

**The February 5, 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  
Craig A. Hayner, Councilman  
John P. Wasielewski, Councilman  
Lyn A. Murphy, Town Attorney  
Lynda A. Bryan, Town Clerk

Paul L. Hotaling, Councilman - Excused  
Matthew J. Chauvin, Deputy Attorney - Excused

## **PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE**

## **PRESENTATION: OAKBROOK COMMONS PDD AMENDMENT**

**John Gay from North East Consultants:** Our proposal tonight is to ask the Town Board to modify the Planned Development District of Oakbrook Commons in order to allow us to do the following things:

First of all, the Office for Oakbrook Commons has become too small and there is a need to construct a new one. We proposed to construct it at this location, which is in fact in the Town of Clifton Park and partly on ground that was sold by the Town of Halfmoon to Mr. Hoffman as part of the well fields that existed. The parking for that 10 car parking spot is directly in front of the building and is in Halfmoon.

Secondly, we would like to construct a four unit apartment building at the location at the present Town Hall site.

Thirdly, we would like to construct in an open area, a four unit apartment building with associated four car garage and a three car garage.

That is pretty much our proposals. We are quite aware that we need to go to the Planning Board and deal with some of the site plans and issues. We would like to follow through with the Town Board and see if we can receive an amendment into the Planned Development District.

**Supervisor Tollisen:** Any questions from the Board?

**Councilman Wasielewski:** What is your proposal for the existing office? What is going to happen to that?

**John Gay:** Just demolish it

**Councilman Wasielewski:** Just demolish it, OK.

**John Gay:** I am going to put Chuck Hoffman up here; he may have a little bit of a different answer for that.

**Chuck Hoffman:** Actually, we have talked to Habitat for Humanity about donating the existing office to them and there is a level of interest.

## **RESOLUTION NO. 59**

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

**RESOLVED**, that the Town Board approves sending the Oakbrook Commons to the Planning Board for review.

**John Gay:** Thank you very much for your time Board Members.

#### **PUBLIC HEARING - Zoning & Building Town Code Amendments**

**The Town of Halfmoon Town Board Meeting and the Public Hearing regarding changes in Town Zoning will be held as scheduled at 7pm. However, Public Comment will be extended up to and including the February 19<sup>th</sup>, 2014 Town Board Meeting to allow Town residents to make comments regarding the proposed changes.**

**Supervisor Tollisen** I will make it clear that we posted the above this morning on the town website that while we are having the Public Hearing this evening, I am going to extend the public comment period up through and including the next meeting of the Town Board on February 19<sup>th</sup> because of the weather and other issues. I want to make sure that the Town Board receives all the comments before making a decision with respects to these amendments, whether or not we make the amendments or not.

The public hearing will be held tonight, but it will be extended out for public comment up to and including the February 19<sup>th</sup> meeting. He asked the public if they would like the Notice of Public Hearing read. Mike Stiles said that he would.

**Clerk Bryan** read the following Notice of Public hearing posted on Website and Signboard January 21<sup>st</sup>, 2014 and published in the Daily Gazette on January 23<sup>rd</sup>, 2014.

TOWN OF HALFMOON  
PUBLIC HEARING

Please take notice that the Town Board of the Town of Halfmoon will hold a Public Hearing on February 5, 2014 at 7:00 p.m. or as soon thereafter as the agenda allows. This Public Hearing will be held in the A. James Bold Meeting Room at the Halfmoon Town Hall, 2 Halfmoon Plaza, Halfmoon, NY. The Town Board will hear comments on proposed modifications of the Local Laws of the Town of Halfmoon that will modify the timing for soil disturbance activity until after approval of proposed projects, amend fees by permitting Town Board to set by annual resolution, amend language of Planned Development Districts (PDDs) to permit Town Board to deny applications without a referral to the Planning Board, establish maximum density for residential PDDs to be calculated based upon buildable area, limit the use of construction equipment to 7:00am-8pm Monday through Saturday, remove limitation on number of flag lots, amend requirements for temporary activities without the need of site plan approval, clarify language regarding change of use and/or change of tenant in non-residential zones, increase discretion of Planning Board regarding parking, modify penalties section, codify restrictions regarding Town parks, change requirements for obtaining permits, permit Code Enforcement to receive permits for septic systems, permit Town Code to enforce open burning regulations, and to limit number of RV, campers or travel trailers permitted in mobile home parks.

Please take further notice that at such Public Hearing any and all interested persons will be heard. A copy of a summary of the proposed amendments is available in the Town Clerk's Office of the Town of Halfmoon at the said Town Hall and may be read and inspected by any interested person.

DATED: January 21, 2014

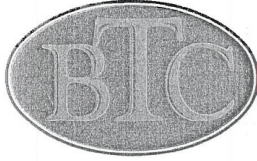
LYNDA A. BRYAN, TOWN CLERK  
TOWN OF HALFMOON

1/21/14 Website & Signboard  
1/23/14 Daily Gazette

**Supervisor Tollisen:** We have already received some comments from residents. There is a revised version up here if you have not received it; it is certainly something to look at. I will tell you that we are going to take all of the comments and we are going to re-review them. This is going to be a process, and again public comment is extended right through to the next meeting. Would anybody like to be heard with respect to the proposed zoning changes?

**Supervisor Tollisen:** opened the Public Hearing at 7:08pm.

**Bruce Tanski, Clifton Park** came forward to speak. Jeff Williams passed a letter to the Town Board Members and residents as Mr. Tanski read the following:



Bruce Tanski Construction & Development, LLC

2 Cemetery Road • Clifton Park, NY 12065 • Ph: (518) 357-3275 • Fx: (518) 357-3277

Mr. Kevin Tollisen, Supervisor  
Town of Halfmoon Town Hall  
2 Halfmoon Plaza  
Halfmoon, NY 12065

February 5, 2014

Dear Supervisor Tollisen:

I have had the chance to review the Proposed Zoning & Building Town Code Amendments that are referenced in the January 15, 2014 Memorandum from the Director of Planning, Rich Harris, to Supervisor Tollisen.

As I read through the changes some made sense to me while others, I believe, need more review and discussion including some that are in my professional opinion are too restrictive and will impede development by adding another burdensome layer of government rules and regulations for unforeseen reasons.

Before I start, I want everyone in this room to understand that I and several others here tonight are local businessmen. We are involved in construction, in development and/or the property management field amongst others. Most of us either live in the area or have our businesses in the immediate area or both. Most importantly, we provide a quality product that people call "home", and we are proud of what we provide and we take great care in providing a quality product. Our businesses provide many local jobs (I alone employ over 60 people); our business operations provide revenue to contractors, vendors, service businesses, retailers and the alike. Our business dealings are an enormous part to the "cash flow" in this local economy. Just think about it, from supporting our local businesses to a big push in County sales tax revenue that benefits every single person in this Town one way or another! But, this business is very dependent on weather, on seasonal changes and the fact that most contracts of sale are on a strict time to deliver the product. With the weather and the seasons conflicting with your timing on delivery of sale, up here in the north "you better be gett'in when the gett'in is good"- meaning during the 7 months of prime construction season, we all need to be vigilant on moving our projects forward. I think all of my counterparts here tonight will agree to that statement.

To start, the first thing that came to my mind when I read this Memo is that most of the purposes listed do not explain the specific reasoning for the proposed changes. So, why are the changes being proposed? The call for change is usually derived by a need or reason. What are they? What is the goal the Town is trying to achieve by instituting these changes? I see to prohibit, to limit, to make but why? I

think the public deserves a better explanation on the reasoning to why these changes are being proposed as not lead us to assume or try “to read between the lines. The reasons should be more clearly stated.

