

**The May 16, 2012 regular meeting of the Town Board of the Town of Halfmoon was called to order by Supervisor Wormuth at 7:00 pm in the A. James Bold Meeting Room at the New Town Hall with the following members present:**

Melinda A. Wormuth, Supervisor  
Walter F. Polak, Councilman  
Paul L. Hotaling, Councilman  
Craig A. Hayner, Councilman  
John P. Wasielewski, Councilman  
Lyn A. Murphy, Town Attorney  
Lynda A. Bryan, Town Clerk

Matthew J. Chauvin, Deputy Attorney - 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.**

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

**Councilman Hotaling:** This weekend both Saturday and Sunday from 1:00-4:00, the Halfmoon Historical Society will be having an Open House. They have done a lot of research on the history on the town and have a lot of things on display to stop and take a look at.

May 22<sup>nd</sup> through May 28<sup>th</sup> to the north of this building, will be the Saratoga Relay For Life Gillette Carnival. Money will be raised for the Relay For Life for cancer research.

Also on June 8<sup>th</sup>, everyone is invited to the Shen Track for the actual Relay For Life Event

**Attorney Murphy:** I would ask the Board's indulgence and request that you pass a resolution authorizing a refund of \$86.00 to Shaker Flats Inc. They made an application to the Planning Board, and come to find out; the property that they were talking about was in the Town of Clifton Park that wasn't noticed based on just the application until the map was pulled. So I would ask that the Board pass a resolution refunding the money, since the Town of Halfmoon does not have the authority to make the decision in regards to their application

### **RESOLUTION NO. 117**

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

**RESOLVED**, that the Town Board approves refunding \$86.00 to Shaker Flats Inc. for a Planning Board application fee for property that was found to not be in the Town of Halfmoon.

**Councilman Wasielewski:** I would just like to mention that the Clifton Park Halfmoon Ambulance Corps will be holding an Open House on Saturday June 2<sup>nd</sup> from 12:00-4:00 pm. If there is an organization that truly saves lives in the towns, this is it. Welcome you all to come on out and see what they do, they are a great bunch of people. Hope to see you on the 2<sup>nd</sup>.

**Councilman Hayner:** A couple of meeting announcements: tomorrow night is the next Town of Halfmoon Ethics Committee Meeting at 7:00pm right here in Town Hall, Town Board Room.

Monday night, May 21<sup>st</sup> is the next Halfmoon Trails Advisory Committee Meeting. Both meetings are open to the public and all are welcome to attend.

**Supervisor Wormuth:** the one thing that I would like to report from the County Board of Supervisor's that I also serve on, is that yesterday, the Board of Supervisors passed a resolution naming May 15<sup>th</sup> Mandate May Day, and put forth a resolution to our local representatives to ask them for relief on the State and Federal mandates that the Town & County bares and absorbs most of the taxes. We did do that yesterday and that will go to our local legislatures for review as a formal proclamation.

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

**Bill Murtha,** Dater Woods, last Saturday was Yogi Berra's 87<sup>th</sup> Birthday who said "the future ain't what it used to be" and I guess it is pertinent for today. I wrote a letter which I thought was kind of a come together kind of letter for all of us, rather than being divisive in any way. It is entitled "Let's come together" There is no copyright on that and I promise not to use any metaphors tonight.

LET'S COME TOGETHER

We need a new vision for Halfmoon, a vision that sees all elements of our town coming together for the good of all of us. We have a Town Board that has contributed a great deal to our town. Members of the Board have gone beyond their official duties to better the lives of everyone. Also, the workers employed by the town have performed their jobs well. In addition, we have business people, builders, developers, etc., who have done their share to create a viable environment. Witness the Town's contributions: namely, the new Town Park and the construction of this Town Hall which utilizes geothermal climate control. Here there is a vision and a brilliance that should not be overlooked.

Currently, we have a community group, namely, FutureHalfmoon, which has, as of May 10, 2012, one hundred and four active members. In Dater Woods alone, there are 90 families who have pledged support by being petition signatories. In each of these families there are two voting-age adults. Dater Woods is only one community. The number of participants throughout Halfmoon keeps rising exponentially. We want to be an integral part of an effort to create sensible growth and a sustainable plan that benefits everyone. We need strategies that allow for multiple-use development as well as designs that allow for beneficial interaction among us all.

On May 10, 2012 I spoke with Mr. Pete Bardunias, the President and CEO of The Chamber of Commerce for Southern Saratoga County. In his tenure in Dutchess County he experienced the rancor and discord that results when all participants do not come together for the good of all. There must be an open and continuous dialogue if we are to succeed in developing a viable plan for a town that can be a model for others.

The last comprehensive plan for Halfmoon was developed in 2003. We now have a radically different town. It is time for a new plan. It is in the positive spirit of planning that our community group sees a role. We want to work with all the elements of Halfmoon to create sensible growth. The scatter-gun approach that we currently see is destructive. It contributes to sprawl not growth. We have reached a tipping point and if we allow the current sprawl to continue, we will not be able to realize a sustainable future. This is why we, the residents of Halfmoon, request that the current zoning stay as is for all applications and until such time as a sensible plan can be developed. Halfmoon should not be PDD'ed on.

There have been some positive signs in the real estate market on the national level. We are way ahead of the national average. However, with rapid expansion comes a greater stress on police, fire, and emergency services. Traffic congestion only aggravates this situation. Our crime rate has recently spiked. These are some of the factors we must consider when we don't think before we act.

To sum up, I see a Halfmoon that will grow sensibly, a town that can enjoy open spaces, a town that finds it easier to get around without traveling too far, a place where we find food cooperatives and a grow-our-own model, a town that has sustainable areas where most needs can be met without engaging crush-hour traffic, and a town that pays attention to the natural beauty around us. It is time for definite dates to be announced for public hearings.

I am asking all of us to explore the concept of multiple-use areas that allow for all participants to benefit. In addition to improving the quality of life, such areas must also provide opportunities for business to flourish and for developers to make a reasonable profit in order to continue to serve the needs of us all.

Let's come together.

Sincerely,

Bill Murtha

**RECEIVED**

**MAY 11 2012**

TOWN OF HALFMOON  
LYNDA A. BRYAN, TOWN CLERK

**Chris Patenaude:** Upper Newtown Road, we are not affiliated with the group that is presently filling your room, but I guess we have a lot of commonalities with them. I mainly want to address the development and concern for the developments going in on Upper Newtown Road. The most recent that is proposed, is Stephenson Ridge. We find that the residents on the road who have also lived there the majority of their lives are opposed to this, strongly. It doesn't seem like there is a coherent plan and I must agree with these people. It seems like it is just haphazard, you can throw in as many houses as you want. You don't have to worry about fire departments and whether they have the capacity. I know that my road currently is served by two volunteer fire departments. Now if you want to add another 1000 houses to Upper Newtown Road, it seems to me that might put a strain on the resources.

