

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

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

**PRESENTATION BY THE SHEN COALITION: EVAN WILLIAMSON, the coordinator was introduced by Supervisor Wormuth. Evan thanked everyone for being here this evening and gave the following Power Point Presentation:**



### Where do kids get alcohol?

- Parties: Half of Shen juniors and seniors get alcohol this way.
- Most parties are held in someone's home
- Parents usually are not home
- But sometimes parents are home
- Parties are small to minimize noise.
- 1 out of 4 drink at home with parental permission.

### Who we are

The mission of the Shenendehowa Community Coalition\* is to reduce and prevent risky behaviors among youth such as substance abuse, violence and problem gambling by developing community partnerships that utilize accurate data and implement proven strategies.

- Established in 2006
- Volunteer based
- Highly organized
- Dedicated

\*Covering the area served by the Shenendehowa School District

### Consequences

- Alcohol poisoning: A quarter of Shen juniors and seniors report having symptoms after an episode of drinking.
- 1 out of 6 were in a sexual situation they later regretted.
- 1 out of 6 rode with a driver who was drunk.

### Binge Drinking

- Defined as having 5 or more drinks in a row.
- Over a quarter of Shen juniors and seniors reported binge drinking in the two weeks prior to taking the survey (November 2011).
- National average: 15% for 10<sup>th</sup> grade, 22% for 12<sup>th</sup> grade.

### What can we do?

- Decrease underage social access (where kids are getting it).
- Shift Parent and family norms (opinions regarding the subject of underage drinking).
- Collaborate with community partners to increase enforcement and awareness.

**Supervisor Wormuth** asked if there were any questions this evening for the coalition.

**Councilman Wasielewski** stated that he did not have any questions, but wanted to thank him for all of the work that they are doing.

**Evan Williamson** thanked him very much

**Supervisor Wormuth** also thanked Mr. Williamson

**PUBLIC HEARING- LOCAL LAW FOR DUPLEXES**

**Madam Clerk read the Public Hearing Notice:**

**NOTICE OF PUBLIC HEARING  
TOWN OF HALFMOON  
LAW NO. 3 OF THE YEAR 2012**

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Halfmoon at Halfmoon Town Hall, 2 Halfmoon Town Plaza, on the 5<sup>th</sup> day of September, 2012 at 7:00 or as soon thereafter as the matter can be heard to discuss the proposed amendments to the Local Law which amends Section 165-9(A)(3) and Section 165-9(B) regarding A-R Agriculture-Residence District, Section 165-10(A)(3) and Section 165-10(B) R-1 Residence District, Section 165-11(A) and Section 165-11(B) R-2 Residence District, Section 165-12(A) and Section 165-12(B) R-3 Residence District, and Section 165-13(A) and 165-13(C) Professional Office/Residence District. The purpose for this amendment to the local law is to remove two family dwellings as a permitted use in the zones detailed above and mandate that they be subject to a special use proceeding.

PLEASE TAKE FURTHER NOTICE that at such public hearing any and all interested persons will be heard.  
Dated: August 20, 2012

Lynda A. Bryan  
Town Clerk, Town of Halfmoon

**Supervisor Wormuth;** I will ask the Town Attorney to spend a few minutes talking in laymen's terms to all of us about what exactly this Local Law will do and how it will impact how we move forward with duplexes being proposed in the community.

**Public Hearing was opened at 7:12 pm.**

**Attorney Murphy;** The Clerk already read what the legal aspect of the changes of the Local Law will do. We call them two family dwellings but they are commonly referred to as duplexes. Right now if you're in our residential zones, agricultural-residential or our professional office residents district, as long as your lot is large enough, you can put a two family dwelling or duplex on it. You do not have to go through any special process in order to have that approved. Once there is a subdivision that makes your property large enough, or if your property as it exists, is large enough, you just go get a Building Permit for a duplex. It does not go before a board with Public Hearing etc.

This process will change it so that the Planning Board would conduct a Public Hearing under our special use zoning in order for two family dwellings to be

permitted. That again opens it up to a Public Hearing. It also allows the Planning Board to have much more control over whether or not they allow or disallow a duplex. As it sits right now, as long as the lot is large enough, they do not have the legal recourse in saying, no we don't think that duplexes are appropriate in that specific zone. This change will allow them to weigh traffic, pedestrian access, the effects on the value of the property, the surrounding area and what it contains and what the surrounding zones contain. Again, it opens it up to the public for comment with regards to how they feel about having a two family dwelling next door.

**Supervisor Wormuth;** The next thing that I would like to point out before we start taking comments from the public is that this is proposed language and the language is subject to change and can be adjusted based on comments that we receive here this evening, and the comments and opinions from the board. This is the starting point for us. We have heard from our Planning Board for a relatively long time, and that this is something that they would like to see us take a look at as well as having heard from the public. In the recent history that it is something that they would like to see the board look at. That is how we got to where we are today.

**Deanna Stephenson,** 7 Cindy Lane; Just some questions as I was sitting in at the pre-meeting, Lyn, I didn't hear you when you came back, if you came back with any information, let's go back to the grandfathered piece. Anything that was on the table at this point and this legislation goes through, is that still on the table?

**Attorney Murphy;** It is.

**Deanna Stephenson;** It is, and Anna's Place at this point, you were going to go check on that

**Attorney Murphy;** I did not find any written confirmation that it has been removed

**Deanna Stephenson;** that would be considered then, if the legislation goes through, on the table as is

**Attorney Murphy;** Correct

**Deanna Stephenson;** correct, OK, now, just another question, and this is going to be my comment just for the record. In looking at other towns, when you talk about a special use, every town looks at it a little different in how they decipher it. Can you look at different zones, maybe like in R-1, R-2, and R-3, when you get to a different level of a residential, then you look at perhaps duplexes. In Saratoga County, within the city limits, they go as far as an R-4 looking at duplexes.

