

The February 17, 2016 Regular meeting was called to order at 7:00 pm by Supervisor Tollisen in the A. James Bold Meeting Room at the New Town Hall with the following members present:

Kevin J. Tollisen, Supervisor
Paul L. Hotaling, Councilman
Daphne V. Jordan, Councilwoman
John P. Wasielewski, Councilman
Jeremy W. Connors, Councilman
Lyn A. Murphy, Town Attorney
Cathy L. Drobny, Deputy Town Attorney
Laurie Sullivan, Deputy Town Clerk

Lynda A. Bryan, Town Clerk - Excused

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

BID OPENING: TRUCK DIESEL FUEL and UNLEADED REGULAR GASOLINE

Supervisor Tollisen: The first item on our agenda this evening is the bid opening for the truck diesel fuel and unleaded regular gasoline. How many bids did we receive?

Deputy Clerk Sullivan: Thank you. We received two sealed bids.

Bids were read as follows:

G.A. Bove Fuels, 76 Railroad Street Mechanicville, NY 12118:

(1) Premium Ultra Low Sulfur Diesel Fuels, including weekly top offs:
.18 Above Albany JOC low posting. (1.11.30 posted +.18 differential = \$1.2930)

(2) Unleaded Regular Gasoline, including weekly top offs:
.18 Above Albany JOC low posting. (1.0514 posted +.18 differential = \$1.2314)

Mirabito Energy Products, The Metrocenter 49 Court Street PO Box 5306 Binghamton, NY 13902

(1) Premium Ultra Low Sulfur Diesel Fuels, including weekly top offs: \$1.2655 + a firm differential of .1975

(2) Unleaded Regular Gasoline, including weekly top offs: \$1.17 + a firm differential of +.1650

Supervisor Tollisen: We are going to refer those bids to the Highway Superintendent and the highway committee for review and determination at the next meeting

PUBLIC HEARING: COLD WAR VETERAN'S EXEMPTION

Supervisor Tollisen asked if anyone wanted the Public Notice read, hearing none

PUBLIC HEARING OPENED: 7:05 pm

Ms. Murphy can you give a short summary of that?

Town Attorney Murphy: Now that there is a small highway tax in the town, the Cold War Exemption for veterans would allow us to provide to veterans who served from that time period to receive the same exemption that they do on their county taxes as it relates to that highway tax as well. It was enabled around 2006 but

because at that time we did not have a highway tax, we did not adopt the recommended legislation put forth by the state to address this issue. Now obviously it has become more relevant.

Supervisor Tollisen: Any questions from the Board?

Councilman Wasielewski: Just to clarify Mr. Supervisor, this would not apply to school taxes or any other taxes in the Town of Halfmoon for homeowners other than the Highway Tax.

Town Attorney Murphy: That is correct. We do not have the authority to influence the taxing ability of a separate taxing district; fire district and the school district are separate taxing entities.

Councilman Wasielewski: Just for clarification, thank you.

Supervisor Tollisen: Any other questions from the Board? Any questions from the public? Hearing none:

PUBLIC HEARING CLOSED: 7:08 pm

Councilman Wasielewski: I would like to make that motion and a quick comment. I think that the Cold War Veterans are totally deserving of this tax exemption. Most of these veterans were volunteers and were not subjected to being drafted. They voluntarily gave up years of their life to serve their country and I think that it is only fitting that we provide this tax break for them. Thank you.

RESOLUTION NO. 68

Offered by Councilman Wasielewski, seconded by Councilman Connors: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, Wasielewski, Jordan & Connors

RESOLVED, that the Town Board approves the Cold War Veteran's exemption allowing eligible veteran's a reduction in their applicable taxes starting in 2017 but will continue for a period of ten years.

