

The April 16, 2014 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
Walter F. Polak, Councilman
Paul L. Hotaling, Councilman
Daphne V. Jordan, Councilwoman
John P. Wasielewski, Councilman
Lyn A. Murphy, Town Attorney
Matthew J. Chauvin, Deputy Attorney
Lynda A. Bryan, Town Clerk

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

OPEN BIDS – WATER METERS. AMREICN MADE BRASS FITTINGS & MUELLER BRASS

Supervisor Tollisen: The first order of business this evening is opening bids for Water Meters, American Made Brass Fittings & Mueller Brass

<u>BIDDERS:</u>		VELLANO	TI-SALES	FERGUSON
		B I O P R I C E		
<i>BID ITEMS FOR MUELLER BRASS</i>				
SIZE	ITEM			
5/8"X3/4"X3/4"	Angle Meter Stop -11-14258	\$33.53	NO BID	\$30.21
3/4" x 3/4"x 1"	Angle Meter Stop -1114258	\$37.06		\$33.40
1"x1"	Angle Meter Stop -H-14258	\$45.93		\$41.38
3/4"	Meter Tail Couplings 11-10890	\$6.12		\$ 7.06
1"	Meter Tail Couplings 11-10890	\$9.41		\$ 10.86
<i>BID !TI-MS FOR WATER METERS</i>				
Neptune E-Coder R900i	SIZE			
	5/8" x 3/4"	NO BID	\$203.70	NO BID
	3/4"		\$247.25	
	1"		\$319.75	
	1 1/2"		\$580.83	
	2"		\$711.40	
	4" w/Strainer	\$2,078.50	\$2,542.56	
	6" w/Strainer	\$3,312.50	\$4,442.56	
Compound E-Coder R900i	8" w/Strainer	\$3,919.50	\$7,671.11	
	3" w/Strainer	\$1,555.45	\$3,408.06	
	4" w/Strainer	\$2,078.50	\$4,317.26	
	6" w/Strainer	\$3,312.50	\$6,986.66	
	8" w/Strainer	\$3,919.50	\$7,591.60	
Neptune E-Coder R900i Pit	5/8" x 1/2"	NO BID	\$222.75	
	3/4"		\$270.00	
	1"		\$342.75	
	1 1/2"		\$597.00	
	2"		\$724.50	
Hill Fire Service Protection Hill SS	4"	\$2,078.50	\$9,574.20	
	6"	\$3,312.50	\$12,493.16	
	8"	\$3,919.50	\$16,014.80	
	10"	\$7,008.75	\$20,177.20	
<i>AMERICAN MADE BRASS FITTINGS</i>				
SIZE	ITEM			
3/4"	Ball Valve	\$19.19	\$26.15	\$8.47
1"	Ball Valve	\$24.04	\$33.00	\$14.13
1 1/2"	Ball Valve	\$50.51	\$70.00	\$26.38
2"	Ball Valve	\$69.34	\$93.25	\$36.74

Supervisor Tollisen: We will refer the bids over to our Water Committee Mr. Hotaling and our Director of Water, Frank Tironi, for their review of these quotes.

PRESENTATION: HALFMOON BEACH & YACHT CLUB PDD AMENDMENT

John Montagne with Greenman & Pederson: Thank you for having us here this evening. My name is John Montagne with Greenman & Pederson and Gail Krause the applicant is here in the audience. We will be very brief this evening. I am just going to read a statement that we gave as the narrative of what we are looking to do.

The Applicant, Halfmoon Beach Properties, LLC, for the Halfmoon Village and Yacht Club respectfully requests that the Town Board of the Town of Halfmoon consider the attached language amendments to the approved Halfmoon Village and Yacht Club PDD. The proposed change specifically addresses modification of language only related to the Condominium form of ownership and expands it to also allow for Apartment ownership. The difficulty the Applicant is experiencing at this time is that investors are only interested in apartment development. Without investment the project cannot be advanced. Thank you. That is our request for this evening.

Supervisor Tollisen: Just so we are clear. This is an already approved PDD through the town. You came before the town for an amendment and the only change that you are looking for is to add the word apartments. There is no substance change to your structure's or number of units or anything like that?

John Montagne: Absolutely correct.

Supervisor Tollisen: The public benefits that you proposed and have been approved

John Montagne: Will all remain the same, correct. The one thing to notice is that condominium kind of ownership, the building itself and the ownership structure, the apartments would still be allowed. You can rent a condominium as you can now. Obviously the difficulty comes with the front end investment for it and that is where have some difficulties and finding some ways to get that investment to move forward. That is why the request is being made.

Supervisor Tollisen: Questions from the Board?

Councilman Polak: You are going to have your home ownership that was going to maintain specific areas of the inter complex. How is that going to work now when it goes to apartments?

