

**The February 20, 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**

**BID OPENING: Truck Diesel Fuel and Unleaded Regular Gasoline for Town departments**

**PUBLIC HEARING: TOWN OF HALFMOON ETHICS DRAFT LEGISLATION –  
Hearing opened at 7:05 pm**

**Councilman Hayner:**

**Thank you members of the public, Supervisor Wormuth and the town council for the opportunity to present our proposal for new ethics legislation here tonight.**

**Before I get started I would like to introduce the members of the ethics committee. Each member is a volunteer, serving our community with honor and great character; and they have diverse backgrounds. It is a pleasure working with each of them: Scott Fischer, Beverly McBride and Linda Daley.**

**I would also like to recognize our liaison to the committee, Councilman Walt Polak, and Town Attorneys Lyn Murphy and Matt Chauvin...The work done by each one of them has been invaluable in the development of this legislation and I would like to thank all of them for their hard work.**

**For the past 15 days, the proposed ethics legislation has been available for review by the public on our town website and through hard copy. Last week, The Supervisors office initiated a memo to all employees to review the new legislation and provide any comments or questions as well.**

**Questions of ethics are being raised in every part of America today and across the globe, from the business world to the medical field, to the public square. Questions of ethics are a great concern for everyone, and can be costly in many ways.**

**Today there is a movement to bring clarity and definition to ethical and unethical conduct in every arena of life; it is critical to do our part for our community to ensure the public trust by renewing expectations with this new legislation.**

**This ethics legislation not only lays out expectations and consequences, but just as importantly, provides a perpetual means of being proactive through communication and education.**

**It is also vitally important that any good ethics board be made up of people of good character, who can look objectively at any set of circumstances.**

**Although the official start to bring forth the new legislation began 13 months ago, the journey did not begin there.**

**A few years ago, I had the opportunity to attend a class on Ethics taught by Mark Davies, a leading expert in Municipal Ethics at The Association of Towns' meeting held in New York City. In that one hour class, Mark Davies laid out the fundamental principles of creating both an effective Ethics legislation, and an effective Ethics Committee.**

**In order to do this right, it would take a large investment of time and energy to put it all**

together. As anyone who has been involved in developing ethics legislation can attest, the principles of ethics are always the same, but the details surrounding each topic has many areas to consider.

So in December, 2011, the Halfmoon ethics committee began to diligently review several resources related to municipal ethics in search of best practices...the underlying objective being to provide a comprehensive, practical set of updated ethics laws, that could be easily understood and implemented.

For the past thirteen months, the committee has reviewed following Resources and legislation in search of best practices. For each resource we looked at, there contained many topics and subtopics to consider...So if you have been wondering what we have been up to for 13 months?...Now you know...

- Mark Davies, Expert in municipal Ethics Law
- The New York State Comptroller's Office on ethics
- The Saratoga County Ethics Legislation
- The Town of Clifton Park Ethics Legislation
- The New York City Board of Ethics
- The New York State Municipal Law
- Town of Halfmoon Employee Manual

If you have had the chance to check out the proposed Ethics legislation on our town website or in hard copy, you will see that it is made up with the following key headings:

- Intent and Mission Statement
- Definition of terms
- Prohibited Activities
- Disclosures
- Training
- Inducement and Penalties for Offenses
- Structure of the Committee

Under Prohibited Activities, we have 11 items listed in great detail...to point out just a few...

- Under the Gifts section, there is great detail as to what defines a gift...and that any value accumulating over \$75 annually is prohibited.

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Another area explained in great detail concerns the proper handling of information obtained in doing ones official duties and ensuring against the use of ones position to gain personal privilege.

- Under Political Activities - No elected official of the town board may hold the office of Chair, Vice Chair, Treasurer or Secretary of a political party simultaneously.

Another key topic covered in the new legislation requires the annual filing of Financial Disclosure Forms and Transactional Disclosure.

- Members of the Town Board, Planning Board, Zoning Board, Assessor, Highway Superintendent, Town Clerk, Departments Heads and Managers and members of the Ethics committee will need to file annual disclosure forms under this new law.

