The March 17, 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.

At 7:00 pm the Town Clerk opened the following Bids for Garbage Disposal Privilege:

1. BIDDER - County Waste & Recycling, P.O. Box 431 Clifton Park

HOUSEHOLD GARBAGE \$60.00 per ton CONSTRUCTION & DEMOLITION MATERIAL \$60.00 per ton

RECYCLABLES \$50.00 per ton (co-mingle newspaper) VEHICLE TIRES \$65.00(car) \$75.00 (truck) per ton

2. BIDDER - Allied Waste Services of North America, 136 Sicker Road, Latham

HOUSEHOLD GARBAGE \$70.00 per ton CONSTRUCTION & DEMOLITION MATERIAL \$70.00 per ton

RECYCLABLES NO BID

VEHICLE TIRES (car) NO BID (truck) NO BID

3. BIDDER - Pollard Disposal Inc., PO Box 658, Altamont, NY 12009

HOUSEHOLD GARBAGE \$132.00 per ton
CONSTRUCTION & DEMOLITION MATERIAL \$132.00 per ton
RECYCLABLES \$86.00 per ton

VEHICLE TIRES \$560.00 (car) \$560.00 (truck) per ton

The Supervisor referred the bids to Councilman Polak, Attorney Murphy and Highway Superintendent John Pingelski for their review and recommendation.

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Councilman Hotaling commented on the banner hanging for this years Quadricentenial for the Hudson, Fulton and Champlain waterway and a grant has been received and they will work with the Town and Halfmoon Celebrations and the hydro-plant in Mechanicville to do a celebration in the beginning of August.

Supervisor Wormuth stated this a State wide celebration and the Town passed a resolution to allow us to use their logo and also gave access to State monies that are being doled out through the County celebrating Henry Hudson's journey.

Attorney Murphy reported she has one item for the Board to consider which is to enter into a Rental agreement with County Waste and Recycling Center for rental of a roll-off truck and 30-yard dumpster to aid in the disposal of debris from the ice storm.

RESOLUTION NO. 63

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 entering into a Rental Agreement with County Waste and Recycling Center for disposal of debris from the December 2008 ice storm.

RENTAL AGREEMENT

AGREEMENT made this 17th day of March 2009, between **TOWN OF HALFMOON**, 2 Halfmoon Town Plaza, Halfmoon, New York, 12065, hereinafter called the "Renter", and **COUNTY WASTE & RECYCLING CENTER**, 1927 Route 9, Clifton Park, New York 12065, hereinafter called the "Owner", as follows:

The Owner hereby rents the equipment listed below to the Renter, Town of Halfmoon, upon the terms herein specified to the Renter, but upon the conditions hereinafter cited, the following equipment:

- 1. Roll Off Truck
- 2. 30 Yard Dumpster

The Owner certifies that the equipment described herein is in good and working order on the date hereof.

Renter will return the equipment to Owner in good and working order, reasonable wear and tear excepted. Renter shall during the rental term keep and maintain the above described equipment in good condition and repair and shall be responsible for any loss, casualty, damage or destruction to said equipment.

Renter shall pay the Owner the sum of Two Hundred Fifty (\$250.00) Dollars per day for the rental of the Roll Off Truck and Twenty (\$20.00) Dollars per day for the rental of the thirty (30) yard dumpster to be incurred only on days when the equipment is utilized by the Highway Department. The Renter will provide the Owner with a detailed list of all dates on which the equipment is used and the owner shall base all billing upon the list provide by the renter. All equipment above described was examined by the Renter who accepts the same in its present condition.

The Owner further agrees that during the term of this Rental Agreement, it will at all times maintain insurance on each said piece of equipment and keep the same in force, protecting the renter against claims by reason of property damage and/or personal injuries to persons, property damage, fire and compensation insurance of drivers in amounts acceptable to renter, and collision insurance which is hereby agreed to be the value of said equipment.

The Renter hereby agrees to reimburse the Owner for any damage to each said piece of equipment occurring while said equipment is in its possession under this agreement, which is not covered by any of the aforementioned insurance.

The Renter acknowledges receipt from the Owner of a true copy of this Rental Agreement which comprises the entire Rental Agreement between the parties and supersedes any and all other agreements respecting the equipment herein described.

