

The March 20, 2013 regular meeting was called to order at 7:00 pm by Supervisor Wormuth in the A. James Bold Meeting Room at the New Town Hall with the following members present:

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

The Supervisor opened the meeting at 7:00 pm and led everyone in the Pledge of Allegiance.

PUBLIC HEARING: TO USE THE HIGHWAY FUND CAPITAL RESERVE FOR THE WOODIN ROAD CULVERT REPLACEMENT PROJECT

Supervisor Wormuth asked if anyone would like to have the Public Hearing Notice read. Having heard from no one, Supervisor Wormuth opened the Public Hearing at 7:01pm.

PUBLIC HEARING

WHEREAS, the Town Board of the Town of Halfmoon has established the Highway Fund Capital Reserve pursuant to Section 6-c of the General Municipal Law to provide funding to construct, reconstruct or acquire capital physical betterments or improvements constructed, reconstructed or acquired, and

WHEREAS, the Town Engineers recommend replacement of the box culvert on Woodin Road to address the current repairs necessary for efficient storm water management;

RESOLVED, that the Town Board of the Town of Halfmoon authorizes the Woodin Road Box Culvert Replacement to be financed from the Highway Fund Capital Reserve. The estimated maximum cost of the Woodin Road Box Culvert Replacement is \$300,000. \$150,000 of these monies will be expended from the Highway budget and \$150,000 of the monies will be expended from the Highway Fund Capital Reserve. The resolution approving the expenditure from the Highway Fund Capital Reserve is subject to permissive referendum pursuant to subdivision 4 of Section 6-c of the General Municipal Law.

BE IT FURTHER RESOLVED THAT, the public hearing to expend these funds from the Highway Fund Capital Reserve is set for 7:00 PM on March 20, 2013 or as soon thereafter as its Agenda allows.

Councilman Polak: This is regarding a culvert on Woodin Road. The Highway Department has been monitoring the culvert and it is caving in and the road is actually sinking down on each side of the culvert. Last July, we got the engineers involved and took a survey on what was going on there. The culvert is so deteriorated on the interior, that it is leaking water out and around the culvert and is washing those soils downstream, consequently, caving in on both sides of the existing box culvert.

We are going to try some other methods; drilling holes and pumping concrete in, but it was so bad that they determined that it wasn't going to work anyhow, and were wasting time and money. The proper thing to do would be to replace it.

What it is is a 6X6 110 foot long, pre cast culvert. It will have pre cast wing walls on each end that is the easy part. The hard part of the project is that we have to build a stream to divert the water in the creek around the culvert before we can start to work on the replacement. We are going to be on wetland, and we are going to need permitting from DEC. It is a good size job. There six utilities that are actually in the way and in the road right now, gas, electric, cable, and telephone. It is right where we will be working.

We will go out to bid on it. The total cost of the project is \$300,000.00. That will be to remove the existing one and replace it with a new one. If anyone has any questions,

John or I would be happy to answer them. We are at a point where it is a safety issue and it really needs to be done.

Supervisor Wormuth: The first resolution that we would be looking for from the Board this evening, is to expend funds from the Capital Reserve, the second one would be to then let the bids. We certainly want to take comments from the public at this point, and from the Board. The use of the Capital Reserve Funds would be subject to a 30 day referendum. So is there anyone from the public wishing to speak on this project this evening?

Councilman Polak: One reason why we are trying to work very quickly is of course to give the bidders an opportunity time to bid the project, but also, there is going to be a time element where the precast culverts will have to be made. Then our hopes are that we have everything completed before the new school year starts so that we do not have to detour the school busses. There will be actual signs put up and detour routes during the construction but we are trying everything in our power to get that done before the school season starts.

Larry Koniowka, 15 New Castle Road: Where is this located and how long will it take? Is there going to be any road closure and detours that is going to affect the area?

Councilman Polak: OK, it is just west of the ball field area where the wetlands are on the left and right. It is right in that area there.

Larry Koniowka: Any road closure or detours that are going to happen and how long might the project take?

Highway Superintendent Pingelski spoke from the audience and could not be heard.

Supervisor Wormuth: so there will be detours and they were expecting about a month, which is why we are trying to time it when there aren't any school busses trying to utilize it with drop offs for children.

Larry Koniowka: Are you also going to be detouring through Ponderosa Drive too? No? OK, thank you.

Supervisor Wormuth: What is the Board's pleasure? We would need to take resolution separately. One to expend the Capital Reserve Funds, subject to the 30 day referendum and the second to let the bids, if the Board wishes to do that.

Councilman Polak: On the first resolution, I would like to make a motion that we expend the funds.

RESOLUTION NO. 85

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

RESOLVED, that the Town Board approves expending the funds from the Highway Fund Capital Reserve for the Woodin Road Culvert Replacement.

Councilman Polak: On the second resolution, I would like to make a motion that we go to bid.

RESOLUTION NO. 86

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

RESOLVED, that the Town Board authorizes the project for Bidding for the Woodin Road Culvert Replacement.

Supervisor Wormuth closed the Public Hearing at 7:09 pm.

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Councilman Polak: I just have a couple of reminders that the week of April 9th will be the Spring Cleanup starting. The dates are April 9, 12, 13, 16, 19, & 20. The hours are Tuesday 8am –Noon, Friday Noon-5pm, and Saturday 8am-3pm. We will have enough help there to operate in the same great manner that we always do to get people in and out as quickly as possible.

The other item that I have is Shredding Day and that will be Saturday May 4th from 9-11am at the Highway area. It is free of charge, but we are asking residents to please bring one can good for each bag/box you bring to be shredded.

Councilman. Hotaling: I would like to thank the Highway guys; they have worked very hard the last couple of days to keep the roads cleaned and safe.

The Halfmoon Celebrations tomorrow night, kicks off the season with a Patsy Cline Tribute at the Senior Center and that starts at 6:30. On May 11th they will be having the Classic Car Show across the street at the Abele Gazebo, and something new this year; they are going to have a Kayak Event at the Lighthouse Park from 12-3pm.

The new magnets of the schedule for the Celebrations are now available on the counters of the Clerk's Office. The Assessor's Office, Supervisor's Office has them. They are free to everyone with the Celebrations schedule. Thank you.

Clerk Bryan: Next Tuesday, the 26th, the Halfmoon Historical Society Meeting will be at 7:00pm. There will be 2 short presentations. One will be on the 225th Anniversary of the Town of Halfmoon, and the other on a Halfmoon resident who served in the Civil War. So we invite you all to come join us.

Councilman Hayner: I have a few items. We are getting ready for the Summer Recreation Program Sign-up. It will be held Saturday April 6th from 9-12 and then it will be Saturday's and Tuesday's. Saturday April 6th, Tuesday April 9th, Saturday April 13th, Tuesday April 16th, Saturday April 20th, and Tuesday April 23rd. So that is 9 until noon on Saturday's and 6-8pm on Tuesday's. If you haven't already, the Halfmoon Recreation Department is on Facebook. You can click and like their page and get updates through there.

In addition to that, we also have our 7th Annual Crescent Park Canal Sweep will be held on Saturday April 20th from 10-11 and that will be down at the Crescent Bridge. PJ does a tremendous job of getting everything organized. There are work gloves, bags and we invite all different community groups to get involved with that as well. If you can join us, please do.

Finally, just to add on to what Mr. Hotaling mentioned about the inaugural of the Kayack/Canoe Festival that will be at the Lighthouse Park, it will kick off in the City of Mechanicville at 8:00am and it is a great opportunity. The Halfmoon Historical Society is going to be involved as well as Halfmoon Celebrations and the date is Saturday, June 8th.

DEPARTMENT REPORTS – month of February

1. Town Clerk

Total fees Submitted to the Supervisor: \$5,012.65

CORRESPONDENCE

1. Received from the Town Planning Board Resolutions approving the following: Sign Application for Lofrumento Agency – Allstate, located at 1859 Route 9, and regarding preliminary plan approval of Anna's Place Residential Subdivision.

Received, Filed & Print

2. **Received** from the Halfmoon-Waterford Fire District #1, their Annual Financial Report for the years ending December 31, 2010 and 2011.

Received & Filed

3. **Received** from the US Army Corps of Engineers, a Public Notice for a proposed project by the NYS Canal Corporation to conduct dredging of PCB's within a 38 mile portion of the Champlain Canal (Hudson River) to restore and maintain the State navigation channel to its previously approved width and depth.

Received, Filed & Print

4. **Received** notification that April 12th, 2013 is Yellow Ribbon Day. This year's celebration will be on Friday at 11:00 AM at the Saratoga-Wilton Elks Lodge #161.

Received & Filed

PUBLIC PRIVILEGE (for discussion of agenda topics)

Joe Christopher, 96 Werner Road: I would like to comment on the Anna's Place agenda item. You know, it obviously passed. I think it has disappointed the residents of Halfmoon. I think that during the public hearing, many critical problems were exposed. A resident expressed concern about increased traffic and limited sight exiting his driveway, another resident had concerns about site distances and asked about how many homes could be serviced if only Kelly Lane was used as an access road. A resident later quoted from the 2003 Master Plan that states "The town has no intent to shut its doors on development; however it cannot allow itself to grow in the current pattern as this will lead to discontinuity, sprawl in the associated impacts of traffic congestion, noise, poor air quality, lack of community identity, and he asked, "Is anybody listening?"

Questions were raised about how stopping distances could be further limited by cars making a left into the project. It was acknowledged that the traffic generated by Windsor Woods was never included in the traffic study and that data may have been compromised by a snow storm. A resident across from the proposed access road was concerned about lights shining into her house from cars navigating the intersection. I had a conversation or I sighted a conversation rather, I had with an engineer at the New York State Department of Transportation, who said that for new roads, the town should be using the guidelines that indicate the site distance at the proposed location isn't adequate, 75 feet and 95 feet short. In terms of putting up a sign for remediation, she said, that I don't see where someone would propose a new road that would require immediate remediation. She also stated that this remediation is intended primarily for existing intersections where problems currently exist.

So what did they do? They put a sign up and planted some trees to block the headlights. That was the Planning Boards response to all of the concerns. They put up a sign and proposed to plant some trees.

The Planning Board themselves, characterized the sight distance location as less than ideal. They said repeatedly, "There is just no other place to put the access road! It is the best possible location for the site, but it still less than ideal." So once again, the Town of Halfmoon ignores the residents and their safety to meet the needs of the builders this town is beholding too.

