

The Thursday, February 19, 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, 2 Halfmoon Town Plaza 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. A moment of silence was offered for Bob Beck, Planning Board member and Open Space Committee member who passed away suddenly.

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Councilman Hayner reported they had their first Open Space meeting with the new committee and a lot of great discussions were held; the next meeting will be Thursday, March 12 at 7 pm and is open to the public.

He reported that the next Trails committee meeting will be March 23rd at 7 pm and they will be looking for interested candidates who would like to get involved.

Councilwoman Parker reported she had the pleasure of being able to go to New York City and attend many interesting symposiums and, she found most unique and interesting the session on the stimulus package. She stated it is about 1000 pages long and most Senators and Congressman have not read this and there is a lot of pork in it. She stated as taxpayers they have to be the “eye watchers” and try to get a copy and go through and get in contact with local Congressmen and Senators if we are not happy with some of the information that we may read.

She reported that the Census is next year, 2010, and on March 19 through April 19 we will be getting important information in the mail that will need to be sent back. She stated the survey is only ten questions long and it would save \$80-90 million dollars if all citizens fill it out and return it as soon as possible and will be real important to save money.

Councilman Hotaling reported that Halfmoon Celebration will have “Elvis” at the Senior Center on March 6 from 6:30 to 8:30 pm, everybody is welcome and the admission is free.

He reported he wants to thank the highway department for all their hard work and they are doing a fantastic job cleaning up. He stated he also wants to thank the Water department and we are moving into some critical times in the middle of the year and they have done an outstanding job making sure you can turn water on in your faucets.

Councilman Polak reported that the Historical building is under construction and working with the Town maintenance team. He stated recently he took a tour with the historical committee and everybody is on board and they are happy with what has happened to date and made a few suggestions for the décor which they are pricing for the most economical way and also give them a building like the senior center and the town hall and have a building they will all be proud of.

He reported he has visually inspected the town park and the buildings and those working there from the plumbing and framing and all the construction is just impeccable workmanship which you don’t see all the time and he is very proud they are on board to do the work.

Supervisor Wormuth reported that they continue to meet with representatives from SEMO and FEMA regarding the ice storm and reimbursement for the Town and, she again thanks all of the employees and departments who were involved in that storm and, as we move through the reimbursement process our Grant office continues to work closely with the highway department trying to get some funds we will be eligible for out of the Federal money available.

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

DEPARTMENT REPORTS – month of January

1. Town Justice Tollisen

Total Cases - 352 Total fees remitted to the Supervisor - \$38,055
Filed.

2. Senior Express Dispatch

Total # of Riders - 255 Total # of Meals – 394
Filed.

3. Town Clerk

Total fees remitted to the Supervisor - \$6,247.96
Filed.

2008 Year End Report submitted from: Town Justice Wormuth

Filed.

CORRESPONDENCE

1. Received from Fairways of Halfmoon, LLC, 17 Johnson Road notification of intent to renew their liquor license.

2. Received from Sushi Na-Ra, 1683 Route 9, Halfmoon, notification of intent to renew their liquor license.

3. Received from Town Senior Planner notification of Planning Board decision to pass a positive recommendation for the Glen Meadows Residential PDD, located off Upper Newtown Road.

4. Received from Route 9 Properties, Inc., dba/Double Vision, Route 9, Halfmoon, notification of intent to renew their liquor license.

OLD BUSINESS

1. Received January 27th, on February 3rd agenda - Project Narrative, Site Plan and EAF for Halfmoon Village and Yacht Club, 2 Beach Road for 244 residential units.

Supervisor Wormuth stated the applicant is here to make a presentation before the Board. She stated it is a PDD and is before the Board for the first time in this format. She stated they have in the past talked about various different applications and this is the first formal presentation to the Town Board in a few years. She stated the Board received and reviewed this new application and received a summary of the project from the planning department to review.

John Montaine, Director and Vice President of Land Development Services of The Chazen Companies introduced himself and Gail Krause, the applicant and, Andy Rymph, Senior Design architect. He stated this project was originally proposed to the Town in 2003 by Bast Hatfield in partnership with the Krause's and was then picked up by BBL an additional work was done on the site and that sat for a while and now the application is back before the Town with anew set of consultants to move the project along. He stated they are requesting tonight action to start moving the planned development district application and would like the Town Board to take on lead agency status so they can start the SEQRA process.

He stated the project now is a fairly significant departure from the plans in the past. He stated the property is about 36.5 acres because Gail Krause has been able to pick up additional lands that the Canal Corp owned. He stated there is a combination of 6 buildings and some are 4 stories above parking, 3 stories above parking and 2 stories above parking. He stated there is at least 1 parking space per unit within the buildings themselves. He stated they did covered parking as an amenity for the people who live in the community and it gives them the ability to preserve more green space and create more sense of community. He stated surface parking is approximately one additional space and they have room to pick up a few extra spaces but they will work that out once they get through planning review. He referred back to historical and regional context on the project and displayed a large air photo. He stated the project is the peninsula where the Krause restaurant was and the site is still used for seasonal clambakes and other things in the large pavilions. He stated the site is accessed by Canal Road where the Krause property is it changes to Tow Path Road up toward the Clamsteam Tavern. He stated the hillside behind is undeveloped and there are three residents on the little portion of the peninsula at the end of Beach Road. He stated the Crescent Boat Club is to the north and across the river is the Town of Colonie and the public boat launch from the Town Park.