Cold War Veterans Tax Exemptions

A Local Law to provide for a partial tax exemption for real property taxes for real property owned by persons who rendered service to the United States during the Cold War (9/2/1945-12/26/1991);

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

Section 1. Legislative Intent and Purpose

- A. The Town Board finds and determines that the sacrifices and services provided by veterans in protecting this Country should be acknowledged by providing certain tax exemptions.
- B. By Chapter 655 of the Laws of New York for 2007, as amended by Chapter 6 of the Laws of New York for 2008 and Chapter 235 of the Laws of New York for 2009, the New York State Legislature amended Section 458-b of the Real Property Tax Law authorizing the adoption of a local law to provide tax exemptions for Cold War veterans.
- C. The purpose of this local law is to adopt tax exemptions for Cold War veterans as authorized by Chapter 655 of the Laws of New York for 2007, as amended by

Chapter 6 of the Laws of New York for 2008 and as amended by Chapter 235 of the Laws of New York for 2009.

Section 2. Definitions

As used in this section of the Code of the Town of Halfmoon:

- A. "Cold War Veteran" means a person, male or female, who served on active duty, in the United States Armed Forces during the time period from September 2, 1945 to December 26, 1991 and was discharged or released therefrom under honorable conditions.
- B. "Armed Forces" means the United States Army, Navy, Marine Corps, Air Force, and Coast Guard.
- C. "Active Duty" means full-time duty in the United States Armed Forces, other than active duty for training.
- D. "Service Connected" means, with respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in the line of duty on active military, naval or air service.
- E. "Qualified Owner" means a Cold War Veteran, the spouse of a Cold War Veteran, or the un-remarried surviving spouse of a deceased Cold War Veteran. Where property is owned by more than one qualified owner, the exemption to which each is entitled may be combined. Where a veteran is also the un-remarried surviving spouse of a veteran, such person may also receive any exemption to which the deceased spouse was entitled.
- F. "Qualified Residential Real Property" means property owned by a qualified owner which is used exclusively for residential purposes; provided, however, that in the event that any portion of such property is not used exclusively for residential purposes, but is used for other purposes, such portion shall be subject to taxation and only the remaining portion used exclusively for residential purposes shall be subject to the exemption provided by this section. Such property shall be the primary residence of the Cold War Veteran or the un-remarried surviving spouse of a Cold War Veteran, unless the Cold War Veteran or un-remarried surviving spouse is absent from the property due to medical reasons or institutionalization.
- G. "Latest State Equalization Rate" means the latest final equalization rate established by the State Board of Real Property Services pursuant to article twelve of New York State Real Property Tax Law.
- H. "Latest Class Ratio" means the latest final class ratio established by the New York State Board of Real Property Tax Service pursuant to title one of article twelve of the New York State Real Property Tax Law for use in a special assessing unit as defined in section eighteen hundred one of the New York State Real Property Tax Law.

Section 3. Amount of Exemption; Limitations

- A. Qualifying residential real property shall be exempt from taxation to the extent of fifteen percent (15%) of the assessed value of such property; provided however, that such exemption shall not exceed twelve thousand dollars (\$12,000) or the product of twelve thousand dollars (\$12,000) multiplied by the latest state equalization rate for

the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

- B. In addition to the exemption provided by subdivision A of this section, where the Cold War Veteran received a compensation rating from the United States Veterans Affairs or from the United States Department of Defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by fifty percent of the Cold War Veteran disability rating; provided, however, that such exemption shall not exceed forty thousand dollars (\$40,000) or the product of forty thousand dollars (\$40,000) multiplied by the latest state equalization rate of the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.
- C. If a Cold War Veteran receives either a veterans' exemption authorized by Section 458 of the real Property Tax Law, or an alternative veterans' exemption authorized by Section 458-a of the Real Property Tax Law, the Cold War Veteran shall not be eligible to receive an exemption under this local law.