**Attorney Murphy;** we go R-1 through R-3 AR, but there are zones that do not allow duplexes even with special use, that already exists.

**Deanna Stephenson;** alright, and so all I would say at this point, just for the record, is that for special use, can we have more of a definition, more teeth is what I am looking for, special use.

**Attorney Murphy;** The Local Law for special use right now gives the Planning Board complete discretion to deny based on

**Deanna Stephenson;** and it has a list

**Attorney Murphy;** it has a list

**Deanna Stephenson;** complete listing

**Attorney Murphy;** it does, and it also refers back to the original charter of the Planning Board, which again, is a complete listing of...I would love to hear your suggestions as to what could be added to make it better

**Deanna Stephenson;** OK, we can go from there then

**Attorney Murphy;** Do you have any?

**Deanna Stephenson;** I think that I want to sit down and think it through

**Attorney Murphy;** I am sorry, I thought that you had a list

**Deanna Stephenson;** I just want to see teeth to this as it is spelled out. When you read it, it doesn't sound like it has a lot of substance if everybody goes, and I do not think that everybody's educated on when they look at special use, so that there is a whole listing of it. We looked at these different proposals as they came through, that's when special use came up. So all I am saying is that it just makes it a lot easier when you put that all in there.

**Attorney Murphy;** I am sorry. You mentioned Saratoga Springs, so I thought that you had specific

**Deanna Stephenson;** No, I was just looking at theirs and they go to R-4 and within the city limits and they just specify that.

**Attorney Murphy;** we do that

**Deanna Stephenson;** alright, OK

**Bruce Reichert;** 18 Willowbrook Terrace; Well, I just figured this out tonight, like this is happening; don't know exactly how to digest this and how we really want to approach this. Is this like a document or a law that could be changed in the future and it's evolving, or is it tonight and it's it? I mean there is a lot of stuff that we have to think about.

**Supervisor Wormuth;** There is a proposal before the board this evening. This Public Hearing was scheduled a month ago, and yes, of course, at any point the board can schedule a different Public Hearing to change a law, but the board is not bound by anything this evening to act on what is presented here tonight. The board will have the option to keep the Public Hearing open for comment for a period of time, to close the Public Hearing this evening, to vote on the Public Hearing and the proposed legislation this evening, or to hold the vote off for a future meeting to allow themselves time to digest information and or make adjustments based on information that we heard tonight and bring it back before the public again in a different format.

**Bruce Reichert;** OK

**Supervisor Wormuth;** that is the choices

**Attorney Murphy;** Just for clarification, they can't schedule a Public Hearing unless there is a proposed language that they can give everyone notice for. The whole purpose for the Public Hearing is to hear from people to say we want these changes, or we don't want these changes, which is why

**Bruce Reichert;** ok, thank you

**Steve Watts, Planning Board Chairman;** The Planning Board has regularly reviewed applications that come in, and let me give a couple examples that might give a little history so people can see where we are. The Planning Board, I can say unanimously felt that there was a need for revision in the issuance of permits or ways for duplexes just to be approved. Something might come before the Planning Board in an 8 lot sub-division, and within that there was a spot that was large enough square footage wise, water, sewer, that could put in a 7 single family homes and 1 duplex. We had one of those, and we tried to work with the applicant pointing out some issues that we had relative to changing the character of the neighborhood, or the people right nearby might not be that happy. Well, basically they said, "This is permitted, we can do it." We had more than one circumstance of that where people would come in.

Also, the way it stands now, if you owned a lot of sufficient size, you would not even have to come before the Planning Board, you would just come in for a Building Permit. Our Code people would be required to issue a Building Permit, there is nothing that you can do, you just have to approve it, just like you have to approve a single family house on an appropriate size lot and proper placement of it. We have found in a few of those circumstances, more than one certainly, where the neighbors were not pleased that a duplex was placed next to single family homes. So the people said...and we said "We can't do anything about it." We talked about it a number of times; we talked with the Town Board Members about it, pointed out that the Planning Board felt that we really needed some control over the duplexes. Now, there may be places where they may be wonderful and where they fit. Somebody could have a nice large lot that's very private and they want to put a duplex up on it, that's fine. If you look over on Woodin Road, there is a series of duplex homes that are very well maintained, very nice homes, and that's fine, they work. If somebody puts three of them there on an empty lot and somebody wanted to put in a fourth that works. I can't say in all cases how you would rule because as Lyn Murphy points out, we have a number of things to look at. Traffic in one area may be different than the traffic in another area. One road may be able to handle traffic. One area might be appropriate while in another place, obviously, one duplex isn't going to change the traffic pattern in any particular road. You have got large accumulations, large number of duplexes, that could affect traffic, an apartment complex could or residential single family homes. We look in every one of those cases at traffic, at safety issues, character of the neighborhood and try to do our best at the Planning Board to do it.

I am not sure of all of the specifics that might come out, that are a decision of the Town Board, we would like to have the Planning Board have some control, some say, some input, and as Lyn and Supervisor Wormuth pointed out, would be after a Public Hearing, which we do in many of our cases. The Planning Board, you may or may not be aware, sometimes we have informational meetings which we are required to have, but we do have them and get input from the public, so we can make a decision as your Town Planning Board.