A major concern is for the wildlife that is present on the property. There is blue lupine, Karner Blues, a lot of deer; we have seen an otter on the ridge below, box Turtles so forth. It is one of the last unbroken stretches of woods in Halfmoon, and I think that a little bit of concern should go to it.

My other point is that you are going to issue a negative declaration for the Town of Halfmoon Preservation for the Historical Champlain Canal Structure Project; I believe that these two projects are related. I know that one half of the Canal has been turned into a Bike Path; the other half is completely wild. It's got Beaver dams, Otters, Mud Turtles, and so forth. I do not think that a clear look has been taken on this property. If you put in a development like I see going in at Swatling Falls, where they just leveled the hills, brought in the big earth movers. You are going to disturb the aquifers that are feeding everything that is below, which is the canal which is home to a lot of species of animals. I wish to further clarify that this is not a political thing for me, I have been a lifelong Republican and again a lifelong resident of this town, but I have to agree with these people, but I don't see a plan. It seems to me that is just whatever anybody wants to throw in and if that is the case then I think that I agree that a resolution needs to be brought up to put a moratorium on zoning until we figure this out.

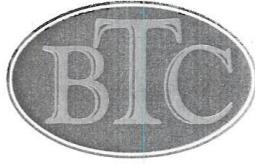
**Supervisor Wormuth:** thank you for your comments, the only comment that I do want to make sure that everyone in the audience understands is the previous sub – division that was spoken about is a PDD which is a change in zoning, and the Stephenson Ridge is a standard sub-division. The property was sold by the original owners and is meeting the current zoning laws to allow development and well you are correct that two fire departments do serve that road that are volunteers, our whole town is served by volunteer Fire Department. We are very aware of that and we include them in all of the steps of the process of development. They receive copies of any plans as we move forward. I appreciate your input, thank you.

**Deanna Stephenson:** Do you want us to speak now?

**Supervisor Wormuth:** If there are things that are on the agenda that you want to talk about we can, but if we are going to get into the Anna's Place, I will read the letter from Mr. Tanski which is a correspondence, but I want to allow people to have the opportunity to express their concerns. The end is the place to speak about things not on the agenda. If it is an agenda item, we can speak about it now. If we start to get into a lot of agenda items about Anna's Place, I am going to read the correspondence that we have on our agenda which is number 7, which may answer a lot of people's questions.

**Fred Barr:** Dater Woods, I am opposed to additional apartment complexes in Halfmoon in general. I think instead we should focus on attracting more permanent residents. I think permanent residents such as homeowners, who have a greater interest and participation in the future of Halfmoon. I am especially opposed to Anna's Place as it will likely decrease my house value; I live near where it is proposed to go in, and increase traffic. I hope that the Board looks long term at any future apartment complexes.

**Supervisor Wormuth:** that being said, since we are going to talk specifically about Anna's Place, I am going to read the correspondence #7 on the agenda and then we will allow people who still feel a need to comment to come up. A letter was received into my office on May 14<sup>th</sup> from Bruce Tanski Construction:



Bruce Tanski Construction & Development, LLC

457 Route 146 • Clifton Park, NY 12065 • Ph: (518) 357-3275 • Fx: (518) 357-3277

RECEIVED

MAY 14 2012

TOWN OF HALFMOON  
Office of the Supervisor

May 11, 2012

Town of Halfmoon Supervisor – Mindy Wormuth  
2 Halfmoon Town Plaza  
Halfmoon, NY 12065

Dear Mindy;

As you know, I am deeply committed to proceeding with the development of the Anna's Place project. I strongly believe that the development that I am proposing is the appropriate balance of public benefit and needed apartments to justify the density that I am proposing. That being said, I have heard the concerns expressed by the Town Board and the Planning Board at Public Meetings. I am also in receipt of the Town Engineer's letter detailing the concerns raised by the project. Based upon the statements from the Boards and the Town Engineer, I am respectfully withdrawing my application for a PDD at this time.

It is my intention to continue to work with my engineer and the Town regarding this parcel. I am hopeful that by reworking my proposal I will be able to develop Anna's Place as a project that will be an example of the smart growth that the Town of Halfmoon has been so successful in fostering.

Respectfully,

A handwritten signature in cursive script that reads 'Bruce C. Tanski'.

Bruce C. Tanski

**Supervisor Wormuth:** that project is now officially removed from the books and no longer exists as a project that the town will be considering on a Town Board level or a Planning Board level.

We will now go back to Public Privilege for discussion of agenda topics

**Therese Assailian:** Halve Mein North, Future Halfmoon Members are here tonight because we have asked on numerous occasions for a public hearing on both Anna's Place and Linden Village. As far as Future Halfmoon, we have held three meetings since our inception and we have had a grand total of one Town Board Member attend the meetings, or reached out to us in any way. Future Halfmoon members have sent letters to town officials, they go largely unanswered, I did receive one from Ms. Wormuth, which I appreciate and one from Mr. Watts after a few communications.

When there has been media coverage of our group, town officials dismiss us, saying that we are a small group, we are against development, not in my backyard types, or the developer who tried to get us barred from meeting at the Library because we

are “Political”. It is clear that town officials don’t know about our group, because no one except one board member, who showed up, has bothered to learn about their constituents concerns. This is not the way good government operates. Government is a trust. If anyone decides to take the time to engage with our group, you will find a thoughtful, concerned group of citizens, with some very good ideas on how to improve the quality of life in Halfmoon.

I will give you just three examples: first, public hearings at a specified point in the PDD process. Currently, the decision whether or not to hold a public hearing is completely arbitrary, as I am able to determine, as deemed fit by the Planning Board. This is unacceptable. Your constituents are smart, we get that things can change, it is not a good enough reason to say that things will change so we cannot have it right now. That’s unacceptable. The feeling is that the Public Hearing will come at the 11<sup>th</sup> hour, if it is even held, and then a vote will quickly follow. That does not give enough time.

Future Halfmoon suggests a Public Hearing be held following the initial engineering report, and this should also be true for major sub-divisions. Give people a chance to voice their concerns early on at a specified point, so for every PDD and every major sub-division, we don’t have to come begging.

School impact statements; here’s a novel concept that neighboring municipalities utilized during the planning process, it’s very simple, the developer is required to issue a school impact statement, so go to the school district, the case of, let’s say it is Anna’s Place for example, would be in Arongen Elementary, which is one of the most crowded. Based on the amount of services that they provide, it is one of the most crowded schools. The classroom sizes are very large, so that school impact study would look at the value one planning, it would consider the enrollment classroom size etc. and it is, there is no doubt that children’s education suffers because of the decisions made by this board.

I am just going to read a quote from the Shen schools future committee report on Halfmoon’s growth philosophy “the Town of Halfmoon continues to maintain a philosophy of encouraging growth. Existing zoning in Halfmoon will continue to foster growth in their currently no plans to prohibit development” The report details 3,200 residential units approved or in the planning stage and then you add the new PDD’s and sub-divisions since the report was formulated in 2010-11, the number is about 4000. The report continues “the greatest potential for growth in residential housing during the next 15 years continues to be in the eastern part of the district, primarily Halfmoon”.

