

The October 6, 2009 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  
Lyn A. Murphy, Town Attorney  
Matthew J. Chauvin, Deputy Town Attorney

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.

At 7:01 pm the Supervisor opened the public hearing for the Plant Road Residential PDD and stated Gavin Vuillaume from Environmental Design Partnership representing Tom Farone the applicant for this project will make a presentation; no one wished the notice read. He stated he wanted to thank the Town Board for giving them the opportunity to present this project. He stated it has been reviewed by both the Town Board and the Planning Board for over two years and they provided an update last month. He stated most of their time has been spent with the Planning Board giving additional information such as drainage studies, traffic studies and storm water management information. He stated the parcel is on Plant Road and is 53.85 acres and the access to the property will have two locations off set from each other, one the east side a small cul-de-sac for 29 town homes and the other side the majority of the development would occur and there is a proposed landscape boulevard. He stated from there they would have a loop road through the property providing access for approximately 81 town homes and 40 senior condos. He stated the town homes would be a mixture of 2, 3, possibly 4 unit structures. He stated in the central core of the project they would have the senior housing which would be 4 unit condos and both would be a 2 story building. He stated they are only interested in the rezoning from R-1 Residential to the proposed planned development district. He stated the amenities they are providing not only for the residents of this project but the surrounding areas would be the introduction of several trails. He stated one is being proposed along Plant Road on the west side along with a 8' wide multi use path that would be created on the south end of the property and they would be providing a 100' buffer next to the orchards which are immediately adjacent to the project and they want to provide enough buffering. He stated throughout the project they have several storm water management areas one they would like to enhance at the entrance with a ponds with fountains that would be very attractive along Plant Road. He stated next to the pond would be a club house to be utilized by the residents of the PDD. He stated the utilities include municipal sewer and water and on site storm water management.

Joe Dannible, EDP, stated they have received jurisdiction of determination from the Army Corp. of Engineers and NYS DEC for the location and arrangement of the wetlands, a sign off from SHIPO on the archaeology. He stated they met with Saratoga County Sewer District and there is a few different options on where to go with the sewer and will work it out on the detailed site plans. He stated they met with the Halfmoon water department and they are proposing a connection from the north end of Plant Road at the intersection to Nadeau Drive and would loop the water system and provide better water pressures to the area. He stated some of the major site changes include an original density of 190 units and now they are at 150 units, 40 of which are senior condos, they relocated the senior condos from the east side of the road to the west side for safety concerns so they don't have to cross Plant Road; provided additional parking to the clubhouse as requested by this Board and Clough Harbour's review. They have proposed a 100' no cut buffer to orchard with a stockade style fence along the southern property line and all the deeds within the project will have recognition that they are within an agricultural area and there are operations to the south that will produce noise, potential odors and other things associated with agricultural uses. He stated they have been working with Creighton-Manning providing traffic studies and an up-dated traffic study; conclusions to that study yielded that no direct impacts from this project require mitigation at any of the intersections, however, as they have been working with the Town for public benefit they are looking at potentially working on the north and south ends of the site to finalize the public benefit with the Town.

Supervisor Wormuth asked if they did a conventional subdivision on this what kind of density would they be looking at; Joe stated about 80 to 100 single-family residences but could be more or could be less.

Larry DeVoe, 82 Plant Road, asked about the walking trail next to him saying it should be located someplace else also, he has been told he would get a 40' deeded parcel of that 100' strip to him so he can control that part of it and would like to know if that is still a fact.

Supervisor Wormuth stated he could ask all his questions and they will make sure they respond either at the end or a future meeting if they are not prepared to answer this evening.

