

**The December 4, 2013 Regular meeting was called to order at 7:00 pm by Supervisor Tollisen in the A. James Bold Meeting Room at the New Town Hall with the following members present:**

Kevin J. Tollisen, Supervisor  
Walter F. Polak, Councilman  
Paul L. Hotaling, Councilman  
Craig A. Hayner, Councilman  
John P. Wasielewski, Councilman  
Matthew J. Chauvin, Deputy Attorney  
Lynda A. Bryan, Town Clerk

Lyn A. Murphy, Town Attorney - Excused

## **TOWN BOARD WORKSHOP – Board Room – 6:30 pm**

**The Supervisor opened the meeting with the PLEDGE OF ALLEGIANCE and a MOMENT OF SILENCE**

**Supervisor Tollisen:** Good Evening. Just for everyone's review, I have changed around the agenda a little bit. Our purpose is obviously to provide some more information to residents on a different level. A lot of these things are on our town website but we are now going to be putting town meetings for the months on the agenda as well. We are going to be adding to that. We tried to put this together the best that we could for this meeting, but the Town Clerk and I will be adding additional meetings like Open Space Meetings. We will be doing more things in the coming months with respect to providing more information on our agendas.

### **COMMUNITY EVENTS:**

**December 7<sup>th</sup> at 4:30 – 6:30 2<sup>nd</sup> Annual Holiday Celebration at Town Hall**  
**December 7<sup>th</sup> at 6:30 – 7:30 Holiday Memory Tree Lighting at the Gazebo**

### **TOWN MEETINGS:**

**Town Board Meetings: 1<sup>st</sup> & 3<sup>rd</sup> Wednesday of month at 7:00 pm**  
**Zoning Board of Appeals: 1<sup>st</sup> Monday of month at 7:00 pm.**  
**Planning Board Meeting: 2<sup>nd</sup> & 4<sup>th</sup> Monday of month at 7:00 pm.**  
**Board of Assessment Review: 4<sup>th</sup> Tuesday in May**  
**Senior Center Business Meeting: 1<sup>st</sup> Wednesday of month at 1:00 pm**  
**Halfmoon Historical Society: Last Tuesday of month at 7:00 pm**  
**Trails Committee: 3<sup>rd</sup> Monday of month**  
**Zoning Review Committee: 3<sup>rd</sup> Thursday of month**

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

**Councilman Hayner:** I just have one item to mention tonight. On Monday December 16<sup>th</sup>, we will have our next meeting of the Halfmoon Trail's Advisory Committee and that is at 7:00 pm. It is open to the public and we invite everybody to come and join in. It is an excellent group. Thank you very much.

**Councilman Wasielewski:** I would just like to ask residents to participate in their local fire company's elections which will all be held on the same night which is next Tuesday, December 10<sup>th</sup> 6:00 pm to 9:00 pm. Fire Departments budgets often make up a large part of our tax bills and public participation is always welcome. So that is next Tuesday the 10<sup>th</sup> at 6:00 pm to 9:00 pm., at your local fire house. I have nothing else tonight, thank you.

**Town Clerk Bryan:** The Halfmoon Historical Society had their November monthly meeting this past Tuesday at 7:00pm. They presented of a collection of vintage

dresses that spanned 4 generations starting with a wedding dress worn in 1869. This extensive collection of 17 dresses comes from one family and was donated to the Society by Halfmoon resident Virginia Thorn Golden. We are very grateful to Virginia and her family & we look forward to upcoming events in 2014 with the collection.

**Councilman Hotaling:** I would like to thank everyone for two Saturday's ago when we had over 100 families receive a turkey and all of the fixings. It was a great food drive. A lot of people worked hard and a lot of effort by everyone to make it happen. Thank you to all.

**Supervisor Tollisen:** If I could just add on to that, there were several groups here that helped with the drive. I believe there was a softball team here, some Girl Scouts here and I do want to thank Clifton Park- Halfmoon Toyota and Mike Raucci and his group, they not only helped Halfmoon out, but they help out several communities. I think combined they served over 825 families. So thank you to that business that is in our town.

**Councilman Polak:** I just have two items. One is on December 12<sup>th</sup> at 7:00 pm we are going to have a Regional Planner here. He is the acting Planner in Clifton Park presently, and he is going to do a Presentation on growth and zoning and speak to our Zoning Committee.

