

**The January 16, 2013 regular Town Board 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**

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

**Councilman. Hotaling:** Tomorrow night in the large conference room, the Halfmoon Celebration Committee will have their Kick-off meeting of the year. They are welcoming new members. If anyone is interested the meeting will be held at 7:00pm.

**Town Attorney Murphy:** I would ask that the Town Board consider a resolution for the sale of properties listed below. These were all properties that were previously owned by the Town of Halfmoon and utilized as part of our well property, however we know that we no longer utilize it in that fashion. We have done the proper appraisals pursuant to this Board's approval, and we are looking for fair market value for the purchase of these properties. This resolution is subject to a permissive referendum.

**Councilman Wasielewski:** What is the total value of said properties?

**Attorney Murphy:** Our Director of Water is here, do you know the number? It's small because they are small parcels; most of them are encumbered by easements by adjoining property. I do not believe any of them are buildable lots. 2 parcels are at \$7500.00 and the rest are at \$3000.00 or less.

**Supervisor Wormuth:** We can make sure at the next Board meeting, that we can have the exact appraisal amounts, and have them electronically distributed to Board members.

**Councilman Wasielewski:** Thank you

## **RESOLUTION NO. 25**

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

WHEREAS, The Town of Halfmoon owns certain parcels of real property, described as:

<b>Bayberry Drive</b>	<b>Tax Map No: 278.10-2-60.1</b>
<b>Kasper Drive</b>	<b>Tax Map No: 278.10-3-21</b>
<b>Route 9 Rear</b>	<b>Tax Map No: 266.-1-15.122 (Oak Brook Commons)</b>
<b>Route 9 Rear</b>	<b>Tax Map No: 266.-1-13.2 (Oak Brook Commons)</b>
<b>23 Sitterly Road</b>	<b>Tax Map No: 278. -1-16.12</b>

WHEREAS, Said parcels were owned, occupied and used by The Town of Halfmoon Water Department but have been decommissioned and improvements thereto having been removed;

WHEREAS, the Town of Halfmoon has no further use or need of said parcels, it is the intention of the Town to offer them for sale;

WHEREAS the Town of Halfmoon has an interest in returning the above referenced parcels to the active tax rolls;

WHEREAS the Town of Halfmoon has completed an appraisal of the subject properties in accordance with the requirements of the General Municipal Law;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Town Board of the Town of Halfmoon acknowledges the above and hereby offers to sell the above referenced properties for fair market value, good and valuable consideration to be received for same, subject to permissive referendum.
2. That the Town Board hereby authorizes the Supervisor to execute all documents necessary to facilitate the above referenced sales of real property, subject to review and approval of the Town Attorney.
3. That the resolution is subject to a permissive referendum as provided in Article 7 of the Town Law. Within ten days of the adoption of this resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of this resolution and contain an abstract of the resolution concisely stating the purpose and effect thereof including that the resolution was adopted subject to a permissive referendum.

**Councilman Hayner:** I would like to give the public an update on the Draft Ethics Legislation that our committee has been comprehensively working on for one year.

I am happy to report that the Ethics Committee finished up our review of the draft legislation at our last meeting in December, and this week sent it over to all Town Board Members for review. Once the Town Board has reviewed the legislation, the next step will be to present the proposed legislation to the public.

**Supervisor Wormuth:** I have had two phone calls from residents that were unclear on a resolution that was part of our Organizational Meeting, where Mr. Polak was put in charge of a Zoning review committee. That is something that we have been asked by the public to do, is to start reviewing our local zoning laws. So we will start at our next meeting having a description of what kind of time commitments and what that would entail and then take applications from the public of anyone interested in doing that. So just to clarify because it was not a separate resolution and it was listed under his duties, some people were unclear as to what that meant. I just want to let you know that our next meeting, we will be prepared to outline some of the specifics of that and the time commitments and then we will start accepting letters of interest for forming that committee and move forward with it.

**PUBLIC PRIVILEGE** (for discussion of agenda topics)

**Deanna Stephenson, 7 Cindy Lane:** I just wanted to ask, and it took me a little while to digest when you went through the Organizational Meeting last time and everybody's salaries and thing. I asked a question in the pre-meeting before and we were talking about Planning Board vs. Zoning Board. My question this week is, I look at the Department Directors and I see and I am sure you can explain to me a huge discrepancy in one versus another in the departments. I am sure it comes down to longevity, but it is a huge discrepancy. I do not know if it comes down to licenses, that is my question and I meant to bring it up the other time and I forgot.

