

The June 2, 2009 regular meeting of the Town Board of the Town of Halfmoon was called to order by Supervisor Wormuth at 7:05 pm in the A. James Bold Meeting Room at the New Town Hall, 2 Halfmoon Town Plaza with the following members present:

Melinda A. Wormuth, Supervisor  
Walter F. Polak, Councilman  
Regina C. Parker, Councilwoman  
Paul L. Hotaling, Councilman  
Craig A. Hayner, Councilman  
Mary J. Pearson, Town Clerk  
Lyn A. Murphy, Town Attorney  
Matthew J. Chauvin, Deputy Town Attorney

The Town Board Workshop was held in the Board Room at 6:15 pm; no action was taken. The Supervisor led the Pledge of Allegiance.

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

Councilman Polak reported they are making progress on the new historical building, the trims are done, most of the doors are hung, the staining work is completed, the slate is going down for the foyer this week and the people will be in next week to install the hardwood floors. He stated they would start the outside work within the next week or two on the portico and the handicap ramp in front of the porch area.

Councilwoman Parker reported the new Town Park is still progressing ahead of schedule and still under budget.

Councilman Hayner reported there will be a special event on Saturday, June 6<sup>th</sup> at 11 am at Crescent Park on Canal Road with a Ribbon Cutting in celebration of the new Crescent Multi-Use Trail, the new Fishing Access for the physically challenged and the Kiosk interpretive sign. He stated June 6<sup>th</sup> is also National Trails Day so this is a great fit to have this event on that day.

The Supervisor opened public privilege for discussion of agenda topics.

Henrietta O'Grady, Church Hill Road, stated she is very interested in item #4 under Correspondence, designating the Historic Champlain Canal Way Trail as a National Recreation Trail.

Supervisor Wormuth stated she has a prepared statement she will read as well as a beautiful plaque that they are very, very proud of:

#### *Champlain Canal Trail Receives National Recreational Trail Designation*

*Secretary of Interior Salazar announced this week the designation of the Town of Halfmoon's Historic Champlain Canal Trail as a National Recreation Trail. This designation was in response to the Town's application and recognizes the Historic Champlain Canal Trail as having local and regional significance. The Historic Champlain Canal Trail now is part of America's national system of trails.*

*The National Recreational Trails Program supports the designated trails, including the Historic Champlain Canal Trail, with an array of benefits including promotion, technical assistance, and access to funding programs. The further development of the Champlain Canal Trail is now eligible for grants available only to National Recreation Trails.*

*By way of general, but very important background, the development of the Champlain Canal Trail is identified in the Halfmoon Trails Master Plan. I make this point to emphasize the Town Board's support for this and similar projects, and to note these projects are part of the Town Board's larger vision for recreation and trails. I also would like to thank the Trails Advisory Committee and recognize Chairwoman Henny O'Grady for their support of trail development in our Town. This National recognition illustrates that the Town Board's vision for recreation and trails is incrementally becoming a reality. And in the instance of this National Trail designation, we are obtaining recognition and other benefits to support our work at the Town level.*

Henrietta O'Grady stated that is wonderful news and is something they have worked hard for. She stated Halfmoon is so lucky to have two heritage trails, the Champlain Canal Trail and the trail that will be opening on Saturday, the Crescent Trail which, is along the old Erie Canal

towpath. She offered congratulations to the Town and is very excited to inform the Trail committee.

The Supervisor thanked Mrs. O'Grady for all her hard work making this become a reality and, the Trail committee who has been very dedicated.

#### **DEPARTMENT REPORTS – month of May**

1. Town Justice Wormuth

Total Cases- 282

Total fees remitted to the Supervisor -

\$29,880

Filed.

#### **CORRESPONDENCE**

1. Received from State of New York Department of State notification of receipt and filing of Local Law No. 1-2009, Telephone Book distribution.

2. Received from Mr. C's Pub, 46 Route 146, Halfmoon, notification of intent to renew their liquor license.

3. Received from Town of Halfmoon Board of Assessment Review notification of appointment of Harry Conerty as Chairman of the Board of Assessment Review.

4. Received letter from the Secretary of the Interior, Washington, informing that the Historic Champlain Canalway Trail has been designated as a National Recreation Trail.

5. Received from Ellis Hospital, Schenectady, notification of receipt of periodic updates on the hospitals activities summarizing their success in restructuring health care in Schenectady.

