

**The June 5, 2013 Regular meeting was called to order at 7:00 pm by Deputy Supervisor Polak in the A. James Bold Meeting Room at the New Town Hall with the following members present:**

Walter F. Polak, Deputy Supervisor  
Paul L. Hotaling, Councilman  
Craig A. Hayner, Councilman  
John P. Wasielewski, Councilman  
Lyn A. Murphy, Town Attorney  
Matthew J. Chauvin, Deputy Attorney  
Lynda A. Bryan, Town Clerk

Supervisor Mindy Wormuth excused

**The Deputy Supervisor opened the meeting at 7:00 pm by leading the Pledge of Allegiance**

**PUBLIC HEARING: HALFMOON HEALTHCARE and ASSISTED LIVING/MEMORY CARE PDD**

### **PUBLIC HEARING**

**Kevin Dailey:** I am here representing the property owner Boni Enterprises and to begin the public hearing would like to introduce Brien Ragone of Lansing Engineering who is going to give a brief overview, some of the background, although we know that the Town Board Members are very familiar with the project, we know that there may be members of the public here just hearing it for the first time. So we will give a brief overview. Jay Hopeck is here with Pike Development, representing the contract vendee and project developer. He will talk about the project and certainly I can be available to take any questions that might come up from the public.

**Brien Ragone:** Good Evening. I am a Landscape Engineer from Lansing Engineering, and we are here for the Halfmoon Health Care PDD. To give some background, the original PDD was passed back in 2008 it was an 80.99 acre parcel and since then we went through a lot of revisions to the front parcel and we've decided to break up the PDD into two new PDD's, one with the original back four lots and the front four lots were now going to be broken down into three new lots instead of four. The purposed PDD which we are going to be calling the Halfmoon Healthcare and Assisted Living/Memory Care PDD was originally lots 5 -8. The proposed PDD is 25 acres and it cuts out what were the original lots of 5 through 8 and is now lots 5- 7. Lot 7 took over lots 7 and 8. Lots 5 and 6 remain unchanged and the size and use of the original PDD remain the same. Since the original approval DEC Wetlands were reverified and some of the designations for change from DEC to Army Corp. Some of the 100 ft. areas adjacent to the wetlands were removed because they became Army Corp wetlands. DEC designated as Army Corp. This provided more area for potential development. Originally there was 16,000 square feet of proposed building on the combination of the two lots, lots 7 and 8. Our new proposal calls for approximately 105,000 square feet or in a four story building. It's a different type of the original use. It's less parking intensive; it has less trip generations for the traffic that was documented in a letter by the traffic engineer. Our parking increases a total of nine spaces with our proposals for the entire PDD. The primary difference between the overall PDD's is a net gain of 90,000 square feet of building in those four stories and the nine parking spaces. Our green space decreases only from 70% to 68% which is 2% with our new proposal. To break that down even further, there have been some questions about what that one lot green space would be and it goes from 85% to 78%. The original approval of the PDD required 20%, so we are well above that.

The project will connect to both municipal water and sewer. Water is right in front of the site and the sewer will be connected by forced main up to a pump station that was just recently constructed for the Fellows Road PDD. Storm water will be managed, not directly on lot 7, but it will be partially managed on lot 7 and probably some areas off site, which have yet been designed. I believe that is it for me.

My name is **Jay Hopeck** with the Pike Company and I will give a brief overview of the lot 7 and building. The project that we are proposing is on lot #7, which will be the first lot as you enter in to the entry boulevard of the overall PDD, or in this case, 2 PDD's. What we are proposing is an Assisted Living, Special Needs, Memory Care facility. It is 133 units, 4 stories, about 105,000 square feet. At the entry point, we are coming into the building, the way the topography works, it actually appears as a 3 story building and toward the backside, we have all of the services for the kitchen, deliveries, and additional parking. On the backside of the building it is a 4 story building. So the view always from 146 or the entry will primarily be a 3 story building.

Again, the building is 4 stories, it has 133 units, and there are approximately 3 primary shifts and then a day shift, so we are saying that there are actually 4 shifts. Each shift has about plus or minus 20 to 25 employees. We estimate about a 103 employees for the overall facility. Full occupancy and stabilization takes about a year from the point that we turn over the keys, it will take a year to a year and a half to have full occupancy. So again, the traffic counts are actually low because of the employee's shifts. Even though we have 133 units, the residents are not allowed cars, that is just the policy because of the age and the circumstances are there. So that is one of the primary reasons for the lower car and parking count. The overall architectural design, we tried to give it a warm residential feel. Again, this is just a front elevation, but that view is pretty consistent all the way around the facility. Lansing has a lot of landscaping all the way around the facility. We have some outside sitting areas. All of the utility areas as far as kitchen service, garbage, major parking is all in the backside so we tried to keep that out of sight from 146, the main traffic routes.

Again, that is just a basic overview. If anybody has any questions, we can turn it over to the Board or the public.

**Deputy Supervisor Polak:** I will open it up to the public.

**John Higgins, Cary Road:** I thought that they were also going to mention about the public benefits, or is that later in the presentation?