Essentially, the Planning Board put on a show during the Public Hearing. They seemed genuinely concerned and then when the public was silent, they just passed it. After the meeting, I asked Mr. Watts about the conversation that I had with the New York State Department of Transportation, which they said that the sign wasn't an appropriate remediation. He asked, "What was her name again?" A friend of mine spoke with my neighbor who is concerned about the lights in her living room, she says that she was never contacted.

These guys did nothing and I felt like this thing was all figured out before we even got there. Ironically, Mr. Ouimet said that the Board did their due diligence. I beg to differ. He also told Mr. Tanski that he acted responsibly to the concerns of the public in reducing the density of the project. Mr. Tanski was forced to reduce the density. The residents were the ones who were responsible in their opposition. If nobody said anything, that 165 unit apartment complex would be half built by now.

If the residents don't come out to represent themselves, no one here will do so. Some of the members of the Planning Board have been on it for 20, 30 years and I think that 20, 30 years ago they, may have been effective, but sometime between then and now they have reached a level of incompetence. You know, I do not expect you to do anything about it.

Mr. Ouimet asked me what I would have accepted to be built there. I refused to answer him. He was using the old standby defense mechanism that we are just against all development. You will probably justify what I am saying, that I am saying this now because I am upset with the Board's decision. This defense is untrue and frankly, it is getting old. It is similar to the witch hunt defense that Town Officials use to explain away the recent storm of negative press that they have been receiving. There is no witch hunt; there is truth to these allegations. I am not against building, this project stinks.

This town is beholding to builders. I can't imagine why anyone, party or individual, would support any elected official from Halfmoon.

Craig, at a recent swearing in ceremony, you led the group in a prayer following the Pledge of Alligence led by Mr. Tanski. And I have to ask myself, will he be funding your run for Saratoga County Clerk? I think that questions like this could have addressed in your ethics legislation, but you choose to omit that language. You omitted it from a section of the Halfmoon legislation that was plucked right from the Clifton Park's.

I think that a growing number of residents find the performance of the town government troubling. I looked at some correspondence I had with the town about a year ago. I was truly optimistic that the town would be compelled at that time to act in the best interest of the residents. I started on the other side of this. I have been around quite a bit since then and I have come to the conclusion that everyone who is sitting on the Board here today without exception, is either corrupt or lacks the courage to step up and represent the residents of Halfmoon.

The decision to pass this project is just one more thing in a long list of things that I think, that I feel prove that. Thank you.

OLD BUSINESS

RESOLUTION NO. 87

Councilman Hayner: I would like to move that forward. I believe that our Ethic's legislation is a solid foundation in which to grow from and I would like to move that resolution.

Councilman Wasielewski: I would like to second that.

Supervisor Wormuth: Craig, the changes that your committee made based on the comments that were made at the public hearing and then received, have they been available for review or is that something that you are going to do this evening?

Councilman Hayner: Yes, actually I will mention that there are a couple of typos. Instead of volunteer Firemen we have firefighters and I have passed that along. Typo changes from his to his/her, and although the Attorneys are already covered in Department Heads, we need to add Town Attorney under Annual Disclosure for letter A.

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

RESOLVED, that the Town Board approve the Town of Halfmoon Ethics Legislation.

TOWN OF HALFMOON

Local Law No. 1-2013

A Local Law relating to a code of ethics and a Board of Ethics for the Town of Halfmoon superseding and replacing Local Law No. 2-1970.

Be it enacted by the Town Board of the Town of Halfmoon as follows:

Intent

The Town Board of the Town of Halfmoon recognizes the importance of establishing a minimum standard of conduct for the employees and appointed/elected officials. Employees and appointed/elected officials of the Town of Halfmoon hold their positions to serve and benefit the public, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Town of Halfmoon recognizes that, in furtherance of this fundamental principal, there is a need for clear and reasonable standards of ethical conduct. At the same time, it is recognized that public service cannot require a complete divesting of all proprietary interest nor impose intrusive disclosure requirements if the town government is to attract and retain competent administrators and employees. It is the purpose of this Local Law to supplement and implement the provisions of Article 18 of the General Municipal Law of the State of New York by establishing standards of conduct for the town's officials, officers, appointees and employees.

The standards, prohibited acts and procedures established herein are in addition to any prohibited acts, conflicts of interest provisions or procedures prescribed by any statutes of the State of New York, through common law, advisory opinions and Executive Orders to the extent that the same are more severe in their application to this Local Law.

Definitions

When used in this chapter and unless otherwise expressly stated, the following terms shall have the meanings indicated:

ADVISORY OPINIONS – The Committee may accept and consider written requests from officials, employees, appointees or volunteers for advisory opinions regarding conflicts of interest or the appearance thereof. Such advisory opinions shall be deemed to be in the nature of a personnel matter and shall remain confidential except as provided for herein.

BUSINESS DEALING

- A. Having or providing any contract, service or benefit to or for the town.
- B. Buying, selling, renting, leasing or otherwise acquiring from or dispensing to the town any goods, services or property.
- C. Applying for, petitioning, requesting or obtaining any approval, grant, license, permit or other privilege from the town government that involve a commercial venture. This shall not apply to applications involving an individual's residence.

CONFIDENTIAL INFORMATION ACQUIRED IN THE COURSE OF HIS OR HER OFFICIAL DUTIES — Knowledge or information imparted or made available to a town officer or employee while in the conduct of town duties, which knowledge or information is not generally public and which knowledge or information is not available through a freedom of information request of the town.

FAMILY MEMBER — A spouse, child, brother, sister or dependent or domestic partner.

MINISTERIAL ACT — An action performed in a prescribed manner imposed by law without the exercise of judgment or discretion as to the propriety of the action.

PERSON — Includes natural persons, corporations, partnerships, unincorporated associations and all other entities.

RELATED PERSON

- A. A family member.
- B. Any partnership or unincorporated association of which the town officer or employee is a member or employee or in which he or she has a proprietary interest.
- C. Any corporation of which the town officer or employee is an officer, director or employee or of which he or she legally or beneficially owns or controls more than 5% of the outstanding stock.

- D. Any person from whom the town officer or employee or his or her spouse has received within the previous twelve-month period a pecuniary or material benefit having an aggregate value greater than \$5,000.

SOLICIT — To make a specific request of a person not otherwise disposed to be a recipient of such request.

TOWN — The Town of Halfmoon governmental and administrative operations, including officials, officers and employees of the Town of Halfmoon who act under the auspices of the Town of Halfmoon or on its behalf including Board members, commissions, districts or other agency, department or unit of the government of the Town of Halfmoon.

TOWN CLERK — The Clerk of the Town of Halfmoon pursuant to § 30 of the New York State Town Law.

TOWN OFFICER OR EMPLOYEE — Any officer or employee of the town including town officials, whether paid or unpaid. No person shall be deemed to be a "town officer or employee" solely by reason of being a volunteer firefighter or civil defense volunteer.

TOWN OFFICIAL

- A. The Town Supervisor, County Supervisor, Deputy Town Supervisor, Town Superintendent of Highways, Town Clerk, Collector and Assessor of Taxes, and Town Attorney.
- B. Any person designated by New York State Town Law or the Town Code of the Town of Halfmoon or by town resolution as the head of a department or bureau of the town.
- C. Any person who has the authority to approve, authorize or audit any grant, permit, license, application or other privilege or any purchase, sale, rental or lease of goods, services or property on behalf of the town.
- D. Any elected or appointed member of the Town Board, Planning Board, Zoning Board of Appeals, Town Commissions, Town Committees and any other Town Board, commission or committee hereinafter created, the authority of which includes approval, authorization or audit of any grant, application or other privilege or of any purchase, sale, rental or lease of goods, services or property on behalf of the town, but "town official" does not include a Judge, Justice, officer or employee of the unified court system, but does include those personnel employed by the Town of Halfmoon who work in the Court Offices. Individuals who are members of an ad hoc or temporary board, committee or body not set forth otherwise hereinabove and which is designated by the Town Board to provide advisory services to the town are not "town officials".

VENDOR — Any person or entity that sells or provides to the town any property, goods or services, whether on a regular basis or pursuant to periodic agreement, and does not include a town officer or employee.

Prohibited activities

No town officer or employee shall:

- (1) Directly or indirectly, solicit any gift or accept or receive money or any gift or gifts having a cumulative value of \$75 or more over the course of one year, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part, including any financial transaction on terms not available to the general public, except professional fees or salaries for services rendered from any persons, other than a spouse, who, to the recipient's knowledge, is considering, has pending or within the previous 12 months has had any business dealings with the town that requires any negotiation, approval, recommendation, authorization, audit or other action, other than ministerial action, by the town officer or employee, either individually or as a member of any board, commission, committee or department. For purposes of this Subsection A(1), a campaign contribution shall not be deemed a gift nor shall attendance at events that are attended in the course of official duties.
- (2) Act as attorney, agent, broker, employee, consultant or representative for any person in connection with any business dealing that person has with the town.
- (3) Appear as attorney, agent, broker, employee, consultant or representative against the interest of the town in any matter in which the town is a party.
- (4) Take or refrain from taking any action or agree to take or refrain from taking any action or induce or attempt to induce any other town officer or employee to take or refrain from taking any action on any matter before the town in order to obtain a pecuniary or material benefit for himself or herself or a related person.
- (5) Appear before the town, except on behalf of the town or on his or her own behalf. This Subsection A(5) shall not prohibit any town officer or employee from appearing without compensation before any town agency, board, committee, commission or department solely on behalf of his or her constituents or in connection with his or her official duties.