Mr. DeVoe asked if the pond area is going to be wet year round and right now that water is coming down through them as ground water and this year it hasn't dried up but most years it dries up and could be a considerable problem for their trees because they aren't going to be able to stand wet feet year round; he has been concerned about this project from day one and he has asked several times to have the area zoned commercial but that didn't happen, the other thing he is concerned about is whether or not there has been any consideration of the residential and amount of students it will add to our school system where if it had been commercial it would have been nil or none plus the assessed value that would be turned it would be a plus for the Town – he would still extend to individuals who are interested in turning it into a commercial situation and if that were the case he would work with them to exit the traffic on Route 9 where it belongs and not on Plant Road. He stated he is concerned and these folks have done everything they can to try and help them out but thinks there are some doubts in several peoples minds that he is exaggerating the situation but doesn't believe there is anyone involved in the Town that has had those kinds of problems he has and they will continue to get more difficult to work with. He stated the 40' if that is deeded to them, which it should be, should not be part of the no cut because in order to keep it thick with under growth to keep it as dense as possible and will help to keep trespassers out. He stated he hopes these things will be addressed in some fashion.

There being no other comments from the public the Supervisor closed the hearing at 7:14 pm.

Councilman Hotaling asked why they need the 8' trail down through the side of that property.

Mr. Vuillaume stated they thought it would be a public benefit and they don't know if the Town has a Master Plan that calls for that to go down toward the commercial area.

Mr. Hotaling asked if they have had emergency services look at this project for access; Gavin stated they have briefly; Supervisor Wormuth stated do that as part of the planning process and they are made aware.

Mr. Hotaling stated he knows they did a traffic study but he drives the road a lot at 8:00 in the morning and it's a bear already and that is a main concern he has for safety and it will be an impact.

Councilman Hayner commented on the 8' multi-use path and stated he thinks it defeats the purpose of putting in the 100' buffer between the orchard and the development because the trail leads people to come through there. He stated they asked the last time if the trails are going to be turned over to the Town or taken care of by the HOA.

Mr. Vuillaume stated he thinks the intent is to be maintained by the HOA. He stated the trail was put on for conceptual purposes and it doesn't need to be there and can be pushed over along the road. He stated if the Town doesn't see it as a benefit it doesn't have to be put in. He stated it would terminate on vacant property but there could be a connection later.

Councilwoman Parker stated she travels that road many times a day and she has brought it up before with only one entrance and one exit and even with the boulevard she is still not satisfied there isn't another ingress/egress. She stated for safety they will add to a road that has a lot of fast passed driving on it, people of all ages walking and until they can convince her otherwise with a different scenario she is very, very concerned for the safety of the residents.

Councilman Polak stated, regarding the pond, the last time he asked if it was going to hold water year round and when he goes by he doesn't see that much standing water. He stated aesthetically it looks nice and they will have a clubhouse overlooking some lake but where will it be in the summer when it's dry.

Mr. Vuillaume stated they haven't done full soil borings and if it is determined it can't hold water they just won't have it. He stated there were small pockets of isolated wetlands and based on potential groundwater they thought it was possible to do this.

Supervisor Wormuth asked Mr. Vuillaume if they are prepared to respond tonight relative to Mr. DeVoe's comment tonight about the 40' deeded to his property. She stated the public benefit is not worked out yet so the Board wouldn't be looking to take action until those things were ironed out.

Mr. Vuillaume stated he is unable to recall the decision and they would have that information for the next meeting.

Supervisor Wormuth they also need to provide the effects for the stormwater management but also Mr. DeVoe's comments regarding stormwater management and whether it's a pond or stormwater management area and ensuring studies to not have a negative impact on his orchard address questions. She stated the other outstanding question is to confirm the standard sub-division layout for a conventional project. Councilman Hayner stated also the goals of the proposed trail along Plant Road they talked about. Supervisor Wormuth asked him to also work with our Planning Department and talk to Jeff and Lindsay about the trails committee. Councilman Polak stated he would like to see it taken out and if was a trail just on paper and not to be used until there was a connection and why have a trail and invite intruders if there is no place to go at the end of the trail. Councilman Hotaling stated he thinks the buffer without the trail is more of a benefit.

Supervisor Wormuth stated this would be moved to a future meeting.

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

Councilman Polak thanked John Pingelski and his department for the household waste days held at the transfer station and he couldn't believe how great everything ran, there was no traffic backup and there was enough crew to help and it went real well and kudos to him and his crew.

Councilman Hotaling thanked the Town of Halfmoon rec department and Halfmoon Celebrations for everybody's work at the Fall Festival and it was an outstanding achievement for the whole Town and was very good to give something back to the residents that didn't cost them anything. He stated he would like everybody to remember Fire Prevention week and if you see one of your firemen thank them for the job they do keeping us safe.

