

**The December 5, 2012 regular meeting of the Town Board of the Town of Halfmoon was called to order by Supervisor Wormuth at 7:00 pm in the A. James Bold Meeting Room at the New Town Hall with the following members present:**

Walter F. Polak, Deputy Supervisor  
Paul L. Hotaling, Councilman  
Craig A. Hayner, Councilman  
John P. Wasielewski, Councilman  
Lyn A. Murphy, Town Attorney  
Lynda A. Bryan, Town Clerk

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

**The Town Board Workshop was held in the Board Room at 6:30 pm; no action was taken. Deputy Supervisor Polak led the Pledge of Allegiance.**

**Councilman Polak:** Deputy Supervisor asked all to remain standing after the Pledge as Councilman Hayner wanted to say a few words.

**Councilman Hayner:** Good Evening everyone. This past week we have lost a lot of special people in our community. We just wanted to have a moment of silence for Christopher Stewart who is a Halfmoon resident and Deanna Rivers, a Clifton Park resident. They were two young people, full of life, and have totally made an impact on so many people. In addition to that, we also lost a Marine from Mechanicville, Lance Corporal Anthony Denier, and also a beloved Halfmoon resident Leo Chevalier, a World War II decorated Army Veteran. We would like to take a moment to remember them and honor their lives. Thank you very much.

#### **REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY**

**Councilman. Hotaling:** I would like to thank everybody who worked hard this weekend. The Celebration Committee had their first Annual Winter Carnival here followed by the Memorial Tree Lighting at the Gazebo. Many people put a lot of effort into it.

Also, I would like to ask everybody to slow down a little bit every day. Everybody is always in a rush, people get careless, and people get hurt. Thanks Craig for the kind words for the people we lost this week.

**Councilman Hayner:** December 20th will be the next Ethics Committee Meeting. We are getting down to the wire. We are taking a look at the draft legislation and going through that. Again, the public is always welcome. We meet every 3<sup>rd</sup> Thursday of the month at 7:00 pm right here in the Meeting Room

I would just like to add something that I didn't do in the moment of silence but, it was really touching to see the amount of support from all of the communities throughout our area. I think the very first night, Monday night; I saw a picture of the Saratoga Blue Streaks wearing green in their gymnasium in honor of our Shen students. So many schools have followed suit, Mechanicville wearing blue for Shaker. So many people were at the vigil last night. I think that everyone that went there, if your heart wasn't moved throughout this whole thing and just seeing how great our community is, it just tremendous. I just wanted to add that the outpouring of support, and what the social media has done, the phone calls to Tim Tebow, has just been absolutely incredible. Thank you.

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

**DEPARTMENT REPORTS – month of October**

**1. Building**

**Total # Permits- 80**

**Total Fees Submitted to Supervisor- \$16,634.00**

**2. Fire Code**

**Total # Permits- 22**

**Total Fees Submitted to Supervisor- \$1,012.00**

**DEPARTMENT REPORTS – month of November**

**1. Building**

**Total # Permits- 64**

**Total Fees Submitted to Supervisor- \$14,432.00**

**2. Fire Code**

**Total # Permits- 33**

**Total Fees Submitted to Supervisor- \$1,518.00**

**3. Town Justice Wormuth**

**Total # Cases- 220**

**Total Fees Submitted to Supervisor- \$27,070.00**

**4. Town Justice Tollisen**

**Total # Cases- 224**

**Total Fees Submitted to Supervisor- \$23,980.25**

**5. Senior Express Dispatch**

**Total # Riders- 251**

**Total # of Meals- 450**

**6. Town Clerk**

**Total Fees Submitted to Supervisor \$6,240.32**

**CORRESPONDENCE**

**1. Received** from the Town Planning Board Resolutions approving the following: Change of Tenant for Joan Stapleton, LCSW, PLLC and Raymond Bodensieck, Ph. D located at 12 Corporate Drive, Capital District Business Park, Change of Tenant/Change of Use for Delsignore Blacktop Paving, Inc. to move to the site previously known as Callanan Industries located at 47 Clamsteam Road, and Regarding the Gary Connors Lot Line Adjustment/Special Use Permit.

**2. Received** from the Halfmoon Fire District #1 (Hillcrest) Notice for the Annual Fire District Election to take place on December 11, 2012 between the hours of 6:00pm and 9:00pm at the Hillcrest Fire Station, 145 Pruyn Hill Road, there will also be PROPOSITION #1- TO APPROVE A NEW FIRE STATION BOND ISSUE.