**Kevin Dailey:** Yes, Mr. Higgins. A letter has been written from Mr. Boni to the Town Board describing the public benefits, of which there are several. If it is determined, let me put it this way, the Town has for a number of years now been looking at a sewer system that lies north and west along the project on 146, that the County has deemed to be somewhat overloaded. It may be possible to divert some of that collector sewer system to our project, which would mean that we would upsize our pumping station and upsize some of the pipes. To take, let's say, D&R Village and neighbors as well as the Industrial Park across the street, and that would actually free up some sewer capacity in the direction of 146. It isn't determined yet whether we would do that, but we would either upgrade our sewer system within our project or in the alternative if it is not desired to do that, to contribute \$35,000 to the town as part of the public benefit.

**Attorney Murphy:** For a specific purpose?

**Kevin Dailey:** For a specific purpose which would go toward a picnic pavilion. In addition, we have offered \$75,000 contribution to the town for a picnic pavilion in

the town park and an addition if it is determined, that there will be trails and trail connections in that area that are close by the town park. We would contribute our fair share toward those trail connections. In addition, at full build out, the traffic study indicates the turn lanes into this project would be necessary as well as some turn lanes at the intersection of Route 146 & 236. Our project by itself, would not trigger those turn lanes at 236 & 146, but with background growth in the town and throw our project into the balance, it will be necessary to build those turn lanes and reconstruct that intersection at a future time to be determined. So, we have indicated our willingness to do these things as our public benefit under this PDD project.

**Deputy Supervisor Polak:** As well as the trails right?

**Kevin Dailey:** Yes, as well as any trails that might be required. Our project is not too far from the Town Park, which is at the corner of 236 & 146 on the south side. It would seem to make sense, and also this piece is pretty much centrally located if this is the, it's got to be close to the geographic center of the Town of Halfmoon. So it is a good place if you are going to have trail connections, to put some of the trails through the property. We would be very happy to build our fair share of those trails. They may not be there today, but looking up the road 5 years, 10 years, and 15 years out, that would be something that would be very beneficial to the residents of the Town of Halfmoon.

**Deputy Supervisor Polak:** Thank you.

**Kevin Dailey:** OK

**Deanna Stephenson, 7 Cindy Lane:** I just want to say, Kevin, Mr. Boni, I think that this facility itself is a public benefit. I'm always up here saying about PDD's, how the public benefit should be, Everybody in the town should benefit from it, and I think that in this case, this facility alone, stand alone is the public benefit. That is all I want to say. Something funny, Mrs. Murphy?

**Attorney Murphy:** I am not laughing

**Deanna Stephenson:** Thank you

**Attorney Murphy:** Miscommunication

**Deputy Supervisor Polak:** One other point that wasn't mentioned, and that also brings some employment to our town here. I would imagine the facility owners will have some other staff, but certainly they will be hiring people within our community which will be a great asset as well.

**Fred Barr, Willowbrook Terrace:** A couple of questions: How does this compare, I don't understand these, to other similar facilities? I know that you are going to say it's a Ferrari, but is it a Honda, is it a Ford, where does it rank? Is it pretty high end, if you could answer that? And, my next question is going to be, I don't know how that would work and I don't know if this could be answered. I don't know how it would work; you mentioned that you would be willingness down the road, 5 or 10 years down the road with trails. I love that idea, the south side of 146 is undeveloped, I think that it would be a great location for some trails, but I don't know how that would work. Would you set aside some kind of escrow money or something like that? Those are my questions.

**Jay Hopeck:** In comparison, how this facility compares to other ones. There are generally 2 types of facilities with the Assisted Living/ Memory Care ALP's Assisted Living Program, they primarily work in close conjunction with Medicaid/Medicare. Costs are a little bit lower and when you work numbers, the design, the cost of construction, generally, we will just say average. The hallways are generally a

minimum dimension, the room sizes are a minimum dimension, and the amenities are minimum, per the state requirements. Our facility is considered a private pay, so the rates are a little bit higher, but with that, there is additional amenities. The hallways are wider, there are more sitting rooms, community spaces, there is what is called a community Dining Rooms, where on each floor, and there are separate Dining Rooms. So, the amenities are a little bit higher, even some of the outside features. Your average facility, you might not have the architectural detail, the stonework, some of the planks, roof lines, so we consider this just a step above the average facility. The rates will reflect that. It is not a significant increase, but it is the next step up.

**Kevin Dailey:** Fred, I think that I met you, were you at the previous meeting for the public hearing? I think what Jay's answer was; it is not a Chevy, it's not a Cadillac, it's a Buick! Using car analogies! Relative to our responsibilities to the town, we have a single owner at this point, Mr. Boni and Mrs. Boni of Boni Enterprises. If the trails for the town have been completely planned out, we might know exactly how many feet of trail we would be doing, but we don't know that yet. I can tell you this that this is the first lot, the first to be sold and developed of 7 and there is an additional 400,000 square feet yet to come and including perhaps some Major Medical Facilities and Major Bio Medical Research – Nano Research Facilities in back.

We hope to be visiting with this town board again over the succeeding years. We are on the record as making a commitment, but certainly the town government will have lots of leverage relative to the entire 81 acre parcel to be assured and to assure the public that we will keep our promises and we expect to be doing even more for the town as our project goes on.