- The Transactional Updates section covers the requirements in disclosing a transaction in writing and recusing oneself when an action is called for in any action or matter before the town.

- The Review of Disclosure Forms will be done annually by the ethics committee...and specific dates for filing will be communicated through the Supervisor's office.

## **Advisory Opinions**

- In addition to financial disclosure forms, the committee also recommends the use of advisory opinions which may be requested by any town official or employee.
- The purpose of Advisory opinions is to encourage the avoidance of a potential

conflict of interest before they occur.

- An advisory opinion is submitted in writing directly to the ethics committee... The request would ask for an opinion on whether a specific action by the individual making the request would be considered a conflict of interest or not...The Ethics committee would respond to the request in writing back to the individual with its recommendation.

## **Bi-Annual Training**

- Again, as pro-active approach, The ethics committee recommends and is committed to training all employees and town officials in regards to the new ethics laws.
- The committee will also remain active by continuing to review resources for best practices, for possible recommendations to the town board for consideration.
- We believe that continual, purposeful training on a bi-annual basis will assist greatly in the renewing of the principles set forth by the legislation.

## **Structure of the Ethics Board**

- The committee also recommends 3-5 members on the ethics board.
- Each ethics member would serve a three year term, which would be staggered.
- The Ethics committee will also be responsible for selecting a chair of the committee annually.

## **References**

- Our reference page reflects the places and websites where the ethics committee reviewed for best practices in municipal Ethics Laws and this will be posted on the Town website with all of the references and the websites that you can go to and look at yourself.

## **Principles**

- This presentation will be uploaded on the website for anyone to review at their leisure. I would like to thank our ethic members and Town Attorneys, and Walt Polak for all of their hard work that has been put into this.
- Thank you for the opportunity to present this new legislation here tonight. Supervisor Wormuth, I would like to turn it back over to you for any questions or comments from the board and the public.

**Supervisor Wormuth:** Thank you. I think as part of the Public Hearing, we will open up comments to the public.

**Henrietta O’Grady, Churchill Road:** I have a comment and perhaps a question. Under the prohibited activities, I see where you are setting a value of \$75.00 or more as a cutoff. I am asking you to please consider reducing that amount from \$75.00 to \$25.00, and you may ask why am I saying this or why am I suggesting this. Well, I have had a lot of personal past legislative experience, so I have seen a lot of what can be described as excessiveness perhaps. If you really want to remove a public perception of influence or excessiveness, you may want to consider a lower amount. What does \$25.00 buy, perhaps a couple of cups of coffee, maybe breakfast, maybe even lunch at the Halfmoon Diner? You really don’t want to consider something that may go beyond that, something that in the \$75.00 range would involve perhaps dinner, gift certificates, paid expenses for some trip or something that might not be covered. That is my request. It has been my experience and I hope that you will seriously consider that reduction from \$75.00 to \$25.00.

Now secondly, I just have a question and it concerns the reporting requirements. I am just going to ask, are volunteers exempted from those requirements? Is that clear?

**Councilman Hayner:** If I understand correctly, you mean the Trails Advisory Committee, and it is not included.

**Henrietta O'Grady:** OK, Trails Committee or any other committee in a similar circumstance. OK fine. Thank you very much.

**Supervisor Wormuth:** Thank you Henrietta

**Joe Christopher, 96 Werner Road:** and it is directly across the street from the Anna's Place proposal, and it's a product that I see as threatening to our community and one that could compromise political financial and ties, as the builder has with the Halfmoon Town officials, or even the perception as such. I am hoping that this new ethics legislation will help keep things balanced and protect residents from potential conflicts of interest and reciprocity, and also, to protect Town Officials from the perception of any such corruption.

It is not amusing when a project that requires a PDD has been proposed across the street from your house, and then you read in the paper that the developer that is proposing it, is the largest campaign contributor to town politicians. Then you learn that a campaign was forced to return thousands of dollars to this developer because contributions exceeded state limits. Then you learn that the real estate agent that is used exclusively by this developer has other connections to the town. Then you learn that another member of the Planning Board is actually an agent in his firm, and now I noticed in the last meeting that Mr. Chauvin, the Town Attorney is recusing himself as well.