The following Thursday we will have our regular Zoning Review Committee Meeting at 7:00 pm right here. That is all that I have.

**Supervisor Tollisen:** For myself, just a couple of quick things. Number 1, if you look under Community Events, this Saturday is our Memorial Tree Lighting and Holiday Celebration here at Town Hall. It is a great event. I do not know if Dave is here. He is the President of our Celebrations Association. He does a great job, so please come out for that if you would like too.

Secondly, since being appointed last week has, and first of all, thank you to the Town of Halfmoon residents who have entrusted their faith in me. I will tell you that it has been a busy few days in office and I certainly have learned a lot of things quickly. I look forward to serving the residents. I will let you know that my office is always open. If you would like to schedule a meeting with me, see me, email me or whatever, I am certainly willing to do that. I try to get back to people very quickly, so thank you for that.

#### **PUBLIC COMMENT (for discussion of agenda topics)**

**Mr. Charles Patenaude, 64 Upper Newtown:** I couldn't hear you. If your microphones were a little louder, I would have understood everything that you said. I might be out of order in coming up here and speak now but I have three things on my mind that ought to be addressed by the board. I would like a better understanding of this. One: we are going to have a vacant seat on the Town Board alright? Number two is how we come upon for people who are the experts that look after the developer's plans that allow these developments to continue. I have no objections to some of these developments, but I am wondering what good comes when it comes to us, the town.

Recently, this Town Board has approved plans for a development on Upper Newtown Road and the houses are going up and they are very pretty. On Lower Newtown Road there are other developments and the houses are going up and they look very nice. And in between them, another development, elder care or something, a lot of house all together and they went up and they seem to be doing well. My concern is for the sewer. If I understand, the developers in order to get the OK to establish themselves to the town and for the life of me, I can't understand how

someone can look down on a pile of maps and see that the Upper Newtown Road has gas up to the new development. Beyond that the 20 houses have no gas. Now I know that the town doesn't install gas. That is done for the developer by the developer. The septic system that I have in my yard is 40 – 50 years old. A new sewer line was passed and I think everybody shared some of the costs of that because I know that I'm taxed on the County basis for sewer tax of some sort. But the sewer only comes down to the new development. Then it crosses the town through the fields to 236 and picked up the new high rise there. Then it went down Upper Newtown Road and went to the Waterford Road and it left less than ½ a mile of Upper Newtown Road unserved. Why is that? It will be literally impossible for the 20 residents to develop their own sewer district. They couldn't possibly afford it. Yet, through all of this planning, someone didn't look at that short piece of road on Upper Newtown Road. It doesn't sound logical. Which means if planning is going on and the negotiations are going on behind closed doors. That is possibly the case. Same thing is true. Recent development in the town, we got the alphabet involved, the FBI. I am not a judge; I do not know the particulars. But there is a lot that goes on that you assume we all know, we all watch the television or the picture phones.

Two years ago, I came before the board and I was told that if I wanted a water district, I had to come up with \$170,000 to put into the bank and until that sewer district was paid for and we start getting money back from the other people who signed on. I said that's OK, if that is the way it is, then that is the way it is. Now I know that it took 20 or more years to get water, but I do know that we had to form a separate district to get the water. DO we have to do the same to get sewer for a half a mile? In other words, the power in Halfmoon, in my opinion, our representatives did not look at our needs or our representatives decided that they would just exclude that little bunch over there; they don't have any power anyway.

Which brings me to my third inquiry, number one I mentioned: water. Then there is the replacement on the board for a vacancy that is coming up rather quickly. It is my opinion and it is only my opinion that in light of all the shenanigans that have been taken place in this state, in Albany, some call it politics. On the national level, in California we had a Town Supervisor that was making \$2.5 million dollars a year in one of the poorest suburbs in California. We didn't know it. We didn't care. What I am saying is that if we go more in the public about what you people are doing for us as representors. Just a headline is not enough, some of us do not understand. We have to read slowly and listen carefully. I would like in the future of this board as a matter of policy to put more on the web, in the news or in the newspaper and that would force the reporters to come here and dig for something, but to send it to them. This is what happened last week and maybe our residents would be interested in it. I know that I talk slow and I am taking up your time but be patient. I probably won't be back for 10 years.

