

The October 2, 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
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

Walter F. Polak, Councilman - Excused

The Supervisor opened the meeting at 7:00 pm by leading the Pledge of Allegiance

PROCLAMATION – Proclaiming October Fire Prevention Month

Supervisor Wormuth: The first thing that we have on our agenda this evening is a Proclamation Proclaiming October Fire Prevention Month and I would invite our Councilman who liaisons to Public Safety, Councilman Wasielewski to present our local men and women of the firefighting agency who are here this evening for this proclamation. John, thank you.

Councilman Wasielewski: As you probably know, October is Fire Prevention Month. It is one of the nicest parts of my job every year, is to thank the volunteer firefighters in the Town of Halfmoon for the great job that they do. A little tidbit: does anybody know why October is Fire Prevention Month? It is because this is the month that Mrs. O’Leary’s cow knocked over the lantern in Chicago, that started the fire and the whole discussion of fire prevention came up.

We are here tonight to thank you all for what you do. It is one of the truly heroic acts. The term hero is thrown around loosely these days. It is given to people who throw baseballs and do things that aren’t that great for humanity, but every time that the alarm goes off, you stop what you are doing, put your lives on hold and literally risk your lives to help total strangers in your community. I can’t think of anything that is more heroic than that.

So with that said, I would like to read the Proclamation from the Town Board.

PROCLAMATION

WHEREAS, the Town Board of the Town of Halfmoon hereby recognizes that October is Fire Prevention Month, a time when Firefighters make a concerted effort to reach out to the community to teach fire safety to educate the community regarding personal safety and the protection of property through planning; and

WHEREAS, we routinely witness the heroic efforts of fire fighters who put themselves in harm's way to protect our lives and our property; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their Firefighters in their ongoing duty to serve the people of their community both in times of emergencies and through public outreach and education; and

WHEREAS, the Town Board of the Town of Halfmoon desires to honor the valor, service, and dedication of our local Firefighters and those who serve in their honorable profession.

NOW, THEREFORE, LET IT BE RESOLVED,

1. The Town Board of the Town of Halfmoon hereby recognizes October as Fire Prevention Month
2. That the Town Board of the Town of Halfmoon hereby honors and demonstrates our appreciation for our local Firefighters.
3. That a copy of this resolution be presented to the local Firefighters to recognize the Town Board's sincere appreciation for all that they do for our community.



Mindy A. Wormuth,
Supervisor, Town of Halfmoon

RESOLUTION NO. 226

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

RESOLVED, that the Town Board of the Town of Halfmoon recognizes October as Fire Prevention Month in the Town of Halfmoon.

Supervisor Wormuth: Thank you John. At this time I would like to send our thoughts and prayers to Councilman Polak who is recovering from knee replacement surgery. He is doing well. He is recovery and my understanding from his family is that he is in good spirits. So our thoughts and prayers go out to him as he is an integral part of this board. I know that he surely wishes that he could be here with us this evening. We are very much awaiting his return.

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Clerk Bryan: I just have one thing. I wanted to give a little extra thanks to the Halfmoon – Waterford Fire Company. They graciously lent us the use of their Fire Truck out in the foyer from 1925. It will be on display throughout the month of October. We also gave them a little extra thank you picture that we had blown up of their Lifetime Firefighter, Leo Chevalier in front of the fire truck who recently passed away. So, I would like to thank them for the extra work that they did for our display this month.

Councilman Wasielewski: I would just like to update the community that firefighter Allan Ayotte, who was injured in the line of duty back in August, continues to make significant strides and progress and we hope to see him here in the coming months

Supervisor Wormuth: I heard that he was released

Councilman Wasielewski: We hope to see him here in the coming months

Supervisor Wormuth: That is wonderful news.

PUBLIC PRIVILEGE (for discussion of agenda topics)

Joe Christopher – 96 Werner Road: In tonight's correspondence section, there is an approval for an amended Site Plan for Pleasant Valley PDD, 91 Plant Road. At the public hearing for this project, many Plant Road residents voiced opposition to it and the process. The public benefit for this project is to replace the existing Y at the north end of the road with a T that does not address the traffic problems at 146, along with an extension of a water line to mitigate the decrease in water pressure that would be created by the project itself. In a statement to the Community News, the builder, Farone, called the residents of Halfmoon ungrateful. In his presentation that night, he touted that how wonderful this project is and how much money he was investing into the clubhouse and the pool on the site. At the last Planning Board meeting, Mr. Farone removed the clubhouse and the pool, leaving just another apartment complex that is a windfall for the builder at the expense of the town's residents. I guess my questions are, if such revisions can occur without this board's approval, or does this board approve of that?

