

**The March 16, 2011 regular meeting of the Town Board of the Town of Halfmoon was called to order by Supervisor Wormuth at 7:00 pm in the A. James Bold Meeting Room at the New Town Hall with the following members present:**

Melinda A. Wormuth, Supervisor  
Walter F. Polak, Councilman  
Regina C. Parker, Councilwoman  
Paul L. Hotaling, Councilman  
Craig A. Hayner, Councilman  
Lynda A. Bryan, 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. Councilman Polak led the Pledge of Allegiance.**

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

Councilman Polak stated that the Spring Cleanup starts on April 5<sup>th</sup>, continue on the 8<sup>th</sup> and 9<sup>th</sup> and again on 12<sup>th</sup>, 15<sup>th</sup> and 16<sup>th</sup>. He wanted to remind residents that there are sheets in the Clerk's office that have information including times and for the costs of tires.

Supervisor Wormuth stated she is happy to announce that this information is posted on our website.

Councilman Hayner received a memo today from our Parks Director, P. J. Maiello giving the game plan for the rest of March and April and he is excited about getting into spring cleanup, with Spring right around the corner. He wanted to report the 7<sup>th</sup> Annual Crescent Canal Clean Sweep, will be taking place on Saturday April 16<sup>th</sup> at 10:00 am. He welcomes the public to come join them and help with picking up the litter along the Mohawk River.

Supervisor Wormuth stated that they all have a good time. The town provides gloves and trash bags. The Boy Scouts are always there to help. A good time is had by all, so if anyone would like to join us that would be wonderful.

Attorney Murphy asked the Supervisor if she could respectfully request that the Town Board consider accepting the FEIS on the Halfmoon Village & Yacht Club complete with comments. In order to do so, the Board would need to pass a resolution with regards to that decision.

**Offered by Councilwoman Parker, seconded by Councilman Hotaling.**

Supervisor Wormuth stated that the motions were made to move the proposed PDD forward to the Planning Board deemed complete with comments. Discussion was made by Attorney Murphy pointing out to the Board that one of the comments that she has clearly made, the

engineers have pointed out and many members of the Board have also commented on, is that as it currently stands the proposal for the Halfmoon Village & Yacht Club can not be passed as a planned development district pursuant to our current local laws, because the density of the proposal is currently above the 10 unit per acre that is the limit of your PDD legislation as it exists today. Frankly, the Board has never approved a PDD with the density of greater than about 6.5 units per acre. She just wanted to make sure the Board was aware that language is being included in the FEIS to address that issue as it relates to SEQRA. It can be deemed complete with comments at this point in time and then the actual PDD will itself, will be referred to the Planning Board pursuant to our local law.

Supervisor Wormuth asked that the Town Attorney's comments relative to the density not meeting our legal standard, be entered into the record and forwarded as part of the comments to the Planning Board and at this point she would be willing to take comments from the Board prior to seeking a vote from this Board.

Councilman Polak stated that this a unique project to say the least, but the density is really up there even at 10. As Attorney Murphy stated, we have never approved anything more than 6 or 7. He is certain that our Planning Board is going to look at that and it may increase 6.4 or 7.5 on any other ones that we have done, but certainly we set that precedence years ago and we have never through the two times we've done the Master plan ever increased that 10 density. He is sure that maybe an issue with the Board. He is sure they will carefully look at that. Everything else appears to be in order with our FEIS. He does not have a problem moving it to the Planning Board but want to send it there with some caution.

Councilman Hayner wanted to echo the comment Mr. Polak made about the uniqueness of the project. One thing to take into consideration, whatever way the Planning Board ends up on a per unit basis, is to take into context the overall impact of the footprint of the buildings as compared to other things in town and the area itself and how it would fit in.