In a recent newspaper article, Mr. Hayner was quoted as saying that some conflicts of interest are hard to avoid in a relatively small town. But I am wondering if this town is really that small. I am also wondering if this legislation will protect Halfmoon from corruption real or perceived. I think that the beauty of it is the definitions prohibited activities and disclosures sections, are essentially taken directly from the Clifton Park document which they have been using since 1989. This allows concerned residents; I think to compare the two documents to see what's been left out. All of this information is available on line, and I did just that. In regard to these omissions and additions, and I have both documents here, I have 5 questions.

Mr. Hayner: under definitions in section C page 1, there is actually an addition there. It's an addition that omits an individual's residence if involved in a commercial venture from being considered a business deal. That language doesn't exist in Clifton Park's legislation, and I am curious as to why you guys decided to add that in ours.

**Councilman Hayner:** That was actually taken from the New York City Board of Ethics legislation that felt that it was important to protect the residents, and we did not go and copy Clifton Park's. As I mentioned, we reviewed several different resources looking for best practices, so that is where that came from and that was from New York City. That we did not want to be involved with every single, someone puts a deck on, goes through the permit process that they would have to submit that they out in a change to their home every time that they did something.

**Joe Christopher:** OK, I guess that the commercial venture language that I don't think that a person's house would be involved in a commercial venture, I mean if it were, that's our most valuable piece of real estate but, I may have misread it, that's

what I got from it.

**Supervisor Wormuth:** Craig, your plan tonight was to take comments and answer the ones that you could. If we need to do some research and get back to it

**Councilman Hayner:** Absolutely, you may have picked up on something, the wording is not quite the way I

**Attorney Murphy:** This was brought up in New York City in the commercial venture portion of it had to do with people sometimes have in home occupations and in order to have an in home occupation or be a commercial venture, you would have to go before the board, and we didn't want to prohibit people who help the town, or work for the town to be able to, say if their spouse has whatever kind of business out of his house

**Joe Christopher:** I guess I saw it as, well a Board Member or person could act or vote on things that would maybe increase the value of their home, but that wouldn't be considered a commercial venture and would be excluded from being a business deal, but

**Councilman Hayner:** We would still have to go through the proper permits and things in order to get, so it still would be public record if someone were to start a business in their home.

**Joe Christopher:** OK, number 2. Under definitions in section D; a person who has received compensation in the amount of \$5,000 or more is considered related. In Clifton Park, the number is \$2,000. I know that the Clifton Park document is 25 years old, but I was wondering, why did we raise this number?

**Councilman Hayner:** My understanding is that Clifton Park document is not that old. It was actually updated in 2007. So, I am not sure when that was in writing, but from my research 2007 is when they last updated. And I am sorry; could you refer to the number again?

**Joe Christopher:** Section D definition says: a person who has received compensation in the amount of \$5,000 or more is considered related, under related persons. In Clifton Park, the number is \$2,000 and the language is exactly the same other than the number, so I figured you guys made that change for a reason.

**Councilman Hayner:** I do not recall why that number is there, but we will certainly look into that.

**Joe Christopher:** OK, #3; under prohibited activities, Clifton Park has language that prevents town officials from soliciting co-workers to subscribe to a political party, campaign or organization. Halfmoon omitted that provision.

**Councilman Hayner:** It wasn't done on any purpose for that, but it goes without saying that no one should be soliciting anyone for any kind of political

**Joe Christopher:** Because, I mean, it just skipped that section, and I just thought

**Councilman Hayner:** No, we are going to take notes

**Joe Christopher:** It looked like an attempt to maintain some exclusivity, but..#4;

**Attorney Murphy:** Just so you know, it is illegal to do that regardless, like saying that

**Joe Christopher:** If it's redundant, I mean. Under prohibited activities, Clifton Park has language that prohibits town officials from soliciting contributions from any person who has within the previous 12 months had any business dealings with the

town. Why did we omit that? I mean, from my standpoint, I think, and a growing number of residents as well, would think that this would be the most relevant in addressing the criticism and concerns about Halfmoon government.