Attorney Murphy: The PDD legislation, as you are aware, the public benefit was not listed to include the community room and the pool. They were listed as the amenities for the benefit for the people who were going to be residing in the community only. Therefore, it is a site plan change, not an amendment to the Local Law.

Joe Christopher: Right, but when he touted the apartment complex, I mean he used that to define the character of it. I mean that was part of it. So could he build more apartments, can he just change it however they please, or how does that work? Obviously, it is a money savings for him, right? I mean, he has no clubhouse, no pool.

Attorney Murphy: I don't know if it is money saving, that I do not know. But I do know that it was an amenity only for the residents of the senior housing facility and the attached facility. It was not a public benefit for the general residents of the Town of Halfmoon. It was not intended as the public benefit for that project. They cannot increase the number of the PDD if that is your question.

Joe Christopher: Alright, is there some kind of like is there a piece of this legislation that details what kind of changes would warrant another Board approval? I do not understand.

Attorney Murphy: The way the Local Laws for the PDD's are written, they specifically outline what the public benefits are. So if those are going to be modified, then obviously this board would have to revisit the project. What the proposed site

plan change that went through was is also listed in the Local Law that says that the Planning Board has the authority to make site plan changes. So it is in the Local Law itself. I hope that clarifies it.

Joe Christopher: I disagree. I think that if a builder gets up and touts it and says we are going to build this, and it is going to be this kind of place, and it is going to be a top notch facility, we are going to have these amenities and this is what it is going to be, I think that this board should hold them to the fire. You state this legislation, but you are the ones who created it. I don't see that it is working for the residents and we see it time and time again, which just leaves me to one logical conclusion, is that you don't care. I guess that is all I have to say. Thanks.

DEPARTMENT REPORTS- Month of September

1. Senior Express

Total # Riders – 265

Total # Meals - 365

2. Town Justice Wormuth

Total # Cases – 267

Total Fees Submitted to Supervisor - \$30,785.35

3. Town Justice Ciulla

Total # Cases – 165

Total Fees Submitted to Supervisor - \$20,045.00

CORRESPONDENCE

1. Received from the Town Planning Board Resolutions approving the following: Sign Application for Stewart's Shop #305, 1857 Route 9; Sign Application for Among Angels, 1675 Route 9; Change of Tenant for Saratoga Strategic Partners, LLC, 1406C Route 9, for Center of Nanoscale Science and Engineering, 5 Corporate Drive; and for Anaconda Sports, 3 Corporate Drive, for Amended Site Plan for Pleasant Valley PDD, 91 Plant Road; for Final approval for Anna's Place Major Subdivision, 95 Werner Road; Approval for Commercial Site Plan for the Earl Mixed Use Facility, 1613 Route 9; Approval for Commercial Site Plan for Santoro Warehouse Facility, 45 Route 146;

Received, Filed & Print & available for review in the Clerk's Office

2. Received from John Cuttita, his letter of resignation as part-time Animal Control Officer effective September 13, 2013.

Received, Filed & we thank Mr. Cuttita for his years of service to the town.

3. Received from John Desautels, American Legion Saratoga County Commander letter in support of the Honor a Deceased Veteran Program.

Received, Filed & Forward to the County Board of Supervisor's

4. Received from Andrea's Pub, 1436 Vischer Ferry Road, notification of intent to renew their liquor license.

Received, Filed & Print as required

5. Received 2014 Budget Summary from Halfmoon Fire District No. 1 and notification that public hearing on the budget will be held on Tuesday, October 15, 2013 at 7:00 PM at the Hillcrest Fire Station, 145 Pruyn Hill Road, Halfmoon.

Received, Filed & Print & make available in the Clerk's Office

6. Received 2014 proposed Budget Summary from Clifton Park-Halfmoon Fire District #1 and notification that public hearing on the budget will be held on Tuesday, October 15, 2013 at 7:00 PM at the firehouse located at 38 Old Route 146, Clifton Park.

Received, Filed & Print & make available in the Clerk's Office

7. Received 2014 proposed Budget Summary from Halfmoon-Waterford Fire District No. 1 and notification that annual Budget hearing will be held on Tuesday, October 15, 2013 at 7:00 PM at the fire station located at 315 Middletown Road, Halfmoon.

