

The May 15, 2007 regular meeting of the Town Board of the Town of Halfmoon was called to order by Supervisor Wormuth at 7:00 pm at the Town Hall on Harris Road with the following members present:

Melinda 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  
Robert J. Chauvin, Deputy Town Attorney

Also present: Lisa Perry, Secretary to Supervisor; Pat Temple, Director of Finance; Frank Tironi, Director of Water; Steve Watts, Planning Board Chairman; Dick Lee, Executive Assistant to Supervisor; Nelson Ronsvalle, Grants; John Pingelski, Highway Working Supervisor; Steffen Buck, 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 stated the first item on the agenda is a resolution honoring Eagle Scout, Drew Smith who is a Town resident. Supervisor invited Councilman Bold and Councilman Polak, who is an Eagle Scout and both are fathers of Eagle Scouts. The Supervisor read the resolution as follows:

#### RESOLUTION NO. 127

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

**WHEREAS**, it has come to the attention of the Town Board of the Town of Halfmoon that Drew Smith is the recipient of an Eagle Scout Award, which is the highest award a Boy Scout can receive; and

**WHEREAS**, it is the sense of this Board that when someone of extraordinary dedication to the values and principles of scouting is brought to their attention, the same should be memorialized for the emulation and edification of others; and

**WHEREAS**, a Town is only as great as those persons who give exemplary service to their community, whether through participation in voluntary programs, through unique personal achievement in their professional or other endeavors or simply through a lifetime of good citizenry; and

**WHEREAS**, such service, which is truly the lifeblood of the community and the Town, so often goes unrecognized and unrewarded; and

**WHEREAS**, Drew Smith has had a long history of personal achievement both as a Scout and as an active member of St. Mary's Church, the Shen Robotics Team, the Shen Crew Team and through his efforts to help refurbish the historical markers in the Town of Clifton Park all of which evidence his exemplary service to the community;

#### **NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. That the Town Board of the Town of Halfmoon recognize and commends, Drew Smith, as an outstanding citizen for his achievements and advances, one who is worthy of the esteem of both the community and the Town of Halfmoon.

2. That a framed copy of this Resolution be presented to Drew Smith.

At 7:06 pm the Supervisor reopened the Public Hearing for the purchase of ten acres of property at 148 Route 236 which was adjourned from the May 1<sup>st</sup> meeting. No one wished the notice read.

Councilman Bold stated this was discussed at the previous meeting but this is the formal public hearing on whether or not to spend the money to make this purchase. He stated the property is adjacent to the proposed 50 acre town park and has several hundred feet of common border and currently in agricultural use and will probably remain that way for the near future. He stated we do not have plans at this time but could in the future open it up for public access and will compliment the park.

There being no comments the Supervisor closed the hearing at 7:07 pm.

Councilman Bold stated he would make a motion that we proceed with the purchase of the ten acre property from the Hayner family. He stated the Town has already done some environmental processes, the Phase IA Archeological Study, a Wetlands assessment fieldwork and the property has been surveyed.

RESOLUTION NO. 128

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

*Whereas*, the Town of Halfmoon has entered into a Contract to purchase a portion of property located at tax map number 273-2-1.116 being known as a portion of 148 Route 236, in the Town of Halfmoon, County of Saratoga, State of New York from Craig A. Hayner, Harvey S. Hayner and Carol Hayner, and

*Whereas*, the Town Board did pass a resolution authorizing the expenditure in the sum not to exceed One Hundred Twenty Five Thousand (\$125,000.00) Dollars, and

*Whereas*, the monies to be expended will be appropriated from the Town General Fund, upon expiration of the permissive referendum period.

*Now therefore be it resolved as follows:*

1. That the purchase of the land is in the public interest.
2. That the contract for the purchase of land as stated above for One Hundred Twenty Five Thousand (\$125,000.00) Dollars be and the same hereby is ratified and approved and the Town Supervisor is authorized to sign the contract on behalf of the Town of Halfmoon.
3. That the proposed financing will be subject to Permissive Referendum.
4. That the amount to be expended from the Town General Fund shall be One Hundred Twenty Five Thousand (\$125,000.00) Dollars together with additional costs of closing fees, title insurance, recording costs, etc.
5. That the purpose and affect of this Resolution is to authorize the purchase by the Town of Halfmoon of a portion of the property located at tax map number 273-2-1.116 being known as a portion of 148 Route 236 in the Town of Halfmoon.
6. That this resolution will take effect upon posting and publishing of the Resolution as required by law and expiration of the referendum period
7. That the Town Clerk is directed to post and publish a copy of this resolution as required by law.

The Clerk opened the following Bids submitted for the purchase of a Van for use as Senior Citizen transportation:

| BIDDER  | BID ITEM         | TOTAL BID AMOUNT |
|---|------------------|------------------|
| 1. New York Bus Sales LLC<br>7765 Lakeport Rd., Chittenango, NY 13037 | 2007 Ford Diesel | \$52,855.00      |
| 2. New York Bus Sales, LLC  | 2007 GM          | \$53,770.00      |

The bids were referred to Councilwoman Parker, Attorney Murphy and the committee to review and make a recommendation back to the Town Board.

The Clerk opened the following Bids for the Dump Body & Plow Equipment for the Highway Department

| BIDDER  | TOTAL BID AMOUNT |
|---|------------------|
| 1.Henderson Truck Equipment NY<br>800 Starbuck Ave Watertown NY | \$54,835.00      |
| 2. T & T Sales Inc<br>409 Old Niskayuna Rd., Latham NY          | \$59,854.00      |

The bids were referred to Councilman Polak, Attorney Murphy and the Highway Committee to review and make a recommendation back to the Town Board.