I would say our Planning Board is in support of a change to our Local Laws to permit via a special use permit, which gives us a good chance to review things- duplexes. Thank you.

**Linda Daley**, 974 Hudson River Road; I have a question about the need for a Public Hearing for every duplex that goes up in the town. I have a concern about, obviously the use of town resources to have a Public Hearing every time someone has a need to set up a duplex. The other question that I have is that I have a fair amount of land here and to have a Public Hearing to say whether or not I can put a duplex on my 20 acres doesn't make a lot of sense because I own the house next door and I am the neighbors. So, I am just curious as to how the Public Hearing piece of it comes into play.

**Attorney Murphy:** Basically it is going to be a balancing act. It allows the Planning Board to have the tools to regulate in areas where they are not appropriate, but in your area they may very well be appropriate. The town understands that it is going to be an added increased expense, but based on future planning needs, the proposal is for them to incur that expense just to make sure that there are some controls for this type of development. They are not in any shape, manner or form saying that they are not going to permit it, it's just a matter of having more controls and not having it as a right. As the Chairman was saying that right now you could go directly to the Building Department and there would be no way given the current traffic flows, or any of the other factors that will be able to be looked at

**Linda Daley:** But couldn't you go before the Planning Board without having a Public Hearing is the question that I have?

**Attorney Murphy:** There really isn't

**Supervisor Wormuth:** not under the current code

**Attorney Murphy:** Not under the current proposal

**Linda Daley:** OK

**Bruce Tanski:** Clifton Park; I basically support what everybody is trying to do. I just hope that we can put some kind of a mechanism in the Town Board and the Planning Board, because Mr. Watts and I had a situation where we had a Veteran coming home from the war who lost both of his legs and we went round and round and with Mr. Watt's help, we got it situated where we could put like an in-law apartment downstairs in a single family home over at Fairway Meadows. I kind of agree with what this lady said, to have a Public Hearing for every single situation might be a deterrent rather than an advantage. I hope that there is some type of a mechanism that could be put in place where the Planning Board can make a decision that as to whether there should be a Public Hearing. I do not think that there is anybody in this room that would not want to see a Veteran come back from a war who is missing limbs, and who can't find a place to live. So, there are going to be extenuating circumstances, and I hope that there will be some mechanism put in place for either the Planning Board or the Town Board to make these decisions without going to a Public Hearing for every single instance. Granted if somebody is going to put in 8, 10, or 12 units, that is a different story. I think there needs to be a mechanism in place to protect everybody. In this situation, it took us a long time to come to an agreement where we could put in this apartment, so that this guy could be self-sufficient. We had to put wider sidewalks in, make it handicapped accessible. That is what we did in Fairway Meadows and the gentleman is still living there and they are very happy with it. Thank you.

**Bob Radliff**, 110 Warner Road; I agree with Steve as well. We definitely need oversight for duplex construction. The Planning Board should have a say. There is no reason with issues like traffic, density, inappropriate building rental properties in an R-1 zone. That is a no brainer. It should be part of the process and it hasn't been. I think it is a great thing, that moving forward, it is and it should be.

**John Higgins**, Cary Road; I have been a member of the Planning Board for a number of years. Steve brought out a number of good points that were very appropriate for the problem that we are seeing here. One of the frustrations that all of the members of the Planning Board have seen is when we have a Public Hearing, the neighbors, obviously are upset about it, the neighbors, obviously feel it does not fit into the neighborhood. It's going to affect what the property values are. They get upset with us thinking that we can control it. As Steve mentioned, if the site meets the requirements, we cannot say no. If we say no then we are subject to legal action against the Planning Board and we just can't do that. So by opening it up to a special use permit, it gives us the opportunity to be able to control what's happening in specific neighborhoods, and as Steve mentioned, some neighborhoods it's going to be a perfect fit, while other neighborhoods, it may not be a fit; traffic, different esthetics reasons.

By opening it up, it gives us a lot more control over it. It gives us the opportunity to be able to look at a bunch of other considerations before we make a decision. As far as the Public Hearing, I realize that a Public Hearing does represent a cost to either the applicant or the Town, however I for one when I am sitting up there, I like to listen to what the neighbors have to say, because a lot of times, we are not familiar with what the specific neighborhood has in the way of problems or site conditions. With the neighbors coming up and telling us exactly what's involved, it gives us another whole insight. We usually try and make an attempt to go out and look at the site, but obviously driving by or walking the site is one thing, but talking to a neighbor that's living there for a number of years can open our eyes and give us another whole insight into what is particular to that one site.

So there are disadvantages to the Public Hearing, but I for one personally think the Public Hearing is a good avenue for the Planning Board members and the Town Board members to get a full insight of what's going on with a particular site. Thank you.



**Brenda LaMere**, 124 Dunsbach Road: Once again, I did not plan on speaking tonight because I was not even sure what this was going to cover. Of course, I am the type of person that I will believe a murderer on a witness stand, but I do understand both sides to this. I could see someone who has 20 acres, who may want to build a duplex for their family members, being afraid that “Oh, no, if I am not friends with the other people, I may get denied and see the fear there.” But, at the same time, the need, it’s out of control. Did the town ever consider increasing the lot size requirements for a duplex?

**Attorney Murphy**: Again, this is just a proposal based on the input from the Town Board and the Planning Board, so they are here to hear what your concerns are

**Supervisor Wormuth**: You could make that suggestion. Any of the suggestions we hear this evening, like are there certain areas that it should just be allowed to continue, by a right? Are there certain areas where it should be done by lot size? I think one of the things that Deanna brought up was that are there certain areas where you could say, “No not here, but yes here” and there is the option of “Well anywhere it is a special use permit”. So all those things are still on the table and that what we are trying to develop tonight is something that will work.