John Montagne: It will be the same thing. The management company that would manage the facility, would have responsibility for

Councilman Polak: 100%?

John Montagne: 100% No change in management at all as far as the town would be concerned, no added burdens or requests for the town.

Councilwoman Jordan: I also have one question and I just noticed a difference in language in the original PDD. It specifically stated in one section that the residential units will be located in up to six (6) buildings, and in the amendment it says located in multiple buildings. I wondered why that changed.

John Montagne: I have a copy of the plan that I can show you. There were six (6) principle large structures, but if you look at the original drawings, what it will show you is that each one of those principle buildings is made up of multiple buildings. So, there are technically eleven (11) buildings all attached together. I can give you all copies of the original just to clarify to make sure you see what we are talking

about. We just made that requested change just to clarify so that people don't get confused. (John handed out maps to the Board)

Supervisor Tollisen: Are there extra copies of those for the public?

John Montagne: Yes

Supervisor Tollisen: Anyone wish to see this?

Councilwoman Jordan: So what you are saying is that in fact there are more than the six (6) buildings

Councilman Wasielewski: Mr. Montagne, the Yacht Club portion of this has disappeared? Correct?

John Montagne: The dredging portion of this project, I do not believe will be financially feasible, so that is not on this.

Councilman Wasielewski: All of the other public benefits that went along with this project to include the sewer, road improvements, water, and gas lines, all remain the same.

John Montagne: If you look at the PDD language of which we gave to you, the language reads exactly the same.

Councilman Wasielewski: I just want that for the record.

John Montagne: 100% exactly the same.

Supervisor Tollisen: Any other questions from the Board?

Councilman Wasielewski: How many units would this be?

John Montagne: The same amount as before, 244.

Councilman Wasielewski: 244, OK.

Supervisor Tollisen: Any other questions from the Board?

Councilman Wasielewski: Tax implications? Tax base implications? How does this improve

John Montagne: Tax base is basically the same thing. One thing that you know about condominium tax base is that there is a reduction in the taxes that condominiums pay. When you work back through and when you look at this, taxes will be nearly identical.

Attorney Murphy: Switching from condos to apartments, will make the tax base actually better, because condo's as you just said have value less than apartments because of the sharing of the common areas. So it is an actual improvement to the tax base.

Councilwoman Jordan: At some point, these could become condos after they are built.

John Montagne: That is correct. That is something that could be looked at further down the road, yes, absolutely. There are examples of people trying to do that, for example Eric Kuffman is looking at that with the buildings that he has down in Cohoes, the Cohoes Mills.

Supervisor Tollisen: But, even though it can be looked at as condos, you are looking at us to approve them as apartments.

John Montagne: Correct. That is exactly right, yes.

Supervisor Tollisen: OK. I do not want there to be any confusion that this is for condos are being switched to apartments, the remainder of this is staying the same, is my understanding, correct?

John Montagne: Correct.

Supervisor Tollisen: OK, alright. Any questions from the public? I know that may be a little out of the ordinary, I still want to because this is before us and we may just do it now.

Larry Koniowka, 15 New Castle Road: I was just curious as I was looking at the map, is there flooding down there? What kind of flooding protection are the people going to have and what will happen to them? Are they going to be asked to vacate quick? I am just curious and this is flooding season. That is my question.

Supervisor Tollisen: Thank you.

John Montagne: As some of you may know because you were involved in the original approval of this. Significant evaluation was done on the flood plain as required through the SEQRA provisions that the town has to go through. Detailed flood studies were done and that analysis showed that in fact we are in good shape when it comes to that. The site is being designed around that provision and nobody will have to hurry up and rush off the property when the river comes up.

Supervisor Tollisen: Anyone else? Hearing none, what is the Board's pleasure? Does the Board want to consider this? I know that you have had it for a while and reviewed it. Do you want to refer this to the Planning Board which is the next step?

RESOLUTION NO. 140

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

RESOLVED, that the Town Board refers the Halfmoon Beach & Yacht Club PDD Amendment to the Planning Board for further review.

POLL OF THE BOARD:

Councilwoman Jordan	Aye
Councilman Wasielewski	Aye
Councilman Hotaling	Aye
Councilman Polak	Aye
Supervisor Tollisen	Aye

Supervisor Tollisen: Motion is carried. It will be referred to the Planning Board

John Montagne: Thank you very much.

COMMUNITY EVENTS:

The Vietnam Veteran flag is scheduled to be flown from March 31st to April 30th by the Saratoga County Veterans Committee who also purchased the flags for the towns.