The Supervisor commented that this letter is in follow up to a meeting that Planning Board chairman, Steve Watts and herself attended with Ellis Hospital executives to share with them our continued growth in Town and their interest in providing additional health care services in Town. She stated it is known that the Town has rezoned a piece of land to be eligible to have a hospital on and Ellis Hospital has been very interested in providing additional medical services although not necessarily defined as a hospital at this point. She stated they continue to work closely with them to share our growth and development patterns and population changes in order to make sure there is a blend.

#### **OLD BUSINESS**

1. Draft-Sign Ordinance change

Supervisor Wormuth reported that, since the last meeting the Board has worked diligently with our attorney's and our planning staff to prepare a draft Ordinance and, based on the comments they received and keeping the comments open from the last meeting they have received lots of input that they are incorporating into a Sign Ordinance. She stated at this point, it would take the Board another two weeks in order to be ready to present the draft and set a public hearing. She stated it is her hope that at the next meeting, June 16, they will have that formalized and be ready to set a public hearing on that change. She stated they appreciate everyone who has given input on this and know how anxious many of the people are to see what this will look like and, as soon as it is available they will make it public.

#### **NEW BUSINESS**

##### **RESOLUTION NO. 133**

Offered by Councilwoman Parker, seconded by Councilman Polak, Adopted by vote of the Board: Wormuth, Polak, Parker, Hotaling, Hayner

RESOLVED, that the Town Board approves and orders paid all vouchers for all funds listed on Abstract dated June 2, 2009, totaling \$1,243,031.71.

##### **RESOLUTION NO. 134**

Offered by Councilman Polak, seconded by Councilman Hotaling, Adopted by vote of the Board: Wormuth, Polak, Parker, Hotaling, Hayner

RESOLVED, that the Town Board appoints Lucia Smith, temporary/seasonal/part time Water department laborer to be paid \$14.17 per hour, effective June 8<sup>th</sup>, 2009.

Supervisor Wormuth commented on the next item stating with interest rates dropping this will allow the Board to put out for bid the refunding of our Bonds, which we have set a limit at 4% and will save the Town 4% on the maximum refunding and they are looking at reducing our interest payments.

#### RESOLUTION NO. 135

Offered by Councilwoman Parker, seconded by Councilman Hotaling, Adopted by vote of the Board: Wormuth, Polak, Parker, Hotaling, Hayner

REFUNDING BOND RESOLUTION OF THE TOWN OF HALFMOON, NEW YORK, ADOPTED JUNE 2, 2009, AUTHORIZING THE REFUNDING OF APPROXIMATELY \$4,925,000 WATER DISTRICT SERIAL BONDS – 2001 OF THE TOWN, STATING THE PLAN OF REFUNDING, APPROPRIATING A MAXIMUM AGGREGATE AMOUNT OF \$5,000,000 THEREFORE, AUTHORIZING THE ISSUANCE OF A MAXIMUM \$5,000,000 REFUNDING SERIAL BONDS – 2009 TO FINANCE SAID APPROPRIATION AND THE COSTS RELATED THERETO, AND MAKING CERTAIN DETERMINATIONS ALL RELATIVE THERETO.

#### RECITALS

WHEREAS, the Town of Halfmoon, New York (the “Town”), has heretofore issued its \$6,925,222 WATER DISTRICT SERIAL BONDS - 2001, dated April 27, 2001, now outstanding in the approximate aggregate principal amount of \$4,925,000, which bonds mature in the principal amounts of (i) \$310,000 on April 15 in year 2010; (ii) \$325,000 on April 15 in year 2011; (iii) \$340,000 on April 15 in year 2012; (iv) \$360,000 on April 15 in year 2013; (v) \$375,000 on April 15 in year 2014; (vi) \$395,000 on April 15 in year 2015; (vii) \$415,000 on April 15 in year 2016; (viii) \$435,000 on April 15 in year 2017; (ix) \$455,000 on April 15 in year 2018; (x) \$480,000 on April 15 in year 2019; (xi) \$505,000 on April 15 in year 2020; and (xii) \$530,000 on April 15 in year 2021, and which bonds bear interest at varying rates between 4.750% per annum and 5.000% per annum, payable semi-annually on April 15 and October 15 in each year to maturity; and

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

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

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

(a) **“Bonds To Be Refunded”** means a portion or all of the outstanding \$6,925,222 Water District Serial Bonds – 2001 dated April 27, 2001. The aggregate principal amount of the Bonds To Be Refunded is approximately \$4,925,000, assuming that the bonds which mature in years 2010 and 2011 are included.