Like I stated before, there are several proposed changes in the referenced Memo that I agree to, I understand them and I, personally, do not have a problem with them. I am not going to dwell on these items tonight and I would commend the Town on the foresight with these apparent issues. But again, most of the items I agree to seem to have a clear sense of reasoning as to “why”

There are other items in the Memo that concern me greatly and I believe these items listed need to be further discussed including some that need to be changed or omitted outright. I have outlined them here with my questions, comments and concerns:

Fees – Just a question...Will there be public input prior to the Town Board taking action on the proposed annual resolution?

Permitting-Amendments to Sec. 71-5

(2) Residential Sheds- What is the reasoning for this? Is it State Code related or another fee resource or something else?

(3) Agricultural Farm Buildings - What happened to Right to Farm? This appears to be an extra burden on the Farms that are still somewhat operating here. Again, why? Is it State Code related or another fee resource or some other reason?

PDD Referral to Planning Board – the proposed change to the language regarding the Town Board’s PDD referral to the Planning Board from “shall” to “may” to me creates a very “slippery slope” for the Town Board. The notion that one proposed PDD will be passed to the Planning Board all the while another proposed PDD will not be referred to the Planning Board, to me again, creates an atmosphere of favoritism. Why isn’t it a good thing to pass along all the proposed PDD’s to the Planning Board for technical review and recommendation? The Planning Board is the Board with the expertise and background on reviewing proposed land uses and makes the determination of the appropriate use and design of each proposed project. I believe Town Board should refer a project to the Planning Board and along with the referral, pass all of its concerns or issues for the Planning Board to review or address? This proposed “choose and pick” which project gets referred appears very unjust. I would think, at the very minimum, if the Town Board chooses to go down this path with its ultimate decision-making authority on proposed projects it would be willing to provide the applicant with very specific reasons why the project is not being referred to the Planning Board. Quite honestly, I find the whole idea unsettling and by far, not a proper way to do business.

Residential PDD Density Calculation- This one has been kicked around for a long time. I do not think there is one developer or consultant that has not had its run in with this one. I agree that the conflicting language should be addressed but I would like to propose you take this matter one step further. Instead of creating some arbitrary number that has no scientific or engineering reinforcement to what is



perceived as to what the proper density is on any given project on any given piece of land, why not let the merits of the project itself determine what the proper density is. I believe there are projects that can merit a higher density depending on the type of project, the location of the project and the individual merits that the project provides like the amount of green space provided, the overall design and location of the project, type of residential tenure being proposed or type of commercial services being offered or both in a mixed-use set up, things that foster good sound planning practices. That is why I feel the Town should have greater ability on determining the proper density of each proposed project based on the individual project's merits. I believe the Town of Clifton Park and the Town of Ballston amongst others performs this during their reviews of PDD's. For example, here is the Town of Clifton Park's excerpt on density in their Planned Unit Development section of their code book: "Density-Because land is used more efficiently in a planned unit development, improved environmental quality can usually be produced with greater density than is usually permitted in traditional zoning districts. The Town Board shall determine in each case the appropriate land use intensity and/or dwelling unit density for individual projects. The determination of land use intensity or dwelling unit density shall be thoroughly documented, including all facts, opinions and judgments justifying the selection." To me, this is a better approach for the Town to take when it comes to density of proposed PDD projects. By setting a number, whatever it may be, could limit the Town on some very attractive and high quality projects. This is just something I feel the Town should look into in hopes of erasing a part of the PDD language that has caused conflict and confusion with past projects and creating a language that would hopefully entice good, sound quality PDD projects for the Town's future.

Soil Disturbance- Let's start off with the stated purpose. The purpose is to prohibit.....to prohibit applicants from clearing the land prior to the Town stamping final plans. This is ludicrous! Let me tell you why. First, I have already stated that the business we are in is weather, seasonal and timing sensitive. Let me explain the current procedure in place in the Town on how a developer is able to obtain a Soil Disturbance Permit and to start clearing the LAND that they OWN in a "nut shell". The developer provides engineered detailed plans, including grading plans and a bunch of engineering documents including a Storm Water Pollution Prevention Plan including a soil and erosion control plan. These documents are reviewed by the Town's Engineers and the Town's Storm Water Management Officer. After several months of reviews and if all goes well, the Town engineer and Town Storm Water Management Officer sign off on the documents. The Town's Storm Water Management Officer will sign, along with the developer and its consultant, a Notice of Intent (NOI) and submit to NYSDEC. NYSDEC will review and issue a letter of acknowledgement that basically says the State has received the request from the developer to release treated storm water runoff into the environment. There is also a separate procedure to cover with NYSDEC and Army Corp of Engineers to procure all the necessary permits to cross or impact any wetlands that may be on the subject property. After all of this is said and done, the reviews, the acknowledgements, the permits, the developer then approaches the Town's Building Department to obtain a Soil Disturbance Permit. The developer then implements all the necessary structures and mechanisms to control erosion and runoff before the actual clearing of land begins. Now honestly, who here does not think this process has gone through enough proper agency reviews with all the checks and balances in place so that the PRIVATE LANDOWNER can begin to clear their LAND?

This proposed law will only prolong the inevitable and hamper development. If the developer needs to wait until the Planning Board Chairman signs the approved plans, you are asking for another 6 to 8 months of waiting to begin a project. Here is why, again in a "nutshell". At some point, if all goes well, the Planning Board will grant Preliminary Approval to a project. When this happens, it is a sign that the Town is comfortable with the site plan design and triggers the applicant to seek reviews from the other agencies, NYSDEC, NYSDOH and County Sewer for example. Ask the developers and consultants in this room on the time it takes to receive reviews and approvals from these other involved agencies. A fast track would be six months. The Town is the last agency to stamp and sign the final set of plans which means this new proposed law is hindering a project of getting started an extra six months but most likely longer. I absolutely believe the existing procedure already in place to obtain a Soil Disturbance Permit protects all interested parties. To place another layer of regulation on top of this established procedure is just an outright infringement on a property owner's right and an example of overzealous governmental rules and regulations that will only hamper development and slow down what will only take place at a later date and time. As I explained, there is already a sound procedure in place. So I ask, why or what is the reasoning the Town would consider to place this extra burden on a proposed development? What is the desired outcome?

Construction-Related Noise - Once again I reiterate with weather and seasonal dependent projects along with the timing of delivery, work on Sundays sometimes becomes necessary. A few days of rain or a late delivery of material are examples of setbacks that would cause the need to work on Sunday to get back on schedule. Remember this is a business and there is a buyer on the other end, possibly a new resident to the Town that is waiting for their place of residence. I do not believe any developer is out there trying to annoy its neighbors. It's a business and in this business it is sometimes necessary to perform work on Sundays. I would not say it happens all the time but there are circumstances that arise when Sunday work is needed. It's that simple.

The proposed hours of operation between 7 am to 8pm can also hinder the scheduling of development. There is not a big difference here between "dusk to dawn" but let me explain a couple of scenarios here. During the hot summer months, a lot of the outdoor work is performed during cool morning hours. It is necessary to start as early as possible. Ask the roofers or black toppers, even ask your highway crew. The other thing is a lot of this "construction" equipment is very expensive, like hundreds of thousands of dollars expensive. It is necessary to warm this equipment up before you start moving earth. Are you telling me that we cannot start the equipment up until 7am and let it warm up and then start working? Once again, it is a law that will hinder the business of development. I believe the "sun up to sun down" clause has been used since Halfmoon started to see growth over the last thirty years. It worked in the past, why does it not work now?