**Councilman Hayner:** I am just looking at this here because I believe we addressed that under prohibited activities; pending with in previous 12 months, business dealings with the town, requires any negotiating

**Joe Christopher:** The legislation in Halfmoon it ends on that number 5, and then you skipped 6 & 7, which I am looking at in Clifton Park's and you do not have that obviously, but #7 in Clifton Park says that no official may solicit, participation in an election campaign, or solicit payment or promise of payment of any assessment, subscription or contribution to a political party, organizational or election campaign from any person to the knowledge of the town, officer, or employee, has or within the previous 12 months has had any business dealings with the town, that seems like pretty strong language.

**Councilman Hayner:** OK, which letter are you referring to again? Are you reading out of Clifton Park

**Joe Christopher:** I am reading out of Clifton Park

**Councilman Hayner:** OK, I do not have Clifton Park in front of me, so I cannot follow along with that.

**Joe Christopher:** OK, I'm sorry, I just figured, seeing that whole section is exactly the same other than that, you might be familiar with it.

**Councilman Hayner:** I just want to reiterate again, we went through several resources, I mean if we just wanted to go in and take Clifton Park's and go word for word, we could have done that, but we actually reviewed several resources and that is what we came up with. But again, this is a draft legislation and that is why we are taking comments and if we can correct some things, we will do that.

**Joe Christopher:** OK, Yeah, I mean, I think there was one more thing, but, nepotism

**Attorney Murphy:** That is in our Employee Manual, it is already printed

**Joe Christopher:** OK, so

**Councilman Hayner:** We didn't want to get into the point where we became the Human Resources Department either. We do have an employee handbook which has the rules and regulations for employees and covers what you just mentioned, and we were very careful not to mix our duties with the duties of what would be done by personnel.

**Joe Christopher:** OK, so you have in Clifton Park it says immediate family members of Town Board Members shall not be employed by the town in full time, year round positions, for purposes of this section, immediate family members shall include spouses, children, parents, brothers, and sisters. The language that you have somewhere else is the same and is that

**Councilman Hayner:** Lyn, do you have the Employee Manual?

**Attorney Murphy:** "No department manager may employ a member of his or her immediate family within said department. In addition at any time, two or more members of the same family shall not be hired and permitted to work at the Town unless express approval of the Town Board is granted".

**Joe Christopher:** OK, so you can do it with permission and if you are not in the same department

**Attorney Murphy:** Correct.

**Joe Christopher:** OK, it seems to me that, I personally feel that some key provisions in this legislation that would address growing concerns expressed by the town residents and reported by the media, I think that some have been omitted, and I question the timeliness of this drafting. I am concerned that it won't protect the town's residents from unethical behavior. I am concerned that the town's politicians will point to the drafting of it to defend themselves from ethic attacks that will most certainly threaten their bids for reelection and aspirations for higher offices. Drafters tout this legislation as one of the best in the State. I have only read one other, and that is Clifton Park's and I feel it is better. This legislation has been called a shield and not a sword, and I think that if we want it to be something that the residents of Halfmoon, Town Officials included, can point to or stand behind, and I think that you need to put the teeth back in it. Thank you.

**Councilman Hayner:** Thank you.

**Deanna Stephenson, 7 Cindy Lane:** Craig, I just have some comments if you could just help me through, I just want to understand just a little bit more. I go back to the written complaints, and I know that I talked about this when I was attending some of the meetings. OK, so for example, makes the papers, driving, speeding, driving under the influence, whatever, gets caught, OK. Nobody in the town is going to do a written complaint, would it stop the Ethics Board at that point to do a further investigation on this side?

**Councilman Hayner:** Concerning speeding?

**Deanna Stephenson:** No, it's driving under the influence, picked up. Now you got a problem, obviously there is going to be law enforcement in there.

**Councilman Hayner:** That's a big problem there. I believe the Town Board would address itself before the Ethics Committee would have to do that, but if the Ethics Committee needed to address something, it certainly would.

**Deanna Stephenson:** OK, so now going to written complaints versus anonymous tip. As we saw very recently, somebody spoke out and had a very bad resolution. You would not consider any anonymous tips at any point, or any anonymous complaints to be taken under advisement?