The vacancy that is coming up on the board, I am a registered Republican, everybody in the Town of Halfmoon when I was growing up was registered Republican's, but that is not so, not anymore, and that's good. It is good that we have competition. We have a candidate that ran against the fellas on the Town Board and came pretty close to winning. So a vacancy has got to be filled, I think that we should look at what the people want. She was very close. So in all probability she is probably the choice of the majority of the people of the town that vote. I would like to see the town put before a vote a conscious effort by the town board and the Supervisor and the Administrator's the cost to us of your services. I don't know how much the Town Lawyer gets. I would like to see in the paper on a yearly basis, the costs of services for each of you and include the Department of Motor Vehicle (Highway Department) up here with all of the vehicles that spends all of the money in the town. They do a good job and with the garbage too, they do a good job, but I do not know how much any of them get. I think that is public information that we should have.

Recently the ABC board, and that is not the news, the ABC (FBI) indicated that there was something not quite right. So every time our imagination went to work to see what was wrong and nobody knew. Everybody was talking and saying how much was she making? How much is the other guy making? Nobody knows. I think in all fairness and to take a load off your shoulders. The Supervisor makes \$20.00 a month; the lawyer gets \$5,000 a week, it's OK.

I really want you to think about the value of having an opposition. I think you Republican's should show the town's residents that you are looking at it fairly and appoint the next highest vote getter for that position. Sorry to take you time. I did do a pretty good job and just put it out there. Thank you very much.

**Supervisor Tollisen:** Before you go I do want to answer few of your questions, if I could. The first one with respect to the vacant seat on the Town Board, I did last week issue a Press Release which at this point the town is seeking applications for that Town Board seat. That Town Board application deadline is December 15th. So any interested applicants who want to apply for that position submit a letter and a resume by the 15th to the Town Clerk.

**Mr. Patenaude:** I think that there is another thing, and this isn't a newly elected position because people will probably come out of the woodwork and say "Hey this is a nice job, I can do a couple of hours once a week," You will be the most popular republican. That isn't what I'm talking about.

**Supervisor Tollisen:** I understand that.

**Mr. Patenaude:** In all fairness, we need a Democrat. It would be good for us. I'm a registered Republican and I have been that way since I lived in the Town of Halfmoon, but we had one that had some votes. I do not know the person. I've never met her or him, I don't know which it is. The voices have already spoken

**Supervisor Tollisen:** I am not disagreeing with you

**Mr. Patenaude:** The board should consider that

**Supervisor Tollisen:** I definitely appreciate your comments. The reason why we set it out there is because it's got to be open for all Halfmoon residents and that is why we set an application deadline of the 15<sup>th</sup>. At that point the Town Board will interview and make a decision. The decision will obviously be a temporary one because that seat would then be open to a election in November. Just so we are clear, we do open it up to the entire town because all town residents are able to apply.

With respect to your second question, about the costs of my salary, the board's salary and every employee that we have, that is in our Organizational Minutes. If you would like a copy a hard copy of that, I will get it to you but it also on our website, so that every person is on there and what their cost is.

**Mr. Patenaude:** I am not looking for it. I have to read slow and in an uncomplicated way, easy to read for everyone to understand, alright, the short minute. No one reads much anymore.

**Supervisor Tollisen:** OK, I understand what you are saying

**Mr. Patenaude:** I am looking for something that says here is the roster for the payroll for the Town of Halfmoon. That's it. Nobody has to know any personal information, that's not the idea. But to give us a sense of the costs of a pound of hamburger, we ought to know.

**Supervisor Tollisen:** I am going to refer your comments, because I think that they are good ones, to our website design committee who is working on a completely new website and we are going to add that to it as a comment. I appreciate that.

With respect to the sewer district issue, I do not have an answer for you tonight, but you can be assured that I will get back to you as soon as I have an answer for you. I will find out the half mile stretch is that is missing and why. I will at least get you an answer.