In closing, let me say that I believe every developer working in this Town always tries to be a good neighbor to affected adjacent residents. It is a noisy, dirty business in the beginning and as the project advances things get better. That's just the nature of the business. I would dare to say that the majority of the people in this room live in a development that was most likely built by one of the developers here tonight and that their development went through the same processes as I explained. Again, I ask why

these changes are being proposed. What is the desired outcome from the proposed changes? Why now? I think these questions need to be answered; I think the Board needs to think about the effects these changes can have on the construction industry and on all of the other related service and retail businesses that are a part of this community as well.

Thank you for your time.

Sincerely,



Bruce Tanski  
President  
Bruce Tanski Construction & Development, LLC

**Bruce Tanski:** Thank you very much for your time. Sorry it took so long.

**Supervisor Tollisen:** Thank you. We will take your comments and we will review them and we will report back. Just with the residential PDD density calculations, I don't believe that the Town Board is looking to set a density calculation; I think that our mere purpose is to base the density on buildable land, not total acreage.

**Bruce Tanski:** Mr. Supervisor, ever since I have been working in this town, we have had calculations that say you can't have any more than 10 units per acre and then maybe the goldilocks zone is 7-8 units per acre. You know, everybody has a problem with it. I know that we had a PDD approved down on the river with 11 units per acre, which was out of our zoning. I guess what I am referring to is let each project stand on its own merits. If somebody wants to build a high-rise near an intersection, maybe we go to 13 or 14 unit an acre because it is a 7 or 8 story building. If we limit ourselves to a certain number, like I had said here, we might be doing the town an injustice as well as everybody else. You might have a beautiful project here that



would make everybody proud, but yet we are limited on the number of units that we can do based on the zoning. That is my only reaction to that.

**Supervisor Tollisen:** I appreciate those comments. The intent of the residential PDD density, is there has been some inconsistencies in the past whether we use the total gross acreage or the buildable acreage. I think that the intent of this portion of the legislation that we are looking at tonight is to make sure that it is clear and consistent throughout our zoning code that the density would be for buildable acres.

**Bruce Tanski:** OK, and maybe the board can take it one more step further and look at maybe eliminating that number and having each project stand on its own merits. Again, If you put a number like 10 and somebody wants to get to 10 and people on the Planning Board don't want 10, the Town Board doesn't want 10 units per acre because they say it's too dense. If that's the case, what do we have the number there. I think that if we take these numbers out of there, we are not going to have those issues.

**Supervisor Tollisen:** Thank you for your comments.

**Chris Marchand:** I want to comment on the proposed restriction to construction activities on Sunday's. Before I start, I'd like to say that I think there would be a lot more people here tonight if it wasn't for the weather. I think that a lot of the hard working folks that this would most impact are out keeping our roads clear and safe for everybody else. In the interest for full disclosure, I am someone who makes my living in construction. One look outside will tell you that we don't live in a place like San Diego. We have less than desirable weather about a third of the year. There are times throughout the year that it may rain 3 or 4 days a week. We have deadlines to meet and sometimes Sunday is the only choice we have. We are understanding of the people around us and we very rarely work on Sundays and make a lot of noise, but sometimes that situation does arise. I think anyone in this room who had an addition put on their house or buying a new house and they had a closing date and they had to be in, I do not think that they would be complaining if their contractor was working on a Sunday. I think that this is the classic NIMBY mentality. If no one knows what Nimby means: not in my backyard. It seems everybody wants to be the last house on the street or the last lot to be developed, whether it be a new apartment complex or a new subdivision, they want to be the last one. They are going to complain and call the town beefing when their next door neighbor's house is being built.

Just in summary, I would like to say that this is usually predicated by the weather. We are always cognoscente of our neighbors. If our next door neighbor is sitting outdoors by their pool on a Sunday, we don't want to be generating a lot of dust and we try to minimize the noise, the dust and all of that type of thing, but sometimes it is a necessity. I would like the Town Board to consider not approving that part of the legislation.

Before I sit down, I would just like to jump topics. I have a question. We talked about prohibiting motorized vehicles on trails. Is that just within a park or is that on any trail in the town?

**Richard Harris, Director of Planning:** Any of the town parks have signs that list prohibited activities. The Building Department went around and gathered up the list from those signs. So it would be where there are signs today, not necessarily trails, but the parks that currently have that restriction. The Building Dept. requested to codify those things from the signs, so they have a mechanism if there is a violation, to be able to write a ticket.

**Chris Marchand:** The reason why I ask is I was at last month's meeting and was looking to get snowmobiles authorized to operate on the trails, the Champlain

Canal Trail. I was curious if that would impact that or not so. That is the only reason why I asked that question.

**Supervisor Tollisen:** This is strictly to codify the existing rules that take place like at our main Town Park, down at the Lighthouse Park and things of that nature, so that there is the ability for our Code Enforcement to enforce those rules in a more stringent manor if necessary.

**Chris Marchand:** OK, thank you.

**Supervisor Tollisen:** It has nothing to do with the trails that Miss Jordan is working on right now.

**Chris Marchand:** OK

**Councilwoman Jordan:** I also have notes all over that area to say that if that part should go through into our ordinance to actually list the parks that are affected so we don't affect the trails

**Chris Marchand:** OK, thank you.

**Supervisor Tollisen:** Thank you Sir.

**Tom Ballard:** I think that Bruce did a real good job, Mr. Tanski here, I agree with most everything that he said. The other gentleman, I was one of the small excavator businesses in town, and a lot of the work that I did for the people was when they were home because they wanted to see how their money was being spent and what they were doing; a little more fill, a little more this, could you do that. You can't do that when they are not there and they have to work so you have to do that nights and weekends to satisfy the homeowner. So that is what I wanted to add to what you are trying to create some issues about.

**Supervisor Tollisen:** Thank you very much, I appreciate your comments.

**Deanna Stephenson, 7 Cindy Lane:** I just want to go down to the PDD piece and just leave a comment when we talk about other towns, especially Clifton Park. Clifton Park regarding PDD's uses them as an extreme and not as a norm any more. Which would lead me into my next piece which is the public benefits. Mr. Tollisen, I think that we talked briefly about this as well. Perhaps you would consider, and you are creating new committees now, maybe a public benefit committee? I know that you are also looking at going back and looking at the bucket list of public benefits that have not been completed through PDD legislation in the past. I am sure that is a very difficult task to do but it may be helpful for the town so that you have a baseline and I see nothing here about public benefits. I know, Mr. Tollisen, you and I also spoke about the PDD's that the developer's put the public benefit up front, but I think that it would be most important to that no CO, nothing be given to the developer at the end until that public benefit is seen to fruition as they have not been held accountable in the past. Thank you.

Oh and one more thing, I am sorry. Under the PDD, any PDD that goes forward at this point Mr. Tollisen, are you saying then that until this legislation is put in place, anything from January 2014 on, will that fall under the old legislation or will it be subject to this new one?

**Supervisor Tollisen:** Currently there is no change in the legislations

**Deanna Stephenson:** anything that is up right now could go through?

**Attorney Murphy:** It has to go through the old legislation

**Supervisor Tollisen:** Basically, any projects that have already applied to, or any projects that come in where an applicant makes an application, until and if this law is changed, up until that happens, they would go through as normal, yes.

**Deanna Stephenson:** OK, thank you.

**Mike Stiles:** Everything that Bruce Tanski has said and Tom Ballard, I agree with, but there is a couple of questions I would like to ask you. You are kind of late coming in Kevin, but you probably because you work for the town and heard and understand what's going on behind the scenes. What brought this all about and why is the town wanting to do this?