**Councilman Hayner:** At this point in time, and the size of the committee, and being a volunteer organization, we basically would like for complaints to be written and signed, because we believe that it means that somebody is very serious about the complaint that they want to offer. Tips, innuendoes, and rumors can lead everyone on a wild goose chase, and I do not think that everybody would be very enthusiastic about wanting to join in on the Ethics Committee and volunteer their time for chasing their tail.

**Deanna Stephenson:** OK,

**Councilman Hayner:** If there is something worthwhile, that we think that would be worth looking into, we would certainly would do that.

**Deanna Stephenson:** OK, you would do your due diligence.

**Councilman Hayner:** Absolutely.

**Deanna Stephenson:** Going back to media. OK, so they aren't driving under the influence, but you see a lot of media activity out there. At what point, and do you

look back in time now and look at any of those situations or are you going forward from here?

**Councilman Hayner:** Can you make a specific reference to a certain



**Deanna Stephenson:** Mr. Roberts, sitting on the Planning Board and also sitting on, works for real estate and works for a major developer in town.

**Councilman Hayner:** It my understanding, is that Mr. Roberts does recuse himself if there is any interest and we are taking a look at that.

**Deanna Stephenson:** OK, enough said on that point. Thank you, Craig. I just want to understand this too and comment and maybe you want to think about this in the future. Both the committee and the Town Board is represented by the same attorney. Say the Town Attorney has to advise a town official on anything that she would normally do, and also it comes from the committee back to the Town Board, but it is the same issue. Now she has to also, or Matt, has to also advise the committee. How does that happen that you can do both?

**Attorney Murphy:** I am probably better versed to answer that. I have an ethical duty to represent the Town of Halfmoon. I do not represent any of these individuals. So if one of them came to me with something that they were doing that was either unethical or against the law, I would immediately have to advise the rest of the Board members. So there isn't an inherent conflict, I represent the town, not the people in the positions

**Deanna Stephenson:** OK, you would not and have not advised any of the Town Board members?

**Attorney Murphy:** Personally? No.

**Deanna Stephenson:** OK, and this again, just a comment, if you would just consider it. Being that this is just, and I am just thinking, one of the most important pieces of legislation to come forth in front of this board in sometime, would it be possible, and I know it's been out there and I know it's been on the website, would it be possible to give another 30 days to contemplate and comment?

**Councilman Hayner:** We're open to ideas, but I will leave it to the Town Board for the final decision on that, but we are not looking to vote on it tonight. A date has not been set as to when we would bring it up, but certainly we have gotten a lot of comments tonight, and other ones that have been received by e-mail and we will take all of those under consideration. So, whatever time it takes, we are willing to do that

**Deanna Stephenson:** OK, thanks Craig, I appreciate it.

**Supervisor Wormuth:** asked if there were any questions or comment from the Board

**Councilman Wasielewski:** I would reserve comment until we actually vote on it.

**Supervisor Wormuth:** I think that Mr. Hayner's recommendation is that we weren't going to vote on it tonight.

**Councilman Wasielewski:** until we vote on it, whatever that date might be.

**Supervisor Wormuth:** I will; close the Public Hearing at 7:31 pm.

**Councilman Hayner:** Thank you.

**Supervisor Wormuth:** Thank you Craig for all the work you and the committee will continue to do.

**REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY**

**Councilman Polak:** I have two items this evening. The first one is that we received a call this week from Certified Safety Products that they are going to be repairing the railroad crossing at Lower Newtown Road, at the intersection of 4 & 32 area. They are going to start on March 3<sup>rd</sup>, and will be closed for 3 to 4 days. They were advised to contact Mechanicville, Shen and Waterford Schools, the Halfmoon & Clifton Park Fire Departments & EMS, and the Sherriff's Department. We are also going to post it on the Halfmoon website. Detours will be posted on the message board and will be placed a week before work actually starts. I would imagine that most of the papers will have that in also.

The other item that I have is this year's Spring Cleanup. It will be on April 9, 12, & 13; Tuesday, Friday, and Saturday, and again on the 16, 19, & 20<sup>th</sup> of April. That will also be posted on the website and you may pick up the brochures in Lynda's office and they will be there at the end of the week and some will be at the Transfer Station. That is all that I have.

