

The October 17, 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
Craig A. Hayner, Councilman
John P. Wasielewski, Councilman
Lyn A. Murphy, Town Attorney
Matthew J. Chauvin, Deputy Attorney
Lynda A. Bryan, Town Clerk

Paul L. Hotaling, Councilman- Excused

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.

PUBLIC HEARING: THE ESTABLISHMENT OF A PROPOSED AMBULANCE DISTRICT IN THE TOWN OF HALFMOON

Supervisor Wormuth: The first thing that we have on our agenda this evening is a Public Hearing on the establishment of the proposed Ambulance District in the Town of Halfmoon. Would anyone want the Clerk to read the notice? No one responded.

I would ask Nelson Ronsvalle, the Director of Finance, to go through some points that the Town Board took into consideration when creating this Ambulance District, and why the Board feels that it is necessary. Then we will open it up to comments from the public. I will open the Public Hearing at 7:02 pm

Nelson Ronsvalle: Thank you. I think that I will just cover the “W” kinds of questions: the What, the Why, & I will spend a little bit more time on the Who and the Where.

The **What**, of course, is what Mindy just discussed: This Public Hearing on the establishment of the proposed Ambulance District in the Town of Halfmoon, which kind of prompts the second question.

Why: First in my mind, is that the Clifton Park-Halfmoon Emergency Corps is really out of step with the other services that are provided here in the Town of Halfmoon. By that I mean, the other services such as the Fire Districts in town, they are Districts, whereas the Emergency Corps is not. The Ambulance service turns out, is out of step in another sense the Town of Clifton Park is already an independent district. The primary reason for the formation of the Ambulance District is to establish an equitable mechanism to sustain the Ambulance Corps and it’s services in the future.

The **Where** and the **Who**, the where in our case will be coterminous with the boundaries of the Town of Halfmoon and so that leads to the Who, and the Who is everyone in town will be able to avail themselves to the services of the Ambulance District and the Emergency Corps.

So, those were just some brief statements and overview. We have already taken the step of having Clough Harbour, the towns engineering and planning support. They have already developed the plan, a report, and mapping for the formation of the Ambulance District. This is another step in the process in its formation.

Supervisor Wormuth: asked John Wasielewski, the Town's Liaison to Emergency Services, to please introduce some of the Emergency Services that are here this evening.

Councilman Wasielewski: I would like to identify some of the members of the leadership of the Clifton Park-Halfmoon Ambulance Corps here tonight. We have Dr. Janikus, who is the Chairman of the Board of Directors, Eric Hanchett, Chief of Clifton Park-Halfmoon, and Board members; Tom Lundquist and Bill Pfaffenback. Thank you all for being here tonight.

Supervisor Wormuth invited anyone from the public who wanted to come and speak tonight, to please do so.

Deanna Stephenson, 7 Cindy Lane: First of all, I just want to preface my comment by saying that the group of guys and ladies that make up this Clifton Park-Halfmoon, they are a great, great group. The Board that has been established and I have said this hundreds of times; every time that I get the chance, you do a great job, so this comment, has nothing to do with this. I only want to state for the record, that it would have been probably have been better if we looked at this a couple of years ago, because now, we are looking at a tax. I know the mantra of Halfmoon is no Highway tax, no Town tax, yes, yes, yes, but this does turn into a tax to fix some of the issues that we have with the budget. So, I just want to comment that it has nothing to do with the kind of work that you guys do because it's awesome. But I just want to say that it is unfortunate that it comes down to a tax, and to me a tax is a tax, no matter how you look at it.

Doug Goglia, 19 Stage Run: I just have some questions to follow up on some of the things that Deanna just mentioned. I know that there is a line item budget in the 2013 proposed budget, and I am curious as to what this does to the budget item that is there, and is there going to be a change in the costs, or is this a reallocation of the cost of the budget item that is there? How is this going to be financed?

Supervisor Wormuth: I guess I am not sure which item you are referring to.

Doug Goglia: On page 15 of the 2013 budget, there is an item, actual for last year for \$1,999,343 that was adopted in 2012 for the Ambulance Services

Supervisor Wormuth: That item has been removed from the proposed budget for 2013. If this district is passed, it will stay that way, if not, we will adjust the budget before it is adopted.

Doug Goglia: So, if I understand correctly, this money that you are allocating for the Ambulance service will continue to be allocated toward the new service, or is there some different money that we are talking about to pay for the new district?

Nelson Ronswalle: I am well aware of what it is. That line item goes to zero on the 2013 proposed tentative budget, and if this district moves forward,

Doug Goglia: What happens to the roughly 1.1 million dollars that is allocated to that line item?

Nelson Ronswalle: There is nothing in the budget that will take its place.

Doug Goglia: Where is the money?

Supervisor Wormuth: It stays in the general fund

Doug Goglia: OK, essentially

Supervisor Wormuth: We use General funds to balance the budget as we have in the past

Doug Goglia: A couple of other questions, I noticed on page 33 of the proposed budget, there is a reference to total State aid, what State aid are we talking about, and has it allocated by the state yet to the town? Do we expect it to still come?

Attorney Murphy: Is that about the Ambulance, the state aid?

Doug Goglia: Well

Attorney Murphy: I am asking Nelson, I'm sorry

Doug Goglia: No, I understand, I am trying to just get a general sense. It seems to me that we have the state money that is being used in the budget, and then an unappropriated unexpended balance of \$401,000 in the budget, and I am not quite sure what those numbers are, and then we talking about, I am unclear, is there an additional amount of money that we are talking about that is going to be incurred by setting up this ambulance district, or is it something that is already in the budget? I am unclear as to what the fiscal results

Supervisor Wormuth: The fiscal results will that there will not be a line item in the Ambulance budget at all. We use the flat number from 2012 that was included in Clough Harbour's map planning report, so that's the line that will go to the Ambulance should the taxing district be created and nothing will come out of the general budget for that line item to zero.