Supervisor Wormuth said that certainly as they look at PDD's that's one of the things they look at. That is why they are allowed to be developed outside of the regular zoning. Certainly the uniqueness of the property and the fact that this property is very sheltered by the river and the impact on the surrounding neighborhood would be limited. She hopes that this is something the Planning Board will take into context as they look at it. Also access to the river is very important. Again, she would also like to echo Mr. Polak's concern relative to the density. They have on a regular basis throughout the history of her term on the Board, looked at PDD's and looked at unique community development opportunities and held them to a standard of public benefit. Anything that they do with this project or any other project is something that the Board will have to look at those standards as we move forward. Again, she encourages the Planning Board to look at the density and the impacts on the community, while the public benefits will lie solely with the Town Board not the Planning Board to weigh out that option.

She would caution both Boards to understand that as they move forward into new territory, which is not always a bad thing, but they have to make sure they do it with the stewardship, resources and knowledge that they were elected to take care of the community with and that includes not only the taxpayer dollars, but also the land development.

Councilwoman Parker added that this is definitely unique and different. She stated that just as they did in the Northeastern part of Town, improved an area that was certainly undeveloped. People could not drink, wash, or cook with their water. She would like to give the Southwestern part of the town the same economic advantages to be revived. She stated that we have moved into the 21<sup>st</sup> century. We have Luther Forest coming in. She thinks that the housing and the living that this project would offer would be a tremendous benefit. She states that the people who would move here are looking for a special lifestyle that this project would offer. Empty nesters and retirees as well as those who have boats and want to live along the waterway, will be very interested in the lifestyle Halfmoon Village & Yacht Club can offer. She agrees with the density issue, but she looks forward to hopefully this getting approved so that they can offer something new in town.

Councilman Hotaling stated that he agrees that this is a unique project. During his 4 years on the Board, he stated that this is the most complete document he has ever looked at, even in the private sector. As we grow and try new things, there is always a step and a time for everything. This project will enhance the river area and bring something to our community that the neighboring towns do not have.

There being no further discussion, Supervisor Wormuth stated that there was a motion made and seconded & put deeming this document complete and move it to the planning board. Vote was taken.

#### **RESOLUTION NO. 69**

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

**RESOLVED, that the Town Board deems this document complete and move it to the Planning Board with comments.**

Attorney Murphy asked Madam Clerk to put this matter on the agenda for the April 20, 2011 meeting. The 45 day period has started to run, but has to be justified by the board at the latest, at that meeting.

Supervisor Wormuth stated that in the meantime this will be referred to the Planning Board and they can start the process and review this as their schedule allows and the information the Planning Board requires is made available to them.

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

#### **DEPARTMENT REPORTS- month of February**

1. Senior Dispatch

Total # Meals- 286      Total # Riders- 264

*Filed*

2. Town Clerk

Total fees remitted to the Supervisor \$4,616.50

*Filed*

## **CORRESPONDENCE**

1. Received from Planning Board resolutions approving the following: a subdivision at 116 Harris Road to be known as Loomis Minor Subdivision and an addition to site plan application for Country Drive-In, located at 1455 Vischer Ferry Road.

*Received & Filed*

2. Received from Meg Bearce, a letter of resignation from the Halfmoon Express effective March 22, 2011.

*Received & Filed*

3. Received from the Town Planning Board resolutions approving the following: Sign applications for Koval Electrical Contracting, 10 Guideboard Road, The Wheatfields Tenant Panel sign at Halfmoon Crossings, in the Crossings at Halfmoon. Change of tenant at the St. John Plaza, 1683 Route 9, Sencare USA, Crescent Commons Plaza, 1471 Route 9, provident development 1 year extension of a commercial site plan approval, 1652-1654 Route 9, change of use at Wal-Mart, 1549 Route 9, and Lowe's Home Improvement, 476 Route 146.

*Received & Filed*

## **OLD BUSINESS**

### **RESOLUTION NO. 70**

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

**RESOLVED**, that the Town Board awards Bid Spec. #1-2011, Truck Diesel Fuel received and opened March 14th, to G.A. Bove & Sons, Inc., 76 Railroad Street, Mechanicville, NY at bid markup from low posting in plus amount of .190 per gallon, per review and approval of the Highway committee.

