

The January 18, 2023 meeting was called to order at 7:00 pm by Town Supervisor Tollisen in the A. James Bold Meeting Room with the following members present:

Kevin J. Tollisen, Supervisor
Paul L. Hotaling, Councilman
John P. Wasielewski, Councilman
Jeremy W. Connors, Councilman
Eric A. Catricala, Councilman
Lyn A. Murphy, Town Attorney
Cathy L. Drobny, Deputy Town Attorney
Lynda A. Bryan, Town Clerk

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

PRESENTATION: ROUTE 146 STORAGE PDD AMENDMENT

Supervisor Tollisen: The first thing on our agenda is a presentation for the Route 146 Storage PDD Amendment, Mr. Dell, you're up.

Jason Dell, Engineer for Lansing Engineering, good evening, I'm here on behalf of the applicant for the Route 146 Storage PDD Amendment. Our goal here this evening is to update the Board on where we are at and request that the Board set a public hearing for the PDD amendment. So, the project was last before the Planning Board in December where the Planning Board did issue a positive recommendation back to the Town Board for this project and for the PDD amendment. For the PDD amendment, the applicant is seeking to develop the remainder of the 9.81 acres on the eastern side of the site for ten (10) four (4) unit self-storage flex buildings. Previously, I believe there was eight (8) buildings, and this modification reduces the number of buildings down to ten (10) each of which are 6,000 sq. ft. At the Planning Board level, we did go through a couple rounds of technical review with MJ, We satisfied all their comments and received a positive recommendation back to the Board here and we are here this evening to request that this Board schedule a public hearing for the advancement of the amendment.

Supervisor Tollisen: Are there questions from the Board?

Councilman Connors: I will make a motion to post for a public hearing for this project.

RESOLUTION NO. 66-2023

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

Resolution Introduced by Councilman Connors

RESOLVED, that the Town Board hereby schedules a Public Hearing for the February 15, 2023, Town Board meeting, in the A. James Bold Room, at 7:00 p.m. or as soon thereafter as their agenda allows, to discuss authorizing an amendment to the Route 146 Storage PDD.

PRESENTATION: REGARDING EGG LAYING HENS IN RESIDENTIAL AREA

Supervisor Tollisen: The next item is a presentation regarding a change to the Town Code with respect to the egg laying hens in residential areas. I am going to ask the Building/Planning Development Coordinator Harris to come a give a brief presentation.

Mr. Harris: Several months ago, Supervisor Tollisen had requested that I begin research on potentially enacting for consideration by the Board an egg laying chicken law in town that would allow on residential properties to have chickens below the threshold currently set in Town Code. Currently in Town Code, if you have 80,000 sq. ft. property in town which is just under two (2) acres, you can have unlimited number of farm animals and chickens, poultry fits that category under our Town Code. I looked at a number of town/city ordinances with Town Attorney Lyn Murphy allowing egg laying chickens on residential properties and balanced the interest of some people in town to have egg laying chickens and neighbors who may not want to be impacting the quality of their life. So, the proposal before you for the Board would apply for a three (3) tier approach. If a residential property has

20,000 sq. ft. (just a little less than ½ acre) to 39,999 sq. ft. = up to 2 chickens

40,000 sq. ft. (just under 1 acre) to 59,999 sq. ft. = up to 4 chickens

60,000 sq. ft. to 79,999 sq. ft. = up to 6 chickens

80,000 sq. ft. or greater = unlimited farm animals

As part of this proposal, to help establish some structure with this, we would require an annual operating permit to be issued by the Department of Building, Planning and Development. There would be a requirement for a fenced or other enclosed area on the property. The chickens would not be permitted to roam free on the property beyond that fenced or enclosed area. There would need to be a chicken coup and shelter for the chickens, no greater than thirty (30) sq. ft. in size, no greater than a maximum height of six (6) ft. The location of that fenced in area and coup would need to be back yard only, not the side or front yard and a minimum of fifteen (15) ft. from the rear property line. That is a greater setback than other structures in town under the current ordinance. For example, sheds, detached garages have a five (5) ft. set back from the rear property line and side yards, pools ten (10) ft'. So a chicken coup would be a minimum fifteen (15) ft' under this proposal. That's about it.

Supervisor Tollisen: No roosters are allowed.

Mr. Harris: No roosters, only egg laying chickens and there will be an annual inspection by our department and an annual fee that has not been set yet for the annual permit.

Supervisor Tollisen: Any questions from the Board?

