

The September 4, 2007 regular meeting of the Town Board of the Town of Halfmoon was called to order at 7:00 pm by Supervisor Wormuth at the Town Hall on Harris Road with the following members present:

Mindy A. Wormuth, Supervisor
Walter F. Polak, Councilman
A. James Bold, Councilman
Regina C. Parker, Councilwoman
Paul L. Hotaling, Councilman
Mary J. Pearson, Town Clerk
Lyn A. Murphy, Town Attorney

Also present: Frank Tironi, Director of Water; Laurie Sullivan, Deputy Town Clerk; Lisa Perry, Secretary to Supervisor; Steve Watts, Building & Development Administrator; Rodney Smallwood, Highway; John Pingelski, Highway Working Supervisor.

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.

Supervisor Wormuth opened the public hearing for the Hayner Planned Development District Amendment at 7:00 pm and requested that the Town Attorney provide a presentation.

Attorney Murphy stated the Board is aware that the Town purchased property formerly owned by the Hayner's that was part of the PDD legislation passed by the Board several years ago. She stated after the Town purchased the property it is no longer necessary for the legislation to remain in effect and the Town wants the property to revert back to its original R-1 zoning status. She stated the purpose of this amendment is to take the portion of the property purchased by the Town and remove the PDD legislation that currently affects that land and, revert back to the original R-1 status. She stated the Town has no plans for developing this piece of property.

No one had questions or comments, therefore the Supervisor closed the hearing.

RESOLUTION NO. 245

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

RESOLVED, that the Town Board approves the Hayner Planned Development District amendment as follows:

LOCAL LAW NO. 5 OF THE YEAR 2007 AMENDING LOCAL LAW NO. 4 OF THE YEAR 1998

A Local Law amending Local Law No. 5 of 1995 of the Town of Halfmoon entitled "Local Law Relating to Zoning for the Town of Halfmoon, and amending Local Law No. 4 of 1998, which Local Law provided for the creation of a Planned Development District known as Hayner Planned Development District",

Be it enacted by the Town Board of the Town of Halfmoon as follows:

Section 1. Title. This Local Law shall be known and may be cited as Local Law No.5 of 2007, amending Local Law No. 4 of 1998, a local law amending Local Law No. 5 of 1995 of the Town of Halfmoon, entitled "Local Law Relating to Zoning for the Town of Halfmoon" as previously amended and supplemented, by Local Law No. 4 of 1998, providing for the creation of a Planned Development District known as Hayner Planned Development District.

Section 2. Establishment of District. Local Law No. 5 of 1995 of the Town of Halfmoon, entitled "Local Law Relating to Zoning for the Town of Halfmoon" and the Zoning Map of the Town of Halfmoon, as previously amended, be and the same hereby are amended by this amendment to the Planned Development District known and described as "Hayner Planned Development District" known and described in Local Law No. 4 of 1998.

Section 3. Boundaries. The area of said Hayner Planned Development District as bounded and described as set forth in Exhibit "A" attached to Local Law No. 4 of 1998 and made a part

thereof and as shown on a certain Site Plan map thereof, prepared by ABD Engineers & Surveyors dated May 1998, revised 8/11/99, entitled “Proposed Recreational PDD Lands of Norman Hayner” is hereby amended to remove a portion of land being 10.00 +/- acres as shown on a subdivision map made by Gilbert VanGuilder dated April 18, 2007 and filed in the Saratoga County Clerk’s Office on August 24, 2007 as Map No. H418. The said parcel being removed is being conveyed to the Town of Halfmoon for park and recreation purposes and shall not be deemed a part of or contained within the area of Local Law No. 4 of 1998.

Section 4. Zoning Map. Local Law No. 5 of 1995 is hereby amended by providing that the previously approved Hayner Planned Development District Local Law No. 4 of 1998, be modified and reduced by removing therefrom the 10.00 +/- acres of land set forth on said map made by Gilbert VanGuilder dated April 18, 2007 and filed in the Saratoga County Clerk’s Office on August 24, 2007 as Map No. H418, said 10.00 +/- acres to be conveyed to the Town of Halfmoon for recreation purposes.

Section 5. Prior Local Law. The prior Local Law No. 4 of 1998, insofar as it is not amended hereby, remains in full force and effect.

Section 6. Effective Date. 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 Municipal Home Rule Law.

The Supervisor stated next is a presentation on the Grace Fellowship Church, planned development district amendment.