Doug Goglia: What's the impact on the resident's pocketbooks specifically? Is there going to be a surcharge, is that what we are talking about here? I am a little foggy as to, are we just talking about a nominal change to the districts such that the taxpayers throughout be entirely transparent and there will just be another district

Supervisor Wormuth: It will appear on your County tax bill as a taxing district just like your Fire Department does. The Clough Harbour planner breaks it down into the amounts per \$100,000 assessed values.

Doug Goglia: So, if I understand correctly, and I am not trying to create a problem, but you are telling me that there is going to be an additional charge on the residents to pay for this Ambulance district, is that right?

Supervisor Wormuth: Correct, in order to not keep reducing the fund balance which has been one of the concerns that we have heard from the residents year after year.

Attorney Murphy: in the Comptroller

Doug Goglia: I understand the need for this, and frankly I have no objections to paying an added tax or how you want to characterize this, if we need the services and it certainly is a service is certainly worth having, we agree that we need emergency services here. What I am foggy on, is we had this item in the budget that was attributed toward the Ambulance service and that is still in the budget, but the money is going to allocated somewhere else, and if I understand correctly, we are going to have to come up with another sum of money to pay for the same services that were already budgeted.

Attorney Murphy: No, the line item is zeroed out; it is no longer going to be an expense in the budget. It is not a duplication of that \$1.2 million dollars. We used to negotiate annually the contract with the Ambulance district and pay based on what that negotiation was. What this does, is give both the Ambulance district and the residents in the town some certainty as to what the amount is going to be with

regards to their services for the cost incurred for their share, and for years to come because of the caps which I know that you are familiar with.

Doug Goglia: I am sorry; I missed that last part of this.

Attorney Murphy: and the caps that are in place now

Doug Goglia: OK, I think that I somewhat understand. Thank you.

Supervisor Wormuth: Asked if anybody else wanted to comment and hearing none, closed the Public Hearing at 7:13 pm. She then asked if members of the Board wanted to speak.

Councilman Wasielewski: Mr. Goglia, I share your pain with any additional expenses coming out of my pocketbook to pay for anything. It is one of the reasons why I got involved in public service, very fiscally conservative, as prudent as they come. If you do not mind Madam Supervisor, going back to this year's Ambulance Corps, it is increasingly busy, close to 5000 calls a year now. Tremendous service, outstanding service, my own EMS experience goes back close to 30 years from Long Island, Manhattan, and this organization is top notch; as good as any I have ever worked with. They would come to us every year with their increasing amounts of calls and say: Hey, we need 5% this year, we have been extremely busy. Well, we really don't have 5% but we can give you 1%. We want to give them everything that we could, but fiscally couldn't. This provides a stable funding basis for them, and essentially, it really is just shifting the pot of money around. I mean, we are all paying it, whether you are seeing it as a separate item on your tax bill or not, it is an expense to all of us. So, this really eliminates the need for them to come to us with hat in hand and for us to kind of barter back and forth, those days will be done. It will be predictable, stable and they have an outstanding Board of Trustee's, who I feel as a fiscal conservative, they have already done amazing things reducing their budget, with an increased workload. I am very confident that they will do the right thing. I have all the confidence in the world. I would not vote yes for this if I had any doubt.

Doug Goglia: (spoke from the audience & could not hear him clearly) Just to clarify, I am just concerned that with the state that the State is in

What is the tax liability, let's get it out there

Councilman Wasielewski: and Nelson that is estimated to be \$.37 per \$1,000 of assessed value?

Nelson Ronswalle: Correct

Councilman Wasielewski: \$.37 per \$1,000 of assessed value, which is a relative bargain compared to, and I am not bad things about Fire Districts either, I love them all, but they can get pricy sometimes. Considering the lifesaving services provided here...once again, I hear you! Any additional costs are tough, especially in these times.

Supervisor Wormuth: John, just for clarification purposes, the map plan calls for \$.57 per \$1,000 based on using the \$1.2 million dollars from last year which was a flat rate that we chose as a starting point in the map planning report and that is what the Board is bound by for the 2013 budget. And to just further answer your question, if the budget should pass the way it stands now without any further reduction or additions by the Board, and the Ambulance district passes, it is a 14.7% reduction in spending over last year. It means that we won't take money to the tune of \$1.2 million dollars out of the fund balance, which we have done in the past in order to support this and other programs. That was done through elimination of jobs as people left and leaving them vacant, and attrition. We are

faced with, and I am sure as you know increased retirement costs, and health insurance costs. It is a combination of all those things that we formulate into the budget. It is an actual reduction of over 14.7% from last year's spending plan.

Doug Goglia: Thank you.

Supervisor Wormuth asked Attorney Murphy the options available at this point.

Attorney Murphy: At this point, the Board could choose to move forward with the resolution approving the formulation of the Ambulance District, it is subject to permissive referendum, and there would be a 30 day waiting period. The Board could choose to redefine the districts, the districts as defined by the map planning report for the entire Town of Halfmoon, making sure that everybody in town is serviced. The Board could choose to say that they do not want to go with an Ambulance District.

Councilman Wasielewski: Before we go forward, is there anybody from the Ambulance District who would like to speak?

Supervisor Wormuth: We certainly did not want to put any of you on the spot, but we appreciate you being here to answer any questions that came up that were service related and if you do want to speak as to how it affects you and your budgeting process, that may be helpful to people.

Eric Hanchett: Deputy Director of the Clifton Park-Halfmoon Emergency Corps. Our director apologizes for not being here himself; however he is serving in Afghanistan for the next year, so you can understand that travel is a little difficult for him.

