the property and the applicant hereby consents to being responsible for any increase in the fees. The payments will go directly to the GEIS fund as follows:

Water = 27 EDU x \$1,1500/EDU = \$40,500
Sewer = 27EDU x \$780/EDU = \$21,060
Culverts = 27 EDU x \$65/EDU = \$1,755
Traffic = 27 EDU x \$970/EDU= \$26,190
GEIS Prep. = 27 EDU x \$31/EDU = \$837
Open Space = 27 EDU x \$420/EDU = \$11,340
TOTAL = \$3,766/EDU x 27 EDU = \$101,682

The applicant is aware and has consented to be responsible for any increase in fees as approved by the Town Board prior to the obtaining of a building permit for a lot.

Section 16 This Local Law shall take effect upon being filed in the Office of the Secretary of State and the Office of the Comptroller as provided in the Town Law and/or Municipal Home Rule Law.

Section 17. The Town Board may, upon the request of the then owners of the site, modify any of the provisions of this Local Law upon such terms as the Town Board shall determine to be reasonable.

Section 18. This Local Law shall be deemed automatically revoked and void, and the previous regulations shall apply, if within three (3) years from the approval of the Town Board of this Local Law, or within such additional period as the Town Board may subsequently provide without a further public hearing, commencement of the construction of the Arlington Heights PDD has not begun, or if, after construction has begun, substantial progress, weather permitting, is not continued without interruption.

The Town Board may extend or modify this provision as it deems fit without the need for any additional Public Hearing.

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Councilman Polak reported on Clifton Park Household Hazardous Waste Day, which will be on Saturday, September 25 from 8 am to 4 pm at the Ray Road site near the Town of Clifton Park transfer station and you must be register by September 15th. He stated the forms are available on-line and in the Town Clerk's office and is offered for Halfmoon residents.

Councilman Hotaling reported there is a concert, The Bel-Aires on August 11th with a car show which could have 65 cars; he thanked the Highway Superintendent with help from Nelson Ronsvalle and some other people involved and with all our seniors, New Country has donated a Toyota mini van to help deliver meals or pick up for doctor appointments and he thanks everybody involved. He stated also there is a movie on Friday night in front of the building at dusk.

Councilwoman Parker reported she wants to caution people and remind them pets should be kept inside during the heat and make sure the elderly and disabled are checked on.

Councilman Hayner reported he wants to congratulate the recreation department as they were faced with new challenges this year with a new director and new facilities to work with at the new Town Park and they did a tremendous job as the program comes to a conclusion and congratulates and thanks Amanda Smith and Shannon McCarthy.

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

DEPARTMENT REPORTS – month of June

1. Senior Express Dispatch

Total # of Riders- 287
Filed.

Total # of Meals - 414

month of July

2. Town Justice Wormuth

Total Cases – 327
Filed.

Total fees remitted to the Supervisor - \$33,064.50

3. Senior Express Dispatch

Total # of Riders - 292
Filed.

Total # of Meals - 309

4. Town Justice Tollisen

Total cases – 361
Filed.

Total fees remitted to the Supervisor -\$39,748.25

CORRESPONDENCE

1. Received from Matt's Cape House, 1663 Route 9, Halfmoon, notification of intent to renew their liquor license.

Received and Filed.

Supervisor Wormuth stated, relative to the next item, that this was referred back to the Town Board from the applicant. She stated it received a negative recommendation from the Planning Board after referral and the applicant has adjusted it. She stated she would request that the Board, if they so wish, to look at the plan as it has been scaled down based on the recommendations from the Planning Board that we maintain the negative dec as well as the Board continue to lead agency status on this project

RESOLUTION NO. 168

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

RESOLVED, that the Town Board maintains the negative dec status and continue with lead agency status on the Dr. Jerry Bilinski, Planned Development District, Route 146

2. Received from Attorney Kevin M. Dailey, amended plan for the Planned Development District application of Dr. Jerry Bilinski, Route 146.

Councilman Polak requested, relative to the revised Conceptual Site Plan for the Dr. Jerry Bilinski, Planned Development District that the Board receive larger copies of the site plan with the new changes

RESOLUTION NO. 169

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

RESOLVED, that the Town Board sends the revised Dr. Jerry Bilinski, Planned Development District, Conceptual Site Plan to the Town Planning Board for their review and recommendation back to the Town Board.

OLD BUSINESS

1. Public Hearing adjourned from 7/21- Article X - Sign Ordinance amendment

Supervisor Wormuth stated, relative to Old Business, Item #1, the Town Attorney is working on combining some comments, not only from the Board but also from the Planning Department. She stated they can leave the public hearing adjourned and bring this forward at a future meeting unless the Board would like the opportunity at this time to make more comments.

Councilman Hotaling suggested bringing it forward at another meeting.

RESOLUTION NO. 170

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

RESOLVED, that the Town Board has determined to continue the adjournment of the Sign Ordinance Amendment and bring it forward at a future Town Board meeting.

NEW BUSINESS

RESOLUTION NO. 171

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

RESOLVED, that the Town Board approves and orders paid all vouchers for all funds listed on Abstract dated August 4, 2010, totaling \$297,542.90.

RESOLUTION NO. 172