A little bit of history and we talked about this last time, this project began in 2005, before the Berger Commission Report came out, before all the hospital consolidations and the hospital mergers, but not withstanding those facts, at that time, we went out half way from this location to every other major facility in the Capital District and drew a circle. Within that circle there was about 111,000 people and growing. Population is growing but it also aging. When you look at the, when we looked at the 146 overlay zone, the town is intent upon rezoning the entire strip. This was to go to a commercial office building designation in the Master Plan. Really, this is a little different than a commercial office building, but I think in the spirit of what the zoning was looking for in the long run. We are hoping to build a Medical Campus here to serve the needs of the community. And I have said it over and over again, if in fact, you or some member of your family has a medical emergency and you call 911 and an ambulance comes to your house, by the time they pick you up or a member of your family, and take you to a hospital in any direction, 45 minutes to an hour. You can't go to the Urgent Care Facility in Clifton Park. So we are hoping to establish THE Medical Campus for Halfmoon and for Southern Saratoga County here and we feel privileged to be able to do that.

**Attorney Murphy:** And just for further clarification for you, the PDD draft language mandates that as each individual lot is developed, the Planning Board will have discretion as to the layout of the trails, the composition of the trails and will be part of the approval of this site plan before the Planning Boards. So it won't be necessarily 5 to 10 years out, depending on when each lot is developed, but as each lot is developed the plan will be made working with the applicants. So it won't be as abstract as it appeared through the statement.

**Kevin Dailey:** And for us, to come back sooner rather than later would be very much preferred.

**Deputy Supervisor Polak:** Anyone else from the public? Hearing none, I will close the public session at 7:28pm and ask if there are any questions from the board.

**Councilman Hotaling:** Yes, I had one for clarification for the sewer line. You had stated that you were going to either upgrade a collection system, which route were you going to take with sewer line?

**Brian Ragone:** The sewer line is going up Route 146 to the Fellows Road pump station, forced main.

**Councilman Hotaling:** Which one are you calling the Fellows Road pump station?

**Brian Ragone:** The one that was just recently constructed within the Tanski development there

**Councilman Hotaling:** OK

**Brian Ragone:** Thank you.

**Deputy Supervisor Polak:** One of the main contributors to that Paul will be the D&R Trailer Park. That will be a major relief to the sewer out on 146.

**Councilman Wasielewski:** I would like to make a comment Mr. Polak. As far as development with in the town goes, I think that this is pretty much about as optimal as a project as I can imagine right now. There is certainly a demand within the local area for this kind of facility, as you mentioned, as the population ages. Increase in the tax base, no impact on additional students in the system, minimal traffic impact, I would have to throw my strong support behind the project.

**Kevin Dailey:** Thank you John.

**Councilman Hayner:** Thank you Mr. Wasielewski, I think that you just took everything that I was going to say. I do think that this is a great project for our town. It is as you mentioned it is in the center of our town. Esthetically, it is pleasing to the eye, and I can't find anything at this point that I would be discouraged about, so I am in favor of the project.

**Councilman Hotaling:** I am also with my fellow Councilmen who hit the nail on the head. It brings what we need to the community; jobs, care and low density. So, I am definitely in favor of the project.

## **RESOLUTION NO. 142**

Offered by Councilman Wasielewski, seconded by Councilman Hotaling: Approved by the vote of the Board: Ayes: Polak, Hotaling, Wasielewski & Hayner

**RESOLVED**, to approve the Halfmoon Heathcare and Assisted Living/Memory Care PDD as proposed.

**Kevin Dailey:** Councilman Polak, thank you. Members of the Board, we hope that this is the catalyst that will get the project going. I think that I am the second one to be saying that.

**Attorney Murphy:** For clarification, and I am sure that Mr. Dailey just wanted to mention in that the SEQRA approval, the positive recommendation for a Neg Dec for SEQRA is part of that motion, correct?

**Kevin Dailey:** Correct. Yes, I meant to say that. Thank you Madam Town Attorney.

**PUBLIC PRIVILEGE** (for discussion of agenda topics)

**Bruce Tanski, Clifton Park:** It has come to my attention that the town wants to make a change in Letters of Credit, and I understand the reason why the town is doing this. I have no problem with it, but is there a mechanism that the town is going to have in place in case the bank won't do a sunset clause, a continuous clause. I am in the middle of a project with Chemung Bank which is part of the Capital Bank. I have talked to M&T and First Niagara, they don't have a problem getting a 5 year clause on the Letters of Credit, but Chemung is giving me a hard time. So I am hoping that the Town Board will have some sort of mechanism to deal with a situation like that. I really can't change the bank because of a Letter of Credit.

**Attorney Murphy:** Just so the audience knows what Mr. Tanski is referring to, right now we have Letters of Credit that usually expire within a 1 year or a 3 year or a 5 year period. For administrative purposes it is easier for the town to just have revolving Letters of Credit so we do not have to track down people and for lack of a better term, hound them to reissue the Letters of Credit. So we have changed to a revolving, but it has been the Board's policy from the beginning, should that not be possible, 5 years out for a project is basically, a revolving one because they don't take that long to develop. It will be on a case by case basis by this Board should they choose to waive the policy. They definitely understand that some banks have different policies.