**Supervisor Tollisen:** I can tell you from my perspective that when I came in, some of these issues that are up for zoning changes tonight came from our Planning Department and our Code Enforcement Department, there appear to be some inconsistencies in the current zoning. Some of these items are clarification and to make sure our town code is consistent.

**Mike Stiles:** Did you come up with all this on your own?

**Supervisor Tollisen:** Did I, no.

**Mike Stiles:** How long have you been working on this?

**Supervisor Tollisen:** This was being worked on by our Director of Planning and our Code Enforcement and was brought to me after I came in.

**Mike Stiles:** How long were they working on it?

**Supervisor Tollisen:** I don't know that answer.

**Mike Stiles:** Months, a year?

**Supervisor Tollisen:** Mr. Harris, if you can answer that?

**Councilman Polak:** Some of these go back quite a while.

**Richard Harris, Director of Planning:** Yes, sure. I started in early March of last year and there was a running list of some of these items from memos from prior Planning staff, one of which is here tonight. Some of these carried from the list that I had going and the Director of Codes had going. At one of my first meetings it was brought up about the inconsistencies in the PDD density, and my understanding, the town has always used "buildable" section, but there happens to be a section that says "gross". Some of these were observed by myself during the past year, some of which Kevin Tollisen was aware of when he came in and other Board members. When Kevin came in November one of the first meetings I had, I sat down with him and he requested this, Some I observed and some he observed, such as parking. That was one priority he had. Some go back several years; some came about through incidents in the past year.

**Mike Stiles:** Are these all listed on this agenda, the problems that have occurred over X amount of years such as fees, soil disturbance, burning, hours of operation and so on?

**Richard Harris:** Sure, I can sit down and go through them individually, but can tell you on soil disturbance, I observed early on that one project that has a pending PDD proposal, did clear and grade some of the property and it received a soil disturbance permit because it was over an acre, and that project hasn't even received a PDD approval yet. And it is my understanding in talking with the Building Department

that has been allowed to occur prior to PDDs even being enacted. So this begs the question, if a PDD never is enacted, yet a certain level of development is allowed to occur we are left with a situation in the end, grading that exists for a project that is never going to happen or has not had approval. Also, quite a bit of changes can occur once a project moves to the Planning Board. You may receive input from the fire department, the highway department, the water department, other state agencies or county agencies that change the grading on the entire project, and yet if we allow soil disturbance to occur based on a grading plan that doesn't have approval from the Planning Board, without set roads and utilities, you now have permanently removed earth and trees that now takes away a buffer from neighboring residents, from the neighborhood. So I think that in some respects to allow a certain amount of soil disturbance when there is a project pending is premature and permanently affects quality of life and quality of the neighborhood that the project is proposed for, and may never be built.

**Mike Stiles:** Well as long as you are picking on the PDD and soil disturbance, with all of the years that I have sat in on the meetings, I have always seen where a project went to the town and it was handed to Clough Harbour. Clough Harbour reviewed it, it might have gone back and forth and they went to the town and the town OK'd it. That would mean that in this case that if the engineer allowed it and there was a problem that occurred, then who is to blame? And why are you digging up old graves if this is the case, why wasn't that handled from the get go done right, finished? Sticking on that today and talking about that right now.

**Richard Harris:** I think that, and I can't speak for every project in the past by Clough, this amendment is for projects moving forward so that the Planning Board during their review and the Town Board during their review, isn't already in a box where they have a pending project and grading and clearing has already occurred. I can't speak to what Clough may have reviewed in the past and hasn't worked, but the idea is that we end up with a grading and topography that matches the final plan, not the plans submitted a year ago, 5 years ago that may not end up being the reality of the development. I can't really speak to Clough's past review. This amendment is looking to not put the cart before the horse and have grading and final grading considered during the review process.

**Mike Stiles:** Giving that a solution here and an ongoing problem that I've had with the neighbor behind me. Now that was 13 years ago and I made all of these problems evident, talked to the Boards, all of them, told them what was going to happen and it happened and it still is not taken care of. How is this going to change anything what you're doing? It should have been done with Clough Harbour. Clough Harbour's the one who OK'd everything and the town took their advisement and nothing was ever done. If they had done it right the first time like any other project, it would have been taken care of so there wouldn't be any need for that. Well maybe enough on that. Let me go over a few other things here.

Now, it says here that you want to raise the fees every year. First of all, want do we want to raise the fees and why do you want to raise them every year?

**Supervisor Tollisen:** What section are you referring to Mike?

**Mike Stiles:** First page, second item

**Supervisor Tollisen:** The fees that were originally put in were 2% per year. This would basically be the Town Board setting it by annual resolution.

**Mike Stiles:** Why?

**Supervisor Tollisen:** It doesn't mean that the fees will change each year, just that the fees will be set each year by the Town Board

**Mike Stiles:** Well, when the person comes in to do a project, he has that money set aside, doesn't he not for that and it's taken care of at that time? Are you saying that they are going to charge more and add extra to it every year?

**Supervisor Tollisen:** What I'm saying is that the fees will be set annually by the Town Board. Now, the comments that I have received so far with respect to the fees, instead of them being written into the codification is 2% or whatever it was, it will be set by the Town Board. There needs to be a mechanism in place that would be given in advance if there is any notification of a change in fees. Right now the Town Board sets the fees this is codifying that by resolution only.

**Mike Stiles:** OK, are you saying that if the fees are \$100.00 this year, next year they are going to be \$150.00 or are you just going to make them higher because that's another year?

**Supervisor Tollisen:** No, I am not saying that at all.

**Mike Stiles:** Will they go down?

**Councilman Polak:** Has your school taxes gone down?

**Mike Stiles:** Wee, that's another issue.

**Supervisor Tollisen:** I guess whatever the fees are, whether they are increased or decreased, and I will use the decrease very carefully, but whatever those fees are, and this is not creating an automatic increase in fees each year. In the documentation that we have now, it appears that those fees should increase every year, this is saying that the Town Board sets them and the Town Board can say this fee stays the same, this fee goes up, and these fees stay the same, that is going to be up to the Town Board. They will be posted in advance and they will be provided to the public.

**Mike Stiles:** Well you just said that and made a comment that the fees could or should go up, first of all, why should the fees go up?

**Supervisor Tollisen:** I did not say could or should go up

**Mike Stiles:** In other words the fees are going to stay the same henceforth for a project or a certain thing going on?

**Supervisor Tollisen:** Those fees should increase every year, this is saying that the Town Board sets them and the Town Board can say that this fee stays the same, this fee goes up, and these fees stay the same that is going to be up to the Town Board. They will be posted, in advance and they will be provided to the public.

**Mike Stiles:** Well you just said that and made a comment that the fees could or should go up, first of all why

**Supervisor Tollisen:** I did not say could or should go up

**Mike Stiles:** What?

**Supervisor Tollisen:** I did not say could or should go up

**Mike Stiles:** In other words, the fees are going to stay the same henceforth for a project or a certain entity going on?



**Supervisor Tollisen:** No, I said that the fees would be determined each year by the Town Board.

**Mike Stiles:** Why would that be? Are you trying to tell me that you are going to put more people on the payroll and get more offices filled to keep people busy and get these high wages that you pay here? That's not the answer you know. You've got to curb the expenses that you are spending and we can't keep this up and have all these things come down our throat. It's just too much.