**Supervisor Wormuth:** Sure, all of the salaries, the County Personnel Office acts as our Civil Service Department and did a salary study and a survey and sets up a grid and everybody is on a grade for what their title is. There is a base salary that goes along with it and there is steps which are increments based on longevity. So, the differences you're seeing in the grade, that's Civil Service established for those and then the step which is the longevity. That is why you will see a big difference perhaps between the Director of Water and the Director of Planning. One of them may have been with the Town for 15 years and one of them may have been here for three, and then certainly, the licenses that hold and the responsibility and the qualifications are also built into where their graded as far as a grade 9 or a grade 15 as we go through it and we have all of those available to the public if anybody would like to review the job descriptions of those or the steps and the grades and how they fall out. It is an actual chart that you could look up.

**Deanna Stephenson:** Thank you

#### **DEPARTMENT REPORTS – month of December**

**1. Town Clerk**

**Total Fees Submitted to the Supervisor - \$8,135.34**

**2. Town Justice Tollisen**

**Total # Cases – 232                      Total Fees Submitted to the Supervisor - \$24,323.00**

**3. Building**

**Total # Permits - 66                      Total Fees Submitted to the Supervisor - \$71,575.00**

**4. Fire Code**

**Total # Permits - 15                      Total Fees Submitted to the Supervisor - \$2,070.00**

**2012 Year End Annual Reports submitted by: Town Justice Tollisen, Town Justice Wormuth and Town Clerk**

***Received, Filed, Print & available in the Clerk's Office & all of the Board members will get copies also.***

#### **CORRESPONDENCE**

**1. Received** from the Town Planning Board Resolutions approving the following: Sign Application for Halfmoon Collision Center located at 1627 Route 9 and for Homestead Funding located at 1407 Route 9, for a Change of Tenant for Bruce Tanski Construction located at 2 Cemetery Road, for Fit Energy, at Towne Centre Plaza located at 1603 Route 9 and for Mama's Express located at 77 Dunsbach Road, for a Change of Tenant and Sign Application for Anthony Motor Car located at 1627 Route 9, for Optionsoft Technologies, Inc. located at 4 Corporate Drive, for Back in Balance Therapeutic Massage located at 1427 Route 9, for Atlantic British, addition to Commercial Site Plan Application located at 6 Enterprise Avenue, Regarding the Fairway Meadows Phase III Major Subdivision and Zim Smith Trail Extension, and Regarding Preliminary approval of the Klersy Subdivision to be known as the Meadows of Halfmoon Residential Subdivision and located on Farm to Market Road and Angle Lane.

***Received, Filed & Print***

#### **NEW BUSINESS**

##### **RESOLUTION NO. 26**

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 approves and orders paid

Vouchers numbered  
12 through 141 as detailed.

===== **FUND TOTALS** =====

10 GENERAL FUND	\$2,217,659.13
20 HIGHWAY FUND	\$218,077.77
25 SPECIAL REVENUE	\$1,506.00
30 CONSOLIDATED WATER	\$102,144.12
65 LIGHTING DISTRICT	\$422.73
70 WATER DISTRICT #1	\$11,113.24

<b>ABSTRACT TOTAL:</b>	<hr/> \$2,550,922.99
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**RESOLUTION NO. 27**

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, of December 31, 2012, and January 2, 2103, including both the Organizational & Regular Meetings as presented.

**RESOLUTION NO. 28**

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 enters into a service agreement for 1 year with North East Fire Protection for yearly fire sprinkler system inspection of Town Hall, Highway Garage, Parks Dept. Building and Parks Clubhouse at a cost of \$1000.00, per review and approval by Town Attorney.

**RESOLUTION NO. 29**

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 enters into a service agreement for 1 year with FS&S for yearly inspection of Fire Alarm and FM200 system at Town Hall at a cost of \$2260.00, per review and approval by Town Attorney.

**RESOLUTION NO. 30**

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 enters into a service agreement for 2013 with Alarm & Suppression, Inc. for the fire alarm inspection for the Highway Department, Justice Building, Park Maintenance, Recreation Clubhouse, and the Halfmoon Senior Center for the total amount of \$2200.00, per review and approval of the town Attorney.

**RESOLUTION NO. 31**

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 a Service Agreement for Heating & Cooling services with Midstate Heating and Cooling, 15 Hudson Avenue, Mechanicville for the Town Hall, Highway Department, Water Treatment Plant, Senior Center, Justice Building, Town Park and the Historical Building in the not to exceed amount of \$15,700 as approved by the Town Attorney.

