

The September 21, 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 S. Sullivan, Deputy Town Clerk

Lynda A. Bryan, Town Clerk -Excused

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

PRESENTATION: MOTT ORCHARD PDD

Joel Bianchi, with MJ Engineering I am here tonight presenting the Mott Orchard PDD and with part of the development team Mr. Lou Lecce and Jeff Gabriel. I think that the town may be familiar with their work in the town with other projects that are under construction in town.

MOTT ORCHARD PDD is located on Farm to Market Road ½ mile west of Pruy Hill Road. It is within the town's Agricultural/Residential district and it is in the town's Northern Halfmoon GEIS. Because of where the property resides, there is certain criteria that we must abide by and most importantly in the Northern GEIS subdivisions have to follow the conservation subdivision process. The quote that is provided there is right out of your zoning code, that basically says that that conservation subdivision process is encouraged because it maintains the town's character but also provides the opportunity for economic opportunities for diverse housing options. As I show you the concept, I think that we have accomplished some of those underlying goals of the zoning district. One of the other large elements with the conservation subdivision process is that you need to provide a minimal of 20% open space and of that 20%, 25% of that has to be useful.

This shot (showing map) shows an aerial of what it looks like. Historically, it has been a farm. I think it was farmed up until last summer and primarily corn, but it is an active agricultural use. As we developed a concept, we went through the conservation subdivision process that's prescribed in your zoning regulations. We have to look up the constrained lands and what are the state regulated wetlands. We've had them delineated and met with DEC and they have confirmed and agreed with those wetlands. The core wetlands are on the southern parcel and generally water wants to drain to the south.

The next process through the town's zoning is to look at the areas that you are trying to preserve. Our primary goal was to protect the core wetlands. There is also a scenic road, the Farm to Market Road. Once we go through the conservation analysis, what we have come up with a PDD which is a residential subdivision. It is 91 lots, which is roughly 20 more beyond what would be permitted by zoning. We have taken the approach by having a mixture of 33 detached single family homes and 28 single family, smaller Carriage style houses and then 30 attached single family homes, almost like a townhome. They are owner occupied, separated by a party wall, basically a zero lot line.

With the plan we have open space of 48 acres, almost half of the parcel and well above what the minimum requirement is. With the useable open space, we have 17

acres which again is above the 25% minimum. The project will have public water and sewer extended from the county sewer district which is to the west and then the town's water mains which is to the east. We will be looping the water mains, which were discussed with the town water department.

The public benefit, that is actually incorrect. It is likely going to be in the order of \$2,000 per lot which is what was being proposed. The idea, at least in the narrative, we had earmarked it towards intersection improvements towards 146. Mr. Lecce is working independently with Creighton Manning, DOT and the town and I believe that it is coming to somewhat of an agreement and principal of what those improvements might be. So that is what we are proposing as a public benefit as part of this project.

When we look at the concept plan, we were cognizant not to isolate the property boundaries behind lots that you couldn't get to. Intertwined through that open spaces we have some paths, what the construction of those paths might be, we would have a dialog with the town as to whether we have a stone base or a paved asphalt path. It has a lot of connectivity around the subdivision and trying to be cognizant of people's privacies. We may expect some of it to go through some of the designated wetlands; at least the adjacent area, but we do not have any impacts to the regulated wetlands as part of this project. We also show connectivity to adjacent properties. There is a subdivision to the north and undeveloped parcels to the west. We have looked to the south and I believe that it is town open space to the south, it is really constrained lands and we are also constrained by wetlands by the east. So we thought that to the west was the best option to provide connectivity to this subdivision with other parcels.

When you look at the diversity of the houses (showing the map), we are proposing 3 different types or styles of single family homes. The yellow area showing the larger homes are 20,000 square foot lots, the more conventional that you may be familiar with, the red are the Carriage Homes, attached single family homes with a smaller footprint and then the twin lots with at zero lot line and maybe a 1,500 square foot house. I think that we can be very creative with those housing styles and not look like a standard townhome or the condo that you are familiar with. The target market for houses at least on the town homes would be in the high \$200,000 and then that price gradually goes up with what the owner basically wants at the end of the day.