Councilman Hotaling: You couldn't have a rooster unless you had 80,000 sq' ft' correct?

Mr. Harris: Correct, that is current law and there is no proposal to change that, only egg laying chickens.

Councilman Catricala: How many eggs do you get from two (2) Chickens?

Mr. Harris: I have discussed with someone today who is a resident expert here in Town Hall who said on an average would be one (1) egg per day.

Councilman Wasielewski: The HOA rules would override this ordinance, correct?

Mr. Harris: If the HOA has restrictions, then that would be for the HOA to enforce. We do have issues in town where somebody is eligible for something from our office, a permit, sometimes they check with the HOA and they don't allow sheds to be viewed from the front yard, we have no restriction on the viewing of that. People tend to find their HOA rules before they come to us. We do have decent relations with most HOA's and they say go talk to the town first and find out if it's legal. We theoretically, unless Lyn corrects me, could still issue a permit if an HOA prohibits

it, but then it would be subject to the enforcement of their HOA, which we have no authority over.

Councilman Wasielewski: Thank you.

Supervisor Tollisen: Thank you for your work on this Mr. Harris.

RESOLUTION NO. 67-2023

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

Resolution Introduced by Councilman Wasielewski

RESOLVED, that the Town Board hereby schedules a Public Hearing for the February 15, 2023, Town Board meeting, in the A. James Bold Room, at 7:00 p.m. or as soon thereafter as their agenda allows, to discuss authorizing an amendment to the Code of the Town of Halfmoon and regulations relating to requirements for having egg laying hens on property that is currently utilized as residential.

COMMUNITY EVENTS:

The **“BUY A BRICK”** program for the Halfmoon Veterans Walk of Honor at the Halfmoon Veterans Memorial in the Town Park is now accepting orders. Create a lasting tribute for your veteran. For more information please call 371-7410 ext. 2200 or visit our website www.townofhalfmoon.ny.gov.

FARMER’S MARKET: Every Wednesday from 3-6 in the Town Hall Foyer. Come visit our local farms, crafters, and vendors that will be on hand every week.

WINTER CAMP: Tuesday-Friday, February 21-24 from 8:30am to 3:30pm at Halfmoon Town Hall with daily field trips. For more information contact Ross MacNeil at 518-371-7410 ext. 2274 or rmacneil@townofhalfmoon.org.

YELLOW RIBBON DAY: Monday, April 10th at 11 AM at the Veterans Memorial Park, 162 Rte. 236. Donations to the Blue Star Mother’s are used to make Freedom Boxes to our deployed troops. Donation boxes are in Town Hall Foyer.

TOWN MEETINGS:

Town Board Meetings: 1st & 3rd Wednesday of month at 7:00pm. Pre-meeting at 6:15 pm

Zoning Board of Appeals: 1st Monday of month at 7:00 pm. Pre-meeting at 6:45pm

Planning Board Meeting: 2nd & 4th Monday of the month at 7:00 pm. Pre-meeting at 6:15 pm (If the Holiday falls on a Monday, the meeting will be held on the next day, Tuesday).

Trails & Open Space Committee: 3rd Monday of the 3rd month at 7:00 pm unless otherwise announced. (If the Holiday falls on that Monday, the meeting will be held on the next day, Tuesday). The proposed dates are 1/17, 4/17, 7/18, and 10/16.

PUBLIC COMMENT (for discussion of agenda topics)

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Kevin J. Tollisen (Town Supervisor)

Community events are listed and the latest is the Ziti Dinner. If you are able too, next Tuesday night, January 24th from 4:30 to 7:00 at the Senior Center there is a Ziti and Meatball Dinner. The proceeds benefit the Character Counts Program which benefits Halfmoon families that are in need. We do our Food Pantry and help our youth who are not otherwise cannot afford the summer recreation program. If you are able too and want a good dinner, come out and join us. It is take out or you can actually dine in and join us and get a little bit of entertainment and fun so please come join us!

Paul Hotaling (Deputy Town Supervisor): (1) Chair of Personnel Committee (2) Ethics Committee, (3) Chair of Infrastructure & Safety (Water, Highway, Building & Maintenance) (4) Co-Chair for Character Counts, (5) Liaison to Comprehensive Plan Update Committee

I would like to announce that my first Comprehensive Meeting will be February 2nd at 6:00 PM in this room. Everyone is free to come.

John Wasielewski (Town Board Member): (1) Liaison to Planning Board, (2) Chair of Committee of Emergency Services and Public Safety, (3) Liaison to Animal Control and related services.