The move to establish this district is in no way changes our budget; this is not dependent on the agency's budget request. What it in essence does for our end, is it stabilizes that funding so that it can be anticipated from year, to year, to year. With that in mind, we can project out long term goals instead of waiting for year to year negotiations that have historically taken place with our service in the towns. By being able to project out that funding based on billing revenues, which we still will be continue to bill insurance companies to offset and keep that levy as low as possible. We will be able to project out and plan further goals, whether it be additional staffing, more ambulances based on volume, whether it is expanding projects or programs offered to the community. It gives us a long term set of numbers that we can count on. That brings a great value as far as us in planning how we want to utilize our resources to the town.

I am wide open to take questions

Supervisor Wormuth: Just to clarify, the Halfmoon Town Board would serve as the Commissioners for Halfmoon taxing district just as the Clifton Park Town Board serves as the Commissioner's for the Clifton Park taxing district, and would be held to the same guidelines that the State sets now with the 2% tax caps and the different safety nets that are put in place which is why a couple of years ago, some of these same Board members who are sitting here would not have considered this because it could have increased the taxes by 18%. That was the concern that was raised in the past.

Eric Hanchett: This is not viewed from us as an endless well of money that we can draw from. This is still going to be subject, as Supervisor Wormuth said, to the State mandate.

Supervisor Wormuth: You guys have done a great job being conservative and reorganizing your funds and you provide a great service, and we certainly all who sit up here, just as Mrs. Stephenson said, recognize that you have done a

tremendous job already just in reorganizing things and be able to be cost efficient in that manor with all of the increase that you face, just as we do with health insurance, with retirement costs going up and we know that you are in the same boat as an employer too.

Eric Hanchett: Thank you. If there are no further questions, know that our agency is always open to those questions from the community. If you have any concerns about any service or bill or anything concerning our agency, please give us a call and we will try to answer as rapidly and as clearly as we can. Thank you.

Supervisor Wormuth: The Attorney has laid out the options before the Board. It would require a motion to move in any direction. What is the Board's pleasure?

Councilman Wasielewski: I would like to make a motion to move forward with the formation of the Ambulance district.

Councilman Polak: I will second that

Supervisor Wormuth: Motion has been made and seconded; the Attorney is just going to make sure that you comfortable with some certain language that needs to be included into that.

Attorney Murphy: John, in so moving, you are just making a determination that the hearing notice obviously was published and posted as required by law that all of the property and the property owners within the proposed district are benefitted, which we talked about earlier, that all of the property and the property benefited are included within the limits of the proposed district as we also discussed, and that it is in fact in the public interest to establish said ambulance district.

Councilman Wasielewski: I believe it is.

Supervisor Wormuth: Mr. Hotaling asked me to apologize for his absence here this evening. He is ill and asked me to share with the public his support for this movement to go forward. Please enter that into the record, Madam Clerk

RESOLUTION NO. 214

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

Resolved, that the Town Board of the Town of Halfmoon approves establishing an Ambulance District in the Town of Halfmoon

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Clerk Bryan: Senior Center will be hosting a Flu Clinic on Oct. 30th from 9:30-11:30. Please bring your Insurance Cards.

They will also be having their Annual Holiday Bazaar on Sat Nov 3rd from 9-2. This is a very popular event with hundreds of Crafts for Holiday Gift Giving, and they always have their Bake Sale. Please come and support our seniors!

Our own VIVIAN BORNT is celebrating her 100th Birthday. She was born right here in Halfmoon! Celebrations will be held for her on Nov 4th at the West Crescent Fire House from 1-3 and on Nov. 7th at the Senior Center after the Business meeting at 1:00. Happy Birthday Vivian!

Councilman Wasielewski: Just asking the residents to please take participation in the numerous Fire Department Open Houses that are going on for October Fire

Prevention Month. There is a lot of community outreach, all good things.
Remember to change your batteries in your smoke detectors.

Attorney Murphy: There was a Proclamation drawn up to honor Vivian on achieving her 100th Birthday, and I would ask respectfully that the Board pass a resolution so that she can be given that proclamation on the 4th at the celebration at the West Crescent Fire company

RESOLUTION NO. 215

Offered by Supervisor Wormuth, seconded by Councilman Wasielewski: Adopted by vote of the Board: Ayes-Wormuth, Polak, Wasielewski, & Hayner

Resolved, that the Town Board of the Town of Halfmoon Proclaims Vivian Bornt for her 100th Birthday

PUBLIC PRIVILEGE (for discussion of agenda topics)

DEPARTMENT REPORTS – month of September

1. Town Clerk Total Fees Submitted to the Supervisor \$9,279.01

CORRESPONDENCE

1. Received from the Town Planning Board Resolutions approving the following: Change of Tenant at 5 Corporate Drive, Capital District Business Park, for Better Homes & Garden Real Estate Change of Tenant Application at the Rekucki Plaza located at 1531 Route 9, a Change of Tenant at 282 Grooms Road, a Change of Tenant and Sign Application for Zach Stone Barber to locate within Legally Bronzed business at 222 Guideboard Plaza, and for Kid Kampus to be located at 282 Grooms Road, and Regarding the Coreno Subdivision
Received, Filed & Print

2. Received from the Halfmoon-Waterford Fire District #1 their Preliminary Budget for the year 2013.
Received & Filed

3. Received from the Clifton Park-Halfmoon Fire District #1 their Proposed Budget Summary for the year 2013.
Received & Filed

4. Received from the State of New York, Department of State, notification of receipt and filing of Local Law # 3-2012, to remove two-family dwellings as a permitted use in the zones and mandate that they be subject to a special use proceeding and to increase the area required for placement of a two-family dwelling.
Received, Filed & Print

5. Received from a concerned resident regarding construction on Hayner Rd.
Forward to Code Enforcement & Storm Water Management, as they have followed through with the resident.