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

(c) **“Present Value Savings”** means the dollar savings which result from the issuance of the Refunding Bonds computed in accordance with Section 90.10-b.2(a) of the Law by discounting the principal and interest payments on both the Refunding Bonds and the Bonds To Be Refunded from the respective maturities thereof to the date of issue of the Refunding Bonds, at a rate equal to the effective interest cost of the Refunding Bonds. The effective interest cost of the Refunding Bonds shall be that rate which is arrived at by doubling the semi-annual interest rate (compounded semi-annually), necessary to discount the debt service payments on the Refunding Bonds from the maturity dates thereof to the date of issue of the Refunding Bonds and to the bona fide initial public offering price including estimated accrued interest, or, if there is no public offering, to the price bid including estimated accrued interest.

(d) **“Redemption Date”** means the date on which the Bonds To Be Refunded, excepting the Non-Callable Bonds To Be Refunded, if any, are to be redeemed, which Redemption Date shall be on or about April 15, 2010.

(e) **“Refunding Bond”** or **“Refunding Bonds”** means a portion or all of the maximum amount of \$5,000,000 Refunding Serial Bonds - 2009 of the Town, authorized pursuant to Section 2 hereof.

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

**Section 2.** The Town Board of the Town of Halfmoon (the “Town Board”), hereby authorizes the refunding of all of the approximate aggregate \$4,925,000 Bonds To Be Refunded of the Town, more particularly described and referred to in the Recitals hereof, and appropriates a maximum amount of \$5,000,000 to accomplish such refunding so long as the net Present Value Savings is 4.000% or higher. The plan of financing said appropriation includes the issuance of a maximum amount of \$5,000,000 Refunding Bonds and the levy and collection of a tax upon all the taxable real property within the Town to pay the principal of and interest on said Refunding Bonds as the same shall become due and payable. Serial bonds of the Town in the maximum principal amount of \$5,000,000 and designated “REFUNDING SERIAL BONDS - 2009” are hereby authorized to be issued pursuant to the provisions of the Law. The financial plan for the refunding (the “Refunding Financial Plan”), prepared for the Town by the Fiscal Advisors & Marketing, Inc. or other firm retained by the Town for such purpose, annexed hereto as Exhibit “A”, is hereby accepted and approved. The Refunding Financial Plan

contemplates the principal of and interest on the Bonds To Be Refunded becoming due and payable on the Redemption Date.

**Section 3.** The approximate \$4,925,000 Bonds To Be Refunded referred to in Section 1 hereof are the unmatured aggregate outstanding balance of the \$6,925,222 WATER DISTRICT SERIAL BONDS - 2001, dated April 27, 2001, which were originally issued pursuant to their respective bond resolutions duly adopted by the Town Board, authorizing the issuance of serial bonds of the Town for various Town purposes.

**Section 4.** The Refunding Bonds authorized in the maximum aggregate principal amount of \$5,000,000 shall mature in amounts and at dates to be determined by the Town Supervisor, but tentatively in accordance with the maturity schedule set forth in the Refunding Financial Plan. The Town Supervisor, as the chief fiscal officer of the Town, is hereby authorized to approve all details of the Refunding Financial Plan not contained herein.

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

**Section 6.** The approximate aggregate amount of estimated present value savings, computed in accordance with subdivision two of paragraph b of Section 90.10 of the Law by discounting the principal and interest payments on both the Refunding Bonds and the Bonds To Be Refunded from the respective maturities thereof to the date of issue of the Refunding Bonds at a rate equal to the effective interest cost of the Refunding Bonds, is \$175,833.74.

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

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

**Section 8.** Each of the Refunding Bonds authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Law and said Refunding Bonds shall be general obligations of the Town payable as to both principal and interest by a general tax upon all the taxable real property within the Town without limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said Refunding Bonds and provision shall be made annually in the budget of the Town for (a) the amortization and redemption of the Refunding Bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

**Section 11.** The Town Supervisor is hereby authorized to enter into an escrow contract (the "Escrow Contract") with a bank or trust company located and authorized to do business in this state, for the purpose of having such bank or trust company act as the escrow holder (the "Escrow Holder") of the proceeds, inclusive of any premium from the sale of the Refunding Bonds, together with all income derived from the investment of such proceeds, if and to the extent such an Escrow Contract is recommended or required by bond counsel to the Town. All monies held by the Escrow Holder shall be invested only in direct obligations of the United States of America or in obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates when such monies will be required to make payments in accordance with the Refunding Financial Plan.