Finally, the overuse of the PDD process, I know that some of you have heard me say, or written, the PDD process is meant to be a planning tool, not a singular planning tool. It is a tool of choice for developers for good reason, they can run around zoning. This board has facilitated that. If someone moves to a neighborhood with an R-1 zoning, they should expect that their investment and their right to peaceful enjoyment, which is in your deed, if you look at your deeds, you will see that you have a right to peaceful enjoyment of your property and you should expect that that will be protected and that the zoning will be respected. It’s not fair to change that method of zoning. It’s just not fair.

And I leave with a quote from Henry Clay, 18<sup>th</sup> Century Politian, and Statesman: “Government is a trust and the officers of the government are Trustee’s and both the trust and the trustees are created for the benefit of the PEOPLE” Thank you

**Edward William Stephenson:** Upper Newtown Road, I am a 4<sup>th</sup> generation & member of this community. I am here tonight to express some concerns with the proposed Stephenson Ridge Sub-division. A campaign has been launched to stop the development of this parcel of land will cause economic loss, white noise pollution

to the current residents, as well as serious environmental impact. Sheldon Hills, Swatling Falls, and the whole Gorcesky farms and different scenarios, these areas contain few if any existing homes and the lands were primarily open fields. The proposed Stephenson Ridge land is not simply a field, but a rich bio-diverse habitat which has evolved throughout the years. It contains both hard wood, soft woods, under grounds springs that flow from the ridges to provide water to the canal system. Disturbing the ground above, will damage the wetlands below. The property contains Blue Lupine, which is the sole food source for the Karner Blue Butterfly, a federally endangered butterfly. This is the same butterfly that saved the pinebush. The soft woods provide prime breeding grounds for grouse and woodcock. Woodcock are on the decline and are on the migratory Bird Tree Act of 1918, as are other birds on this property. The nesting a migration habitat must be protected. I have seen otters in the canal and even witnessed Bald Eagles on Stephenson Ridge. I am sure that I can think of many other reasons why this land needs to be preserved. Please help us save this property from destruction.

As a republican, I received this, and I am not sure if everyone received this letter from Mindy, but I received this letter today in the mail. It says right here that you “are interested in obtaining increased open space and green space so Halfmoon families have better recreational opportunities and improved quality of life, promoting balanced commercial and residential growth to increase our tax base to support families and businesses by continuing our policy of no town tax.” I think that this property would be an excellent piece of property to conserve, and I hope that you will take that into consideration and save the property.

**Supervisor Wormuth:** Just to comment on a few of the things that you have said: DEC and Army Corps would be involved in any of the disturbance of habitat and or natural springs underground. The town gets put in a precarious position when a family or an individual chooses to sell their property, and then does not want it developed after they have sold it and it is being done as a standard sub-division, that meets our current zoning, and it isn't being done as a PDD. We don't really have the right to limit it, whereas the woman who spoke before you had talked about the change of zoning and the different things that happen. If the Army Corps says that the development is appropriate, the DEC says that the development is appropriate, the town's hands are kind of tied, because whoever choose to sell the property to a developer, gave up their rights to protect those things

**Edward William Stephenson:** It is not my property; I did not sell the property personally

**Supervisor Wormuth:** I understand that, but I am just pointing out that if it is a standard sub-division, it leaves us in a different situation than some of that we were talking about previously. I just want to make sure that everyone understands that.

**Edward William Stephenson:** This is a personal issue for me. I am looking for Republicans, Democrats, Independents, Sportsmen, Conservationists, for everyone to come together to save this parcel of land.

**Supervisor Wormuth:** I am just not sure, other than all of us chipping in and being able to purchase it back, or the rights to that back, that we can do that

**Edward William Stephenson:** This development would require a minimal amount to convert into walking paths, bike paths, hiking paths. The habitat there is one of the most diverse in Halfmoon,

**Supervisor Wormuth:** If the current property owner is willing to do that, the town will support that, and if there is a movement among people in town to try to

purchase those rights back from the person that they were sold to, the town would certainly entertain and try to do anything that they could to support that.

**Edward Stephenson, Sr:** I am here today to address the Town Board and to represent 42 families that live on Upper Newtown Road for many years. We are opposed to the over development of Upper Newtown Road. With the addition of Stephenson Ridge, Upper Newtown Road will become a 3 mile long city street. The encroachment of development will infringe on the local residents that have lived here in this quiet, peaceful neighborhood for many years, causing economic loss, decrease in property value, noise, light, air pollution, degradation of quality of life that these longtime residents have known. Change in the aqua fur and displacement of valuable wildlife habitat that should be saved. It seems now that being here there is two citizens groups, that are kind of saying stop, wait one minute, the Master Plan for Halfmoon, that we trusted the Planning and Zoning Board with is not working for us. There seems to be flaws in it, things that are not being thought out very good and in very much detail, such as the integration of older Halfmoon neighborhood's and these pop up developments that seem to go up like weeds in our back yards.

To use this analogy, many years ago when cities were growing, you would find small neighborhoods segmented somewhere where the Irish part of town, the Italian part of town, the Polish part of town, somehow everyone got along and keep their separate character and gave the city its uniqueness. Now our community has urban sprawl. These are all of these pop up HOA's and developments that are littering our countryside, causing problems with the way of life that our longtime residents have had. The problem was here brewing all along, but it has now come to the surface with developments to longtime residents is now causing contention between the town, its citizens and the developers. No one really is at fault, we just need to come together and find a way to allow development to co-exist without infringing on the local neighborhoods. This contention is good because it gives us a wakeup call and we can change this before the character of our longtime neighborhoods is destroyed and the Town of Halfmoon is called the Town of Nowhere and Nobody. Character is the heart and soul of the town, without the people it becomes depressed, angered and some people get hostile. Halfmoon was once a leader long ago, it was Solartown USA. Let's be a leader and rethink our Master Plan and let's put a group together that is made up of developers, Town Board Members, Zoning Board Members, and citizens together. We can all co-exist and have a piece of the American dream here in Halfmoon. Thank you.

**Dave Nevill:** I live in Dater Woods, this is the first Town Meeting that I have been too, but from what I see, there is about 75 people that are against this and I think that there is 1 guy for it.

**Supervisor Wormuth:** I am sorry; I am not sure what you are referring to

**Dave Nevill:** there are 75 people here against the Anna's project

**Supervisor Wormuth:** that has been withdrawn from the table

**Dave Nevill:** for now

**Supervisor Wormuth:** correct

**Dave Nevill:** OK, and the other project as well

**Supervisor Wormuth:** what other project?

**Dave Nevill:** Stephenson Ridge

**Supervisor Wormuth:** Which is a standard sub-division allowed under local law

**Dave Nevill:** OK, it seems to me that if this many people are going to be negatively impacted, are they going to get a decrease in their assessments?