At 7:11 the Supervisor opened the public hearing for the Brookwood Road Slope Stabilization; no one wished the Notice read.

Councilman Bold stated the Brookwood Road project entails the entire length of the road from Middletown Road to Route 4 & 32 and over the years the slopes have become not stable and the road continues to deteriorate and requires constant repair. He stated this is a big safety concern and Clough Harbour did the design work but there has been delay due to the Federal Transportation grant we obtained which adds thousands of dollars of engineering and over a year of additional time required to meet all the requirements. He stated for a grant in excess of a million and a quarter dollars they felt they had to expend the time and money. He introduced the two engineers Warren Harris and Tammy Lecuyer from Clough Harbour.

Warren Harris stated the main objective of the project to stabilize the failing slopes. He stated the Town water main runs along this road he outlined on the map and it is important the water main remain intact. He stated the slope stabilization would consist of a Soil buttress at bottom to flatten the overall slope angle and/or to add weight to the toe of the embankment. He stated subsurface and surface drainage improvements, along with full depth pavement replacement are also included in the slope areas.

Tammy Lecuyer stated that the project includes the widening of the asphalt travel lanes to 12 foot throughout the entire length of the roadway and two foot aggregate shoulders will also be added on either side of the road. She stated the 12 foot lane will make it safer around winding curves and the existing pavement will be reclaimed as sub base. She stated during construction of the slope remediation areas, the portion of Brookwood Road from Button Road to NYS Route 4 & 32 will be closed to through traffic. She stated local traffic and emergency vehicles will continue to have access through the area and all closures will be coordinated with affected residents and local emergency response officials. She stated there will be daily alternating one-way traffic and will be maintained in the work zone for the roadway work and the road will be opened to two-way traffic at the end of each workday. She stated they are looking to improve the roadway so it will last another twenty years and they are looking at drainage improvements from Middletown Road to Button Road. She stated included in the package base bid right now is a 24' paved width from Button Road to NYS Route 32. She stated Middletown to Button will be an add alternate. She stated access will be maintained at all times for emergency vehicles and they will be notified ahead of time of closures. She stated they are hoping to get this out to bid in within the next month and open bids in June and the construction will begin in July. She stated it will begin primarily with a significant portion of slope work and utility relocations and next year the paving operation will commence and they feel the construction will end next year in mid July. She stated the project cost for construction is around \$3.5 million for the base bid and the add alternate, engineering will be about \$300,000 and construction inspection \$300,000. She stated some of the funds will be received through grant monies and the remaining funds will be bonded by the Town.

Councilman Bold asked if there will be surplus millings or are they all consumed in the process.

Ms. Lecuyer stated there will be some surplus.

The Councilman asked about short term lane shifts and any day now in area three there will be some, causing some shift away from the difficult shoulders. He stated there will be barriers, cones and lights move traffic to opposite side but they will take additional precautions and move the traffic a few feet.

He asked what we will see over the winter and asked if there will be traffic disturbance.

Ms. Lecuyer answered there will not be disturbance over the winter.

The Supervisor opened the hearing to the public.

Mark Smith, First Assistant Chief for Halfmoon Waterford Fire District stated they have concerns with emergency vehicles having access all the time and asked if that was even during the slope work.

Ms. Lecuyer stated yes they should be able to keep one lane open. She stated the contractor is required to give two weeks advance notice and this will come directly to the fire district. She stated notification will go to all emergency vehicle access

Mr. Smith stated this is the main route from the station on Middletown Road to Route 4 and 32 and is a concern of theirs for the residents that live along this road. He asked if the road base at that time will be substantial enough for a fire truck.

Ms. Lecuyer stated it will be.

Councilman Bold asked when they are cutting out for any one of the four slopes is there any time they will have to cut through both lanes.

Mr. Harris stated they won't have to go through both lanes at the same time and there will always be one open.

The Supervisor stated they will also coordinate with them to make sure the coordination list meets anybody they think might respond to an emergency because they do a lot of mutual aid especially during the daytime.

Mr. Smith stated they use the rest of the Town departments for mutual aid and asked, at the end, when the contractor has a local traffic only sign will it be open enough to get a truck through.

Ms. Lecuyer stated it will be large enough to get a truck through.

Frank Darwak, 88 Brookwood Road, asked if there is going to be weight restrictions put back on that road like there is now to stop deteriorating from heavy truck traffic. He stated they were told Congressman Sweeney has obtained \$3 million in funds toward the rebuilding of this road and doesn't see those numbers anymore.

Councilman Bold stated he doesn't know where the \$3 million came from but there is \$1.33 million grant that was broken down, \$1.05 and a quarter million from Marchiseili.

Mr. Darwak stated they were told it was against the law to put a weight restriction on the roads and at the corner of Devitt and Button there is a weight restriction going down Devitt and also going up and down Brookwood.

Councilman Bold stated the one on Devitt is a Waterford restriction and the one on Brookwood was put there by our own highway department very recently at the very difficult spot on the road.

Deputy Town Attorney Chauvin stated there is a big distinction between a weight restriction that is meant to prohibit truck traffic and one meant for the health safety and welfare of vehicle traffic. He stated they are permitted to restrict use when we are afraid there is going to be a failure that could result in injury or damage to property or person and once that is passed they will not be able to use the weight restriction to keep trucks off that road. He stated there are constitutional arguments that prohibit discriminating against truck traffic.

Bob Schramek, Button Road, stated he heard the traffic pattern will be diverted to Lower Newtown Road and through no fault of the Town there is a new hub for Valente gravel land now there will be addition trucks running on Button Road and now there will be three times the normal traffic. He stated this has to take place but is will the Town look at this road after this project is completed to see what the additional traffic did to Button Road.