Councilwoman Parker stated she has an item on the agenda and will wait until they get to.

Councilman Hayner reported that the next Trails Committee meeting will be October 19<sup>th</sup> at 7 pm at the Town Hall.

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

### **DEPARTMENT REPORTS – month of September**

1. Town Justice Wormuth			
Total cases -	337	Total fees remitted to the Supervisor-	\$38,870
Filed.			
2. Town Justice Tollisen			
Total cases -	419	Total fees remitted to the Supervisor-	\$46,520
Filed.			
3. Building			
Total permits -	79	Total fees remitted to the Supervisor-	\$24,069
Filed.			
4. Fire Code			
Total permits -	39	Total fees remitted to the Supervisor-	\$ 1,656
Filed.			

### **CORRESPONDENCE**

1. Pursuant to Town Law, the 2010 Tentative Town Budget was submitted to the Town Board on October 5<sup>th</sup>, 2009.  
*Received & Filed.*

2. Received from New York State Department of Transportation revised Notification of Designation of Restricted Highway for I-87 Bridge over the Mohawk River extending completion date to August 31, 2010.

*Received & Filed.*

#### **NEW BUSINESS**

##### **RESOLUTION NO. 209**

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

RESOLVED, that the Town Board approves and orders paid all vouchers for all funds listed on Abstract dated October 6, 2009, totaling: \$415,949.38.

##### **RESOLUTION NO. 210**

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

RESOLVED, that the Town Board is authorized to adopt a Negative Declaration and authorizes it be filed in accordance with SEQRA for the Water Infrastructure Improvement project.

##### **RESOLUTION NO. 211**

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

RESOLVED, that the Town Board approves minutes of Town Board meetings of September 1<sup>st</sup> and 15<sup>th</sup>, 2009 as presented by the Town Clerk.

##### **RESOLUTION NO. 212**

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

RESOLVED, that the Town Board enters into purchase agreement with Northeast Information Systems for telephone system for the new Town Maintenance facility in the amount of \$2,333.

##### **RESOLUTION NO. 213**

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

RESOLVED, that the Town Board enters into purchase agreement with Northeast Information Systems for telephone system for the new Town Recreation facility in the amount of \$2,264.

##### **RESOLUTION NO. 214**

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

RESOLVED, that the Town Board accepts for dedication as a Town road, Rexford Way, Bast Hatfield Commercial Park, as it has satisfied the standards set by the Town Roadway Dedication Procedure, subject to review and approval of the Town Attorney.

##### **RESOLUTION NO. 215**

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

**WHEREAS**, the New York State, Secretary of State has announced the Local Waterfront Revitalization Program Grant for Eco-Docks, and

**WHEREAS**, the Eco-Docks grants will serve as legacy projects of the Hudson-Fulton-Champlain Quadricentennial celebration, and

**WHEREAS**, the Town Board of Halfmoon has adopted a Waterfront Vision Plan, and

**WHEREAS**, the New York State Department of State has approved the Town of Halfmoon's Waterfront Vision Plan, and

**WHEREAS**, the Waterfront Vision Plan calls for the Development of the Hudson Riverfront Park,

**THEREFORE BE IT RESOLVED**, that the Town Board authorizes the Town Supervisor to submit a Local Waterfront Revitalization Program Grant for Eco-Docks application to the New York State Department of State in the amount not to exceed \$32,000.

RESOLUTION NO. 216

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

WHEREAS, the Town of Halfmoon is committed to ensuring the safety and security of all those living in and visiting our Town; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires killed more than 3,000 people in the United States in 2008, according to the latest research from the nonprofit National Fire Protection Association (NFPA) and fire departments in the United States responded to nearly 400,000 home fires; and

WHEREAS, cooking is the leading cause of home fires and home fire injuries, while heating equipment and smoking are the leading causes of home fire deaths; and

WHEREAS, the Town of Halfmoon first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, Halfmoon residents are responsive to public education measures and are able to take personal steps to increase their safety from fire especially in their homes; and

WHEREAS, residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, the 2009 Fire Prevention Week theme "Stay Fire Smart-Don't Get Burned" effectively serves to remind us all of the simple actions we can take to stay safer from fire during Fire Prevention Week and year-round.

