

The May 15, 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
John P. Wasielewski, Councilman
Lyn A. Murphy, Town Attorney
Lynda A. Bryan, Town Clerk

Melinda A. Wormuth, Supervisor- Excused
Craig A. Hayner, Councilman- Excused
Matthew J. Chauvin, Deputy Attorney- Excused

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

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Councilman Hotaling: The car Show was supposed to be last weekend on the 11th and of course it was rained out. They rescheduled it for June 1st, across the street at the Abele Park.

Clerk Bryan: The Halfmoon Historical Society Meeting this month will be on Tuesday May 28th at 7:00pm. They will be hosting a slide show of many pictures from different locations in town from the 70's entitled: "Where is it? What is it? What is it now?" It should be very interesting and a lot of fun to see how things have changed. Please stop in and join us!

Deputy Supervisor Polak: I have a couple of items. The first one is that we are still accepting resumes for the Planning Board seat and the Town Justice seat. You can submit them to the Supervisor's Office, and we will appreciate that. We only have a few in to date and we would like to get them in so we can have reviews done and get positions in place.

The other item that I have is on the Master Plan Review Committee. Councilman Hayner and I held interviews last Saturday. We have chosen the following people to be on the committee:

Fred Bahr, Michelle Manchester, Jason Dell, Wayne Allan, Kathrine Suchocki, and Brenda LaMere

It was a great group of people. They come from many different aspects of life on what they do personally for a living and what they want to do for their community. We will have other members that will be involved, but will not be voting members like the ones that I have just announced. They will be Jim Bold from the Historical Society, Jeff Buryl representing our Zoning Board of Appeals, and Brian Knolls, representing our Trails Committee. Also, we will have our Town Attorneys. There will be one Attorney at a meeting, whichever one has the time available for that night. There will also be an engineer assigned by Clough Harbour, and we are not sure who that engineer will be yet. We are still working out details on those aspects. I told the members that I called, that I will be getting in contact with them and between the committee and I we will set a night that everybody can make for the meeting. I hope to have a good two hour, real detailed business meeting and if we need to go that third hour, we'll do it. We have to look at things and come to a decision together as to what is best for our community.

I would ask now for a resolution from the Board to appoint these people to the committee.

RESOLUTION NO. 130

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

RESOLVED, that the Town Board Appoints Fred Barr, Michelle Manchester, Jason Dell, Wayne Allan, Kathleen Sochocki, and Brenda LaMere as voting members of the Master Plan Review Committee.

DEPARTMENT REPORTS – month of April

1. Building

Total # Permits – 96 Total Fees Submitted to the Supervisor - \$12,250.00

2. Fire

Total # Permits – 17 Total Fees Submitted to the Supervisor - \$859.00

CORRESPONDENCE

1. Received from Boni Enterprises, LLC, a letter outlining public benefits for the Halfmoon Healthcare and Assisted Living/Memory Care PDD.

Received & Filed

Deputy Supervisor Polak: I would like to make a comment, if I may. We have received the letter from Boni stating what the public benefits are going to be. The Supervisor and the Town Board members have looked at it. They are pleased that we are now heading in the right direction. What I would like to do is to have a resolution to set the public hearing on June 5th. We will have time after the June 5th public hearing to review any written comments that we get or any e-mail comments. We will keep the public hearing open and make a decision on it at the June 19th meeting.

RESOLUTION NO. 131

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

RESOLVED, that the Town Board set a public hearing for the Halfmoon Healthcare and Assisted Living/ Memory Care PDD for June 5, 2013.

2. Received from the Halfmoon Diner, Inc., located at 231 Grooms Road, notification of intent to renew their liquor license.

Received & Filed

OLD BUSINESS

RESOLUTION NO. 132

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

RESOLVED, that the Town Board awards the bid for the Highway Department's Light Duty Dump Truck, opened May 1, 2013 to low bidder Metro Ford for \$46,340.00, per their submitted bid.

RESOLUTION NO. 133

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

RESOLVED, that the Town Board awards Water Department Bids, opened May 1, 2012 to low bidders, per their submitted bids:

Ferguson - All Meuller Brass & American Made Brass
Ti-Sales - All Water Meters

RESOLUTION NO. 134

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

RESOLVED, that the Town Board awards the Bid for Woodin Road Culvert Replacement, opened May 9, 2013 to low bidder, Rifenberg Construction for \$232,499.00, per their submitted bid.