**Brenda LaMere**, OK, I am not sure where I stand on this, but I do agree that something does need to be done and some more oversight on the units and rental units. Thank you.

**Deanna Stephenson**: Just a question. Did the rest of the Board see the information before tonight or is the first time the Councilmen are seeing it?

**Attorney Murphy**: They had the proposed legislation previously. They received a summary of the changes two days ago, but they had the actual proposed legislation previously.

**Supervisor Wormuth**: and I know that both the Attorney and myself have answered questions for various council people as they asked them

**Deanna Stephenson**: OK, I just wanted to make sure. Thanks.

**Supervisor Wormuth**: the legislation is also available in the Clerk’s Office from the time that the Public Hearing Notice was published.

**Steve Watts**: Sorry to speak twice, but I wanted to make one clarification. As we all know the cost of government is a primary concern to everybody including our Town Board, our Planning Board, everybody. A cost of a Public Hearing for the Town is negligible because the room is here, we have 3, 4, 5 Public Hearings in any given evening. Many of you who come to our meetings see the process of the Public Hearing. There really is no cost. The only cost might occur would be when we make a determination as to the notification boundaries for the Public Hearing, then the applicant would pay for mailing the letters. Typing the notices and doing those things that are done by people in the office. I really don’t see where one, there would be that many of them, and number two, if there was one, we are already here. So if you had three Public Hearings, OK and if you had a fourth one, there is no additional cost. I just wanted to clarify that cost perspective-negligible. Maybe a bunch of notices go out, but then again you want to make sure the public has a chance and you have seen where we have sent notices that go beyond just contiguous homes like the Town Board does in their notification process. Cost wise, I do not think it’s a factor at all.

**Hannah Christopher**, 96 Werner Road: I was just wondering, does the special use language address the builders intent to sell or rent the property?

**Attorney Murphy:** It's a taking for us to say this is what you can do with your home and what you can't do with your home unless we did a town wide law that prohibited rentals, which I assume some of this Board isn't interested in, or a town wide law that prohibited a certain amount of unrelated people living together. It becomes complicated with regards to; can you do some regulation-yes. Can you do an owner occupied versus rental-no?

**Hannah Christopher,** Even with a large number in a large development of duplexes?

**Attorney Murphy:** Based on a special use permit, in theory the Planning Board can take that into account just because of the traffic flows, etc., but it's a very, very fine line because to say that because you are a renter, you don't have the same rights as an owner, is unconstitutional.

**Hannah Christopher,** OK, no I understand that. It's just that the permanent resident factor, just going for that, alright.

**Attorney Murphy:** That is very difficult, legally.

**Supervisor Wormuth:** One of the other things that we have had brought to the Board's attention relative to this change, is that well it may not be a specific cost for a Public Hearing, some of the landowners have felt that it will affect the, or could have the potential to affect the value of their property because they won't be able to sub-divide it the way they used to. Not that I am advocating that we not do anything because I certainly think that we do need to, but that has been a concern that is brought forth before. If someone was selling their property, they would know that they could sell it, so many homes could be put up and that is what it was. Now it will take another step and a use permit, and some people have a feeling that it could affect the value of their homes. So while there is no direct cost with adding a Public Hearing, it's been one of the things that the Board has been questioned on.

**Fred Barr,** 29 Willowbrook Terrace: I think from what I understand, I think it is a great step, a step in the right direction. I work hard to pay down my debt, have a nice house, and I think that we have enough duplexes as it is. We have enough apartments. I think it is great that the Board is concerned about those that are living in the area right now, as opposed to those that might buy into the area in the future. I think that we will have enough revenue with Global Foundries coming in, that will be an issue. I think it is a great step in the right direction.

**MaryAnn Geleta,** 128 Dunsbach Road: I agree, I think it is great idea just because I do feel that the town is getting so saturated. I think it is a great extra step because it is nice to hear the neighbor's point of view when these things come up. I know like you were just explaining that maybe people won't be able to sell their property the way that they used to when divided up, but things are changing and getting a lot denser and they do squeeze a lot of duplexes in. So I am definitely in favor of it and I am not a fan of duplexes, only because they do butt up against our woods. People, I don't think that they own them; they throw all of their garbage in our woods and stuff, so I am coming from a different standpoint from where other people would come from. So I do think it is a good step to take, so I am in favor of it. Thanks.

**Councilman Polak:** I would like to thank the Planning Board for their patience and for their offering the change in our law. Secondly, not only do we have a great Planning Board that are great planners, but they are also great listeners. This will give them another opportunity for the public input and I think the cost of the Public Hearing, whether it be the Town or the developer or the individual, is minuscule as to what we are going to get out of it in the end. I know that the Planning Board will make great decisions, they have in the past, I believe that they will continue to do

that. I would like to not move on this tonight, but to give the Board members the time to digest it. Being involved in the planning, I knew the rules and regulations and had copies of them, but to give the other members of the board a chance to look at them, review them, and possibly our Attorney will take these comments, take the Board's comments and do a summary of what the new law is proposed to be, so that not only the residents but the Board could have a look at it before we bring it back to the table and move forward with it.

**Supervisor Wormuth:** I am hoping that with the rest of the Board's comments, they can give the Attorney some direction as to specifics that they would like to see included or excluded from the way the law is presented now, otherwise

**Councilman Polak:** I would like them to think about it and forward something in the next few days, think about what they want out into the law.