Thank you, Mr. Supervisor, as I mentioned at the last Town Board meeting, 2022 was a very busy year for Emergency Services here in the Town of Halfmoon. We had a little over 1,900 fire calls for the four (4) fire companies within the town. The Ambulance Corps approached 8,000 calls. Almost 10,000 times in Halfmoon that people called 911 and had Emergency Services respond. I think that is really a testament to the quality of our Emergency Services volunteers. We are fortunate to live in a town that has such fine services. That is all I have this evening, thank you.

Jeremy Connors (Town Board Member): (1) Liaison to Zoning Board; (2) Chair of Business and Economic Development Committee (3) Chair for Not-for-Profit Organizations, (4) Liaison to Comprehensive Plan Update Committee

Just a few things this evening, Mr. Supervisor. While it's freezing out and pending snow is on its way, we are looking forward to spring! With that, comes softball. The Halfmoon Girls' Softball has announced their 2023 Spring Rec Youth Softball Learn to Play Program for girls ages 5-14. That is going to be Saturdays & Wednesday's starting April 29th and is going to run for six (6) weeks. There is a small fee of \$99.00 and you can go to halfmoongirlssoftball.com for registration. Get your girls out there and on the field.

Also tonight, Halfmoon Girls Softball has a fundraiser at Buffalo Wild Wings, if you'd like to go and grab some wings and a soda or two and support the girls!

Eric Catricala: (1) Co-Liaison to Planning Board, (2) Co-Chair of Business and Economic Development Committee (3) Chair for Parks and Athletic Organizations, (4) Chair for Recreation (5) Co-Chair for Character Counts, (6) Liaison to Trails and Open Space Committee

Last evening was our Trails & Open Space Committee meeting and the next meeting is April 17th and anyone is invited to come. We will be talking about some of the upcoming projects with expansion of some of the trails and the nature preserve area that we are working on. There is some interesting stuff coming up this year! Thank you.

Lynda Bryan (Town Clerk): (1) Chair of Senior Programs, (2) Chair of Committee on Historical Archives

I have nothing this evening, thank you.

Dana Cunniff (Receiver of Taxes): (1) Chair of Committee on Residents Relations

Lyn Murphy, Esq., (Town Attorney) I have nothing, thank you.

Cathy Drobny, Esq. (Town Attorney) I have nothing, thank you.

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

Supervisor Tollisen: Department Reports and the monthly Department Manager Reports are listed and can be viewed in the Town Clerk's Office. We do ask our Department Managers to provide monthly reports in addition to having Department Manager monthly meetings that we all discuss the important things that go on in each of the offices.

DEPARTMENT REPORTS –

1. Building Permits

Total # Permits – 31 Total Fees Submitted to the Supervisor - \$7,513.00

2. Fire Inspections – 38 Total Fees Submitted to the Supervisor - \$3,825.00

3. Town Justice Suchocki

Total # Cases – 155 Total Fees Submitted to the Supervisor - \$11,577.00

4. Town Justice Fodera

Total # Cases – 153 Total Fees Submitted to the Supervisor - \$13,614.75

DEPARTMENT MANAGER MONTHLY REPORTS – (Can be viewed at the Town Clerk's Office) Building/Code Enforcement, Planning Department, Water Department, Recreation Department, Building & Grounds, Receiver of Taxes, Animal Control

CORRESPONDENCE

1. Received from the Town Planning Board Resolutions approved at the meeting of January 9, 2023, meeting: Change of Use/Tenant Application for Gateway Services, 11A Solar Drive, Site Plan Approval for the 413 Office Building, 413 Route 146, for a Site Plan Amendment for Rollin Smoke, 1613 Route 9, for Approval of a Minor Subdivision for the Milczarek Subdivision & Special Use Permit, 12 English Road, Approval of a Minor Subdivision (Lot-Line Adjustment) Lot 52/95 Seashore Way (Hank's Hollow) Subdivision, Staniak Road, for a Revised Final Subdivision Approval for Phase II of the Betts Farm PDD Subdivision, Betts Lane.

Received & Filed

2. Received from the State of New York, Dept. of State, notification that Local Law #8-2022, Updates to the local law relating to Zoning & Code Enforcement, was filed on December 20, 2022.

Received & Filed

3. Received from Hope Coyle-Meehan, her letter of resignation as Deputy Town Clerk, effective January 31, 2023.

Received & Filed

4. Received from NYS Dept. of En. Con, Office of Climate Change, notification that the Erie Canal Towpath Trail Link project has been selected to receive a Climate Smart Communities grant in the amount of \$232,000.