Tom Andress, ABD Engineers and Surveyors stated also present tonight are two representatives from Grace Fellowship Church and this will introduce the Board to the proposal to purchase the Halfmoon Saab building and use for a Church facility. He stated Grace Fellowship currently worships in a former shopping center complex on Delatour Road in Colonie and this proposal will provide the members in the Halfmoon area a second place of worship. He stated they plan on keeping the building and the site almost exactly the same as it is. He stated they have had discussions with the owner asking if they could maintain it a little better. He stated they will be doing some improvements to the front with landscaping and they have the potential for an outdoor patio area to be able to congregate after the service. He stated parking would stay in the same general pattern and, they would add some parking spaces and redesign to get away from the large open spaces. He stated they are looking at having 350 seats in the facility as it exists now and, eventually do additional work to the building to have approximately 500 seats as a maximum. He stated the parking ratio is way above what the Town requires which is 1 per 3 seats. He stated Grace Fellowship does have a number of services and they are a very large church and, they have a parking staff to direct people to parking spots and is very well organized. He stated this will be a branch church and have a lot of the facilities the main church would have and will offer traditional services. He stated the water and sewer are more than adequate to handle the demand. He stated there are some traffic concerns through that area but they would be looking at two services on Sunday with no services during the week but would have groups come in to do fellowship meetings and, they are almost always after the peak hours. He stated staff will always maintain the facility and will always be there and, they feel it is a good use and fits in well.

Councilman Polak asked if they were presenting a plan that will give the future build out and will be having more than the Sunday services. He asked if they will have instructional services during the week and if they are anticipating classrooms in the first phase.

Mr. Andress stated there is a small office that will be changed to the Sunday school rooms and there is a small kitchen for the ministry staff. He stated a large gathering area, which was the main showroom and, the worship area will be where service was. He stated there is a proposal for the balcony seating on the mezzanine. He stated there wouldn’t be any proposal for expanding outside the building and it is not intended to be a school.

Councilwoman Parker stated she was invited to the vigil on Easter and has grave concerns about parking because Easter is a main holiday but the parking lot was full, Delatour Road was full and, we can’t afford to have that kind of situation. She stated another issue is that there are a lot of wetlands there.

Mr. Andress stated there is a corridor there for a storm water management area.

Supervisor Wormuth asked if this proposal proposes changes for a future addition at this point.

Tom Andress stated they are not proposing a future addition but they have a small amount of pavement changes. He stated the building is staying as it is and they would like to have the capability to have seating for up to 500 but they are looking at this site plan.

Attorney Murphy stated if the Board choose to amend the PDD it would be the use that would be amended not capacity or spec's and that would be a Planning Board issue.

Mr. Andress stated the Church recognizes that and if there were a future expansion they would need to come back.

Councilwoman Parker stated it came up that the Church is a public benefit and she knows they usually look for more than that such as meeting space.

Mr. Andress stated they felt that the church is its own public benefit and this is slightly different because the PDD is already an established use.

Supervisor Wormuth stated they have had other PDD's amend the uses within the PDD and they see that as a huge asset to the community but the standard they set was that that because it was an amendment to zoning we have a requirement for a public benefit.

Councilman Polak stated the difference between them is that this is not for profit where the sports complex is a business for profit.

Councilman Bold stated relative to the zoning change, if it is passed, when the Church comes back at a later time for a site change that would not longer be a Town Board action.

Attorney Murphy stated the only thing that would be a Town Board is if the PDD amendment limited the capacity, which they have done on certain cases.

Councilman Bold questioned, relative to the parking, if the two services on Sunday are spaced far enough so they won't get much overlap parking or will there be considerable overlap parking.

Mr. Andress stated they are looking at a 9am & 11am service that run in 1½ hour range and there will be a half hour to move people in and out. He stated they look at how to handle the traffic better but also Delatour Road is not highly traveled on Sundays. He stated the Church has not had conversations yet with adjoining property owners but they may allow parking in the lots for a large attendance.

Supervisor Wormuth stated they would take this into consideration and they don't ask that additional parking be provided for a special day.

Councilman Bold stated when he looked at the plans he didn't find any dimensions for the parking and when he measured the scale the majority of the parking spaces are 9 feet. He stated they should be very familiar with the Towns standards.

Mr. Andress stated he would check and they could be 9 x 20.

Councilman Hotaling asked if there is anything proposed for a nursery and during the week would the youth groups be in one room.

Tom Andress stated the office area will be turned into four classrooms and would be placed by age group but a daycare is not in the proposal and the Church has never run a daycare. He stated it would be traditional Sunday school and youth fellowship in the evening. He stated it could be a Sunday evening at 7:00 pm.

The Supervisor stated this is the first time the Board has heard this proposal and the Board could ask them to come back to another meeting with information on the parking or they could refer to the Planning Board.

Councilman Bold stated his concern is that the number of spaces could be diminished significantly if they had to resize the spaces and would have a major impact on using that building.

Supervisor Wormuth asked, if they look at expanding the parking area even if it impacted their future plans for growth would there be room to do that without impacting the site or the drainage corridor and could work that out in Planning or bring it back to the Town Board.