R.J. Kerr	Base Bid \$310,000	Deduct Base \$245,000
Trinity Construction	Base Bid \$396,763	Deduct Base \$264,133
Anjo Construction	Base Bid \$281,000	Deduct Base \$256,000
Wm. J Keller & Sons	Base Bid \$369,000	Deduct Base \$263,000
Rifenburg Construction	Base Bid \$307,499	Deduct Base \$232,499
Jersen Construction	Base Bid \$278,000	Deduct Base \$249,000

NEW BUSINESS

RESOLUTION NO. 135

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

RESOLVED, that the Town Board approves and orders paid Vouchers numbered 1011 through 1111 as detailed.

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

10 GENERAL FUND	\$88,693.64
20 HIGHWAY FUND	\$44,667.23
25 SPECIAL REVENUE	\$1,457.33
30 CONSOLIDATED WATER	\$35,768.94
35 MISC. CAPITAL FUND	\$11,186.25
65 LIGHTING DISTRICT	\$414.28

ABSTRACT TOTAL: \$182,187.67

RESOLUTION NO. 136

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

Councilman Wasielewski abstained from voting as he was not at the last meeting.

RESOLVED, that the Town Board approves the minutes of Town Board meeting of, May 1, 2013 as presented.

RESOLUTION NO. 137

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

RESOLVED, that the Town Board authorizes the Town to renew membership with the Chamber of Southern Saratoga County for the 2013 annual membership amount of \$540.00

RESOLUTION NO. 138

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

RESOLVED, that the Town Board approves the Supervisor's Report for the month of April 2013, as presented.

RESOLUTION NO. 139

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

RESOLVED, that the Town Board appoints the following Beautification employees for 2013, for six weeks: Kayla Miller, Alecsander Falk, Giovanni D'Ambro, Cassandra McMullin, Matthew Wolfe, Colby DeMarco, and Carly Domicolo.

RESOLUTION NO. 140

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

RESOLVED, that the Town Board of the Town of Halfmoon authorizes waiving the Planning Board application fee plus associated public notice and postage for the West Crescent Fire District Minor Subdivision application involving a property line adjustment of the Firehouse property.

RESOLUTION NO. 141

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

RESOLVED, that the Town Board authorizes the Supervisor to make the attached 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 onsite 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	\$1,457.33
	Subsidiary: 25-4-2189 Home & Community Services	\$1,457.33	
Credit:	Appropriations	25-960	\$1,457.33
	Subsidiary: 25-5-1440.40 Engineering Contractors Inspections	\$1,457.33	

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

NAME	AMOUNT
Meadows of Halfmoon	\$786.75
Glen Meadows PDD	163.08
Princeton Heights	507.50
Total	\$1,457.33

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

PUBLIC PRIVILEGE (for discussion of non-agenda items)

Joe Christopher, 96 Warner Road: I would just like to quickly address duplexes, the stated legislation to address residents’ concerns about the number of duplexes and other multifamily homes being built in Halfmoon versus single family ones. So far, the only ones that have been denied a special use permit were those three proposed in Windsor Woods. I think that some of the approvals have been appropriate, however, when that legislation was passed, members of the Planning Board acknowledged that residents had made clear that they don’t want duplexes or other multi-unit development. I am not sure that those people have a voice if they don’t come out for themselves. It seems if no residents come out to oppose it and the property owner says that it will be owner occupied, that it passes.

I think that some of those things are fair criteria but, I think that it won’t take long before parties know what to say to get these things through. I would just like you to think about that. I have a question; I was just wondering if a landowner gets a special use permit, is that permit grandfathered onto the buyer of that parcel if he then sells it?

Attorney Murphy: Depending on the time period, yes.

Joe Christopher: OK. Speaking of the multi-unit development, I was here for that Plant Road meeting, the Planning Board Meeting. I am not sure if all of you were here, but I thought that emotions were running pretty high. I think it was sad to watch the way it unfolded; I think that people felt duped. I was just wondering if you thought that the approval of that Pleasant Valley PDD is a positive contribution

Attorney Murphy: I am going to caution this Board about commenting on the actions of another board. They are separate legislative bodies and they are prohibited by statute on commenting on the actions of one another.

Joe Christopher: OK. I guess the question that I am posing here is about the passing of the PDD which happens on this board. Right? Am I right Ms. Murphy?