**Attorney Murphy :** I just want to make sure it was clear for the opening of the Public Bid that Unleaded and Regular and 87 octane was also a bid by the 1 business that did bid, at G316.71-321 a gallon.

**Councilman Hayner:** I just have one additional announcement that I made at the last meeting; the next Halfmoon Trails Advisory Committee Meeting will be Monday, March 18<sup>th</sup> at 7:00 pm. We are always looking for new volunteers to jump in and join us; it is a great group and do a lot of nice work for the town for things that people enjoy.

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

#### **DEPARTMENT REPORTS:**

1. **Town Clerk Total Fees Submitted to the Supervisor - \$7,884.30**

#### **CORRESPONDENCE**

1. **Received** from the Town Planning Board Resolutions approving the following: Sign Application for Classico Barber Shop located at 1521 Route 9, for a Change of Tenant for Top Cat Landscaping and Snow Removal, Inc., located at 1050 Elizabeth Street Ext., and for Demansy's Energy, LLC to locate at 1407 Route 9, Building 2, Nine North, for a Change of Tenant and Sign Application for Just for You Hair Salon at 1859 Route 9, and for Smoke Signals to be located at 1502 Route 9.

***Received, Filed & Print***

2. **Received** from Duke's Grove, LLC located at 486 Hudson River Road, an application for a new Liquor License for Wine and Beer only.

***Received, Filed, Print & Copy Planning***

#### **OLD BUSINESS**

#### **RESOLUTION NO. 64**

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 awards Bid Spec. #1-2013 for rental and service of Uniforms for the Town Highway Department and Transfer Station department for a 3-year period at their low bid amounts to Ameripride Services, 3909 New Court Ave. Syracuse, New York, per review and recommendation of the Highway Committee and the Town Attorney.

## WEEKLY SERVICE:

**TWENTY-ONE (21) HIGHWAY DEPARTMENT EMPLOYEES:**

**ITEMS: #1 - ELEVEN(11)- Long/Short Sleeve SHIRTS (split)-**

**231@ .15 = \$34.65 weekly**

## #2 - ELEVEN(11)–Pair JEANS

**231@ .19 = \$43.89 weekly**

### THREE (3) TRANSFER STATION EMPLOYEES:

**ITEMS: #3 – SEVEN (7) – Long/Short Sleeve SHIRTS (split)**

**21@ .15 = \$ 3.15 weekly**

## #4-SEVEN(7)-Pair JEANS

**21@. 19 = \$**

## 3.99 weekly

### ADD ALTERNATES:

### 1) TWO(2) – 3 x 5 Rugs

**2@ \$1.75 = \$**

### 3.50 bi-weekly

## 2) TWO(2) – 3x10 Rugs

**2@ \$3.00 = \$ 6.00 bi-**

**weekly**

### 3) TWO(2) -Scraper Mats

**2@ \$1.75 = \$**

### 3.50 bi-weekly

**Attorney Murphy:** I would ask that you add per the review of the Town Attorney, I have not seen the original contract yet and they were low bidder and I just need to review the contract.

## NEW BUSINESS

## RESOLUTION NO. 65

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

**RESOLVED**, that the Town Board approves and orders paid

Vouchers numbered

304 through 444 as detailed.

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

10 GENERAL FUND	\$229,944.23
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20 HIGHWAY FUND	\$67,508.13
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25 SPECIAL REVENUE	\$10,263.46
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30 CONSOLIDATED WATER	\$342,499.36
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50 CHURCHILL SEWER	\$823.83
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**ABSTRACT TOTAL:** \$651,039.01

## RESOLUTION NO. 66

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, February 6, 2013 as presented.

#### **RESOLUTION NO. 67**

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

**Whereas**, the New York State Archives is soliciting grant applications for the 2013-2014 Local Government Records Management Improvement Fund (LGRMIF) program, and

**Whereas**, the Town of Halfmoon Town Clerk plans to increase public awareness and access to historical records of the Town,

**Therefore Be It Resolved**, that the Town Board of the Town of Halfmoon authorizes the Supervisor to file an application for financial assistance from the Local Government Records Management Improvement Fund of the New York State Archives to advance the Town of Halfmoon records management and to act on behalf of the Town Board in all matters related to this financial assistance and to certify the information contained in the application.