RESOLUTION NO. 246

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

RESOLVED, that the Town Board refers the Grace Fellowship Church, Planned Development District amendment to the Town Planning Board for their review and recommendation back to the Town Board.

Supervisor Wormuth stated as they go through the Planning process they are going to look carefully at the parking and they will ask Code Enforcement and planning to look at the ingress and egress of the building and relative to the changing State code they will get a thorough report back.

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Councilman Polak reported on the Hazardous Waste Day that will be September 29th and the two week Fall Cleanup at the Town Transfer Station.

Councilwoman Parker reported on the 9/11 Ceremony that will be Tuesday, September 11th at the Town gazebo at 6 pm.

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

DEPARTMENT REPORTS – month of August

1 Town Justice Tollisen

Total cases - 694 Total fees remitted to the Supervisor - \$31,358.00

CORRESPONDENCE

1. Received from Krause's Restaurant and Grove, 2 Beach Road, Halfmoon notification of intent to renew their liquor license.
2. Received notification of Town Highway Department Fall/Winter work hours effective October 1 (Monday-Friday 7am to 3 pm)

NEW BUSINESS

RESOLUTION NO. 247

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

WHEREAS, a letter of resignation was received from Terri Russell as Deputy Town Clerk effective COB August 24th 2007, it is therefore

RESOVLED, that the Town Board appoints Terri Russell as full time provisional Payroll Clerk to be paid \$13.88 per hour worked retroactive to August 27th, 2007

RESOLUTION NO. 248

Offered by Councilwoman Parker, Seconded by Councilman Polak: Adopted by vote of Board: Ayes: Wormuth, Polak, Bold, Parker, Hotaling

RESOLVED, that the Town Board appoints Eric Catricala as a member of the Board of Assessment Review for term effective September 30th, 2007 through September 30th, 2012.

Councilman Bold commented on the next resolution regarding the Assessor, Ed Pearson, stating he has had the opportunity to work closely with him on some very lengthy technical questions and, he finds him to be an extremely thoughtful person when it comes to all our concerns and issues with the Town assessments. He stated it is not an easy job, it is complex and very difficult and Ed does a phenomenal job at it. Councilman Bold stated he is very pleased he has come forward for another six years.

Supervisor Wormuth stated she echoes this and agrees with everything Councilman Bold said. She stated none of the things she routinely hears is “even if I didn’t like his answer he always explains why and was always pleasant about it”. She stated she has calls from people unhappy with their assessment but has never had anyone tell her that he didn’t handle it in the most professional manner. She stated she is also very happy to see Ed continuing.

RESOLUTION NO. 249

Offered by Councilman Bold, Seconded by Councilman Polak: Adopted by vote of Board: Ayes: Wormuth, Polak, Bold, Parker, Hotaling

WHEREAS, the term of Edward Pearson, Town of Halfmoon Assessor, will expire on October 1, 2007, it is therefore

RESOLVED, that the Town Board appoints Edward Pearson as the Town of Halfmoon, Assessor for a six year term beginning October 1, 2007 through September 30th, 2013.

Councilman Bold stated, relative to the next item, that Cornerstone is the company that is currently supplying the telephone service to this building all of our other facilities. He stated in our new building there will be a change in technical terms and T-1 line and what that is a single line that provides multiple telephone line services instead of having two dozen lines.

RESOLUTION NO. 250

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

RESOLVED, that the Town Board authorizes the Supervisor to execute the Cornerstone Service Agreement to provide all voice service at the New Town Hall, per the approval of the Deputy Town Attorney.

Attorney Murphy stated, relative to the next item, we had an appraiser look at the Lowe’s property and they recommend we enter into this Stipulation to settle the law suits currently pending with regard to the assessment.

Supervisor Wormuth stated usually when we get to this point everyone is in agreement that it is in the Town’s best interest to settle and not go further into a court situation it would not be a good situation. She stated she appreciates all the hard work from the Assessor’s office and our representation deciding this.

Councilman Bold stated he discussed it in great length with Mr. Pearson and his opinion was between Mrs. Murphy and the outside consultants and himself, his opinion was that they have taken this as far as they can take it and they did the best they can.

RESOLUTION NO. 251

Motion by Councilman Bold, seconded by Councilman Hotaling, adopted by roll call vote: Ayes: Wormuth, Polak, Bold, Parker, Hotaling

RESOLVED, that the Town Board authorizes entering into Settlement Agreement with Lowe’s, 476 Route 146, Halfmoon, SBL #272-2-65 reduced from \$8,201,900 to \$6,426,000 for 2006 and reduced from \$8,201,900 to \$5,916,00 for 2007-08-09 and further

RESOLVED, that the Town Board authorize Attorney Drobney, Hacker & Murphy to execute agreement.