Attorney Murphy: The PDD was passed here, but that wasn’t the last meeting where that matter was

Joe Christopher: Right, but I was here at the last meeting. I wasn't here when it was passed on this board. This board passes the PDD's, right?

Attorney Murphy: Right.

Joe Christopher: So, I was just wondering if you felt that this was a positive contribution into the development of Halfmoon and Plant Road. Just generally, if anybody would like to speak to that.

Attorney Murphy: Apparently they do not have a comment. Obviously the legislation was passed by the board

Joe Christopher: OK, how about those public benefits? Does anyone know what the public benefits were concerning that PDD

Attorney Murphy: That is all available public information on the website. You can access it at any day and time

Joe Christopher: I did access it, I didn't find a specific heading that said public benefit, but the only thing that I could find was an extension of the water line which seems to serve ten more customers, but it would also preserve, I think the ultimate goal of it was to preserve the water pressure in the area. Then there was the, I guess the traffic mitigation at the end by the Stewart's there on the north end of Plant Road, which I think a lot of people felt wouldn't improve the traffic at that end of the road at all. Those were the only two things that I could see as far as public benefit. Were there other things?

Deputy Supervisor Polak: There were actually improvements to both north and south ends of Plant Road.

Joe Christopher: That's right. You're right. There was a lane at the other end. To me, it seemed like this mitigation would just serve to perpetuate the project. I mean, I guess, that is what it seemed like to me, and I do not think, but given that, do you think that those benefits offset the costs to the residents in terms of over burdening infrastructure and traffic etc.? I mean

Attorney Murphy: I am just going to reiterate to you that the board voted on it and passed it unanimously

Joe Christopher: Mr. Farone stated that he spent a million dollars on public benefits and the residents don't even care, and that was in a recent Community News article. Do you think that that comment is accurate? I mean, do you think that residents, that is why I was asking about the community benefit, because I thought that maybe, you know, that the public is missing something. Maybe there was some benefit that they were overlooking. No? Alright, I guess that is all that I have, thank you.

Deputy Supervisor Polak: Thank you

Deanna Stephenson, 7 Cindy Lane: I am all over tonight, so just a few questions for you. I am looking for some clarification, my own edification. When we develop land here and you are passing PDD's through the Board and it goes on to the Planning Board, back and forth. In any of that process, do you do any, do you look at the developer for themselves as a business developer. Do you check ratings like a DBA rating or anything like that does that happen at all? I don't know. I am just wondering. Is that a weird question? I am asking and I will tell you why. I did some research on that Plant Road once it went through, did some Google research. That developer had a DBA rating of F, which is kind of concerning to me.

Attorney Murphy: I guess the best way to answer your question. The Board is not allowed to consider who is presenting an application that would be discriminatory in nature. They can't consider that, they can only consider the facts, the legislation, the zoning, all of the other things that are contained in the PDD. They are not allowed to look at you and judge you as an individual and say "You know, we don't really like her, so we are not going to do this." I hope that helps.

Deanna Stephenson: Alright, so that would not be part of the process, OK. Another question; how often and Lyn, this night actually go for you because you might know it off the top of your head, how often are by-laws looked at within set committees of Halfmoon? Say the Planning Board or any other committee that have set by-laws. Do they review them annually, do you

Attorney Murphy: I guess my hesitation to answer your question, like the Planning Board is governed by the laws of the State of New York, so we do not have the authority to overlook the laws of the State of New York

Deanna Stephenson: OK, that is going to lead me onto the next one. So when the Planning Board, is it in their by-laws to when they wanted to elect their Chairman, is that at the pleasure of

Attorney Murphy: It's statutory

Deanna Stephenson: That's statutory, OK, alright, thank you. And then my last question is for selection committees within the town, are they set because two instances where I met with a selection committee, they had the same committee people on them. I don't happen to see John or I don't see Paul, are the set selection committees or is that at the pleasure of the Supervisor?

Attorney Murphy: It is usually determined by who liaisons t what is being looked at.

Deanna Stephenson: OK, were you the liaison to the Ethics and Planning?

Deputy Supervisor Polak: I was the liaison to

Deanna Stephenson: OK, thank you.

Deputy Supervisor Polak: Thank you.

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 7:20 pm.

Respectfully Submitted,

Lynda A. Bryan, Town Clerk