Received, Filed & Print & make available in the Clerk's Office

8. Received 2014 proposed Budget Summary from West Crescent Fire District and notification that annual Budget hearing will be held on Tuesday, October 15, 2013 at 7:00 PM at the fire station located at 1440 Crescent Road, Halfmoon.

Received, Filed & Print & make available in the Clerk's Office

Supervisor Wormuth: If we can make sure that the Public Hearing Notices & addresses are available on the website.

9. Received a letter of thanks from a resident on Staniak Road to the Highway Department for the timely response to correcting an issue with drainage on Cary Road and how impressed they are with the year round maintenance of the roads.

Received, Filed & forward to the Highway Department

10. Received from Food Pantries for the Capital District, Inc. their Annual Report for 2012.

Received, Filed & Available in the Clerk's Office

11. Received from Mindy A. Wormuth, Budget Officer/ Chief Fiscal Officer, filing of the 2014 Tentative Town Budget document and transmitted to the Town Board as required by Town Law.

Received, Filed & Print Available in the Clerk's Office as well as the website

12. Received from the Office of the Sheriff, the reports for the month of August for the Clifton Park/Halfmoon Patrols and the Halfmoon Patrols.

Received, Filed, Print & Copy to the Town Board

JAMES D. BOWEN
SHERIFF

MICHAEL T. WOODCOCK
UNDER SHERIFF

Office of the Sheriff

COUNTY OF SARATOGA
6010 COUNTY FARM ROAD
BALLSTON SPA, NEW YORK 12020
Phone: (518) 885-6761 Fax: (518) 885-2453

CLIFTON PARK / HALFMOON SHERIFF'S PATROL

MONTHLY REPORT - August 2013

	HALFMOON	CLIFTON PARK	TOTAL
PENAL LAW ARRESTS	1	2	3
TRAFFIC TICKETS	35	29	64
DWI ARRESTS	0	0	0
VEHICLE STOPS	29	25	54
MOTOR VEHICLE ACCIDENTS	8	6	14
BUSINESS CHECKS	160	100	260
COMPLAINTS	35	54	89
DEVELOPMENT CHECKS	100	60	160
ALARMS	11	9	20
PATROL MILES	1820	1920	3740

JAMES D. BOWEN
SHERIFF

MICHAEL T. WOODCOCK
UNDER SHERIFF

Office of the Sheriff

COUNTY OF SARATOGA
6010 COUNTY FARM ROAD
BALLSTON SPA, NEW YORK 12020
Phone: (518) 885-6761 Fax: (518) 885-2453

HALFMOON 1600 X 0000 PATROL

MONTHLY REPORT – August 2013

Penal Law Arrests	5
Vehicles Stopped and/or Checked	50
Traffic Tickets Issued	46
Motor Vehicle Accidents Investigated	14
Developments Checked and Patrolled	57
Alarms – residential and business	17
Complaints answered	34
Total miles patrolled/ traveled	2,199

13. Received from David Maxfield, President of the Halfmoon Celebrations Association, a thank you letter to all for their involvement in the Fall Festival Parade and making it such a huge success.
Received, Filed & Print & again thank you to everybody who is involved in the Celebrations Association and makes it such a success celebrating the history of the Town every year.

RECEIVED

OCT 02 2013

TOWN OF HALFMOON
RYAN, TOWN CLERK



The Halfmoon Celebrations Association Inc.
2 Halfmoon Town Plaza
Halfmoon New York 12065

September 24, 2013

Hello Parade Participant:

I wanted to take a moment to say **THANK YOU** for your involvement in our 1st ever Fall Festival parade. I was fortunate enough to get to observe the parade from the sidelines and I thought you all looked magnificent and represented your company/organization or self very professionally. Each one of you played a key role in making this parade look so good! I am proud and impressed of you all and I am proud to call myself a Halfmoon resident, because I am surrounded by people like you all. I am delighted that I was able to get to meet most of you this past Saturday. I look forward to next year's parade. I did see a few factors that myself and the Celebrations volunteers will need to work on to remedy a few concerns. If you have any suggestions or comments, I am all ears and eager to listen to them so that we can enrich these events for the participants and the spectators. Please watch for pictures of the parade on Facebook. You can find us under "Halfmoon Celebrations".