- (6) Except as compelled by law, disclose any confidential information acquired in the course of his or her official duties or use any confidential information acquired in the course of his or her official duties to advance the financial or other private interest of himself or herself or any other person.
 - (7) Knowingly accept employment to commence on or after termination of his/her town employment which will require disclosure of confidential information gained by reason of their official position or authority.
 - (8) During his or her term of office or employment with the town, solicit, negotiate for or accept any employment from which he or she would be disqualified under Subsection A(10) of this section.
 - (9) Accept other employment which will impair their independence of judgment in the exercise of their official duties or require them to disclose confidential information which may be gained through employment with the Town.
 - (10) Shall use or attempt to use their official position to secure unwarranted privileges or exemptions for himself/herself or others.
 - (11) No Town Board Member shall hold the Chairman, Vice Chairman, Secretary or Treasurer or any other elected or appointed office holder of a political party organization, and shall not include committee members of either a political party or a political organization who are not otherwise officers thereof.
- B. No partnership or unincorporated association or corporation of which a town official is a member, employee or agent or in which he or she has a proprietary interest nor any corporation of which he or she is an officer or director or of which he or she legally or beneficially owns or controls more than 5% of the outstanding stock shall appear before the town on behalf of any person other than the town or itself.
 - C. Nothing in this section shall be construed to prohibit a town officer or employee or any other person from receiving a town service or benefit or using a town facility which is generally available to residents or a class of residents in the town.
 - D. Nothing in this chapter shall be construed to prohibit any public officer listed in § 11 of the Domestic Relations Law from accepting any gift or benefit having a value of \$100 or less for the solemnization of a marriage by that public officer at a place other than the town officer's normal place of business or at a time other than the officer's normal hours of business.
 - E. Nothing in this section shall be construed to prohibit a town officer or employee from performing any ministerial act.
 - F. Any contract entered into by or with the town, which contract results in or from a violation of any provision of this chapter, shall be null and void and unenforceable, unless the town has obtained a waiver of that provision from the State of New York.
 - G. A person who knowingly violates any provision of this section shall be guilty of a violation.

Transactional disclosure

- A. Whenever a town officer or employee is requested or required to take any action on a matter before the town and, to his or her knowledge, the performance of that action would provide a pecuniary or material benefit either to the town officer or employee or to any related person, the town officer or employee shall not participate in any manner whatsoever in that matter. The town officer or employee shall file promptly with his or her immediate superior, if any, and with the Town Clerk a statement disclosing the nature and extent of that interest.
- B. Nothing in this section shall be construed to prohibit a town officer or employee from performing any ministerial act or to require a town officer or employee to file a disclosure statement pursuant to Subsection A prior to performing any ministerial act.
- C. Nothing in this section shall be construed to prohibit a town officer or employee from taking any action that would otherwise be prohibited by Subsection A if this action has general application to all residents or class of residents of the town.
- D. Any person who knowingly violates this section shall be guilty of a violation.

Annual disclosure

- A. The following Town Officials shall be required to file with the Town Clerk a financial disclosure statement within 30 days after taking office and no later than April 30 of each year thereafter: Members of the Town Board, Members of the Planning Board, Members of the Zoning Board, Assessor, Highway Superintendent, Town Attorney, Town Clerk, Department Heads/Managers, and Members of the Board of Ethics- within 30 days after any substantial change in the information, the official shall file an amendment to the statement indicating the change.
- B. Matters to be disclosed by all town officials on the disclosure forms shall include:
 - (1) The location of any real property within the town in which the town official or spouse has an ownership or other financial interest.
 - (2) The name of any partnership, unincorporated association or other unincorporated business of which the town official or spouse is an officer, employee or partner or in which the town official or spouse

has a proprietary interest, and the spouse's position, if any, with the partnership, association or business, if any such entity has engaged within the past 12 months or which is anticipated to have any business dealings with the town.

- (3) The name of any corporation of which the town official or spouse is an officer, director or employee or of which he or she or his or her spouse or of which the town official or spouse legally or beneficially owns or controls more than 5% of the outstanding stock, and any such entity that he or she has engaged within the past 12 months or which he or she is anticipated to have any business dealings with the town, and the town official's and spouse's position, if any, with the corporation.
- (4) The name of any persons from whom the town official or his or her spouse has derived during the previous calendar year and any income whereby such income was derived from business dealings with the town.

C. A person who knowingly violates any provision of this section shall be guilty of a violation.

Maintenance of disclosure statements

Transactional disclosure statements filed pursuant to this Local Law and financial disclosure statements filed pursuant to this Local Law shall be public records and shall be indexed and maintained on file in an appropriate manner by the Town Clerk. The Town Clerk shall promptly transmit a copy of all statements to the town's Ethics Board. The Town Clerk shall retain disclosure statements in his or her files for not less than seven years from the date of filing.

List of officials; verification of filing

- A. On or before March 10 of each year, the Town Supervisor shall cause to be filed with the Town Clerk and with the Town Ethics Board a list of the names and offices or positions of all town officials and notify all town officials of the financial disclosure requirements of this Local Law.
- B. On or before May 15 of each year, the Town Supervisor shall verify that every town official has filed his or her financial disclosure statement.
- C. Failure of the Town Supervisor to comply with this section shall not relieve any town official of his or her duty to file an annual disclosure statement.

Disclosure by applicants

A. Information to be included.

- (1) Any person who submits to the town a written application, petition or other request or a written bid or submission or at the time of retaining shall include therein at said time the name of any town officer or employee who, to the applicant's knowledge, has an interest in the submission and is required, either individually or as a member of any board, committee or department, to negotiate, approve, recommend, authorize, audit or take any other action, other than a ministerial act, on the submission.
- (2) The applicant also shall identify in the submission the nature of the interest. This section shall apply only to those applications which require approval by the Planning Board, Town Board and/or Zoning Board of Appeals.

B. For the purpose of this section, a town officer or employee shall be deemed to have an interest in the submission or in the applicant when the town officer or employee or his or her spouse:

- (1) Is the applicant.
- (2) Is a family member of the applicant.
- (3) Is an officer, director, partner, member or employee of the applicant.
- (4) Legally or beneficially owns or controls more than 5% of the outstanding stock of the applicant.
- (5) Will receive, pursuant to an agreement between the applicant and any person, a pecuniary or material benefit if the town's disposition of the submission is favorable to the applicant.

Training

The Town Ethics Board shall provide bi-annual training for town employees and elected/appointed officials. The Ethics Board may utilize whomever they deem appropriate to assist them in providing the training.

Inducement of offenses

Any person, whether or not a town officer or employee, who intentionally induces any town officer or employee to take action or to refrain from taking action, which action or inaction violates any provision of this chapter, and knows that such action or inaction violates this chapter shall be guilty of a violation.

Penalties for offenses

A. Debarment.

- (1) Any person convicted of a violation under this chapter shall be prohibited, for a period of three years after the date of the conviction, from entering into any contract with the town.
- (2) Nothing in this section shall be construed to prohibit any person from receiving a service or benefit or

using a facility which is generally available to the public.

(3) A person who knowingly violates any provision of this subsection shall be guilty of a violation.

B. Additional penalties.

- (1) Any town officer or employee who engages in any action that violates any provision of this chapter may be warned or reprimanded or suspended or removed from office or employment by the appointing person or body authorized by the Town Board. A warning, reprimand, suspension or removal may be imposed in addition to any other penalty contained in this chapter or in any other provision of law.
- (2) Any town officer or employee who violates any provision of this chapter shall be liable in damages to the town for any losses or increased costs incurred by the town as a result of the violation. Such damages may be imposed in addition to any other penalty contained in this chapter [other than a civil forfeiture pursuant to Subsection B(4)] or in any other provision of law, subject to Section 75 of the Civil Service Law and/or any other applicable laws of the State of New York or Federal Government.
- (3) Any town officer or employee who has knowingly or intentionally violated any provision of this chapter shall be subject to a civil forfeiture to the town of a sum equal to three times the value of any financial benefit he or she received as a result of the conduct that constituted the violation. A civil forfeiture may be imposed in addition to any other penalty contained in this chapter [other than a civil fine pursuant to Subsection B(3) or damages pursuant to Subsection B(3) hereof] or in any other provision of law.

Ethics Board

- A. The Town Board herein establishes an Ethics Board and shall on a year-to-year basis appropriate adequate funds for said Board's operation.
- B. There shall be five appointed members of the Ethics Board. Each member shall serve for a three-year term. At least one of the members shall be either an elected or appointed town employee of the Town of Halfmoon.

The terms of members of the Ethics Board shall be for terms so fixed that the term of one member shall expire at the end of the calendar year in which such members were initially appointed. The terms of the members appointed thereafter shall be so fixed that one term shall expire at the end of each calendar year thereafter. At the expiration of the term of each member first appointed, his or her successors shall be appointed for a term of three years.

There shall be two appointed alternate members of the Ethics Board. The Chairperson of the Ethics Board may designate an alternate member to substitute for a member when such member is unable to participate because of a conflict of interest on a matter before the Ethics Board. Alternate members of the Ethics Board shall be appointed by resolution of the Town Board, for a three year term.

Neither Ethics Board members or alternates shall miss more than three (3) meetings in any calendar year. Missing more than three (3) meetings in a calendar year without good cause will result in automatic removal from the Ethics Board.

- C. The Ethics Board shall select its own Chairman for a one-year term.
- D. The Ethics Board members shall be appointed by resolution of the Town Board.
- E. Upon the establishment of the Town Ethics Board or, thereafter, within 90 days after the expiration of a term or the occurrence of a vacancy, the Town Board shall make the appointment or fill the vacancy, as the case may be.
- F. In the event the Town Board is unable to fill vacancies as set forth hereinabove, then, in such case, the County Board of Ethics shall select the individuals to fill any vacancies.
- G. The Town Ethics Board shall have the following powers and duties:
 - (1) To prescribe and promulgate rules and regulations governing its own internal organization and procedures in a manner not inconsistent with this chapter.
 - (4) To review lists of town officials and disclosure statements.
 - (5) To conduct investigations pursuant to this Local Law.
 - (6) To conduct hearings, recommend disciplinary action, assess penalties and initiate appropriate actions and proceedings pursuant to this Local Law.
 - (7) To issue advisory opinions pursuant to this Local Law.
 - (8) To provide training and education to town officers and employees on the provisions of the Town Ethics Law.
 - (9) To prepare an annual report and recommend changes to the Town Ethics Law, if required.
- H. The Town Board may prescribe additional powers and duties for its Ethics Board, provided that such additional powers and duties do not conflict with the New York State Municipal Ethics Act.
- I. The Ethics Board of the town may act only with respect to officers and employees of the town and persons

having business dealings with the town. The termination of a town officer's or employee's term of office or employment with the town shall not affect the jurisdiction of the Town Ethics Board with respect to the requirements imposed by this chapter on the former town officer or employee to the extent permitted by law.

- J. The Town Ethics Board may refer any matter within its jurisdiction to the County Ethics Board.
- K. The Town Ethics Board shall have the authority to utilize Executive Session where appropriate pursuant to the laws of the State of New York.