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

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

**Section 14.** The Town Board hereby appoints and authorizes (i) Jeanine Rodgers Caruso, CIPFA, the President of Fiscal Advisors & Marketing, Inc. to prepare and administer the Refunding Financial Plan, (ii) RBC Capital Markets to act as underwriter of the Refunding Bonds and (iii) John N. Vagianelis, Esq., a shareholder with the law firm of Segel, Goldman, Mazzotta & Siegel, P.C., Albany, New York, to serve as the Town's Bond Counsel.

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

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

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

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

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

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

#### RESOLUTION NO. 136

Offered by Councilman Hotaling, seconded by Councilman Hayner, Adopted by vote of the Board: Wormuth, Polak, Parker, Hotaling, Hayner

RESOLVED, that the Town Board authorizes the Town to renew membership in the Saratoga Economic Development Corporation for the 2009 Annual Member investment amount of \$495.00.

#### RESOLUTION NO. 137

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

RESOLVED, that the Town Board approves minutes of Town Board meeting of May 5, 2009 as presented by the Town Clerk.

#### RESOLUTION NO. 138

Offered by Councilman Hotaling, seconded by Councilman Hayner, Adopted by vote of the Board: Ayes: Wormuth, Parker, Hotaling, Hayner Abstain: Polak Carried.

RESOLVED, that the Town Board approves proposal from Clough Harbour and Associates to provide engineering services for the Chemical Bulk Storage Tank Inspection services for one 2,000 gallon regulated tank at the Town water department in the lump sum amount of \$3,200.

#### RESOLUTION NO. 139

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

RESOLVED, that the Town Board authorizes renewal of the following Mobile Home Park Licenses for the 2009-2010 licensing year, per inspection and approval of the Code Enforcement office: Smith Road Mobile Home Park and Halfmoon Mobile Home Park.

#### RESOLUTION NO. 140

Offered by Councilwoman Parker, seconded by Councilman Hayner, Adopted by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

RESOLVED, that the Town Board approves Change Order No. 2-GB, Bishop Beaudry Construction, Contract No. 1-GB, Halfmoon Town Park in increase amount of \$16,779 to furnish and install wood railing, soffit framing, safety glass windows and add a storefront entrance at the Clubhouse lobby.

#### RESOLUTION NO. 141

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

RESOLVED, that the Town Board approves the Town's membership investment in the amount of \$330.00 for the Saratoga County Chamber of Commerce.

RESOLUTION NO. 142

Offered by Councilwoman Parker, seconded by Councilman Hayner, Adopted by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

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

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

Debit: Estimated Revenues 25-510 \$4,526.55 Subsidiary: 25-4-2189 Home & Community Services \$4,526.55  
Credit: Appropriations 25-960 \$4,526.55  
Subsidiary: 25-5-1440.40 Engineering Contractors Inspections \$4,526.55

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

NAME	AMOUNT
Halfmoon Village/Yacht Club	\$1,067.50
Falcon Trace	3,459.05
TOTAL	\$4,526.55

A resolution is needed to appropriate the contribution from Perry Textiles and Halfmoon Republican Committee made to the Character Counts Program for the summer recreation program for youths to attend summer camp as follows:

DEBIT: Estimated Revenues 10-510 \$800  
Subsidiary: Community Gift Contributions 10-4-2705 - \$800  
CREDIT: Appropriations 10-960 \$800  
Subsidiary: Character Counts – Contractual 10-5-7989.4 - \$800

Creation of Appropriations – Landfill Post-Closure Care Capital Fund per Resolution of 10/16/07 authorization was given to Clough, Harbour to perform quarterly Environmental Monitoring Services at the Town Landfill site in accordance with NYSDEC approved Post-Closure Monitoring & Maintenance per the operations manual not to exceed \$7,500 annually. This creation will set up one year of funding in Post-Closure Care Capital Fund. Monies for the Post-Closure Care Reserve Fund will fund these expenditures. Create as follows:

Debit: Appropriated Reserves 40-2-0511.00 \$7,500  
Credit: Appropriations 40-5-0960.00 \$7,500  
Subsidiary: 40-8160.20 – PC Landfill Capital Outlay - \$7,500

RESOLUTION NO. 143

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

RESOLVED, that the Town Board appoints Pat Keyrouze, Nancy Morris, Heidi Davis and Walter Hart to the Halfmoon Senior Citizen Association Board of Directors for a two-year term effective June 1, 2009 through June 1, 2011.