**3. Received** from Jeffrey R. Williams, his letter of resignation as Director of Planning effective December 7, 2012.

**4. Received** from Amanda Smith, Director of Recreation, notification of the Town of Halfmoon Winter Camp registration dates. They will be accepting registrations Monday – Friday December 10<sup>th</sup> through January 25<sup>th</sup> from 9-3 pm.

**5. Received** from Deanna Stephenson, information about Superstorm Santa, asking the Clifton Par-Halfmoon community to join the Holiday Toy Drive to benefit the children and families devastated by Superstorm Sandy. There will be a deposit box in the Town of Halfmoon Lobby for those wishing to donate.

**6. Received** from Kevin Dailey, a PDD Application, Narrative, and Site Plan Map for the Halfmoon Healthcare and Assisted Living/Memory Care PDD Presentation.

**Kevin Dailey:** Good Evening, I am an Attorney in the Clifton Park – Halfmoon community and I am here tonight representing Boni Enterprises. With me tonight

is Larry Boni and Jay Hopeck. The PDD consists of 25.2 acres, which is over the 10 acre limit for an application for a PDD. Essentially it's a PDD to take the place of portions of the existing PDD that we were here before you in 2008. What we are looking at doing is just adding a 7 acre parcel, it is not enough. So actually it was suggested that perhaps we could come in with 10 acres with three of our lots 5, 6, and 7 into the PDD application. Hopefully you have seen the Narrative that we are talking about building a Memory Care and Assisted Living PDD, consisting of 104,850 square feet and will have 133 beds. As you can see in the demographics in the 2010 Census, we know that our community is aging. This is something that the community needs.

We are hopeful that we will be referred to the Planning Board for site plan approval.

**Deputy Supervisor Polak:** I would just like to point out that the hospital acreage and those areas are still intact. As part of the overall PDD, and this is a PDD for the three lots closer to 146, still within the parameters of the original roadwork.

**Kevin Dailey:** That is correct Walt. We are not seeking to change the application or the existing PDD.

**Deputy Supervisor Polak:** OK, thank you.

**Councilman Wasielewski:** I would like to make that motion, and also include in that motion, that this Board becomes the SEQRA Lead Agency in this project.

#### **RESOLUTION NO. 245**

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

**RESOLVED**, that the Town Board serves as lead agency for the purpose of SEQRA compliance for the Halfmoon Healthcare and Assisted Living/Memory Care PDD and further

**RESOLVED** that the Town Board refers the the Halfmoon Healthcare and Assisted Living/Memory Care PDD for their review and recommendation to the Town Board.

**Kevin Dailey:** Thank you very much

7. **Received** from The Town Clerk, the 2013 Town Board Meeting schedule

8. **Received** from the Halfmoon-Waterford Fire District #1 Notice for the Annual Fire District Election to take place on December 11, 2012 between the hours of 6:00pm and 9:00pm at the District Fire Station, 315 Middletown Road, for the purpose of electing two (2) Fire Commissioners, one for a five (5) year term commencing on January 1, 2013 and ending December 31, 2017, and one for a for a two year term to commence January 1, 2013 and end December 31, 2014.

9. **Received** from Lisa Rosamino, Manager of the Bishop Hubbard Apartments, a Thank You card to the Town of Halfmoon for their generosity to the seniors for the Thanksgiving baskets.

10. **Received** from Sally Wright and the folks at Bishop Hubbard, a Thank You card to the Town for the Thanksgiving Turkey dinner and for thinking of them at this time of year.

11. **Received** from Iona Barker, a Thank You & Happy Holidays card to the Recreation Department for all that they do with the Thanksgiving Baskets.

- 12. Received** from Salty's Pub & Bistro, located at 215A Guideboard Road, notification of intent to renew their liquor license.
- 13. Received** from State of New York, Office of the State Comptroller, acknowledgement of receipt of order of the town board of the Town of Halfmoon dated October 17, 2012 establishing the Town of Halfmoon Ambulance District.
- 14. Received** from NYS Department of Environmental Conservation Water Supply permit for service extension to Howland Park Planned Development District.
- 15. Received** from NYS Department of Environmental Conservation Water Supply permit for service of Arlington Heights Planned Development District-Phase 2.