Alright on the other thing here, on the hours, I agree with Tom Ballard and Bruce there about that, it's a perfect thing there. It goes on there, small contractors have to live and people have to work. They like to around the place when they are having things done, so I'm inclined to, we're in America, you want to work\_\_\_\_\_you work. Now this permitting on the farm buildings in the section 71-5- 2D there, why is it we have to have permits and things for that there for barns, shed, poultry houses and so on for agricultural? Is that another making thing that you put more people on the payroll for? What's that money, where does it go?

**Attorney Murphy:** What was happening, and this was done for the benefit of the people who were putting up the buildings. Because the people didn't realize that if you are in the right to farm situation, it won't apply for you. There is no way we can make it apply to you.

**Mike Stiles:** We don't have a right to farm in the Town of Halfmoon

**Attorney Murphy:** New York State law has a right to farm.

**Mike Stiles:** I know and I'll do it anyway, never the less, you know.

**Attorney Murphy:** So we agree that the State of New York would not permit us to do that. What this is trying to do unfortunately, people were putting up sheds and barns so to speak, not agricultural in the front of their house and they are not allowed to and then they had to take them down. So it was causing people to expend a lot of monies. This will force them to come into the town so they know what the rules are.

**Mike Stiles:** Well, it's all the yuppie, puppy, preppy Clifton Park movers that moved here and if you want to put a barn in front of your house, hey do it, if they don't like it, move the hell back to the city where they come from.

Open burning. Take the people who have a lot of land like myself that want to burn brush or whatever, I don't burn plastic, I don't burn things that are toxic. But I don't want to be told I can't do that, or anybody else that owns land. I don't want that in there and it shouldn't be. Don't forget that either.

**Supervisor Tollisen:** The open burning is a state regulation

**Mike Stiles:** Well, two wrongs never did make a right and especially when you've got land. If you people want to live side by side and you don't want your neighbor to burn leaves and you don't the cars spin wheels and smell the rubber on the blacktop, too bad, move back to the city. So, a lot of these things, I do not like and don't want to have happen and whatever has to be done, we'll follow through with it some more.

**Supervisor Tollisen:** Thank you, who else?

**John Higgins, Cary Road:** A lot has been said here tonight. I agree with most of what has been said. There are two things that I would like to address specifically. One is the PDD referral to the Planning Board. I read this over 3 or 4 times and I

have been a member of the Planning Board for a number of years and I totally disagree with this proposal. I feel that the Planning Board should be involved with PDD's and the amendments. The Town Board in the past has overruled us on our recommendations on PDD's, that's their discretion. But I don't think that the Town Board has the expertise and experience that is on the present Planning Board to be able to look at PDD's and make recommendations to the Town Board as far as procedures on those PDD's. Making it not mandatory, making it an option, takes a giant step backwards in the process and I am totally against this.

The other item is on the agricultural buildings. I can understand getting permits, but if it's an agricultural farm and there is only a few of us left in the town, is there going to be fees associated with that permit for agricultural or are they going to be exempt?

**Attorney Murphy:** If you are an actual agricultural, you have the exemption, we cannot fee you for the buildings.

**John Higgins:** What exemption are you talking about?

**Attorney Murphy:** If you are classified as agricultural, if you are getting the tax exemption because you

**John Higgins:** You don't have to have the tax exemption to be classified as a farm. I am classified by New York State and Federal government as a farm.

**Attorney Murphy:** If you can prove that you have been classified by the state as a farm, we do not have you pay a fee. We never have. You just have to have some document from the state saying that they have acknowledged that you are and in fact agriculturally use. Often times what we get is the tax documents, but you're right, we can get other documents as well.

**John Higgins:** Right, so presently and in the future if it's an agricultural related building, that even though we get a permit, there is no fees associated with it.

**Attorney Murphy:** I don't want to mislead you. You already have to have been approved by the state, as you have with regards to the farm. So,

**John Higgins:** I am not planning anything. There are only a few farms left in town as it is.

**Attorney Murphy:** I am only

**John Higgins:** I'm just asking the question, I'm not planning any buildings; I just wanted to ask the question of exactly what we are talking about.

**Attorney Murphy:** I guess my point is, if you live in a sub-division, and call it a barn and say it is an agricultural building, that doesn't mean you are not going to have to pay the fee. You can't just call it an agricultural building; it has to actually be one.

**John Higgins:** OK, even though there is a permit associated with it, there's no fees?

**Attorney Murphy:** Correct.

**John Higgins:** OK. Thank you.

**Attorney Murphy:** This actually makes it clearer. We are actually already doing this. This just makes it much clearer to the person who is coming in. Often times people come to Planning or Code Enforcement and have a list of questions and now we will have it all spelled out, so they can just look on line and see.

**John Higgins:** OK. Thank you.

**Supervisor Tollisen:** Thank you John.

**Bruce Tanski:** I want to take issue with the statement that was made by Rich Harris as far as the soil disturbance. I think that he is referring to my PDD that is up on Route 9 by Farm to Market Road and Stewart's, maybe he's not. I currently have a PDD proposal in front of the Town of Halfmoon that I have changed. I have spent tens of thousands of dollars up there regarding that piece of property, putting all of the implements in that the DEC required and the Town of Halfmoon required. I took a house down that the DOT was getting complaints on and the State Police, at least 2 or 3 a week and made that place look in the northern end of town, made it look respectable. I may not do anything with that piece of ground and there is 80 acres there. I should have that right to re-grade that piece of property whether I do a PDD or not. If I have filed the necessary paperwork and got my permits and my notice of intent and got cleared with DEC and the town and they have signed off on it, whether I go ahead with the PDD or not, should be immaterial at that point. We've taken a piece of property, I've graded it off because I want to be proud of what it looks like and I think that anybody on this board that has gone north past Stewart's can agree with me, it looks a hell of a lot better now than it did before. So, thank you.

**Supervisor Tollisen:** Thank you, anyone else?

**Joe Christopher, 96 Werner Road:** I was going to speak to the farm buildings as well, but I think that I may agree with you based on some of the clarification. But I know that the State's requirements for agricultural use are to designated as a farm are higher than a town's. I wouldn't be able to qualify under the stat. You have to claim a certain amount of income for two years in order to get state agricultural exemption. I've looked into it. I think that a lot of longtime residents who farm part time or lease their land they get state agricultural status. I don't think that we should put more hoops for farmers. I think that the only full time farm left in Halfmoon is DeVoe's. I would like you to reconsider removing their exemptions and permitting and foregoing adding or removing any legislation that could discourage farms.

I also disagree with the burning. I know it's a state regulation. I put in a few thousand tomato plants every year and I clear my fence lines and I chipped and it's expensive and it's a pain.

I would also like to address the changes in the PDD legislation. There are some provisions here that I think will increase the power of this board to deny PDD's that are not beneficial to the town. There are provisions this year that will prevent over developing over and around the wetlands. This legislation I think is great. If it passed, of course and you use it and I don't think that this board has used the tools that they have to regulate growth properly. This is not proactive legislation created with foresight. This is reactive legislation that serves to, I feel to appease the outcry's of residents who up until now have been ignored in favor of your own self-interest and the interest of the developers who perpetuate you. A few months ago, I was shocked when a Board Member publically stated that we need more affordable housing. I thought to myself, these guys don't get it. However, these provisions prove that you do get it. They show that you know what this town needs; therefore, it will be even worse when you continue with business as usual. I hope that doesn't happen. Promises and legislation don't do anything. It takes action and frankly your actions thus far haven't matched your promises. We are still waiting for that new direction. Thank you.