The Renter hereby agrees not to assign this Agreement, or its right therein, to any other person or corporation, without the previous consent, in writing, of the Owner.

The Owner agrees to indemnify, defend and hold harmless the Town from any claim arising out of its acts or omissions and from any and all losses whatsoever, whether for personal injuries or property damage, including but not limited to the costs of litigation, attorneys fees, filing fees and expenses of each and every nature.

Each of the separate provisions of this agreement is to be read and interpreted separately. A question regarding the legality or constitutionality of any one paragraph or part thereof shall not effect any other paragraph, and if determined illegal, unlawful, or unconstitutional, the specific paragraph or part thereof shall be severed from this Agreement and the balance of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, Renter and Owner have executed this Agreement in duplicate, one copy being delivered to and retained by both the Renter and Owner, on the day and year first above written.

Councilwoman Parker reported that the Park will be getting very busy, is still under bid and moving along. She stated the senior bazaar is Saturday, 9 am to 2 pm at the Senior Center

Councilman Hayner reported that the next Open Space committee meeting is Thursday, April 9 at 7 pm. He stated they have had three meetings and have gone through Chapters 1 and 2 of the draft plan for Open Space conservation. He stated the next Trails committee meeting would be March 23 at 7 pm at Town Hall.

He stated the 3rd Annual Crescent Park Clean Sweep will be on Saturday, April 18th from 10 am to 11:30 am. He stated the group does a great job making the park look really nice along the river.

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

DEPARTMENT REPORTS – month of February

1. Town Clerk

Total fees remitted to the Supervisor - \$4,535.02 Filed.

2. Senior Express

Total # of Riders - 256 Total # of Meals- 407 Filed.

3. Town Justice Tollisen

Total cases - 382 Total fees remitted to the Supervisor - \$40,025 Filed.

CORRESPONDENCE

1. Received from State of New York Department of State notification of receipt and filing of Local Law No.10-2008, Fellow Road PDD Amendment.

OLD BUSINESS

1. Received, February 25th, updated Narrative and Conceptual Plan for Glen Meadows Mixed Residential Planned Development District

Supervisor Wormuth stated the applicant is here to make a Presentation to the Board. She stated it was initially proposed before the Town Board they commented on it and referred to the Planning Board and they have looked at the concept and made a positive recommendation back to the Town Board.

Gavin Vuillaume, Environmental Design Partnership stated he is here with Chris Abele, the applicant. He stated the project has gone through an extensive review process for about one year and they have been in front of Planning Board. He stated they have gone back and forth through plans and reports with the Planning Board and Clough Harbour analyzing everything from steep slopes to wetlands, an archeological study to check for artifacts and a traffic study. He stated he won't go into detail about the reports and this is an update for the Board to discuss how the plans have changed.

He indicated the property and roads on the and stated it is a 176 acre parcel however they will only develop 148 acres which is being proposed to be rezoned from AR to a PDD. He stated it will stop at the MacDonald Creek and a little less than have would be considered as undevelopable with steep slopes and wetlands and ravines. He stated the area they are looking to develop is an abandoned farm field and there won't be a lot of mature forests or trees that would be taken down. He stated the overall layout is very similar to what they set up originally with a single boulevard entrance and a circular entrance feature, which gives it a formal entrance and will have nice landscaped berms along Upper Newtown Road with about 300 feet of landscape buffer.

He displayed a map with the units broken out. He stated lots traditional single family homes would range between 10 and 15,000 square feet and be like the typical home in Sheldon Hills, from there you would go into another portion that would be twin homes and then a small section of multi-family 3 unit buildings. He stated they spread the units out and gave a little more greenery in between for privacy and the overall design concept has stayed the same. He stated they will bring sewer and water throughout the project and there is an existing water line on Upper Newtown they would connect to that. He stated they would probably hook the water through another subdivision, the proposed Swatling Falls subdivision as well as the sewer connection and they would hope to have a combined sewer system for the two projects and have a single pump station to take care of the sewer.

He stated there is generous green space with the other all open space being at 103 areas and probably 18 of it would be considered very quality open space used by residents. He stated it would be owned and maintained by a homeowners association and throughout the open space there would be several trails systems open to the residents of the projects to utilize the rest of the 100 acres, which will be left in a pristine condition.