Section 4. Duration of Exemption

The exemption provided by this local law shall be granted for a period of ten years. The commencement of such ten year period shall be governed pursuant to this section. Where a qualified owner owns qualifying residential real property on the effective date of this local law, or such other date as may be set forth in Section 458-b(2)(c) of the New York State Real Property Tax Law, such ten year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring on or after the effective date of this local law, or such other date as may be set forth in Section 458-b(2)(c) of the New York State Real Property Tax Law. Where a qualified owner does not own qualifying residential real property on the effective date of this local law, or such other date as may be set forth in Section 458-b(2)(c) of the New York State Real Property Tax Law, such ten year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring at least sixty days after the date of purchase of qualifying residential real property; provided, however, that should the veteran apply for and be granted an exemption on the assessment roll prepared pursuant to a taxable status date occurring within sixty days after the date of purchase of residential real property, such ten year period shall be measured from the first assessment roll in which the exemption occurs. If, before the expiration of such ten year period, such exempt property is sold and replaced with other residential real property, such exemption may be granted pursuant to this section for the unexpired portion of the ten year exemption period.

Section 5. Application for Exemption

Application for the exemption set forth in this local law shall be made by the qualified owner, or all of the qualified owners, of the property on a form prescribed by the New York State Board of Real Property Tax Service. The owner or owners shall file the completed form in their local assessor's office on or before the first appropriate taxable status date. The exemption shall continue in full force and effect for all appropriate subsequent tax years and the owner or owners of the property shall not be required to refile each year. Applicants shall be required to refile on or before the taxable status date if the disability percentage increases or decreases or may refile if other changes occurred which affect qualification for an increase or decrease of the amount of exemption. Any applicant convicted of willfully making any false statement in the application for such exemption shall be subject to the penalties prescribed in the New York State Penal Law.

Section 6. Property Held in Trust

Notwithstanding any other provision of law to the contrary, the provisions of this local law shall apply to any real property held in trust solely for the benefit of a person or persons who

would otherwise be eligible for a real property tax exemption, pursuant to this section, were such person or persons the owner or owners of such real property.

Section 7. Cooperative Apartment Corporations

- A. For the purposes of this section, title to the portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resided and which is represented by his or her share or shares of stock in such corporation as determined by its or their proportional relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder.

- B. Provided that all other eligibility criteria of this section are met, that proportion of the assessment of such real property owned by a cooperative apartment corporation determined by the relationship of such real property vested in such tenant-stockholder to such real property owned by such cooperative apartment corporation in which such tenant-stockholder resides shall be subjected to exemption from taxation pursuant to this section and any exemption so granted shall be credited by the appropriate taxing authority against the assessed valuation of such real property; the reduction in real property taxes realized thereby shall be credited by the cooperative apartment corporation against the amount of taxes otherwise payable by or chargeable to such tenant-stockholder.

- C. Notwithstanding paragraph (B) of this subdivision, a tenant-stockholder who resides in a dwelling that is subject to the provisions of either article two, four, five or eleven of the private housing finance law shall not be eligible for an exemption pursuant to this section.

Section 8. Effective Date

This Local Law shall take effect immediately and shall apply to assessment rolls based on taxable status occurring on or after such date.

PRESENTATION: PARCLAND (CAROLE JEAN ESTATES) PDD AMENDMENT

Jeff Williams, Bruce Tanski Construction and Development: Good evening. I am here with Bruce Tanski, the owner and applicant of the proposed amendment to Parcland PDD application. Parcland Estates PDD was established in 1996 by the town. We have renamed it Carol Jean Estates since then and I will refer to it as that as I go through the presentation. Carol Jean Estates is located off of Cemetery Road in Halfmoon. It consists of 12 eight unit apartment buildings for a total of 96 apartment units. This is all on 11.62 acres. Carol Jean Estates is surrounded by Halfmoon Estates which is the former Turf Mobile Home Park on the west and single family residential developments on the east. It is surrounded by natural vegetation and creates a natural buffer to all of the neighboring uses. Our proposed amendment tonight is to add .60 acres of neighboring lands which is located at 86 Cemetery Road, which is also owned by Mr. Tanski, to be able to construct one more additional eight unit building in proximity to that land. On that land there is an existing family residence and we remove that residence to be able to construct that new building.