**Bruce Tanski:** Right, I mean with the banks now, they send me a certified letter that the Letter of Credit is up as well as the town and then we redo the Letter of Credit. But Chemung doesn't want to go out 5 years, they want to continue the 1 year that they are currently doing and I am trying to change that, but I do not know if I can.

**Attorney Chauvin:** We have addressed that concern relative to preexisting projects, preexisting Letters of Credit, so it won't necessarily affect those that are already in place. It would be the new as they come on line. We are giving fair notice by way of this change so that as things go forward they are aware that this is going to be the requirement. Hopefully this will faze itself out; those issues will faze themselves out as we are working through the projects that are preexisting.

**Bruce Tanski:** Alright, thank you.

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

**Councilman. Hotaling:** I would first like to thank our Town Parks crew. With all of the rain that we have had, they have gone overboard working to keep the fields ready and all of the trails and everything maintained and safe. Our Highway Department, there has been a lot of brush down and a lot of storms. Everybody has been working hard.

Next Thursday, this year all of the Concerts for Halfmoon Celebrations will be on Thursday's at the Town Park and next Thursday will be Tony's Polka Band.

This Saturday, there will be a Kayak Challenge starting in Mechanicville and going to our Lighthouse Park here in Halfmoon. It starts at noon until about 3:00pm.

**Councilman Hayner:** Thank you Mr. Polak, Just to piggyback a little bit on what Paul just said. The Town of Halfmoon and the City of Mechanicville both are doing this Kayaking and Canoe Paddle Fest together. Actually, the kayak/canoe part will kick off in Mechanicville at 9:00am. You can actually bring your kayak if we have any kayakers out there, at that time, get it in the water, and then they will kayak for 4.5 miles up to our new Lighthouse Park, which if you haven't seen it, it is an absolutely beautiful park. Please stop by if you are not going to be around Saturday, stop by and check it out. And then there will be a Family Festival there as well.

I also want to mention that our Historical Society and our Recreation Departments have done a tremendous job of getting out on Social Media. So if you haven't, please like the Halfmoon Recreation Facebook page and also the Historical Society where you can get a lot of updates of what is going on in the town. Thank you.

**Councilman Wasielewski:** I would just like to thank the town's Emergency Services for their work in last week's severe storm. Town wide we responded to close to 60 calls in a 2 hour period amongst the different Fire Departments and the Ambulance Corps. No fatalities, no severe damage here and for that we are thankful.

**Clerk Bryan:** I just have 1 announcement. The Halfmoon Senior Center today at their business meeting elected new officers:

President: Sharon Katowski

Vice President: Nancy Morris

Secretary: Jane Hart

Treasurer: Ruth Smalley

Board of Directors: Anna Nickerson, LeeAnn Nacy, Dick Sawyer, and Pat Keyrouze, Theresa Mincher, Denise Ayotte and Nelson Ronsvalle. Congratulations to all.

We just finished doing a display for Summertime out in the foyer, so if you get a moment to take a look at that and kind of reminisce a little bit.

**Deputy Supervisor Polak:** I would just like to mention that I received 3 more applications for the Planning position. I have received 2 during the week and I have a total of 5. I will be setting up interviews as soon as possible and I will be contacting you as soon as I can and get them scheduled.

**Councilman Wasielewski:** Walt, as that for the Planning Board or for the Master Planning Committee.

**Deputy Supervisor Polak:** No, it is for the Planning Board, and am under pressure from the Planning Board Chair to get that position filled, so I want to get to it as soon as possible.

**Town Attorney Murphy:** I would ask the Board's indulgence. Based on input from Code Enforcement that the Board pass a resolution establishing a \$100.00 fee for Fireworks Permits, which we currently do at the town.

## **RESOLUTION NO. 143**

Offered by Councilman Wasielewski, seconded by Councilman Hayner: Approved by the vote of the Board: Ayes: Polak, Hotaling, Wasielewski & Hayner

**RESOLVED,** that the Town Board establish a \$100.00 fee for Firework Permits

**Deputy Supervisor Polak:** The only other item that I have is the Highway Department, amongst all of the flooding and the bad weather that they have been out paving. They finished Staniak Road today. They had 12 vehicles out there all with blacktop and moving right along. They will be doing the Crossings this week also, Crossing Boulevard next week. We did have a lot of calls on the flooding, and not only that, but the storms with trees down, the Highway Department was out and within a few hours had them all cleaned up and all of the roads were passable. So cudo's to them for a great job again and that is all I have in my reports.

## **DEPARTMENT REPORTS- Month of May**

1. Town Justice Wormuth

**Total # Cases: 575   Total Fees Submitted to the Supervisor: \$57,553**

**2.      Town Clerk**

**Total Fees Submitted to the Supervisor: \$8,762.38**

**CORRESPONDENCE**

1.      **Received** from the Town Planning Board Resolutions from May 13, 2013 approving the following: Sign application for Snyder's Restaurant located at 1717 Route 9, Change of Tenant application for Pride Fitness Center, located at 215 Guideboard Road and for Mane Tame located 1471 Route 9, Suite 104, for a Change of Tenant and Sign Application for Anthony Motor Cars, located at 1514 Crescent Road, for Approval of a Minor Subdivision Application for the Proposed Saratoga County Subdivision, Zim Smith Trail Right-Of-Way, Staniak Road, and Regarding Final Subdivision Approval for the Howland Park PDD, located near Johnson and McBride Roads.