**Mr. Patenaude:** 20 years from now. I am 75 now, I want to hit it before I'm dead. Alright?

**Supervisor Tollisen:** Alright, I will get you an answer. Very good, thank you

**Mr. Patenaude:** Thank you.

**Supervisor Tollisen:** Thank you Mr. Patenaude.

#### **DEPARTMENT REPORTS- Month of November**

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

**Total # Riders – 285      Total # Meals - 370**

##### **2.      Town Justice Wormuth**

**Total # Cases – 221      Total Fees Submitted to the Supervisor - \$29,682**

**3.      Town Clerk      Total Fees Submitted to the Supervisor -\$7,112.70**

**4.      Animal Control      Total # of calls handled - 129**

#### **CORRESPONDENCE**

**1.      Received** from the Town Planning Board Resolutions approving the following: Addition to Site Plan Application for Stewart's Shop Corp, located at 1859 Route 9, and for approval of a Minor Subdivision (Lot Line Adjustment) for the Bold/Dudek Subdivision, located at 151 and 155 Brookwood Road.

***Received & Filed***

**2.      Received** from the US Army Corps of Engineers, a copy of the letter to Raymond Macy with the results of their review of his Joint Application for Macy's Light Delivery, Inc. at 932 Hudson River Road. Based on the information provided, the proposed work may be authorized under general permit #39 for the construction of a commercial warehouse, and attendant feature including a parking area.

***Received & Filed***

**3.      Received** from NYS Department of Environmental Conservation the Water Withdrawal permit modification for service area extension to Pleasant Valley Estates Residential Development.

***Received & Filed***

**4.      Received** from the Halfmoon - Waterford Fire District #1 Notice for the Annual Election to take place on December 10, 2013, between the hours of 6:00 pm

and 9:00 pm at the fire station located at 315 Middletown Road, for the purpose of electing ONE (1) Commissioner for a five year term commencing on January 1, 2014 and ending on December 31, 2018.

***Received & Filed***

5. **Received** from Melinda A. Wormuth, her letter of resignation as Town of Halfmoon Town Supervisor, effective November 23, 2013.

***Received & Filed***

6. **Received** from Supervisor Tollisen, notice that the town is seeking applications for the town board vacancy. A letter of Intent and Resume can be sent to the Town Clerk's Office at 2 Halfmoon Town Plaza, Halfmoon, NY 12065 by December 15, 2013.

***Received & Filed***

**Supervisor Tollisen:** Just so we are clear on the Town Board vacancy, this vacancy will be effective January 1<sup>st</sup>. The applications need to be submitted to the Town Clerk's Office by December 15<sup>th</sup>, letter and resume if you like. Thereafter, the Town Board will be doing interviews. Unfortunately, if we all do interviews at the same time, it is considered a public meeting, so we need to conduct interviews on a 2X2 basis. So we will set forth a process to the applicants so that it is fair to everyone and it will be done in such a manner that this is a decision of the whole Town Board, not a decision that I make, it is not a decision that any one member makes, it is a decision that the Town Board makes. That is still open. I believe that we have already received some applications. If you have any questions on that, please let me know and I will happily clarify that.

7. **Received** from the Town of Schaghticoke, a Notice of Public Hearing regarding proposed Local Law entitled "A Law Amending the Zoning Law of the Town of Schaghticoke" on December 11, 2013 at 7:40 pm.

***Received & Filed***

8. **Received** from Iona Barber, a Thanksgiving card to the Senior Express Dispatch stating how much she appreciates them and they are doing a great job.

***Received & Filed***

9. **Received** from Katherine Suchocki her letter of resignation from the Town of Halfmoon Board of Assessment Review, effective immediately.

***Received & Filed***

## **NEW BUSINESS**

### **RESOLUTION NO. 265**

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

**RESOLVED**, that the Town Board approves and orders paid Vouchers numbered 2663 through 2743 as detailed.

### **===== FUND TOTALS =====**

10 GENERAL FUND	\$291,339.02
20 HIGHWAY FUND	\$107,227.63
25 SPECIAL REVENUE	\$5,044.17
30 CONSOLIDATED WATER	\$307,942.11
35 MISC. CAPITAL FUNDS	\$12,600.00

**ABSTRACT TOTAL:**

**\$724,152.93**

**RESOLUTION NO. 266**

Offered by Councilman Polak, seconded by Councilman Hayner: Councilman Wasielewski with the changes that I submitted to the Clerk