**Attorney Murphy:** I would just say as your legal advisor, I am more than happy to have presented to the Board a summary; however, to present it to the public creates legal issues. We could have planning put together the changes to provide to the public but, as the Attorney, that wouldn't be appropriate because it could be construed as me giving them legal advice as to what the law does, and I am not allowed to do that.

**Councilman Polak:** Fine

**Councilman Hotaling:** I definitely think it is a step in the right direction. One thing that I am a little concerned about is a lot of these people that have the land that they need to sell, and that have been here a long time, just restricting them from the sale of their land is a concern to me. I think that we have a lot of good input from the Town Board and the Planning Board and the people that showed up tonight.

**Councilman Wasielewski:** Like Councilman Polak, I would like to thank the members of the Planning Board, Mr. Watts, the years of experience amongst all of you, I think that we are very fortunate to have each one of you as members and I truly value what your opinions are on this matter and all of the work that you have put into it. I would like to thank the public for your input tonight. I got this legislation a couple of days ago and digesting it and it seems to be making a lot of sense on the surface to me. I would also like to thank Mr. Tanski for helping out that wounded veteran that means a lot to all of us.

I am not so sure that I agree about the matter of not having current landowners being able to sell their land because they cannot put duplexes there. I am not sure that I agree with that argument.

Mrs. Murphy, you had mentioned before about limiting the number of non-related members per duplex.

**Attorney Murphy:** That wouldn't be per duplex, you couldn't do it per type of housing unit, it would be a general rule like the City of Albany has a no more than three non-related people living in a house at a time. Their legislative intent was for fraternity houses, lessen that type of burden. But other communities have done it for other reasons and it something that you can do, but that does have a direct effect especially with the extended communities of today, it takes a village so to speak. There some reasons not do that, but it is something to consider, but it wouldn't be specifically for duplexes, it would be town wide.

**Councilman Wasielewski:** It's an issue but not this issue.

**Attorney Murphy:** Correct, it would be a separate one, we can do it, but it would be a separate one.

**Councilman Wasielewski:** OK, that is all that I have thanks.

**Councilman Hayner:** I would just like to say that this is a very productive meeting. Thank the members of the Planning Board and the public for their great input, and Attorney Lyn Murphy as well for helping us digest this. I would like some more time to digest this. Again, I have only had it for a couple of days and I think that there is some good points that maybe we need to get into a little bit more details before I feel comfortable moving forward and planning to vote on that. Thank you.

**Councilman Hotaling:** Madam Supervisor, I would like to clarify the comment that I made. I just do not want to forget about the people that already lived here, whether it is duplexes, houses, whatever. I just want to be careful on balancing the whole thing out so that we are not restricting one side of the fence.

**Supervisor Wormuth:** So I understand from hearing you that the Board does not want to act on this this evening. Would you like me to close the Public Hearing and bring it back before the Board at a future time?

**Councilman Wasielewski:** Can we know when that future time might be? I would rather do it in the nearer future than in the distant future.

**Supervisor Wormuth:** It is the Board's pleasure to pick that

**Councilman Wasielewski:** I would like to make a motion to have it at the next regularly scheduled Board meeting on September 19<sup>th</sup>.

## **RESOLUTION NO. 189**

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

**RESOLVED**, that the Town Board closes the Public Hearing at 7:48 pm and to have the Board bring this issue back before the Board on September 19<sup>th</sup> at 7:00 pm or as soon thereafter as the agenda allows for future discussion.

**Doug Voglia**, 19 Stage Run; Started to speak from the audience and was not recorded. He was stating that the date of September 19<sup>th</sup> might have a conflict to himself and possibly other residents.

**Attorney Murphy:** The only comment that I would have for the Board, is that you have closed the Public Hearing, so although I understand absolutely people's desire to be there, they don't have an opportunity to comment at that meeting. I would caution you in that the longer you leave this matter open, the more applications that could come in that might not meet what you are trying to attempt. So it is this Board's decision.

**Councilman Wasielewski:** Hence my desire to have it at the next Board meeting and not any latter.

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

**Councilman Polak:** Yes, I have a couple of Highway Department comments. John, you and your staff over there for the culvert replacement on Staniak Road, I want to thank you for the excellent job and the time frame it was done on. Luckily we didn't see any of Issac, but we could have, and if he did decide to come north, that road

was ready for it so thanks to you and your staff and for everybody involved in that project.

**Fall Cleanup** is here already. September 11, 14, 15, 18, 21, and 22<sup>nd</sup>. The only addition to the regular ours is on Saturday they will be open until 3:00pm during the two Saturday weekends.

**Hazardous Waste Day** is Saturday September 8<sup>th</sup> from 8-4 at the Ray Road Clifton Park Transfer Station and the forms needed to be in by this afternoon and hopefully everybody who wanted to participate has filed their application.

**Councilman Wasielewski:** In honor of the 11<sup>th</sup> Anniversary of the terrorist attacks on September 11<sup>th</sup>, the Town will be having a Memorial Service this Sunday evening 6:00 pm at the Gazebo in the Abele Park by the flagpoles. We will not forget the 2,996 who died that day or the over 6,000 people who were injured. We will have local Emergency Service Volunteer's there along with a brief ceremony. Please attend if you can. Thanks.

**Councilman Hayner:** I just have a couple announcements the next Town of Halfmoon Ethics Committee Meeting will be held on September 20<sup>th</sup>. It is always the third Thursday of the month, and is open to the public. Also on September 17<sup>th</sup>, that is a Monday night at 7:00 pm is the next meeting of the Halfmoon Trails Committee Meeting. Thank you.