Halfmoon Water Dept Bi-Annual Watermain Flushing will begin on April 21 and run through May 23

Jammin For JP Fundraiser: Saturday April 26 7:00-8:30 Shen High East Auditorium with Roy Hurd "Poncho"

Informational Meeting for the Traffic Light Installation at the intersection of Rt. 146, Vosburg Road & Sheldon Hills Development on Thursday April 22nd at 7:00 pm at the Halfmoon Town Hall

Town of Halfmoon Spring Cleanup Dates: April 22, 25, 26, & 29 May 2 & 3
Free service to town residents. Please pick up car pass at Town Clerk's Office

Crescent Park Clean Sweep: Saturday, April 26th from 10am-11am, at the bottom of Terminal Road along the river.

Nick's Fight to be Healed: Rockin Kickboxin at US Budokai of Clifton Park (Salty's Plaza) Sunday April 27th. Class 9-10 am. Registration at 8:45 Cost \$20.00

LifeSong will be holding their 2nd Annual Daffodil Dash on May 17th Halfmoon Town Park – more details to follow

Shredding Day is May 17th. 3 Boxes per vehicle are allowed. This is a free service but we are asking for canned good donations for the Food Pantry.

Supervisor Tollisen: The next thing on our agenda is Community Events and there are a number of them that are listed. I do have a couple of add-ons and one change.

For the third one down, regards the informational meeting for the traffic light installation at Sheldon Hills and Vosburgh Road. I am very pleased that is finally approved by DOT. The information meeting for the residents in that area and anyone who is interested regarding the Sheldon Hills/Vosburgh Road/Route 146 traffic light, the meeting is Thursday April 24th at 7:00 pm. I do not want there to be any confusion, it is the 24th and letters were sent out to individuals in that area for the 24th.

Secondly, Congressman Tonko's Office has requested Mobile Office hours and I have obviously accommodated that request. Congressman Tonko will be here for Mobile Office hours on Friday April 25th from 12:00 – 3:00. I am not sure if the Congressman himself will be here, but staff from his office will be here. So, if you have any concerns for your Congressman, you are welcome to come to Town Hall from 2-3 On Friday the 25th.

Additionally, the Halfmoon Celebrations Association, their next event is May 1st. That is a Patsy Cline Impersonator 6:30 – 9:00 pm at the Town Park. Please make sure you come to that if you are a Patsy Cline fan.

May the 6th, last night we had our Zoning Amendment Workshop at the Senior Center and after almost two hours, we got through about half of the zoning amendment items. There was some good discussion regarding them and obviously we are going to continue the discussion. The next date for the Zoning Amendment Workshop is May the 6th at 7:00 pm. That will be at the Senior Center again.

TOWN MEETINGS:

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

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

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

Board of Assessment Review: 4th Tuesday in May

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

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

Open Space & Trails Committee: Monday, April 21st at 7 pm

Zoning Review Committee: 3rd Thursday of month

Resident Relations Committee: Thursday, May 8th at 7pm

Business and Economic Development Committee: May 22 at 7 pm at Senior Center

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Walter Polak; 1) Liaison to Planning Board, 2) Liaison to Zoning Board, 3) Chair of Zoning Review Committee, 4) Chair of Personnel

I have one item and that will be our Zoning Review Committee and that will be in the smaller Board Room and that will be tomorrow night at 7:00 pm.

Paul Hotaling: 1) Chair of Parks & Recreation, Infrastructure (Water, Highway, Building & Maintenance), 2) Chair of Committee on Not for Profit Organizations and Character Counts, 3) Chair on Committee on Baseball/Athletic Organizations

I have a couple of things this evening. Starting next week the Water Department and the Highway crews will be out fixing things that were damaged during the winter. The Water Department will also be flushing the hydrants.

We will be having our Shredding Day on May 17th. 3 boxes per vehicle which is a free service but we ask that you donate to the local food drive.

Spring Cleanup dates are April 22, 25, 26, & 29 May 2 & 3. Please pick up car pass at Town Clerk's Office.

Recreation Sign-up is this coming Tuesday and the fees will double on June 6th.

John Wasielewski; 1) Chair of Ethics Committee, 2) Chair of Committee on Emergency Services and Public Safety (Emergency Corps, Fire Department, Police, Animal Control), 3) Chair of Committee on Resident Relations

Thanks, I have two items tonight. The Emergency Management Plan has been updated. The Staff have been identified for various positions within that plan. ID Badge photos are now being taken. We are making a lot of progress in Emergency Management.

Resident Relations, we have had some spirited meetings, very enthusiastic. We now have a Twitter and Facebook page. Halfmoon Resident Relations, you are going to be seeing some great things coming out of that committee. The next meeting for Resident Relations is Thursday May 8th at 7:00 pm. That is all that I have now, Thank you.

