

The February 19, 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
Paul L. Hotaling, Councilman
Daphne V. Jordan, Councilwoman
John P. Wasielewski, Councilman
Lyn A. Murphy, Town Attorney
Matthew J. Chauvin, Deputy Attorney
Lynda A. Bryan, Town Clerk

Walter F. Polak, Councilman - Excused

Supervisor Tollisen: We are going to start with a little note from a town resident, Dwane Hoyt and his wife Jackie, and family. They are presenting this flag to the town as a symbol of freedom and what we stand for. I would ask that you all please stand for the pledge.

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

Supervisor Tollisen: If you look in front of me, there is a plaque. This plaque is donated to the Town of Halfmoon from a Vietnam Veteran in honor of all the men and women who served in Vietnam, the ones who are still here, and the ones that have gone before us. That is from Dwane Hoyt, this plaque will be put in the Town Hall Lobby and it will be affixed in the Lobby from this point forward. We appreciate the plaque; we appreciate the men and women who serve in our Armed Forces. This is a great honor that they have given to us to take care of this from this point forward. Thank you, to Mr. Hoyt.

COMMUNITY EVENTS:

TOWN MEETINGS:

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

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

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

Board of Assessment Review: 4th Tuesday in May

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

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

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

Zoning Review Committee: 3rd Thursday of month

7:00 PM – OPEN BIDS – Truck Diesel Fuel and Unleaded Regular Gasoline for Town departments

Supervisor Tollisen announced the bid opening at 7:03 pm for Truck Diesel Fuel and Unleaded Regular Gasoline for Town departments

Clerk Bryan stated that 2 bids were requested and 1 bid was submitted.

G.A. Bove & Sons, Inc. 76 Railroad Street Mechanicville, NY

Bid Price: Premium Ultra Low Sulfur Diesel Fuel, including weekly top offs \$3.4795. Price is to be based on Journal Commerce, Albany, Rensselaer tank car low price posted on 2/18/2014 \$3.2995 plus a firm differential of \$.18 which shall include all transportation and delivery charges.

Bid Price: Unleaded Regular Gasoline, including weekly top offs \$3.01. Price is to be based on Journal Commerce, Albany, Rensselaer tank car low price posted on 2/18/2014 \$2.8300 plus a firm differential of \$.18 which shall include all transportation and delivery charges.

Supervisor Tollisen: We will be referring this to the Highway committee, Mr. Hotaling and Mr. Pingelski for review.

PUBLIC HEARING – Werner Road Water Storage Tank Rehabilitation & Updated Security at the Water Treatment Plant

Supervisor Tollisen opened the Public Hearing at 7:05 pm

Michael Bianchino from Clough Harbour & Associates, the town's Engineer, speaking for Frank Tironi, Director of the Water Department: The project subject to the public hearing is the rehabilitation of 2 of the town's water tanks. In October of 2007 inspections were done on both the Angle Lane and the Werner Road tanks, there are 2 tanks on Werner Road to assess the condition of the existing paint system of those tanks, both internally and externally. In 2013, New York State Department of Health, during their annual survey identified the 750,000 gallon tank at Werner Road to be a priority for rehab. Based upon those two inspections, we've identified improvements and rehab for both of those tanks on Werner Road. The Werner Road 750,000 tank, the exterior would be fully sandblasted and repaired, the interior would be sandblasted and repainted and some cathartic protection would also be replaced. The 1,000,000 gallon storage tank also on Werner Road would also have similar improvements and rehab.

In addition to that, the Angle Lane tank, while it was found to be in good condition in 2007, we have recommended that an additional inspection be done. The American Water Works Association suggests re-inspection of tanks every 5 to 7 years. So our recommendation originally was that that tank also be inspected as part of this project.

In addition to those improvements, some security upgrades to the water treatment plant are also proposed.

The estimated capital costs for the rehabilitation of the tanks and the inspection and the upgrade of the security system at the water treatment plant is approximately \$2.2 million dollars. The town currently has \$2.7 million dollars in capital reserves that will be at the end of February. So this project will not require any rate increase or any bonding as the capital reserves exist in the account. The proposed at this point is for authorization to proceed in March, design for the tanks and the Angle Road inspection to be done in March and April of this year, regulatory review by the agencies in May, bidding in June, award in July, construction of the 750,000 gallon tank in September of 2014, and construction and rehab of the 1,000,000 gallon tank would be done in Spring of 2015.

That is what is included in this project.

Supervisor Tollisen: Just to clarify: it is estimated in the not to exceed amount of \$2.2 million dollars, taken out of Water Capital Reserve account with no bonding,

no public borrowing, no rate increases to residents. This is something that has been planned for by the water department and something that is on regular schedule.

Supervisor Tollisen: Asked if any of the Board members had any questions.

Councilman Hotaling: There will be no interruption in service, correct?

Michael Bianchino: That's correct. We will be able to take one tank down and the other one will still be active.

Supervisor Tollisen: According to my conversations with the Director of Water, they would take the water, use it down out of the tank, shut that down, complete it and then fill that back up and go to the next one. So there would be no disruption in service to the residents.

There were no comments or questions from the public. The Supervisor thanked Mr. Bianchino.

Supervisor Tollisen closed the Public Hearing at 7:09 pm

Supervisor Tollisen: Just so we are clear, it includes the 750,000 gallon tank on Werner Road, the 1,000,000 gallon tank on Werner Road, the re-inspection of the tank on Angle Road water storage tank and update the security at the water treatment plant.

Attorney Murphy: The only thing that I would ask that it read to authorize the Supervisor to execute any documents necessary to make sure that this process continues.