Approved by the vote of the Board: Ayes: Polak, Wasielewski & Hayner

Abstained: Supervisor Tollisen and Councilman Hotaling

**RESOLVED**, that the Town Board approves the minutes of Town Board meeting of, November 20, 2013 as presented.

**RESOLUTION NO. 267**

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

Abstained: Supervisor Tollisen

**RESOLVED**, that the Town Board approves minutes of Town Board Special Meeting of November 26, 2013 as presented

**RESOLUTION NO. 268**

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

**Whereas**, the Capital District Transportation Committee (CDTC) is soliciting grant proposals for the Community and Transportation Linkage Planning Program (Linkage Study), and

**Whereas**, the Town of Halfmoon has formed a Zoning Update Committee,

**Therefore Be It Resolved**, that the Town Board of the Town of Halfmoon authorizes the Town Supervisor to apply for a Linkage Study grant from the CDTC in the not to exceed amount of \$37,500 and upon approval of said request to enter into and execute a project agreement and all other necessary documents with the CDTC and other agencies as necessary.

**Supervisor Tollisen:** As far as discussion, I just want to bring forward that this is a grant from our Grants Department. Mr. Ronsvalle is here if anybody has any questions. This is a grant in \$50,000 in total. \$37,500 would be a grant; \$12,500 would be considered the match portion for the town. Basically what we are applying this for is the Zoning Review Committee. This would allow the town to take what the Zoning Review Committee suggestions and recommendations are and hire a professional consultant to come and formulate these into something workable and something that the Town Board review and look at and then we can work from there. So this is a great thing for the town. It is a great thing for the Zoning Review Committee for their great efforts in making recommendations of changes to the town's zoning. This grant is a good grant. The submission deadline is pretty soon, that is why it is on the agenda. They do make the awards in March of next year with the projection start of April 1<sup>st</sup>. If we do get this grant, from what I hear from

Mr. Polak and his committee, this will be a great fit because it comes at the right time.

#### **RESOLUTION NO. 269**

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

Abstained: Supervisor Tollisen

**RESOLVED**, that the Town Board authorizes the Supervisor to appoint Bonnie Hatter as the Budget Officer to be paid \$1,500 retroactive to 10/10/2013 thereby amending the resolution #2-2013.

#### **RESOLUTION NO. 270**

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

**RESOLVED**, that the Town Board acknowledges the Town Clerk's Certificate of Non- Filing for the update/replacement of the HVAC systems in buildings located at the Senior Center, Justice Building and the Highway Department, together with the purchase of a new phone system and computers for the buildings located at all Town offices, in the not to exceed amount of \$180,000.

**Supervisor Tollisen:** Just for clarification purposes, this is for the expenditure of funds from the Capital Improvement Fund. It is subject to permissive referendum and there was nothing filed with respect to the permissive referendum, so this is a confirmatory resolution to go forward.

#### **RESOLUTION NO. 271**

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

**RESOLVED**, that the Town Board authorizes the Town Assessor to submit the following items to Auctions International, e-mail auction site: 1) Nikon camera, tripod and equipment that the town no longer has use for.

**Supervisor Tollisen:** Just for clarification purposes, this is a camera that was used in the Assessor's Office. It is pretty old and uses film still and we don't use anymore. So we are not sure if we are going to get a dollar or several dollars. It is obviously better to try to see what we can get for it. So this authorizes that to proceed on the auction.

#### **RESOLUTION NO. 272**

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

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

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

Debit:	Estimated Revenues 25-510	\$5,044.17
	Subsidiary: 25-4-2189 Home &	



Community Services    \$5,044.17

Credit:            Appropriations            25-960            \$5,044.17  
                         Subsidiary: 25-5-1440.40 Engineering  
                         Contractors Inspections    \$5,044.17

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

NAME	AMOUNT
Earl Mixed Use Comm	290.00
Arlington Heights PH II	4,174.17
Falcon Trace Lot #4	580.00
Total	5,044.17

Transfers between Appropriations:

From Account	To Account	Amount	Reason
30-5-8320.20 Source of SP&P-Equipment	30-5-9785.70 Installment Purchase Debt-Interest	\$85	To correct account for capital lease payments-Ford F250 Truck
30-5-8320.20 Source of SP&P-Equipment	30-5-9060.80 Benefits-Medical Insurance	\$4,000	Transfer of appropriations within own budget to cover expenses thru 2013
30-5-8310.40 Administration-Contractual	30-5-8310.20 Administration-Equipment	\$500	Transfer of appropriations within own budget to purchase