Review of lists and disclosure statements

- A. The Town Ethics Board shall review the lists of town officials prepared pursuant to this Local Law to determine whether the lists are complete and accurate. The Board shall add to the list the name of any other town officer or employee whom the Board determines to be a town official pursuant to this chapter.
- B. The Town Ethics Board shall review all annual financial disclosure statements to determine whether any person required to file such a statement has failed to file it, has filed a deficient statement or has filed a statement that reveals a possible violation of this chapter.
- C. The Town Ethics Board shall promptly review every transactional disclosure statement. If the Board determines that the statement is deficient or reveals a possible violation of this chapter, it shall notify the person, in writing, of the deficiency or possible violation and of the penalties for failure to comply with this chapter.

Investigations of alleged violations

- A. Upon receipt of a form duly sworn to by the person requesting an investigation of an alleged violation of this chapter or upon the Board determining on its own initiative that a violation of this chapter may exist, the Ethics Board shall have the power and duty to conduct any investigation necessary to carry out the provisions of this chapter. In conducting any such investigation, the Board may administer oaths or affirmations, subpoena witnesses and compel their attendance and require the production of any books or records which it may deem relevant and material. A written statement acknowledging receipt of the request for investigation shall be sent to the complainant. The Board shall convene to discuss an alleged violation within seven (7) days of receipt thereof. The form to be utilized in requesting an investigation of an alleged violation of this chapter shall be the form available in the office of the Town Clerk.

Requests for investigations of alleged violations shall be determined in the order in which they are received.

- B. Nothing in this section shall be construed to permit the Town Ethics Board to conduct an investigation of any of its members.
- C. The Town Ethics Board shall state, in writing, its disposition of every sworn complaint it receives and of every investigation it conducts and shall set forth the reasons for the disposition. All such statements and all sworn complaints shall be public records and shall be indexed and maintained on file by the Ethics Board and the Town Clerk.
- D. The Town Ethics Board shall refer to the Saratoga County District Attorney's office sworn statements or complaints made to it or any sworn testimony presented before it that, upon investigation, is determined by the Town Ethics Board to be intentionally false. The person offering the false statement shall be liable for civil penalty to any persons harmed by the false statements.

Recommendation of disciplinary action; assessment of penalties; injunctions; damages

- A. In its discretion and after a hearing held in accordance with Article 3 of the State Administrative Procedure Act and subject to § 75 of the Civil Service Law the Town Ethics Board may make a determination if there has been any violations of this Local Law and forward same to the Town Board. The Ethics Board shall conduct and complete the hearing with reasonable promptness.
- B. The Ethics Board, on behalf of the town, may sue in the Supreme Court of the State of New York for injunctive relief to enjoin a violation or to compel compliance with the provisions of this chapter.
- C. The Ethics Board, on behalf of the town, may initiate a proceeding in the Supreme Court of the State of New York to obtain a civil forfeiture. The civil forfeiture shall be payable to the town.

Advisory opinions

- A. Upon the filing of a sworn request for an advisory opinion of any board, commission, department or individual town officer or employee, filed by a person who is subject to the jurisdiction of the Ethics Board, the Town Ethics Board may render written advisory opinions with respect to the interpretation or application of this chapter. To prevent misuse of requests for advisory opinions, each written request for an advisory opinion shall not involve hypothetical situations, but shall detail specific conduct with respect to specific employees and officers. The Ethics Board reserves the right to reject a request for an advisory opinion for failure to comply with this section or to request supplemental information. The form to be utilized in requesting an advisory opinion from the Ethics Board shall be the form available in the office of the Town Clerk.

Requests for Advisory Opinions shall be handled in the order in which they are received.

- B. Opinions and requests for opinions shall not be public records but shall be filed in an appropriate manner by the Ethics Board and Town Clerk. The opinions shall be on the advice of counsel employed by the

Board of Ethics, or, if none, the Town Attorney.

The Ethics Board shall convene to discuss a request for an Advisory opinion within ten (10) days of receipt thereof, where practicable. A written acknowledgment of receipt of the request for an Advisory Opinion shall be mailed to the person so requesting upon receipt of said request.

Applicability; other remedies

- A. The provisions of this Local Law shall apply, notwithstanding any inconsistent provision of any general, special or Local Law.
- B. No existing right or remedy shall be lost, impaired or affected by reason of this chapter.
- C. Nothing in this chapter shall be deemed to bar or prevent the timely filing by a present or former town officer or employee of any claim, account, demand or suit against the town on behalf of himself or herself or any member of his or her family arising out of personal injury or property damage or for any lawful benefit authorized or permitted by law.

Administration

The Town Board may appropriate moneys from the General Town funds for the maintenance of and for personnel services to the Board of Ethics established hereunder, but such Board of Ethics may not commit the expenditure of town moneys except within the appropriations provided herein.

Severability Clause

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have rendered.

Effective Date

This Local Law shall take effect immediately.

NEW BUSINESS

RESOLUTION NO. 88

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

RESOLVED, that the Town Board approves and order paid funds listed on vouchers # 559-690

RESOLVED, that the Town Board approves and orders paid Vouchers numbered 559 through 690 as detailed.

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

10 GENERAL FUND	\$140,720.28
20 HIGHWAY FUND	\$46,737.45
25 SPECIAL REVENUE	\$39,525.43
30 CONSOLIDATED WATER	\$326,835.96
35 MISC. CAPITAL FUNDS	\$5,140.67
40 LANDFILL POST CLOSURE	
65 LIGHTING DISTRICT	
ABSTRACT TOTAL:	<u>\$558,959.79</u>

RESOLUTION NO. 89

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

RESOLVED, that the Town Board approves the minutes of Town Board meeting of, March 6, 2013 as presented.

RESOLUTION NO. 90

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

RESOLVED, that the Town Board increase the Recreation department petty cash fund to \$500.00 to offset amount necessary for last minute adjustments and authorize the finance office to cut checks in advance for children who have signed up for trips in the Summer Recreation program to facilitate payment to the trip site, effective May 1st.

Supervisor Wormuth: This is something that we do annually just in case we decide, based on the number of children who have to attend a trip or counselors, if the numbers were off and they need access to cash, it's done. We decrease it when the summer rec program is not running in order to have less cash floating around; there could be problems with it. So this is something that we do annually.

RESOLUTION NO. 91

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

RESOLVED, that the Town Board amend Resolution #2012-263 to read as follows: the Town of Halfmoon will be dedicating and taking ownership of the following roads from Swatling Falls PDD – 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 from Deacon Homes. These roads are now owned and maintained by the Town of Halfmoon for public use.

RESOLUTION NO. 92

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

RESOLVED, that the Town Board approves the Refunding Bond Resolution for refinancing 2006 - \$13,730,000 Public Improvement Serial Bonds and 2005 - \$3,270,000 Public Improvement Serial Bonds for the Town. The aggregate principal amount of Bonds to be refunded is approximately \$15,015,000.

PUBLIC NOTICE

"The resolution published herewith has been adopted on the 20th day of March, 2013, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Halfmoon, County of Saratoga, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the constitution."

RESOLUTION NO. 2013- 92

REFUNDING BOND RESOLUTION OF THE TOWN OF HALFMOON, NEW YORK, ADOPTED MARCH 20, 2013, AUTHORIZING THE REFUNDING OF APPROXIMATELY \$12,235,000 PUBLIC IMPROVEMENT SERIAL BONDS- 2006 OF THE TOWN AND \$2,780,000 PUBLIC IMPROVEMENT SERIAL BONDS- 2005 OF THE TOWN, STATING THE PLAN OF REFUNDING, APPROPRIATING A MAXIMUM AGGREGATE AMOUNT OF \$16,705,000 THEREFOR, AUTHORIZING THE ISSUANCE OF A MAXIMUM \$16,705,000 REFUNDING SERIAL BONDS – 2013 TO FINANCE SAID APPROPRIATION AND THE COSTS RELATED THERETO, AND MAKING CERTAIN DETERMINATIONS ALL RELATIVE THERETO.

RECITALS

WHEREAS, the Town of Halfmoon, New York (the "Town"), has heretofore issued its \$13,730,000 PUBLIC IMPROVEMENT SERIAL BONDS- 2006, dated September 21, 2006, now outstanding in the approximate aggregate principal amount of \$12,235,000, which bonds mature in the principal amounts of (i) \$545,000 on September 15 in year 2016; (ii) \$565,000 on

September 15 in year 2017; (iii) \$590,000 on September 15 in year 2018; (iv) \$620,000 on September 15 in year 2019; (v) \$645,000 on September 15 in year 2020; (vi) \$675,000 on September 15 in year 2021; (vii) \$705,000 on September 15 in year 2022; (viii) \$735,000 on September 15 in year 2023; (ix) \$765,000 on September 15 in year 2024; (x) \$800,000 on September 15 in year 2025, (xi) \$835,000 on September 15 in year 2026, (xii) \$870,000 on September 15 in year 2027, (xiii) \$910,000 on September 15 in year 2028, (xiv) \$950,000 on September 15 in year 2029, (xv) \$990,000 on September 15 in year 2030, and (xvi) \$1,035,000 on September 15 in year 2031, and which bonds bear interest at varying rates between 4.250% per annum and 4.500% per annum, payable semi-annually on September 15 and March 15 in each year to maturity; and

WHEREAS, the Town has heretofore issued its \$3,270,000 PUBLIC IMPROVEMENT SERIAL BONDS- 2005, dated August 10, 2005, now outstanding in the approximate aggregate principal amount of \$2,780,000, which bonds mature in the principal amounts of (i) \$135,000 on August 15 in year 2016; (ii) \$140,000 on September 15 in year 2017; (iii) \$150,000 on August 15 in year 2018; (iv) \$155,000 on August 15 in year 2019; (v) \$160,000 on August 15 in year 2020; (vi) \$170,000 on August 15 in year 2021; (vii) \$175,000 on August 15 in year 2022; (viii) \$180,000 on August 15 in year 2023; (ix) \$190,000 on August 15 in year 2024; (x) \$200,000 on August 15 in year 2025, (xi) \$205,000 on August 15 in year 2026, (xii) \$215,000 on August 15 in year 2027, (xiii) \$225,000 on August 15 in year 2028, (xiv) \$235,000 on August 15 in year 2029, and (xv) \$245,000 on August 15 in year 2030, and which bonds bear interest at varying rates between 4.250% per annum and 4.375% per annum, payable semi-annually on August 15 and February 15 in each year to maturity; and

WHEREAS, Section 90.10 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), permits the Town to refund all or any portion of outstanding serial bonds by the issuance of new bonds, the issuance of which will result in present value debt service savings for the Town;

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOWN BOARD OF THE TOWN OF HALFMOON, COUNTY OF SARATOGA, NEW YORK (by the favorable vote of two-thirds of all the members of said Town Board), AS FOLLOWS:

Section 1. In this resolution, the following definitions apply, unless a different meaning clearly appears from the context:

(a) **"Bonds To Be Refunded"** means a portion or all of the outstanding (i) \$13,730,000 PUBLIC IMPROVEMENT SERIAL BONDS- 2006, dated September 21, 2006, now outstanding in the approximate aggregate principal amount of \$12,235,000 and (ii) \$3,270,000 PUBLIC IMPROVEMENT SERIAL BONDS- 2005, dated August 10, 2005, now outstanding in the approximate aggregate principal amount of \$2,780,000. The aggregate principal amount of the Bonds To Be Refunded is approximately \$15,015,000.