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

The Open Space and Trails Committee will meet this Monday. The main discussion will be the feasibility of connecting the Town Park with the trail along the McDonald's Creek and connecting with the Champlain Canal Trail. It was an idea that the committee had at our last meeting. We are going to have Rich Harris; our Director of Planning to help us with that and see if that is doable.

Our Business and Economic Development Committee will be meeting again May 22nd. The main purpose of that meeting will be to discuss the signage ordinances in our town and how we can perhaps make amendments so that our town businesses can actually profit from them. This discussion is coming along because of the response the committee has had with the survey that we sent out, that we actually carried out to our businesses. The number one comment was in regard to signage in the town, so we do want to take a look at that. That is all that I have.

Lynda Bryan; 1) Chair of Senior Programs, 2) Chair of Committee on Historical Archives

The seniors will be having their Easter Luncheon tomorrow at the Center. So today we had a class & everyone learned to make a fresh flower Bunny or Chick arrangement that they could take home for their tables and some extras to decorate for the luncheon tomorrow.

The senior's next business meeting will be held on Wed. May 7th here in Town Hall at 1:00 and our Town Board Meeting will follow at 2:00. This allows the seniors to come to a Town Board meeting during the day. Dr. Oliver Robinson, the Superintendent of Shen takes the opportunity to come speak at that meeting to.

The Halfmoon Historical Society will be having their monthly meeting at the Society building on April 29th at 7:00 and all are invited to attend!

PUBLIC COMMENT (for discussion of agenda topics) No one came forward.

DEPARTMENT REPORTS- Month of March

1. **Town Clerk** **Total Fees Submitted to the Supervisor - \$5,878.76**

CORRESPONDENCE

1. **Received** from the Halfmoon Beach Village & Yacht Club PDD, an amendment application for language amendment and a short narrative.

Received & Filed

2. **Received** from the Highway Superintendent, their summer schedule of Monday through Thursday 6am-4pm with a skeleton crew that will be available on Fridays for emergencies, starting April 21st.

Received & Filed

3. **Received** from US Army Corps of Engineers, copy of a letter to William M. Larned & Sons, Inc. stating that the work to repair flood damage to an existing culvert at the Larned Halfmoon Pit, may be authorized under the Department of the Army nationwide permit number 3, and without further authorization from their office.

Received & Filed

4. **Received** from the Town Supervisor, a Press Release stating that "Traffic Light Approved by NYS DOT for Sheldon Hills on Route 146 & Vosburgh Road". There will be an Informational Meeting about the Light Installation on Thursday April 24th at 7:00 pm at the Halfmoon Town Hall.

Received & Filed

5. **Received** from the Clifton Park – Halfmoon Public Library, their 2013 Annual Report.

Received & Filed

6. **Received** from Double Nickels Catering, LLC, 486 Hudson River Road, an application for a Wine and Beer Seasonal License.

Received & Filed

7. Received from the Saratoga County Sheriff's Office, a copy of the reports for the months of January and February for the Clifton Park/Halfmoon Patrols and the Halfmoon Patrols.

Received & Filed

OLD BUSINESS

NEW BUSINESS

RESOLUTION NO. 141

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

RESOLVED, that the Town Board approves and orders paid Vouchers numbered 580 and 677 through 771 as detailed.

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

10 GENERAL FUND	\$97,768.48
20 HIGHWAY FUND	\$22,049.84
25 SPECIAL REVENUE	\$510.00
30 CONSOLIDATED WATER	\$129,698.38
35 MISC. CAPITAL FUNDS	\$34,638.06
65 LIGHTING DIST	\$437.73
70 WATER DISTRICT#1	\$8,786.51

ABSTRACT TOTAL:	<hr/> \$293,889.00
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RESOLUTION NO. 142

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

RESOLVED, that the Town Board approves the minutes of Town Board meeting of, April 2, 2014 as presented.

RESOLUTION NO. 143

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

RESOLVED, that the Town Board approve the Supervisor's Report for the month of February, 2014, as presented.

RESOLUTION NO. 144

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

RESOLVED, that the Town Board acknowledges the Town Clerk's Certificate of No Filing for the purchase of the new Senior Bus.

Supervisor Tollisen: This is for the purchase of our new Senior Bus of which we received a \$25,000 grant from the County, and I believe since there was no filing, that we are preceding forward with the purchase of that bus.

RESOLUTION NO. 145

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

RESOLVED, that the Town Board approves the April 2014 Water Report for usage as submitted by the Director of Water.

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RESOLUTION NO. 146

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

RESOLVED, that the Town Board approve the updated Emergency Management Plan upon recommendation of Town Supervisor Tollisen, Committee Chairman Wasielewski and Emergency Management Coordinator Buck.