RESOLUTION NO. 74

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

RESOLVED, that the Town Board approves expending the Water Capital Reserve Funds to finance the rehabilitation and inspection of town water tanks and the upgrade of the security system at the water treatment plant, in the not to exceed amount of \$2.2 million dollars for the process described by Mr. Bianchino, subject to permissive referendum and the review and approval of the Town Attorney and authorize the Supervisor to execute any documents necessary to make sure that this process continues.

PUBLIC HEARING - RESUMING Public Hearing of Feb 5th for Zoning Changes

Supervisor Tollisen resumed the February 5th Public Hearing at 7:10 pm

Supervisor Tollisen: If you were here, we have a new updated sheet. The update is not intended to change what we have already proposed, but it is meant to clarify some of the items because we have gotten some comments. So if you haven't gotten that it is up here.

Chris Patenaude, 46 Upper Newtown Road: At the last Planning Board meeting, I attended it. A member stated that in response to a proposed development on Upper Newtown Road that the traffic would reach problem levels due to the sheer amount of houses already approved. I feel that should be brought up as something that is an obvious thing for the town, for the people who live there, that a project such as that shouldn't even be approved or submitted and yet here it is in front of the Planning

Board. There was a lot of discussion about altering Upper Newtown Road. I would be very interested in how the town is going to pull that one off.

Many developers have not provided public benefits for these projects; especially these PDD's which it is a requirement. Where's the list that is being compiled on this? I want to know why projects are being considered from developers who have not yet provided the public benefits on other projects. Furthermore, on some of these projects, the developers are delinquent on their property taxes. Why are they allowed to continue to submit projects? Doesn't the town as it is in emergency spending mode, need that money? I don't think that is even a zoning change, I think that is just good business. I don't know why the town wants to support all of these property leveraging schemes.

PDD's were intended to increase green space by concentrating building on smaller portions of the total lot and not to cram it with houses on every square inch. As a further comment if you are considering changes to the zoning, I think buffer zones between these developments and existing residents would be a great thing. I think that there should be a minimum of 100 foot or some sort of distance that allows an actual screen between an existing resident and development with 500 houses in it so that you don't open up your door and look at 500 houses when you used to look at something different. I know that quality of life is not quantifiable but you can definitely say that if you had a view or an enhancing view on your property that's listed on your real documents as such, then the fact that you lose that view would affect the quality of life. The fact that you would have increased noise would affect your quality of life. So, I feel a buffer zone is essential for us residents in the town between us and everything that's coming in. The spaces should maintain as much mature existing growth as possible so that there is actually a screen, so that you are not actually looking at it. I hold up an example, Knoxwoods down the road here, as you drive down the road, you don't see the whole development and it's not right up to the road. I don't see that as more than 40 or 50 feet really in depth yet it is pretty affective. So I think that it would be a good change to the Zoning Board. Thanks.

Supervisor Tollisen: Thank you very much.

Marianne Geleta, 128 Dunsbach Road: I just wanted to get my voice heard on the flag lot situation. I am not sure what it is really meant for. I am here because I have a (she placed a map of her lot on the board for all to see) large piece of property in the back of my house, but not a lot in the front on the road. (She showed where her and her relative's houses are). Having this frontage here, 225 feet, there is a big cliff, a creek and a big ravine and I have a 300 foot driveway that goes back to my house. The only thing that I am asking and wondering is that I want my son to build a house with a really long driveway to get back there. This is my whole purpose in life. I am never moving. My Grandmother lived here, our whole family lives here. My sister would let him come in from over here. When the flag lot thing came up, I just wanted to get my voice out there for people who, it is not that I am building a whole bunch of houses, but I need a long driveway for him for his spot back there. I am not prepared at all, but I am just worrying that we are totally landlocked, it is my cousin Kathy here, it's me, then my mother, my sister, but there is no way back. There is a lady back here that has another whole piece. So this is all that I've got to get back there. I am worried about do I have a long driveway, is he going to be allowed to go back there and build a house? That's all, I just wanted to

Supervisor Tollisen: Our Director of Planning is here

Richard Harris: Are you asking if it is possible for someday for you to construct one flag lot to enable a house to be built. I think that is what you are asking.

Marianne Geleta: I have never heard that term before, flag lots

Richard Harris: The Zoning amendments that are proposed are just to clarify, in one section of the ordinance; it says basically in a nutshell that you can have multiple flag lots. It used to say one flag lot. There is another section that has an asterisk that has confused some people that haven't cross referenced. We have had a couple of projects in the last year that people came in and said "Well I can't do multiple flag lots" and we said yes you can. This section says you can, they amended section with a little asterisk footnote, so we are taking that out. Nothing is proposed to be changed to limit or increase the number of flag lots you can do today.

So your situation,

Marianne Geleta: I have a big cliff, a creek and a big ravine

Richard Harris: That's OK as long as you have, and Town Counsel tell me if I am wrong, under the Town Code, you would need to insure that your existing home lot do you have water and sewer?

Marianne Geleta: I have both

Richard Harris: You have both OK, so you have to maintain 100 foot frontage on the road for your lot to be created for your home and have the remainder or at least a 20 foot frontage on the road to be attached to the lot to build your son's home. Where the driveway comes in. it can come in through an easement from another parcel, you just need to have the 20 foot minimum. We can sit down and sketch out ideas which happen a lot with flag lots. Nothing is proposed to be changed to increase or limit flag lots; we are actually clarifying one section that you have to look at a footnote to know about a change done in 2005. It has created some confusion among people that have experience in the town, so we thought that we would clarify that. You can still have multiple flag lots provided you get approved by the Planning Board, so this would require Planning Board approval. You just have to keep 100 foot of frontage for the lot that you have created for your house and maintain the square footage and everything required and then at least a 20 foot wide swatch up to what I think would be your son's lot. OK

Marianne Geleta: OK, thank you. (Marianne gave the Clerk a copy of her map)

Supervisor Tollisen: Miss Geleta, thank you for your comments.