## **NEW BUSINESS**

### **RESOLUTION NO. 71**

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

**RESOLVED**, that the Town Board approves and order paid all vouchers for all funds listed on Abstract dated March 16, 2011 totaling \$235,988.98

## **RESOLUTION NO. 72**

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

**RESOLVED**, that the Town Board approve minutes of Town Board meeting of March 02, 2011 as presented.

## **RESOLUTION NO. 73**

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

**RESOLVED**, to authorize the Supervisor to sign a resolution honoring Gerald E. Morris (Judd) and Frederick B. Chase, to be presented at the Deceased Veterans Memorial on April 19, 2011.

Supervisor Wormuth stated that Saratoga County holds every month an annual Deceased Veterans Celebration at the County at 2:30. This one will be on April 19, if anyone wishes to attend. We will read copies of the resolutions and present them to the families. It is a very nice ceremony; typically they get representation from the Senator's office and the Governor's office. The families are honored with a flag, and in this case it will be the flag that will be flown over the county. There is a shotgun salute outside. It is a very moving ceremony and she encourages anyone who would like to attend and to honor these two gentlemen from our town who certainly gave of themselves to protect our freedom.

## **RESOLUTION NO. 74**

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

**RESOLVED**, that the Town Board authorizes the Supervisor to sign the agreement for UMB Bank to initiate debit entries to employees EBS Benefit Solutions Flex Spending Account per review and approval of the Town Attorney.

## **RESOLUTION NO. 75**

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

**RESOLVED**, that the Town Board rescind resolution #2011-32 of the Town of Halfmoon, Town Board actions of January 11, 2011, which issued a SEQRA (State Environmental Quality Review Act) Negative Declaration of Environmental Significance for the Hudson River Waterfront Park.

## **RESOLUTION NO. 76**

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

**RESOLVED**, the Town Board of the Town of Halfmoon intends to adopt Lead Agency for the Hudson River Waterfront Park project, and

**WHEREAS**, this project is an Unlisted Action subject to environmental review under the provisions in 6 NYCRR Part 617 of the State Environmental Quality Review Law, and

**WHEREAS**, the Town Board has conducted a coordinated review with the involved agencies pursuant to 6 NYCRR 617.6 and no agencies objected to the Town Board's request to act as Lead Agency,

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Halfmoon declares itself Lead Agency for the Hudson River Waterfront Park project pursuant to 6 NYCRR 617.6.

## **RESOLUTION NO. 77**

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

**WHEREAS**, the Town Board has provided funding for the design and construction of the Hudson River Waterfront Park, located at 589 & 597 Hudson River Road in the Town of Halfmoon, including a +/- 2.5 acre waterfront park, parking, access drives, comfort station, park pavilions, open space, river overlook, and non-motorized/car-top boat launch, and

**WHEREAS**, this is an Unlisted Action subject to environmental review under the provisions of the State Environmental Quality Review Act (SEQRA), which does not require coordinated review, and

**WHEREAS**, the Halfmoon Town Board has primary responsibility for funding and constructing the Park, and,

**WHEREAS**: the Town Board, did on March 16, 2011, declare lead agency status for the environmental review of the proposed Hudson River Waterfront Park in accordance with the requirements for uncoordinated review in 6 NYCRR Part 617 of the State Environmental Quality Review Law, and,

**WHEREAS**, the Town Board has reviewed the Long Environmental Assessment Form and accompanying materials prepared for the project,

Supervisor Wormuth stated that this is all part of the previous and the following resolutions, which is part of our grant approval process and the things that are necessary to happen in a certain order to maintain our stability with our grant funding. It does not change anything going on with the project or anything done previous by this Board. It is just a point of order to qualify and be able to show the appropriate resolutions for our grant funding.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board finds that the proposed Hudson River Waterfront Park will not have significant impact on the environment and hereby issues a SEQRA Negative Declaration of Environmental Significance upon the above

## **RESOLUTION NO. 78**

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

**RESOLVED**, that the Town Board enter into agreement with Halfmoon Senior Citizen Association for term effective April 1, 2011 through March 31, 2012 in the budgeted amount of \$36,310 and authorize the Supervisor to execute said agreement per review of the Town Attorney.