Creation of Appropriations – Landfill Post-Closure Care Capital Fund per Resolution of 9/18/13 authorization was given to Clough, Harbour & Associates to perform Environmental Monitoring Services at the Town Landfill site in accordance with NYSDEC approved Post-Closure Monitoring & Maintenance per the operations manual not to exceed \$7,500 annually. This creation will set up one year of funding in Post-Closure Care Capital Fund. Monies for the Post-Closure Care Reserve Fund will fund these expenditures. Create as follows:

Debit:            Appropriated Reserves            40-2-0511.00            \$7,500

Credit:            Appropriations            40-5-0960.00            \$7,500  
                         Subsidiary: 40-8160.20 – PC Landfill  
                         Capital Outlay - \$7,500

A resolution is needed to appropriate the contributions from donations made to the Character Counts Program for the Thanksgiving basket food drive as follows:

DEBIT:Estimated Revenues 10-510 \$215  
                         Subsidiary: Community Gift Contributions  
                         10-4-2705 - \$215

CREDIT:            Appropriations            10-960            \$215  
                         Subsidiary: Character Counts – Contractual  
                         10-5-7989.41 - \$215

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

**David Maxfield, Guideboard Road;** I am a volunteer here in Halfmoon for the Celebration’s Association. Those of you that are not aware what the Halfmoon Celebration Association, Halfmoon Celebrations is a not-for-profit organization and is run by town volunteers who have the commitment to deliver family fun programs to our residents that build on the foundation of a strong neighborly community. .These wonderful volunteers are: Shannyn McCarthy, Mara Sweeter, Liz Meier, Annie Nickerson, Emma Lester, Paul Hotaling, Ed Jordan, Kathy Dougherty, Kristen Woodworth, John Sullivan, Eric Clark, Donna DeVoe, Caitlyn Powers.

Our 19 sponsors this year are: 1st National Bank of Scotia, Architectural Glass and Mirror, Bonded Concrete, Carola, Bagnoli and Tollisen Law Firm, County Waste, DeCrescente, Jack Byrne, Price Chopper, St. Peter's Health Partners, Stewart's Shops, Senator Kathy Marchione "Kathy Cares", TEC Protective Coatings, The Fairways of Halfmoon, The Tire Warehouse, The Town of Halfmoon, Toyota of Clifton Park, Trick Shots, Trustco Bank and Wojtowicz Trucking.

I hope that you all can join us this Saturday for our annual Holiday Celebration that will be held right here in our Town Hall. We will have several family fun activities such as Walgreens doing professional pictures with Santa (Pick-up picture next day or any day after at Walgreens of Halfmoon), Halfmoon Historical Society will be teaching the way to make paper chains to go with your holiday decorations, Face Painting in the Town Hall, Balloon Making in the Town Hall, Horse drawn wagon rides on the courtyard, Live reindeer on the courtyard, Holiday music courtesy of B95.5, New York Life will be doing Child ID cards.

Happy Holidays to you all!

**Supervisor Tollisen:** What Dave failed to mention was one very vital thing to the Halfmoon Celebration Associations and that's HIM, right there. He is the President and he does a dynamic job. The hours that he puts in so Dave, on that list, I know that you would not do it to yourself, but thank you for your service to the community.

**Deanna Stephenson, 7 Cindy Lane:** I have three things tonight. Dave you do a great job. I also want to talk about and Mr. Polak, you talked about the Thanksgiving baskets that you distributed last weekend. If possible, I know that you want to open that up on the website and let people know more about what's going on. I know that I would have loved to have come with my children. It is good at Thanksgiving time to be able to give back and show them that giving back is important as well. So to open that up to the community would be great.