The Supervisor stated they can ask the highway superintendent to take a look at that and see if something needs to be done due to the increased traffic for a period of time. She stated the highway working supervisors are present and is sure they will carry this message back..

Stanley Watrobski, Brookwood Road, stated people are driving on the shoulder knocking his posts down and asked what can be done about it.

The Supervisor stated she can ask the Sheriff to increase the patrols and look into possible signage.

Mr. Watrobski stated after this road is built traffic will be a lot heavier on Brookwood Road and the traffic needs to be slowed down.

Henrietta O'Grady, Churchill Road, stated she is chair of the Trails Advisory committee and is concerned about the shoulders on this proposal and knows gravel shoulders are proposed and is

asking what the additional cost would be for paved shoulders. She stated she is addressing this because she walks that road and rides her bicycle and there are a number of dangerous curves and when you move off the road it is onto the gravel shoulder.

Tammy Lecuyer stated they did look at this but the problem is once asphalt shoulders are put in it seems much wider and people drive faster. She stated it would add another several hundred thousand dollars at least.

Mrs. O'Grady stated she would urge the Town Board to think about this mainly because of the curves.

Ms. Lecuyer stated it does provide additional stability but would be very close to the property lines and be difficult to stay within the Town right of way. She stated it would add to the cost and would add another five months onto the schedule.

Attorney Chauvin stated this is a very long process when dealing with the State and there are separate requirements for all the appraisals and the work that needs to be done and this work would not be done in two construction seasons and there would be the potential loss of some of the funding. He stated that can't happen due to the condition of the roadway and, in his legal opinion the Board can't do that.

The Supervisor closed the public hearing at 7:42 pm.

Councilman Bold stated the travel lanes are currently 12 feet travel lanes and asked what the proposed construction beyond the 12' travel lane is as designed

Ms. Lecuyer stated it is for 2' gravel shoulders.

Councilwoman Parker asked if there will be railings on the bad curves in addition to the gravel.

Ms. Lecuyer stated they will use DOT standard process in valuating the slopes and guide rails will be used.

Councilman Bold stated, regarding the right of way acquisition process there are five different private property parcels when they had to begin the process and deals with the slope stabilization process.

Councilwoman Parker stated the Town needs to stay within the budget limits so we don't lose the grant money or have our water system comprised.

#### RESOLUTION NO. 129

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

**WHEREAS**, the Town of Halfmoon is experiencing significant problems with destabilization of Brookwood Road; and

**WHEREAS**, the Town commissioned a transportation project report entitled "Final Design Report – P.I.N. 1757.48 - Brookwood Road - Slope Stabilization / Roadway Rehabilitation, Town of Halfmoon, Saratoga County" dated January 2007 and also reviewed a Wetland Mitigation Monitoring Plan entitled "Brookwood Road Slope Rehabilitation & Roadway Improvements, Town of Halfmoon, NY" dated March 12, 2007 prepared by the Town Engineers and Surveyors, Clough Harbour & Associates LLP; and

**WHEREAS**, it has been identified that the roadway is in dire need of reconstruction, stabilization and rehabilitation; and

**WHEREAS**, the cost of the project with related to engineering, financing, administration, legal costs, costs of acquisition, right of way, etc. will be paid by Grants and the issuance of General Municipal Bonds in the estimated amount not to exceed \$3,700,000.00; and

**WHEREAS**, the Town of Halfmoon has conducted a Public Hearing on the proposed expenditure of the monies and the issuance of the General Municipal Bonds, said amount of Bonds to be reduced by any Grants, contributions or other sources of funds, and will be supplemented by Bond Anticipation Notes and loans from the General Fund to the Special Project, to be repaid with interest, subject to Permissive Referendum and any amounts that may be transferred from the Highway Capital Reserve; and

**WHEREAS**, a number of improvements are proposed to the road and the projects extensive work to be performed will necessarily be performed over two (2) construction seasons; and

**WHEREAS**, the Town Board of the Town of Halfmoon, after the Public Hearing, considered the proposal and has passed a Resolution approving the expenditure of the funds, subject to Permissive Referendum and all relevant statutes;

**NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. That the proposed project is in the public interest.
2. That the proposed expenditure of the sum not to exceed \$3,700,000.00 by the issuance of General Municipal Bonds and the acceptance of Grant monies and Marchiselli monies, and contributions or other sources of funds, Highway Capital Reserve Funds, Bond Anticipation Notes and loans from the General Fund to the Special Project to be repaid with interest, shall be, and the same hereby are approved.
3. That the proposed expenditure of Highway Capital Reserve Funds and General Obligation Bonds shall be subject to Permissive Referendum.
4. That the amounts to be expended from the General Fund shall be appropriated and added to the amount to be expended from any other sources upon the expiration of the Permissive Referendum period, but not to exceed the maximum amount to be expended of \$3,700,000.00.
5. That the Town Supervisor of the Town of Halfmoon is authorized to execute the contracts for the execution of the work and Clough Harbour & Associates are authorized to prepare the bids and let the bids for the work, subject to the expiration of the Permissive Referendum period.
6. That pursuant to Section 82 and 90 of the Town Law, the Town Clerk shall post and publish a notice setting forth the date of the adoption of this Resolution, to contain an abstract of such Resolution, concisely setting forth the purpose and effect thereof, and specifying that the Resolution is adopted subject to Permissive Referendum and further shall publish this notice in a newspaper published in the County of Saratoga having general circulation within the Town of Halfmoon.
7. That the Town Clerk shall cause to be posted on the sign board in the Town Hall, a copy of such notice within ten (10) days after the date of adoption of the Resolution.

The Supervisor stated next on the agenda is a presentation on the Plant Road Residential Planned Development District, 190 unit multi-family town homes, submitted March 29<sup>th</sup>.