Fondly,

Dave Maxfield

Dave Maxfield
President and Volunteer
Halfmoon Celebrations Association
2 Halfmoon Town Plaza
Halfmoon, New York 12065
www.halfmooncelebrations.org
halfmooncelebrations@gmail.com
Facebook: Halfmoon Celebrations

NEW BUSINESS

RESOLUTION NO. 227

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

RESOLVED, that the Town Board approves and orders paid Vouchers numbered 2233 through 2337 as detailed.

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

10 GENERAL FUND	\$90,276.67
20 HIGHWAY FUND	\$61,232.39
25 SPECIAL REVENUE	\$3,290.00
30 CONSOLIDATED WATER	\$194,282.48
35 MISC. CAPITAL FUNDS	\$6,088.75

ABSTRACT TOTAL:

\$355,170.29

RESOLUTION NO. 228

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

RESOLVED, that the Town Board approves the minutes of Town Board meeting of, September 18, 2013 as presented.

RESOLUTION NO. 229

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

RESOLVED, that the Town Board schedules a public hearing subject to permissive referendum to expend capital reserve funds to update/replace the existing HVAC systems in buildings located at the Senior Center, Justice Building, and the Highway Department, together with the purchase of a new phone system and computers for the buildings located at all Town offices for October 16, 2013 at the Town Hall located at 2 Halfmoon Town Plaza, Halfmoon, New York at 7:00 p.m. or as soon thereafter as the agenda allows.

RESOLUTION NO. 230

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

Whereas, the NYS Comptroller issued a Report of Examination on the Financial Condition of the General and Highway Funds of the Town of Halfmoon, and

Whereas, the Comptroller requires a response including an Action Plan from the Town of Halfmoon regarding the Report,

Therefore Be It Resolved, the Town Board of the Town of Halfmoon approves the Action Plan and authorizes the Town Supervisor to submit the Action Plan to the NYS Comptroller's Office.

Supervisor Wormuth: This plan has been submitted to all of the Board and will be available on the Town's website and will be submitted to the Comptroller's Office in response to their request.

RESOLUTION NO. 231

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

RESOLVED, that the Town Board schedules a Budget Workshop for Thursday, October 10, 2013 at 6:00 PM in the A. James Bold Meeting Room in Town Hall.

Supervisor Wormuth: At this point, I would like to take the a minute to go over a few highlights in the 2014 Tentative Budget which are available for you on the dais to take with you and will also be on the website.

TOWN OF HALFMOON

2014 TENTATIVE BUDGET HIGHLIGHTS

NO TOWN PROPERTY TAX AND NO TOWN HIGHWAY TAX

This budget marks the 35th consecutive year there has been no Town tax. This is also the 29th consecutive year with no Highway tax. I am proud to continue this tradition by presenting my seventh, consecutive budget to the Town Board that does not require a Town Property Tax, nor a Town Highway Tax.

This is an incredible achievement that needs to be put in perspective. In 2012, the most recent year information is available; the NYS Comptroller's Office reports only 32 towns in New York State did not collect a town property tax! Halfmoon is one of only 32 towns out of 932 townships that did not collect a town property tax in 2012!

SLOW ECONOMIC IMPROVEMENT

The slowly improving national economic condition provides reason for cautious optimism regarding Town revenues. When the national recession proved to be deeper and longer than economic predictions, the Town Board approved budgets relying on the use of fund balance and reserves. The Town Board deemed the use of fund balance and reserves as far preferable to levying a tax and negatively impacting Town residents at the height of the national recession.

The Town Board's decision to use fund balance and reserves in the short term to avoid burdening residents during difficult economic times is proving to be a wise decision as demonstrated by the following facts.

First, the economy and hence Town revenues have rebounded to new highs.

Second, the Town Board reduced its expenditures by over \$1.0M in 2013 which will continue for all future budgets.

Third, the Town has a healthy general fund equity of \$3,985,448. The highway fund deficit was also cut in half during 2012 fiscal year. There is every reason to believe that the national economy and the Town's revenues will continue this recovery in the future. Indeed, revenues for the first nine months of 2013 continue to outpace the record levels of 2012.

PROVIDING NEEDED SERVICES

Our residents continue to use needed services provided by the Town. For example, over 800 seniors actively participate in the Senior Center educational, recreational and other programs and services. Meals-on-Wheels is a well known program and a vital service provided by the Senior Center to the most in need seniors in our Town.