6. Received a letter from Edward J. Dalheim, President of Mead Enterprises, Inc., about his disappointment that Mr. Marchand was denied approval in his effort to build a new warehouse on the Button Road property.
Received, Filed & Copy Planning

7. Received from Beth Abramson, the Animal Control Officer, her report for the months of June, July, August, and September of 2012.
Received & Filed

Supervisor Wormuth: Those are recieved by Councilman Wasielewski and he will review them with her, and distribute them for Filing & Print for Board members as well as Town Clerk

TYPE OF ACTIVITY-IN HOURS	JUN '12					JULY '12					AUG '12					SEPT '12				
dog ral search/pursuit/capture/transport						32.5		42.75		37.75		28.25								
rabid wildlife location/observation/dispatch/transport						4.75		3.25		2		1.5								
wildlife/feral cat nuisance (inc. trap loan and instruction)						15		13		16		10.5								
injured wildlife/pet assistance/transport (inc. DOA)						3.5		8.5		5.25		3								
owner surrender of pet/transport (inc. abandonment)						4.25		3.5		4		2.5								
bite cases/quarantine checks						12.75		9.75		11.75		6								
dangerous dog case preparation						0		0		0		0								
neglect case preparation						0		0		0		0								
animal in distress call (inc. suspected abuse/neglect)						21.25		20.25		22.5		19.75								
livestock death by loose dog investigation						0		0		0		0								
park patrol/trail walking Canal Rd						11.5		12.25		13.75		10								
park patrol/trail walking Town Park						10.25		10.75		9.75		8								
park patrol/trail walking Zim Smith						9		7		6.5		4.25								
park patrol/trail walking Champlain Canal						8.5		9		11.5		8.5								
park patrol/trail walking Waterford Lock						4.5		3.75		4.25		2.75								
park patrol/trail walking Lighthouse Park						6.25		4		3.75		3								
ticket preparation and service						5		7		6.5		4								
court appearances/preparation						0		0		0		0								
incoming/outgoing calls/email						38.25		40.5		43.5		27.5								
preparation and mailing of forms/materials (complaints/rabies info/town ordinance)						10		11.25		10.25		6.75								
creation and updating of forms						1		0		0.5		0								
license compliance (delinquent and original)						4.5		5.75		5.5		2.25								
lost/found pet DB (inc. web posting and flyer circulation)						5.75		5		8.5		4								
vehicle care and cleaning/sanitizing/restocking						3		3		4		6								
general paperwork/filing/copying (inc. Foil requests)						3		3		3.5		1.5								
community education/outreach						1		2		1.5		0								
staff coordination and update/vehicle transfer						5		6		6		6.5								
continuing education (research/professional publication reading)						6.5		3.5		2		1								
creation of ACO procedures manual						0.5		1		1		0								
resident requested complaint meeting						2.5		3.5		2.75		0								
target practice						0		0		0		0								
continuing education (training/schooling) [credits earned]						0		0		0		0								
vacation/holiday/sick time used (not active work time)						0		19		0		23								

bereavement time used (not active work time)	0	0	0	0	32
TOTAL DEPT. HOURS by calendar month (inc. earned admin.)	231	258.25	244.25	222.5	
hours above schedule worked John Cuttita (uncompensated time)	2	0	10	7.75	
hours above schedule worked Beth Abramson (administrative time)	2.75	14.75	0.75	7.25	
comp. time taken John Cuttita	0	15	0	15	
administrative time taken Beth Abramson	5.25	0	11.75	1	

OLD BUSINESS

RESOLUTION NO. 216

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

Resolved, that the Town Board of the Town of Halfmoon accepts the 2013 Town of Halfmoon Tentative Budget as the 2013 Town of Halfmoon Preliminary Budget.

RESOLUTION NO. 217

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

Resolved, that the Town Board of the Town of Halfmoon sets the public hearing for the 2013 Town of Halfmoon Preliminary Budget for November 7, 2012 at 7:00 pm.

Councilman Wasielewski: Was that the 24th?

Supervisor Wormuth: The 24th is for the Budget Workshop that is scheduled for next week and once we have the motion I will address that.

Next week on the 24th of October at 7:00pm in this room, we will be having a scheduled Town Board Workshop for the Budget. We encourage everybody to attend.

NEW BUSINESS

RESOLUTION NO. 218

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 approves and order paid all vouchers for all funds listed on vouchers 2356-2433

General Fund	13,652.91
Highway Fund	40,960.76
Special Revenue	717.25
Consolidated Water	42,110.68
Lighting District	422.73
<u>Water District #1</u>	<u>12,509.27</u>
Total	\$110,373.60

RESOLUTION NO. 219

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

RESOLVED, that the Town Board of the Town of Halfmoon accepts the minutes of Town Board meeting of, October 3, 2012 as presented.

RESOLUTION NO. 220

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

RESOLVED, that the Town Board accepts the Water Report for October billing as submitted by the Director of Water.