**Chris Patenaude, 46 Upper Newtown Road:** Since everyone else is saying what they agree with and what they don't agree with. I don't have any problems with the noise. I don't think that the noise should be a part of it. I don't think that there should be a noise ordinance in the town. I live here because of the fact that there haven't been those kinds of restrictions on my lifestyle for one. I do realize that it's against the law from the Dec to have open burning, but I have an extremely large fire pit in my backyard and I light fires in it and I get loud, so I am opposed to both of those things. I am not opposed to working on Sunday. I am in the trades myself; I work industrial, not residential and am not opposed to people working on Sunday. If you want to get a job done and get it finished, if you have rain coming, whatever, those things are realities.

I do however favor the language of the Board to be able to not have the option of sending a PDD to the Planning Board. PDD's are there to, and correct me if I am wrong, but I thought that they were only allowed if there was a public benefit for the town. So if there is no public benefit, there is no point in wasting the Planning Boards time if there is no reason for the PDD to be there in the first place. I am still waiting to see most of these PDD's public benefits because I have been looking for them. Swatling Falls comes to mind, where's the public benefit for that?

As long as we are talking about Swatling Falls, let's talk about their storm water pollution since their storm water impound drains directly into McDonald's Creek which was a Class A stream until this past year when that whole construction site dumped, with that big rain that we had dumped into McDonald's Creek and now it is completely silted up. Not that there was big trout running around in there but there could have been. If some of these developers would think of the value of a development on a trout stream and now you are selling houses for more because there is an actual draw for it. There is an opportunity that was lost; it is probably not ever going to come back. Again at Swatling Falls, let's talk about their soli stabilization as it fell twice onto the road. I am correct on that one, right? It fell twice. Their whole slope fell down and blocked one of the town roads. It is now a town road because they signed it over to us so that we can all plow it for them even though they are a homeowner association, I believe. So I think that they should be responsible for that themselves. I don't think cramming residents in to the town for a one time payoff per bed creates any value for this town. I was here when John Farino from Kodiak Steel came up with his request to be able to run his business out of an existing building on his property to do small ornamental ironwork. It was denied. That could have been a job for somebody. That would have been something taxable for the town. So I don't mind that the language of the PDD is in there to not send it to the Planning Board. I don't think that they belong if there's no public benefit, they should be squashed. That's about all. Thanks.

**Supervisor Tollisen:** Thank you, anyone else? Alright, we will now adjourn the public hearing at 7:55 to February 19, 2014 for additional comments.

I do want to thank the people who came this evening and gave their comments. All of these comments will be reviewed by the Town Board.

#### **COMMUNITY EVENTS:**

**January 28th Clifton Park's project Sitterly Crossing Medical Office conceptual plan was reviewed. Posted on website 1/24 and updated 1/27.**

**February 4<sup>th</sup>, proclaiming the Birthday of Thaddeus Kosciuszko, a Polish Patriot born in 1746, whom the Bridges going over the Northway are named after - per request of Carol Hotaling, the Yellow Ribbon Lady.**

**Feb 6th at 7pm the Business and Economic Development Committee is meeting at the Senior Center**

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February 11th at 7pm Meeting at Town Hall to discuss the concerns regarding the existing trail in the Summit Hills Development

February 15th Saturday at 2-3:30 Farm Stories with Storyteller and Author Joe Peck at the CPHL Library

Feb 27 th at 7:00 pm Bullying and Your Child at Clifton Park & Halfmoon EMS. Seating is limited.

#### **TOWN MEETINGS:**

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

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

**Planning Board Meeting:** 2<sup>nd</sup> & 4th Monday of month at 7:00 pm.

**Board of Assessment Review:** 4th Tuesday in May

**Senior Center Business Meeting:** 1<sup>st</sup> Wednesday of month at 1:00 pm

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

**Open Space & Trails Committee:** Jan. 13 & Mar. 17 at 7:00 pm.

**Zoning Review Committee:** 3<sup>rd</sup> Thursday of month

#### **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

Zoning Review Committee will meet February 20<sup>th</sup> at 7:00pm in this room.

**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

**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

Just one thing, both the Ethics and Resident Relations Committee request for new members has been extended for 1 more week until next Wednesday, February 12<sup>th</sup>. Any interested town members – residents that would like to serve on any committee can contact me through the Clerk's office. We would like to get those committee's up and running. We have a lot of exciting ideas and looking to move forward with both of those. That is all I have right now. Thank you.

**Supervisor Tollisen** asked Councilman Wasielewski to give an update on the Emergency Management meeting that they just had

**Councilman Wasielewski:** I would be glad too. We are taking a very proactive approach as far as the Emergency Management Plan for the town. It is a pretty well thought out document based on FEMA regulations. We are looking to involve the fire departments, and other agencies within town. I think that we are pretty much set up, but that committee is also been very active as of late. The Emergency Management Plan is in place in case it is ever needed.

**Supervisor Tollisen:** Thank you.

**Councilman Wasielewski:** You're welcome.



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

As already stated, the Business & Economic Development Committee will have its first meeting tomorrow evening at 7:00pm at the Senior Center. We have about 15 committee members already and anyone else that would like to join the committee, please contact the Town Clerk. The Insurance Committee does not have that many people stepping forward to be involved. We do have our first meeting with an insurance company next week to hear what they have to say. But if you are interested in serving on this committee, please let the Town Clerk know as well. That is all that I have.

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

I am also part of the Halfmoon Historical Society. We do a lot of town displays and one of our previous basket displays has been removed from Town Hall and is now proudly on display at the Clifton Park – Halfmoon Library for the month of February.

Three times a year the Historical Society does a display at the Library. The next will be in June and again in September. Please stop by the Library and see Halfmoon's Basket Display by Roger Sharp.

**Supervisor Tollisen:** Mr. Hotaling is not here, but February 11<sup>th</sup> there will be a meeting with respect to area Not-For-Profits and local churches regarding the Character Counts initiatives that will be going on. Mr. Hotaling can provide an updating at the next meeting. We are proceeding with some initiatives to enhance the Character Counts program in the town.

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

**Deanna Stephenson, 7 Cindy Lane:** I have three items to inquire about. Number 3, if someone could enlighten me as to what the Twin Lakes PDD is amendment for Sitterly Commons. I did not see that one before.

**Supervisor Tollisen:** There is a 2.49 acre on Sitterly Road that the applicant is requesting for 4 buildings and I believe it is 4 units per building

**Deanna Stephenson:** Is it where it is already established in Twin Lakes?

**Supervisor Tollisen:** No, it is actually not in Twin Lakes. It is actually closer to the Mobile Station on the old well site of the town.

**Deanna Stephenson:** Oh, interesting, got it. Thank you for that. Number 4, question. Now, Mr. Tollisen, again, I remember this coming up at the last part of the year at that last meeting, where I think we discussed it, I was under the impression that the application was denied. I am now seeing, and I read in the media that this PDD is already up and the developer is affording a public benefit. Can you tell me more about how that moved so quickly? What happened?

**Supervisor Tollisen:** The application wasn't denied. The application was incomplete.

**Deanna Stephenson:** Incomplete, OK

**Supervisor Tollisen:** Like I said, before anything moves forward we would like the public benefit, if there is one to be disclosed, up front before it gets referred. I believe that there is also, and I am looking at legal, I believe that there is also a requirement that when the application comes in, we need to refer it, under current legislation, to the Planning Board within 60 days. That came in, I believe on December 24<sup>th</sup>, so therefore it will be up at the next meeting for a presentation.

**Deanna Stephenson:** That was my next question. That would come before you, before it would be sent on to the Planning Board, correct?

**Supervisor Tollisen:** That's correct. The Town Board has seen it. The Town Board has reviewed it and that's why it is on the agenda. And at the request of the applicant, it has been put on as well.