Received & Filed

5. Received from Eden Renewables notifying the Town of Halfmoon of their intent, through its Bridgewater Solar 1, LLC affiliate, to construct a solar energy system located at 4 Brookwood Rd. Waterford, NY, and that they have entered into an interconnection agreement and made its deposit with the unity.

Received & Filed

6. Received from Eden Renewables notifying the Town of Halfmoon of their intent, through its Bridgewater Solar 1, LLC affiliate, to construct a solar energy system located at 6 Brookwood Rd. Waterford, NY, and that they have entered into an interconnection agreement and made its deposit with the unity.

Received & Filed

7. Received from CAPTAIN, Community Human Services, a thank you letter to the Town of Halfmoon for our generous donation and support.

Received & Filed

NEW BUSINESS

RESOLUTION NO. 58-2023

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

Resolution Introduced by Town Clerk Bryan

RESOLVED, that the Town Board approves the minutes of Town Board Meeting of January 4, 2023, as presented.

RESOLUTION NO. 59-2023

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

Resolution Introduced by Town Clerk Bryan

RESOLVED, that the Town Board approves the Organizational minutes of Town Board Meeting of January 4, 2023, as presented.

RESOLUTION NO. 60-2023

Offered by Councilman Hotaling, seconded by Councilman Catricala: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, Wasielewski, Connors, & Catricala
Resolution Introduced by Supervisor of Buildings and Grounds Maiello

RESOLVED, that the Town Board authorizes the purchase of a 15 HP Toro Grandstand Mower with Recycler kit from Grassland Equipment and Irrigation Corp. pursuant to NYS contract PC69682 in the not to exceed amount of \$8,806.22 and a Land Pride Stump Grinder from Land Pride pursuant to Sourcewell contract # 070821-LPI in the not to exceed amount of \$7,491.00 and to authorize the Town Supervisor to execute any documentation necessary to effectuate the purchases, subject to the review and approval of the Town Attorney.

RESOLUTION NO. 61-2023

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

Resolution Introduced by Supervisor of Buildings and Grounds Maiello

RESOLVED, that the Town Board amends resolution 298-2022 which authorized paying Weston & Sampson's professional services in connection with the outdoor recreation center utilizing Recreation Fees located in the Special Revenue Fund to utilize the funds awarded by the grant obtained from Momentive Performance Materials in the not to exceed amount of \$51,500, subject to the review and approval of the Town Attorney.

RESOLUTION NO. 62-2023

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

Resolution Introduced by Superintendent of Highways Bryans

RESOLVED, that the Town Board hereby authorizes the Supervisor to extend an agreement with Twin Bridges Waste & Recycling, LLC, for Household Garbage, Construction and Demolition materials collected at the Halfmoon Transfer Station as approved by the Town Board by resolution 73-2021, with no change in rates, subject to the review and approval of the Town Attorney.

RESOLUTION NO. 63-2023

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

Resolution Introduced by Superintendent of Highways Bryans

RESOLVED, that the Town Board authorizes MJ Engineering and Land Surveying, P.C. to apply for monies through the Bridge New York Program for repair/replacement of the Button Road culvert, per the recommendation of the Town Superintendent of Highways, and for the Supervisor to execute any documents associated with application, subject to the review and approval of the Town Attorney.

RESOLUTION NO. 64-2023

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

Resolution Introduced by Town Clerk Bryan

RESOLVED, that the Town Board amending resolution 33-2023 which authorized the Town Board to adopt the Records Retention and Disposition Schedule to adopt the most current version of the Schedule, LGS-01, Section 185.11, 8NYCRR (Appendix H).

RESOLUTION NO. 65-2023

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

Resolution Introduced by Highway Superintendent Bryans

WHEREAS, the Town Board previously awarded the construction contract for the Halfmoon Highway Garage Improvements to Gallo Construction Corp; and

WHEREAS, C.T. Male Associates, the engineers on this project, failed to account for an existing waterline while designing the improvements despite the waterline being clearly marked through the Dig Safe New York program; and

WHEREAS, Gallo Construction Corp. has submitted a proposal to complete all work for the new waterline which will tie into the existing line at a cost of \$59,850.00; and

WHEREAS, C T Male Associates is recommending the approval of Change Order #1; and

NOW THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to sign Change Order #1 to relocate the existing water line at the Highway Garage as prepared and recommended by C T Male Associates at a not to exceed cost of \$59,850.00, subject to the review and approval of the Town Attorney.