Supervisor Tollisen: I will just say that I do appreciate the work of our committee that was involved in this. Our committee consisted of myself, Mr. Wasielewski, John Pingelski, our Highway Superintendent, Frank Tironi, our Director of Water and Steffen Buck, our Emergency Management Coordinator. I will tell you, that's it is a requirement that the town update their Emergency Management plan on a yearly basis. The committee met several times to make sure that we had the most updated Emergency Management plan in the event of a small issue up to the worst issue. We have a documented plan in place. I have also met with the County Emergency Planner and they are very pleased with the plan that the town has. It seems that we are well above many of the other towns as many don't have one. I am pleased about that and John, thank you for all of your hard work.

RESOLUTION NO. 147

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

RESOLVED, that the Town Board authorize the Town Supervisor to approve any and all additional employees necessary, for utilization of Town Vehicles for town business.

Supervisor Tollisen: Again, the purpose of this is for our daily work here at the town. Our goal is to obviously minimize expenses as much as possible. Like I said, January to now, I have a spending freeze on any non-essential spending in the town because I am not happy with the mortgage tax that we have received and sales tax versus what was budgeted. So we are taking every effort to cut spending wherever necessary. This is another one where we do not want our employees using their own vehicles and us reimbursing mileage when we have town vehicles for that. There are certain designated employees that use town vehicles in our Employee Manual and this would allow us to include any other employees that may be necessary for town use of vehicles.

RESOLUTION NO. 148

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

RESOLVED, to approve Town of Halfmoon Employees Manual as recommended by the Town Supervisor and reviewed and approved by the Town Attorney.

Supervisor Tollisen: Again, this is our updated Town of Halfmoon Employees Manual, if anyone would like to read this they certainly can. I will thank the committee that worked on this. There have been a lot of hours that have been put to looking at the Employee Manual, especially our Department Managers who have provided quite a bit of input in respect to changes in the Employee Manual.

RESOLUTION NO. 149

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

RESOLVED, that the Town Board authorize the Town of Halfmoon Planning Board and Zoning Board to charge applicants \$50.00 for Public Hearing Notices to cover newspaper fees.

Supervisor Tollisen: Just for clarification purposes, this is something that has been reviewed by our Planning Department, our Zoning Board Secretary and Chairman. We are making sure that we are increasing these fees enough to cover the fees that we pay. It appears that when we were reviewing this some of those fees, the town was actually setting forth \$6.00 or \$7.00 per public notice. Again, making sure that we are watching every penny, which we are, this increase is a warranted increase to cover publication costs only.

RESOLUTION NO. 150

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

RESOLVED, that the Town Board approves the recommended just compensation amounts for the acquisition of properties necessary for the completion of the Crescent Road Joint Multi-Use Project.

Resolution authorizing the Town Board to approve the recommended just compensation amounts for the acquisition of properties necessary for the completion of the Crescent Road Join Multi-Use Project.

Whereas, the Town has partnered with the Town of Clifton Park and has received funding for the construction of the Crescent Road Multi-Use Path, and

Whereas, the project has retained R.K. Hite and Co., Inc. to evaluate the land acquisition necessary for the construction of the project, and to prepare appraisal reports on the interests in land required for the project, and

Whereas, R.K. Hite has completed the analysis of the acquisitions required for the project and has requested that determinations be made for just compensation for the owners of property where rights are to be acquired, and

Whereas, the Town Attorney has reviewed the appraisal reports and recommends acceptance of the recommendations made by R.K. Hite and Co., Inc.,

Now Therefore Be It Resolved, that the Town Board finds and determines that the appraisal reports on the properties listed in the attached request for determination of just compensation are complete and support the requested values for the real property interest required for the project, and

Be It Further Resolved, that the Town Board approves the just compensation amounts for the properties listed, and

Be It Further Resolved, that R. K. Hite and Co., Inc. is authorized to offer the amounts to the property owners as listed on the attached request for just compensation.

RESOLUTION NO. 151

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

RESOLVED, that the Town Board appoints Deborah Curto for the Alternate position on the Zoning Board of Appeals, effective immediately.

Councilman Polak: I would like to welcome Debbie aboard. She has a long background, not only in planning, but site development, permitting and procedurals, and construction. She is going to be a great asset for the Zoning Board of Appeals and I welcome her aboard. I assure the Board that we have a great person here to work with us. Debbie, would you please stand up?

Supervisor Tollisen: Alright, let's make this official, what is the Board's pleasure? Miss Curto, Congratulations and welcome aboard. When I went down to meet Debbie, I asked do you want to make a speech, and she politely declined.

RESOLUTION NO. 152

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

RESOLVED, that the Town Board approves conducting a Yoga class in Town Hall in accordance with CDPHP to benefit Town by reducing insurance costs.