Brenda LaMere, 124 Dunsbach Road: Just a couple of comments regarding the Residential PDD density calculation. I am in favor of the buildable land vs. gross acreage as I plan on living here forever. If I was worried about money, I would want the opposite, but I am going to try to hold out for the rest of my life. Flag lots, thank you Rich for clarifying that because it scared us a bit.

I have a question regarding the storage facilities. Does this mean that if you go to Home Depot and buy a 25 X 25 shed, you have to get a building permit for that?

Supervisor Tollisen: What number are you referring to?

Brenda LaMere: I am referring to #12 add to the list structures and installation that requires a building permit. If you go to a garage sale and pick up an aluminum shed

Supervisor Tollisen: That would require a building permit.

Councilman Hotaling: Rich, it is over a 100 square feet correct?

Richard Harris: Currently, it would require a building permit for over 140 square feet so 25X25, today you would still need a building permit.

Brenda LaMere: I did not mean 25X25, I am sorry. I am thinking 5X5, I apologize.

Richard Harris: 5X5, you would not need a building permit today, but you would still have to comply with setbacks, height descriptions for zoning today. What has occurred, is people have become aware that under 140 square foot you don't need a building permit and they put them in the front yard or right on the property line with their neighbor and get a zoning violation from the Building Department. This will require them to come in for approval for other things required in the Zoning Ordinance today for all sheds.

Brenda LaMere: I think that this problem has arisen because we just decreased the size of lots and I sometimes consider them postage stamp lots, which has created this needed vocal voice. I think it is kind of scary that, I am not in favor of that, but I can understand that if people own property and there is another house 15 feet from them and somebody puts up a shed, but it is just kind of not a dictatorship, it's like the government has got its eye on you. So, I am a little bit torn on that. Again, I can understand that the person who doesn't own a lot, that concerns me a bit.

Supervisor Tollisen: Thank you for your comments.

Councilwoman Jordan: Could I just speak a little bit on that too? My experience on the ZBA, what would happen is that people would actually place the sheds in the wrong place. Then they would have to come before us to get a variance because it was wrong and we don't want to tell people, well now you have to knock it down because it is in your front yard and it is not allowed to be there. This is an issue that needs to be cleared up. I doesn't mean because it was on a postage stamp sized lot. Some people had lots and lots of land but it was just in the wrong place. So by requiring them to come in and get a building permit, they are going to know what the parameters are and where they can place the shed or the pole barn or whatever it is that they are putting up.

Brenda LaMere: I don't know what to think about that one. Oh, could there be some type of exception for example, if it is moveable vs. permanent, like if it has a foundation or not? I have a chicken coop and I got a nice cement slab, I have an eye hook on it so we could pull that and move it at any time so, not that it is near any homes. But I am just saying, should there be a difference between permanent structures vs non-permanent structures? I don't know, just an idea, kinda scares me a bit. Thank you.

Supervisor Tollisen: Thanks very much.

Tom Ruchlicki, 1872 -1879 Route 9: Welcome back Kevin. I just have a couple of things that I want to touch on. I think that there were a few comments made at the last meeting. I am not really too sure if I am in favor of everything that's stated there as far as soil disturbance and the amendment to that. I talked with Lyn a little bit after the meeting the last time. I think that we are kind of stirring the pot there a little bit, but that is just my opinion. The construction noise in the time frame that construction work can be done, I guess if I had my choice and I had to listen to a backup beeper on a machine for three days instead of two because they were working from 7-7, I would just as soon get it all done in a couple of days instead of listening to it for an extended period of time and get it done quicker. They have time schedules to meet as well. I think that's putting a little bit on the contractor's, local guys. A couple of other little pet peeves of mine, there's the outside burning that is going to be added into the town legislation. New York State already has a law in place and anytime that we talk about the right to farm, you tell me that New York State has got that law in place and got you covered. Well, I

thought it would be nice if you could actually put that into the town legislation as well, show a little solidarity there. And then the permitting on the barn structures, chicken coops, sheds, what not on active farms. It's getting to the point now where I think that you could probably count every active farm in the town on one hand. I don't see where you are going to make a killing on that, picking up permit money. I would like to see that stay the same and leave it as the active farms exempt from that. I know that there is a lot of talk about the PDD legislation and the density issues. I got a couple of thoughts on that and I know that really doesn't have much to do with the density issue. I had the opportunity go up to a committee meeting at Oakbrook and he's got an amendment to his PDD that he is working on. That is a real nice layout in there, the way he's got those apartments put in there. And what I was surprised is that from Route 9 when you go by it, and I go by there every day, I live on Route 9, you don't really realize how nestled it is in that terrain around by the valleys and whatnot. The backside is bordered by the trailer park, and single family homes to the east. He has a piece of land that front's Route 9 and he has a fence up that shield those apartments. When I was talking to him, I asked him if he had any offers for that piece of property facing 9. He said that he had a number of offers buy nothing that he would allow any body to buy the property and put what they wanted to put there because he didn't want to undermine he apartments and what he's got going there. It is real nice. Having said that, what I find to be in the entire northern part of town, where it is zoned light industrial/commercial, we got a situation that even though the GEIS gives you a buffer between residential and existing residents and light industrial/commercial, it really isn't enough, it never was enough. I spoke to it early on when we were going to review. It seems to me that if Mr. Hoffman can be concerned about his apartments down there nestled in that valley and what could possibly be in front of them facing Route 9. What I think needs to be done, is we got to look at transition zones between that light industrial zoning and residents or residential type developments that currently exists. He seems to have the perfect situation there and I tell anybody to go there and get a look at it. I think that we really got to take a look at that. There is no transitioning. You got a situation where you got somebody's house and you could put a warehouse right next to it, and that's the way the zoning is. Even though that house is grandfathered in, I know that we got buffer zones to cover that issue; I would really like to see something done about that. I do not know if you can blend that into the PDD legislation for density, but I would appreciate it if you could get a look at that.