On the other end of the age spectrum, the Town's Winter Recreation Program enrolled 15 participants for the week long program and the Summer Recreation Program enrolled over 700 children this past summer. The Character Counts program is integrated into the programming for all summer recreation participants whose ages range from pre-school to 15 years old.

The Town partners with other non-profit organizations to provide support to Halfmoon youth and families in need. These partnerships include: CAPTAIN, Center for the Family, Care-Links, and the YMCA Reach Out for Youth program. The Town Board and my commitment to provide these and other services in a cost effective manner is demonstrated by this budget which does not include a Town property tax.

SLOW ECONOMIC IMPROVEMENT EFFECTS LOCAL MUNICIPALITIES

The slowly improving national economy presents challenges to the Town. Sales and mortgage taxes have begun to rebound. Sales tax revenues for the Town in 2012 (the most recently completed fiscal year) reached just short of \$5.5 million. Mortgage tax revenue for the first semiannual payment in 2013 was shy \$16,000 from the total revenue received in 2011. Ultimately, the Town expects mortgage tax revenue to exceed the budgeted amount by over \$200,000 for the current year (2013).

The Town continues to see increases in mandated expenses, such as; retirement, health insurance, and other benefits. Appropriations in other areas of the 2014 general fund and

highway fund budgets have been kept relatively stable while incorporating a salary increase of two percent for the Town workforce.

The water fund budget operating portion increases from its 2014 levels for three reasons. The Town continues to purchase water from the City of Troy due to GE's dredging of the Hudson River. The second reason for the increase is due to legal fees associated with suing GE for the increased costs the Town of Halfmoon is incurring due to the purchasing of water from Troy and for the inactivity of the Town's water treatment plant. The third reason for the increase is the salary increase for the Town workforce. The overall water fund budget shows a decrease because of the savings provided by the refunding of bonds.

2013 BUDGET FREEZE

I have instituted a budget freeze for 2013 spending. This means only expenditures for the health, safety and welfare of our community can be incurred without my express, prior approval. This action limiting current spending, in conjunction with tight appropriations control for 2014, demonstrates our commitment to keeping Halfmoon fiscally sound.

REFINANCING BONDED DEBT

The Town of Halfmoon, along with nearly every other municipality in NYS, carries a debt load. In the case of the Town of Halfmoon, the debt was incurred through the sale of municipal bonds. These bonds were sold for capital projects including the construction of the new Town Hall, the Town Family Park, the Water Treatment Facility, and reconstruction of Brookwood Road. This bonded debt is approximately \$40 million, which is significantly less than the Town's constitutional debt limit of approximately \$330 million.

Typically, municipalities do not pay cash for large capital projects such as these. To have the necessary cash on hand to finance these types of capital projects would mean the Town would have to generate revenues significantly greater than expenses over the course of several years. The Town has wisely decided not to pursue this strategy, which means money remains in the pockets of our residents and not in Town accounts.

A cost-savings strategy employed by this budget relates to bonded debt. The Town Board and I decided to refinance bonds originally sold in 2006. This action takes advantage of the current low interest rates for bonds, saving \$45,425 in the 2014 budget. Over the life of the new bond the total savings is \$823,774.

These actions illustrate some of the ways this budget exerts strong controls on appropriations. Collectively, these measures to reduce Town costs help to lessen the impact on our residents, and result in a 2014 budget that contains no Town property tax and no highway tax.

GRANT FUNDING

Since first being appointed Town Supervisor in 2007, we have aggressively pursued federal, state and other grants. As a result of our efforts, over the last four years the Town has obtained twenty-eight grants totaling over \$6M. These grants have funded road, sewer, water, energy efficiency improvements, sidewalk, park, trail, recreational, and court projects. These are projects that would have otherwise been funded exclusively by the Town or would have been deferred due to the lack of funds.

AUDITOR AND BOND RATING AGENCY EVALUATIONS OF TOWN FINANCES

Annually the Town's finances are examined by an independent auditing firm. For the most recently completed fiscal year 2012, the CPA Firm, Bollam, Sheedy, Torani & Company issued the following opinion regarding the Town's financial statements and internal controls:

"We did not identify any significant or unusual transactions of significant account policies in controversial or emerging areas for which there is a lack of authoritative guidance or consensus."

The Town of Halfmoon continues to have a very strong credit rating as reflected by Moody's August 2012 rating of the Town with its "Aa2" designation. Moody's defines its Aa2 rating as,

"Obligations rated Aa are judged to be of high quality and are subject to very low credit risk."