Supervisor Wormuth stated that these funds were budgeted in our 2011 budget and are accounted for, so there is no impact on the budget.

THIS AGREEMENT made this 16<sup>th</sup> day of March 2011 by and between the TOWN OF HALFMOON and the HALFMOON SENIOR CITIZENS ASSOCIATION, INC., having its office at 2 Halfmoon Town Plaza, Halfmoon, New York, 12065.

**WITNESSETH**

WHEREAS, it is recognized that there is a need for providing in-town programs for the Senior Citizens of the Town of Halfmoon, and

WHEREAS, the Association has been created for the purpose of providing such a program for Senior Citizens,  
NOW THEREFORE, the parties agree as follows:

1. The Association agrees to provide alleviation from isolation and loneliness through social, cultural, educational and recreational activities; companionship; opportunities to discover new interests; a chance to use old skills; and make a contribution to the welfare of the community.
2. The Association agrees to provide leadership to coordinate the programs.
3. The Association shall, at all times and at its expense, carry insurance coverage in an amount not less than \$1,000,000 covering the Association and the Town of Halfmoon from any and all claims. The Association shall add or cause to be added to its insurance policies (of such coverage) Halfmoon as a named insured or assured. The association shall deposit with the Town Clerk of the Town of Halfmoon a certificate of insurance in such amounts and reflecting such coverage for the period of this agreement.
4. The Association agrees to indemnify, defend and hold harmless the Town from any claim 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.
5. The Association shall share the use and occupancy of the building commonly known as the Halfmoon Senior Center located at Lower Newtown Road, Halfmoon, New York for the term of the Agreement. The Town shall not be responsible for the cost of insurance coverage described herein but will provide and pay for all utilities to the premises for the use of the Senior Citizen Association, Inc. The Town reserves the right to utilize the building for Town purposes.
6. The Association agrees and stipulates not to sublease or otherwise allow the use of the demised premises for a fee or profit to any individual, organization or entity other than the parties to this Agreement.
7. The term of this agreement shall extend from April 1, 2011 until March 31, 2012.

## RESOLUTION NO. 79

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

**RESOLVED**, that the Town Board authorizes entering into Lease Agreement with Shenendehowa Central School District for use of busses for the Town six-week summer recreational program, per the review and approval of the Town Attorney and, authorize the Supervisor to execute said agreement.

Supervisor Wormuth stated that this is something that we do to run our annual Rec Program and she would like to make sure the language is included in this resolution that it is per the review and approval of the Town Attorney as she has not reviewed this contract at this time.

## RESOLUTION NO. 80

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

**RESOLVED**, that the Town Board adopt modifications to the Town of Halfmoon Employee Manual.

Supervisor Wormuth stated motion has been made to adopt modifications made to the employee manual, which include things that were presented in the January meeting and since then. Employees will all have access to and receive copies of them and be asked to sign a receipt for them.

## RESOLUTION NO. 81

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

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

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

DEBIT: Estimated Revenues 10-510 \$400  
Subsidiary: Community Gift Contributions  
10-4-2705 - \$400



CREDIT: Appropriations 10-960 \$400  
Subsidiary: Character Counts – Contractual  
10-5-7989.4 - \$400

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

Tom Swindle 16 Christopher Way, Halfmoon and part the Halfmoon Little League and worked as a coach for both recreational and travel baseball. He comes this evening because he received a message from the leadership of the league that states that many of the good dates this season for field one have been taken from a team from outside of the community. He does not know how you arrive with the decision or what goes on. He says that they work hard to in this community to help with the park to put up scoreboards, batting cages, and dugouts. He personally coaches a travel team and this is really going to hit with our own kids. He urges the Board, if they would consider it, to make it a park first for our kids. The park is large and we should probably be able to share it. He thinks to put our kids first would be the way to go about it. The parents have worked hard in the community to help with the park. They have done a lot of labor with the scoreboard, dugouts, and the batting cages, and to have to take a backseat to another team from another community just does not seem right. So that is my issue and why I urge you to consider it and that is why he is here tonight.