#### **RESOLUTION NO. 68**

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

**RESOLVED**, that the Town Board authorizes the Supervisor to enter into a contract with MetLife Dental for employee dental insurance, effective April 1, 2013 through March 31, 2014 and authorize the Supervisor to execute said contract, subject to the review and approval of the Town Attorney.

#### **RESOLUTION NO. 69**

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 make the attached Transfer between Appropriations and Creation of Appropriations

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

Debit:	Estimated Revenues25-510		
		\$3,663.08	
	Subsidiary: 25-4-2189 Home and Community Services		\$3,663.08
Credit:	Appropriations 25-960		
		\$3,663.08	
	Subsidiary: 25-5-1440.40 Engineering Contractors Inspection		\$3,663.08

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



**Deanna Stephenson:** I can give him a call tomorrow, I can do that. Just a thought on that if anybody knows. Thanks. I appreciate it.

**Bill Dudek, 1 Mate's Way, Rivercrest:** Recently, our Governor, has perpetrated a vast encroachment on the Civil Rights of most law abiding gun owning citizens in the state. Many Counties, Cities and Towns are taking it upon themselves to pass resolutions to say that we disagree with this. Regardless of your position of control of firearms, this was not done the right way. This is not how we govern. Repeal it, suspend it, let's do this thing over the right way.

Every single one of us has fears. I fear for my kids, I have three daughters, the youngest one is 17, and I fear right now, their friend who just vanished the other night, Anna from Waterford. That is not the issue; the issue is an inanimate object versus the moral decay in our society. I would like to read to you a sample of a resolution, and ask you to consider something similar to it and to put Halfmoon on the map as well.

Two thirds of the counties, and we have only been working on this two weeks, we already have two thirds of the counties past or considering it, and we have about a dozen towns.

**Supervisor Wormuth:** You are welcome to read the resolution and welcome to leave a copy for the Clerk, & I will distribute it to the Board members for their consideration at a future meeting.

**Bill Dudek:** This happens to be from Fulton County. This actually is endorsing the Saratoga County Sheriff's position. Mr. Dudek read the following:

**Resolution No. 62**

Supervisor KEMPER offered the following Resolution and moved its adoption:

**RESOLUTION ENDORSING THE POSITION STATEMENT OF THE NEW YORK STATE  
SHERIFFS' ASSOCIATION EXPRESSING CONCERN ABOUT THE RECENTLY  
ENACTED STATE GUN CONTROL LAWS (NY SAFE ACT)**

WHEREAS, recent gun control legislation known as the "NY Safe Act", that was enacted into law by the State Legislature and signed by the Governor, created serious implications that restrict the Second Amendment rights of citizens in New York; and

WHEREAS, the law is very complex and creates unfair restrictions on firearm ownership and the rights of law-abiding citizens to self-defense; and

WHEREAS, the legislation was rushed through passage in both houses of the State Legislature without proper review and deliberation that laws of this magnitude deserve; and

WHEREAS, the manner in which Governor Cuomo and Legislators enacted the laws demonstrated their disdain for transparency and open government in New York State; and

WHEREAS, residents of New York State deserve better from their elected representatives; and

WHEREAS, the New York State Sheriffs' Association convened its members and formulated a formal Position Statement which identifies specific problems with the new overly-restrictive law; now, therefore be it

RESOLVED, That the Board of Supervisors hereby demands that State Legislators re-convene to repeal and/or amend the provisions of said "NY Safe Act" that violate the rights of citizens as guaranteed by the U.S. Constitution and the Second Amendment; and, be it further

RESOLVED, That the Board endorses the Position Statement of the New York State Sheriff's Association as a starting point for deliberations on how to rectify problems with the new overly restrictive law; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Governor Cuomo, All State Senators, All State Assembly members, President Obama, U.S. Senator Schumer, U.S. Senator Gillibrand, Congressman Bill Owens, Fulton Montgomery Regional Chamber of Commerce, NYSAC, State Sheriffs' Association, Sheriff Lorey, Budget Director/County Auditor and Administrative Officer/Clerk of the Board and to each and every other person, institution or agency who may further the purport of this Resolution.