THEREFORE, I, Mindy A Wormuth, Town Supervisor to hereby proclaim October 4-10, 2009 as Fire Prevention Week throughout the Town, and I urge all the people of New York to protect their homes and families by heeding the important safety messages of Fire Prevention Week 2009, and to support the many public safety activities and efforts of New York's fire and emergency services.

RESOLUTION NO. 217

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

RESOLVED, that the Town Board authorizes the Superintendent of Highways to submit the following items to Auctions International, e-mail Auction site: (1) Meyer Snow Plow; (2) 1999 Ford F-550 w/Plow; (3) Dresser Roller-S4-6B.

RESOLUTION NO. 218

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

RESOLVED, that the Town Board authorizes the Supervisor to make the following Transfer between Appropriations and 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 \$10,174.70  
 Subsidiary: 25-4-2189 Home & Community Services \$10,174.70  
 Credit: Appropriations 25-960 \$10,174.70  
 Subsidiary: 25-5-1440.40 Engineering Contractors Inspections \$10,174.70

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

NAME	AMOUNT
Halfmoon Village/Yacht Club	\$402.00
Exit 8 Hoffman	402.00
Falcon Trace	536.00
Moorings of Halfmoon	1,437.50
Pan-Am Southern Railroad	3,168.00
Sheldon Hills Ph II-Insp	4,229.20
TOTAL	\$10,174.70

A resolution is necessary to close out the sewer capital improvement project on Dunsbach Road. All grant monies have been received and expended.

Debit: 48 - 960 Appropriations \$1,245,500  
 48-5-8210.20 - Sanitary Sewers,Capital Outlay - \$1,245,500  
 Credit 48 - 510 Estimated Revenues \$1,245,500  
 48-4-3997.00 - Home & Community Service Capital Grant - State (sewer) - \$400,000  
 48-4997.00 - Home & Community Service Capital Grant - Federal(Sewer) - \$470,500  
 48-2770.00 - Other Revenue, Private Applicant - \$375,000

Transfers from Appropriations:

From Account	To Account	Amount	Reason
10-5-1910.40 Unallocated Insurance	10-5-1420.41 Attorney Legal Fees PCB	\$5,000	Transfer of appropriations needed to cover legal expenses for Hudson River Dredging

RESOLUTION NO. 219

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

SARATOGA COUNTY  
INTERMUNICIPAL STORMWATER MANAGEMENT PROGRAM COOPERATIVE RESOLUTION  
 [Draft v2.1; 18 September 2009]

**WHEREAS** in 2003 the New York State Department of Environmental Conservation (DEC) issued the first State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges for Small Municipal Separate Storm Sewer Systems (MS4; GP-02-02 or as amended or revised); consisting of six (6) Minimum Control Measures (MCM) which are:

1. Public Education and Outreach
2. Public Participation and Involvement
3. Illicit Discharge Detection and Elimination
4. Construction Site Runoff Control
5. Post-Construction Runoff Control
6. Good Housekeeping and Pollution Prevention; and

**WHEREAS** the Saratoga County/Cornell Cooperative Extension (CCE) Intermunicipal Stormwater Management Program (I-SWM Program) was created in 2004 to assist, where possible affect direct works, and facilitate a framework of intermunicipal cooperation among the MS4 Permit holders of Saratoga County for the express purpose of meeting the requirements of the DEC SPDES MS4 Permit; and

**WHEREAS** a contractual agreement has been entered into by the County of Saratoga and Saratoga County Cornell Cooperative Extension (CCE) for the administration of this Program (*ref. Saratoga County Resolution 69-09*); and

**WHEREAS** these MS4 Municipalities include:

Town of Ballston	Village of Ballston Spa	Town of Charlton	Town of Clifton Park
Town of Greenfield	Town of Halfmoon	Town of Malta	Town of Milton
Town of Moreau	Village of Round Lake	Saratoga County	City of Saratoga Springs
Village of South Glens Falls	Town of Waterford	Village of Waterford	Town of Wilton