If the Board has any questions, I will answer. Our ultimate goal is to get a favorable recommendation from the Board and get referred to the Planning Board.

Supervisor Tollisen: Just a few questions from me. Considering the internal trail that you are looking to put in there, is that something that is going to be owned by whom?

Joel Bianchi: We would expect that because there are large tracts of open space, the town, I am sure has no interest in taking ownership of that so that would precipitate an HOA.

Supervisor Tollisen: OK, this would be an HOA and the HOA would own the internal trails.

Joel Bianchi: It makes the most sense.

Councilwoman Jordan: The developer has been very good in helping us with the Swatling Falls Trail. We are very cognizant that we really don't want trails that lead to nowhere. This trail needs to have some kind of connectivity. You did speak about the stub road that is already there and perhaps it could connect to Howland

Park. I believe it would require work with Marini and perhaps some connectivity to Windsor Woods?

Joel Bianchi: To Windsor Woods to the south? We do share a common property line to the south so if there were opportunity to make that connection; we would absolutely see if we could do that.

Councilwoman Jordan: We work with the Planning Department and the Trails Committee to make sure that the trail is actually a useful trail and that there is connectivity.

Joel Bianchi: We would work through the Planning Board and also the Planning Department and the Trails Committee after first seeing if it is violable and we are not running it through a wetland. If it is violable, we will explore that option.

Supervisor Tollisen: I think that one of the things that need to be looked at here is that part of this development seems to abut the Town of Halfmoon property. So there could be some connection from development to development into town property which is the Vosburgh piece that we already own. There are some issues with Vosburgh in of itself, but if you can get it into that particular area of town property, that might be something also to look at from that perspective. Eventually that will get built out and venture out to Sheldon Hills and down to the Town Park and to the Champlain Canal. I think that if we can make some connectivity with the trails and with the town property it would be beneficial. What you are showing here is something that is good. I am very happy that it's not town owned, thank you and secondly we can take the mission of the Trails and Open Space Committee and get to our goal by using the property that adjoins the Town of Halfmoon.

Councilwoman Jordan: At this point, I just want to know that you are very willing to work with us.

Joel Bianchi: Absolutely, and this was just our first attempt based on what we had control over and what we knew what was going on adjacent to us. If there is bigger visions, bigger ideas, and then we can actually look at those and see how we can incorporate and make the connectivity to ours.

Councilwoman Jordan: Great, thank you.

Supervisor Tollisen: The second part of this is the \$2,000 per lot public benefit, I expect that is for general highway improvements?

Joel Bianchi: We had thought because of Mr. Leece and Mr. Gabriel's involvement on another project, yes general highway improvements.

Councilman Hotaling: You said that you were working with Creighton Manning on a traffic study, but this town has adopted where you would have an independent firm appointed by the Town of Halfmoon to do the traffic study.

Joel Bianchi: If we were to get favorable recommendation out of this and the town says that we need to have an independent traffic study, we would then have a firm selected by the Planning Board of the town. We are one of those, Creighton Manning is one of those and obviously we would not be the one to do it, it would be someone else.

Supervisor Tollisen: Correct. Any other questions from the Board?

Councilman Wasielewski: I would like to make a motion to forward this onto the Planning Board.

RESOLUTION NO. 315

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 refers the Mott Orchard Planned Development District to the Planning Board.

Supervisor Tollisen: You can get in contact with the Planning Board and coordinate with them to get on their agenda. Have a good night.

POLL OF THE BOARD:

Councilman Connors -	Aye
Councilwoman Jordan -	Aye
Councilman Wasielewski -	Aye
Councilman Hotaling -	Aye
Supervisor Tollisen -	Aye

Town Attorney Murphy: As part of that, could you please coordinate with Planning with regards to lead agency sending out the letters etc. This board will be the lead agent but planning will coordinate the sending of the letters.

COMMUNITY EVENTS:

Fall Cleanup at the Town of Halfmoon Transfer Station dates: September 20, 23, 24, 27, 30 and October 1st. This service is **FREE** (some restrictions apply) to Halfmoon residents. Please pick up your **FREE** permit sticker at the Town Clerk's Office.