**Attorney Murphy:** The land is zoned that way, residential, has been for an extensive period of time. There are no changes

**Supervisor Wormuth:** There is a complete difference between the two types of developments that we are talking about. One is a PDD that would allow an increased density and the other is a standard sub-division that is allowed under the current law, without doing any change to our zoning. The people who owned the property chose for whatever reasons to sell the property and getting money for it

**Dave Nevill:** The history that these folks have for the centuries and the on and on generations are just going to get blown out of the water?

**Attorney Murphy:** Unless this town went around and started using Eminent Domain, which legally we wouldn't even be able to do, and seized people's property, we can't stop, under the current local laws, people from developing, pursuant to the subdivision that is in accordance to our local law. Now, he mentioned wildlife concerns, aquifers, DEC may very well have some jurisdiction that when they go in they will say: inappropriate to go forth with this development. That would be the only way, at this point in time, to stop that development, because it is in accordance with our current local laws.

**Supervisor Wormuth:** Whereas the PDD that they spoke about previously, has no right to be automatically approved and the town Board does not have to approve that and can deny that, based on the input from the Town Board, the Planning Board, the public and the engineering firm.

**Dave Nevill:** Is that a temporary hold or is it permanent?

**Attorney Murphy:** It is withdrawn, it does not exist at this point and time.

**Supervisor Wormuth:** The PDD process as it exist, doesn't allow anyone the right to an approval regardless of what the board can deny. It based on anything that they want. That is the difference between the PDD and a standard sub-division. We are talking apples and oranges as we are comparing the two projects, is all I wanted to say. I want to make sure people understand.

**Attorney Murphy:** The other big difference is a standard sub-division is not with in the prevue of this board, it's the Planning Board. So Stephenson Ridge won't come before this board because it is accordance with our local laws.

**Dave Nevill:** One last question: do any of you Board members live near any of these proposed projects? Do you have an opinion?

**Councilman Wasielewski:** The one that I live near has been tabled.

**Dave Nevill:** So you are out of the woods

**Councilman Wasielewski:** We are all residents of this town, I am looking at this town as a whole.

**Dave Nevill:** But those of us in Dater Woods obviously feel that they are right in our backyard

**Councilman Wasielewski:** I live in Dater Farms, we're right next door to you. That project doesn't exist as of that letter of the 14th

**Dave Nevill:** Will we be notified if it comes back up again?

**Attorney Murphy:** Absolutely

**Supervisor Wormuth:** It will be just like the first time. It will be listed on our agenda, it will be on the website, there will be notification of the public hearing as it is held, in the newspaper, as it gets recommended to the Planning Board, should it come back as a PDD, there will be notification of a public informational meeting. The Town Board meets twice a month; the Planning Board meets twice a month

**Dave Nevill:** Is there a limit of how long it can be off and come back again?

**Supervisor Wormuth:** No

**Dave Nevill:** So tomorrow it can be resubmitted

**Supervisor Wormuth:** Based on the discussions with the developer, his intentions on reviewing different options to develop that project, I would see it highly unlikely that he has a new plan to come back tomorrow, but I guess in theory, it could.

**Dave Nevill:** Thank you

**Mike Saterly:** Dater Farms I do not have any prepared remarks and this is the first time that I have been in this room

**Supervisor Wormuth:** Welcome

**Mike Saterly:** Thank you. I do not get too involved with this because I have a lot going on with a young family. I think that is the same with a lot of people, honestly in Halfmoon, especially in the neighborhood that I live in. I have talked to people about Anna's Place; luckily we were able to find out about it because people gave us a mailer or I wouldn't have known anything about it. I guess I always have kind of thought that you folks would do the right thing for all of the town members. The reason why I came here tonight, and I am actually missing my daughter's softball game, is two reasons.

One, when I look at something like Anna's Place, it is just not appropriate for where you want to put it. It's a residential neighborhood; there are so many units that are being proposed, the traffic, you are talking about the possibility of 600 cars. It is right in the middle of a residential neighborhood, I don't think it is appropriate, at least it is with the people that I have talked to and I have only talked to 10-15 people in the neighborhood, they couldn't make it tonight, they feel the same way.

I moved here in 2004, it's a beautiful place and I think that a lot of people are moving here for the same reason. Since then, we have had increase in crime, just in Old Dater Farm, you got to lock your doors at night. We have people coming through the neighborhood breaking into cars, we have kids going down the street painting stop signs, we have kids going down Cemetery Road they painted the guys fence and I think that a lot of this comes from transit people that are not invested in the community. That is what you get with these big apartment developments, sorry to say.

The other reason why I came down here tonight was I was kinda surprised, and I do not know all of the facts but, I was kinda surprised to hear that this group that I am not affiliated with, has requested multiple times to have a hearing on this and they weren't allowed to have that, and I find that pretty disturbing.

**Supervisor Wormuth:** I just want to say a couple of things. The Board's doing the right thing. This project was in the middle of the process that we had utilized. We had tried to get as much accurate information as to what is allowable by law, what's allowable by regulating traffic, what the actual facts are before we set a public hearing. This project would never, nor would any project ever be approved without a public hearing. There are steps that we go through and those were laid out to the people who asked questions about "When are we going to have a public hearing?" "Why can't we have a public hearing?" At our Town Board Meetings there is always time in the beginning of the agenda to speak on agenda items, and if you look at the end of the agenda, there is always time to speak about things that are not on the agenda. So we are always open to comments to the public, but we do have a process that is set up and it does allow for a Public Informational Meetings on the Planning Board level and Public Hearings on the Town Board level. We were working our way through that process. It would never have happened without all of those steps happening. If people were frustrated that those things weren't happening as quickly as they wanted, we really feel that those steps are put in place and done at a specific time and reason. There is also plenty of other opportunities for them to share their input and their concerns. That was one thing that you said that I wanted to comment on.

The other thing is that I would just recommend to the people, they are certainly willing to take risks that they want, and do whatever they want, but according to the Federal Postal Regulations, putting things in peoples mailbox's that are unsigned and are not mailed through the Post Office is illegal, and we have gotten several complaints from residents in town. We have reported it to the Post Office and the fact they are not signed, the Post Office really can't do anything. I would just encourage you to follow our website for any public information; we also try to put them out in the newspaper. If your property adjoins anything directly, or if we know there is a group with opposition, we expand that mailing and mail directly to your home, and alert you to the fact that something is going on when we are about to do a public informational meeting or public hearing.

**Mike Saterly:** The last thing that I will say is that I do think that it is inappropriate to have that much density in a residential neighborhood and hopefully you

**Supervisor Wormuth:** As did we, as did the Planning Board, as did the Town Engineers, as we did hear the echo of the people who are here this evening. I think that the developer heard that loud and clear whether he wanted to or not and is why he wrote the letter and withdrew the project.

**Mike Saterly:** OK Thank you very much

**Supervisor Wormuth:** Thank you

**Tom Campbell:** 76 Ushers Road, East of Route 9, I too have a traffic problem. Specifically, the J.B. Hunt trailers, the container trailers coming and going from the rail yard. I attended a meeting here about the construction of the yard and how they were going to route the traffic and such, and I got assurances that they were not going to travel on my road.