REPORT TOTALS					
ACTIVE ACCOUNTS:	NUMBER#	TOTAL ARREARS	TOTAL CURRENT	TOTAL BALANCE	ACTIVE ACCOUNT RECONCILIATION
DISCONNECTED ACCOUNT:	5,576	108,249.48	1,070,947.38	1,179,196.86	NEW ACCOUNTS: 36
FINALED ACCOUNTS:	0	0.00	0.00	0.00	DISCONNECT--NO TRF: 0
INACTIVE ACCOUNTS:	25	0.00	0.00	0.00	DISCONNECT--TRANSFER: 0
** TOTALS **					
5,501		108,249.48	1,070,947.38	1,179,196.86	
CALCULATION SUMMARY					
TOTAL CHARGES:		1,070,947.38			
DEPOSIT RETURNS:		0.00			
TOTAL CURRENT:		1,070,947.38			

SERVICE CATEGORY TOTALS					
CATEGORY	NUMBER	TOTAL NET	FUEL-ADJ	TOTAL TAX	TAXABLE
4A WATER	5572	1,070,947.38	0.00	0.00	0.00
TOTALS		1,070,947.38	0.00	0.00	0.00
		BILLED		UNBILLED	TOTAL
		CONSUMPTION		CONSUMPTION	CONSUMPTION
		247014.585.0000			247014.585.0000

REVENUE CODE TOTALS			
R/C DESCRIPTION	G/L ACCOUNT#	AMOUNT	
SERVICES:			
100-CONSOLIDATED	30 -1-0350.10	1,047,742.64	
101-DISTRICT 1	70 -1-0350.00	16,478.94	
102-OUTSIDE USER	30 -1-0351.20	6,725.80	
R/C TOTALS		1,070,947.38	

RATE TABLE TOTALS								
AT CODE	TBL DESCRIPTION	SCHED	NO#	TOTAL NET	FUEL-ADJ	TOTAL TAX	TAXABLE	CONSUMPTION
A 100	CF WATER -CUBIC FOOT	CF	3	181.13	0.00	0.00	0.00	23,188.0000
A 100	COM WATER -COMMERCIAL	COM	507	258,600.76	0.00	0.00	0.00	72,745,397.0000
A 100	MFG WATER -MANUFACTURING	MFG	3	42,457.37	0.00	0.00	0.00	12,558,600.0000
A 100	MIN WATER -MINIMUM BILL	MIN	1	10.00	0.00	0.00	0.00	13,000.0000
A 100	OUT WATER -OUTSIDE USER	OUT	2	6,725.80	0.00	0.00	0.00	1,260,000.0000
A 100	R1 WATER -DISTRICT #1	R1	133	16,297.81	0.00	0.00	0.00	2,204,600.0000
A 100	RES WATER -RESIDENTIAL	RES	1923	746,674.51	0.00	0.00	0.00	158,209,800.0000
TOTALS				1,070,947.38	0.00	0.00	0.00	

Dist # 1
Consolidated
Billed
16,478.94
Usage
2,227,788
244,786,797
1,054,468.44

RECEIVED
OCT 17 2012
TOWN OF HALFMOON
LYNDA A. BRYAN, TOWN CLERK

Town of Halfmoon - Govt. Office - Fax Server

RESOLUTION NO. 221

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

RESOLVED, that the Town Board authorizes the Supervisor to make the Transfer between Appropriations.

Transfers between Appropriations:

From Account	To Account	Amount	Reason
20-5-5110.40 Highway Repairs	20-5-5112.21 Highway Capital Improvements	\$62,710.00	Transfer to cover costs associated with Woodin Road Improvements

PUBLIC PRIVILEGE (for discussion of non-agenda items)

Patricia Rushby: 47 Tabor Road I would just like to review a letter that I have wrote to you and presented years ago. Pat read the following:

I am a resident of the Town of Halfmoon, residing at 47 Tabor Road for the past 36 years.

I am writing in regard to the plan for Liebich Lane to be extended onto Tabor Road, and the plan to provide water to residents from where Liebich Road will meet Tabor back to Cary Road. That would be one home, if I am correct.

As many of you know, over the years, several of the residents of Tabor Road have expressed concern regarding various issues on this road. They include safety issues as well quality of life issues.

The outstanding concerns are our lack of public water, excessive traffic, large trucks, including but not limited to, construction vehicles who do not stay on their side of the road as they attempt to negotiate the sharp turns on Tabor, unsafe conditions for walkers, and an unenforced 40 mph speed limit.

Now, with the upcoming addition of a new intersection from Liebich Road onto Tabor Road, the Tabor Road residents will be adding one more concern to our extensive list; another major safety issue with an intersection which will be located right after a blind curve, as well as more morning & evening commuter traffic and construction vehicles.

As a resident of 36 years, I have been vocal and expressed these concerns on many occasions in a variety of venues, at this point, to no avail.

On more than one occasion, Mindy Wormuth has assured me, that if future development were to occur on Tabor Road (Rolling Hills for example) that bringing water to Tabor Road would be a priority and a part of the agreement with the developer, if possible. I understand that the residents of Cary Road were afforded that opportunity at no cost to them, and I would like to see the same concession for residents of Tabor Road.

As a long time resident and taxpayer, I feel that it certainly is time for our Town Officials to address these issues and to bring water to Tabor Road.

I have been a constant supporter in the voting booth as well as my participation by signing any and all petitions brought to my door by members of your team.

I would appreciate your support in this matter and hope that I will be hearing back from you soon.

Patricia M Rushby
47 Tabor Road
Mechanicville, NY 12118

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10/10/12

Mindy,

I would like to ask the Board members if there has been any attention given to this request that I presented to them on more than one occasion.

At this time I am very frustrated and upset with the Town Board members as I believe that my repeated requests are consistently ignored.

I was so encouraged last year when we met and you assured me that a portion of Tabor Road would be getting water with money from a PDD once the project was approved.

Now it is my understanding that the Future Halfmoon citizens group has criticized the PDD process and, although the town had the opportunity to get funding for water on Tabor Road, managed to initiate a moratorium stopping development.....and along with that, stopped the plan to finally bring water to Tabor Road.