## **NEW BUSINESS**

### **RESOLUTION NO. 246**

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

**RESOLVED**, that the Town Board approves and order paid all vouchers numbered 2694 through 2776 as detailed.

<b>10 General Fund</b>	<b>\$230,162.27</b>
<b>20 Highway Fund</b>	<b>\$117,006.40</b>
<b>25 Special Revenue</b>	<b>\$14,359.45</b>
<b>30 Consolidated Water</b>	<b>\$353,805.74</b>
<b><u>35 Misc. Capital Funds</u></b>	<b><u>\$2,950.00</u></b>
<b>Total</b>	<b>\$718,283.86</b>

### **RESOLUTION NO. 247**

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

**RESOLVED**, that the Town Board approves the minutes of Town Board meeting of, November 21, 2012 as presented.

### **RESOLUTION NO. 248**

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

**RESOLVED**, that the Town Board appoint Amanda Smith, Full time, Provisional, Recreation Director, Grade 5 Step 6 - \$42,112, effective retroactive to December 01, 2012.

**Deputy Supervisor Polak:** Amanda was not able to be with us tonight as she is ill. Amanda has done a terrific job. She is testimony to our Rec. Department for things like the Christmas Program which she works with. We are glad to have her on Board.

### **RESOLUTION NO. 249**

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

WHEREAS, Hurricane Sandy and the resulting damage has devastated communities and resulted in extensive damage; and

WHEREAS, several full time employees of the Town of Halfmoon are members of volunteer fire companies in the Town of Halfmoon; and

WHEREAS, the New York State Office of Fire Prevention and Control has asked for volunteers from this region to assist with back up fire protection needs and disaster relief in several communities affected by the storm in accordance with County and State Mutual Aid Programs; and

WHEREAS, the Town Board wishes to support local fire districts as they respond to requests for volunteers to help in disaster relief and fire prevention efforts;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

RESOLVED, that town employees who are active members of an emergency ambulance or fire district located within the Town of Halfmoon shall receive compensatory time for each day donated or, in the alternative, shall be compensated for their service as if working for the Town of Halfmoon, for up to three (3) days of service, in responding to calls for volunteers received through the New York State Office of Fire Prevention and Control; and it is further

RESOLVED, that permission to deploy pursuant to this resolution is expressly contingent upon the consent from the employee's direct supervisor, shall not compromise the operational needs of any department within the town as determined by the Town Board, and shall be sufficiently documented.

#### **RESOLUTION NO. 250**

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

**RESOLVED**, that the Town of Halfmoon permits temporary on-site storage of domestic sanitary effluent for the residents of Swatling Falls located on Michael Drive and Lot 23 Alexandra Court for a period not to exceed forty five (45) days from the adoption of this resolution, conditioned upon weekly pumping of the effluent and the applicant must provide the Town of Halfmoon Code Enforcement Office proof that the Saratoga County Sewer District #1 has accepted dedication of the system and the flow of effluence within forty five (45) days of the adoption of this resolution.

WHEREAS, the Swatling Falls Planned Development District was approved by the Town Board of the Town of Halfmoon as Local Law No. 3 of 2009; and

WHEREAS, the Planned Development District, as approved, permits the Town Board to modify any of the provisions of this Local Law upon request of the applicant upon such terms as the Town Board shall determine to be reasonable; and

WHEREAS, the applicant for the Swatling Falls Road Planned Development District has requested that the local law be amended to permit temporary on-site storage of domestic sanitary effluent for the properties located at 38 Michael Drive and Lot 23 Alexandra Court, for a period not to exceed forty five days from the adoption of this resolution, with weekly pumping of effluent until such time as the flows have been accepted by the Saratoga County Sewer District #1; and

WHEREAS, the Town Board of the Town of Halfmoon is desirous of ensuring the health, safety and well being of the citizens of the Town of Halfmoon; and

WHEREAS, the Town Board understands that permitting a safe and reliable method for disposing of sewer promotes the health, safety, and well being of the citizens of the Town of Halfmoon; and

WHEREAS, the applicant is unable to hook into the Saratoga County Sewer District #1 based upon NYSEG not being available to energize the system due to the impacts of Hurricane Sandy and the need to utilize their employees to address the devastating effects of that storm; and

WHEREAS, the Saratoga County Sewer District #1 is scheduled to meet on December 18, 2012, and January 15, 2013, and will be addressing the dedication of the system in Swatling Falls; now be it hereby

RESOLVED, that the Town of Halfmoon hereby permits temporary on-site storage of domestic sanitary effluent for the residences located on 38 Michael Drive and Lot 23 Alexandra Court for a period not to exceed forty five days from the adoption of this resolution, conditioned upon weekly pumping of the effluent; and it is further

RESOLVED, that all other provisions of the Swatling Falls Planned Development District Local Law number 3 of 2009 shall remain in full force and effect; and it is further

RESOLVED, that the applicant must provide the Town of Halfmoon Code Enforcement Office proof that the Saratoga County Sewer District #1 has accepted dedication of the system and the flow of effluence within forty five days of the adoption of this resolution.