**Deanna Stephenson:** And I am also noticing that you did comment to the media that it did say that the Town Board as you were seeing it, would not be in favor as it is right now.

**Supervisor Tollisen:** My comment to the newspaper was that the project in its present form was not something that was favorable to the Town Board, however, I said in the media which was not quoted, was in its present form. I have spoken with the builder and his planner in a meeting and said that there are options available and we would like to see some commercial development

**Deanna Stephenson:** Agreed

**Supervisor Tollisen:** That is what it was. The comment was not quoted correctly, but now that you have brought it up, we'll make sure it is quoted correctly.

**Deanna Stephenson:** Thank you. Ms. Jordan, if you could help me out too. I noticed that you are going to have your new Business and Economic Development Committee meeting tomorrow night; can you give us to the public, who will be on that? You said 15 people? Do you have a list or am I putting you on the spot? I'm sorry.

**Councilwoman Jordan:** It's OK. I don't have my list with me. I can tell you some of the names. If you would like to attend, you may attend as well. They are not all necessarily people with businesses in Halfmoon, but people that can assist us as

well. So, for instance, Pete Bardunias will be coming from our Southern Saratoga County Chamber. We do have about 8 business owners and we have other people in the professions that would be able to help us, whether it is Real Estate, whether it is someone from SEDC. We have a variety of people.

**Deanna Stephenson:** Do you have any developers on it?

**Councilwoman Jordan:** There has been interest, yes. I have not denied anyone from participating on the committee.

**Supervisor Tollisen:** This is an open committee

**Deanna Stephenson:** Can people come and go? Kevin, Miss Jordan?

**Councilwoman Jordan:** If you would like to attend a meeting, you are welcome too. If you want to participate on the committee, you are welcome to. We need help. We have an active agenda. We have a lot of work before us, so the more we have to help, the better.

**Deanna Stephenson:** Great, I'm hoping that it is a very positive and a very forward thinking committee and I am sure with you at the helm, I'm sure it will be. However, I would just like the Board and yourself to consider the people that you do, and you want to put your best foot forward, so just consider that.

**Councilwoman Jordan:** Absolutely, But we do want to hear that if there is someone that has been successful in business, we like to hear from them as well

**Deanna Stephenson:** Great, thank you.

**Supervisor Tollisen:** I think that the Business Development Committee, not to belabor the situation any, but from the individuals that have expressed interest in this committee, there is at least 15 people and probably there will be a bunch more tomorrow night. They range from area banks, to local small businesses and some residents, so I think that it is going to be a good cross section. There is quite a few people that have quite a bit of experience in economic development

**Deanna Stephenson:** Great, thank you.

#### **DEPARTMENT REPORTS - Month of January**

**1. Senior Express**

**Total # Riders – 252      Total # Meals - 425**

**2. Town Justice Wormuth**

**Total # Cases – 312      Total Fees Submitted to the Supervisor - \$32,698**

**3. Town Justice Suchocki**

**Total # Cases – 169      Total Fees Submitted to the Supervisor - \$18,798.50**

**4. Building**

**Total # Permits - 40   Total Fees Submitted to the Supervisor - \$5,102**

**5. Building**

**Total # Permits – 7      Total Fees Submitted to the Supervisor - \$935**

#### **DEPARTMENT REPORTS - Year End Report for Town Clerk**

#### **. CORRESPONDENCE**

1.     **Received** from the Town Planning Board Resolutions approving the following at the January 13th meeting: Change of Tenant and Use and Sign Applications for Billie’s Barber Shop, located at 2A Hayner Heights Drive, and for Showtime Barbershop located at 1471 Route 9 (Crescent Commons), for approval of the Ballard Minor Subdivision, located on Smith Road and Regarding Site Plan Approval for the Crestmoore at Halfmoon, located at 410 Route 146.

*Received & Filed*

2.     **Received** from the Town Planning Board Resolutions approving the following at the January 27th meeting: Change of Tenant Application for Rutnick and Company, CPA P.C., located at 1407 Route 9 Building #2 Suite 8 (Nine North), for a Change of Tenant and Use and Sign Applications for Beautique Salon located at 1471 Route 9 (Crescent Commons) and for Chrome Inc. Located a at 405 Hudson River Road, Approval of a Sign Application for H&R Block, located at 1675 Route 9, for an In-Home Occupation for Webzysolutions, located at 15 Cabot Way and for JB’s Tore and Service located at 81 Devitt Road, Approval of the Sicko Minor Subdivision (Lot Line Adjustment), located 1470 Crescent – Vischer Ferry Road and Regarding Site Plan Approval for Lot 4 – Falcon Trace of Halfmoon Planned Development District, located 181 Route 236.

*Received & Filed*

3.     **Received** from Chuck Hoffman, an application for Twin Lakes PDD Zoning Amendment for Sitterly Commons.

*Received & Filed*

4.     **Received** from Bruce Tanski Construction & Development, a letter offering a public benefit package associated with the proposed Vucetic Multi-Use PDD for consideration by the Town of Halfmoon.

*Received & Filed*

5.     **Received** a letter informing the Town of Halfmoon that funding has been awarded through the Local Waterfront Revitalization Program of the Department of State, \$200,000 for the Erie Canal Towpath Connector Construction.

*Received & Filed*

6.     **Sent** a letter to Michael V. Franchini, Executive Director of the Capital District Transportation Committee, announcing that the Towns of Clifton Park and Halfmoon are submitting a request for Intelligent Transportation Systems funding to implement Sitterly Road Corridor Improvements- Project Justification Package.

*Received & Filed*

**NEW BUSINESS**

**RESOLUTION NO. 60**

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

**RESOLVED**, that the Town Board approves and orders paid Vouchers numbered 116 through 249 as detailed.

**===== FUND TOTALS =====**

10 GENERAL FUND	\$1,727,269.78
20 HIGHWAY FUND	\$153,917.17
25 SPECIAL REVENUE	\$3,935.99
30 CONSOLIDATED WATER	\$97,171.20
35 MISC. CAPITAL FUNDS	\$119.70

40 LANDFILL POST CLOSURE	\$1,729.68
70 WATER DISTRICT #1	\$11,327.53

<b>ABSTRACT TOTAL:</b>	<hr/> <b>\$1,995,471.05</b>
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#### **RESOLUTION NO. 61**

**Offered** by Councilman Polak, seconded by Councilman Wasielewski,: 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, January 15, 2014 as presented.

#### **RESOLUTION NO. 62**

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

**RESOLVED**, that the Town Board approves sending the request for the speed limit study on Ponderosa Drive.

#### **RESOLUTION NO. 63**

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

**RESOLVED**, that the Town Board authorizes the Town of Halfmoon to participate in a PowerPay rebate program with Energy Curtailment Specialists, Inc. (ECS) and execute any documents to enter same, subject to the review and approval of the Town Attorney.

#### **RESOLUTION NO. 64**

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

**RESOLVED**, that the Town Board authorizes letting bids for Truck Diesel Fuel and Unleaded Regular Gasoline for Town departments for fuel effective April 1, 2014 through March 31, 2015 to be opened February 19, 2014 at 7:00 pm, at the Town Board Meeting, subject to the review and approval of the Town Attorney.