RESOLUTION NO. 153

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

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

With spring underway, we are again seeing the increased traffic of motorized vehicles, dirt bikes, quads and ATVs racing up and down the Champlain canal road. Their number and frequency is increasing: a

recent Sunday afternoon saw a group of (3) dirt bikes and (5) or (6) Quads coming down Upper Newtown Road onto the canal path. They exited back onto Upper Newtown Road again later that same afternoon.

They disregard the signs and gates, speed up and down the trail, they are extremely noisy not to mention dangerous to anyone walking or biking along the path. As instructed, we have made numerous calls to the Sheriff's office and are told that they will send someone down as soon as they are able, which is always too late to catch anyone.

We would like to know what is being done to prevent this from happening. Our calls to Sheriff's office are not having any effect on this situation.

There are some other things which we feel can be done to help including:

- Separate signs at both entrances noting: "No Motorized Vehicles allowed, Violators will be prosecuted."
- Improve the mid path gate: there are only large rocks on one side and so vehicles go around the gate.
- This mid path gate could be relocated to a more restricted location making driving around not possible.
- There is no gate or restriction to the Lower Newtown Road entrance to canal path, which is needed.
- Arrange for weekend monitoring by Sheriff at both entrances to canal path.
- Arrange for weekend monitoring the canal path by Sheriff with ATVs.
- Recommend to Sheriff: catch, ticket and fine offenders to fullest extent of law
- Cease plans to construct/improve the canal pathway north of Upper Newtown Road entrance until the current situation is corrected. Creating more paths without proper restriction will only make the current situation worse.
- Recommend to Sheriff: catch, ticket and fine offenders to fullest extent of law
- Cease plans to construct/improve the canal pathway north of Upper Newtown Road entrance until the current situation is corrected. Creating more paths without proper restriction will only make the current situation worse.

Finally, recognize that the current situation is dangerous to anyone walking or biking on the path and is an accident waiting to happen. Some of us have already been nearly hit by these vehicles while walking along the path. Something needs to be done before an accident occurs.

We are asking the Town Board to take action for our own peace of mind and the safety of all who use this path as it was intended.

Brian and Debra Martin	28 Upper Newtown Road
Jim and Donna Monroe	26 Upper Newtown Road
Lori Stockdale	32 Upper Newtown Road
Bernie Mignacci	32 Upper Newtown Road

Brian Martin : If you have any questions, we have brought some photos of the gates that are there and the issues with it. With any additional information, we would be happy to help out with as well. We need some help.

Supervisor Tollisen: Mr. Martin, I can tell you that I was made aware of this sometime last week. It appears that this is not a new issue. We pulled the board minutes from a couple of other meetings that date back to 2011. There have been some attempts by the town to try to do what we can to help with this.

Since I was made aware of it, I met with the liaison for our Sheriff's Department. They have promised a dedicated patrol of ATV's this year to be sent down to the Champlain Canal Trail by you, on a regular basis. As soon as the weather breaks that they can get their patrols going, you will have a dedicated Sheriff patrol of ATV's down there. That's number 1. Number 2, I have met with one of the other Sheriff's that is our Halfmoon patrol that we pay contract that is dedicated to Halfmoon patrol and he assures me that they will have cars down there. The problem is that it appears that some of the riders of these dirt bikes and ATV's do not have the respect for the police that they should have. Even when they have their lights on and requesting them to stop, they have just ignored them. We are looking at some other things but first of all, with respect to the Sheriff's Department, I have made it abundantly clear of the need to enforce the rules there. We need to write some tickets and get these people who are doing this. The deterrents of writing tickets occurs, it will spread through that community very quickly. This is not a safe area for you to be doing this as there are people walking on it. I have also asked our Park's Director to look into where we can improve the barriers. We do have some limitations; we don't own certain parts of the property. I am told that with those limitations where the barriers are is where we own and very shortly from there, we don't own. We may need to look at neighbors to see if we can get some sort of easement to make that a little bit more solidified, and we will look it to that for you. I am fully aware of it. I am very sorry that you are going through this. It appears it is a continuing and an ongoing issue. I cannot guarantee that it will be completely taken care of. We are doing everything that we can and our Sheriff's Department has dedicated and promised both regular patrols down there with cars and ATV patrols. Hopefully that will improve the situation, alright?

Brian Martin : We appreciate that. The Sheriff's patrols will go a long way to discourage, but I would ask and you already mentioned it, they are going to look at the other restrictions and the gates and the access because the Lower Newtown Road access is, to that section apparently there is a gate on the south end of that. So going south there is a gate but going north up to Upper Newtown Road, there is no gate there so that is one thing that could be done. There are a couple of things that I appreciate if you could give those some more thought.

Supervisor Tollisen: Daphne, I will refer this to your committee to review as well and see if there is any other ways you can perhaps work with the Park's Director. Paul, I know that you have significant history with this section and you can help as well, and I will certainly work with you too.