Gordon Nicholson, Landscape Architect with Environmental Design Partnership, stated he represents Tra-Tom developer which is Tom Deveno and Amadore Builders on the planned development district application. He stated they did an extensive amount of sub-consulting studies on the property before they came to the Town Board. He stated they did archeology studies and wetlands studies for DEC and the Army Corp of Engineers, traffic studies Phase I Environmental Assessment, sewer service studies, water service studies, and endangered species. He stated the site is approximately 53 acres and indicated the area on the map which is near the Route 9 cross-town access town center plan. He stated they are looking at 190 units which is a density of approximately 3.5 per gross acre and indicated a large area of wetlands. He stated there are 3 sewer alternatives and they are looking at extending Town water up Plant Road. He stated they are proposing a total of 190 two and three bedroom town home style units and they will be priced between \$280 to \$320, 000. He stated they are looking at curbs and sidewalks throughout the property, nature trails, a pool and club house and street lights and open space behind every unit

Mr. Nicholson stated the public benefit being discussed was the purchase of a single family home on Route 146 opposite where Plant Road comes out and “y’s” off. He stated it is part of a Plant Road northern improvement map the Town had been considering to extend Plant Road to Route 146. He stated their developer is willing to use that purchase, approximately \$450,000 as a public benefit to the Town. He there is a study that considers extending Plant Road to 146 an putting in a cul de sac on either end of Plant Road also there are a couple of drainage improvements on Plant Road that might be able to be incorporated into this

Councilman Polak questioned the proposed 190 units and if access to get out on Route 9 was explored.

Mr. Nicholson stated they have not because the property is privately owned. He stated Clough Harbour has done some studies and one of their suggestions was that if an access road does come through it may tie in to Plant Road at some point in the future and at this time; the Town is not sure whether the east/west access border will cut through.

Councilman Polak stated this will have a huge impact on Plant Road with this number of units.

Supervisor Wormuth asked if they have looked at the fact that the property next door currently

is actively farmed running equipment and spraying and have they looked at the impact.

Mr. Nicholson stated they have talked extensively with Amedore Builders and they don't feel that is an impediment to the development of the property and they are completely aware. He stated Larry DeVoe did have a concern about this having an impact on orchard and some concern about the property but also recognizes they do have a right to build property something there.

The Supervisor stated there is also concern for the residents who would move in there next to a commercial enterprise and not residents could be angry there is a wind machine running at 3:00 am and what can the Town Board do.

Councilwoman Parker stated the wind machines are horrendous and she lives over there and she knew they were there and she lives much farther away than these people will. She stated she also hesitates about what they will do to the intersection of Plant Road & 146 with senior housing and we cannot put lives at risk with the fire and ambulance vehicles.

Councilman Bold stated they know the agriculture fields and orchards won't stay there for the next 50 years but at the present time that is the use and the Town has very limited remaining commercially active agricultural properties in Town. He stated he is very concerned about the impact on residents but the tremendous pressure on agriculture operator when all the people will be making complaints and wanting action taken to prohibit certain aspects. He stated he is concerned with how we would keep people out of the orchard.

Attorney Murphy stated the Town has the Right to Farm law which would protect anybody who was operating a farm against neighborhood complaints.

Councilman Bold stated that would not stop it from becoming a difficult community issue.

Councilman Bold asked if this were a conventional subdivision how many single families would be built.

Mr. Nicholson stated the estimate would be 70 building lots.

Councilman Bold stated he briefly looked at the traffic study which was based on the new thru cut not made onto Route 9.

Gordon Nicholson stated the traffic study did not assume but at this point the single family home extension may not be in place

The Supervisor asked if she understood that the public benefit would be to purchase the single family home and not for the design and extension of Plant Road.

Mr. Nicholson stated that is correct and his understanding it is in the vicinity of a million dollars.

Councilman Bold stated the traffic study reaches the conclusion that no mitigation is required where the roads meet Route 146. He stated that is just not possible for him to accept,

Mr. Nicholson stated he will let the traffic engineer defend his work.

Councilman Bold stated, relative to the land use he recalls in the Comprehensive Plan it talks about this area as a core area and talked about a mixed use development. He stated this project is using the term as a transition and there is no mixed use within the project itself and, in his opinion that is not compatible with the indication of the Comp Plan which calls for the area to be mixed used.

Mr. Nicholson stated they looked at the Comprehensive Plan for that area and though the mixed use was more to the south on the DeVoe property and thought that it was illustrated on the mixed use development plan.

Councilwoman Parker stated we will add 400-600 more cars per day on these roads.

Mr. Nicholson stated it will probably add 100 cars in the two hour peak hours slot when people are going to work.

Councilman Polak stated he has a major concern with this many units and there is still undeveloped land along Plant Road and the next developer has the right to come in and he is not happy about all the units crammed in there.

Councilman Bold stated there is nothing that starts the cross town road.

Mr. Nicholson stated he notice the massive area of wetlands. He stated he will bring these ideas and concerns back to applicant

Councilman Hotaling stated when you go south on Plant Road the addition of 100 cars to this intersection a lot more traffic and they should look into that.

Tom Deveno stated this is his project and he uses Amedore to develop this and several years ago he tried to get approval for the Fellows property and it was pull because of all the commercial and now it is residential property and he would appreciate consideration regarding this project.

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

Councilman Bold reported that the Hartford Insurance Builders Risk representative visited the new Town Hall site recently and submitted a report and stated “recently I toured the job site and noted the project is well under way; good housekeeping and quality work was noted and it is always a pleasure to our this well run job site”.

Councilman Bold reported, relative to water, this past weekend was the weekend he was worried about, they have been working on having the water plant extensions operational and it is in various stages for which day the water will actually flow out of there. He stated leading up to the weekend was warm dry weather but fortunately there was rain Thursday night and prior to that rain the water level in the tanks was dropping a little bit each day. He stated this is the point in time when we could have gotten in trouble but the rain came through and, at this point we are very close so we will stop worrying.