**Supervisor Wormuth:** Mr. Campbell, I am sorry, I think that we missed your address so we can orient ourselves as to where you are.

**Tom Campbell:** 76 Ushers Road, I am about 1 mile east of the Church. In any event, J.B. Hunt, the contractor who is affiliated with the railroad, they are running on my road, and it is my road. I have been there 36 years. Not only are they running, I'm seeing a Hanaford truck every now and then and the Land Air Company and of course too numerous to count, the heavy duty dump trucks. I mean, I have a crack in the road and they wake me up. I am searching for a remedy.

**Attorney Murphy:** Unfortunately, unless the town were to establish Designated Truck Routes, which would be a process in which the town would pick specific roads where all of the trucks could go, unless they were doing deliveries. We cannot control truck traffic on a specific roadway unless and until there was a danger to the road. Like you just said that there was a crack in your road, the Highway Superintendent can go and inspect

**Tom Campbell:** The crack is about 1.5 inches, and I am telling you, it shakes my house and I am 100 feet from the road.

**Supervisor Wormuth:** We will have the Highway Superintendent look at that tomorrow Mr. Campbell. The only other time that the Highway Superintendent is allowed to post roads, is during the spring thaw for frost and heave, which we do and we can also ask the Sheriff and the State Police to increase patrols and weigh trucks and do weigh stations, so if they are overweight and they are traveling illegally on the roads, that those can be enforced. I would be happy to do both of those.

**Tom Campbell:** Thank you, I do want to tell you that I went to J.B. Hunt this afternoon and I could see that it was going to turn adversarial so I left. I told the dispatcher: "I am going to throw 2" roofing nails out there." He said "You will get into a lot of trouble" First of all, he asked me to take pictures of the trucks.

**Supervisor Wormuth:** I hope that's not where I got my flat tire coming here today to the meeting.

**Tom Campbell:** No, I haven't put anything out there...yet. In any event, he asked me to take pictures, that's a little too much

**Supervisor Wormuth:** We will have the Highway Superintendent up there and we will ask the State Police and the Sheriff's Department to increase patrols up there and looking into setting up some weigh stations and see if we can't eliminate that. I can certainly enter into a conversation with J.B. Hunt or Norfolk Southern Railroad, who is why J.B. Hunt is in town and look at seeing if they have another route because when Norfolk Southern came to town, most of the traffic would go out 67 that would be up to Exit 11. I will have that conversation with them.

**Tom Campbell:** OK Thank you, I'll be watching

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

## **DEPARTMENT REPORTS – month of April**

### **1. Town Justice Tollisen**

**Total # Cases- 333 Total Fees Submitted to Supervisor- \$36,326.00**

## **CORRESPONDENCE**

- 1. Received** from the Town Planning Board, Resolutions approving the following: Change of Tenant for Cole's Collision Center located at Lee's Plaza, 1624 Route 9 and for Halfmoon Sandwich & Salad Shoppe located at 1613 Route 9, Change of Tenant & Sign Application for Legally Bronzed located at 222 Guideboard Plaza, 222 Guideboard Road, and for Vending Property LLC addition to Commercial Site Plan located at 4 Enterprise Avenue.

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

2. Received a letter from Kimberly & John DeFelice, concerned residents about the growth on Upper Newtown Road & the Stephenson Ridge development.  
*Received, Filed, Print & Copy to the Town Board*

3. Received from Mechanicville Area Community Services Center, Inc. a thank you letter for the contributions made during Shredding Day for their Emergency Food Pantry.  
*Received, Filed, & Print*

**Supervisor Wormuth:** I would like to thank the Highway Superintendent and his crew for all of the hard work they put into organizing this. Certainly, we have gotten many accolades and John, I am not sure how many you get into your office, but I certainly have gotten a lot into mine as to how much the residents appreciate having this service available to them with the amount of identity theft and things that are going on these days. We will continue to do these more and more as residents take advantage of it. Certainly, it is a way to protect your identity and have your documents shredded in a very safe and affordable manor.

4. Received from Lauren King, a thank you letter to the great drivers of the Senior Express for the 4 weeks they drove her to therapy. It was greatly appreciated.  
*Received, Filed & Print*

5. Received a letter from Bill Murtha, a concerned resident about a plan for Halfmoon's growth.  
*Received, Filed, and Mr. Murtha was kind enough to share that with us this evening*

6. Received from NYS Department of Transportation, Region One Construction, stating that the I-87 Mill & Fill project will be starting shortly in Halfmoon  
*Received & Filed*

7. Received from Bruce Tanski, a letter regarding Anna's Place  
*Received, Filed & this has been read into the record this evening*

8. Received from Shannon McCarthy, a letter of resignation as the Assistant Recreation Director, effective June 8, 2012.  
*Received, Filed & Print*

Shannon has been with us for a very long time and worked her way up from Junior Councilor to Assistant Rec Director. While we are sad to see Shannon leave us, she has an opportunity that she feels is closer to home and has more opportunity for advancement. So as much as we are going to miss her, we only wish her well.

9. Received from the Director of Parks, a report detailing the completed Spring Work and the list of the Summer Projects  
*Received & Filed*

10. Received a letter from Amy Bonanno, a concerned resident about her opposition to Anna's Place  
*Received, Filed, Print & Copy to the Board*

## NEW BUSINESS

### RESOLUTION NO. 118

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 order paid all vouchers for all funds listed on Abstract dated May 16, 2012 totaling \$421,989.94

**RESOLUTION NO. 119**

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

**RESOLVED**, that the Town Board approves the minutes of Town Board meeting of, May 02, 2012 as presented.

**RESOLUTION NO. 120**

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

**RESOLVED**, that the Town Board appoints the following Beautification employees for 2012, each to be paid \$7.25 per hour for six weeks: Julie Landry, Donovan Ayotte, Brandon Russell, Colby DeMarco, Patrick Bly, Ethan Koval, Mallory Koval, Joey Campo, Rachel Hurtt, Ryan Betts, Tyler Coughlin, and Cody Bryans.

**Supervisor Wormuth:** This is a program that we have done for several years in the Town. It allows our young people between the ages of 14-16 to start to gain some work experience. They help out using non power tools, and see what it is like to have a job and learn some responsibility. We actually have some of them that are employed in our Parks Department and other departments in the town. It is a good way to introduce our young people to job responsibilities and a benefit for the town at the same time. We are happy to have these young people with us and P.J. certainly does a great job with them.

**RESOLUTION NO. 121**

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

**RESOLVED**, that the Town Board authorizes the Town to renew membership with the Saratoga County Chamber of Commerce for the 2012 annual membership investment amount of \$300.00.

**RESOLUTION NO. 122**

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

**RESOLVED**, that the Town Board authorizes the Town to renew membership with the Chamber of Southern Saratoga County for the 2012 annual membership investment amount of \$540.00.

**Supervisor Wormuth:** Madam Clerk, could you check, I think that one of these resolutions was on a previous agenda and that we are not paying them twice.

**RESOLUTION NO. 123**

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

**RESOLVED**, authorizing the Town Board to issue a Negative Declaration for the Town of Halfmoon Preservation for the Historic Champlain Canal Structure project.