The proposed amendment by adding the .60 acres to the existing site would give the total site 12.22 acres of land and it would bring the total number of units to 104. Density calculations would go from 8.26 units per acre which is 96 units divided by 11.62 acres to 8.56 units per acre which is the 104 divided by the 12.22. This falls within the range of the allowed density in the multifamily PDD's in the town zoning

ordinance. Tonight we are looking for referral to the Planning Board for recommendation for the proposed amendment. The proposed amendment will not alter the character of the neighborhood or the nature of the existing 20 year old well maintained Carol Jean Estates Apartment Complex. The apartment complex has created a good transitional zone between the high density mobile home park and through the existing single family residential uses. It removes an unsightly home on a hazardous curve on Cemetery Road and it will provide an affordable choice for housing for its residents.

Thank you and I will take any questions.

Supervisor Tollisen: Any questions from the Board?

Councilman Connors: The main entrance and exit for Carol Jean Estates will be the same?

Jeff Williams: Yes it will stay there. There will be no new ones.

Councilman Connors: Thank you.

Councilman Hotaling: Jeff, you are going to be using the existing public water and sewer?

Jeff Williams: Yes.

Supervisor Tollisen: Any questions from the Board?

Councilman Wasielewski: Any modifications on the curve?

Jeff Williams: No, the existing curve cuts.

Councilman Wasielewski: Basically just knocking down that house and putting up another eight units.

Jeff Williams: Yes, that is what we are asking. It is expanding the boundaries of the original PDD and expanding the number of units in the original PDD.

RESOLUTION NO. 69

Offered by Councilman Hotaling, seconded by Councilwoman Jordan: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, Wasielewski, Jordan & Connors

RESOLVED, that the Town Board refers the Parcland PDD to the Planning Board for recommendation for the proposed amendment.

POLL BOARD:

Councilman Connors	AYE
Councilwoman Jordan	AYE
Councilman Wasielewski	AYE
Councilman Hotaling	AYE
Supervisor Tollisen	AYE

Jeff Williams: Thank you.

COMMUNITY EVENTS:

Real Talk: Heroin Wednesday February 24th at the Clifton Park – Halfmoon Library from 6:30 8:00 pm Powerful interviews with people whose lives have been touched by the heroin crisis.

Clifton Park-Halfmoon Public Library Robot Demonstration & The Martian Movie Sunday, March 6, 2016 @ 1 PM

Easter “Egg”stravganza – March 19th at Town Hall from 1:00 – 3:00 Easter fun for all kids!

Yellow Ribbon Day – April 8th Service at 11:00 am at Halfmoon Town Hall

Senior Center Spring Bazaar – April 30th at the senior center

Vietnam War Memorial Wall – The Town of Halfmoon and Senator Marchione in conjunction with the NYS Senate will be hosting the Memorial in the Halfmoon Town Park for 5 days from June 2nd through June 6th, 2016. There will be a reading of the names of those who made the ultimate sacrifice in the Vietnam War.

TOWN MEETINGS:

Town Board Meetings: 1st & 3rd Wednesday of month at 7:00 pm except May 7th at 2:00pm

Zoning Board of Appeals: 1st Monday of month at 7:00 pm.

Planning Board Meeting: 2nd & 4th Monday of month at 7:00 pm.

Board of Assessment Review: 4th Tuesday in May

Senior Center Business Meeting: 1st Wednesday of month at 1:00 pm

Halfmoon Historical Society: Last Tuesday of month at 7:00 pm

Open Space & Trails Committee: February 9th, April 20th, May 18th, July 20th, September 21, & November 16th.

Resident Relations Committee: January 13, 2016

Business & Economic Development Committee: February 18th at 7:00 pm

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Kevin J. Tollisen (Town Supervisor): We just got back from the Association of Towns and a number of the board members and officials from the town went. It is a very worthwhile conference.