The Supervisor opened public privilege for discussion of non-agenda items.

Henrietta O’Grady, Church Hill Road, stated that the Town of Halfmoon recently made a big transition of their water source of the Hudson River and now receive water from the Troy Tomhannock. She has been very interested in the water districts right from the beginning and, she wants to say how much she agrees with the Town and the Supervisor and the action that was taken to provide the residents and water users with safe, clean water. She stated, thank you very much and thinks it is the right step, she is sure it was a hard decision but, agrees whole heartily with it.

Tom Fron, owner with his wife of Dolce & Biscotti Bakery, Route 9 stated he thanks the Board for taking the Sign Ordinance in review and it is of great interest to the businesses of Halfmoon in order to market their businesses effectively. He stated that is all they are asking for and understands there is a need for an ordinance and some type of restrictions but when the restrictions are somewhat punitive to some businesses versus others it needs to be reviewed and, he thanks them again. He stated without drawing attention to other businesses there seems to be some inconsistencies in the Sign Ordinance and the way it is enforced. He stated today on Route 9 he noticed one of the cellular companies had a 20’ flag in the front of their property and he has no objection to that and thinks it looks kind of nice and, if it allowable he’ll go buy one and put it up. Driving here there is a sign for New Country and DiSiena and if that is allowable he will put one up. He stated he just needs to know what’s allowable and what is going to be enforced and what is not going to be enforced. He stated when they put a simple little “A” frame sign out the Town did a sign sweep and it was taken away. He stated they were in violation of the Ordinance and he totally understands that but their sales are suffering because of the lack of ability to market their business effectively. He stated he has heard the comment well maybe they pay a little less in rent and you make that up, as business people they understand location, location, location is the key to a successful business in retail. He stated they have a wonderful location and he is thrilled to be doing business in Halfmoon but, what they are prohibiting him from

doing is marketing their business effectively. He stated when they are reviewing this please take into consideration some of the obscure properties and the challenges they face marketing their business. He stated as you drive to adjoining Towns and you seen little signs across the road, are they offensive? He stated actually he thinks they are interesting. He stated he understands there needs to be some type of guidelines and is asking that the guidelines are fair to all and enforcement is fair to everybody.

Supervisor Wormuth commented on the signs that say DiSiena and New County preexist the Sign Ordinance and are grandfathered in.

Mr. Fron stated he understands that but he is just looking for the same type of ability to market his business so they can be successful. He stated his needs are different than other retailers in the Town Center Plaza. He stated some have no plan or desire to change the sign so it is going to be something that is going to cost them additional money so they will say no.

Supervisor Wormuth stated she can promise him that part of the discussion in the Sign Ordinance has been the marketability of businesses, the Board's response to businesses being successful in Town, as well as businesses that face challenges based on how they are located both facing Route 9 and the distance from Route 9. She stated she can guarantee that at the end of the day the Sign Ordinance is not going to make everybody happy but she can promise him that they have tried to open it up to as much public comment as they can and the Board has been very open in discussing all the comments that we have received. She stated it is her hope that in two weeks they can present something to the public that will reflect the comments that they have heard and will help address some of the things they talked about. She stated they will hold a public hearing and are looking forward to trying to move this forward sooner rather than later.

Attorney Murphy stated the Board could schedule the public hearing in two weeks then in two weeks have the public hearing then a vote could occur.

Mr. From asked that the Board currently suspend the Sign Ordinance as it is now in relationship to "A" frame signs because it is punitive to the businesses that are trying to be successful which, for a Bakery it is somewhat of a slow time going into the summer and, if they could just have a 90-day moratorium on that portion of the Sign Ordinance it would be beneficial to not only their business but others.

Attorney Murphy stated it takes a public hearing to enact a moratorium so by the time a moratorium is in place he would have a Sign Ordinance.

Mr. From stated he thought the Town did a sign sweep a week or so ago and asked if that was true.

Supervisor Wormuth stated the Town has been doing sign sweeps on and off for over a month and a half, since springtime, and things have been going on. She stated she is not sure what he is referring to and they have ticketed people and have people remove signs. She stated they do routinely pick up signs that are illegally placed if they have warned people and she will look into it and call him in the morning.

There being no further business the meeting was adjourned at 7:26 pm.

Respectfully submitted,

Mary J. Pearson  
Town Clerk