I just wonder how the "Future" Halfmoon group has such power. I've lived here on Tabor Road for almost 40 years. My concerns have been repeatedly brought to the Town Board members to no avail, yet this new group comes forth and the Board acts on their demands immediately!

As I have stated repeatedly, residents on Tabor Road have had to live with all the negatives that came along with growth in our area of the town. It is time for the Town to address our needs and concerns.

I would appreciate your thoughts on this issue.

Best regards,

Pat

As I try to understand the reason why water was not brought to Tabor Road this past Spring or Summer, as we were told it would be, I question the impact that the Future Halfmoon group seems to have had on our Town Board and Planning Board members.

My understanding was that the PDD process was going to allow long time residents on Tabor Road to finally get water this Spring or Summer. The plan for a 144 unit apartment complex with the PDD was stopped, as the Future Halfmoon group asked town officials for a development moratorium. It appears that the Board acquiesced.

I question the process that led the Town Board and Planning Team to make several decisions that have impacted long time residents, like those of us who live on Tabor Road, negatively.

The Future Halfmoon group may not be aware of the negative consequences of their demands on longtime residents, like myself, who certainly have had the best interest for the future of Halfmoon for over 35 years. Our needs and concerns should be taken into consideration by the Town Board, and by this "concerned citizen group" as well.

The Future Halfmoon group states that "our water and sewer bills continue to soar." They should imagine living in a home who's well has gone dry, and consider the families who have had to have water brought in, as some people on Tabor Road have had to do.

I would like to know if the Town Board and Town Planning Board will continue to reject all PDDs that are associated with development in our town, and with that, end the hope that water will be brought to Tabor Road.

I feel that longtime residents should be afforded as much consideration and action by the Board as any "worried citizen group." I've been worrying that my well will go dry for years!

I would appreciate a response to this issue.

Respectfully,

Patricia M Rushby
47 Tabor Road
Mechanicville, NY 12118

Pat Rushby: I am hoping that I can have some encouragement that, I can hardly believe that it was possible and that it might happen. Then the next thing that I find out after all of these years, it's something that's possible and then it's not going to be done. I just do not understand it.

Attorney Murphy: Just to clarify one thing so you understand, there is not moratorium in building right now. It has been requested, the Town Board is looking at it, the Planning Board is looking at it, but it is not in effect as we sit here today

Patricia Rushby: Well that's good news.

Supervisor Wormuth: Pat, as you and I have talked, with all PDD's, they are subject to Public Hearing. The public came out and was very vocal on concerns about why they felt multifamily homes should not be in that area, which would have needed to be allowed by a PDD because apartments aren't just allowed in town; they have to be done by a PDD that was the only way for that to happen. They felt it was inappropriate in that area in town. The over whelming comments that we received both on the Town Board level and on the Planning Board level were to that effect.

Mr. Polak has worked on water and Planning with me for several years and I know that he is well aware of your concerns for water as well as Mr. Hotelling as he serves on the water committee with us. We have a file with how many feet of water line it is, how big the water line has to be and estimated costs of what that water line is, so as developers come in, whether it is with a residential PDD, a commercial PDD, anything that would allow us to require a public benefit if it is in that area, we try to make that our first priority to tie it too. It's in my file, it's in Frank Tironi's, our Director of Water's file, and Planning has it in their file. So the file is every place that it needs to be. But, this Board is a member of 5 individual people who vote on things. One of the reasons why we hold public hearings is to hear what the public has to say. The Planning Board is 7 individual people. The last PDD never even made it back to the Town Board for a vote by the Town Board because the developer just felt as though there was so much opposition from it, that he did not want to spend the engineering money to look at what he could do there and withdrew the project. Matter of fact, that is what happened to both projects. Neither had gone through the full review from the Planning Board and recommended back to the Town Board. The Town Board never even actually voted on either of those projects. By law, when we get a PDD, we have to refer it to Planning for their comments. That is where the project was stopped on both levels. There were certainly concerns raised by several members of this Board about the increased traffic up there about the density.

Councilman Polak: Pat, certainly, for many years we knew your concerns there, ever since the building of Northern Sites Drive. We tried to get water up in that area but

Patricia Rushby: It is so close, so close

Councilman Polak: it is depressing but unless we can make it affordable for the residents to do that. The State won't allow us to proceed with the project.

Patricia Rushby: I understand that. I am concerned about the resistance of whoever it is that is resisting this kind of development that will afford residents who live on Tabor Road. I haven't lost the water yet, but I know people who have. I think that we need to be considered as well. I am sure that there are reasons for whatever the reason was to not follow through with the complex. However, I think that you have to see both sides of the story. As I have said, I do not know all of the details, but I really feel strongly that I am getting the impression that if this is what is going to happen every time a PDD is brought to you and then is brought to the public, then I do not think that we have much of a chance of getting water.

Supervisor Wormuth: We tried running the numbers and creating a water district up there but you have to meet a comptroller's number. It can't cost more than a certain number per household to create that district, and there aren't enough homes up there that do not have water for the formation of that district to make those comptroller's numbers work. We have tried anything that we could; I've had our grant writer coming up with anything that he could for grant's that may be available in areas that are lacking water. We try to tie them into water systems grants, because that will actually make a continuous loop so there is a health and safety issue that we could identify adding that piece to it. We are trying as many different angles as we can come up with in order to make that happen.

Pat Rushby: I appreciate that, but like I said, there was a time when I was told about that formula and I realize that there are not a lot of people on Tabor Road and I do understand that, but once Cary Road got it with a PDD and I think fewer people that would be affected

Supervisor Wormuth: It was with a PDD and its public benefit; we are not tied to the comptroller's formula, because we are not creating a water district, the developer is actually paying for that water line installation

Pat Rushby: Right, and I do understand that. So that is why I had hoped and exactly why we believed that would happen with that last stretch of Tabor Road. Well, thank you very much.