My item that I am requesting approval on tonight is what I spoke about in the pre-meeting. The Town of Clifton Park has initiated a resolution that is being generated throughout the county and is asking for the town’s support with respect to infrastructure improvements in the State of New York. Basically, the reference is that we have our CHIPS program. The CHIPS program provides an allocation of resources to a number of individual of towns based on size and things of that nature so that there is consistent maintenance funding for road improvements. The Supervisor in the Town of Clifton Park is requesting all of our towns to show support for New York State to provide an infrastructure program similar to CHIPS for distributing funds to municipalities based upon this CHIPS formula to insure the integrity and solidity of our infrastructure. I think that this is a very important piece of legislature. I think that it is important for the Town of Halfmoon to show our support for this. In light of this past year, we’ve had eight public workshops discussing long term effects and plans for our infrastructure. The governor seems to make the infrastructure improvements based upon a competitive bidding. Unfortunately, when you have competitive types of bidding, some people win and some people loose, I think that for the entire State of New York, all of our municipalities are feeling the crunch of infrastructure issues and a more reasonable and rational approach is something that is needed similar to CHIPS. I would support this and ask to proceed with this resolution.

Councilwoman Jordan: This is something that the NYS Legislature has been discussing and hearing about. As you said Supervisor, the Governor has put money in the budget for improvements of infrastructure but he hasn't said how it is going to be rolled out; the fear is that it will be one of his hunger games strategies where several places win a chunk of the monies. A CHIPS formula would work very well for fair distribution.

Supervisor Tollisen: Just to further this; if you can rely upon getting a certain amount of money per year, this will better your 5 year - 10 year plan as to what infrastructure improvements you are going to make rather than it being based upon some formula that no one knows about or even if you are going to get that extra money.

RESOLUTION NO. 71

Offered by Councilwoman Jordan, seconded by Councilman Connors: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, Wasielewski, Jordan & Connors

RESOLVED, that the Town Board supports the Town of Clifton Park in their request to use the CHIPS formula with regard to how the monies the Governor has budgeted for infrastructure improvements is dispensed to the municipalities within the State of New York.

Paul Hotaling (Deputy Supervisor): (1) Chair of Parks & Recreation, (2) Chair of Town Infrastructure (Water, Highway, Building & Maintenance), (3) Chair of Character Counts, (4) Chair of Personnel Committee, (5) Chair of Safety Committee

Councilman Hotaling: Winter Camp is in full swing here in town this week in Town Hall. We have 26 children attending. The Rec Program is accepting applications for camp counselors at eth Rec Office.

John Wasielewski (Town Board Member): (1) Chair of Ethics Committee, (2) Chair of Committee on Emergency Services and Public Safety (Emergency Corps, Fire Department, Police); (3) Chair of Committee on Resident Relations, (4) Liaison to Planning Board

Councilman Wasielewski: Just a few items tonight Mr. Supervisor. The Ethics Committee met last Wednesday for an ethics opinion. An opinion was given and being written by the Chairman of the Ethics Committee and will be forwarded on to the town employee in question very shortly.

The next Residents Relations Committee will meet on Wednesday March 30th and I would also like to wish a Happy 87th Birthday to a long time Clifton Park Fire Department member Lenny Oshins. That is all that I have this evening.

Daphne Jordan (Town Board Member): (1) Chair of Business and Economic Development Committee (2) Chair of Insurance (Liability and Medical) (3) Liaison to Open Space and Trails Committee, (4) Zoning Board Liaison

Councilwoman Jordan: The Business and Economic Development Committee will be meeting herein Town Hall tomorrow evening at 7:00 pm. The public is welcome to attend.

Jeremy Connors (Town Board Member): (1) Liaison to Planning Board; (2) Chair of Animal Control Committee (3) Chair of Committee on Not for Profit Organizations; (4) Co-Chair of Business & Economic Development Committee (5) Chair of Committee for Baseball/Athletic Organizations

Councilman Connors: Thank you Mr. Supervisor, we will be meeting with the Baseball League this evening after we finish up here to discuss the upcoming season. Spring is right around the corner. It is a good sign now that we are talking baseball. Second of all I just wanted to extend my thanks for the Halfmoon – Waterford Fire District for attending their Annual Installation Banquet. Congratulations to the Chief, Officers, Company Officers, District Officers and looking forward to working with them this year. That is all I have.