***Received & Filed***

2.      **Received** from the Town Planning Board Resolutions from May 28, 2013 approving the following: Sign Application for Snyder's Restaurant located at 1717 Route 9, for Mane Tame, located at 1471 Route 9, for Fit Energy, located at 1603 Route 9, for Change of Tenant and Sign Application for Mike Zurlo for Sheriff, located at 1707 Route 9 (Shoppes of Halfmoon), for Change of Tenant Application for LI Health Spa, located at 457 Route 146, and for a Change of Tenant Application for Accent on Health, located at 1673 Route 9 (Healthplex), for a Commercial Site Plan Application for Auto Answers, located at 143 Old Plant Road, and for Addition to Site Plan, Change of Use and Sign Applications for Clifton Park Landscape, located at 1537 Route 9.

***Received & Filed***

3.      **Received** from the Chouinard's, a letter thanking John Pingelski, the Highway Superintendent & his crew for resolving the problem with the manhole cover on Cardin Road.

***Received & Filed***

4.      **Received** from the Planning Department their Schedule and Administrative Updates relative to (1) Planning Board application deadline dates; (2) Planning Board applications; and (3) Letters of Credit.

***Received & Filed***

5.      **Received** from Philip J. Catchpole, LifeSong Inc., a letter of thanks to Mindy and the Town of Halfmoon for making their inaugural 5K Dash such a success on May 18, 2013.

***Received & Filed***

6.      **Received** from Edward J. Dalheim, a concerned business owner about the decision made on Mr. Chris Marchand's project on Button Road.

***Received & Filed***

**OLD BUSINESS**

**RESOLUTION NO. 144**

Offered by Councilman Wasielewski, seconded by Councilman Hayner: Approved by the vote of the Board: Ayes: Polak, Hotaling, Wasielewski & Hayner

**RESOLVED**, to amend Resolution #70 from March 6, 2013 approving agreement for extension of the Town of Halfmoon Consolidated Water District to include the extension is for Arlington Heights Phase II, Howland Park, Glen Meadows, Fairway Meadows, Swatling Falls, Bethel Family Trust, and Windsor Woods.



NEW BUSINESS

RESOLUTION NO. 145

Offered by Councilman Hotaling, seconded by Councilman Hayner: Approved by the vote of the Board: Ayes: Polak, Hotaling, Wasielewski & Hayner

**RESOLVED**, that the Town Board approves and orders paid Vouchers numbered 1112 through 1239 as detailed.

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

10 GENERAL FUND	\$748,231.12
20 HIGHWAY FUND	\$252,299.24
25 SPECIAL REVENUE	\$2,226.00
30 CONSOLIDATED WATER	\$395,806.70
35 MISC. CAPITAL FUNDS	\$15,086.50

**ABSTRACT TOTAL:** \$1,413,649.56

RESOLUTION NO. 146

Offered by Councilman Wasielewski, seconded by Councilman Hotaling: Approved by the vote of the Board: Ayes: Polak, Hotaling, Wasielewski & Hayner abstained

**RESOLVED**, that the Town Board approves the minutes of Town Board meeting of, May 15, 2013 as presented.

RESOLUTION NO. 147

Offered by Councilman Hayner, seconded by Councilman Hotaling: Approved by the vote of the Board: Ayes Polak, Hotaling, Wasielewski & Hayner abstained

**RESOLVED**, that the Town Board authorizes the Town Supervisor to execute Water District Agreement for Arlington Heights PDD, Phase II permitting the expansion of the Halfmoon Consolidated Water District and to execute any other documentation that may be necessary to expand district and insure that the mandatory fees and infrastructure costs be paid, subject to the review and approval of the Town Attorney.

RESOLUTION NO. 148

Offered by Councilman Hotaling, seconded by Councilman Wasielewski: Approved by the vote of the Board: Ayes: Polak, Hotaling, Wasielewski & Hayner

**RESOLVED**, that the Town Board approves the fees related to Freedom of Information requests:

The following fees shall be collected for records requested under the Freedom of Information Law and which are copied through equipment or devices owned by the Town of Halfmoon. The fees for any records required to be reproduced by equipment other than that owned by the Town of Halfmoon shall located outside of Town Hall and/or by a third party business or firm shall:

Size	Format	Fee
11"x17" and under	paper/black ink	\$.25 per page or sheet
11"x17" and under	paper/color	\$1.00 per page or sheet
Greater than 11"x17" and less than 22"x34"	paper/hard copy (any color)	\$5.00 per page or sheet
22"x34" and greater	paper/hard copy (any color)	\$10.00 per page or sheet
Compact Disc	electronic	\$5.00 per compact disc

#### **RESOLUTION NO. 149**

Offered by Councilman Wasielewski, seconded by Councilman Hotaling: Approved by the vote of the Board: Ayes: Polak, Hotaling, Wasielewski & Hayner

**RESOLVED**, authorizing the town board to designate Lynda A. Bryan, Town Clerk, Town of Halfmoon to receive the Notice of Claim by the Secretary of State, Pursuant to CPLR §311(a)(5).