Councilwoman Parker asked if there is a point in time if we don’t get on line because of the expected drought that we need to look at restrictions.

Councilman Bold stated they are down to days and hours and if the water doesn’t move this week it will be early next week. He stated if we did not have this system and we had an extended dry period we would have to have restrictions.

Councilman Bold reported that National Trails Day is June 2 and at 10:30 am they will be doing a groundbreaking for the Champlain Canal Trail and it will be done on Brookwood Road for this segment that goes from Brookwood Road up to Upper Newtown Road.

The Supervisor stated we have the pleasure of having an rsvp to the invitation from Carmella Mantella from the NYS Thruway, Canal Corp. and other officials are expected to be here.

Councilwoman Parker reported, due to the heavy moisture, we need to aware of the West Nile Virus and mosquito’s and we have the dunks available, at no charge in the Clerk’s office. She stated quantity is limited and make sure garbage is covered and don’t keep tires around because they are breeding grounds.

Councilman Bold commented that recently he visited in the field with the biologist doing the wetlands assessment on the Hayner property and he wears his shirt down over his gloves, his pants and leggings, he cover his feet totally and treats his clothing against ticks. He said he had been out in the field two weeks this spring and he already had 8 ticks on his body and he carries a special spoon with him and he is trained on how to remove the tick and this is a guy that knows what he is doing.

Councilman Hotaling reported that he wants to compliment the Towns great summer recreation program and on Saturday they registered 187 kids and registration will be held tomorrow night from 6-8pm, also next Wednesday and this Saturday from 9 to 12 pm.

The Supervisor stated we always get big kudos from the New York State Department of Health.

Supervisor Wormuth stated that May is National Bike Month and share the road and everybody tries to be aware of the traffic out there.

She stated a thank you note was received in the Supervisor’s office from the Clifton Park Village Cemetery Association for the gravel that was spread through the cemetery roads and they appreciate their time and efforts and the Town thinking of them. She stated it is our Parks department that does this work.



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

#### **DEPARTMENT REPORTS – month of April**

1. Town Clerk  
Total fees remitted to the Supervisor \$ 5,252.70  
Filed.

2. Town Justice Wormuth  
Total cases - 297 Total fees remitted to the Supervisor - \$28,640.00  
Filed.

3. Building  
Total permits - 73 Total fees remitted to the Supervisor - \$22,215.00  
Filed.

Fire Code  
Total permit - 26 Total fees remitted to the Supervisor - \$ 984.00  
Filed.

#### **Month of March**

1. Building  
Total permits - 41 Total fees remitted to the Supervisor - \$ 9,085.68  
Filed.

2. Fire Code  
Total permits - 16 Total fees remitted to the Supervisor - \$ 729.00  
Filed.

#### **CORRESPONDENCE**

1. Received May 1, 2007, Development Proposal Report & Site map from Landmark Development Group LLC for Brookfield Place, residential PDD at Guideboard & Harris Road intersection for 81 proposed lots.

2. Received May 4, 2007, Application & Site Map from Environmental Design Partnership, LLP for Glen Meadows Mixed Residential PDD, Upper Newtown Road for 150 single family dwelling units.

3. Received notification of intent to apply for a liquor license for the Tailgators Sports Tavern, LLC, 1683 Route 9, St. John Plaza, Halfmoon.

4. Received letter of resignation from Court Officer Matthew Gundrum, for the Town, effective May 18<sup>th</sup>, 2007.

#### **OLD BUSINESS**

##### **RESOLUTION NO. 130**

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 award Water Department bids, opened May 1, to low bidders, as per their submitted bid: Vellano Bros. –All Mueller Brass Fittings and All American Made Brass Fittings; Ti-Sales – All Water Meters, award per the review and recommendation of the Water Committee.

2. Update - Inglewood Planned Development District, public hearing held March 6, 2007.

The Supervisor stated that Gavin Vuillaume from EDP is here to provide an update on this project. She stated when they were before the Board the last time there were some concerns about the site distance and traffic on Cemetery Road and they were asked to do some mitigation with the road in order to improve the site distance and they did come up with a different entrance design. She stated they have received a positive recommendation from the Planning Board and

the next step, when the Town Board is comfortable is to make a decision on the legislation and the zone change.

Gavin Vuillaume stated at the last meeting there was length discussion on the site distance and some of options available to the applicant to improve the site distance for the entrance to the PDD. He distributed the revised conceptual site plan "B". He stated they had the entrance at the northern most portion of site and gave them the best site distance possible in relation to the existing barn. He stated they know the barn is an issue because of the proximity to the road and the vegetation and the small hill in front of barn. He stated they went to the site to see if reducing the hill would help but it doesn't do much and the main deterrent is the barn and it cannot be moved and is used by the owner. He stated the only options left available to them was to move the road again back to a position farther from the barn. differences. He stated the traffic engineer will provide the details on the difference between the original layout and the second option which moves the entrance itself.

Mark Nadolny, Creighton Manning, indicated the original site of the road and they looked at changing it to the south side of the barn vegetation. He stated they didn't look at this position before because there was an existing unit there. He stated with the vegetation they are restricted to 150 feet looking left and right but when removed it improves the site distance greatly. He described the restrictions and the result for moving the intersection angle to give site distance. He stated there is 525 feet before the barn cuts off the site distance and was 450 feet before and is an increase of 75 feet. He stated looking left there is a line of bushes and they contacted the owner of the property and they have agreed to move the bushes outside of the site line and with the relocation of the bushes they can see 530 feet which exceeds the recommended guidelines of 520 feet. He stated the stopping site distance in both directions more than exceeds the recommended guidelines and these mitigation guidelines will now exceed all the recommended guidelines.