PUBLIC COMMENT (for discussion of non-agenda items)

Carol Katz, 6 Lancaster Court, Sheldon Hills: We recently did a FOIL request to the DEC Region 5. Based on our review of the documents it appears that Hughes Energy has not decided to stop pursuing the location at the Troy Sand & Gravel site on Route 146. On October 21st Andrew Millspa of Sterling Environmental Engineering wrote that Hughes Energy needed 60-90 days to come up with a revised approach and later Beth McGee at the DEC wrote that Hughes needed more time to work through the town's site plan approval process. What can you tell us about your communications with Hughes Energy or Twin Bridges since the application for the Eco Park project was withdrawn on September 20th?

Supervisor Tollisen: That's an easy one. I've had zero communication with Hughes Energy or anyone else. The application was withdrawn, deemed closed. If it comes up again, we do have an e-mail group that we would certainly reach out to but there is nothing pending, there have been no phone calls to my office, no discussions, there's been zero.

Carol Katz: Do you think that Hughes is still looking to build a facility in Halfmoon or.....

Supervisor Tollisen: I can't speculate on that. I can tell you that we have been crystal clear in our position on that. There is no application on that before this Board. Rich, you haven't received anything, have you?

Mr. Harris: I haven't had one conversation with anyone regarding that project since they withdrew the project. (Difficult to hear from the back of the room)

Supervisor Tollisen: We are acutely aware of this issue and acutely aware of people's concern for it. So if something like this were to come back, we would make sure that everyone is made aware of it but there has been absolutely zero that I have seen. They don't always come to me, but the Director of Planning has not heard anything at all. Be assured that you will know if we get something like that.

Carol Katz: When you say that you've been crystal clear about your intentions, I know that you have been crystal clear about your intention to inform the residents

Supervisor Tollisen: That is what we mean. I have said from the beginning that they provided no documentation, they provide no education on this. We do need to find on a very global level an alternative to just dumping in a landfill. We absolutely need to do that. The residents in the middle part of town along Church Hill Road, Canal Road, Beach Road, they smell the landfill now from the Colonie side of it. With that twenty (20) year permit that just got extended is going to make it 80' higher than it currently is. It is something that the State of New York needs to look at. People don't realize it but at the Colonie Landfill, we're getting garbage from out of state. It's not even garbage that's from us. This is garbage that is being trucked into our state and being dumped in our landfill and we get the effects of it.

Do I think that we need to address this on a bigger scale? Yes, but I'm not going to be a test case for something that isn't legit, isn't healthy and isn't safe for our resident, that's for sure.

Carol Katz: Through my work on fighting this project, I've become acquainted with several environmental groups, and I know that one of them has been very involved in a zero-waste initiative project, and I'm not particularly familiar with that. Is that something that you might want to get more information on

Supervisor Tollisen: I will tell you that 5 years ago I had discussions with a company that was looking down on Route 4 & 32 on the Hudson River, commercial manufacturing and industrial areas about putting in some sort of recycling type of alternative to waste, similar to what Hughes was talking about. This was a Canadian company and it never got anywhere. My position on something like this, since this affects all of us that live in this community, that we need to have public meetings about this. We need to be educated and figure this out. Again, even if they applied again it's going to go through a very rigorous process. If they pay the fee and they make the application, they are at their own risk whether it gets approved or not. My position is kind of, well if you think that this is not going to get approved, why are you going to waste the money. That's just my opinion.

Carol Katz: I do know that Hughes Energy, right now is in Sullivan County. It's sort of our opinion that it's like wack-a-mole, stalling just trying to find...

Supervisor Tollisen: I did speak with DEC and she was working on the project and provided us some documentation on what they were applying for like what they applied for in Halfmoon in the NYC watershed area which creates how many more levels of regulations and things like that. They were kind of hung up on those regulations. She was very helpful, extremely knowledgeable, and pleasant. She sent some documentation to us. At this point there is nothing pending, there is nothing before this Board or even discussed to my knowledge at all.

Carol Katz: Good and may it remain that way. Thank you.

Supervisor Tollisen: Your welcome.

There being no further business to discuss or resolve on a motion by Councilman Wasielewski and seconded by Councilman Connors, the meeting was adjourned at 7:28 pm.

Respectfully Submitted,

Lynda A. Bryan, Town Clerk