RESOLUTION NO. 252

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

RESOLVED, that the Town Board approves and orders paid all vouchers for all funds listed on Abstract dated September 4, 2007: totaling: \$223,290.43

Supervisor Wormuth stated, relative to the nest item, that code enforcement has been diligent and constantly dealing with the owners of this properties and we still have properties not in compliance.

RESOLUTION NO. 253

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

RESOLVED, that the Town Board authorizes renewal of the Rome Mobile Home Park license for the 2007-08 licensing year per recommendation of the Code Enforcement office.

Councilman Hotaling, stated relative to the next item, this is for the new water meters we have and will allow reading the meters more efficiently.

Attorney Murphy stated the reason we are opting out of the regular purchasing policy has to do with the technology our current system utilizes together with an evaluation that this is the best technology to use when it comes to both insuring quality and quantity.

The Supervisor stated after discussion with Mr. Tironi different technology doesn't interchange and is specific to the meters we have. She stated she was advised this will greatly reduce the manpower needed and will allow his department to continue to operate in an efficient manner.

RESOLUTION NO. 254

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

RESOVLED, that the Town Board authorizes the Water department to purchase a Neptune TRX920 Mobile Data Collector, water meter reading equipment, in the amount of \$9,456 and authorize waiving the town purchasing policy requiring quotes.

RESOLUTION NO. 255

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

RESOLVED, that the Town Board authorizes the Supervisor to make the following Budget Transfer between Appropriations:

From Account	To Account	Amount	Reason
30-5-9710.70 Interest Serial Bonds	30-5-9710.61 Debt Service Principal-Zone 1	\$56,959	Transfer of appropriations within Water Budget for increase in debt service
30-5-9710.70 Interest Serial Bonds	30-5-9710.71 Debt Service Interest-Zone 1	\$58,692	Transfer of appropriations within Water Budget for increase in debt service
30-5-9710.70 Interest Serial Bonds	30-5-9710.72 Debt Service Interest-Zone 2	\$66,700	Transfer of appropriations within Water Budget for increase in debt service
30-5-9710.70 Interest Serial Bonds	30-5-9710.73 Debt Service Interest-Zone 3	\$9,423	Transfer of appropriations within Water Budget for increase in debt service
30-5-9060.80 Employee Benefits Medical	30-5-9050.80 Employee Benefits Unemployment Insurance	\$170	Transfer of appropriations within own budget to cover unemployment insurance expenses for 2007
10-5-1990.40 Contingency	10-5-3120.40 Police and Constable Contractual	\$6,440	Additional appropriations needed to cover expenses for Police Contract

RESOLUTION NO. 256

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

WHEREAS, documentation has been submitted for dedication of roads in the Rolling Hills Subdivision, Phase I, (portion of Rolling Hills Drive, portion of Ridgewood Drive and Robin Hill Drive), it is therefore

RESOLVED, that the Town Board dedicates roads in the Rolling Hills Subdivision, Phase I, (portion of Rolling Hills Drive, portion of Ridgewood Drive and Robin Hill Drive) as Town roads.

Councilman Bold stated, relative to the next item, that the Colonial Green storm water project is about to commence with the easements secured and the contracts in place. He stated in order to minimize the overhead for inspectors they will utilize the inspector on the Dunsbach Sewer project and the town hall project. He stated we might not spend the entire amount.

Supervisor Wormuth reminded everyone that this is for this phase of the Colonial Green drainage project which does not include all the work identified. She stated they continue to look at the other work.

RESOLUTION NO. 257

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

RESOLVED, that the Town Board approves proposal from Clough Harbour & Associates for the Colonial Green Drainage Improvement project to perform construction phase services for the three months of contract time in the not to exceed amount of \$21,654.

Councilman Hotaling commented, relative to the next item, that our four water tanks have to be inspected and they do all four at once.

Councilman Bold stated there are real economies here because they will mobilize with their underwater cameras to inspect the insides as well as the outsides.

RESOLUTION NO. 258

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

RESOLVED, that the Town Board approves proposal from Clough Harbour & Associates for professional engineering services related to the inspection of the Town's four existing water storage tanks in the not to exceed amount of \$10,000, and further

RESOLVED, that said proposal approval be subject to the review of the Town Attorney.

RESOLUTION NO. 259

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

RESOLVED, that the Town Board approves proposal from Clough Harbour & Associates for professional engineering services related to the rehab of the Seven hundred fifty thousand -gallon Werner Road Water Storage Tank in the not to exceed amount of \$36,000 subject to review of the Town attorney

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

There being no further business to discuss or resolve the meeting was adjourned at 7:50 pm.

Respectfully submitted,

Mary J. Pearson
Town Clerk

9/4/2007