Mr. Vuillaume stated they will be looking at some future public benefits that could be a very extensive multi use trail system or connection toward 236 and there has been discussion on how they might connect this part of Town to other parts of town. He stated the total number of units is 129 and originally is was 150 and comes out 64 single family, 44 twins and 21 3-unit buildings.

Chris Abele stated the 3-unit building will be condos or townhouses and will be individually owned and would be a fee simple deeded parcel for each unit.

Councilman Polak asked where the connection to Swatling Falls would be made.

Mr. Vuillaume showed on the map the single entrance and they will connect just past the field.

Mr. Polak asked who would retain the 30 acres on the other side of MacDonald Creek.

Mr. Abele stated that Abele Builders owns the Betts Farm and this portion is going to be added to that parcel.

Councilman Hotaling stated 21 town homes was mentioned and asked if that would be 7 buildings.

Gavin Vuillaume stated that was correct.

Councilman Hayner stated it was mentioned that all the open space was going to be maintained by the homeowners association and asked what the thoughts were on the trails systems.

Mr. Abele stated they have had preliminary discussions with the Planning Board chairman and the Town Supervisor and there will be a private HOA that will maintain the open space in the subdivision proper, however, if they make an agreement with the Town so that a public trail goes through Glen Meadows then they would give the easements to the Town for that trail. He stated the trail would intersect with Upper Newtown Road but there has been no real detailed plan as to where the trails would go and there will be a private trail system but there also could be a public trail system that would be owned and maintained by the Town

Councilwoman Parker asked how they would police the private vs. public trail.

Mr. Abele stated that is a legitimate issue and they have a similar situation in Sheldon Hills and, for the most part, he is not aware of any problems but the people on Glen Meadows have rights to the public trail owned by the Town and probably there will be some people using the private trails that don't belong there. He stated it is not an issue but could be a consideration and really doesn't know how it could be policed.

Supervisor Wormuth stated it wouldn't be a town issue but an issue for the HOA to deal with it as a civil matter. The Supervisor stated the Town has not come to any decision on who would own and maintain the public trails system.

Councilwoman Parker asked the approximate amount of the HOA fees.

Mr. Able stated it is very hard to tell at this point, however it depends on the level of amenities in the development and it will be different from Sheldon Hills as there will be no clubhouse or tennis courts. He stated there would be a 3 to 4 acre pocket park owned by HOA with a gazebo and possibly playground equipment and an extensive trail system with a significant buffer along Upper Newtown Road and will be controlled by the HOA and the fees generated accordingly. He stated in Sheldon Hills an average townhouse pays \$188 and a single family \$207 a month and that includes the clubhouse, tennis courts, walking trails, lawn maintenance, snow removal and lawn treatments. He stated Glen Meadows would have everything similar to that with the exception of a clubhouse and tennis courts so they will be less than at Sheldon Hills but it is too hard to give a specific number at this point.

Supervisor Wormuth stated the HOA would be reviewed and approved by the Department of State.

Councilman Hayner stated he loves the fact that he is using his open space and their trails internally to market their homes and not asking the Town to take it over. He stated he has a concern with the trail overall if it was to come over to the Town the Town parks department and every time something is added it adds cost to the town and should be thought about.

Supervisor Wormuth stated one of the things they looked at was the Trails Master Plan, which was a recommendation as complete, but they certainly didn't agree that all those would be done but the Board will need to come to a resolution on where they want to sit with trails. She stated residents want them and they will need to balance those out.

Mr. Abele commented on the trail system stating they are more than willing to work with the Town in any way to the point that if they have to bear the expense they are open to any reasonable suggestion to make it work. He stated this area is not in a GEIS area but they really tried to comply with the directives by maintaining the green belt and their rotary is an innovative design and they plan to do extensive landscaping both on the border and also they plan to put an extensive per unit landscaping package and have made an effort to comply with the progressive planning techniques.

Attorney Murphy asked the date of the last revised map; Mr. Vuillaume stated it is February 9th.