Supervisor Wormuth asked what the site distance was at the old location looking left.

Mr. Nadolny stated looking left it was 450 feet and looking right it was 490 feet and this change will increase both, both short of the recommended guidelines

Councilman Parker asked for clarification of the road location and indication on the map.

Supervisor Wormuth asked for clarification of the relocation of open space.

Gavin Vuillaume stated there are some differences in the layout with the entrance being moved and stated there was a town home in the original layout and indicated the area for the open space. He stated with the change one benefit is the town house will be taken out of that location and move it off of Cemetery Road and bring it into the project and provide a larger area for the open space.

Councilwoman Parker asked if the egress and ingress for fire emergency is closer to the fire company.

Supervisor Wormuth stated the recommendation from the Planning Board was a positive recommendation to allow for a zone change and they have met with the applicant and the attorney and because there isn't change in density or a large change they consulted with the Town engineers to take cursory look at the entrance to make sure it doesn't need to go back to the Planning Board and it was their recommendation that it not be because the project would still exist with impact and the Planning Board will still have final site plan review and design should this zone change be created.

Councilwoman Parker stated the configuration of the clusters has changed.

The Supervisor stated their recommendation was based on the fact that when the Planning Board looked at it they were not looking at the actual layout but the number of units and the entrance and egress and if it would fit into neighborhood.

Max limits

Steve Watts, Planning Board Chairman stated this is a marked improvement to what was there before and they looked at everything and if it was sent back they would say it was improvement and for the zone change they have enough information and they can adjust.

Councilman Polak asked if they decreased the length of the sidewalk.

Mr. Vuillaume stated they did and it is a good thing because they were going to have difficulty with the road in this location with the trees and this makes amore logical termination for the sidewalk. He stated it makes the public benefit a little smaller.

Supervisor Wormuth stated, as a public benefit they would like to see it go back down where it was going to be because if another project comes in they could take it even farther to allow safe pedestrian access which is why they are identifying it as a public benefit.

Mr. Vuillaume stated it could certainly be bright back to where it was before but there will difficulties putting a retaining wall there. He stated they can do it.

Councilman Bold stated they have had a lot of discussions about the site distance and they left it at seeing what they can do to make a significant improvement. He stated the Board has to bear a responsibility to the people that travel the road that goes beyond some book standards and there are safety concerns. He stated looking at the numbers they made an 18% improvement looking left in the site distance and to the right a 7% improvement and he still has all the same worries he had before particularly when he looks to the right and that amounts to about 7 seconds before you can pull out.

Mr. Vuillaume stated the biggest improvement would be removal of the barn but they have no control over the barn and also there is a horizontal concern in the road as you go up the hill but that would go onto private property.

Mr. Nadolny stated from a safety aspect there is more than adequate stopping site distance.

Councilman Bold stated the emphasis shouldn't be on some being inconvenienced coming down Cemetery Road and he doesn't care if someone has to slow down safe but does care that someone will be safe and comfortable coming down the road. He stated there are a lot of different people using this intersection and they are not all young people and capabilities and judgment are not the same as they once were and they need to be cautious and people don't do all safe things and that's what their responsibility is.

Mr. Vuillaume stated they might consider signage on both sides of the roads for that intersection.

Councilwoman Parker stated she feels they have given it a lot of thought and she is more comfortable with the entrance and exit where they have it now but she is still concerned about school buses inside the property. She stated there is also the nursery school busses and is still worried about the traffic coming south

The Supervisor asked if it will be built to specifications to allow school buses to get in there.

Mr. Vuillaume stated it will allow the radius necessary for a school bus.

Councilman Polak stated even through the sidewalk may not be ideal it is the best they can do with the sight to protect the residents in the area and he would like to move it on. He stated when it goes back to the Planning Board for final review the comments they made tonight could be incorporated.

Attorney Murphy stated, for clarification, the comments to be included are the extension of the sidewalk and the agreement from the neighbor that they consent to the removal of the shrubbery and the signage with regard to the intersection.

Councilman Bold stated he fully respects the efforts of the Planning Board and the applicant and feels everybody has really tried hard and he has tried hard to find a way to say yes to this but he can't do it and is just not comfortable and doesn't feel it is the right thing to do.

#### RESOLUTION NO. 131

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

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

#### LOCAL LAW #4 OF THE YEAR 2007

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

Section 1. This Local Law shall be known and may be cited as "Local Law #4, 2007, amending the zoning ordinance of the Town of Halfmoon, Local Law #5 of 1995, and the map and official regulations relating to zoning of

the Town of Halfmoon", creating a Planned Development District known as Inglewood Planned Development District.

**Section 2.** Local #5, 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 set forth and enacted in Local Law #5 of 1995, as previously amended and supplemented be and the same hereby are further amended by creating the residential Planned Development District to be known and described as "Inglewood Planned Development District".

**Section 3.** The area comprising said "Inglewood Planned Development District" consists of approximately 9.1 acres, tax map parcel numbers 272.0-1-23.11, and is located at 19 Cemetery Road, Town of Halfmoon, County of Saratoga, State of New York and is bounded and described as set forth in **Exhibit A** attached hereto and made a part hereof.