**Supervisor Wormuth:** I would just like to comment, in reviewing electrical bills and any of the services related to these contracts, and doing general maintenance on these as opposed to waiting until something happens and fixing it, we have noticed a reduction of about \$1000.00 per month in our electrical bills over the past year by investing in doing the maintenance. We are having little to no down time at all with our equipment, so I would like to thank our Building and Maintenance crew for being on top of all of that. Thank you very much.

#### **RESOLUTION NO. 32**

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

**RESOLVED**, that the Town Board authorizes Town employees to attend the Association of Towns 2013 Training School and Annual Meeting in New York City on February 17<sup>th</sup> – 20<sup>th</sup>, 2013 and authorize payment of \$100.00 registration fee for each employee attending.

#### **RESOLUTION NO. 33**

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

**RESOLVED**, that the Town Board authorizes the Town to enter into a contract with the Tri-City Valley Cats for “Camp Day” for the 2013 Summer Rec Program, per the review and approval of the Town Attorney.

#### **RESOLUTION NO. 34**

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

**Whereas**, the NYS Education Department has awarded the Town of Halfmoon a Local Government Records Management Improvement Fund (LGRMIF) grant in the amount of \$9,765, and

**Whereas**, the Town of Halfmoon has used Laserfiche as an electronic records storage and management system since 2003, and

**Whereas**, the Town of Halfmoon has contracted with General Code since 2008 as the exclusive vendor for Laserfiche,

**Therefore Be It Resolved** that the Town Board of the Town of Halfmoon authorizes the Town Supervisor to execute a contract with General Code in the amount not to exceed \$9,765 for document preparation and document scanning of Town Clerk records.

#### **RESOLUTION NO. 35**

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

**RESOLVED**, that the Town Board authorizes the Town Supervisor to sign a contract with the Great Escape Theme Park for the Summer Rec trip on July 31, 2013, per the review and approval of the Town Attorney.

#### **RESOLUTION NO. 36**

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 Patricia Temple for accounting services in the amount not to exceed \$3,500, per review and approval of the Town Attorney.

#### **RESOLUTION NO. 37**

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 Water Report for the January 2013 billing, as submitted by the Director of Water

#### **RESOLUTION NO. 38**

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 of Halfmoon hereby permits temporary on-site storage of domestic sanitary effluent for the residences located on 2 Michael Drive and Lot 16 & 17 Alexandra Court for a period not to exceed forty five days from the adoption of this resolution, conditioned upon weekly pumping of the effluent; and it is further

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

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

WHEREAS, the applicant for the Swatling Falls Road Planned Development District has requested that the local law be amended to permit temporary on-site storage of domestic sanitary effluent for the properties located at 2 Michael Drive and 16 & 17 Alexandra Court, for a period not to exceed forty five days from the adoption of this resolution, with weekly pumping of effluent until such time as the flows have been accepted by the Saratoga County Sewer District #1; and

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

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

WHEREAS, the applicant is unable to hook into the Saratoga County Sewer District #1 based upon NYSEG not being available to energize the system due to

the impacts of Hurricane Sandy and the need to utilize their employees to address the devastating effects of that storm; and

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

RESOLVED, that the Town of Halfmoon hereby permits temporary on-site storage of domestic sanitary effluent for the residences located on 2 Michael Drive and 16 & 17 Alexandra Court for a period not to exceed forty five days from the adoption of this resolution, conditioned upon weekly pumping of the effluent; and it is further

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

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

#### **RESOLUTION NO. 39**

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 appoints Darrow Mansfield as Provisional Director of Planning, Grade 9, Step Base - \$50,755, contingent upon successful completion of any necessary pre-employment testing.

#### **RESOLUTION NO. 40**

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 accepts for Road Dedication, Ridgewood Drive, Rolling Hills Phase II as it has satisfied the standards set by the Town of Halfmoon Roadway Dedication Procedure, subject to the review and final approval of the Town Highway Superintendent of the road improvements and of the Town Attorney of the Deed descriptions, closing papers, title insurance, letters of credit and all related and required documents.