## **RESOLUTION NO. 251**

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

**RESOLVED**, that the Town Board authorizes the Supervisor to offer CDPHP Medicare Choices to the Town of Halfmoon Medicare eligible retirees and dependents for the period of January 1, 2013 through December 31, 2013 pending review and approval of the Town Attorney.

## **RESOLUTION NO. 252**

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

**RESOLVED**, that the Town Board to accept for dedication the completed portion of the roads known as Kelly Lane, subject to the review and final approval by the Town Highway Superintendent of the road improvements and of Town Attorney of the deed descriptions, closing papers, title insurance, letters of credit and all related and required documents.

**RESOLUTION**

**WHEREAS**, Pipino Builders, LLC, has offered to dedicate a portion of Kelly Lane, anda abutting retention pond; and

**WHEREAS**, the maps and descriptions have been reviewed and approved by the Town Engineers and Surveyors, Clough, Harbour & Associates, as to the "as-builts" and legal descriptions; and

**WHEREAS**, the Town Engineers and Surveyors and Town Highway Superintendent have indicated it is desirable for the Town to accept the dedication of the roads; and

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. That the Town shall and hereby does accept for dedication the completed portion of the roads known as Kelly Lane; and
2. That the acceptance for dedication is subject to the review and final approval by The Town Highway Superintendent of the road improvements and of Matthew J. Chauvin, Esq. Town Attorney of the deed descriptions, closing papers, title insurance, letters of credit and all related and required documentation.

Dated: December 5, 2012

LYNDA BRYAN  
TOWN CLERK - TOWN OF HALFMOON

**RESOLUTION NO. 253**

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

**RESOLVED**, that the Town Board approves the Supervisor’s report for the month of October.

**RESOLUTION NO. 254**

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

**RESOLVED**, that the Town Board accepts for dedication the road associated with the Swatling Falls Planned Development District Phase I, Alexandria Court, Amanda Lane, portion of Elena Court, Michael Drive, portion of Parkside Drive, portion of Swatling Drive and a portion of Jennifer Drive, subject to the review and final approval by the Town Highway Superintendent of the road improvements and the Town Attorney of the deed descriptions, closing papers, title insurance, letters of credit and all related and required documents.

**RESOLUTION NO. 255**

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

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

A resolution is needed to create the following budget amendment of appropriations and revenues in the Special Revenue Fund for engineering fees for on site quality inspections. These funds are developer’s monies held in escrow by the Town in a regular checking account and used for the payment of costs for that particular project. This resolution is necessary to comply with proper accounting procedures as set forth by NYS Department of Audit and Control.

Debit:   Estimated Revenues       25-510  
          \$14,359.45  
          Subsidiary: 25-4-2189 Home and Community Services               \$14,359.45  
Credit:   Appropriations       25-960  
          \$14,359.45  
          Subsidiary: 25-5-1440.40 Engineering Contractors Inspection       \$14,359.45

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

NAME	AMOUNT
Fariway Meadows Insp	\$1,001.87
Fairway Meadows Ph III	1,750.98
Pleasant Valley Estates	141.00
Glen Meadows PDD	669.00
Klersy Major Resd Subd	1,212.00
Rolling Hills Subd Ph II & III	9,584.60
TOTAL	\$14,359.45

Transfers between Appropriations:

From Account	To Account	Amount	Reason
10-5-1990.40 Contingency	10-5-3610.40 Code Enforcement	\$625.00	Telecommunication costs associated with code officers’



	Contractual		mobile service
30-5-8320.42 Water – Purification Contractual	30-5-8320.41 Water – Electrical Contractual	\$9,000.00	To cover costs associated with electrical usage
10-5-1230.40 Grants Contractual	10-5-1310.40 Finance Contractual	\$275.00	Sharp Copier unit cost billing per contractual agreement
30-5-9710.71 Water Debt Interest	30-5-9710.61 Water Debt Principal	\$14,998.00	To cover costs associated with debt principal payment.