**Supervisor Wormuth:** I just have a few announcements this evening. I am sure as most of you are aware; there are closures on the Twin Bridges for repairs. We do have the information from the State on that posted on our website. So we do invite you, if you do travel the Northway to visit that in order to be aware of it.

Also on Monday September 10<sup>th</sup> at 10:00 am we will be having a groundbreaking ceremony in conjunction with the New York State Canal Corporation for the restoration of the McDonald Creek Culvert & Weir. This is a historical piece of our town that exists and we are very happy that we are able to obtain grants in order to preserve this. Our Parks Department has done a phenomenal job in clearing the area in order to allow visual access to this historical site. As we repair it, it will ensure that it remains for generations to come. We do invite you to join us. Parking I available at the Water Treatment Plant on 8 Brookwood Road. It is a hike, almost a mile into the site. We will have limited shuttle service available for anyone who can't make the walk. We do encourage people to wear your walking shoes and to be prepared to walk down the trail and enjoy the trail as you make your way to this historical site.

The other exciting news that we have is the replica of the Lois McClure ship will be making its way up the canal for a 6 week tour on a waterway journey, and Halfmoon has been chosen as one of the stops. That will be September 25<sup>th</sup>. The boat will be docked here in Halfmoon down on Terminal Road. It will be opened to the public, it will be free. We have passed the information along to the local school districts and Nursery schools, as well as posted it on our website. We hope that the children will be able to come out and see it and we certainly invite you to come out and join us as we get a peek back in history.

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

#### **DEPARTMENT REPORTS – month of August**

##### **1. Senior Express Dispatch**

**Total # of Riders – 237    Total # Meals - 368**

##### **2.        Town Justice Tollisen**

**Total # Cases – 302    Total Fees Submitted to Supervisor -\$29,025.00**

**3. Town Justice Wormuth**

**Total # Cases – 547 Total Fees Submitted to Supervisor -\$26,015.00**

**4. Town Clerk**

**Total Fees Submitted to Supervisor: \$6,308.06**

**CORRESPONDENCE**

1. **Received** from the Town Planning Board Resolutions approving the following: Change of Tenant for Spiritual Path at JS Watkins Plaza, 1675 Route 9; Change of Tenant for Prestige Kitchen at JS Watkins Plaza, 1675 Route 9; Change of Tenant for Ann McDowell, Clinical Therapist, 1471 Route 9; Change of Tenant for and Sign for Recognize, LLC, 1595 Route 9; Commercial Site Plan for the Proposed Rock's Precision Automotive, 190 Route 146; Site Plan modifications for Westbrook Subdivision, Lots #3,7, and 11 Wesley Court; Lot Line Adjustments for Westbrook Subdivision, Lots #7 and 17 Wesley Court.

***Received & Filed***

2. **Received** a letter from the State of New York, DOT, to Mr. John Pingelski, Highway Superintendent stating that major construction will begin Friday, September the on the Twin Bridges. Closing northbound traffic on weekends with a crossover lane in the southbound traffic

***Received, Filed, Print & available on the website***

3. **Received** a letter from Christina M. Barber, a concerned resident urging the town to impose a moratorium on development.

***Received & Filed***

4. **Received** from Roosevelt & Cross Inc., the Town of Halfmoon's Moody's rating which remains at Aa2, and by Moody's definition means the Town's "bond obligations are judged to be of high quality and subject to very low credit risk."

***Received & Filed***

5. **Received** from Lansing Engineering, PC, a letter withdrawing their application for the proposed Outlook Ridge of Halfmoon PDD.

***Received & Filed***

6. **Received** from West Crescent Fire District, a copy of their Financial Report for the year ending 12/31/2011.

***Received & Filed & available in the Finance Office***

7. **Received** from Sportsplex of Halfmoon, Inc., 6 Corporate Drive, notification of their intent to apply for a Beer and Wine License.

***Received & Filed***

8. **Received** a letter from Justin Stephenson, 81 Upper Newtown Road, a concerned resident urging the Town to impose a moratorium on development.

***Received, Filed & Copy to the Board***

9. **Received** a letter from William and Sharon Craigle, 65 Stone Crest Drive, concerned residents living in the Estates of Halfmoon about the possible changing of the postal designation from Mechanicville to Clifton Park.

***Received, Filed, Copy to Planning***

10. **Received** an inquiry through the Town's website from Tina Dawson asking if there are any plans for the Town to operate a dog park and if the Woodin Road Baseball Fields could be used as a park for dogs.

***Received, Filed & Copy to Board***

**11. Received** from The Association of Towns of the State of New York, notification of membership information for 2013.

***Received & Filed***

**12. Received** from Steve Aschauer, a request for a speed limit study for Stone Quarry Road from Crescent Road to State Route 9, which is currently at 40 mph.

***Received, Filed, Print & Forward to County DOT***

#### **OLD BUSINESS**

**1. Resolution** to award bid, opened August 24<sup>th</sup> for Halfmoon Justice Court Roof Replacement to low bidder, Mid-State Industries, Ltd, 1105 Catalyn Street, Schenectady, in the amount of \$218,811 and further Resolution to include up to 10% (\$21,800) additional for the replacement of deteriorated roof decking and fascia that will require field verification to determine actual quantities and require that use of these funds will be subject to review and approval by a committee comprised of representatives of the Town and a representative of Clough, Harbour and Associates, for a total award not to exceed \$240,611, per the recommendation of Clough, Harbour & Associates.