#### **RESOLUTION NO. 41**

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

#### **RESOLUTION**

**WHEREAS**, the Town of Halfmoon has reviewed the registration fees associated with the programs provided by the Town of Halfmoon through the Recreation Department; and

**WHEREAS**, the Town of Halfmoon has determined that the registration fees for said programs need to be updated to reflect the increase in costs associated with the processing of the applications together with the costs of providing the services offered through the various programs; and

**WHEREAS**, the Town of Halfmoon has determined that it is in the best interest in the Town of Halfmoon to update the registration fees for these programs;

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

1. That the registration fees for the full day program shall be increased ten dollars and shall now be \$150.00 for the first child enrolled in the program, \$130.00 for the second child enrolled in the program, \$110.00 for the third child enrolled in the program and \$100.00 for each additional child should the family be enrolling more than three children at the above rates.
2. That the registration fees for the tot program shall be increased ten dollars and shall now be \$110.00 for the Kindergarten program, \$75.00 for the four year old program, and \$65.00 for the three year old program.

**RESOLUTION NO. 42**

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

**RESOLVED**, authorizing the Town Board to let bids for Uniform Rental for the Town Highway employees and the Town Transfer Station employees for a three year period to be opened February 6, 2013.

**RESOLUTION NO. 43**

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

**WHEREAS**, the Town Highway Superintendent is ever cognizant of his duties and responsibilities with regards to maintaining the Town roads in the Town of Halfmoon; and

**WHEREAS**, Town Highway Department observed that a pothole had developed in the asphalt pavement on Woodin Road, just southeast of the intersection with Ponderosa Drive; and

**WHEREAS**, the Town Engineers made an initial site visit and observed sink holes in the embankment of Woodin Road, cracks in the walls and roof of the concrete culvert and potential loss of stream bottom material; and

**WHEREAS**, it appears that surface settlement in the roadway and embankment are caused by the loss of fine materials through cracks within the walls of the culvert. In addition, the natural stream bottom is degraded and there is undermining along the bottom of the culvert walls and floor slabs; and

**WHEREAS**, the Town Highway Department together with the Town engineers have determined through their investigation that repairs to the existing culvert would be much too extensive to be feasible and that retrofitting the existing culvert by placing a smaller diameter culvert would not be recommended due to the high volume of stream flows in that area for that option to be feasible; and

**WHEREAS**, the Town Engineers recommend a replacement of the culvert to address the current repairs necessary;

**Now HEREBY RESOLVED;**

1. That the Town Board of the Town of Halfmoon hereby approves the proposal for professional engineering services related to the development construction



documents, public bidding assistance and construction phase services and the not to exceed amount of \$50,000.

**Supervisor Wormuth** asked if Councilman Polak could you just do a brief explanation of what this project will entail?

**Councilman Polak:** We have a piping in the concrete structures on Woodin Road that is failing and has been failing. We need to get that replaced. The Clough Harbour fee is to start the engineering, get all of the bid documents, get everything in place for when the weather turns nice in the spring, we can have everything completed and start that project.

**Supervisor Wormuth:** and the money is in the Highway budget?

**Councilman Polak:** Yes

**Supervisor Wormuth:** Thank you very much

#### **RESOLUTION NO. 44**

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

#### **RESOLUTION**

**WHEREAS**, the Town Board of the Town of Halfmoon is cognizant of the Town Highway Superintendent's responsibility to maintain the roadways owned by the Town ; and

**WHEREAS**, the Town has consistently sought a cost effective way to insure that the Highway Superintendent has the necessary equipment to maintain the roadways; and

**WHEREAS**, First Niagara offers a tax-exempt, municipal lease/purchase program which provides for a low interest payment plan for the purchase of essential equipment; and

**WHEREAS**, First Niagara provides for the tax exempt, municipal lease/purchase program whereby the Town may utilize the available funds on an as needed basis with no penalty for prepayment of any upfront fees;

**WHEREAS**, the Highway Superintendent has advised the Town Board that he requires a 624k John Deere loader to continue to properly maintain the roadways of the Town of Halfmoon;

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

1. That the Town Supervisor may execute the documentation necessary to enter into the tax-exempt, municipal lease/purchase program with First Niagara leasing, Inc. in the amount of \$655,000 for a period of five years with an interest rate of 1.965%
2. That the Town Supervisor shall utilize \$141,948 of the funds to purchase a John Deere 624k loader per the request of the Highway Superintendent.
3. That the expenditure for the loader is and will be a proper charge to the Town of Halfmoon and will be paid for from the Town of Halfmoon general fund.
4. That this Resolution shall take effect immediately.

DATED: January 16, 2012

LYNDA BRYAN, TOWN CLERK  
TOWN OF HALFMOON

**Councilman Polak:** Overall, those costs are for other Highway equipment as well as a truck for the water department in that \$655,000 figure, it is not just this one piece.

**Supervisor Wormuth:** Thank you

**RESOLUTION NO. 45**

**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 authorizes the Supervisor to make the Transfer between Appropriations.