(b) **"Non-Callable Bonds To Be Refunded"** means the portion of the Bonds To Be Refunded, if any, which are not subject to prior redemption at the election of the Town.

(c) **"Present Value Savings"** means the dollar savings which result from the issuance of the Refunding Bonds computed in accordance with Section 90.10-b.2(a) of the Law by discounting the principal and interest payments on both the Refunding Bonds and the Bonds To Be Refunded from the respective maturities thereof to the date of issue of the Refunding Bonds, at a rate equal to the effective interest cost of the Refunding Bonds. The effective interest cost of the Refunding Bonds shall be that rate which is arrived at by doubling the semi-

annual interest rate (compounded semi-annually), necessary to discount the debt service payments on the Refunding Bonds from the maturity dates thereof to the date of issue of the Refunding Bonds and to the bona fide initial public offering price including estimated accrued interest, or, if there is no public offering, to the price bid including estimated accrued interest.

(d) **"Redemption Date"** means the date on which the Bonds To Be Refunded, excepting the Non-Callable Bonds To Be Refunded, if any, are to be redeemed, which Redemption Date shall be on or about April 15, 2013.

(e) **"Refunding Bond" or "Refunding Bonds"** means a portion or all of the aggregate maximum principal amount of \$16,705,000 Refunding Serial Bonds - 2013 of the Town, authorized pursuant to Section 2 hereof.

(f) **"Refunding Bond Amount Limitation"** means an amount of Refunding Bonds which does not exceed (i) the principal amount of Bonds To Be Refunded; (ii) the aggregate amount of unmatured interest payable on such Bonds To Be Refunded to and including the Redemption Date of the Bonds To Be Refunded, which are subject to prior redemption (iii) redemption premiums, if any, payable on the Bonds To Be Refunded; plus (iv) costs and expenses incidental to the issuance of the Refunding Bonds including the development of the Refunding Financial Plan.

Section 2. The Town Board of the Town of Halfmoon (the "Town Board"), hereby authorizes the refunding of all of the approximate principal aggregate amount of \$15,015,000 Bonds To Be Refunded of the Town, more particularly described and referred to in the Recitals hereof, and appropriates a maximum principal amount of \$16,705,000 to accomplish such refunding so long as the net Present Value Savings is 4.000% or higher. The plan of financing said appropriation includes the issuance of a maximum amount of \$16,705,000 Refunding Bonds

and the levy and collection of a tax upon all the taxable real property within the Town to pay the principal of and interest on said Refunding Bonds as the same shall become due and payable. Serial bonds of the Town in the maximum principal amount of \$16,705,000 and designated "REFUNDING SERIAL BONDS - 2013" are hereby authorized to be issued pursuant to the provisions of the Law. The financial plan for the refunding (the "Refunding Financial Plan"), prepared for the Town by Environmental Capital, LLC or other firm retained by the Town for such purpose, annexed hereto as Exhibit "A", is hereby accepted and approved. The Refunding Financial Plan contemplates the principal of and interest on the Bonds To Be Refunded becoming due and payable on the Redemption Date.

Section 3. The approximate \$15,015,000 Bonds To Be Refunded referred to in Section 1 hereof are the unmatured aggregate outstanding balance of the (i) \$13,730,000 PUBLIC IMPROVEMENT SERIAL BONDS – 2006, dated September 21, 2006, now outstanding in the approximate aggregate principal amount of \$12,235,000 and (ii) \$3,270,000 PUBLIC IMPROVEMENT SERIAL BONDS- 2005, dated August 10, 2005, now outstanding in the approximate aggregate principal amount of \$2,780,000, which were originally issued pursuant to their respective bond resolutions duly adopted by the Town Board, authorizing the issuance of serial bonds of the Town for various Town purposes.

Section 4. The Refunding Bonds authorized in the maximum aggregate principal amount of \$16,705,000 shall mature in amounts and at dates to be determined by the Town Supervisor, but tentatively in accordance with the maturity schedule set forth in the Refunding Financial Plan. The Town Supervisor, as the chief fiscal officer of the Town, is hereby authorized to approve all details of the Refunding Financial Plan not contained herein.

Section 5. The maximum period of probable usefulness of the Bonds To Be Refunded is forty (40) years, commencing on the date of issuance of the first bond anticipation notes issued in anticipation of the sale of the bonds or the date of issuance of the sale of bonds, whichever is earlier, referred to in Section 3 above. The issuance of the Refunding Bonds will not exceed the Refunding Bond Amount Limitation.

Section 6. The approximate aggregate amount of estimated present value savings, computed in accordance with subdivision two of paragraph b of Section 90.10 of the Law by discounting the principal and interest payments on both the Refunding Bonds and the Bonds To Be Refunded from the respective maturities thereof to the date of issue of the Refunding Bonds at a rate equal to the effective interest cost of the Refunding Bonds, is approximately \$1,020,055.

Section 7. (a) The Refunding Bonds shall be sold at private or negotiated sale, and the Town Supervisor, the chief fiscal officer of the Town, is hereby authorized and directed to execute any and all documents and instruments necessary or desirable for the sale of said Refunding Bonds.

(b) The Town Supervisor is hereby further authorized and directed to take any and all actions necessary to accomplish said refunding, and to execute any contracts and agreements for the purchase of and payment for services rendered or to be rendered the Town in connection with said refunding.

Section 8. Each of the Refunding Bonds authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Law and said Refunding Bonds shall be general obligations of the Town payable as to both principal and interest by a general tax upon all the taxable real property within the Town without limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal

of and interest on said Refunding Bonds and provision shall be made annually in the budget of the Town for (a) the amortization and redemption of the Refunding Bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 9. Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of Sections 50.00, 56.00 and 90.10 of the Law, the powers and duties of the Town Board relative to prescribing the terms, form and contents and as to the sale and issuance of the Refunding Bonds, and to executing any arbitrage certification relative thereto as well as any other documents necessary or desirable in connection with such issuance, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 10. The Town hereby covenants and agrees with the holders from time to time of said Refunding Bonds that the Town will duly and faithfully observe and comply with the provisions of the Internal Revenue Code of 1986, as amended, and any proposed or final regulations promulgated thereunder, unless, in the opinion of Bond Counsel to the Town, such compliance is not required to maintain the federal tax exemption of interest on said obligations from federal income taxation.

Section 11. The Town Supervisor is hereby authorized to enter into an escrow contract (the "Escrow Contract") with a bank or trust company located and authorized to do business in this state, for the purpose of having such bank or trust company act as the escrow holder (the "Escrow Holder") of the proceeds, inclusive of any premium from the sale of the Refunding Bonds, together with all income derived from the investment of such proceeds, if and to the extent such an Escrow Contract is recommended or required by bond counsel to the Town. All monies held by the Escrow Holder shall be invested only in direct obligations of the United States of America or in obligations the principal of and interest on which are unconditionally

guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates when such monies will be required to make payments in accordance with the Refunding Financial Plan.

Section 12. The portion of the proceeds from the sale of the Refunding Bonds, together with interest earned thereon, if any, which shall be required for the payment of the principal of and interest on the Bonds To Be Refunded, in accordance with the Refunding Financial Plan, shall be irrevocably committed and pledged to such purpose and the holders of the Bonds To Be Refunded shall have a lien upon such monies and the investment thereof held by the Escrow Holder, if any. The pledge and lien provided for herein shall become valid and binding upon the issuance of the Refunding Bonds and the monies and investments held by the Escrow Holder, if any, shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the Town irrespective of whether such parties have notice thereof.

Section 13. The Town Board hereby authorizes the call and redemption of all of the Bonds To Be Refunded in accordance with the Refunding Financial Plan, which redemption shall occur on or about the Redemption Date. The Town Supervisor is hereby authorized and directed to cause a notice of such redemption to be given in the manner and within the times provided in Section 53.00.a of the Law and as otherwise in conformance with the terms and provisions of the Bonds To Be Refunded.

Section 14. The Town Board hereby appoints and authorizes (i) Richard N. McCarthy, the President of Environmental Capital, LLC, to prepare, administer and/or coordinate with the underwriter of the Refunding Bonds the Refunding Financial Plan, Escrow Agreement and Official Statement for the Refunding Bonds and (ii) John N. Vagianelis, Esq., a shareholder with

the law firm of Mazzotta, Siegel & Vagianelis, P.C., Albany, New York, to serve as the Town's Bond Counsel.

Section 15. The validity of the Refunding Bonds authorized by this resolution may be contested only if:

(a) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of the publication of such resolution, are not substantially complied with, and an action, suit, or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 16. The resolution shall take effect immediately and shall be published, in full, in the official newspaper(s) of the Town, together with a notice in substantially the form as prescribed by Section 81.00 of the Law.

Section 17. The resolution is not subject to a mandatory or permissive referendum pursuant to Section 90.00.g(2) of the Law.

s/-----
Lynda Bryan, Town Clerk
Town of Halfmoon

Presented by Councilman Walter Polak on March 20, 2013.

Seconded by Town Board Member Councilman Craig Hayner

	<u>Yes</u>	No
Mindy A. Wormuth	<u>X</u>	_____
Craig Hayner	<u>X</u>	_____
Walter F. Polak	<u>X</u>	_____
Paul Hotaling	<u>X</u>	_____
John Wasielewski	<u>X</u>	_____

CERTIFICATION OF CLERK

I, LYNDA BRYAN, TOWN CLERK, OF THE TOWN OF HALFMOON, IN THE COUNTY OF SARATOGA, STATE OF NEW YORK, HEREBY CERTIFY THAT THE ATTACHED RESOLUTION NO. 92 WAS ADOPTED ON MARCH 20, 2013, AND THAT THE ATTACHED RESOLUTION IS A TRUE AND ACCURATE COPY OF THE RESOLUTION WHICH WAS ADOPTED AND FILED IN THE MINUTES MAINTAINED IN THE OFFICE OF THE TOWN CLERK.