Brenda LaMere: 124 Dunsbach Road, I was not planning to come up and speak tonight, but I just wanted to express my thoughts to the last person who spoke. First of all, it takes a lot of courage, time and frustration to get up and speak and say I have had enough, I am hearing this and I am seeing that. I am a member of Future Halfmoon. I have a few years on you. I have been here 45 years; my family has been here 100 years. Not everyone in our group is the same. Everyone has political differences, different ways; we do not agree on absolutely everything, we are not robots. We all have our own views. But one thing that we do agree on, is that these Planned District Developments that encourage 10 units per acre. I think that the average was 5 units per acre, 7 units per acre, now it's up to 10 units per acre and now I think that there is an entitlement thought because one recent PDD went through that the developers can have up to 11 units per acre. The development is too much. Your area might be more country, less traffic, that's wonderful. I grew up in the country; I grew up on a well, didn't have sewer, we have the line, I am not hooked up to it. But when I can't get out to my mailbox, or it takes me longer to get to the mall than it does to drive to downtown Albany to work, yeah, it's not the former Halfmoon. It is not the environment that everybody moved here because Halfmoon was a beautiful country, safe little place to live. It is changing, it is changing fast. It is just about control. We are not against development. Let another developer help with water and I do hope that something can happen with grants, because I do believe if you guys need water, you know I will do whatever I can to help you guys with that. We are all for each other, everybody's different. Politically, I am a Republican, die hard. It is just that the PDD's are too much. When its 5 units per acre, 7 units per acre and as I said it is now up to 10 and now the entitlement thought is 11. So, that at least me, and I have several family members who in fact have more years than me in Halfmoon, believe the same and they are also of the same thoughts as I. So, I just want to let you know, we are not your enemy. Thank you Mindy for expressing that it wasn't just Future Halfmoon, it was a bunch of people involved. I did not speak up against it, I was not part of that. I am more concerned about another PDD which isn't even going to let me get onto the Exit 8 of the Northway. We all have our own concerns and issues. I am sorry for your water issue, but like I said, if I do anything to help volunteer, look for grants, talk to some people I know, I would do it to help you guys. Thank you.

Supervisor Wormuth: Brenda, just for clarification, the 11 units that was approved on the Krause's PDD, because it is a PDD, there is no by right entitlement to that. Just because it was done once, doesn't mean another applicant can come in and say, "Well you did it there, so if you don't do it here, you bare being arbitrary and capricious." Our Attorney's went through that I will just let you know that PDD did not pass this board unanimously. It passed by a 3 to 2 vote. Not everyone was in favor of that much density in that area of town either.

Brenda LaMere: I heard that one of the developers, they get up and they speak and we are permitted up to 10 or 11, and I think this entitlement word just kills me, so I remember hearing that at one of the meetings and "Here we go" and they are all going to push for 10 or 11, and they settle for 7, it's a win, win for them. So, thank you.

Bruce Rischert: 18 Willowbrook Terrace, read the following letter:

October 17, 2012

I recently read the Comprehensive Plan that was drafted in March 2003 by the Town of Halfmoon Comprehensive Plan Committee, chaired by Walter F. Polak, and the town engineers, CHA. This was an exhaustive study. I read through it and I encourage everyone to read this document. One of the things I found interesting is that, although this was done almost 10 years ago, the concerns of the residents are the same then as they are today. I have used excerpts and touched upon what was written in the document with the hope to achieve interest in developing a plan.

The following are excerpts from the March 2003 draft:

"Comprehensive planning provides a community with the opportunity to guide land use/development to meet the current and future needs, goals, and objectives of its residents with respect to the public health, safety and general welfare. A comprehensive plan is the framework for land use regulation, providing a picture of what the Town is and what it wants to become in the future. The implementation of this plan, starting with the adoption and proceeding with recommendations such as amendments to the zoning ordinance, will provide the legal authority to control development in a prescribed manner. With a plan in place, a proactive mindset, and community consensus on the issues and actions, the Town can begin to realize beneficial change and progress toward the vision."

"The Town of Halfmoon last updated its "Master Plan" in 1992. Since that time the Town has undergone considerable growth and therefore some unanticipated changes. Development pressure is continuing despite the downturn in the economy since the events of 9/11. The current demand for housing in the Capital District and incentives by the State that have resulted in an increasing number of hi-tech, light industrial jobs in the region, suggest that future development pressure will remain strong. The pace of development has had an impact on community infrastructure and character. Without action, further development is likely to exacerbate the situation. As a result, the Town determined that it was time once again to update its comprehensive plan ("Master Plan"); to take a broad look at the issues affecting the community and to devise an action program to address these issues in a timely manner."

That statement from 2003 is applicable today to describe the current economic climate and community attitude.

The committee polled the residents in 2003 and found that:

“Rural lifestyle and the setting of the area were ranked as very important by about two-thirds of the respondents. Related to this issue, the development of passive and active recreational areas was also deemed very important by more than two-thirds of respondents. A little under two-thirds of respondents indicated that they would be willing to pay higher taxes to preserve open space.

Single family housing on single lots was the overwhelming housing choice (88%). All housing types with the exception of apartments and condos/townhouses appeared to be acceptable to residents.”

I believe that if the residents were polled today, a similar outcome will be achieved.

“The Plan provides recommendations for open space preservation. It promotes redevelopment and reinvestment for older areas of Town to maintain or improve property value and encourage both residents and businesses to remain. It recommends reductions in density for rural areas of the Town to control the amount of growth that could have adverse impacts on community character and the tax base. “

Furthermore, written in this document is an important acknowledgment :

“Establishing a vision for the future of the Town of Halfmoon is a very important component of the Comprehensive Plan and an essential first step. It requires the input of community leaders and residents and the knowledge of Town resources that provide opportunities and constraints on land use and services.”