RESOLUTION NO. 64

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 awards Bid Spec. #1-2009, Truck Diesel Fuel, received March 3, to G. A. Bove & Sons, Inc., 76 Railroad St., Mechanicville at bid markup from low posting in plus amount of \$.190 per gallon, per recommendation of the Highway committee.

NEW BUSINESS

RESOLUTION NO. 65

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 March 17, 2009, totaling \$287,418.56.

RESOLUTION NO. 66

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

RESOLVED, that the Town Board approves the Supervisors Report for month ending February 2009.

RESOLUTION NO. 67

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

RESOLVED, that the Town Board approves minutes of Town Board meetings of February 3, 2009 and February 19, 2009 as presented by the Town Clerk.

Supervisor Wormuth stated, relative to the next item, these are seasonal Parks employees and the Town is really looking at limiting the number of employees and not filling vacant positions. She stated these employees are necessary for the seasonal upkeep of the parks, grounds and buildings.

RESOLUTION NO. 68

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 appoints the following employees as seasonal Parks department labors for 2009 at their hourly rate of pay: Larry Marshall-\$10.25; William Bryans, Frank Brammer, Joe Navojosky-\$8.55; Brandon Brooks, Cody Miller, Travis Taylor, Kyle Bryans, Matthew Coughlin, Ted Simmons-\$8.15, effective immediately.

RESOLUTION NO. 69

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 enter into agreement with Halfmoon Senior Citizen Association for term effective April 1, 2009 through March 31, 2010 in the budgeted amount of \$36,310 and authorize the Supervisor to execute said agreement, per review of the Town Attorney.

RESOLUTION NO. 70

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

RESOLVED, that the Town Board approves and authorizes the New York Clean Water State Revolving Fund Intended Use Plan Project Listing for the Town of Halfmoon Water Treatment Plant Sludge Drying Beds and authorize the Supervisor to execute said agreement, per review and approval of the Town Attorney

RESOLUTION NO. 71

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

REQUEST FOR HUDSON RIVER VALLEY GREENWAY BLUE TRAIL DESIGNATION OF THE HUDSON RIVER WATERFRONT PARK IN THE TOWN OF HALFMOON

WHEREAS, Article 44 of the Environmental Conservation Law (ECL) directs the Greenway Conservancy for the Hudson River Valley, Inc. to designate a Hudson River Valley Greenway, Blue Trail, and

WHEREAS, the Town of Halfmoon manages, owns or holds an easement for parkland on the Hudson River, which will enhance the opportunity for the public to appreciate and support the preservation of the historic, scenic, cultural, recreational and natural resources along the Hudson River, and

WHEREAS, the Town of Halfmoon requests that Town of Halfmoon's Hudson River Waterfront Park be designated a part of the Hudson River Valley Greenway Blue Trail,

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, the Town Board of the Town of Halfmoon requests designation of the Town of Halfmoon's Hudson River Waterfront Park as part of the Hudson River Valley Greenway Blue Trail System.

RESOLUTION NO. 72

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

RESOLVED, that the Town Board sets a public hearing for April 7, 2009 at 7:00 pm for the expenditure of funds from the Town Water Capital Reserve Fund for the Water Department to implement water infrastructure improvements in the not to exceed sum of \$1,077,000.

RESOLUTION NO. 73

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

WHEREAS, the United States Environmental Protection Agency (EPA) FY 2008 Appropriations Act contains a Congressional earmark of \$477,000 for the Town of Halfmoon water infrastructure improvements,

THEREFORE BE IT RESOLVED, that the Town Board authorizes the Supervisor to solicit Requests For Qualifications from engineering firms for design and engineering services for the water infrastructure improvements, to be received by 2:00 pm on April 14, 2009.

RESOLUTION NO. 74

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

WHEREAS, the United States Environmental Protection Agency (EPA) FY 2008 Appropriations Act contains a Congressional earmark of \$477,000 for the Town of Halfmoon Water Infrastructure Improvements,

AND WHEREAS, the required match of \$600,000 will be appropriated from the Water Fund Capital Reserve, subject to permissive referendum,

NOW, THEREFORE BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to submit a funding application to the EPA for Water Infrastructure Improvements in the amount not to exceed \$1,077,000.