These positive statements and evaluations from independent, outside firms confirm the Town has a stable, sound financial base. This strong financial condition of the Town is the result of the combined efforts of the Town Board, the Town Supervisor and all of our Town staff.

Mindy A. Wormuth
Budget Officer
Chief Fiscal Officer

RESOLUTION NO. 232

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

RESOLVED, that the Town Board authorizes the Town Supervisor to execute a hold over agreement continuing the lease entered into with the NYS Senate for rental of office space in Town Hall on a month to month basis.

RESOLUTION NO. 233

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

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

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

Debit:	Estimated Revenues	25-510	\$3,290.00
	Subsidiary: 25-4-2189 Home & Community Services	\$3,290.00	
Credit:	Appropriations	25-960	\$3,290.00
	Subsidiary: 25-5-1440.40 Engineering Contractors Inspections	\$3,290.00	

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

NAME	AMOUNT
Glen Meadow PDD	\$315.00
Regency Park	\$2,975.00
Total	\$3,290.00

Transfers between Appropriations:

From Account	To Account	Amount	Reason
10-5-3610.20 Code Enforcement- Equipment	10-5-3610.40 Code Enforcement Contractual	\$3,700	Transfer of appropriations within own budget to cover vehicle repairs
10-5-1355.40 Assessor-	10-5-1356.40 Assessment Board-	\$5	Transfer of appropriations to cover mileage for Board

Contractual	Contractual		of Review Members
30-5-8330.42 Water Purification Cont-Chemicals	30-5-8310.42 Water Admin-Contractual Legal Fees	\$25,000	To cover costs associated with legal fees for GE/EPA lawsuit
30-5-8320.20 Water Source of SP & P Equipment	30-5-8310.42 Water Admin-Contractual Legal Fees	\$10,000	To cover costs associated with legal fees for GE/EPA lawsuit
30-5-8340.40 Water Trans & Dist Contractual	30-5-8310.42 Water Admin-Contractual Legal Fees	\$7,000	To cover costs associated with legal fees for GE/EPA lawsuit

PUBLIC PRIVILEGE (for discussion of non-agenda items)

Lawrence Allen. 158 Woodin Road: This is an issue about a dumpster that has been placed in an area that is a residential area for two years. We got this many (showing a large file folder) violations on our neighbor the Massengale’s at 160 Woodin Road, and nothing is being done, it’s still there. They just keep fining them and fining them, he pays the fines and they just let it stay there. I am just wondering when is it ever going to be removed.

Supervisor Wormuth: I am going to ask one of our Attorneys who responds to our Court violations to answer that question to the best of their ability.

Deputy Attorney Chauvin: The placement of the dumpster on the property, whether it be yours, the neighbors, or a third parties, would be a civil issue, in of itself as a trespass against the property if it is not on the actual offending parties property. The only power or authority that the town has is if there is a placement of an illegal dumpster, to go through the violation procedure as prescribed by the Town Code, which has been done each and every time that it has been reported, and as you indicated, the court has levied fines, upon fines, upon fines. They make it painful for that individual to violate the code, but their authority is limited in scope based upon the nature of what we are talking about. You or the party who is offended by the placement of the dumpster, certainly are within your rights civilly, and I would encourage you to seek council

Lawrence Allen: We did and they preferred that we come to the Town Board

Deputy Attorney Chauvin: We have done everything that we can. We don’t have the authority to go in and take someone’s property.

Lawrence Allen: The Code says it is not supposed to be there.

Deputy Attorney Chauvin: Correct, and

Lawrence Allen: So someone can go in and violate the Code and keep paying fines forever?

Deputy Attorney Chauvin: Sir, the Code is being enforced to its every extent. The Judge makes the decision as to what the ultimate resolution will be. We prosecute the case, and if found guilty and the court levies a sentence.

Lawrence Allen: As of late, we have been sending emails to Steffen Buck and we don’t even get a reply any more.

Supervisor Wormuth: I will follow up with Mr. Buck on that and I apologize. You should receive a response to any email that is sent to the town

Lawrence Allen: I would like to have something done before the rats and stuff start moving in.