From Account	To Account	Amount	Reason
10-5-1330.10 Receiver of Taxes Personal Services	10-5-1330.40 Receiver of Taxes Contractual	\$5	Additional appropriations needed to cover expenses thru year 2012
10-5-3610.10 Code Enforcement Personal Services	10-5-3610.20 Code Enforcement Equipment	\$665	Additional appropriations within own budget to cover purchase of printer
10-5-5010.10 Supt of Highways Personal Services	10-5-5010.41 Supt of Highways Contractual-Sr. Van	\$850	Additional appropriations needed to cover expenses thru year 2012
10-5-5010.12 Supt of Highways Sr Van Personal Services	10-5-6772.41 Prog for Aging Senior Center Exp	\$15	Additional appropriations needed to cover expenses thru year 2012
10-5-5132.40 Garage Contractual	10-5-5182.40 Street Lighting Contractual	\$1200	Additional appropriations needed to cover expenses thru year 2012
30-5-8330.42 Purification Contractual- Chemicals	30-5-8320.41 Source of SP&P Contractual Electric	\$6800	Additional appropriations needed to cover expenses thru year 2012

From Account	To Account	Amount	Reason
30-5-8320.43 Source of SP&P Cont-Mtn	30-5-9010.80 Benefits State Retirement	\$240	Additional appropriations needed to cover retirement expenses

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

**Deanna Stephenson, 7 Cindy Lane:** I noticed that on the draft agenda there was a \$.25 increase on water for \$3.80 per thousand, is that not going to happen or what? It was taken off the agenda.

**Supervisor Wormuth:** It is listed as part of the water agreement, and it was also, I believe listed

**Attorney Murphy:** It is part of the budget process and there was a public hearing where it was discussed and it was actually covered by the media as well. The Board voted at that time to approve the resolution, so it was duplicative to have it on the agenda.

**Supervisor Wormuth:** The reason for the increase if anybody is curious is again, we are still in litigation with GE and having to purchase water from Troy, they increased our rates with them and we have the legal costs associated with that so that is the major reason for the increase in the water rates.

**Deanna Stephenson:** OK, and the second item, and I know Mr. Christopher brought this up before and I just want to ask, I am sure you look at this on a yearly basis, CHA as your engineering firm, do you do bids? How often do you do bids? Would it be appropriate at this point to go out, look at other engineering firms to see if there is any possibility of bringing a few forward and seeing if they can do if anything different? I mean, you know, it is always good to take a look and see what is out there.

**Supervisor Wormuth:** We certainly can do that. Typically it is done at the request of the Board. I can research when the last time was that it was done. Mr. Christopher commented on it at the last meeting, I did not realize that was what he was asking

**Deanna Stephenson:** No, I brought that away, it's my take away. I was wondering myself.

**Supervisor Wormuth:** I know that he had a concern about a specific employee there, but I didn't realize it was a request; I do not have that information available, but certainly it is at the Board's discretion just like we do with our health insurance, just like we do with our property and casualty insurance, so if the Board was inclined to do that, certainly we could put out an RFP for professional services and do that.

**Deanna Stephenson:** OK, thank you.

**Supervisor Wormuth:** You're welcome.

**Supervisor Wormuth:** Brenda if you would like to put it here on the dais. (Brenda has a donation box for display)

**Brenda LaMere, 124 Dunsback Road:** Good evening everyone. As many of us are aware, one of our fellow residents, your constituent, is being sued by a developer for \$2.5 million dollars. Whether you agree or disagree with this lawsuit, I am mad as hell as I believe that this could have been resolved with a meeting, a meeting that the Future Halfmoon has been asking for well over 4 months. You would be surprised at how many of us including you have the same concerns and ideas. You may even be surprised that many of us could have been good acquaintances instead of opponents. Instead of working together and learning that we all have a common concern and passion, now a friend, resident and constituent is under attack.

I remember when President Obama gathered a police officer and a professor to share a glass of beer, after a controversial publicized event. I believe the President had the right idea. The purpose of that meeting, was not just to make the public happy, it was for each person to see their opponent as a human being. A quote was made after that meeting and it said: "I have always believed that what brings us together is stronger than what pulls us apart." Although it may not be possible, I ask that the town please allow me to place this donation box in an area that can be monitored and be available to those who wish to donate to our neighbor, friend and constituent. Thank you.