RESOLUTION NO. 75

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 the Town to rent three lanes of the Southern Saratoga County YMCA Pool for the Summer Recreation program, July 20th through August 7th (Monday, Tuesday, Thursday & Friday) per review and approval of the Town Attorney and authorize the Supervisor to execute agreement.

RESOLUTION NO. 76

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 authorizes the Supervisor to make the following Creation of Appropriations:

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

Debit: Estimated Revenues 25-510 \$1,571.50

Subsidiary: 25-4-2189 Home &

Community Services \$1,571.50

Credit: Appropriations 25-960 \$1,571.50

Subsidiary: 25-5-1440.40 Engineering
Contractors Inspections \$1,571.50

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

NAME	AMOUNT
Cellco Verizon Tower	\$605.00
Donati Minor Subd	66.00
Pino Comm/Lt Ind Park PDD	900.50
TOTAL	\$1571.50

A resolution is needed to appropriate the contribution from Halfmoon Fire Co. Ladies auxiliary made to the Character Counts Program for the summer recreation program for youths to attend summer camp as follows:

DEBIT: Estimated Revenues 10-510 \$100

CREDIT:

Subsidiary: Community Gift Contributions 10-4-2705 - \$100 Appropriations 10-960 \$100 Subsidiary: Character Counts – Contractual 10-5-7989.4 - \$100

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

Rosemarie Wysocki, Farm to Market Road stated is asking the Board to lower the speed limit on Farm to Market Road to eliminate an unsafe situation. She stated this is not a new thing and she has asked many times. She stated often there are car debris and mud ruts in her property and here mailbox has been docked down several times and cars have gone off onto her lawn. She stated several years ago Councilman Polak looked into this concern and responded that he was informed all the appropriate signs are there to alert drivers. She stated she has a letter to subject and some pictures.

Supervisor Wormuth stated, as she said in their phone conversation the Board would forward this request. She stated she has already asked our planning department to look into some back up documentation to go along with some of the concerns as well as the changes they have seen in the growth pattern in that area of Town. She stated they would put the supporting documentation with the request and forward that request.

Councilman Polak stated certainly this is a valid request and the residents are concerned with the speed and also just recently a request for lighting was approved at the entrance to the subdivision to make it safer.

RESOLUTION NO. 77

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

RESOLVED, that the Town Board authorizes to request the Commissioner of Public Works in the County of Saratoga and the Department of Transportation to study Farm to Market Road for a possible speed limit reduction between U.S. Route 9 and U.S. Route 146, and further

RESOLVED, that the Town Clerk send the necessary paperwork to the appropriate divisions.

Tom Sarris, 10 Manchester Drive, stated for the past 2 months he has working on the project of junk cars and has read numerous statements and has gone to the zoning department to property maintenance code of New York, sections 302 and 307 and has looked up everything and cross referenced. He stated he has amended R-1 and R-2 jurisdiction and didn't realize it would be this much of a headache. He stated he was told the zoning department is going to be upgrading the zoning maps this year and he has upgraded the web site and has a proposal for an amendment. He stated he is going to give Mr. Polak and the Town Attorney a copy and it is on the website and he is going public. He stated he has gone down streets and people like it. He stated he is not telling people they have to get rid of their junk but put it in a garage or behind a fence so it can't be viewed.

Supervisor Wormuth stated he talked to someone in the Town zoning department and asked whom he talked to.

Mr. Sarris replied whoever was there but they indicated the project for this year was upgrading the zoning map because it has been so long and the maps are out of date. He stated he asked when a PDD is presented to the Board after the Town takes it over what is it after that and if an HOA that operates its an HOA if not the town can dedicate it as R-1 R-2.

The Supervisor stated there is a local law that creates a whole new zoning characteristic and is PDD zoning.

He stated his development is R1 but before the Town had zoning it was a PDD and it dissolved about 12 years ago.

Supervisor Wormuth stated a HOA and a PDD are complete separate process and a PDD can't dissolve or revert and the only way is to amend the PDD.

Councilman Polak stated Northwood was a standard subdivision and not a PDD.

Mr. Sarris stated he wants to bring them up to date and get rid of junk cars.

There being no further business on motion by Councilwoman Parker seconded by Councilman Polak the meeting was adjourned at 7:53 pm.

Respectfully submitted,

Mary J. Pearson Town Clerk