**SEQR DETERMINATION OF NON-SIGNIFICANCE**

For the

**TOWN OF HALFMOON Preservation of Historic Champlain Canal Structures PROJECT**

WHEREAS, the Town Board has been established itself as Lead Agency in accordance with 6 NYCRR 617.6; and

WHEREAS, the Town Board has reviewed the potential impacts identified in the Parts 1 and 2 of the Full Environmental Assessment Form (EAF) and as a result has found no significant impacts that would potentially occur as a result of the project;

NOW, THEREFORE, BE IT RESOLVED, that a Negative Declaration shall be issued for the project in accordance with 6 NYCRR 617.7; and

BE IT FURTHER RESOLVED, the attached Negative Declaration is to be filed and published in accordance with 6 NYCRR 617.12.

**RESOLUTION NO. 124**

**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 to adopts the Town's Emergency Management Plan.

**Supervisor Wormuth:** I would like to take this opportunity to thank Councilman Wasielewski as well as our Emergency Management Coordinator Steffan Buck, for all of the hard work that they have done including all of our Fire Departments, Ambulance, and pulling this plan together. We had a previous one that was very good but, they have made changes to it, they have got it modernized and hopefully we do not have to go through an ice storm like we did for a while. Thank you for all of your hard work.

**RESOLUTION NO. 125**

**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 of the Town of Halfmoon waive the fees associated with the demolition of the existing fire house and the construction of the new fire house for the Halfmoon Hillcrest Volunteer Fire Department, Halfmoon Fire District #1.

WHEREAS, the Halfmoon Hillcrest Volunteer Fire Department, Halfmoon Fire District #1 serves the residents of our community by providing fire protection, prevention, rescue and emergency medical services for those in need; and

WHEREAS, the Town Board of the Town of Halfmoon recognizes not only the importance of the services provided by Halfmoon Hillcrest Volunteer Fire Department, Halfmoon Fire District #1, but also the necessity and benefit of reducing the costs associated with those services; and

WHEREAS, the Halfmoon Hillcrest Volunteer Fire Department, Halfmoon Fire District #1 has determined that the existing fire house is insufficient to meet the needs of our growing community; and

WHEREAS, the Halfmoon Hillcrest Volunteer Fire Department, Halfmoon Fire District #1 is going to be constructing a new fire house to meet the needs of our community;

NOW, it is hereby

RESOLVED, that the Town Board of the Town of Halfmoon hereby waives the fees associated with the demolition of the existing fire house and the construction of the new fire house for the Halfmoon Hillcrest Volunteer Fire Department, Halfmoon Fire District #1.

#### **RESOLUTION NO. 126**

**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 of the Town of Halfmoon waive the fees associated with the use of the Town property to access the docks for the West Crescent Fire District for 2012.

WHEREAS, the West Crescent Fire District serves the residents of our community by providing fire protection, prevention, rescue and emergency medical services for those in need including water rescue services; and

WHEREAS, the Town Board of the Town of Halfmoon recognizes not only the importance of the services provided by the West Crescent Fire District, but also the necessity and benefit of reducing the costs associated with those services; and

WHEREAS, the West Crescent Fire District utilizes a dock on the Mohawk River to provide water rescue services; and

WHEREAS, the fee associated with the use of the property to access the docks by the Town is currently sixty dollars (\$60.00);

NOW, it is hereby

RESOLVED, that the Town Board of the Town of Halfmoon hereby waives the fees associated with the use of the Town property to access the docks for the West Crescent Fire District for 2012.

**Supervisor Wormuth:** Again these are the docks that they put the boats in down at the river in order to deal with any water rescues that need to be done.

#### **RESOLUTION NO. 127**

**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 hold a Public Hearing on June 6, 2012 at 7:00 pm to use the General Fund Capital Reserve for the Justice Building roof replacement subject to permissive referendum.

#### **RESOLUTION NO. 128**

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

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  
 \$5,972.11  
 Subsidiary: 25-4-2189 Home and Community Services \$5,972.11  
 Credit: Appropriations 25-960  
 \$5,972.11  
 Subsidiary: 25-5-1440.40 Engineering Contractors Inspection \$5,972.11

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

NAME	AMOUNT
Rolling Hills Ph II & III Insp	\$1,375.86
Windsor Woods	\$306.50
Liebich Lane #6	\$1,831.50
Sheldon Hills Ph III revised	\$141.00
Halfmoon Sandwich Shoppe	\$564.00
Halfmoon Village/Yacht Club	\$343.25
Linden Village	\$1,410.00
<b>TOTAL</b>	<b>\$5,972.11</b>

Transfers between Appropriations:

From Account	To Account	Amount	Reason
75-5-7110.20 Parks Capital Outlay	75-5-1620.20 Buildings Capital Outlay	\$207.10	Publication of legal announcement for refunding of bond debt.
10-3-0821.00 Reserve for Encumbrance	10-5-3510.20 Control of Animals Equipment	\$4,500.00	Transfer encumbered insurance recovery for purchase & equip of animal control vehicle replacement.

Creation of Appropriations –A resolution is needed to appropriate the revenue from Gillette Shows, Inc. to the Parks Department for the purpose of clean-up and restitution of the Town Park after the holding of the carnival.

Debit: Estimated Revenues 10-510  
 \$1,000.00  
 Subsidiary: Parks & Recreation 10-4-2001  
 \$1,000.00  
 Credit: Appropriations 10-711 \$1,000.00  
 Subsidiary: Character Counts – Contractual 10-5-7110.40 \$1,000.00

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

**Brenda LaMere:** 124 Dunsbach Road, lifelong resident, my mother has been here, she doesn't want to hear it but, almost 70 years, and she doesn't look it. I will be more organized tonight, and I do apologize for the last time that I spoke because I did not plan to speak and was completely caught off guard defending the purpose of Future Halfmoon.

**Supervisor Wormuth:** and you never have to apologize

**Brenda LaMere:** I do, I read back the minutes.

Dear Halfmoon Board Members, I am standing here tonight to discuss my concern regarding the Linden Village PDD that includes a reported 468 units that consist of 394 apartments, 56 condominiums, and 18 twin homes, totaling 468 units. I believe the developer may have forgotten that twin homes consist of two units per building and therefore the actual total units is 486. So, we have a math issue there.

**Supervisor Wormuth:** we will have the Planning Department check the math.

**Brenda LaMere:** I am concerned about the proposal to make Dunsbach Road a collector road, if it's not already. As one gentleman said, I am 44 and I have lived on Dunsbach Road my entire life and that's my road, I do not want it to be a collector road. As a lifelong resident of Dunsbach Road, I say NO. At this time, I and some fellow neighbors have gathered approximately 250 signatures and in fact, it is growing. Many of those people want to be part of Halfmoon but are concerned about what people may think as they may be getting portrayed wrong. I am just making sure I am going to rally them for the Public Hearing eventually.