TOWN MEETINGS:

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

Pre-meeting at 6:30 pm

Zoning Board of Appeals: 1st Monday of month at 7:15 pm. Pre-meeting at 7:00 pm

Planning Board Meeting: 2nd & 4th Monday of month at 7:00 pm. Pre-meeting at 6:00 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: October 17th & December 19th

Resident Relations Committee: TBD

Business & Economic Development Committee: TBD

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Kevin J. Tollisen (Town Supervisor)

2107 Budget: Myself, the Budget Officer, and the Deputy Supervisor have been involved in preparing the 2017 budget. There is going to be a number of things that are happening with the 2017 budget that will be submitted to the Town Clerk by September 30th. At the next meeting in October, we will be setting up a few budget workshops so that the public can get a line by line view of it and ask any questions or concerns or some general knowledge about the town budget. We will be setting that at the next meeting.

Secondly, I did attend the public hearing last night for the expansion of the Town of Colonie Landfill. We have notified residents with respect to the expansion of the

landfill by 700 letters being delivered by town staff in the targeted area and also a targeted robo call reaching a larger amount of residents. Residents are aware of it. If you have any questions about the Town of Colonie Landfill and what is happening there you should certainly look at the town's website. My office will be following up with further letters to the Deputy Commissioner of DEC with respect to different requests for an additional public hearing. We do suggest residents to submit written comments as well.

I was there last night with a number of residents from the Town of Halfmoon expressing the towns concerns with at number if items.

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

I want to thank the Supervisor and the rest of the board and Halfmoon Celebrations. We had a great Fall Festival on Saturday at the Town Park. A lot of volunteers came out and helped. I really want to thank our staff. The Parks Department is underrated for the job that they do. They work several days getting ready and the Building Maintenance guys pitched in along with the Rec Staff along with the volunteers making it a great event!

The ski program is starting to get rolling and it won't be long before it's here.

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

I have no report tonight, thank you Mr. Supervisor

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

Since our last board meeting, we had a ribbon cutting ceremony for the 3rd Phase of the Champlain Canal Trail. I just want to acknowledge certain people. The people on the Open Space and Trails Committee have worked on that for years and long before my time. I also want to thank Kim Martin who stays on top of our grants and all of the progress on the current projects. She does an outstanding job for the town. I also wanted to thank Paul Maiello, our Parks Director who maintains our trails and who helps to make sure that they are going to be developed properly and to also thank our Supervisor who has a strong belief in the Open Space and Trails for our town. I thank Pete Bardunias for always coming and being the cheerleader at all of our ribbon cuttings.

I also wanted to mention that on the 15th, we had a public workshop on the zoning recommendations that were made by the Zoning Review Committee and the Business and Economic Development Committee. So stay tuned for future public workshops or hearings where the public will be invited to speak and let us know what they think of our new zoning recommendations. That is all that I have this evening.

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

To echo the statements of the Deputy Supervisor, I just wanted to recognize everybody for their hard work and efforts during the Fall Festival. The Celebrations Committee did a fantastic job. The Waterford – Halfmoon Fire Company had a lot of positive comments about their outreach to the community. As you know they are a volunteer fire organization in our town and they did a fantastic extrication and got out and really interacted with our youth, which is very important these days. So I commend them for their positive contributions to our town.

Also, I want to mention the 9/11 Ceremony that was held on September 11th a couple of Sunday's ago. It was well attended and we keep the memory of those who gave their lives for our freedom and the patriots that had no other choice. I commend our Emergency services for taking the time out of their day to participate and show their commitment to the town. They did a fantastic memorial procession from Harris Road to our Abele Memorial Park. That is all that I have, Mr. Supervisor.

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 discussion of agenda topics)

DEPARTMENT REPORTS –month of August

DEPARTMENT REPORTS – month of August

1. Town Clerk Total Fees Submitted to the Supervisor \$8,199.97

DEPARTMENT MANAGER MONTHLY REPORTS – (Can be viewed at the Town Clerk's Office) month of August

CORRESPONDENCE

1. **Received** from the Town Planning Board Resolutions approved at the September 12, 2016 meeting: Change of Use/Tenant Application for Daqing Zhang Nail Salon, 1581 Route 9, for Renewal of a Site Plan for the Halfmoon Coffee Shop & Restaurant Development Project, 1589 Route 9, for Final Subdivision Approval for the Proposed Linden Woods Subdivision Parts A & B, Dunsbach Road and a Negative Recommendation for the Proposed Amendment to the Halfmoon Village PDD.