A resolution is needed to correct the following budget amendment of appropriations and revenues in the Special Revenue Fund for engineering fees for on site quality inspections from the April 18, 2012 Town Board Meeting. These funds are developer’s monies held in escrow by the Town in a regular checking account and used for the payment of costs for that particular project. This resolution is necessary to comply with proper accounting procedures as set forth by NYS Department of Audit and Control.

Debit: Estimated Revenues      25-510  
\$6,952.00  
Subsidiary: 25-4-2189 Home and Community Services      \$6,952.00

Credit: Appropriations      25-960  
\$6,952.00  
Subsidiary: 25-5-1440.40 Engineering Contractors Inspection      \$6,952.00

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

NAME	AMOUNT
Pino Comm/Lt Industrial Park	\$141.00
Route 9 Grocery/Retail	\$2,550.00
Klersy Major Residential	\$282.00
Stewart’s Plant Road	\$2,082.00
Windsor Woods, Homeland Properties	\$1,183.00
Vending Property	\$714.00
TOTAL	\$6,952.00

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

**Deanna Stephenson, 7 Cindy Lane:** I would like to ask, when we talk about the dedication of roads, when we talk about closing and finishing up, do the public benefits included in that or are they signed off on when completed. Just looking at what’s included, I know that John would be looking at infrastructure, and if there is a public benefit, is that signed off on when completed?

**Attorney Murphy:** They don’t really have anything to do with one another, depending on how the PDD legislation is written. In some cases it will be contingent on having the public benefit done before the first CO or before the first Building Permit, so it all depends on how the legislation is written. What this is is making sure that the roads are built, they have been inspected, that a Bond has been placed in case there is some sort of problem with a road. 9 times out of 10 the roads are not topped yet, so there will be two bonds in place just to insure that the topping in fact gets done as well. Usually road dedications are not tied into public benefit for a PDD.

**Deanna Stephenson:** When we sign off, the roads are complete?

**Attorney Murphy:** Correct. That's why there are all of these caveats

**Deanna Stephenson:** and the other piece, I just wanted to say again, I am looking forward to a date that a Comprehensive Plan Committee could be put together. If we could, I am asking to move that along it would be wonderful and to add to that, I also want to comment that if that does happen, that again we look at talent in the Town of Halfmoon and perhaps outside. We don't need the whole Town Board or the Planning Board. We are looking at, my examples; my opinion would be an Architect, not one that we use all of the time, Engineer, not one that we use all of the time, Chamber of Commerce, Some business, School Board, Dr. Robinson or anybody that you think is best suited, a representative from the Ambulance, Fire District, Lawyer, and Lyn, no offence to you, but somebody that would be separate from the Town, Town Board member, Historical Committee member, a County rep, a business owner, a developer, and a Highway personal. I am just giving examples of some things that we could look at.

**Deputy Supervisor Polak:** We are working on that. We are working with our engineers on that, trying to get an agenda together and we should have that shortly, but we are working on that.

**Deanna Stephenson:** Thank you Walt.

**Ben Potiker, Ponderosa Drive:** (Ben gave a handout to the public called "Sustainable Development": The Hidden Goals) Thank you Board members. Two months ago, at a Board of Supervisor's meeting, there was discussion about Governor Cuomo's Cleaner, Greener Communities Initiative Program. It's a Grant program that is going to be rolled out next year and there will be grant money available. They will partner with local governments to encourage the expansion of local green jobs. By doing such, we can help New Yorkers get back to work, while simultaneously helping to improve the environment.

Ben asked that everyone take a look at the handout and will speak to Supervisor Wormuth about the possibility of having a Public Forum and do a Presentation in January.

**Deputy Supervisor Polak:** Before I close, I would just like to say, Deanna and her group has a box in the Lobby for the victims of Superstorm Sandy. You may have seen the devastation on TV, it is indescribable. Those people have nothing. During the Holiday's, this community goes above and beyond what some of the other communities do to help their people. I would like to make sure that everybody extends that gift that we have, to helping others during this Holiday Season and especially Superstorm Santa and make someone's Christmas more pleasant. Thank you.

There being no further business to discuss or resolve, on a motion by Councilman Hotaling and seconded by Councilman Wasielewski, the meeting was adjourned at 7:24 pm.

Respectfully Submitted,

Lynda A. Bryan, Town Clerk