Councilman Wasielewski: The post from the Lower Newtown Road entrance onto the canal pathway, you can just pick up with your hand. It is very moveable. Former Councilman Hayner and myself have walked that and met with the Monroe's. We put a concrete barricade between the existing canal stone wall, the ancient wall that cannot be moved and a cliff on the other side. The riders removed the concrete barrier, a very ingenious group of people that we are dealing with. They also come in from other accesses along the canal roadway, so it is a difficult situation and I hear your pain. This is not just during the daytime hours either, it is in the middle of the night and no mufflers.

Brian Martin : We realize it is a difficult thing to patch. It is one of those things that one thing is not going to fix it, but some culmination like the Sheriff's patrols to help restrict it and make it painful enough that eventually these guys will find another place.

Councilman Wasielewski: They like the sandpits

Councilman Polak: Some of the miners on Button Road are having issues too, and the same thing, by the time they call the Sheriff's and the Sheriff gets a car there, they are long gone. Just like this past weekend, they had to be chased out of there. Their concern is the liability against them if someone got hurt. You know it is private property. They have it posted and signed and yet they find some means of going around it.

Supervisor Tollisen: We also understand that you as homeowners don't need the aggravation. I know that in speaking to one of the residents, there was actually some damage done to your properties, things of that nature. We don't want you to be the heavy on this. We will take it from the town's perspective and hopefully law enforcement will do a lot of the enforcement of this.

Councilman Wasielewski: I am sorry, was there an issue with snowmobiles?

Brian Martin : Yes, snowmobiles and they do not ride on the roads necessarily. They come through other people's fields and such.

Donna Monroe, 26 Upper Newtown Road: There was an evening last month with a lot of snow that the snowmobilers came through several times. I went out at one point and told them that here is a sign clearly there stating No Motorized Vehicles, please do not ride here. They ride right underneath my bedroom window. Ok, they took off and two hours later a group of them came back, dark time, drove up my driveway, in my front lawn, up the side of my garage, and threw the lights in my kitchen window. They knew that I standing there watching them, threatening to run over my lamppost in my front yard. So now this is my safety that I am worried about. So I should not be patrolling my property. I shouldn't be patrolling the trail, but something has to be done. Mr. Hotaling, I did not go down there with you when you pointed out where the stones were, but they are not at the canal part, they are further down. If they had put them back where we had suggested, where the stone wall is, they can't go any further to the left of that. To the right of it is the gully is the stream. The boulders that you have in place now, further down, if you move them to that spot, it won't cost anything, just manpower to move the boulders back and moving the gate back. And as far as bikes crashing into each other from each direction, there is plenty of trail for someone to see who is coming in the opposite direction. If you put a sign on each side of the gate saying that "Please watch for ongoing traffic", I can't see that being an issue at all. Something has to be done. If it is not the snowmobilers in the winter, it is the quads in the summertime. I've got people on that trail after dark, the sign is ten foot high and nobody is looking at that sign. People are walking after dark. They are walking their dogs with no leashes. We had to put up a fence along the whole side of our property because people were not putting their leashes on and they are coming over and having accidents on our property. We had to put up a fence because the town I am sorry to say did not take us into consideration when they put that parking lot next to our home. My husband does have some pictures of where the gates are now and where we are suggesting where to move them back to. (Pictures were handed out to the Board members)

Supervisor Tollisen: Alright, if you can submit those we definitely appreciate it. We will take a look at those.

Jim Monroe: I walked with Councilman Hotaling and I talked with Paul a lot, they have been great, they have been receptive. The gate that was put in in the middle, I suggested it be placed over here (showing picture).

Councilman Polak: Can we do something there with a guardrail or a 24 inch walk way or something at the roadway?

Jim Monroe: If we put it where I suggested originally, but the town Park's Supervisor, from what I was told when I talked to Mr. Hayner, did not like it to go in this spot. There is no way that you can get around that where the old canal is on the one side and if you put your gate there and the three big stones that you have put down to where the water is now, I know that it is never 100% passible, but it is going to make it pretty darn tough. The way it is right now, is a joke. They know it, they just drive around it. They put the posts in and they did not concrete them in and they pulled them out the first day they put them in because it wasn't done properly to begin with and it is in a spot where it is not efficient to stop what is going on. This spot like I said, wouldn't cost any money if we moved the gate down next to the big brick wall. The canal on the other side with the water is a very, between the gate and the stones, is virtually going to be impassible unless the canal dried up and you went down in the canal with the quads.