**Supervisor Wormuth:** Brenda, just for clarification, what specific meeting are you talking about that you have requested

**Brenda LaMere:** I believe that Future Halfmoon, throughout the few months, we have been asking to have, you know, get together so we can discuss our concerns about the growth, the smart growth and you know, basically why we have formed. If there is somebody here that can help me in any way, but I believe that there are times that we asked if we could all sit around, sit and meet and talk about, you know there is the one time, the issue of the moratorium. Although it wasn't the request of a full moratorium, it was the purpose of sitting down, together and just discuss and we are here because we all have the same passion. I mean, we are not here because we have nothing else to do. I love this town and I hope to live here forever.

**Supervisor Wormuth:** I understand that originally, the request for a moratorium and then I think that it was expressed that it changed to set up a review committee to go over our zoning and we've done that, but I did not know that they were looking for a meeting

**Brenda LaMere:** Oh, so that zoning committee that I did take notes on because I realized that I wouldn't be able to apply for the other position that we talked about me traveling to much for work.

**Supervisor Wormuth:** I thought that there was a separate meeting that you were looking for between Mr. Reischert, the builder, the town and somehow I wasn't aware of. I don't think that I understood that as a request

**Brenda LaMere:** OK, so now I do see that there is, my notes are on the other page. So there is something going forward regarding the zoning. That includes the Future Halfmoon concerns regarding the growth and zoning and a step towards that.

**Supervisor Wormuth:** Yes

**Brenda LaMere:** Wonderful

**Supervisor Wormuth:** I just wanted to make sure we were not talking about two different meetings.

**Brenda LaMere:** No, you got me there, unless like somebody can explain, but I thought after several meetings, you know I thought I expressed that we could get together, talk and maybe it just an oversight on both sides, you know, maybe I misinterpreted it and I apologize if so, but I just really, like I said here, if we could all just talk and if there could have been some kind of a

**Supervisor Wormuth:** Certainly, this Board did not encourage, endorse, or in any way suggest that law suit and to my knowledge, no one knew about it before it even happened. I think that we were as surprised as Mr. Reischert was. But certainly it is a civil matter between the two of them and if there is anything as far as a conversation that both parties would like to have, I would be happy

**Brenda LaMere:** Oh no, I was just saying that I, maybe we could all learn from this. That when you see something getting to a point where it is going to get nasty, it's going to get bad and you know from and I do not really want to get into too much more but, it could get bad.

**Supervisor Wormuth:** Sure, and that is why we try to set some rules and some requests for civility at the meetings so it does not get out of hand here and provide a public forum for people to calmly express their opinions without it turning nasty, but whatever happens after outside of here, the Board really, I don't think has a lot of control over, unfortunately.

**Brenda LaMere:** OK

**Supervisor Wormuth:** I will check with our Legal Team about having the defense fund box there

**Brenda LaMere:** Sure, I will be responsible for it. I will pick it up every Friday and

**Supervisor Wormuth:** I will follow through with you. I do not know what the process is without it being

**Attorney Murphy:** I will

**Brenda LaMere:** At least you have to give me a shot for bringing it up here because you know, if I was in that position

**Attorney Murphy:** and I am not disagreeing with you as a human being, but as the Attorney from the Town, I have to say to the Town Board, I am always very cautious with regards to monies. First of all, we are not allowed as a Town to collect monies on behalf of a non 5013 and take donations for nonprofit organizations, not for profits, that type of thing. The Town gets in a very, very difficult position whenever they take in money. It would be like me taking in money or the Town Board, and giving it to you. Why didn't we give it to Sally or John or Sam? I will research it, but chances are, unfortunately,

**Brenda LaMere:** I kinda had a feeling about that, but as I said, I'd give it a shot, anything to help him out. Thank you.

**Joe Christopher, 96 Werner Road:** I do not want to belabor the issue, but I think that the last time that I was here; I asked a few questions, one that was unanswered.

I addressed a few issues at the last meeting that I would just like to revisit for a moment. First, I addressed an article in the Times Union that said despite not having an authorized sewer system for three months, Bruce Tanski was issued certificates of occupancy for Falcon Trace, and at the August 1<sup>st</sup> board meeting Lyn Murphy stated that the system was dedicated to the county when it was not. Mrs. Murphy corrected me last week by explaining that what she said at that August 1<sup>st</sup> meeting was that the county was "accepting flows" and that she never said the sewer had been dedicated. I didn't have the transcript in front of me because I didn't think there would be any question about it. Since then, I had an opportunity review those minutes. Just to clarify, at the preceding meeting, Deanna Stephenson asked if the Falcon Trace sewer system had been dedicated to the county. Mrs. Murphy's reply on August 1<sup>st</sup> was "It has definitely been switched over to Saratoga County Sewer District # 1." This sure sounds like an affirmative response.