#### **RESOLUTION NO. 190**

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 awards bid, opened August 24<sup>th</sup> for Halfmoon Justice Court Roof Replacement to low bidder, Mid-State Industries, Ltd, 1105 Catalyn Street, Schenectady, in the amount of \$218,811 and to include up to 10% (\$21,800) additional for the replacement of deteriorated roof decking and fascia that will require field verification to determine actual quantities and require that use of these funds will be subject to review and approval by a committee comprised of representatives of the Town and a representative of Clough, Harbour and Associates, for a total award not to exceed \$240,611, per the recommendation of Clough, Harbour & Associates.

**Councilman Polak** thanked Frank Tironi for all of his help on getting the bids out and for Clough Harbour and the work that they did. We had actually had five of the top roofing companies in the area had bid on this. The low bid was \$218,000 and the high bid was \$312,000, so it was quite a bit of a savings there, almost \$100,000. So Frank, thanks for your help on that.

#### **NEW BUSINESS**

#### **RESOLUTION NO. 191**

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 approves and order paid all vouchers for all funds listed on Abstract dated, September 5, 2012 totaling \$312,787.18.

#### **RESOLUTION NO. 192**

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 the minutes of Town Board meeting of, August 15, 2012 as presented.

#### **RESOLUTION NO. 193**

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 Town Board to enter into a Order and Settlement Agreement with Wal-Mart Real Estate Business Trust, SBL #278.-2-56.1 the 2011 proceeding being discontinued and the 2012 assessment is being reduced to \$8,250,000 (fmv \$13,306,451) and is frozen through 2015, and authorize Attorney Cathy L. Drobney to execute settlement.

#### **RESOLUTION NO. 194**

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 amends resolution #2012-55, for the Bollam, Sheedy, Torani & Co., LLP, CPA's annual audit and consulting services to the Town to include \$2,000 for a Single Audit for Federal Financial Assistance Programs.

**Supervisor Wormuth:** The single Audit for the Federal Financial Assistance audit is required based on the fact that we are still receiving Federal EPA money for the water purchase from Troy, due to the dredging of the river.

#### **RESOLUTION NO. 195**

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 authorizes the Supervisor to enter into an agreement with County Waste & Recycling Center for rental of a roll off truck at a rate of \$250/day and a 30 yard dumpster at a rate of \$20/day and authorize the Supervisor to execute said Agreement per the review and approval of the Town Attorney

**Councilman Polak:** This is something that we do every year and it is for our Fall Clean Up. It is for an extra container to be locally used to get stuff up to County Waste Transfer Station.

#### **RESOLUTION NO. 196**

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 disbursement of \$6750, representing payment of one half the cost of an appraisal on the Sitcon Assoc. LLC property which will allow the Town of Halfmoon to defend itself against the Article 7 cases currently pending in the New York Supreme Court. The balance of \$6750 will be paid by the Shenendehowa School District.

**Supervisor Wormuth:** Just for everyone's edification, there are 13 properties involved in this case. We were very far away from coming close to a settlement. The school district has agreed to pay half of the defense in this in that they are the ones that will monetarily benefit most immediately on a settlement of this case, because there is no town tax. So it will be the school tax that will be immediately affected if a settlement adjustment is reached.

#### **RESOLUTION NO. 197**



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 approves the Supervisor’s Report for the month of June 2012.

**RESOLUTION NO. 198**

Offered by Councilman Hotraling, 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 Transfer between Appropriations and Creation of Appropriations.

DATE: September 5, 2012  
TO: Town Board – Town of Halfmoon  
FROM: Melinda A. Wormuth, Supervisor  
SUBJECT: Creation of Appropriations and Transfer 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		\$8,645.00
	Subsidiary:	25-4-2189 Home and Community Services	\$8,645.00	
Credit:	Appropriations	25-960		\$8,645.00
	Subsidiary:	25-5-1440.40 Engineering Contractors Inspection	\$8,645.00	

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

NAME	AMOUNT
Glen Meadows	\$498.00
Rock’s Precision	909.00
Stephenson Ridge Subd	282.00
Plant Road PDD	855.00
Klersy Major Resd Subd	2,379.00
Plant Road PDD	3,017.00
Plant Road PDD	705.00
TOTAL	\$8,645.00

Transfers between Appropriations:

From Account	To Account	Amount	Reason
10-5-1990.40 Contingency	10-5-5010.41 Senior Van Contractual	\$6,750.00	To cover increased fuel costs
30-5-8330.42 Purification Contractual	30-5-8310.42 Admin. Contractual Legal	\$30,000.00	Transfer to cover costs associated with legal fees for GE/EPA lawsuit
30-5-8320.41 Water Source Electrical	30-5-8310.42 Water Contractual Legal Fees	\$50,000.00	Transfer to cover costs associated with legal fees for GE/EPA lawsuit

A resolution is needed to appropriate contributions from the Character Counts Program to pay for tuition scholarships which allow youth to attend the summer recreation program camp:

Debit:	Estimated Revenues		\$8,200.00
	Subsidiary:	Community Gift Contributions 10-4-2705	\$8,200.00
Credit:	Appropriations		\$8,200.00
	Subsidiary:	Character Counts Contractual 10-5-7989.40	\$8,200.00

A resolution is needed to appropriate contributions from the Northern Generic Environmental Impact Statement account to pay for culvert replacement on Staniak Road:

Debit:	Estimated Revenues		
	\$14,985.00		
	Subsidiary:	GEIS 25-4-2189.10	\$14,985.00
Credit:	Appropriations		\$14,985.00
	Subsidiary:	Highway Repairs Contractual 20-5-5110.40	\$14,985.00

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

**Deanna Stephenson, 7** Cindy Lane; Obviously, we have brought up the moratorium before, I just haven’t heard a lot of comments. We have talked about it at the last meeting; I don’t know if there is any direction being taken. I am not expecting a full town shutdown; I am looking for some feedback and comments as to where we are at as a Board at this point, if anywhere.