Received & Filed

2. **Received** from the folks from the Walk with Compassion event, a card thanking the town for their partnership with their walk on August 27th in the Town Park.

Received & Filed

3. **Received** from Jan Harrington, one of our seniors thanking everyone at the town for the great picnic on August 18th. She said it was a beautiful day!

Received & Filed

4. **Received** from Care Links of Southern Saratoga County a copy of their 2014 Independent Auditor's report completed by Bonadio & Co., LLP.

Received & Filed

5. Received from NYSEG a copy of the Notice of Intent of their filing with the Federal Energy Regulatory Commission to pursue a new license for the continued operation of the Upper Mechanicville Hydroelectric Project (FERC No. 2934) Distribution of Proposed Study Plan.

Received & Filed

6. Received from the West Crescent Fire District, their 2017 Tentative Budget

Received & Filed

7. Received from the Halfmoon - Waterford Fire District #1, their 2017 Proposed Adopted Budget

Received & Filed

OLD BUSINESS

RESOLUTION NO. 316

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 schedules a Public Hearing for October 5, 2016, at 7:00 pm or as soon thereafter as the matter may be heard, in the A. James Bold meeting room at the Town Hall located at 2 Halfmoon Town Plaza, Halfmoon, New York, 12065 for the proposed amendment to the Halfmoon Village PDD.

RESOLUTION NO. 317

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

RESOLVED, that the Town Board to remove from the table the Kensington of Halfmoon Planned Development District Phase II, tabled at the August 17, 2016 Town Board meeting.

Supervisor Tollisen: Mr. Hoblock, if you don't mind coming up. At the public hearing a few weeks ago, one of the tasks that we have asked from you, after hearing the comments and concerns from residents, that those items be addressed before the board makes any final determination or decision with respect to your application for the PDD. Can you please highlight for the Board.

Bill Hoblock: Certainly. I will mention a few things that have happened since the public hearing on August 17th.

- We have received approval from the Saratoga County Planning Board
- We have reached out to 3 residents on Stone Quarry Road who raised a concern about the potential blasting during construction the effect that it will have on their wells. We have offered those 3 residents at our cost to connect to the municipal water system to eliminate those concerns.
- The Sicko's were here the last time that live on Route 9 and had a letter written. There is not municipal water down there so that creates a problem. What I have done and submitted it to the Board of the proposed blasting procedures that I think is as comprehensive as you are going to see. As to both structures and wells, I will do pre and post blasting inspections. I have tried to do everything that I can to make every possible effort to accommodate the handful of residents who came and spoke out about their concerns at the public hearing.
- The 2 main issues: the blasting that I have talked about and the traffic. We had Creighton Manning here the last time to discuss all of the studies that

have been done on this project over the years whether it was the 97 or the 60 units. Reducing the number of units really reduces the traffic impact to 20 am/pm peak and given the improvements we made to the roads in connection with Phase I, the road network can handle that, Creighton Manning discussed that at the public hearing.

- **Blasting Plan** – I submitted the proposed blasting procedures and given the importance of this issue to the neighbors:
 - 1- We formulate & submit a blasting plan to the Town Building Department and town designated engineer (TDE). I want to make sure that the town engineer is brought into every aspect of the blasting process at our cost
 - 2- The plan outlines all of the procedures that take place during activities such as pre blast surveys and notification, post blast surveys, monitoring, signals, safety, material delivery and storage, blasting design and reporting. That will be reported to the Building Department and the TDE. CHA has people on its staff that is intimately familiar with blasting. You are going to have an expert at no cost to the town overseeing this entire process.
 - 3- After its submitted and reviewed, we will have a meeting to discuss all activity and the plan with us, the town Building Department, the TDE, the general contractor and the blasting contractor. That is your blasting plan.
 - 4- **A pre blast survey** is of the adjacent properties so you note the condition of all the structures on the property prior to any blasting. Industry standard calls for 250 feet. We are proposing to expand that zone to 1,000 feet. It basically covers everyone who has come out and spoke. In addition, if the home of someone who came out and spoke and even if they are just outside that zone, we are still going to put them on the list to be surveyed.