He stated that all the prior applications, from this applicant, that were before the Town only included the 17 acres that the Krause family owned. He stated the land around the

peninsula was owned by the Canal Corp. and since then they have picked up the additional land and, in total now own approximately 36.5 acres. He stated the property is somewhat of a knoll and drains off in all directions and is generally a fairly level topography with some nice mature trees and they will preserve the mature oaks and other large trees. He stated there is a very thin wetland buffer that the Army Corp. has jurisdiction around the perimeter of the site and they have agreed to the wetland line. He stated before the dams were not in on the river the whole area was upland. He stated the Dunsbach family owned homesteads along the property. He indicated on the map the location of the restaurant and pavilions and the few seasonal cottages and there are no more residents on the property except one person who is technically a caretaker on the property. He stated historically this was a very vibrant property since the late 20th century and was one of the few places to bathe, there was a place to cut ice and store it, a carousel and boat launches and it started to develop over time to the more current uses. He stated since then there has been a lot of silting and sedimentation and milfoil growth. He stated there is a management requirement for this property to continue and be viable and this project proposes a new viable use for the land.

Mr. Montaine suggested going back to the previous proposals before the Board four or five years ago.

The Supervisor stated if he would go into the positive aspects of the new proposals and not go into the old details because a lot of them were never presented publicly and never taken up at a public forum.

Mr. Montaine stated they have been working with an architectural firm and they discussed that they wanted to create a community environment and a village concept and good quality open space. He stated they have a road that comes in that they will make look like a Town street road with sidewalks and trees, the buildings will be clustered to maximize view to the river but also respect each other and create small community spaces, there will be 75 boat slips and docking and will be used in the area historically used for boat moorings. He stated the original idea was to dredge almost 10 acres but they are proposing to dredge about 3 acres.

He stated the other part of the community is a little less formal with a different character and they have created two different environments for residents. He stated one will be more naturalized and the other more formal and the more formal one has a small community clubhouse associated with it and a walkway system and boardwalk. He stated one of the things they wanted to do and they talked to the Army Corp. and DEC is they would like to introduce a stream channel to come through to get some fresh flow of water coming back through the lagoon to help keep the water quality and will give a nice water feature. He stated it would also allow them to carve out about a one and a half acre of land that they propose to have dedicated to the Town as Town Park. He stated within that they have a small parking area, a walkway system to the area they dredge and a small fishing pier. He stated there are some very large trees and other natural features they protected on the site and they intend to keep that as part of site and they have a nice quality environment.

He stated in one of the discussions they were asked if there are any contaminants in the soil and the water. He stated they worked out a plan with New York State DEC and the Army Corp. that was a testing protocol and they did borings in the water and the land and they went to labs and come back with a reading that says they can manage all of the dredging material on site. He stated they have done historic and archeological evaluations and investigations on the property and got two hits on that. He stated one was the foundation from an old Dunsbach residence on the site and also a prehistoric location, potentially an old fire pit from an Indian tribe and based on that they had conversations with the State Historic Preservation office and they avoided those areas so they have no impact to those and will have very little issues on that when they get into the review with State agencies.

Supervisor Wormuth asked if there are questions or comments from the Board.

Councilman Polak commented that he reviewed the project and has questions but they are typical from the planning phase and will be addressed by the Planning Board. He stated this project can put the town on the map and he likes the new layout with the dwellings with parking underneath. He stated he wants to make sure there is ample parking for all the residents and he is not clear on whether the clubhouse is going to be open to the public or is it just for the residents within the dwelling units.

Mr. Montaine stated it is very early on for the idea of the clubhouse and what the programming would be for it. He stated in the common village green there is parking on either side and is adjacent to where the clubhouse area is in anticipation of residents who have visitors. Councilman Polak stated he also likes the area that will be dedicated to the Town for a walkway and access to the river because that will be along our trail system that runs along the canal and

they will accent each other. He stated it was a premier project from the beginning and there are still a lot of hurdles to cross but has come a long way in design and he is happy to see that.

Councilwoman Parker stated she thought the clubhouse was specifically to be used with no restaurant and be just for the residents that live there.

Mr. Montaine stated that is correct and is just a community building and there is no restaurant planned for the property.

Mr. Hotaling asked if it is planned to have a homeowner association to take care of everything.

Mr. Montaine answered yes it will be a condominium so people will own their units but requires a condominium association that is approved by the State and will be developed as part of their work as they go along.