Resolution No. 149-2013, Town of Halfmoon

**WHEREAS**, General Municipal Law, 53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim: and

**WHEREAS**, General Municipal Law, 53 requires the certificate to include the applicable time limit for the filing of the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the town's agent; and

**WHEREAS**, pursuant to General Municipal Law, 50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate: **Now therefore Be It**

**RESOLVED**, that the Town Board of the Town of Halfmoon, County of Saratoga designates Lynda A. Bryan, in her capacity of Town Clerk, to receive notices of claims served upon the Secretary of State by mail at 2 Halfmoon Town Plaza, Halfmoon, NY 12065 and email at [lbryan@townofhalfmoon.org](mailto:lbryan@townofhalfmoon.org)

**BE IT FURTHER RESOLVED**, that the Town Board hereby directs the Town Clerk, to file the required certificate with the Secretatry of State informing him or her

**of the town's designation and applicable time limitation for filing of a notice of claim with the town on or before July 14, 2013.**

**RESOLUTION NO. 150**

Offered by Councilman Hayner, seconded by Councilman Wasielewski: Approved by the vote of the Board: Ayes: Polak, Hotaling, Wasielewski & Hayner

**RESOLVED**, that the Town Board approves the appointment of Eli Taub to the Zoning Review Committee due to the resignation of Kathrine Suchocki.

WHEREAS, the Town of Halfmoon recognizes the importance of maintaining current local laws as they relate to zoning; and

WHEREAS, the Town of Halfmoon recognizes the attractiveness of the Town as a prime location for business and residential development; and

WHEREAS, the Town of Halfmoon wishes to continue the long established history of smart growth by examining the current zoning laws; now, therefore, be it

RESOLVED, that a Town of Halfmoon Zoning Review Committee shall be established to:

1. Review the current Zoning Laws in the Town of Halfmoon
2. to act as an advisor to the Town Board on matters dealing with zoning and development in the Town of Halfmoon; and
3. to work collaboratively with the members of the Zoning Review Committee and staff to review the current Zoning Local Laws to determine if modifications would benefit the health, safety, and welfare of the citizens of the Town of Halfmoon;

and it is further

RESOLVED, that the Halfmoon Zoning Review Committee shall consist of six members and a staff from the Town of Halfmoon, the members shall be designated by the Town Board of the Town of Halfmoon; and it is further

RESOLVED, that the following members shall be appointed to the Zoning Review Committee: Fred Bahr, Michelle Manchester: Jason Dell: Wayne Allen: Eli Taub: and Brenda Lamere; and it is further

RESOLVED, that the committee shall be Chaired by Councilperson Walter Polak and Co-chaired by Councilperson Craig Hayner

**RESOLUTION NO. 151**

Offered by Councilman Wasielewski, seconded by Councilman Hotaling: Approved by the vote of the Board: Ayes: Polak, Hotaling, Wasielewski & Hayner

**RESOLVED**, that the Town Board appoints John Ciulla, Jr., Esq. to the Town Judge position, at yearly salary of \$28,656 pro rated, effective immediately.

**Deputy Supervisor Polak asked John Ciulla to please stand and be recognized**

**RESOLUTION NO. 152**

Offered by Councilman Hayner, seconded by Councilman Hotaling: Approved by the vote of the Board: Ayes: Polak, Hotaling, Wasielewski & Hayner

**RESOLVED**, that the Town Board authorizes the Town Supervisor to enter into a contract with CHA for engineering services for the trail segment, in the not to exceed amount, \$30,000 is the same as CHA estimated in July 2012 when the grant was submitted.

**Whereas**, the Town of Halfmoon has received an award from the Canalway Grant Program administered by the NYS Canal Corporation for the construction of a Champlain Canal Trail segment, and

**Whereas**, the Canal Corporation has authorized the Town to contract with Clough, Harbour and Companies,

**Therefore Be It Resolved**, that the Town Board of the Town of Halfmoon authorizes the Town Supervisor to negotiate and execute a contract with Clough, Harbour and Companies for engineering consultant services in the amount not to exceed \$30,000 for construction of the Champlain Canal Trail segment.

**Councilman Waielewski:** I have a question. This is a matching grant correct?

**Deputy Supervisor Polak:** Correct

**RESOLUTION NO. 153**

Offered by Councilman Wasielewski, seconded by Councilman Hayner: Approved by the vote of the Board: Ayes: Polak, Hotaling, Wasielewski & Hayner

**RESOLVED**, that the Town of Halfmoon accepts for dedication the following roads; Stuart Drive, Victoria Court and taking ownership of the Stormwater Management, Utility Easements through lots 14, 21, and 22, Grading Easement, and Drainage Easement through lot 20 in the Windsor Woods Subdivision, from Belmonte Builders. These roads are now owned and maintained by the Town of Halfmoon for public use.