**Section 4.** There shall be constructed within the area of said "Inglewood Planned Development District", a project generally consistent with the Site Plan dated May 17, 2007, prepared by The Environmental Design Partnership, consisting of a maximum of twenty seven (27) attached multi-family townhouse units together with the necessary infrastructure and improvements in general conformity with the Site Plan dated May17, 2007, entitled "Inglewood PDD, Conceptual Site Plan", attached hereto as **Exhibit "B"** and in general conformity with the zoning ordinance of the Town of Halfmoon with relation to Planned Development Districts and in accordance with the negative declaration by the Town Board of the Town of Halfmoon attached hereto and made a part hereof as **Exhibit "C"**. All lots within the Planned Development District shall front of the Town road and shall have a minimum front yard set back and rear yard set back of thirty (30) feet. The minimum side yard set back is thirteen (13) feet for great lots. The minimum great lot size shall be at least twenty three thousand (23,000) square feet.

**Section 5.** Before application is made for any building permit, preliminary and final site plan approval shall be obtained from the Planning Board of the Town of Halfmoon and the final plan shall be signed by all governmental entities having jurisdiction thereof including but not limited to the Halfmoon Water Department, Halfmoon Planning Department, and Saratoga County Sewer District #1. The final plan shall be filed either in total, or in phases, as approved by the Planning Board of the Town of Halfmoon, in the Saratoga County Clerk's Office. The exact location and specifications of roadways, buffers, green space and other related matters may be changed, altered or amended during the Town of Halfmoon Planning Board review process in a manner generally consistent with the Site Plan dated May 17, 2007.

**Section 6.** Sanitary sewer service shall be provided in general conformance with the Environmental Design Partnership. All sewer mains and appurtenants will be installed and improved/upgraded by the Applicant to the Saratoga County Sewer District No. 1 standards and offered for dedication to the Saratoga County Sewer District No. 1 at no cost to the Saratoga County Sewer District No.1 or the Town of Halfmoon, with delivery to the Saratoga County Sewer District No. 1 of duly executed deeds, easements and bills of sale as appropriate.

**Section 7.** Potable water service for the Inglewood Planned Development District will be provided by the extension of existing water mains in the vicinity of the parcel and as approved by the Town Engineer and Water Department.

**Section 8.** Approval of the New York State Department of Health, New York Department of Environmental Conservation and Town Engineer will be obtained for the potable water system and the sanitary sewer system, as appropriate.

**Section 9.** A storm water management plan will be developed during the site plan review process. The applicant shall offer to the Town of Halfmoon the stormwater management area for dedication to the Town of Halfmoon upon request by the Town and shall post a one-year maintenance bond or letter of credit upon making the dedication. In the event that the dedication of the stormwater management area and any other areas proposed for dedication are not accepted by the Town of Halfmoon, the applicant shall be responsible for the periodic maintenance and/or repair of the system to the Town of Halfmoon at no cost to the Town of Halfmoon.

**Section 10.** All utilities, roads and/or streets within the Inglewood Planned Development District shall be constructed by the Applicant in accordance with the specifications approved during site plan review. Approximately one thousand feet of roadway shall be constructed. The roads shall be offered to the Town of Halfmoon for dedication to the Town. The applicant shall post a two year maintenance bond or letter of credit upon making the dedication to the Town of Halfmoon. The roadway shall be constructed in conformance with the roadway specifications as set forth by the Town Highway Department and the Town engineers with the applicant being responsible for any and all costs associated with the proper inspection of the road.

In an effort to provide a direct positive impact on the immediate area, the applicant shall install a sidewalk along Cemetery Road approximately one thousand one hundred (1,100) feet in length. The applicant is aware that the engineering of the sidewalk will be difficult but has agreed to complete the sidewalk as a condition precedent to receipt of Certificates of Occupancy for any buildings constructed. The applicant shall also preserve existing vegetation as a buffer along both residential and commercial adjacent lands and shall provide additional screening plantings.

Based upon the studies conducted by the Town including but not limited to the Town wide survey, Trail Study, Recreation Study, the open space work conducted on behalf of the Town, the Comprehensive Plan, and the studies conducted and reports prepared for the new Town Park, it is clear that although a proper case exists for requiring a park or parks suitably located for playgrounds or other recreational purposes, this parcel is not suitable for the location of a park of adequate size to meet the needs of the Town of Halfmoon, therefore the applicant shall be responsible for recreation fees as assessed by the Planning Board at the time of the subdivision and prior to the granting of Building Permits. The Inglewood Planned Development District shall contain approximately fifty thousand (50,000) square of open space which shall be maintained by a Homeowner's Association. The open space shall contain a gazebo, walking path, benches, and landscaping.

The Homeowner's Association shall also be responsible for maintaining the emergency access road which shall be constructed as set forth in the plans dated May 17, 2007. The emergency access road shall connect to Lawrence Circle and shall have a gate preventing unauthorized vehicles from utilizing the emergency access.

AT the expense of the applicant, road signage shall be placed along Cemetery Road in a further effort to reduce the impact of the additional traffic that will be generated as a result of this project.

**Section 11.** All buildings and improvements shall be designed and constructed pursuant to plans and specifications approved by a duly licensed architect or engineer and in strict compliance with established construction standards, regulations and codes (including the New York State Uniform Fire Prevention and Building and Construction Code). All construction, during the performance thereof and upon completion, shall be subject to the inspection and approval of the Town of Halfmoon Code Enforcement Officer, Engineer and Superintendent of Highways, and Fire Marshall.

**Section 12.** The Town of Halfmoon Planning Board shall not give final site plan approval unless and until all approvals required by each and every other government or governmental entity have been obtained. The Planning Board may, in its discretion, give approval conditioned upon the Applicant obtaining such approvals.

**Section 13.** Signs within the Inglewood Planned Development District shall comply with the requirements established by the town of Halfmoon Planning Board during site plan review. The architect or engineer performing the work herein described shall be employed by and at the expense of the developer.

**Section 14.** This Local Law shall take effect upon being filed in the Office of the Secretary of State as provided in the Town Law and/or Municipal Home Rule Law.