I also pointed out a possible conflict of interest in which Kathy Marchione's son, Johnathan, is employed by Clough, Harbour, and associates. Mindy stated that currently he does not work on Halfmoon's projects, but she is not sure if he has in the past. Mindy also said that she wasn't sure if this would present a conflict of interest because of Johnathan's qualifications. She also pointed out that he is a Halfmoon resident. I personally believe these arguments are neither here nor there—Johnathan works for the town's engineers. They make decisions concerning building projects including Tanski's Anna's Place that is slated to be built directly across the street from my house. Johnathan is Kathy Marchione's son and campaign manager. Tanski is her largest campaign contributor and even led the pledge of allegiance at her swearing in ceremony. If that isn't a potential conflict of interest, I don't know what is.

This town is dependent upon revenue generated by perpetual growth to remain fiscally sound. Paradoxically, Halfmoon relies on new growth to pay for the old growth. The longer it goes on, the larger it gets. Town politicians fund their campaigns with donations made by builders, some of whom consider it a feather in their cap to circumvent the law and shirk their responsibilities to exploit the residents of this town. I do not think it's possible for the town's politicians to effectively represent the interests of both parties.

I'm not accusing anyone of anything, but mistakes have been made in the buildup of this town—exceptional mistakes. And residents, like me, are looking for answers as to how they were allowed to occur for so long. And our interests, I assure you, are nothing more than preventing these mistakes from occurring in the future.

**Supervisor Wormuth:** Joe, just to clarify the comments that I made at the last meeting, Mrs. Marchione is not at all employed by the Town or paid by the Town and was elected by a large number of constituents in the area to be the State Senator. So, I am not sure

**Joe Christopher:** That wasn't the conflict of interest that I pointed out.

**Supervisor Wormuth:** I guess I am not sure where the conflict of him representing her and being an elected official not here in the town, I am not sure what the conflict would be.

**Joe Christopher:** Well they have a mother-son relationship

**Supervisor Wormuth:** But she is not employed by the town and it took a lot more than those here to elect her to State Senator

**Joe Christopher:** Right, absolutely, and I am not saying there is a conflict of interest between Kathy Marchione and Tanski, here, let me restate it. What I said was

“Johnathan works for the town's engineers. They make decisions concerning building projects including Tanski's Anna's Place and others. Johnathan is Kathy Marchione's son and campaign manager. Tanski is her largest campaign contributor and even led the Pledge of Allegiance at her swearing in ceremony.”

So I find that that to me is a conflict of interest. You may disagree, but I think that there is a way in which I think has been proven that the town's ethical compass maybe doesn't always point in the right direction. Thank you.

**Supervisor Wormuth:** Thank you.

**Attorney Murphy:** Do you want me to respond to the allegations with regards to what I said?

**Joe Christopher:** Sure.

**Attorney Murphy:** Why don't you just repeat that statement, because I do not want you to have to keep coming up every month and asking for a response?

**Joe Christopher:** No, like I said, I did not want to belabor it, and there questions that went unanswered. I did not have the transcript in front of me. I do not want to beat a dead horse and waste your time.

**Attorney Murphy:** You are not wasting my time; I just want to answer your question.

**Joe Christopher:** OK, fair enough. At the last meeting, you said, I guess there was a question as to how exactly you responded to Deanna's question. What you said at the last meeting, is that, and I quote: “That the Saratoga County was accepting flows.”, that is what you said. And you said, that you never said that sewer had been dedicated and in fact, you said that you knew that it hadn't

**Attorney Murphy:** I didn't say that I knew that it hadn't, I said that I wouldn't know either way.

**Joe Christopher:** You wouldn't know either way. Alright, I am sorry. Like I said, I didn't have the transcript in front of me, and I looked at the transcript and actually what you said in response to Deanna's question which was whether or not the Falcon Trace Sewer System have been dedicated to the County, your response was; "It has definitely been switched over to Saratoga County Sewer District #1."

**Attorney Murphy:** Which is exactly correct, Saratoga County Sewer District was accepting the flows. As I said to you the last time, meaning that I did not say that it was dedicated, because I do not know if it dedicated or not. It is just a verbiage thing and I do not want you to walk away still confused

**Joe Christopher:** I do not think that I was confused. I think that we can deconstruct it all you want. I think at best that that response was perhaps purposely ambiguous, but thank you.