I know that we are never going to stop it. We saw the trails coming in. If we can deter 80% of it, that is better than what is going on now. I know that I quad, I ATV, I don't ride on those trails anymore because I know that you are not supposed to. I join clubs, I go away. It is the culture that we have because the trails have been used forever. We had a neighbor at the top of the street, he found out one day that a Bobcat had unloaded off a trailer and he was going to go on the north side trail and he said that he was friends with the town and they let us go back here to clear the trail off because we ride on her. He was unloading a Bobcat off a trailer and trying to unlock the gate on the north side of my home to back in there with a Bobcat. I know that you guys probably don't know anything about that, but obviously, I mean, it is never locked so I threw a lock on it. He must have in the years past, I have never seen him. We had lived there three years. He gave my wife the impression that he has been going back there for years clearing out the trail every year from whatever tree growth or shrubs or making the trail go further.

Donna Monroe: I thought he was with the town and I saw him across the street and I said "Are you with the Town of Halfmoon?" and he said "Oh, we are friends with them; we have been maintaining this trail, cleaning it up for the snowmobilers."

Jim Monroe: Also, here is a picture of the gate at the entrance by my home. When I spoke to Mr. Hayner and I believe that he found out through the laws of the trail that it has the 32" or something for wheelchairs accessible. The openings of the gates are like 46". If you put them down to the width that is minimum for a wheelchair, you cannot get a quad through it. I have one. Can you get a motorcycle through it, yes but at least it will stop the quads. The other entrance down on the southern end of Lower Newtown Road is the same way. It is not the 32" or whatever we need; you can get a quad through it. Is a motorcycle going to get through the opening yes, but at least we can stop the quads. This is the other entrance which needs a gate and if we put a gate there, as you can see there's a home on one side and a canal on the other. It is going to stop 80% of the traffic because the quad is not going to have access whether they are coming further south from the Village of Waterford or Brookwood Road or down Lower Newtown Road from the pits up there. They are not going to be able to access the trail as easy and those are pretty easy things that we can hopefully do to help with that situation.

This is just another picture that if we go to the existing old bridge over the canal, it is a pretty darn good place to put the existing gates and hopefully we can knock 80% of the traffic out. Again, we are not going to stop the motorcycles, I understand that, that is almost impossible and by the time the police get there we know that the motorcycles are going to go away. If we can stop the majority of it, that's the thing. Right now they use the parking lot next to my house as a turn around. In the middle of the night, that is where they all stop and turn around because they race up and down the straightaway, they do doughnuts in it, they turn around. I have asked them, because I go out on the ATV, I understand how hard it is to trails; stay

down on the other end. They tell me yes and then the net light and they are back down there in the parking lot doing doughnuts again. They continually go across the street to where the gates are locked and they went through some minor brush and continue on the trails going down by Jack Byrne Ford, which is where Nelson who works for the town that we were dealing with. I asked him a couple of times if he could give me the name of the people of the Champlain that he got the grant from and let them know what is going on there to make sure that we have a better access so that this does not act as a freeway. The more we make this trail bigger with a straightaway, the more the kids and the ATVers and the snowmobilers are going to want to go on it because it is a straightaway. That is what they all want. They all go in the pit and they are riding. They all are in the straightaway and they get their speed running. You can hear them coming from the pit all the way down to my house you can hear them flooring it because it is nothing but a straightaway.

Supervisor Tollisen: Alright, thank you very much. What we are going to do is; Law Enforcement will be going out there immediately. As soon as we have an update as to when the ATV patrols will be out, we will be letting you know that as well. I will then have this reviewed with our Park's Department and see if we can button up some of these issues for you. Thank you very much for your comments.

Bernie Mignacci, 32 Upper Newtown Road: On April 6th, Sunday, my wife and I were walking down the same path, and not to add any more fuel to the fire as it were, we found four spent shotgun shells in the same general area. Just something else to think about. That is all that I have.

Supervisor Tollisen: Thank you very much, sir.

John Pingelski, Highway Superintendent: Kevin, first of all, the Ballard's is made to be removed so Park's can access the trails. The other thing, last Thursday the Sheriff's did call me looking for a key to the gate for access because they had people down in there. By the time we got back down to the office, got the key and got back down there, obviously they were gone. The only thing that the gates are doing is keeping law enforcement out. If you want, I can get keys made tomorrow so that they will not have to wait for us to come down.

Supervisor Tollisen: I will tell you, while I cannot divulge a lot of information; the Sheriff's Department has told me that at they do have some leads on a few of the individuals that have been riding down there, so they are following up on those. I can't give a lot of information, and I apologize but I have been assured that there are some leads with regards to this. Once they complete their investigation, there will be tickets issued. Thank you, John.

Next regularly scheduled Town Board Meeting – May 7, 2014 at 2:00pm.

There being no further business to discuss or resolve, on a motion by Councilman Hotaling and seconded by Councilman Polak, the meeting was adjourned at 8:03 pm.

Respectfully Submitted,

Lynda A. Bryan, Town Clerk