Other than that, I think I covered everything that I wanted to. I will go back to that thing for permits for existing farms for building sheds and whatnot. I did some work on our farm barn about 15 years ago. When the contractor came in, the first thing he asked me was where the Town Hall was because he wanted to come and get a permit. I told him that he did not need one; he was thoroughly impressed with that. I would like to see it kept that way. Thanks.

Supervisor Tollisen: Thanks very much.

Councilman Wasielewski: Mr. Ruchlicki, I have one question for you if you don't mind. I am wondering about your opinion about the proposed change to allow the Town Board to have the option to not refer items to the Planning Board. Do you have an opinion on that?

Tom Ruchlicki: Initially when I read that on the first paper that came out, I did have concerns with it. Lyn kind of clarified that for me. The reason why I was concerned is initially, I thought that it would put the Town Board in a position where they didn't have to refer to us, OK. You are only changing one word there, but that one word can be critical. That was really my concern initially. After Lyn explained why it was being put that way, I don't have a problem with it. I know that you are still going to use the common sense that you always have to refer to the Planning Board. Like I said, I do not have a problem with it.

Councilman Wasielewski: Alright, thank you.

Attorney Murphy: Councilman, if I could just clarify. There was some misreading or misunderstanding on Mr. Higgins part as well, and I spoke with him afterwards. He thought that the law was saying that if you were going to go forward with the PDD, you did not have to refer it to the Planning Board. He didn't understand that it was stating that if this board didn't think the concept was good, then there was no requirement for it to go to the Planning Board. So his concerns were based on a misunderstanding of what this board was proposing. I spoke with both of them after the meeting and it was actually something the Planning Board had recommended in the past and have them go through a project if this board wasn't even really considering it.

Supervisor Tollisen: Thanks very much.

John Ouimet, 33 Siena Drive, and Chairman of the Town Planning Board: I originally planned on coming up here and speaking on behalf of the board, but given the fact that two prior board members have already spoken, I think that I will confine my comments to my own as a private citizen. I want to speak in favor of a number of proposals put forth tonight to change the zoning and building code. I would like to premise my statement by saying that many of the concerns that are sought to be redressed by these proposals have been brought to the attention of this board and the Town Attorney and the Deputy Town Attorney. Over the years that I have been a member of the Planning Board, the issue for instance of soil disturbance prior to final approval, was an issue that has come to the attention of the Planning Board on several occasions and several projects. For the 7 or 8 years that I have been a member of the Board, and there really is no redress once the soil is disturbed. Plans change, developers withdraw their projects, and they modify their projects between preliminary approval and final approval and if the soil is already disturbed based on a prior concept, you can't put it back. You can't restore the vegetation that has been cleared and cut. So I would ask the Board to seriously consider this particular amendment to the zoning code.

As far as the issue of referrals to the Planning Board of PDD's, over the years that I have been on the board and the last year that I have been Chairman of the Board, a lot of questions have been raised by the board at pre-meetings and at actual meetings where the board is going "Where is the Town Board coming from here?". Because the current statute requires an automatic referral, we don't have the benefit of knowing what the thinking of the Town Board is. While we have one member of the Town Board who is the liaison, he does not speak for the Town Board, so we just don't know. So to make the referrals permissive, in my opinion would certainly make the issue of PDD's and where the Town Board sits with regards to proposed projects, a lot more clear for the Planning Board. Once you refer it, we know it is something that you are interested in. Projects do change and Planning Boards do change projects but the problem that we do have is that we assume that the Town Board is approving the project; the Town Board is in favor of the project. So I would ask that that would be looked at favorably by the Board.

In regards to the clarification in amendments, there is a lot of conflict in the code right now and it comes up during presentations at the Planning Board. Developers are quick to point out that there is a conflict in buildable vs actual acres. We try the best that we can to keep them to buildable acres, but there really is no clear language that authorizes it. I think that if buildable acres are what the Town Board wants, the Town Board should say buildable acres. This should not be a question left for interpretation by others.

The same thing with flag lots, you can't have a flag lot statute that says you can have multiple flag lots in one place and then say that you are limited to one flag lot

in another place. What do you do? Which one do you follow? That clearly cries out for some type of clarification, and if it is back to one lot, says its one lot. If it's multiple lots or there is discretion on the part of Planning Board, tell us that. Make it clear, don't leave it up in the air.

The issue of Change of Tenants, I think is a good one. I think that we should clarify for anybody who is coming in to open a business that they need to get Planning Board approval for Change of Tenants. The same thing with the issue of parking, I think that under the zoning code the way it is currently laid out, we have little or no discretion with respect to the number of parking places that we can recognize or allow businesses in with either sufficient or insufficient numbers of spaces. Our only alternative is to deny it and refer it to the ZBA. We shouldn't have to do that. We should have discretion based on the circumstances that is developed through the planning process to either authorize a waiver in the number of parking places or not. Give us clear direction as to how to do it if you are going to change it.