**RESOLUTION NO. 154**

Offered by Councilman Wasielewski, seconded by Councilman Hayner: Approved by the vote of the Board: Ayes: Polak, Hotaling, Wasielewski & Hayner

**RESOLVED**, that the Town Board of the Town of Halfmoon waive the fees associated with the use of the Town property to access the docks for the West Crescent Fire District for 2013.

**RESOLUTION NO. 155**

Offered by Councilman Hayner, seconded by Councilman Hotaling: Approved by the vote of the Board: Ayes: Polak, Hotaling, Wasielewski & Hayner

**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	\$2,081.00
	Subsidiary: 25-4-2189 Home & Community Services		\$2,081.00
Credit:	Appropriations	25-960	\$2,081.00
	Subsidiary: 25-5-1440.40 Engineering Contractors Inspections		\$2,081.00

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

NAME	AMOUNT
Inglewood PDD	\$1,211.00
Garden Time	145.00
Halfmoon Assisted Living	435.00
Chauvin LLC	290.00
Total	\$2,081.00

A resolution is necessary to close out the Woodin Road Culvert Porject Ph I in the amount of \$150,000. All monies have been expended, the remainder of left over monies will be returned to the Highway Fund.

Debit:	Appropriations	35-960	\$150,000
	Subsidiary:	35-5-5112.22 - \$150,000	
		Highway Improvements—Woodin Road	
Credit:	Estimated Revenue	35-510	\$150,000
	Subsidiary:	35-4-5031 - \$150,000	
		Interfund Transfers	

A creation of appropriations is necessary to create the project budgetary accounts for the Woodin Road Culvert Replacement Ph II. This capital project is a long term solution in this area to prevent further deterioration. The total project is \$300,000 of which \$150,000 is highway reserve monies and provisions were made in the Town of Halfmoon’s Highway Budget of \$150,000 to undertake the work in 2013.

Debit:	Estimated Revenues	35-510	\$300,000
	Subsidiary:	35-4-5031 - \$300,000	
		Interfund Transfers	
Credit:	Appropriations	35-960	\$300,000
	Subsidiary:	35-5-5112.22 - \$300,000	
		Highway Improvements – Woodin Road Ph II	

Create budgetary accounts from Town of Halfmoon Highway Fund:

Debit:	Estimated Revenues	20-510	\$150,000
	Subsidiary:	20-4-5031 - \$150,000	
		Interfund Transfers	
Credit:	Appropriations	20-960	\$150,000
	Subsidiary:	20-5-9950.90 - \$150,000	
		Transfer to Capital Projects	

A correction to the creation of appropriations is necessary for resolution no. 264 dated December 15, 2009 to create the Crescent Road Pedestrian and Bicycle Improvements Project with Clifton Park. The Towns of Halfmoon and Clifton Park are collaborating to construct either sidewalk or multi-use trail (or a combination of both) on Crescent Road from Okte School to Dunsbach Road. The trail/sidwalk will link residential areas with the Okte School, the Post Office and the commercial areas along Crescent Road. The Town of Clifton Park is the fiscal agent for the project. The Town of Halfmoon will reimburse Clifton Park for the Town of Halfmoon’s local share match of \$131,000. The total project is  
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\$894,000 of which \$632,000 is a grant from the NYS Department of Transportation and the balance of \$262,000 will be a match of 50% from the Town of Clifton Park and 50% from the Town of Halfmoon.

Debit:	Estimated Revenues	35-510	\$131,000
	Subsidiary:	35-4-5031 - \$131,000	
		Interfund Transfers	
Credit:	Appropriations	35-960	\$131,000
	Subsidiary:	35-5-7150.22 - \$131,000	
		Culture & Recreational – Parks	

A resolution is needed to appropriate the contributions from St. Pauly, Carola Bagnoli & Tollisen, Halfmoon Fire Dept., Perry Textiles, Hillcrest Fire Dept., American Legion, WK Mansfield Hose Co., Committee to Elect Kevin Tollisen and tote bag sales made to the Character Counts Program for the summer recreation program for youths to attend summer camp as follows:

DEBIT:	Estimated Revenues	10-510	\$1,998
	Subsidiary:	Community Gift Contributions	
		10-4-2705 - \$1,998	
CREDIT:	Appropriations	10-960	\$1,998
	Subsidiary:	Character Counts – Contractual	
		10-5-7989.41 - \$1,998	

Transfers between Appropriations:

From Account	To Account	Amount	Reason
10-5-1990.40	10-5-7989.41	\$8,838.93	To restore unused appropriations

Contingency	Character Counts Contractual		from Year 2012 for Character Counts Program
20-5-5130.20 Machinery	20-5-9785.60 Installment Purchase Debt-Principal	\$17,850.00	To correct account for capital lease payments-Loader
20-5-5130.20 Machinery	20-5-9785.70 Installment Purchase Debt-Interest	\$1,750.00	To correct account for capital lease payments-Loader
20-5-5110.40 Highway-Gen Repairs-Cont	20-5-9950.90 Transfer to Capital Funds Project	\$150,000	Transfer of appropriations within own budget to cover capital project for Woodin Rd Culvert Ph II

**Deputy Supervisor Polak:** I have one item before we go into the public privilege and that is June 27<sup>th</sup>, that is a Thursday evening right here. We will be having our first Zoning Review Committee Meeting which will be held in this room and that will be at 7:00pm.