Councilman Hayner stated it is a absolutely beautiful concept and they have done a tremendous amount of work when you look at each piece from historical to wetland mitigation, the purchases of the Canal Corp. and a lot of work has been put into this and it is a nice looking project.

Supervisor Wormuth commented that she feels our planning department has done a good job and she appreciates that the Board is putting its faith in the Planning Board and our Town planners to go through some of these issues. She stated one of things that is still a question between the Town and the applicant is the density calculations using the upland areas versus the total acreage of the property and knows the Planning Board will look at that in detail as this moves forward and the sewer and traffic upgrades and, water extensions are all things that will have to be spelled out as we move through the planning process so we can make sure the impacts on the surrounding properties are positive in nature.

Mr. Montaine stated they agree and would like to offer as part of the notice that will go in for lead agency is that they would like to be considered for actually doing an environmental impact statement. He stated they have done a lot of research and have a lot of the studies that would go into that and believe it is in their best interest and the Town's interest to identify that this would require a positive declaration.

RESOLUTION NO. 39

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

RESOLVED, that the Town Board declares itself Lead Agency pursuant to SEQRA for the Halfmoon Village and Yacht Club, and further

RESOLVED, that the Town Board refers the proposed Halfmoon Village and Yacht Club Planned Development District, 2 Beach Road to the Town Planning Board for their review and recommendation back to the Town Board.

NEW BUSINESS

RESOLUTION NO. 40

Offered by Councilwoman Parker, seconded by Councilman Hayner, Adopted 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 February 19, 2009, totaling \$398,145.79.

RESOLUTION NO. 41

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

RESOLVED, that the Town Board authorizes the Supervisor to make the following Transfer between Appropriations and Creation of Appropriations.

The following creation of appropriations is needed in the Highway Fund based on money received for sale of equipment. This creation will add the money back into the Equipment Account.

DEBIT:	Estimated Revenues	20-510	\$2,497	
	Subsidiary:	20-4-2665.00-Sale of Equipment -	\$2,497	
CREDIT:	Appropriations	20-960		\$2,497
	Subsidiary:	20-5-5130.40-Machinery Contractual-	\$2,497	

Transfers between Appropriations:

From Account	To Account	Amount	Reason
10-5-1990.40 Contingency	10-5-1355.22 Assessment Star Equipment	\$64.62	To restore unused appropriations for Year 2008 for Star Program
10-5-1990.40 Contingency	10-5-1355.42 Assessment Star Contractual	\$14,065.10	To restore unused appropriations for Year 2008 for Star Program
10-5-1990.40 Contingency	10-5-7989.40 Character Counts Contractual	\$4,527.94	To restore unused appropriations of Year 2008 for Character Counts Program

RESOLUTION NO. 42

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

RESOLVED, that the Town Board approves the Supervisor's Report for month of January 2009, as presented.

RESOLUTION NO. 43

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

RESOLVED, that the Town Board authorizes letting bids for Truck Diesel Fuel for Town departments for fuel year effective April 1, 2009 through March 31, 2010 to be opened March 3 at 7:00 pm.

RESOLUTION NO. 44

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

RESOLVED, that the Town Board approve minutes of Town Board meeting of January 20th, 2009 as presented by the Town Clerk.

RESOLUTION NO. 45

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

RESOLVED, that the Town sets a public hearing for the abandonment of the Meyer Road stub street in the Town of Halfmoon for March 3, 2009 at 7:00 pm.

RESOLUTION NO. 46

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

RESOLVED, that the Town Board authorizes execution of any agreements necessary to effectuate litigation against EPA and General Electric together with any additional parties identified through the litigation process.

RESOLUTION NO. 47

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

RESOLVED, that the Town Board and Clough Harbour & Associates are authorized to let bids for the drainage system improvements for Colonial Green, to be opened March 20, 2009 at 2:00 pm.

RESOLUTION NO. 48

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

RESOLVED, that the Town Board authorizes the Town Supervisor to execute an agreement with Repeat Business Systems, Albany, NY for copier machine Maintenance & Supply Contract for the Recreation department in the amount of \$940.00 effective March 22, 2009 through March 22, 2010 per review and approval of the Town Attorney.

RESOLUTION NO. 49

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

RESOLVED, that the Town Board amend the General Code annual maintenance agreement fee in the increased amount of \$315 for E-Code upgrade for on-line Codes per review and approval of the Town Attorney

Supervisor Wormuth opened public privilege for discussion of non-agenda items; no one had questions or comments.

The Supervisor requested that the Board enter into executive session for discussion of potential and invited the Director of Water to join them. She stated they will discuss any action, if any is taken during this part of the meeting.

RESOLUTION NO. 50

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

RESOLVED, that the Town Board enter into executive session for the purposed of discussion of potential litigation.

Attorney Murphy reported pending litigation was discussed by the Town Board in executive session. She stated the Board did not take any action.

On motion by Councilwoman Parker, seconded by Councilman Hayner the meeting was adjourned at 7:55 pm.

Respectfully submitted,

Mary J. Pearson
Town Clerk