The work hours issue, that issue was brought before us at numerous public hearings. The public is clamoring for some type of control over noise in construction. What's being proposed in these drafts regulatory changes, in my opinion, appear to be very reasonable? One of the common complaints with developments being built near existing residential areas is the noise. When can they start, when does he have to end, why are they working on Sunday? I think that the prohibitions that are put forth in this proposal are reasonable. We need something, we have nothing. That is about it, thank you very much.

Supervisor Tollisen: Thank you

Walt Gorcesky, 61 Hayner Road, and I own 51 Hayner Road: I own a farm. My family has farmed since 1944. I have lived there since 1944. I still farm it, I intend to farm it. We've always had the option of just building and all the buildings that we have are under good condition and they were constructed properly. The Right to Farm Law, you want permits now for building a pole barn whatever on a farm. There isn't much farm land left, there aren't many farmers left, but I am one that is staying. I would like to see that you not change the amendment for farms for building permits. There's my peace.

Supervisor Tollisen: Thank you, Sir.

Ray Dahoda, 85 Beach Road: I have a couple of comments and believe it or not, I am a would be farmer. One of the things in this noise situation and they are working on Sunday, I assume you have all heard the expression; you make hay when the sun shines. So when I am mow hay on Friday afternoon, Saturday and bale it on Sunday, what do I do now? Wait till Monday when it gets rained on? That's one thing. I've put up several buildings, homes in the area, the time of 7 in the morning, when the roofer comes and is on the roof in 6 in the morning so that they can be gone by 1 in the afternoon before they bake to death. I am not a roofer, but some of these things, and I understand the noise problems, but some of these things don't really fit for every guy that is out there trying to make a living. So, I am not too in favor of this time limit, the hours of the day plus Sunday, because I am going to bale hay on Sunday no matter what comes or goes with that, doesn't matter. What else can I say? Also, we have several out buildings for the horses and things at our place. They are kept in repair and from what I read and from what I understand here, if I want to repair it or put up a new building, I have to go and get a building permit. You know, Tuesday morning when the time arrives and I can build this building, I got to go and get a building permit? Sometimes these things happen where you don't plan a year ahead of time for this stuff. I am totally against that. Those are my biggest concerns.

Supervisor Tollisen: Thank you very much.

Mike Stiles, Upper Route 9 in Halfmoon: I made most of my issues known at the last meeting, and I for one will reiterate on the fact that Tom Ruchlicki, Walt Gorcesky, Ray Dahoda, Pete Ballard and myself are not in favor of all these things that are coming down the road. Isn't it ironic that every town this time of year, Niskayuna just got an ad here for new price structure for permit fees and it's like you guys are in cahoots, that your state and county meet and when you need more money you come up with all these ideas.

I too, we need to know more about the Right to Farm and people that have urban land and we want to stay there and we don't want to be forced off the property. By us keeping the land ever green, all the yuppie, puppy, preppie, nimby parky mooners that move in on us, are getting the value of that air our taxes that are paying to keep it good for you people to breathe and for your kids. If you people don't like moving to the country, stay the _____ in the city where you came from. Don't disrupt our way of life. We've been here from day one and we want to stay and continue the way we want to do things.

I realize when noise comes about when somebody could be sick in the house next to where you are doing the work, we don't know it, I feel sorry for them. But if they came out and told us or asked us to curb what we are doing, we would probably do it. There are a lot of little issues that people will work with. You the town are really putting us as prisoners in our own property and we can't live here the way we, our forefathers bought the places and stayed here to keep it open. You're railroading and laying down rules and regulations so that you are killing the person that wants to keep the land. Farming, there is hardly any left at all, and yet, you don't see the value of that. You just make law after law after law, you can't even follow through. I, myself, don't like it. You are just going to create more help. I was going to ask you tonight, how many acres are in the Town of Halfmoon? I just don't happen to now right now. How many acres are under development with buildings, commercial, rivers, roads, railroads, blacktop driveways, houses, how many acres covered? Now, every day, every year, you are building, letting people build, which they have the right to do. You have laws for setbacks, for this and that, so the yuppies don't complain about being to close and everything else. They come up here and want to rule us, tell us what to do. Do you know how many acres is left that can be built upon, and every day one is subdivided and the town inspector lets them build and checks it out. That means that your jobs, the inspectors and the people out there that have to do the job in the offices, they are putting themselves out of work. Sooner or later things are going to be built out, there will be nothing else to look at except for the few dog licenses and build an addition or take something down. You are creating such a bureaucracy with town employees, county, state, federal, we can't keep up, there is not enough money. Your employees at the town get more money than I can afford to pay my guys and we just can't survive. We cannot hold a gun to your head and make us to get the money that we need and that hurts.

Supervisor Tollisen: Thank you for your comments, Mike.

Supervisor Tollisen closed the Public Hearing at 7:50 pm;

No action was taken with respect to the comments made or with respect to the zoning changes.

Supervisor Tollisen: These zoning changes will be reviewed. There will be a Master List formulated of the comments and concerns. They will be reviewed by the Town Board and some of these items will be referred to the Zoning Review Committee as well at some future point. We will keep you apprised of the progress. At some future point the Town Board will make a decision on whether or not these changes will

occur. Each item will be voted on separately and each item will be brought up separately before the Board.

Supervisor Tollisen: Thank you all for your comments with respect to this.