We are all against this insane proposal. I have not even begun to reach out to some of the other residents who are also affected by this traffic, in fact I just spoke to a woman 2 days ago whose house will be neighboring the roundabout planned in Linden Village and she had no idea about it. That is one of the purposes of this meeting, it is so there is a public informational meeting held at the beginning and not towards the end when everything has been said, approved and gone through the books.

The most important concern that I have is that I am representing those who will be drastically impacted by this proposal. Some of the residents were not able to make it here tonight. The latest proposal shows a widening of Dunsbach Road. Are you guys aware that there is someone here tonight who may have their home demolished if they do not agree to the developer's terms? Are you aware that eminent domain has been discussed with this family? I would also like to note that some of the property owners, not including Hatter Apartments, are not even aware of the roundabout next to their homes. There are some privately owned properties within that Hatter Drive; I have already reached out to their family members. This is only a beginning.

Another issue I would like to address is the traffic light on the corner of Dunsbach and Crescent Roads. After reading the minutes of April 4<sup>th</sup>, it was indicated that there are projects in town that the developers have already put money in an account to pay for a traffic light. I am assuming that account and the developer is Marini Builders that is one of their public benefits?

**Supervisor Wormuth:** That road is a combination of a State road. It would take a trigger from the State to allow that and No it is not Marini Builders, it was actually the Krause project

**Brenda LaMere:** good, that's good. I hope that they continue with that

**Supervisor Wormuth:** It was the Krause project that was approved by this board by a majority vote, but not by everyone on the board.

**Brenda LaMere:** Right, OK because I believe Marini Builders with these 486 units wants to have a town light there as a public benefit. Yes there is a need for a light there. There are some people who cannot even get out of the southern end of Dunsbach Road. I believe also that years ago there was a petition, people begging. My question is, when was the latest traffic study performed? Did the study include the 200 and some apartments on Stone Quarry Road? Did the last study include the 244 units of Krause's condo's? And did it include the unexpected overflow of Grooms Road?

In addition to the Krause money, if they are not taking it back already, somebody who is also here tonight, who I am not sure will be getting up to speak, also mentioned to me that Shenendehowa Central Schools in association with Clifton Park and Halfmoon, received a grant, and I do not have the amount written down here, but I think it was about \$360,000.00

**Supervisor Wormuth:** Are you talking about the sidewalk trail from Dunsbach to Okte?

**Brenda LaMere:** Yes, I think that the amount was \$360,000.00. The trail was to go from Okte to Dunsbach Road

**Supervisor Wormuth:** That was a grant that we received about 4 years ago and are still in the process

**Brenda LaMere:** If there is any way you guys could somehow grab some of that money for a light there, because if they do put the sidewalk, the Crescent Trail, for the kids to walk from Okte to Dunsbach, you are going to need a light at Dunsbach for the kids in the southern end of Dunsbach Road to be able to cross the street to be able to get to the walkway.

**Supervisor Wormuth:** The grant is fairly specific and has to be used for the walkway, and we will continue to encourage the State to allow the light. The money for the light is not the issue. Paying for the light to be installed could be covered by the developments and we have made sure

**Brenda LaMere:** Well, that's what we don't want Marini to get his almost 500 units for the purpose of a light.

**Supervisor Wormuth:** That has nothing to do with it. Even with the Krause project, they've agreed that even if the State allowed a light to be there, there is money to do it. It is a matter of the State allowing the light to go on that road. The problem becomes the proximity to the Northway and the traffic flow. We will continue to work with them on that.

**Brenda LaMere:** I will be happy to volunteer to work with the State Department of Transportation if they need volunteers or signatures. I have never got involved like this before in my life, but I am now. I will do what it takes, I will contact who I have to at the Department of Transportation.

I am 44, my daughter is grown up now, and I figure I have about 25-30 years of my life left and if I don't fight now for my home, I will never forgive myself in 20 years and that's why I am becoming active. Thank you very much.

Lastly and finally, I asked the Town to please consider creating some type of residential protection clause to all proposed Planned District Developments. Some of these clauses could include: that no current resident shall be required or intimidated to sell or surrender any currently owned land for the benefit of the developer. If such acts are found, the resident should have to opportunity to seek recovery.

**Attorney Murphy:** Just so you know, that would be a crime, it isn't allowed. If that is happening to someone, they should call the Police. It is forcing you to do something that you don't have to do, a threat.

**Brenda LaMere:** Well, wait until I introduce you to the next person. Another option, upon receiving a plan for any PDD, that the town will notify and set a public and informational meeting. See, I think that there is confusion here between a public hearing and a public informational meeting. Public hearings are done at the end, when the County, the Town, DEC, DOT, have all gone through their approvals, am I correct that is when the public hearing is?

**Supervisor Wormuth:** No, not correct, but I will be happy to clarify that when you are done if you would like.

**Brenda LaMere:** What I am saying is that if there is any Planned District Development ever proposed, let a notice go in the local newspaper, let everybody know, because as I said, this Linden Village, there are definitely people that are going to have their front yards wiped away with the road that are not even aware of this. They should be active now and I am trying to get ahold of them.

And just little things like developers should provide fencing around adjacent landowners, based on the landowner's request and that the developers provide permanent property markers. This is to avoid people pulling up the little metal stakes and encroaching and upsetting current residents.

As stated before, I will be happy to volunteer my time with the town to develop a better relationship between all. Thank you all very much.

**Supervisor Wormuth:** Brenda, if I could just comment on some of the things that you said before this lady goes. Informational meetings are always held before approvals, and yes, there is a difference between public informational meetings and public hearings. Public Informational meetings happen on the Planning Board level. Public Hearings happen before the Zoning is actually approved on the Town Board level. The current statute requires us to notify adjacent neighbors and very often we expand it and in this case I have written down that we will expand it. Both public hearings and public informational meetings are always published in the newspaper. So whether people

**Brenda LaMere:** The informational meetings or the Public Hearings are published in the paper?

**Supervisor Wormuth:** Both

**Brenda LaMere:** OK, because I am just wondering about the public informational meeting for Linden Village. I read in the Schenectady Gazette that it was, I forgot his name, I think he is sitting here, I am not sure, Jeff Williams, stated that there was going to be a public informational meeting, and then I heard after the fact that there was not going to be.

**Attorney Murphy:** Once it is scheduled and published, it's

**Brenda LaMere:** It's just not scheduled, but is there. Let me ask a final question: Is there always, guaranteed, a public informational meeting for every Planned District Development?

**Supervisor Wormuth:** Yes

**Brenda LaMere:** Good, Thank you.

**Supervisor Wormuth:** And there is also a public hearing for every Planned District Development, so both happen. One on a Planning Board level and one on a Town Board level

**Brenda LaMere:** Good

**Supervisor Wormuth:** If it moves to that point. Sometimes the projects get withdrawn before that because the information from the engineers, the boards, the applicant decides that it is not worth following through on. So if they should go to fruition, yes, those things always happen. Just because some things presented, one example used is a roundabout in there, doesn't; mean by the time the project gets to the stage where the Planning Board is ready to say; This is not an OK project to bring before the public, that our engineers say that this works from a safety point of view, the project can change so much, that's why the public hearing isn't scheduled

until the engineering is done. It doesn't mean it is a done deal; it just means that they have reviewed it and sided on a safety standpoint that it can exist.