Supervisor Tollisen: Does that include both of the Sicko's?

Bill Hoblock: Exactly, yes it does, absolutely.

4- **Pre blast surveys;** now that we have the 1,000 foot zone as well as anyone who came to the hearing, we will do a survey of their homes and in attendance will be the blasting contractor, the home owner or the representative, us, and the general contractor. It is a video. You know the condition of the house, the garage, foundations, walls that you can go back to after the blasting. That is your pre blast survey of the structures. Once they are done, we will submit confirmation to the town Building Department. That takes care of structures.

5- **The Wells** – we will do pre blast testing of the wells which is testing for 2 things: water quality and flow testing pressure. We will do that for anyone who came out to the public hearing and even those who want to hook up to public water we will do it. The TDE is going to be there along with the Building Department. That takes care of you pre blast structural inspections and pre blast water well inspections during activities. **Offsite seismographic measuring and recording**, industry standard only calls for going to the closest structure off the premises and putting a seismograph there. We are proposing that anyone who was here expressing concern that there may be damage to their property due to blasting; we will put a seismograph on their property every day that the blasting happens, measuring vibration and determining if the threshold for damage or not, has been reached. The results are put into a daily log and in a report that is submitted to the town Building Department and the TDE for review. If there are reading that are outside of the norm, it can be adjusted. **Onsite seismographic measuring and recording** also measured on a daily basis and it is doing the same thing in that the readings are with in industry standards and the blast design. These are things that your TDE are going to see every day and know exactly what is happening and if there is an issue it is corrected immediately.

6- Post Blast surveys: Industry standards states that post blast surveys need to be done in an event of claim of damage. We want to go above and beyond that and perform post blast surveys of all houses that had a pre blast survey. It is the same thing with the video and you do it a few weeks after the blast and after everything has settled. Blasting should be about 2.5 to 3 weeks. That is post blast structural survey. Post blast water quality and flow survey, we are proposing the same thing; if you had a pre blast survey done, you will have a post blast survey. We know what your water quality was before and what your water quality is after. What your pressure was before and what your pressure is after. That is a summary of what will be in the blast report and plan.

All of these procedures are at our expense; there is no cost to the town or residents, and certainly we are responsible for any damage caused as a result of this project and that will be stated in the plan itself in writing. Hopefully this is helpful, but it is temporary construction nuisances and you can't avoid them. We try to mitigate them, we try to implement as many safeguards as possible and I really think that bringing the town designated engineer will give the town and hopefully, the residents as much of a level of comfort that they can have during that few week period.

Supervisor Tollisen: Bill, just so I am clear, in respect to the blasting procedures, they will take place within a normal time period and not take place at 5:00 in the morning or 7:00 on a Saturday morning when people are trying to sleep and that they will be done in accordance with Planning Department direction

Bill Hoblock: Hours of operation will be in that plan that will be given to the town. One more thing, the blasting that we talked about for 2.5 to 3 weeks, after the blasting happens; there is still on-site operation where you are doing some rock crushing and that goes on for a few more weeks. There is no more blasting, but I want to get that out there because in Phase I, that was one of the issues. Not only did the blasting go on for a considerable amount of time, but so did the on-site rock crushing operations

Councilman Connors: You are going to have that on-site?

Bill Hoblock: Yes, it will be on-site running for a few weeks. There will be no more blasting but that will be going on. That wasn't discussed in connection with Phase I, but there is much less blasting here than in Phase I. I am trying to be as transparent and with full disclosure with this board as we can. I wanted to bring that up.

Councilwoman Jordan: I want to thank you because we questioned you about how the blasting was going to be done and it sounds like you are going to do a very thorough job.

Supervisor Tollisen: I know that the 2 Sicko families are here. Do you guys have any questions of Mr. Hoblock or any concerns that have not been addressed?