#### **RESOLUTION NO. 65**

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

**Whereas**, the National Animal Control Association (NACA) recognizes the valuable and dangerous work animal control officers across the country carry out each day, and

**Whereas**, the National Animal Control Association in collaboration with the ASPCA® (The American Society for the Prevention of Cruelty to Animals®) is providing funds for ballistic vests to animal control officers performing field duties for municipal animal care and control agencies,

**Therefore Be It Resolved**, the Town Board of the Town of Halfmoon authorizes the Town Supervisor to apply to the National Animal Control Association for an “Officer



Roy Marcum Ballistic Vest Grant Program,” grant in the not to exceed amount of \$400.

**Supervisor Tollisen:** This is a grant application and again, will cost the town no money.

#### **RESOLUTION NO. 66**

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

**RESOLVED**, that the Town Board authorizes scheduling a public hearing for February 19<sup>th</sup>, 2014 to consider using the Water Capital Reserve Fund to finance the Werner Road Water Storage Tank(s) Rehabilitation for both a 750,000 gallon tank and the 1,000,000 gallon tank and updated security at the Water Treatment Plant in the not to exceed amount of 2.2 million dollars, to be paid from water capital reserve, without public borrowing, subject to review and approval of Town Supervisor and Town Attorney, and to permissive referendum.

**Supervisor Tollisen:** This is a project that is for our Werner Road tanks. These will be fully sandblasted and painted both interior and exterior and there will be protection systems that need to be on those as well. So this is a not to exceed amount of 2.2 million dollars, it is in our water capital reserve, there will be no public borrowing for this. This is actually something that has been planned for and budgeted by the Water Department. Thank you Frank for doing that.

#### **RESOLUTION NO. 67**

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

**RESOLVED**, that the Town Board awards the contract to Virtual Towns & Schools for the Town of Halfmoon’s new website and authorizes the Town Supervisor to sign the agreement with Virtual Towns & Schools for a one time website design amount not to exceed \$9,950 and a yearly maintenance fee of \$2,500, per the review and approval of the Town Attorney.

**Supervisor Tollisen:** Just so everyone is aware, the awarding of this contract to Virtual Town and Schools was the result of the Website Design Committee. It was their recommendation; they interviewed and went through that process. Thank you to our committee chair, our Tech guy, Doug Mikol also Nelson Ronsvalle, our Grant Coordinator, thank you to Stephanie Nolet, Lisa Perry, David Maxfield, Eileen Pettis, Amanda Smith, Paul Maiello, Terri Russell, Paul Marlow and Lynda Bryan for their work on the committee. This is going to be a very technological savvy website. I was actually able to review it and it is going to be a tremendous upgrade to what we have now and we are certainly excited about that.

#### **RESOLUTION NO. 68**

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

**RESOLVED**, that the Town Board authorize an increase of \$154.00 per month to the Time Warner Business Class contract for the Capital Reserve project for internet access and manage services for 36 months and to execute any necessary documentation, per review and approval of the Town Attorney.

**Supervisor Tollisen:** This again is pursuant to the Capital Reserve project budget and is still within the budgeted amount and still well below what our budget has for this.

## **RESOLUTION NO. 69**

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

**RESOLVED**, that the Town Board appoints Jeremy Connors to fill the vacancy on the Assessment Board of Review.

**Supervisor Tollisen asked that Mr. Connors please stand.** Thank you for agreeing to be on the Assessment Board of Review.

## **RESOLUTION NO. 70**

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

**RESOLVED**, that the Town Board appoints Adam Geleta as part time Court Officer, Grade 6 Base Pay \$16.95/hr. effective immediately per completion of all pre-employment testing.

**Supervisor Tollisen:** This is the result of an interview process of the two Town Judges and they recommended Mr. Geleta to be appointed. This is a direct recommendation from the Town Justice Department.

**Attorney Murphy:** If he is going to be carrying a weapon, we will have to alert the insurance company.

## **RESOLUTION NO. 71**

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

**RESOLVED**, that the Town Board authorizes the Town Supervisor to sign the Credit Application and Agreement for Land O'Lakes Inc., the company the Park's Department purchases fertilizer from, per the review and approval of the Town Attorney.

## **RESOLUTION NO. 72**

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

**RESOLVED**, that the Town Board to appoints Seren Lambertson as Temporary Working Supervisor only during the period when one of the current working Supervisors is out on extended leave at Grade 7 Step 5 \$23.33/hr., subject to the discretion and approval of the Town Highway Superintendent.

**Supervisor Tollisen:** One of current supervisor's is going to be going out on medical leave for a bit. This would give the Highway Superintendent a working supervisor and is temporary in nature. One of the existing supervisor's is out on extended leave.

## **RESOLUTION NO. 73**

**Offered** by Councilman Jordan, seconded by Councilman Polak: 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.

Transfers between Appropriations for 2013:

From Account	To Account	Amount	Reason
10-5-1670.40 Central Printing- Contractual	10-5-1440.40 Engineer- Regular	\$525	To cover expenses thru year end
10-5-5132.40 Garage- Contractual	10-5-5182.40 Street Lighting- Contractual	\$725	To cover expenses thru year end
20-5-5140.10 Highway Misc.- Personal Services	20-5-5142.40 Snow Removal- Contractual	\$2,100	To cover expenses thru year end

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

**Joe Cristopher, 96 Werner Road:** I would like to express just general concerns about the operations of the Planning Board. In general and in reference specifically Princeton Heights Subdivision. There was a public hearing at the last Planning Board meeting where dozens of residents got up to state their concerns of Princeton Heights. I know this project; I know it doesn't require Town Board approval. I didn't see any Town Board members at this meeting, but I hope you all go over the minutes. The Planning Board seemed very supportive of it for the most part and in agreement with the concerns of the residents. Board members expressed harsh criticism of the project and residents were obviously pleased. However, I remember a similar response at a public hearing for Bruce Tanski's Anna's Place. One month later, the project came back before the board at a meeting with no public comment and passed with no changes. The Board simply stated that the mediation proposed here, Mr. Tanski, was adequate. That he had listened to the public and the Planning Board did their due diligence. I felt like they put on a show during the public hearing and then passed Mr. Tanski's project at the next meeting in a forum that the public had no voice. I hope that his doesn't happen with Princeton Heights or any other project. I implore the Board to peruse the minutes and the Planning Board's criticism's and decide for yourselves if their own concerns were addressed by the builder. Please don't let another destructive project pass through this process.

One more item. At the pre-meeting, before the Princeton Heights public hearing, Matt Chauvin stated that the builder had responded to the public and the Planning Board's concerns. He sees no legal reason why the project can't move forward. I question the ethics of having Matt Chauvin officiating over Peter Belmonte's business dealings in Halfmoon. His father Robert, from whom he inherited his position, is under investigation by the State Attorney General for using a straw man to conceal his role in land deals with Mr. Belmonte. Perhaps its legal, I mean we have three lawyers sitting here today, I don't know, but is it ethical? Thank you.

**Councilman Polak:** Joe, just for the record, I was at the Planning Board meeting. I am at every Planning Board meeting and pre-meeting.

**Joe Christopher:** I apologize, I didn't see you there.

**Supervisor Tollisen:** I will pass your comments on to Mr. Ouimet, who is the Planning Board Chairman. It is a separate board from us, but I will pass along your comments that you made tonight. I appreciate your comments.

**EXECUTIVE SESSION**

**RESOLUTION NO. 74**

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

**RESOLVED**, that the Town Board authorizes the Supervisor to go into Executive Session to discuss a litigation matter at 8:21pm

No action was taken in the Executive Session and meeting resumed at 8:29pm

**There being no further business to discuss or resolve, on a motion by Councilman Jordan and seconded by Councilman Wasielewski, the meeting was adjourned at 8:30 pm.**

**Respectfully Submitted,**

**Lynda A. Bryan, Town Clerk**