**Attorney Murphy:** Just so you are aware, as you stated; we used to do the public informational meeting at the Planning Board level very early on in receipt of the application, then we would end up having to do 3 or 4 of them at an increased cost together with a large frustration from the residents, because as the gentleman said, with a young family and just life, it is hard to get out to all of these meetings

**Councilman Polak:** be better prepared because we didn't have DEC, the County, the State's comments back yet

**Attorney Murphy:** just to get information out at a public informational meeting, because before they were scheduled right away, people were asking questions, frustrations were getting extremely high, because there were no answers to the questions because it was too soon in the process. Just to let you know how that developed.

**Supervisor Wormuth:** and people would say "Well, I came to the informational meeting and I thought it was going to be this, so when I saw the next informational meeting, I just thought you were having it for people who weren't going to be there, I did not realized it changed, I do not like this, I would have come if I had known." So we are trying to do a balancing act.

As far as eminent domain that you were talking about for this project, the town is not involved in any eminent domain

**Brenda LaMere:** I have heard that

**Supervisor Wormuth:** proceedings relative to this project, nor would the town be involved in an eminent domain proceeding for the private rights of a developer, the only time we have ever looked at eminent domain is

**Brenda LaMere:** across my house, no

**Supervisor Wormuth:** public use for water lines, sewer lines, the safety of he general public. It would never be for the development or the benefit of a developer.

**Brenda LaMere:** OK, so this Marini project, I really ask that the town look at it, because if you look at widening the roads and the roundabouts, there are peoples private property that need to be addressed right now and not months down the road.

**Supervisor Wormuth:** It would have to be done before we were ready to approve it and if a landowner said

**Brenda LaMere:** They don't even know about it, that's the thing, they don't even know about it

**Supervisor Wormuth:** If you are saying that they are going to put a roundabout and it is going to take away, maybe the lady next to you property, they can't do that without her permission, so unless she signs off on it that will never happen. If she says, "I do not want to sell my property", they can't force her too, and if they try to coerce her into doing that, as our Attorney has said, it is against the law and she should contact the police.

**Councilman Polak:** To my knowledge, there is no roundabout there; it is simply going to be a T intersection. I haven't seen a roundabout presented yet.

**Brenda LaMere:** Do you have the latest plans with you? That's OK I will move it on because people want to get on a go home. Thank you guys very much.

**Kathy Treblay:** 79 Dunsbach Road, this is also my first time here. I am not here to cause any trouble; I am here to ask for help. One of the persons from the developer did come to my house wanting to see a blueprint of my home. He also threatened my husband with an eminent domain. Our home is the old cedar house or the old cedar mill. If this goes through and the road does get widened, my home gets destroyed.

**Supervisor Wormuth:** A private developer can't threaten you with eminent domain; they are not allowed to do that. If you want to meet with me in my office, tomorrow or the next day to discuss that, I can have our attorney's available. We would be happy to meet with you and give you some guidance on what your steps should be. I understand that this is very painful for you to do here publicly. I would be happy to help you through the process of that. But I do promise you that a private developer is not allowed to file an eminent domain proceeding on your property

**Kathy Treblay:** I do not have any money for a lawyer

**Supervisor Wormuth:** and there are options that perhaps that I can suggest for you on that.

**Kathy Treblay:** because if they do widen the road, it goes right in the middle of my home

**Supervisor Wormuth:** My secretary is the young lady sitting in the second row, she can give you my office number and if you want to call and set up an appointment to come in, I would be happy to meet with you so that we can do this privately so that you would be more comfortable. If you would like to continue now, you certainly may but I am just sensing that you might be more comfortable discussing this on a one on one situation.

**Councilman Polak:** Madam Supervisor, I would like to sit in on that meeting also.

**Deanna Stephenson:** 7 Cindy Lane, The only thing that I want to say is that there is a little confusion here tonight, however, I did sit in on Planning Board meeting not too long ago, and there was a Planning Board Member there that did say Lyn, what you are saying is that public informational meetings versus public hearing, he had said that, and I do not know if it was for the benefit of me sitting there, the fact that they don't do them anymore, they used to do them and because it was so confusing, however, having said that, I do find, even if people have questions up front, I mean, they could be silly questions, it wouldn't matter, it would be a public buy in and it would be a kind of like an olive branch, if you will, even if they are silly questions, it wouldn't matter. If the public is invited in at the very beginning, no matter what, I think that everybody would feel a little bit more comfortable that they have a buy in and they are able to ask that question up front.

**Attorney Murphy:** You can always call the Planning Board and ask those questions, but not to repeat myself, if we did do that, and we had this many people or more complaining because of the confusion that it would cause. We are trying to strike a balance. The public informational isn't technically required by law, but we do it because we want to address more concerns early on in the process before the Planning Board, because the Planning Board is the board that has the technical knowledge, so to speak, in reviewing the plans, that's the time when we need the input.

**Deanna Stephenson:** and I hear you, I am just suggesting, I do not know how long ago you did do that, but just going forward, because of the opposition that we are finding out may be something that you may want to look at again, just a thought.

**Attorney Murphy:** I think that it worked perfectly in this instance. I think that it proves that our process is successful and hearing you early enough in the process to react accordingly.

**Deanna Stephenson:** and I am totally going to digress out of this one and just mention; I know that Mindy, you put out a letter today that was received by many, however, I am not sure, it looked like a very heartfelt letter. Although it was sponsored by what I see at the bottom was the Republican Committee, I am just wondering, I am not sure all of your constituents got that in Halfmoon, although it looked like it would have went to all of your constituents but, I am talking to a few people that did not receive it so I do not know if it was just to a specific political party, or it was meant to go to all of your constituents, I am not sure.

**Supervisor Wormuth:** No, we mailed out to people who voted, we mailed to a variety of people who voted in the last Supervisor's election. We did not reach out to the whole town based on the cost of that

**Deanna Stephenson:** Oh, that was paid for by the Republican's and endorsed by the Republican Committee, yes?

**Supervisor Wormuth:** The letter itself was, the postage was paid for by me. If anybody would like a copy of it, it will be posted on my Facebook page and available. I have extra copies and I would be happy to give it to anyone who would like it. It is pretty much a repeat of my response to the articles that were written in the newspapers about the sale of my home

**Deanna Stephenson:** I don't want to go into detail; I just wanted to check on

**Supervisor Wormuth:** If anyone hadn't received a copy and would like one, I am happy to send you one. Just call and leave your name and address in my office and I would be happy to have one delivered to your home.

**Deanna Stephenson:** Thank you

**There being no further business to discuss or resolve, on a motion by Councilman Polak and seconded by Councilman Hotaling, the meeting was adjourned at 8:20 pm.**

**Respectfully Submitted,**

**Lynda A. Bryan  
Town Clerk**