**Section 15.** The Town of Halfmoon Town Board may, upon the request of the then owner of the Inglewood Planned Development District, modify any of the provisions of this Local Law upon such terms as the Town Board shall determine to be reasonable.

**Section 16.** This Local Law shall be deemed automatically revoked and void, and the previous regulations shall apply, if within three (3) years from the effective date of this Local Law, or within such additional period as the Town Board may subsequently provide without a further public hearing, commencement of the construction of the Inglewood Planned Development District has not begun, or if, after construction has begun, substantial progress, weather permitting, is not continued without interruption.

## NEW BUSINESS

### RESOLUTION NO. 132

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

RESOLVED, that the Town Board approves the Supervisor's Report for month of April 2006 as presented.

### RESOLUTION NO. 133

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 May 15, 2007, totaling \$2,189,858.41.

Councilman Bold commented, regarding the next resolution that this will give him the please of having been Deputy Supervisor for three Supervisor's and it is a pleasure.

### RESOLUTION NO. 134

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

RESOLVED, that the Town Board appoints Councilman A. James Bold as Deputy Supervisor for the year 2007 to be paid \$1,176 prorated annual salary.

Supervisor Wormuth stated, relative to the next resolution, that there was an opening for a Senior Clerk in our Grant writing office and Kim Martin has been with the Town for a long time and they are very leased with the work she does and she has expressed an interest in moving into something different. She stated they are very excited about this.

RESOLUTION NO. 135

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

WHEREAS, a letter of resignation was received from Town Payroll Clerk Kimberly Martin, effective May 18<sup>th</sup>, a resolution is needed to appoint Kimberly Martin as full time Senior Clerk to be paid current hourly rate of pay effective May 21, 2007.

RESOLUTION NO. 136

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 Town membership in the Saratoga County Chamber of Commerce for the annual membership investment of \$311.00.

RESOLUTION NO. 137

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 increase to the Recreation Department petty cash fund to \$500.00 to offset amount necessary for last minute adjustments and authorize the Finance Office to cut checks in advance for children who have signed up for trips in the Summer recreation program to facilitate payment to the trip site.

RESOLUTION NO. 138

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 appoints the following Beautification Program workers for the year 2007: Brandon Brooks, Kevin Parker, Edward Landry, Matthew Keyoskey, Alexander Nassrelgragawi, William Bryans, Jeremy Stewart, Frank Brammer, each to be paid \$7.15 per hour worked and Seasonal Park Laborer, John Poklemba to be paid \$8.15 per hour.

RESOLUTION NO. 139

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 payment to Irene E. and Robert H. Brown for the purchase of .11 +/- acres of real property located at 121 Dunsbach Road for the location of a pump station for the Dunsbach Road Sanitary Sewer project in the amount of \$12,400.

RESOLUTION NO. 140

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

RESOLVED, that the Town Board authorizes letting bids for Town Monument and Welcome Signs to be opened June 5<sup>th</sup> at 7:00 pm.

RESOLUTION NO. 141

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

RESOLVED, that the Town Board authorizes letting bids for one 2007 Infield Groomer for the Town Parks department, to be opened June 5<sup>th</sup> at 7:05 pm.

Councilman Bold asked, stated, relative to the next item if this could be tabled and brought up again at a future meeting.

Resolution to approve proposal from Butler Rowland Mays, Architects, LLP for additional services authorization for Display Cases and Kiosks for the Lobby of the new Town Hall in the lump sum amount of \$4,500 plus a reimbursable allowance of \$200.00 per review and approval of the Town Attorney.

Councilman Bold stated, relative to the next item, that this is the cabling system for the new Town Hall building and will include all the telephone and data, all computer cables, cables for the camera system, the wireless system, the data connection between the two buildings, the fiber connection between the electric room and the computer room and this amount includes an additional \$3,000 allowance, if it is determined during the process that we want to add up ten additional data drops. He stated if they add the ten additional it will be reduced.

#### RESOLUTION NO. 142

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 approves proposal from TAG Solutions for complete cabling system for telephones, data, cameras and fiber links for the New Town Hall in the total amount of \$47,629.40, per review and approval of the Town Attorney.

#### RESOLUTION NO. 143

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 approve the April 2007 Water Report for water usage as submitted by the Director of Water.

Councilman Bold stated, relative to the next item, that this is the location when National Grid will bring the power across Harris Road and then underground to the transformer near the Town Hall.

#### RESOLUTION NO. 144

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

RESOLVED, that the Town Board authorizes the Supervisor to sign perpetual easement for maintenance and repair of electrical power supply infrastructure to new Town hall, per review and approval of the Town Attorney.

#### RESOLUTION NO. 145

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 make the following Creation of Appropriations.

#### RESOLUTION NO. 146

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

RESOLVED, that the Town Board authorizes any qualified employee to work at the Transfer Station when unexpected vacancy occurs at discretion of the caretaker, to be paid their current rate of pay or the current Transfer Station base pay whichever is higher effective May 15, 2007.

Attorney Murphy stated, regarding the next item, that they have had ongoing negotiations with regard to the assessment on this property and the Town had an assessment done as did the property owner and this settlement is actually higher and it is strongly recommended that the Town enter into this settlement.

#### RESOLUTION NO. 147

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 entering into Settlement Agreement with New York State Electric & Gas, 6 Werner Road, SBL #272.-4-72 reduced from \$5,000,000 to \$3,300,000 for 2006-07 and further

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

#### RESOLUTION NO. 148

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 schedule a public information session on the MS-4 Annual Compliance Report for June 5<sup>th</sup> at 7:10 pm.

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

Motion by Councilwoman Parker, seconded by Councilman Polak the meeting was adjourned at 9:00 pm.

Respectfully submitted,

Mary J. Pearson  
Town Clerk

May 25, 2007