**Attorney Murphy:** When we last discussed this, I specifically requested if anybody had any ideas as to what type of issue they want the moratorium on. It would be very helpful for the Board and for myself to give legal advice as to how we could do it. So if there are specific issues that need to be addressed please, please forward those to the Board.

**Deanna Stephenson,** I guess, we would probably look, at a the people I have talked to, is the Comprehensive Plan

**Supervisor Wormuth:** The Board has started to pull information together through the staff on the last time that we did a Comprehensive Plan, the cost of it. Other options that are available on a range, as you said, of a full blown shut down of the town, or the last time we did one, we did a northern GEIS study, so it was a specific study on a specific area of town that was targeted. There has been discussion from different Board members to do perhaps a land use study as opposed to a full blown moratorium is a good idea. Those ideas are starting to be batted around and we will probably set up a public workshop for early this fall to meet with the public, come up with which of those ideas would be good. Then we would set up a committee to help us start moving through that process. We are hearing you guys loud and clear. One of the first steps in starting to look at what we saw as an immediate problem was the Public Hearing that we held tonight in order to gain some control on what we saw as immediately impacting qualities of life and some of the things that the Planning Board and the public has brought up. So we are starting to move through that process.

**Councilman Polak:** I would think that if we could get exactly what they want us to look at, I think that we can do that without a full blown moratorium. Having been through two of the Master Plans processes and being Chairman of them, it is a timely event, but also it is very costly. I think that with the input from the public and the input from the Board, I think that we can accomplish what everybody needs it to do. We will take a look at those things, change some things with good judgments and do that without spending a ton of money by the town, and we are all looking to do that.

**Supervisor Wormuth:** We are looking at Deanna, early fall and to do this sooner rather than later. So that we don't get a lot of things accumulating in the meantime. We are well aware of the concerns, and again, get through this Public Hearing, get this legislation done and move on to the next piece.

**Deanna Stephenson:** It is a first good step, and regarding no comment, OK. I am going to address this to Paul and then Craig, so Paul; I am looking for your input. Two articles written in the Times Union, I do not know really how to look at you and ask for anything that you can give to the public. You know you look at Halfmoon

**Councilman Paul Hotaling:** First off, the job with Mr. Tanski, it was done by Flygt. That job was done a couple of years ago on paper, and I told Brendon this when I talked to him before. The job was done. My employer was not a Flygt distributor at the time. We did vote on the job and it was approved. Now Emerick is the Flygt distributor. I knowingly did not vote on that project because we had nothing to do with it.

**Deanna Stephenson:** When I am reading it, I just always look for somebody to say something, and I didn't see anybody say anything.

**Councilman Paul Hotaling:** When he wrote the article, I had just started my new job; I did send him an email responding that I would answer questions. I work 12

hours a day now. I had training the first two weeks, and the last two weeks I have been working nights

**Supervisor Wormuth:** Paul, just for clarification, when we vote on a project, whether it's for Bruce Tanski or Pete Belmonte or whomever, at the time we are approving the project, we have no idea who they are going to choose as suppliers for septic systems or anything

**Councilman Paul Hotaling:** exactly

**Supervisor Wormuth:** so this Board never directly voted on purchasing things through Flygt, who your company then became a distributor of, so I want to make that clear for the record.

**Deanna Stephenson:** I was just looked at inconsistencies, when Mr. Tanski was asked; you know he would say, "We haven't done anything with them in over years." I became confused

**Councilman Hotaling:** the ones through Flygt, Flygt used to be Smith and Lovelle's that was the preferred pump station, but then in the last two years, Flygt has made an impact in Saratoga County. Emerick was chosen to be the distributor because they are not local; if you can't flush your toilet and the pump station is down and backing up in your house, you are going to call someone right away.

**Deanna Stephenson:** I hear you, I guess where I am going with this is that I would have, I was hoping to see more depth into where you guys were at.

Craig, I have a question you and maybe we can follow up on this on September 20<sup>th</sup>. I am reading it and I am narrowing in on one paragraph here: "Hayner said the Financial Disclosure Statements forms are under consideration, which I know that you are working on, would itemize the real estate holdings in town" in quotations, "Halfmoon Officials" who would be subject to filing the forms." Is that specific, did you mean to say, I am asking Craig so, in town or would you consider things outside of town with people doing projects?

**Councilman Hayner:** The Ethics Committee, as you know, has discussed these issues, but has not come to a final resolution to give over to the final draft legislation, which would come to the Town Board.

**Deanna Stephenson:** OK

**Councilman Hayner:** These things have been discussed, however, they are not finalized by any means, but the Ethics Committee did find that it was a good thing to do.

**Deanna Stephenson:** You want to keep it in town, not considering any projects that would happen out of town?

**Councilman Hayner:** right now it's within town, we haven't discussed outside of that. Do you want to narrow it in as to a true conflict of interest, but really would be having interest in town is obviously be the number one source to protect public integrity and also protect the person who may be under judgment.

**Deanna Stephenson:** OK, thanks Craig, thanks Paul.

**Motion was made by Councilman Polak and seconded by Councilman Hotaling, the meeting was adjourned at 8:15 pm.**

**Respectfully Submitted,**

**Lynda A. Bryan**  
**Town Clerk**