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Supervisor Tollisen: I will give you a brief update on the budget. Again, I told you that I would give you monthly update on the budget. The budget again, is still in my opinion something that we are reviewing very critically. The mortgage taxes are in for another month. I am not happy with the projections and actual expenditures, so we will continue the spending freeze except for absolutely critical expenditures that are needed by the town. I will be taking some action in the next month or so to make some changes to the budget to remove a few items from the budget and actually take them out of capital reserve, which is where they should come from.

Additionally, I did attend the Association of Towns this past weekend, Sunday and came back yesterday evening. I will tell you, at the Association of Towns, I attended a number of sessions. I will just give you a list of some of what I attended. I attended classes on disaster recovery and emergency preparedness, which is actually something that we are currently working on, Mr. Wasielewski and I are on our committee to update our emergency preparedness in case of crisis. I also attended classes on Brownfield re-development. I attended classes on Planning and Zoning which dealt with community design tools. I attended classes on cyber security which is an enlightening class. I also attended classes on shared services which our town has already implemented this year. I also attended operations and budgeting and the New York State Comptroller's Fiscal Stress Monitoring Program. It was actually pretty busy with classes. I also met with some different people and attended the Comptroller DiNapoli's presentation, Senator Schumer presentation and Lt. Duffy's presentation. Overall, it was a good meeting down there and I learned quite a bit. There will be more things from my office coming down the pipe with respect to some of the things that I have learned down there.

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

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

I want to start off by thanking our Highway guys, our Building/Maintenance guys, the guys in our Parks. As we know, in the past couple of weeks we have been inundated with a ton of snow. They have done a great job, everybody has pitched in. Thank you!

Our Park's Department is accepting applications for 14 & 15 year olds to work in our beautification program and our Town Rec Program is accepting applications for over 16 year young adults to be counselors at our summer camp program.

At this time, after working with Supervisor Tollisen and Highway Superintendent John Pingelski, I would like to request that we purchase a new Senior Bus. Kevin can elaborate on part of what we came up with.

Supervisor Tollisen: The town is actually looking at purchasing a senior bus out of our Capital reserve account where there are sufficient monies. We need a new senior bus. The Highway Superintendent was just telling me the other day that he was actually patching a hole in the floor of the bus. We don't want anyone getting hurt. It is time to replace the senior bus that seems to be having more repairs lately than we would like.

I have done some work with the Saratoga County Office for the Aging and they advise that they can give the town up to a \$25,000 grant through some grant funds that are available. But we need to move rather quickly with respect to that. We would get \$25,000 from the County toward the purchase of the new bus, combined with what we believe we can sell the current one for, and the net would be about \$10,000 to \$15,000 cost to the town for the new senior bus. It is a much warranted item. Mr. Hotaling if you are moving that resolution

RESOLUTION NO. 75

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

RESOLVED, that the Town Board approves expending the funds to purchase a new Senior Bus in the not to exceed amount of \$50,000, per the approval of the \$25,000 grant from the County and the sale of the current bus. The remainder of the monies is to be paid from the Capital Reserve Fund, subject to Permissive Referendum and approval of the Town Attorney.

Supervisor Tollisen: I apologize that this was not on the agenda. This has been going on for the past week and we were just able to get information sufficient enough to put it on for tonight. So, I apologize it was not on the agenda. I think that we revised the agenda 6 times today. We like to have everything on there and we felt it was necessary to move this project forward for the seniors. Thank you Paul and John for your hard work on this.

RESOLUTION NO. 76

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

RESOLVED, that the Town Board schedules a Public Hearing for March 5th for the expenditure of the funds out of the Capital Reserve

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

I have a few things this evening, thanks Mr. Supervisor. The Ethics Committee along with the Resident Relations Committee has finally been formed. We have had enough interested residents to make both of these pretty dynamic committees and they will be notified very shortly of our meeting dates and getting down to business.

I would just like to mention, it will be brought up later on under #5 in correspondence. A Press Release went out today regarding the new Ambulance Contract and I wish Mike Stiles was still here so he can see how hard we do try to save money. We have come to an agreement with Clifton Park – Halfmoon Ambulance Corps, which provides very excellent services to the town, for a 10% reduction in this year's tax rate and 2% per year for the next 5 years. So at the end of 2019, all of the town residents will be paying 20% less for their ambulance services.

I would also like to remind all town residents, please remove snow from fire hydrants. I think that everyone has done a fairly good job but it could be a lifesaving, critical issue if there was frozen snow burying a fire hydrant. That is all that I have at this time, Mr. Supervisor, thank you.

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

The Business and Economic Development Committee had its first meeting a couple of weeks ago. We have a committee charged with residents, business owners, and professionals in the field ready to go. We are especially lucky and very fortunate to have Pete Bardunias, the President of the Southern Saratoga County Chamber of Commerce on the committee as well as Dennis Brobston, Jim Angus of the Saratoga Economic Development Corporation, and Tom Savino of CBRE on the committee. These people deal with bringing in businesses and commercial development into areas. So we are very fortunate to have them as active members on the committee.

The Insurance Committee has decided on the Liability Insurance that we will put forth to the town in a resolution this evening. We were able to have the rate a little bit lower than what we paid last year with even more extensive coverage by switching companies. The company that we are switching to uses NYMIR insurance. NYMIR is the New York Municipal Insurance Reciprocal. This exchange was created in 1993 and it was founded by 26 New York local government towns. So it is town run and town operated, they know what towns need. More than half of the local governments in our state now are NYMIR members. We actually were NYMIR members from 2002 to 2006 and why we left, I am not sure, but we will be back with them again.

Supervisor Tollisen: Thank you Daphne. Just from my perspective of the Business and Economic Development Committee, we had a very diverse group of individuals and business owners on that committee, without even trying. We got a good diversity to help us move forward with business development in our town. I appreciate that.