Paul Sicko, 1414 Route 9: Beside the concern about our wells which we have talked to Mr. Hoblock about, I am also concerned about the creek that runs under Stone Quarry Road. I am not sure where it starts from but it does flow through our property and ends up in the Mohawk River. If you follow that creek down, you will notice on the left hand side, the south side of the proposed property here, there is a very steep soil bank that is not stone. It is soil and it doesn't have any vegetation on it and probably vegetation can't grow on there. My concern is if they are blasting there, in my opinion, that soil will fall down into the creek and either changes the course of the creek or block the creek. I don't know if the engineers have looked at

that or if anybody has walked that property to see this situation, but I think that this something that is a concern beside the water wells.

Supervisor Tollisen: Very good point, I am going to look at our Town Attorney and leave that as something the Planning Board and their engineers can address in respect to the site plan of this project.

Town Attorney Murphy: Yes, now that it is in the record, the engineers will know that when they are making the blasting plan along with the applicant, that will have to be something that will have to be monitored as well. Thank you for bringing that to the Towns attention.

Paul Sicko: OK, thank you.

Tom Sicko: 35 gallons an hour of water is what we get now. We have a cistern that depends upon rain. If we run low, it goes gray. It does that once in a while and the last time that I turned it on, my wife didn't appreciate the black water coming out of the shower. I spent most of the night cleaning it up with Clorox. I know that I have a water issue and the well has been there since I was 12 years old. Water is my biggest issue. I do not know what the blasting is going to do. If I lose my water, I have no alternative.

Supervisor Tollisen: Mr. Sicko, just so you know Mr. Hoblock has presented to us at the town and on the record that you will have a pre inspection of your water and your house. If any issues develop with respect to that that causes damage to you then it will be his responsibility to take care of it for you.

Tom Sicko: C.T.Male will take a sample for \$25.00 and check that water. I did that and my water failed because it had 99 pates in it. I asked what plates are and they said bacteria. To pass you had to have 0 plates. I asked how do I do that and they told me to put Clorox in. My water will turn gray when it runs too long.

Councilwoman Jordan: I just want to comment on that. So, you have this continuing water problem even if Kensington Phase II wasn't in the picture, you do have this problem

Tom Sicko: (spoke from the audience and could not be heard)

Supervisor Tollisen: Mr. Hoblock, you do understand Mr. Sicko's concerns and you understand if something does happen whether it is an issue with his water caused by your project, then you would be responsible to make reparations in full for that.

Mr. Hoblock: You are correct and that will be in the plan in writing.

RESOLUTION NO. 318

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

RESOLVED, that the Town Board adopts the negative declaration and authorizes it to be filed in accordance with the requirements of the State Environmental Quality Review Act (SEQRA) for the Kensington of Halfmoon Planned Development District Phase II

RESOLUTION NO. 319

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 approves the Kensington of Halfmoon Planned Development District Phase II, based upon the conditions outlined in the presentation and the pre and post blasting procedures as well.

POLL OF THE BOARD:

Councilman Connors - Aye
Councilwoman Jordan - Aye
Councilman Wasielewski - Aye
Councilman Hotaling - Aye
Supervisor Tollisen - Aye

Bill Hoblock: Thank you very much for your time tonight, I really appreciate it.

NEW BUSINESS

RESOLUTION NO. 320

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 approves and orders paid Vouchers numbered 1932 - 2035

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

10 GENERAL FUND	\$40,806.89
20 HIGHWAY FUND	\$40,234.17
25 SPECIAL REVENUE	\$8,807.15
30 CONSOLIDATED WATER	\$22,684.32
35 MISC. CAPITAL FUNDS	\$21,170.77
65 LIGHTING DISTRICT	\$435.81

ABSTRACT TOTAL:

 \$134,139.11

RESOLUTION NO. 321

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 minutes of Town Board meeting of, Organizational Meeting and the Town Board Meeting of September 7, 2016 as presented.

RESOLUTION NO. 322

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 approves the Supervisors Report for the month of August 2016 as presented.

RESOLUTION NO. 323

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

RESOLVED, that the Town Board amends resolution #313-2016 authorizing the Building and Maintenance Department to sell their 2003 Ford truck on Auction International, not a 2002 truck

RESOLUTION NO. 324

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 recognizes September 17-23, 2016 as Constitution Week in the Town of Halfmoon

RESOLUTION NO. 325

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

RESOLVED, that the Town Board authorizes the Supervisor to sign the credit application for City Electric Company, Inc. for electrical supplies for the Town of Halfmoon.