FURTHER, I CERTIFY THAT AS OF TODAY'S DATE THE ATTACHED RESOLUTION IS IN FULL FORCE AND EFFECT AND HAS NOT BEEN AMENDED, REPEALED OR RESCINDED.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED THE OFFICIAL CORPORATE SEAL OF THE TOWN THIS 20th DAY OF MARCH, 2013.

LYNDA BRYAN, Town Clerk
of the Town of Halfmoon,
County of Saratoga, New York

-SEAL-

CERTIFICATION OF CLERK

I, LYNDA BRYAN, TOWN CLERK of the Town of Halfmoon, in the County of Saratoga, State of New York, HEREBY CERTIFY as follows:

REFUNDING BOND RESOLUTION OF THE TOWN OF HALFMOON, NEW YORK, ADOPTED MARCH 20, 2013, AUTHORIZING THE REFUNDING OF APPROXIMATELY \$12,235,000 PUBLIC IMPROVEMENT SERIAL BONDS- 2006 OF THE TOWN AND \$2,780,000 PUBLIC IMPROVEMENT SERIAL BONDS- 2005 OF THE TOWN, STATING THE PLAN OF REFUNDING, APPROPRIATING A MAXIMUM AGGREGATE AMOUNT OF \$16,705,000 THEREFOR, AUTHORIZING THE ISSUANCE OF A MAXIMUM \$16,705,000 REFUNDING SERIAL BONDS – 2013 TO FINANCE SAID APPROPRIATION AND THE COSTS RELATED THERETO, AND MAKING CERTAIN DETERMINATIONS ALL RELATIVE THERETO.

was adopted on March 20, 2013, and that the notice setting forth the date of adoption of the resolution and containing an abstract of said resolution which concisely stated the purpose and affect thereof, was duly posted and published as required by law.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official corporate seal of said Town this 20th day of March, 2013.

LYNDA BRYAN, Town Clerk
of the Town of Halfmoon,
County of Saratoga, New York

-SEAL-

Town of Halfmoon, Saratoga County

2013 Refunding

\$16,705,000

March 15, 2013

Total Issue Sources And Uses

Dated 03/15/2013 | Delivered 03/15/2013

	2013 Refunding of 2006 Bonds	2012 Refunding of 2005 Bonds	Issue Summary
Sources Of Funds			
Par Amount of Bonds	\$13,610,000.00	\$3,095,000.00	\$16,705,000.00
Total Sources	\$13,610,000.00	\$3,095,000.00	\$16,705,000.00
Uses Of Funds			
Total Underwriter's Discount (0.750%)	102,075.00	23,212.50	125,287.50
Costs of Issuance	61,104.46	13,895.54	75,000.00
Deposit to Net Cash Escrow Fund	13,445,504.89	3,057,279.22	16,502,784.11
Rounding Amount	1,315.65	612.74	1,928.39
Total Uses	\$13,610,000.00	\$3,095,000.00	\$16,705,000.00

Town of Halfmoon, Saratoga County

2013 Refunding

\$16,705,000

March 15, 2013

Debt Service Comparison -- Accrual Basis

Calendar Year	Total P+I	Existing D/S	Net New D/S	Old Net D/S	Savings
2013	246,386.04	634,643.75	881,029.79	956,086.25	75,056.46
2014	587,756.50	679,060.00	1,266,816.50	1,321,945.00	55,128.50
2015	585,844.00	677,560.00	1,263,404.00	1,320,445.00	57,041.00
2016	1,253,819.00		1,253,819.00	1,322,885.00	69,066.00
2017	1,255,674.50		1,255,674.50	1,318,985.00	63,310.50
2018	1,261,262.50		1,261,262.50	1,324,022.50	62,760.00
2019	1,255,222.50		1,255,222.50	1,327,572.50	72,350.00
2020	1,258,105.00		1,258,105.00	1,324,635.00	66,530.00
2021	1,258,723.00		1,258,723.00	1,330,422.50	71,699.50
2022	1,257,106.00		1,257,106.00	1,329,510.00	72,404.00
2023	1,258,191.00		1,258,191.00	1,327,110.00	68,919.00
2024	1,260,916.00		1,260,916.00	1,328,222.50	67,306.50
2025	1,257,063.50		1,257,063.50	1,332,635.00	75,571.50
2026	1,261,602.50		1,261,602.50	1,330,135.00	68,532.50
2027	1,258,912.50		1,258,912.50	1,330,832.50	71,920.00
2028	1,258,937.50		1,258,937.50	1,334,612.50	75,675.00
2029	1,266,457.50		1,266,457.50	1,336,262.50	69,805.00
2030	1,261,077.50		1,261,077.50	1,335,606.26	74,528.76
2031	1,017,997.50		1,017,997.50	1,081,575.00	63,577.50
	\$21,321,054.54	\$1,991,263.75	\$23,312,318.29	\$24,613,500.01	\$1,301,181.72

PV Analysis Summary (Net to Net)

Gross PV Debt Service Savings	1,020,055.11
Net PV Cashflow Savings @ 2.490%(EIC)	1,020,055.11
Contingency or Rounding Amount	1,928.39
Net Present Value Benefit	\$1,021,983.50
Net PV Benefit /\$15,015,000 Refunded Principal	6.806%
Net PV Benefit /\$16,705,000 Refunding Principal	6.118%

Refunding Bond Information

Refunding Dated Date	311512013
Refunding Delivery Date	311512013

Town of Halfmoon, Saratoga County

2013 Refunding

\$16,705,000

March 15, 2013

Pricing Summary

Maturity	Type of Bond	Coupon	Yield	Maturity Value	Price	Dollar Price
08115/2013	Serial Coupon	0.600%	0.600%	95,000.00	100.000%	95,000.00
08115/2014	Serial Coupon	0.850%	0.850%	225,000.00	100.000%	225,000.00
08/15/2015	Serial Coupon	0.900%	0.900%	225,000.00	100.000%	225,000.00
08/15/2016	Serial Coupon	0.910%	0.910%	895,000.00	100.000%	895,000.00
08115/2017	Serial Coupon	1.040%	1.040%	905,000.00	100.000%	905,000.00
08115/2018	Serial Coupon	1.200%	1.200%	920,000.00	100.000%	920,000.00
08115/2019	Serial Coupon	1.310%	1.310%	925,000.00	100.000%	925,000.00
08/15/2020	Serial Coupon	1.530%	1.530%	940,000.00	100.000%	940,000.00
08/15/2021	Serial Coupon	1.740%	1.740%	955,000.00	100.000%	955,000.00
08/15/2022	Serial Coupon	1.950%	1.950%	970,000.00	100.000%	970,000.00
08115/2023	Serial Coupon	2.250%	2.250%	990,000.00	100.000%	990,000.00
08115/2024	Serial Coupon	2.350%	2.350%	1,015,000.00	100.000%	1,015,000.00
08115/2025	Serial Coupon	2.460%	2.460%	1,035,000.00	100.000%	1,035,000.00
08/15/2026	Serial Coupon	2.600%	2.600%	1,065,000.00	100.000%	1,065,000.00
08/15/2027	Serial Coupon	2.750%	2.750%	1,090,000.00	100.000%	1,090,000.00
08115/2028	Serial Coupon	2.900%	2.900%	1,120,000.00	100.000%	1,120,000.00
08115/2029	Serial Coupon	3.050%	3.050%	1,160,000.00	100.000%	1,160,000.00
08115/2030	Serial Coupon	3.200%	3.200%	1,190,000.00	100.000%	1,190,000.00
08115/2031	Serial Coupon	3.350%	3.350%	985,000.00	100.000%	985,000.00
Total				\$16,705,000.00		\$16,705,000.00

Bid Information

Par Amount of Bonds	\$16,705,000.00
Gross Production	\$16,705,000.00
Total Underwriter's Discount (0.750%)	\$(125,287.50)
Bid (99.250%)	16,579,712.50
Total Purchase Price	\$16,579,712.50
Bond Year Dollars	\$182,950.42
Average Life	10.952 Years
Average Coupon	2.5231178%
Net Interest Cost (NJC)	2.5915995%
True Interest Cost (TIC)	2.5698837%

Town of Halfmoon, Saratoga County

2013 Refunding

\$16,705,000

March 15, 2013

Escrow Fund Cashflow

Date	Principal	Rate	Interest	Receipts	Disbursements	Cash Balance
03115/2013				1.11		1.11
08/15/2013	55,942.00	0.100%	3,594.67	59,536.67	59,536.25	1.53
09115/2013	241,911.00	0.110%	19,995.03	261,906.03	261,906.25	1.31
02/15/2014	55,240.00	0.140%	4,296.19	59,536.19	59,536.25	1.25
03115/2014	241,707.00	0.140%	20,199.27	261,906.27	261,906.25	1.27
08115/2014	55,311.00	0.180%	4,224.79	59,535.79	59,536.25	0.81
09/15/2014	242,045.00	0.190%	19,860.89	261,905.89	261,906.25	0.45
02115/2015	55,362.00	0.230%	4,175.02	59,537.02	59,536.25	1.22
03/15/2015	242,275.00	0.240%	19,630.95	261,905.95	261,906.25	0.92
08/15/2015	2,835,424.00	0.290%	4,111.36	2,839,535.36	2,839,536.25	0.03
09/15/2015	12,477,566.00	0.310%	19,340.22	12,496,906.22	12,496,906.25	
Total	\$16,502,783.00		\$119,428.39	\$16,622,212.50	\$16,622,212.50	

Investment Parameters

Investment Model [PV, GIC, or Securities]
Default investment yield target

Securities
Bond Yield

Cash Deposit
Cost of Investments Purchased with Bond Proceeds
Total Cost of Investments

1.11
16,502,783.00
\$16,502,784.11

Target Cost of Investments at bond yield
Actual positive or (negative) arbitrage

\$15,669,122.47
(833,661.64)