Lynda Bryan (Town Clerk): (1) Chair of Senior Programs, (2) Chair of Committee on Historical Archives (3) Co-Chair on Residence Relations Committee

Amanda Smith (Recreation Director): (1) Liaison to Halfmoon Celebrations Committee

Lyn Murphy, Esq., (Town Attorney)

Cathy Drobny, Esq. (Town Attorney)

PUBLIC COMMENT for agenda items – No one came forward

DEPARTMENT REPORTS – month of January

1. Building

Total # Permits – 68 Total Fees Submitted to the Supervisor - \$10,495

2. Fire

Total # Permits – 12 Total Fees Submitted to the Supervisor - \$900

3. Safety Inspections

Total # Inspections – 46 Total Fees Submitted to the Supervisor - \$3,400

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CORRESPONDENCE

1. Received from the Town Planning Board meeting on January 8th, Resolutions approving the following: Sign Application for Warren Tire Service Center, 155 Stone Quarry Road, Change of Use/Tenant Applications for Enterprises DBA Maple Leaf Childcare Inc., 41 Werner Road, for Modern Day Music, 1673 Route 9 (Healthplex), and for Mattress By Appointment, 1603 Route (Town Center Plaza), Minor Subdivision Approval for the Subdivision of the lands of Thomas Bisceglia, Hudson River Road.

Received & Filed

NEW BUSINESS

RESOLUTION NO. 72

Offered by Councilman Wasielewski, seconded by Councilwoman Jordan: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, Wasielewski, Jordan & Connors

RESOLVED, that the Town Board approves and orders paid Vouchers numbered 0286-0386

===== FUND TOTALS =====

10 GENERAL FUND	\$81,428.29
20 HIGHWAY FUND	\$16,478.31
25 SPECIAL REVENUE	\$4,070.00

30 CONSOLIDATED WATER	\$89,716.82
65 LIGHTING DIST	\$182.18

ABSTRACT TOTAL: \$191,875.60

RESOLUTION NO. 73

Offered by Councilman Connors, seconded by Councilman Wasielewski: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, Wasielewski, Jordan & Connors

RESOLVED, that the Town Board approves the minutes of Town Board meeting of, Organizational Meeting and the Town Board Meeting of February 3, 2016 as presented.

RESOLUTION NO. 74

Offered by Councilman Hotaling, seconded by Councilman Connors: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, Wasielewski, Jordan & Connors

RESOLVED, that the Town Board authorizes the Town Supervisor to sign the contract with Mechanicville City Schools to use their Buildings and Grounds for the Summer Camp Program from June 27 – August 5, per the review and approval of the Town of Attorney.

RESOLUTION NO. 75

Offered by Councilwoman Jordan, seconded by Councilman Hotaling: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, Wasielewski, Jordan & Connors

RESOLVED, that the Town Board designated February 29, 2016 at Leap of Kindness Day in the Town of Halfmoon, as promoted and coordinated by the Saratoga County Chamber of Commerce.

RESOLUTION NO. 76

Offered by Councilwoman Connors, seconded by Councilman Wasielewski: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, Wasielewski, Jordan & Connors

RESOLVED, that the Town Board designates March 2016 as Colorectal Cancer Awareness Month in the Town of Halfmoon.

RESOLUTION NO. 77

Offered by Councilwoman Jordan, seconded by Councilman Connors: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, Wasielewski, Jordan & Connors

RESOLVED, to authorize the Town Board to let bids for Uniform Rental for the Town of Halfmoon highway department for a three year period to be opened February 29, 2016 at 1:00 pm

RESOLUTION NO. 78