RESOLUTION NO. 326

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 supports and honors National MIA/POW Day on September 16, 2016, the 3rd Friday in September.

RESOLUTION NO. 327

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 authorizes the Town Attorney to enter into an agreement with LexisNexis which provides access to various materials to assist in conducting legal research and authorizes her to sign any necessary documents to effectuate the contract.

Councilman Hotaling: Is there a cost?

Attorney Murphy: Yes the fee is approximately \$90.00 a month for the first year and goes to about \$92.00 a month and the following year to about \$94.00 per month.

Councilwoman Jordan: It is a crucial tool for any attorney.

RESOLUTION NO. 328

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

RESOLVED, that the Town Board that the Town Board authorizes the Town Supervisor to pay the taxes, penalties and interest for tax map parcel numbers 266.12-1-9.2 and 266.12-1-52 in the not to exceed amount of \$44.34, and any other fees necessary to effectuate the transfer of the property to the Town of Halfmoon.

Councilman Wasielewski: Just to clarify, this is for Rolling Hills

Attorney Murphy: This is the triangle piece that we took ownership of last year, but what happens is the way the tax cycles run, for one year we are responsible for them, we have already paid the county and town taxes and this is the school tax portion.

Councilman Wasielewski: Just to clarify the location is in Rolling Hills?

Attorney Murphy: No, this is on Smith and Cary

Councilman Wasielewski: Thank you.

RESOLUTION NO. 329

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 Halfmoon authorizes the renewal of Mobile Home Park Licenses for the 2016-2017 licensing year per the inspection and approval of the Director of Code Enforcement as follows: Halfmoon Heights Mobile Home Park.

RESOLUTION NO. 330

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

WHEREAS, General Municipal Law §3-c imposes upon Towns and other local governments and schools, with certain exceptions, a limit on the annual increase in the amount of real property taxes that may be levied on behalf of such entities equal to the lesser of the rate of inflation or 2% commonly referred to as the "Property Tax Cap"; and

WHEREAS, the New York State Comptroller's Office has determined that property tax levy growth for local governments must be capped at 0.68% for 2017, which is the rate of inflation; and

WHEREAS, General Municipal Law §3-c(5) provides that a local government may adopt a budget that requires a tax levy that is greater than the tax levy limit for the coming fiscal year only if the governing body of such government first enacts, by a vote of 60% of the total voting power of such governing body, a local law to override such limit; and

WHEREAS, due to the high cost of State mandated programs and services the Town Board of the Town of Halfmoon has been forced to consider adopting a local law authorizing an override of the State imposed tax cap to ensure that sufficient funds are available to permit the Town to provide essential services for the health, safety, and welfare of our residents, especially as it relates to the Town's infrastructure; and

WHEREAS, adopting such a local law is not predictive of the final tax levy, but will provide the Town Board flexibility when reviewing and adopting the 2017 Budget for the Town of Halfmoon to exceed the Property Tax Cap if it is deemed necessary;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board of the Town of Halfmoon hereby schedules a Public Hearing for October 5, 2016, at 7:00 pm or as soon thereafter as the matter may be heard, in the A. James Bold room at the Town Hall located at 2 Halfmoon Town Plaza, Halfmoon, New York, 12065, regarding a LOCAL LAW TO AUTHORIZE OVERRIDING THE PROPERTY TAX LEVY LIMIT ESTABLISHED BY GENERAL MUNICIPAL LAW §3-c FOR THE 2017 HALFMOON TOWN BUDGET.

Supervisor Tollisen: Just for public record, this is the implementation of the second part of the highway tax as we discussed in several public workshops last year. In all of my remarks the Halfmoon Highway tax in the amount of \$2.1 million dollars would be phased in over two years. This would require a going over the 2% tax cap which really is not 2%, it is actually less than that, but that is what was said at the State Legislature.

Councilwoman Jordan: I just ask that the town do due diligence and find out if and what possible penalties there could be for overriding the tax cap. I think that this was the last year for the original program of rebate checks.