Yield to Receipt
Yield for Arbitrage Purposes

0.3022294%
2.4898859%

State and Local Government Series (SLGS) rates for

2/11/2013

Town of Halfmoon, Saratoga County

2013 Refunding

\$16,705,000

March 15, 2013

Escrow Summary Cost

Maturity	Type	Coupon	Yield	\$ Price	Par Amount	Principal Cost	+Accrued Interest	=Total Cost
Escrow								
08/15/2013	SLGS-CI	0.100%	0.100%	100.0000000%	55,942	55,942.00		55,942.00
09/15/2013	SLGS-CI	0.110%	0.110%	100.0000000%	241,911	241,911.00		241,911.00
02/15/2014	SLGS-CI	0.140%	0.140%	100.0000000%	55,240	55,240.00		55,240.00
03/15/2014	SLGS-CI	0.140%	0.140%	100.0000000%	241,707	241,707.00		241,707.00
08/15/2014	SLGS-NT	0.180%	0.180%	100.0000000%	55,311	55,311.00		55,311.00
09/15/2014	SLGS-NT	0.190%	0.190%	100.0000000%	242,045	242,045.00		242,045.00
02/15/2015	SLGS-NT	0.230%	0.230%	100.0000000%	55,362	55,362.00		55,362.00
03/15/2015	SLGS-NT	0.240%	0.240%	100.0000000%	242,275	242,275.00		242,275.00
08/15/2015	SLGS-NT	0.290%	0.290%	100.0000000%	2,835,424	2,835,424.00		2,835,424.00
09/15/2015	SLGS-NT	0.310%	0.310%	100.0000000%	12,477,566	12,477,566.00		12,477,566.00
Subtotal					\$16,502,783	\$16,502,783.00		\$16,502,783.00
Total					\$16,502,783	\$16,502,783.00		\$16,502,783.00

Escrow

Cash Deposit	1.11
Cost of Investments Purchased with Bond Proceeds	16,502,783.00
Total Cost of Investments	\$16,502,784.11

Delivery Date	3/15/2013
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Town of Halfmoon, Saratoga County

2006 Public Improvement (Serial) Bonds

\$13,730,000

September 21, 2006

Debt Service To Maturity And To Call

Part 1 of 2

Date	Refunded Bonds	Refunded Interest	D/S To Call	Principal	Coupon	Interest	Refunded D/S
09/15/2013		261,906.25	261,906.25		4.250%	261,906.25	261,906.25
03/15/2014		261,906.25	261,906.25			261,906.25	261,906.25
09/15/2014		261,906.25	261,906.25		4.250%	261,906.25	261,906.25
03/15/2015		261,906.25	261,906.25			261,906.25	261,906.25
09/15/2015	12,235,000.00	261,906.25	12,496,906.25		4.250%	261,906.25	261,906.25
03/15/2016						261,906.25	261,906.25
09/15/2016				545,000.00	4.250%	261,906.25	806,906.25
03/15/2017						250,325.00	250,325.00
09/15/2017				565,000.00	4.250%	250,325.00	815,325.00
03/15/2018						238,318.75	238,318.75
09/15/2018				590,000.00	4.250%	238,318.75	828,318.75
03/15/2019						225,781.25	225,781.25
09/15/2019				620,000.00	4.250%	225,781.25	845,781.25
03/15/2020						212,606.25	212,606.25
09/15/2020				645,000.00	4.250%	212,606.25	857,606.25
03/15/2021						198,900.00	198,900.00
09/15/2021				675,000.00	4.250%	198,900.00	873,900.00
03/15/2022						184,556.25	184,556.25
09/15/2022				705,000.00	4.250%	184,556.25	889,556.25
03/15/2023						169,575.00	169,575.00
09/15/2023				735,000.00	4.250%	169,575.00	904,575.00
03/15/2024						153,956.25	153,956.25
09/15/2024				765,000.00	4.250%	153,956.25	918,956.25
03/15/2025						137,700.00	137,700.00
09/15/2025				800,000.00	4.250%	137,700.00	937,700.00
03/15/2026						120,700.00	120,700.00
09/15/2026				835,000.00	4.250%	120,700.00	955,700.00
03/15/2027						102,956.25	102,956.25
09/15/2027				870,000.00	4.250%	102,956.25	972,956.25
03/15/2028						84,468.75	84,468.75
09/15/2028				910,000.00	4.250%	84,468.75	994,468.75
03/15/2029						65,131.25	65,131.25
09/15/2029				950,000.00	4.250%	65,131.25	1,015,131.25
03/15/2030						44,943.75	44,943.75
09/15/2030				990,000.00	4.375%	44,943.75	1,034,943.75
03/15/2031						23,287.50	23,287.50
09/15/2031				1,035,000.00	4.500%	23,287.50	1,058,287.50
Total	\$12,235,000.00	\$1,309,531.25	\$13,544,531.25	\$12,235,000.00		\$6,259,756.25	\$18,494,756.25

Town of Halfmoon, Saratoga County

2006 Public Improvement (Serial) Bonds

\$13,730,000

September 21, 2006

Debt Service To Maturity And To Call

Part 2 of 2

Yield Statistics

Base date for Avg. Life & Avg. Coupon Calculation	3/15/2013
Average Life	11.905 Years
Average Coupon	4.2977335%
Weighted Average Maturity (Par Basis)	11.905 Years

Refunding Bond Information

Refunding Dated Date	3/15/2013
Refunding Delivery Date	3/15/2013

Town of Halfmoon, Saratoga County
 2005 Public Improvement (Serial) Bonds
 \$3,270,000
 August 10, 2005

Debt Service To Maturity And To Call

Part 1 of 2

Date	Refunded Bonds	Refunded Interest	D/S To Call	Principal	Coupon	Interest	Refunded D/S
08/15/2013		59,536.25	59,536.25		4.200%	59,536.25	59,536.25
02/15/2014		59,536.25	59,536.25			59,536.25	59,536.25
08/15/2014		59,536.25	59,536.25		4.200%	59,536.25	59,536.25
02/15/2015		59,536.25	59,536.25			59,536.25	59,536.25
08/15/2015	2,780,000.00	59,536.25	2,839,536.25		4.200%	59,536.25	59,536.25
02/15/2016						59,536.25	59,536.25
08/15/2016				135,000.00	4.250%	59,536.25	194,536.25
02/15/2017						56,667.50	56,667.50
08/15/2017				140,000.00	4.250%	56,667.50	196,667.50
02/15/2018						53,692.50	53,692.50
08/15/2018				150,000.00	4.250%	53,692.50	203,692.50
02/15/2019						50,505.00	50,505.00
08/15/2019				155,000.00	4.250%	50,505.00	205,505.00
02/15/2020						47,211.25	47,211.25
08/15/2020				160,000.00	4.250%	47,211.25	207,211.25
02/15/2021						43,811.25	43,811.25
08/15/2021				170,000.00	4.250%	43,811.25	213,811.25
02/15/2022						40,198.75	40,198.75
08/15/2022				175,000.00	4.250%	40,198.75	215,198.75
02/15/2023						36,480.00	36,480.00
08/15/2023				180,000.00	4.250%	36,480.00	216,480.00
02/15/2024						32,655.00	32,655.00
08/15/2024				190,000.00	4.250%	32,655.00	222,655.00
02/15/2025						28,617.50	28,617.50
08/15/2025				200,000.00	4.250%	28,617.50	228,617.50
02/15/2026						24,367.50	24,367.50
08/15/2026				205,000.00	4.300%	24,367.50	229,367.50
02/15/2027						19,960.00	19,960.00
08/15/2027				215,000.00	4.300%	19,960.00	234,960.00
02/15/2028						15,337.50	15,337.50
08/15/2028				225,000.00	4.300%	15,337.50	240,337.50
02/15/2029						10,500.00	10,500.00
08/15/2029				235,000.00	4.375%	10,500.00	245,500.00
02/15/2030						5,359.38	5,359.38
08/15/2030				245,000.00	4.375%	5,359.38	250,359.38
Total	\$2,780,000.00	\$297,681.25	\$3,077,681.25	\$2,780,000.00		\$1,347,480.01	\$4,127,480.01

Town of Halfmoon, Saratoga County

2005 Public Improvement (Serial) Bonds

\$3,270,000

August 10, 2005

Debt Service To Maturity And To Call

Part 2 of 2

Yield Statistics

Base date for Avg. Life & Avg. Coupon Calculation	3/15/2013
Average Life	11.195 Years
Average Coupon	4.2976030%
Weighted Average Maturity (Par Basis)	11.195 Years

Refunding Bond Information

Refunding Dated Date	3/15/2013
Refunding Delivery Date	3/15/2013

Town of Halfmoon, Saratoga County
2006 Public Improvement (Serial) Bonds
\$13,730,000
September 21, 2006

Total Refunded Debt Service

Part 1 of 2

Date	Principal	Coupon	Interest	Total P+I
09/15/2013		4.250%	261,906.25	261,906.25
03/15/2014			261,906.25	261,906.25
09/15/2014		4.250%	261,906.25	261,906.25
03/15/2015			261,906.25	261,906.25
09/15/2015		4.250%	261,906.25	261,906.25
03/15/2016			261,906.25	261,906.25
09/15/2016	545,000.00	4.250%	261,906.25	806,906.25
03/15/2017			250,325.00	250,325.00
09/15/2017	565,000.00	4.250%	250,325.00	815,325.00
03/15/2018			238,318.75	238,318.75
09/15/2018	590,000.00	4.250%	238,318.75	828,318.75
03/15/2019			225,781.25	225,781.25
09/15/2019	620,000.00	4.250%	225,781.25	845,781.25
03/15/2020			212,606.25	212,606.25
09/15/2020	645,000.00	4.250%	212,606.25	857,606.25
03/15/2021			198,900.00	198,900.00
09/15/2021	675,000.00	4.250%	198,900.00	873,900.00
03/15/2022			184,556.25	184,556.25
09/15/2022	705,000.00	4.250%	184,556.25	889,556.25
03/15/2023			169,575.00	169,575.00
09/15/2023	735,000.00	4.250%	169,575.00	904,575.00
03/15/2024			153,956.25	153,956.25
09/15/2024	765,000.00	4.250%	153,956.25	918,956.25
03/15/2025			137,700.00	137,700.00
09/15/2025	800,000.00	4.250%	137,700.00	937,700.00
03/15/2026			120,700.00	120,700.00
09/15/2026	835,000.00	4.250%	120,700.00	955,700.00
03/15/2027			102,956.25	102,956.25
09/15/2027	870,000.00	4.250%	102,956.25	972,956.25
03/15/2028			84,468.75	84,468.75
09/15/2028	910,000.00	4.250%	84,468.75	994,468.75
03/15/2029			65,131.25	65,131.25
09/15/2029	950,000.00	4.250%	65,131.25	1,015,131.25
03/15/2030			44,943.75	44,943.75
09/15/2030	990,000.00	4.375%	44,943.75	1,034,943.75
03/15/2031			23,287.50	23,287.50
09/15/2031	1,035,000.00	4.500%	23,287.50	1,058,287.50
Total	\$12,235,000.00		\$6,259,756.25	\$18,494,756.25