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

I also was at the Association of Towns training this past weekend. and attended Comptroller DiNapoli's, Senator Schumer and Lt. Duffy's presentation with Mr. Tollisen that was very informative. There were in depth Clerk's meetings on the minutes and agenda processes on the rules and regulations. They had Town Clerk's Roundtables, with open discussions with Clerk's throughout the state. Our main focus was on the new DEC licensing issues for the sports licensing that we all have had some problems with.

The Senior Center did not have their monthly meeting as there was a snow storm that day. The Historical Society will meet the last Tuesday of the month February 25th at 7:00pm. The Society is working on several displays. The Roger Sharp Basket display that was in the foyer display cases has been moved to the Clifton Park – Halfmoon Library. The display will be there for the month of February, so please stop by and see it at the Library. Our Vintage dresses will be the next display that will be at the Library this summer, and we are very excited about that. They will then be on display in Town Hall closer to the fall.

Supervisor Tollisen: Thank you. Just back to one thing and I should have brought it up during the public hearing, with respect to the zoning changes. We will note for the record, and I will pass out a copy to each of the Town Board members, and I have given to Ms. Bryan for the town records, I have received comments from James Bold, Candie DeLong, and Bruce Reichert with respect to changes in the zoning. They will be added to the list and are there any other ones?

Clerk Bryan: Yes, Henny O'Grady

Supervisor Tollisen: Very good, so they will all be added to the town record and be distributed as well.

PUBLIC COMMENT (for discussion of agenda topics)

Larry Koniowka, 15 New Castle Road: Larry has spoken previously about his concerns that a Public Hearing is scheduled for the next meeting in 2 weeks BUT the minutes that discussed the public hearing topics would not be approved until the night of the public hearing. Only those in attendance might be able to remember but could not review. He is asking if the public hearings could be scheduled after the minutes hit the town's website so that the public can be more informed.

He also stated that farming should be omitted from the noise portion of the zoning changes and that people are more concerned about the developers making the noise and not the farmers who work 365 days a week, dusk to dawn.

Supervisor Tollisen: I did get your comment that you left with my secretary about that and I will tell you that my initial response and I have spoken to our website IT guy, and there will be a dedicated place for public hearings on the new website, when they are scheduled and what they are about. That will address some of your issues. I do get the other part about getting the comments out as well so we will work on that as well.

DEPARTMENT REPORTS- Month of February

1. Town Clerk Total Fees Submitted to the Supervisor - \$6,521.11

CORRESPONDENCE

1. **Received** from the Town Planning Board Resolutions approving the following: Sign Application for Inglewood PDD, Inglewood Drive, for Change of Use at Walmart, 1549 Route 9 and for Capital Renegades Baseball, located at 217 Guideboard Road (Country Dollar Plaza), for Change of Tenant & Sign Application for Enterprise/Nicky V's Auto Sales and Consulting Services LLC, located at 1637 Route 9, and for Final Subdivision Approval for Plant Road Estates (formerly known as Pleasant Valley Estates/Plant Road PDD(located at 91 Plant Road.

Received & Filed

2. **Received** from Doug Martin, a letter after attending his 1st Town Board meeting stating that the "Whole Board did an Outstanding Job!"

Received & Filed

3. **Received** from the Office of the Sheriff, a copy of the reports for the month of December for the Clifton Park/Halfmoon Patrols and the Halfmoon Patrols.

Received & Filed

4. **Received** from Red Robin International, Inc., their notification of filing their liquor license transfer application, as they are taking over a franchise store located at 1 Halfmoon Crossing, and asking the town to waive the 30 day notification period.

Received & Filed

5. **Received** from the Office of the Supervisor, a press release announcing an agreement between the Town of Halfmoon and the Clifton Park & Halfmoon Emergency Corps that will reduce the ambulance district tax levy for the Town of Halfmoon residents over the next five years.

Received & Filed

6. **Received** from State of New York Unified Court System notification that the Town has been awarded a grant under the 2013-2014 cycle of the Justice Court Assistance Program (JCAP) to purchase one (1) walkthrough metal detector and three (3) hand held metal detectors for the Justice Court in the amount of \$4,873.44.

Received & Filed

Supervisor Tollisen: This just came in today and was added to the agenda. This a grant that was received for the Justice Department to provide more upgrades to our security to make sure that our court staff and Judges are safe and additionally the people that come through our court system are safe as well. I appreciate the hard work from our Grant’s Department on that and from the Town Justice’s staff for their assistance and helping us as well.

7. **Received** from Jeff Williams, Planner, Bruce Tanski Construction & Development, LLC request to remove Vucetic Multi Use PDD from the Town Board agenda. They acknowledge that the Town Board has an obligation to refer the project to the Planning Board within 60 days of application submission and asked that the period be stayed until such time as they submit a written request for the project to be placed on the agenda for consideration of the Town Board.
Received & Filed

NEW BUSINESS

RESOLUTION NO. 77

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

RESOLVED, that the Town Board approves and orders paid Vouchers numbered 250 through 350 as detailed.

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

10 GENERAL FUND	\$36,496.27
20 HIGHWAY FUND	\$37,045.80
25 SPECIAL REVENUE	\$4,201.45
30 CONSOLIDATED WATER	\$50,787.29
65 LIGHTING DIST	\$752.75

ABSTRACT TOTAL:	<hr/>	\$129,283.56
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RESOLUTION NO. 78

Approved by the Roll Call vote of the Board: Ayes: Tollisen, Wasielewski & Jordan
Councilwoman Jordan **Aye**
Councilman Wasielewski **Aye**
Supervisor Tollisen **Aye**

Councilman Hotaling **Abstained**

RESOLVED, that the Town Board approves the minutes of Town Board meeting of February 5, 2014, as presented.