**Supervisor Wormuth:** Thank you.

**Doug Goglia, 19 Stage Run:** I just want to expound a little bit on the point that Joe is raising and see if I can clarify, and there are no aspersions being cast here because I don't know, but I think what Joe is saying is Ms. Marchione has 2 children who work for this town. One of them was in charge of the campaign for Ms. Marchione when she ran for Senate. If that is the case, is that right?

**Supervisor Wormuth:** No

**Doug Goglia:** One of the Marchione sons doesn't work for the engineering firm for the town?

**Supervisor Wormuth:** No he does not. He is employed by Clough Harbour who is the town engineer, but I don't believe he works directly on their projects and we don't pay him directly, nor have we ever.

**Doug Goglia:** Are you telling me that he has no involvement in any of Mr. Tanski's projects or the approvals?

**Supervisor Wormuth:** None that I am aware of and I have asked our engineers to go back and research if he has been the P.E. on any of those projects, and I am waiting the outcome, but I know that all of the projects that I have seen signed off, are not by him as a Town Engineer.

**Doug Goglia:** and again, no aspersions being cast, but I would think that to the extent that he served as the campaign manager for his mother, and Mr. Tanski was the largest donor, or one of the larger donors of that campaign, there would be a conflict of interest potentially to the extent that Mr. Marchione is involved in the town's business and he is passing off on applications made by Mr. Tanski. There is an apparent quid pro quo ie: a payment to the campaign in exchange for favorable treatment, and I would think that the town would like to avoid even the appearance of impropriety, again I don't know it to be happening, and I am not going to cast aspersions and say that there was a quid pro quo, but the appearance itself is something that I would think that the town would wish to avoid.

I think that is what Joe's point was.

**Supervisor Wormuth:** OK, just for further clarification, Mr. Hickok is who I think

**Deanna Stephenson** spoke from the audience

**Supervisor Wormuth:** She has a son who is employed here and a stepson, who is employed here, but Mr. Hickok who works for Clough Harbour is not, and Mrs. Marchione

**Attorney Murphy** clarified that Matt is her ex-husbands son and not Mrs. Marchione's.

**Supervisor Wormuth:** Michael works for the Highway department, Matt is not her son, but Mr. Hickok, is who works for Clough Harbour, and I guess I could see the conflict if Mrs. Marchione was employed here, but she is not and I do not know how the town can control what Clough Harbour's employees do on their own time. I think that it would be Clough's responsibility

**Doug Goglia:** They can't, but they can certainly to the extent that it appears bad, they could certainly require that that person recuse themselves from consideration from projects that are before him that involve that large donor of the political campaign of Mrs. Marchione.

**Supervisor Wormuth:** and that is why we said that we would look into whether or not that he has, and I do not have that information back, but to the best of my knowledge, he has not ever done approvals on Mr. Tanski's properties.

**Doug Goglia:** OK

**Supervisor Wormuth:** or any other developer here in town for that matter. I didn't take it specific down to a developer.

**Doug Goglia:** Shifting gears quickly, and I am not sure, I think that you might have answered this, but is the Board going to take a position with regard to the lawsuit that was referenced earlier in the discussions tonight?

**Attorney Murphy:** I am going to advise the Board not to comment on any civil litigation currently pending, that's not their purview.

**Doug Goglia:** Again, it strikes me and it concerns me very much, that as a resident of Halfmoon, I would fear that other residents are somewhat reluctant to get up and speak publically if they are going to be the target of civil litigation for repeating things that are put into the record

**Attorney Murphy:** This Board, I am sure would encourage anyone to express their opinion in any way that they feel comfortable, however you know as an attorney, this court has no purview in civil litigation between two private individuals and absolutely and no control over what suits are filed or aren't filed..

**Doug Goglia:** I understand that, again, my theory in what can be done to see that those who are exercising their public privilege and exercising their First Amendment rights to approach the Board and speak publicly and are not the subject of retaliatory lawsuits.

**Supervisor Wormuth:** The only thing that we can do is make sure that we provide a safe environment for people to speak here. People have called and filed anonymous complaints and we have looked into them, and would always continue to do that. We will always make sure that these meetings are held with appropriate decorum and appropriate respect for people and would ask people to leave the meeting if that wasn't happening. What happens outside of this meeting is unfortunately not something that I think we can control.

**Doug Goglia:** OK, thank you for your time.



There being no further business to discuss or resolve, on a motion by Councilman Polak and seconded by Councilman Wasielewski, the meeting was adjourned at 7:47 pm.

**Respectfully Submitted,**

**Lynda A. Bryan, Town Clerk**