Town of Halfmoon, Saratoga County

2006 **Public** Improvement (Serial) Bonds

\$13,730,000

September 21, 2006

Total Refunded Debt Service

Part 2 of 2

Yield Statistics

Base date for Avg. Life & Avg. Coupon Calculation	3/15/2013
Average Life	11.905 Years
Average Coupon	4.2977335%
Weighted Average Maturity (Par Basis)	11.905 Years

Refunding Bond Information

Refunding Dated Date	3/15/2013
Refunding Delivery Date	3/15/2013

Town of Halfmoon, Saratoga County

2005 Public Improvement (Serial) Bonds

\$3,270,000

August 10, 2005

Total Refunded Debt Service

Part 1 of 2

Date	Principal	Coupon	Interest	Total P+I
08/15/2013		4.200%	59,536.25	59,536.25
02/15/2014			59,536.25	59,536.25
08/15/2014		4.200%	59,536.25	59,536.25
02/15/2015			59,536.25	59,536.25
08/15/2015		4.200%	59,536.25	59,536.25
02/15/2016			59,536.25	59,536.25
08/15/2016	135,000.00	4.250%	59,536.25	194,536.25
02/15/2017			56,667.50	56,667.50
08/15/2017	140,000.00	4.250%	56,667.50	196,667.50
02/15/2018			53,692.50	53,692.50
08/15/2018	150,000.00	4.250%	53,692.50	203,692.50
02/15/2019			50,505.00	50,505.00
08/15/2019	155,000.00	4.250%	50,505.00	205,505.00
02/15/2020			47,211.25	47,211.25
08/15/2020	160,000.00	4.250%	47,211.25	207,211.25
02/15/2021			43,811.25	43,811.25
08/15/2021	170,000.00	4.250%	43,811.25	213,811.25
02/15/2022			40,198.75	40,198.75
08/15/2022	175,000.00	4.250%	40,198.75	215,198.75
02/15/2023			36,480.00	36,480.00
08/15/2023	180,000.00	4.250%	36,480.00	216,480.00
02/15/2024			32,655.00	32,655.00
08/15/2024	190,000.00	4.250%	32,655.00	222,655.00
02/15/2025			28,617.50	28,617.50
08/15/2025	200,000.00	4.250%	28,617.50	228,617.50
02/15/2026			24,367.50	24,367.50
08/15/2026	205,000.00	4.300%	24,367.50	229,367.50
02/15/2027			19,960.00	19,960.00
08/15/2027	215,000.00	4.300%	19,960.00	234,960.00
02/15/2028			15,337.50	15,337.50
08/15/2028	225,000.00	4.300%	15,337.50	240,337.50
02/15/2029			10,500.00	10,500.00
08/15/2029	235,000.00	4.375%	10,500.00	245,500.00
02/15/2030			5,359.38	5,359.38
08/15/2030	245,000.00	4.375%	5,359.38	250,359.38
Total	\$2,780,000.00		\$1,347,480.01	\$4,127,480.01

Town of Halfmoon, Saratoga County
2005 Public Improvement (Serial) Bonds
\$3,270,000
August 10, 2005

Total Refunded Debt Service

Part 2 of 2

Yield Statistics

Base date for Avg. Life & Avg. Coupon Calculation	3/15/2013
Average Life	11.195 Years
Average Coupon	4.2976030%
Weighted Average Maturity (Par Basis)	11.195 Years

Refunding Bond Information

Refunding Dated Date	3/15/2013
Refunding Delivery Date	<u>3/15/2013</u>

RESOLUTION NO. 93

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

RESOLVED, that the Town Board authorizes the Supervisor to enter into an agreement with Environmental Capital for financial advisory services related to the refunding of 2006 - \$13,730,000 Public Improvement Serial Bonds and 2005 -

\$3,270,000 Public Improvement Serial Bonds for the Town, subject to the review and approval of the Town Attorney.

RESOLUTION NO. 94

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

RESOLVED, that the Town Board authorizes the Supervisor to enter into an agreement with Mazzotta, Siegel & Vagianelis, P.C. for bond counsel services related to refunding of 2006 - \$13,730,000 Public Improvement Serial Bonds and 2005 - \$3,270,000 Public Improvement Serial Bonds for the Town, subject to the review and approval of the Town Attorney.

Supervisor Wormuth: Just so everyone from the public understands if you are not sure what we are doing here, refunding these bonds is to save interest payments to the town and decrease the debt payments that are due over the period of the life of the bonds. It does not extend the time of the life of the bonds, but it will reduce the payments due and it is expected to have minimum of a 3% savings over the life of the loan. We actually have, based on the market, for it to be much greater than that. Last year we were able to refund bonds and save the town money so that is why we are taking these steps.

RESOLUTION NO. 95

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

RESOLVED, that the Town Board authorize the Supervisor to enter into agreement with Halfmoon Senior Citizens Association for term effective April 1, 2013 through March 31, 2014 in the budgeted amount of \$36,310.00 and authorize the Supervisor to execute said agreement per review and approval of the Town Attorney.

RESOLUTION NO. 96

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

RESOLVED, that the Town Board authorizes the Supervisor to sign contract with EMTech, Energy Management Technologies for semi-annual test, inspection, Technical Support, and software services/upgrade for the BAS- Building Automation System, for a term of one year, for a charge in the not to exceed amount of \$2,068.00, per the review and approval of the Town Attorney.

RESOLUTION NO. 97

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

RESOLVED, that the Town Board approve the Halfmoon Water Rules & Regulations, per the review and approval of the Town Attorney.

RESOLUTION NO. 98

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

RESOLVED, that the Town Board authorizes the Supervisor and the Town Attorney to execute a Settlement Agreement simultaneously resolving civil litigation in the matter of Brian and Kelly Mack vs. the Town of Halfmoon, Index No. 2011204 and Brian and Kelly Mack vs. Jo Ann Smith, as Assessor of the Town of Halfmoon, Index No. 20122213, SBL #278.18-1-22 for the 2012 assessment, subject to the review and approval of the Town Attorney.

Supervisor Wormuth: Mr. Chauvin could you just give a brief description as to why this is being done this way.

Attorney Chauvin: Actions were filed separately by the Plaintiffs against the town. The builder in the first instance and the town solely in the second instance, as a result of the negligence of the builder in the first instance, the builder has since gone under and the town is the only viable pocket for the plaintiff to seek recompense from based upon the issues that existed in the first instance. The town has reached a resolution after a lengthy litigation here where the town will be required to pay no out of pocket recompense to the plaintiff settling both actions with an adjustment of the classification of the property to reflect the status that exists now rather than the status that was supposed to have been constructed by the builder. That will resolve the matter so that the plaintiffs are satisfied, the rolls are corrected and what should have been done, has been done and right has been done by the residents.

RESOLUTION NO. 99

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

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

A resolution is needed to create the following budget amendment of appropriations and revenues in the Special Revenue Fund for engineering fees for 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 Revenues25-510	
	\$15,320.00	
	Subsidiary: 25-4-2189 Home and Community Services	\$15,320.00
Credit:	Appropriations 25-960	
	\$15,320.00	
	Subsidiary: 25-5-1440.40 Engineering Contractors Inspection	\$15,320.00

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
Anna’s Place Resd Subd	\$2,820.00
Fairway Meadows	\$379.50
Sheldon Hills Ph III	\$7,638.10
Princeton Heights	\$958.00
Windsor Woods	\$3,524.40
TOTAL	\$15,320.00

A resolution is necessary to create additional appropriations within the Water Fund 2012 Adopted Budget. The purpose of this creation is to provide adequate budgetary appropriations thru December 31, 2012 for the purchase of water. The Town purchased water at a higher cost from City of Troy then we were able to produce it for, due to EPA dredging in the Hudson River. The Town will be reimbursed for the difference by EPA thru the end of 2012.

DEBIT:	Appropriated Fund Balance	30-599	\$182,000.00
CREDIT:	Appropriations	30-960	\$182,000.00
	Subsidiary: Source of Supply, Power & Pumping		
	Purchase of Water – 30-5-8320.42-		\$182,000.00

PUBLIC PRIVILEGE (for discussion of non-agenda items)

Supervisor Wormuth: Next we will move onto Public Privilege for discussion of non-agenda items, but I just want to let the public know that we will be after that and before the meeting adjourns, going into Executive Session with the Board and Attorney’s to discuss a personnel issue.

Deanna Stephenson, 7 Cindy Lane: I just wanted to comment, I know we talked about at the last meeting, the Zoning Committee, and as you were looking for requests for people to participate. I was talking to Lynda before this meeting and I asked her the methods and venues that you used to recruit and see who is interested. She said the local papers, the Community News, I didn’t see it there, I am not sure if you hit the deadline or what. She said the Gazette, I know it is probably very small and where they put it in, but I was looking for it and I didn’t see it.

Lynda said that it was on the website, I know that the website is down but probably only today that it was down, it’s been a short term, and it is out in front. I am hoping that in the future if you are looking for, and again, new population and I am saying this all of the time, maybe other social media to do so? You know a Facebook, Twitter, it doesn’t matter, and there are other ways to do this. I hope that you are getting a good response for this committee and hopefully in the future, you may want to consider some other venues.

Supervisor Wormuth: We certainly will, and if we don’t have a good response we will look at a second reach out to do that. Again, it is on all of our public buildings, it is posted on all of the doors, so if anyone is visiting a public building in the town is seeing those and it was in the local newspapers. We will continue to do it and if we need to extend the deadline beyond March 25th. Again, if anybody is interested,

they just need to send a letter of interest to the Supervisor's office and we will go from there. Thank you for your input.

RESOLUTION NO. 100

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

RESOLVED, that the Town Board go into Executive Session at 7:34pm

Supervisor Wormuth: We will come back out after Executive Session and let everyone know what the decision was made.

Supervisor Wormuth: The Board has discussed the personnel issue and there was no action taken. There will be no further discussion on this personnel matter.

RESOLUTION NO. 102

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

RESOLVED, that the Town Board to come out of Executive Session at 8:00pm with no action taken.

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 8:03 pm.

Respectfully Submitted,

Lynda A. Bryan, Town Clerk