The town's vision was presented in the plan:

“The Town of Halfmoon envisions itself as a “lifelong”community, providing a quality of life that promotes small town values and social, recreational and economic opportunities, enabling residents to make Halfmoon their home for this and future generations; a growing community that values and celebrates its natural, historic, cultural, and agricultural resources and is progressive in its efforts to manage growth, to conserve community resources and achieve fiscal balance”

It is true today as much as it was then that:

“the town cannot allow itself to continue growing in the current pattern as this will only lead to discontinuity, sprawl, and the associated impacts of traffic

congestion, noise, poor air quality, and a lack of community identity. These are not the attributes of a “Lifelong Community.”

“Success is ultimately measured by the ability to address the issues and pursue the ultimate vision for a better community. Support for the plan recommendations from the residents and business owners of the community is essential in the process for change. There is no better way to gain this support than to involve as many people as possible in the formulation of the plan.”

It is also strongly recommended that the Town:

“Nurture and support the civic environment so that input from Town residents is considered a customary and integral component of the Town’s ongoing planning and implementation process.

- “1. Establish and implement a community involvement component to the Action Plan(s) that will involve broad-based participation of private citizens and a “grass roots” approach to all future planning efforts.
2. Evaluate the resources, level of expertise, and Town government structure to determine which review boards are best suited to effectively implement various components of the
3. Encourage, and in some cases require, members of the Town’s review boards to take advantage of opportunities to update their knowledge of planning and zoning techniques and laws on a continuing basis. Provide access to continuing education and professional development opportunities for Town employees.
4. Establish an ongoing dialogue with adjacent municipalities and regional governmental agencies, send official representatives to appropriate meetings and forums to keep abreast of intermunicipal planning issues that may impact the Town of Halfmoon, share the Town’s plans with these municipalities and agencies, and promote a regional approach to solving land use, transportation, infrastructure and economic development issues.
5. Continue to maintain the Town’s website to include information from Town meetings, upcoming events and other important information related to the Town and its government. Prepare an annual or semi-annual newsletter to be mailed to all residents.”

This document is very thorough, very impressive, and very detailed. I encourage a review and discussion of this plan. I strongly suggest that the board members and the residents read and absorb the material and discuss the future of Halfmoon.

<http://www.townofhalfmoon.org/pdf/ComprehensivePlan03.pdf>

Bruce Rischert

Deanna Stephenson, 7 Cindy Lane: First of all, I totally understand your comments and I am an active member of Future Halfmoon. What you were talking about is exactly the kinds of things that we discuss as a group. In and out, many different people, we are about 150 strong right now and growing. The PDD process, I just want to address the public benefits. It is one of the things that I talk about over and over again; it has to be a public benefit that benefits all of us in the Town of Halfmoon. The infrastructure issues, I talk about all of the time and the lack of them. Regarding public benefit, even in the PDD legislation, when the developers put forward a public benefit, they do not necessarily have a time frame to even get them done. That is a little worry some for me as well. So even if that development went through on Cary Road, those 144 apartments went up, who knows when that would have happened. I totally sympathize with what you are going through and I understand.

I am going to skip over a few things here, so I apologize if I am jumping around and I know it is a sore subject, but the moratorium. I did mention before that I didn't think that a full moratorium of this town would ever happen, and I am sure that it won't. However, it has been about 3,5 months, 4 months now, and what I would like

to see is a time frame for just a discussion of some sort, a plan, even if it is not a moratorium, can we just sit down, out together a table full of people. I don't care who they are, some experts from the town. You have a lot of talent in this town. Can we just have a time frame on when we can sit and just discuss something? That would really be great. I have asked that now, this is the second time that I have come up and asked. I would really appreciate a time frame.

Public comment, I wasn't at the last Town Board Meeting, but I know that Mr. Christopher got up at one point and did discuss a comment. The Board does not even have to recognize public comment and we do appreciate being able to do this after the meetings, but it shouldn't be a public argument. It should be the residents can come up and comment, and I mean no disrespect, but I want to understand one thing. Lyn I am going to ask you, as an Attorney, when we are talking, we've elected the officials to talk. When we talk, I am thinking they are the subject matter experts on what's going on, and sometimes, and again, I mean no disrespect, but I just want to understand this process. You will talk as if, and it is not council, it's not legal advice you are giving, you are talking for Mindy, or you are talking for John or somebody.

Attorney Murphy: If somebody asks a question that requires a legal answer, I provide a legal answer. That's my job.

Deanna Stephenson: OK, I am just not always seeing it as the advice that you are giving is legal, that's why I get confused.

Attorney Murphy: I am sorry that it confuses you, but I only do it when it has to do with a legal issue, or sometimes if somebody does not understand that there is a law that is forcing the Board to respond in a certain way. I hope that it is OK.

Deanna Stephenson: I am just putting a comment out there. And again regarding the Ambulance District tonight, that was great. Eric thanks for your presentation. The website, maybe we would have gotten more people here to talk and give comment on what a great job that they do. It would just be great if you could advertise this just a little bit better. Saying that it's at the Town Clerk's Office, that's great, you have a lot of people that live in town that can't make it to the town office to get the information that we are going to talk about. There was a lot of information in that pamphlet that just came today, it was great information. I do not know if everybody got it. So, just another comment, OK, Thank you.

There being no further business to discuss or resolve, on a motion by Councilman Wasielewski and seconded by Councilman Hayner, the meeting was adjourned at 8:00 pm.

Respectfully Submitted,

Lynda A. Bryan, Town Clerk