Supervisor Wormuth stated that their goal has always been to work with the Halfmoon Baseball League and continues to be that. She states that she is not sure that information came from that this league is from outside of the community, because they certainly have children from our community represented on that as does our Halfmoon Baseball League have children from other communities and we do not want to discriminate against them. Certainly our first goal is to serve Halfmoon Baseball and we appreciate the partnership that has gone on now for 25 plus, whether at the new park or the Van Den Burg park. The goal is to make this community park that will allow other people access to it. When the decision was made to allow those dates to be reserved, they were not dates that in previous seasons had been on a regular basis utilized by Halfmoon Baseball because they were Sunday mornings. It was felt by Mindy and a decision was made in conjunction with the coordinator of fields that it would not interfere. We have certainly gotten communication with the Baseball League that they feel as the league continues to grow, and will, we will work with them to get their schedules in on a timely fashion on an annual basis in order to allow other people to utilize the fields. As they move forward into next year, they will certainly take that as a first priority as it has always been. They are going to need cooperation from the league in order to decide what their needs are and still allow access to the park for the rest of the taxpayers who are part of this community. They never overlook the work of the parents or the league on the scoreboards the fields or any of the dugouts that were done. They understand that it is a partnership and certainly value that and look to continue that as they move forward.

Mr. Swindle stated that scheduling for a community league of 450 plus kids is extremely robust in comparison to a private travel team to a league that this is night and day. It is so easy for a singular team with 12 kids to make a schedule, but when you are working robustly with 4 or 5 teams, it is not as simple and as easy to produce a schedule as early as they can. He thanked the Board for their time and look forward to hopefully a resolution.

Councilman Polak asked is it a travel team or do we host because it is in the same league.

Mr. Swindle answered that it is another team from another community, he thinks Stillwater. The issue is they scheduled all double - headers, which start at 10:00 and run to probably 3:00 or 3:30, so they are not doing to good on that day at all. If they had a single game we work with that, but double – headers, he is caught short for his team.

Supervisor Wormuth stated that the theory behind the double – headers was to limit the amount of days that they were utilizing the fields. When they looked back in last year’s history on how the fields were utilized, on Sundays, they were not. So they felt, and perhaps it was a mistake on their part, to assume that and they have certainly heard loud and clear from the Baseball league and they will consider that as they move forward next year. Stating also that his team continues to grow his need may change.

Mr. Swindle thanked the Board and stated that he came here as a coach and is a bit disappointed for his kids. He has worked with this group of kids for four years now and thought that he would come and present the issue and hopefully come to a resolution.

Supervisor Wormuth stated that she would try to accommodate you both this year and as we move forward next year. She just wanted to reiterate that the name of the independent league that is from the other community is the Halfmoon Titan Baseball League. They do have residents from Halfmoon and coaches from Halfmoon. She is not saying that they did not start from another area, but they do not go through Halfmoon Baseball League’s rooster and look at where the travel teams come from. She is confident that they are trying to meet a community need. Again, she stated that the first commitment would continue to be to Halfmoon Baseball. If this was a misstep this year, she apologizes and will look at correcting that as we move forward.

Mr. Swindle stated that he has been in baseball quite some time and with the Stillwater Titans last year. He thanked the Board very much for letting him speak with out any notice and appreciate the support.

Supervisor Wormuth stated that our meetings are always opened to the public, and he is always more than welcome.

There being no further business to discuss or resolve, on motion by Councilwoman Parker, seconded by Councilman Polak the meeting was adjourned at 7:30 pm.

**Respectfully Submitted,**

**Lynda A. Bryan  
Town Clerk**