RESOLUTION NO. 79

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

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

RESOLUTION NO. 80

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

RESOLVED, that the Town Board authorizes the Superintendent of Highways to execute contract for Auctions International service on the internet to allow buying and selling various town department equipment at no charge.

Supervisor Tollisen: Just so it is clear to the public and I know that you don't have this on your agenda, it says; for selling various highway equipment, it is actually a generic of selling any town equipment so that there is no separate resolution required. This is a resolution for Auctions International for any town equipment such as we did the camera, the old van and things like that.

Councilman Hotaling: I want to personally thank John Pingelski for his hard work on this. This has been a great asset to the town as we have used it many times for items that we no longer had use for and there is no cost to the town.

RESOLUTION NO. 81

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

RESOLVED, that the Town Board accept the proposal from Adirondack Trust Insurance for the Town insurance coverage from carrier New York Municipal Insurance Reciprocal, for all coverage (Property, General Liability, Auto, Public Officials, etc.) in the total amount of \$ 108,718.04 for the renewal period March 1, 2014 through March 1, 2015, subject to review and approval of the Town Attorney.

Supervisor Tollisen: Again, we put this out to bid with respect to proposals. There were 4 different companies that were interested, 2 did not even submit a bid. Miss Jordan, Miss Bryan and myself interviewed both companies and based upon that and New York Municipal providing superior coverage on a few items, far better than what we have, very competitive, and the same pricing, that is why we are switching over. We appreciate our current carrier and look forward to working with our new carrier.

RESOLUTION NO. 82

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

RESOLVED, that the Town Board to appoint Haylie Sullivan as part time clerk (seasonal) for the Recreation Director beginning March 1, 2014 at Grade 1, Step Base, \$12.69/hour.

RESOLUTION NO. 83

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

RESOLVED, that the Town Board of the Town of Halfmoon hereby establishes its intention to serve as Lead Agency for the local laws relating to zoning amendment for the SEQRA Coordinated Review of this Action, and will circulate the Lead Agency Notice and related documentation to all involved and interested Agencies,

whom shall be given 30 days from the mailing of the Lead Agency Notice to challenge this Lead Agency designation.

Supervisor Tollisen: Again, this resolution is dealing with our Zoning amendments. We need to establish lead agency. As you can see, there will be no action taken until after the 30 day period has expired.

RESOLUTION NO. 84

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

RESOLVED, that the Town Board of the Town of Halfmoon hereby establishes its intention to serve as Lead Agency for the Oakbrook Commons PDD amendment for the SEQRA Coordinated Review of this Action, and will circulate the Lead Agency Notice and related documentation to all involved and interested Agencies, whom shall be given 30 days from the mailing of the Lead Agency Notice to challenge this Lead Agency designation.

RESOLUTION NO. 85

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

RESOLVED, that the Town Board authorizes the Supervisor to make the attached Transfer between Appropriations and Creation of Appropriations

PUBLIC COMMENT (for discussion of non-agenda items)

Deanna Stephenson, 7 Cindy Lane: Deanna commented on an item from the last Town Board meeting about the developer who spoke about the Vucetic PDD on Route 9, specifically about the public benefits being the possibility of water on Tabor Road. She stated that there was another PDD going up by the railroad and the public benefit was water to Tabor Road. She feels for the people who live there needing water and offers some possible solutions. Is it possible to look for grants? Is it possible to put out for bid how much it would actually cost to lay a water line down Tabor Road?

She stated that there are a lot of projects coming up at the Planning Board. One is a Change of Tenant at the Salty's plaza which looked like it was going to be approved and a board member said "If we do this and allow this Change of Tenant Use for this one, the landlord might come back and say that he may want to do it again for another tenant". It went back to the parking. She knows that Halfmoon want businesses and hopes they can work with the landlord.

She is not saying to stop development but to hit the pause button until there is a direction in the town with the Zoning Review and the Business Economic Development Committees.

Supervisor Tollisen: I will make a couple of comments. On the water line, I have actually gotten few calls from people on Tabor Road who heard about the project and the potential for Tabor Road. I asked the Director of Water to fill me in on that. The water line comes down to a certain point on Tabor, I believe with that other project. It has stopped and needs to continue there. I think that the big issue, though we would love to put water down there for every resident and I will fight for it as much as I can. The problem is that the State Comptroller tells us what is feasible and what is not feasible with respect to these and they put a dollar figure on it and if it exceeds that dollar limit which is like a debt service charge, they tell

us no. We are actively working on that. It is something new to me being here three months. I have spoken with some of the residents on Tabor Road already. There are a few that are in Florida right now, when they get back we will be meeting with them as well. It is very active and I appreciate your comments. We will do everything that we can and know we are fighting for them. It is just doing it in the legal process.

Secondly, to the tenant space, I think that you are referring to Mr. Vasilakos and that is actually one of the individuals with respect to the parking changes. The Salty's plaza is one of the ones that are at parking capacity and one of the things that we are looking is to give the Planning Board some flexibility with respect to the number of parking spaces. That is one of the reasons why we are looking to make changes in the regulations. Thank you for that

There being no further business to discuss or resolve, on a motion by Councilman Hotaling and seconded by Councilman Jordan, the meeting was adjourned at 8:25 pm.

Respectfully Submitted,

Lynda A. Bryan, Town Clerk