Seconded by Supervisor POTTER and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Howard and Ottalagano)

**Bill Dudek:** Just some things to clarify on this, they say that the restrictions on firearm ownerships and the rights of law abiding citizens to self-defense and they leave out sporting, hunting, targeting, they leave out everything that we do. I am a firearms instructor; I have taught more people safety in the last year as a volunteer on weekends. This law will decimate this program. New York will be the only state. I happen to be affiliated with the Appleseed program and part of what we do is training marksmanship, and it happens to be for 10 round sets. New York will be the only state that we can't teach this program in. Our program teaches marksmanship and history. We have a tendency at the weekend to have people sitting there that are waking up and want to participate, and maybe fill this room for a change, but not in New York because somebody had to pull a trigger, so to speak on some legislation, try to make themselves look good. It is just inappropriate. It was also passed with the message of necessity, which is for emergency situations, which this isn't. We all want action, we all want it fast, but it

is not an emergency situation. Part of that statement was; this law will immediately remove all assault weapons from the street. It doesn't, the statement itself is a lie. The whole thing is just wrong. It needs to be redone from square one, with intelligent people like myself, I am a health care professional, I deal with people that have behavioral conditions all day long, so I know where I speak, and maybe who should not have a firearm. But as far as limiting these Civil Rights, I am talking gun rights; I am talking Civil Rights of individuals.

Yesterday we are a law abiding, standup citizens, and today we are criminals because we have 8 instead of 7 rounds in the magazine. It is ridiculous.

**Supervisor Wormuth:** Certainly, it is a very complex issue and we have heard a lot of input from both sides of it. So, I would be happy to provide copies for the Board. I also have a copy of the position paper that you referred to from the Benevolent Benefit if the Board would like it, it is referred to

**Bill Dudek:** The one from Saratoga County as well

**Supervisor Wormuth:** Yes, that is the one that I am talking about, the Deputies Association.

**Bill Dudek:** the State, they came up pretty quickly. We are really very happy and proud to see our local representatives stepping up across the state and saying "No, this isn't right".

**Supervisor Wormuth:** and I think it is just fair to this Board to allow them some time to look at, as you said, the Governor passed it with a message of necessity, so I would like the Board to have some time to react to it before they make a decision.

**Councilman Polak:** I would like to get copies and get them distributed to the Board, and Supervisor, you are going to make comments and the Attorneys are going to review it. I would like to take action, one way or the other at the next meeting. And for those that are interested, not because I am a gun advocate and enjoy the target practice and stuff with my children and Grandkids, but there is a protest supporting this on the 28<sup>th</sup> of February in Albany. They are hoping to get at least 15,000 participants, so anyone that can make that.

Thank you for bringing that to our attention.

**Bill Dudek:** It says rights guaranteed in the Constitution, the Bill of Rights, that is not where it is guaranteed. The guarantee comes from the Declaration of Independence, that all men are created equal and endowed by their Creator with alienable rights. The Bill of Rights just enumerated them

**Supervisor Wormuth:** We will use the legislation as a draft. Once the Board has some direction

**Bill Dudek:** In all honesty, I heard about the meeting, and that is the first one that I found was Fulton County.

**Supervisor Wormuth:** I have other Counties that have done it, or other towns rather, and will share it with the Board

**Bill Dudek:** Here's the map as of yesterday, so it is pretty extensive. (Map showing towns/counties that are participating) Thank you so much.

**Supervisor Wormuth:** Thank you.



**Bill Dudek:** I have forms, if you have a Pistol Permit, to have your name removed from public access, because that is part of it too. It will publish your name if you have a Pistol Permit and you have to request to have it removed from the public records.

**Supervisor Wormuth:** Thank you.

There being no further business to discuss or resolve, on a motion by Councilman Polak and seconded by Councilman Hayner, the meeting was adjourned at 7:50 pm.

**Respectfully Submitted,**

**Lynda A. Bryan, Town Clerk**