**PUBLIC PRIVILEGE (for discussion of non-agenda items)**

**Mike Stiles, Route 9, Halfmoon:** As you know, we have a 13 year ongoing problem with Valenti’s project up there behind me. I’ve got the pictures of the last week and a half storms and Hotaling was there and happened to see them. I will just pass them to the Lawyer and I want to enter them as evidence in the future problems. I want to know what are you going to do about the problem that I got there. It has washed me out slowed my migration pond, my drinking water and I had to divert from that. I explained it to Hotaling here, he does know what is going on, so I would like to have answers. It has been too long, 12 minutes is too long. I mean, he is making a lot of money up there. He knew what he was getting into. He supposedly had engineers; you had Clough Harbour working here. They had to give you the information to pass it. I was at the meetings when they did but nobody seemed to understand the complexity of the whole situation. I need something done.

**Deputy Supervisor Polak:** Mike, I am aware of that. I am aware of the situation and I know that they are working on trying to resolve it but,

**Mike Stiles:** How long does it take?

**Deputy Supervisor Polak:** I know that you are frustrated. We have had more rains than we ever had

**Mike Stiles:** That’s immaterial, you got to plan ahead. That is why you employ engineers; they are supposed to know that stuff.

**Deputy Supervisor Polak:** I agree

**Mike Stiles:** I can’t have excuses like that. You spouted off up here for year after year about quality of life for the Joe here and the peanut gallery. What about my quality? What about my time and my property? The hat says the taxes to high; I don’t get any credit on this. I don’t have any extra money to pay for all this damage. I don’t have anything out of my property, You ain’t paying me damages. You should be paying me to keep the land open for the people to suck the air and see the animals going through the property. I don’t have any kids to support and I don’t like it. I want something done. If I have to start to dam it up on my side to keep it from coming through, you won’t have any egress from Liebich Lane at all. They should have drained the water. The water for 12 years came out of Valenti’s gravel bank and they never blacktopped the driveway; the mud, the papers, the grease cups, the dirt, the spit and everything else came down to my property. And then when you gave them the OK to build the houses on top of the hill, now the water, the retention is too small, too narrow, not long enough, and not deep enough. The pictures show where the virgin ground kicked out should have banked with clay; which wasn’t. The water coming from the development is coming down the fresh

drinking water spring right through and right into me. Last week, the last storm, the water where they are doing the paths on the north side was elevated, they drained them out two weeks, three weeks before and drained them down from the drain, they turned around and put fabric into the culvert which helped a little, but it was a minimal amount. Then when they got this, all of the water came up and across, down the road and the pictures will show an 8 to 10 feet wide, right on down the road into me. So it is playing hopscotch back and forth, who knows what they are doing over here? Why you let them make all of that money at my expense? A lot of those people up on the hill don't even know what is going on down on my end. It makes you people look like a dumb bunch of people. I tell ya

**Attorney Murphy:** Mike, as you know, the mining isn't regulated by the town

**Mike Stiles:** I know the way things are done at the State, but you still could as liaison's for the tax person's and the person who has a problem, can take your power and go up there and explain the situation. Apparently nothing has been done. I got nothing but BS from all of the guys that inspected the gravel bank over to Valenti's. They all went over, they checked me out, they go over there and they are going to check, they do this and they come back, nothing. I had them all up there and all I got was blah, blah, blah. Nothing gets done, and now you got this going on. I realize that you gave them the permit to build on the other side and now that's a problem that you guys gave them the go ahead. Now, let's not pass the buck, but it is going back and forth and nothing is getting done, 13 years.

**Attorney Murphy:** But, things have been accomplished. The one that breached the last time that caused the problem, didn't this time, there is a new breacher, engineers are up there and we are having them address the issue as best possible. As best possible is to make it not happen again.

**Mike Stiles:** You cut your jugular vein you gonna die. Why does it take 13 years to get something patched up or done?

**Attorney Murphy:** This just happened

**Mike Stiles:** No, it didn't just happen. It has been going on for 13 years. I've been getting that mud, I've got pictures, I put Kodak back in business, I'm not going to take any more pictures. I want to get this thing taken care of.

**Attorney Murphy:** The Board is trying to address it

**Mike Stiles:** Trying is not going to do it. When the going gets tough, the tough gets going. You guys look like fools on the Board. We gotta get all new people, get rid of you guys, you are not getting anything done. If I gotta come over here and ride herd and get this thing straightened out, I'll stand on the desk up there and get it straight. We gotta get this thing taken care of. I'm tired of it. I hope the paper gets this. That is why I called you there. The Times Union will be here tomorrow, see me tomorrow. I'm tired of it, it's gotta stop, I'm done, I don't want it, I'm tired of it. You saw it, what do you think, you want to live with that? And I gotta pay \$18,000 in taxes to support your kids and I've got to put up with this mess. That ain't right, get it done, take care of it.

There being no further business to discuss or resolve, on a motion by Councilman Hotaling and seconded by Councilman Wasielewski, the meeting was adjourned at 7:53 pm.

**Respectfully Submitted,**

**Lynda A. Bryan, Town Clerk**