**WHEREAS** it is understood by all involved MS4 Municipalities that the I-SWM Program works include:

- County-wide Public Education & Outreach
- Material support for Local Stewardship activities
- Material, technical, and training support for MS4 Illicit Discharge Detection and Elimination (IDDE;MCM 3) Programs
- Material, technical, and training support for MS4 Construction Site Runoff (MCM 4) Programs
- Material, technical, and training support for MS4 Post-Construction Runoff (MCM 5) Programs
- Material, technical, and training support for MS4 Good Housekeeping/Pollution Prevention (MCM 6) Programs
- All required record keeping and administrative support as required by DEC for Annual Reporting and/or auditing purposes for actions and outputs of the I-SWM Program
- And are detailed in the I-SWM Plan v1; 2009; and

**WHEREAS** it is understood that the I-SWM Program Coordinator will be responsible for the production, record keeping, and reporting on behalf of the involved MS4s for such outputs of the I-SWM Program *AND* report the results annually to the NYS DEC; and

**WHEREAS** it is further understood by all the involved parties that the MS4 Municipalities shall provide "in-kind" service to the I-SWM Program through designated representative/s to the I-SWM Program for the purposes of direct participation in, direction to, and the development and implementation of the substantive outputs of the I-SWM Program for any or all of the works cited above; and

**WHEREAS** the DEC has ruled that "...when a *permittee* relies upon any third party entity to *develop* or *implement* any portion of its *SWMP* [Stormwater Management Program]." a certification statement must be signed by that 3<sup>rd</sup> party or a duly authorized representative thereof (GP-0-08-002 Part IV.G); and

**WHEREAS** the DEC has concluded that the signing of such a statement would affect a formal agreement and enable the signatory to provide some or all of the required annual reporting to the DEC and other specific outputs herein described on behalf of one or all of MS4 Permittees; and

**WHEREAS** the DEC has further concluded that cooperative efforts, like the I-SWM Program, must have a formal agreement signed and adopted by all parties and participants in order to qualify for any current or future State funding through the Water Quality Improvement Projects Grant program.

**THEREFORE** it is the intent of this certifying statement to hereby formally recognize the intent, structure, and arrangements of the Saratoga County/Cornell Cooperative Extension Intermunicipal Stormwater Management Program between all the aforementioned parties listed above for the purposes herein described.

**Contracted Entity Certification Statement:**

Saratoga County/Cornell Cooperative Extension Intermunicipal Stormwater Management Program  
Contractor/Organization

*"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Town of Halfmoon stormwater management program and agree to implement any S. corrective actions identified by the Town of Halfmoon or a representative.*

*I also understand that the Town of Halfmoon must comply with the terms and conditions of the New York State Pollutant Discharge Elimination System ("SPDES") general permit for stormwater discharges from the Municipal Separate Storm Sewer Systems ("MS4s") and that it is unlawful for any person to directly or indirectly cause or contribute to a violation of water quality standard*

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

Jerry Baker, end of Fellows Road where the new road project is being built. He stated in 2005 he was notified that there was a development being built on Fellows Road by Mr. Tanski and since 2005 he knows there has been various changes in the project and would like to know what the legality is of not being notified and end up finding out on your own that you have been deeded property from the Town as far as the road is concerned.

Attorney Murphy stated she is not permitted to give him legal advise of that nature and strongly suggests he seek counsel of his own. She stated she will however, check with our Planning Department to make sure the proper notices were sent and when they were sent and provide that information to him.

Mr. Baker stated he was notified in 2005 but since then he wasn't notified and at the last Planning Board meeting Mr. Tanski donated 6. acres and was notified of that but other than that he was not notified.

Supervisor Wormuth stated she has Mr. Baker's contact information in her office as well as a letter he has submitted to our Highway Superintendent to be forwarded to the Town Attorneys and the Board and they will get all that information together.

On motion by Councilwoman Parker, seconded by Councilman Polak the meeting was adjourned at 7:37 pm.

Respectfully submitted,

Mary J. Pearson  
Town Clerk

10/6/2009