Deputy Attorney Chauvin: Sir, we prosecuted every violation that has been brought before us and the court makes a decision that as to the innocence or guilt, and every time that he has been found guilty, they levy a fine or choose the penalty. We do not have the authority to tell the Judge

Lawrence Allen: It doesn't solve the problem though

Deputy Attorney Chauvin: I don't have any other recourse

Supervisor Wormuth: Matt, does the board have the option to look at proposing a change to the Local Law that would increase the penalty for someone who, I guess on a regular basis continues to proliferate the same type of crime regardless of the fines placed on them by court? Is there something that the board can consider?

Deputy Attorney Chauvin: Certainly the board could look at amending the Local Law in such a fashion and there are other options. We have increased the penalties significantly once in the past which would allow the courts more latitude, but ultimately it is up to the Judges to impose any sanction that this board creates. So, it still becomes an enforcement issue. I am not saying that the Judges are not doing their job, they certainly are fining and fining and that's typically the way that these cases are handled. They have been diligent in that obligation.

Supervisor Wormuth: Could you forward a copy of the way the Local Law exists now and perhaps some suggestions for the board to review by the next board meeting as to whether or not they would like to consider taking up some changes to increase it for someone who habitually

Deputy Attorney Chauvin: Certainly

Councilman Wasielewski: Do these fines increase on subsequent offences or is it the same fine each time?

Deputy Attorney Chauvin: Under certain circumstances, it is a fine range, it is not a set

Councilman Wasielewski: It hasn't been reduced; it has been the same amount

Lawrence Allen: The fines have been reduced.

Councilman Wasielewski: The fines have been reduced.

Supervisor Wormuth: We will ask, I have asked the Town Attorney to forward this to the Board for their review and we will take it up on our next meeting to look at whether or not holding a public hearing in adjusting the Local Law if that is something that the Board wishes to do.

Councilman Wasielewski: Yes

Supervisor Wormuth: Thank you.

Doug Goglia, 19 Stage Run: Listening to the gentleman's plight, and I haven't seen it, but if the dumpster poses a health problem, why can't the Town Board bring suit in Supreme Court and get a Judge to relief in essence a judicial order asking the offenders to remove the dumpster. It seems it is a health problem, it should be up to the town to do something about it.

Attorney Murphy: There are two issues that you are unaware of. One, it has yet to pose the proposed health problems. You are absolutely correct, if our Code Inspector's went over there, they would take immediate action if that were the case, legally, but it unfortunately isn't. And two, there is an ongoing issue as to whose property it's on, which is why we keep recommending that civil things be sought because their going back and forth as to whose property the dumpster is actually located on.

Lawrence Allen: Mr. Allen spoke from the audience but could not be recorded.

Doug Goglia: Someone is paying for the dumpster, I would assume. Someone is renting the dumpster from someone

Deputy Attorney Chauvin: They are being cited for the placement of an illegal dumpster on their property and they are paying fines.

Doug Goglia: But again, I haven't seen it, but if the gentleman is correct and he is concerned about rats, I would think that if that could be verified pretty quickly by a site inspection

Attorney Murphy: Site inspections have been done and that hasn't been determined, so absolutely, you are correct

Doug Goglia: Has it not been determined

Attorney Murphy: It has been determined that there is currently no health and safety risks that reaches the level that the board would have to act.

Doug Goglia: How about pure nuisance from a zoning perspective?

Attorney Murphy: We don't have the ability to go, we are doing everything that we can do.

Doug Goglia: OK, thank you.

Attorney Murphy: If you have any other suggestions though, I welcome you to bring them to the board.

Doug Goglia: It strikes me as, if I were the town and if I could find any way to seek relief on behalf of the residents, I would do so

Attorney Murphy: We have been going over and over and he continues to pay the fines

Doug Goglia: He's paying them

Attorney Murphy: Oh, yes.

Doug Goglia: OK, thank you.

Supervisor Wormuth: And that's why again, I have asked the Board to relook at this law to see if there is something more restrictive if we can put in place to offer some relief to the residents who are living in this situation.

Bruce Rischert, 18 Willowbrook: On the theme of legislation, I was thinking about the, maybe the Board would consider legislation, if and I do not know if it is on the books, but if it isn't, and maybe consider this that any person, or company, or agent working on the behalf of that person or company who has been implicated in illegal activities with the town, be banned from ever doing business with the Town of

Halfmoon, and any pending business or current be stopped immediately. Thank you.

There being no further business to discuss or resolve, on a motion by Councilman Wasielewski and seconded by Councilman Hotaling, the meeting was adjourned at 7:30 pm.

Respectfully Submitted,

Lynda A. Bryan, Town Clerk