Supervisor Tollisen: I have not heard of anything of an extension of that. Regardless of that in order for implementation of the highway tax and to proceed with the improvement of our roads on a schedule of 20 years as we have outlined in several workshops, this is necessary in this budget year.

Councilwoman Jordan: I would still just like us to do our due diligence and if there is some kind of penalty out there, maybe we would have to look at holding back a year until some new legislation changes the law to make an actual 2% tax cap.

Supervisor Tollisen: Or we can reach out to our State Senator and our State Assembly and you can check into that.

RESOLUTION NO. 331

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

RESOLVED, that the Town Board schedules a Public Hearing for October 5, 2016, at 7:00 pm or as soon thereafter as the matter may be heard, in the A. James Bold meeting room at the Town Hall located at 2 Halfmoon Town Plaza, Halfmoon, New York, 12065, regarding the expenditure from the General Fund Capital Reserve in the not to exceed amount of \$205,000 for the purchase of capital objects.

Supervisor Tollisen: This is for the 2017 budget to spend funds from Capital Reserve

RESOLUTION NO. 332

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 schedules a Public Hearing for October 5, 2016, at 7:00 pm or as soon thereafter as the matter may be heard, in the A. James Bold meeting room at the Town Hall located at 2 Halfmoon Town Plaza, Halfmoon, New York, 12065, regarding the expenditure from the Water Fund Capital Reserve in the not to exceed amount of \$185,000 for the purchase of capital objects.

RESOLUTION NO. 333

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

RESOLVED, that the Town Board awards the construction bids for a portion of the connector trail from the Champlain Canal to the Town's Lighthouse Park to Peter Luizzi & Brothers Contracting, Inc. in the not to exceed amount of \$189,000 and to authorize the Supervisor to execute any necessary documentation.

RESOLUTION NO. 334

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 authorizes the Supervisor to sign the credit application for Leland Wholesale Distributors for the Town of Halfmoon.

RESOLUTION NO. 335

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 authorizes the Supervisor to solicit construction bids for the Sitterly Road Pavement Preservation Project, to be received by 11:00 am on October 13, 2016, at which time the sealed bids received shall be publicly opened and read aloud.

RESOLUTION NO. 336

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 authorizes the Supervisor to execute a Sale and Transfer Agreement with National Grid for the transformer located on Town property, at no cost to the Town, subject to the review and approval of the Town Attorney.

Supervisor Tollisen: Both resolutions #17 & 18 deal with the solar energy project where the solar energy panels are located at the Brookwood Road Water Treatment Plant. This is one of those projects that have had many delays. I know that the Town Board supported a resolution at the last meeting to urge National Grid to please move along and help finalize this project. This is one more step in trying to get this project to completion and for the town residents to see the benefit and solar energy at its best. Those numbers again are projected at \$175,000 the first year and over \$4.2 million dollars over 20 years. Overall, we are eagerly awaiting the end of this project.

RESOLUTION NO. 337

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 grants an Easement to enable National Grid to effect the necessary changes on Town property as it relates to the Town's Solar Energy project, subject to the review and approval of the Town Attorney.

RESOLUTION NO. 338

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 Supervisor to execute the Professional Service Contract for General Control Systems Integration Service (GCS) for the labor and supervision to maintain the Plant Control System, per the review and approval of the Town Attorney.

RESOLUTION NO. 339

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 authorizes the Supervisor to execute the License Agreement for St. Pauly Textile, Inc. to permit its customers, patrons and invitees access to Town property to place clothing into the “shed” located on Town property, per the review and approval of the Town Attorney.

RESOLUTION NO. 340

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 authorizes the Supervisor to make the attached Transfer between Appropriations and Creation of Appropriations

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

Debit:	Estimated Revenues	25-510	\$8,492.15
	Subsidiary: 25-4-2189 Home & Community Services		\$8,492.15
Credit:	Appropriations	25-960	\$8,492.15
	Subsidiary: 25-5-1440.40 Engineering Contractors Inspections		\$8,492.15

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

NAME	AMOUNT
Carol Jean Estates	\$1,190.00
Farm to Market Road	\$2,840.95
Krauses PDD	\$3,070.00
Howland PDD	\$881.20
Linden Village	\$340.00
Spare Lots Office Building	\$170.00
Total	\$8,492.15