**Supervisor Tollisen:** Absolutely, awesome, thank you.

**Deanna Stephenson:** that would be wonderful. Also, to the Board, I am going to ask that like we did last year with Super Storm Santa, this is coming from the Arongen PTA and the Shenendehowa PTA Council. We do have a student at Arongen that is in need of medical services, and I know that there are a few more children in the Shenendehowa School District and I am not sure about Waterford or Mechanicville School Districts. They do make use of the Make A Wish at this very important time of the year. I do have a flyer and I know that you helped last year. What we want to do is Macy's will donate a dollar for every stamped letter written by a child this Holiday Season. We all know that different people celebrate the Holiday Season in different ways, so we didn't call it Santa's letter to Macy's; we called it a "Holiday Hello" so everybody could participate. There will be a box in the Main Office and we can do that. We can collect if Halfmoon would like to help out with this endeavor, and we can include Mechanicville and Waterford as well. Children can help us, teenagers, it doesn't matter, but they will match a dollar for every letter that is received by December 17<sup>th</sup>. So I hope that you will all help with that.

**Supervisor Tollisen:** Can I ask just a question? Are you going to put the box here at Town Hall?

**Deanna Stephenson:** I can do that.

**Supervisor Tollisen:** That would be awesome.

**Deanna Stephenson:** Wonderful, thank you.

**Supervisor Tollisen:** We will make sure and monitor it and have the Town Clerk be the collection area for that and we will put that on our website as well

**Deanna Stephenson:** That is wonderful, thank you. And officially, offer my name for consideration for the Town Board vacancy.

Supervisor Tollisen, Members of the Town Board--

I wanted to speak briefly tonight and officially offer my name for consideration for appointment to the Town Board. I will confirm my interest by submitting my letter of intent and resume to the Town Clerk's office.

As you know, I have been active in the community and in town government for a number of years. You all know me personally, and know that I have a commitment to open and transparent government, promoting sound fiscal practices, and encouraging smart growth for our town. In fact, we share many of these same goals.

However, what is troubling is the idea that I could be disqualified from appointment simply based on my party affiliation. One very prominent Halfmoon Republican supporter recently suggested as much – on the record – when he asked about appointing me on the town board. He said – quote – "That'd be like putting a fox in the henhouse."

62 percent of Halfmoon voters are not registered Republicans. And I will remind you that I received more votes in November – more than 2200 – more than any other candidate you will interview for this position.

We all know that Halfmoon's reputation has sustained a few black eyes here recently. And unfortunately, people outside of our town are starting to notice this as well.

Recently, the Times Union wrote in an editorial that –quote – "it's hard to tell whether board members were genuinely disturbed by the allegations of corruption and cronyism or acting on political instinct. It's really up to Town Board members to answer that, not with protestations of integrity or pronouncements about good government, but by their actions."

You have that opportunity now, to – as the Times Union put it - "restore the faith of the citizens." I urge you to take advantage of the opportunity.

Thank you.

**Supervisor Tollisen:** Thank you. And if I may just respond to that and Deanna and if you respond to me after that is certainly fine. I don't know where the fox in the henhouse came from. If that was from Mr. Tanski in the news article, I will tell you that is not something that this person sitting here has ever said or will say. Secondly, as far as I am concerned as Town Supervisor, I work for everyone regardless of political affiliation. I don't see town government as republican or democrat; I see it as what is the best interest of the town. So thank you for your interest and certainly, I hope that you do submit your resume. It will be reviewed and interviewed the same as everyone. Thank you.

**Doug Goglia, 19 Stage Run:** First thing, Congratulations Mr. Tollisen. I want to first speak to express my support for Mrs. Stephenson for the soon to be vacant board position. Unlike Mr. Patenaude, I am not a registered republican. In 2011 Mrs. Stephenson ran for Town Supervisor seat and lost by a sliver. She lost the recent election for the town board position by a hair. I would think that the

democratic and fair thing to do here given that the community has supported her would be to seriously consider her for the board position. There is not going to be a special election. The board can appoint, I would think that again a fair and democratic thing would be to appoint Ms. Stephenson. I will also point out that, and I use a term that Ms. Stephenson uses that this board has suffered some black eyes and there has been some negative publicity. And I think that this board would want to do the fair and democratic thing. I would urge you that Ms. Stephenson be appointed to the vacant board position.

I did want to ask the follow up questions that are not related on Mr. Patenaude's comments. He asked about the pay being provide to the members of the board, that is public information, likewise the pay to the Town Attorney's. Something has troubled me lately. I have been trying to figure out how many towns in Saratoga County, excluding Saratoga City Proper, actually have attorneys on staff as opposed to putting out to bid the firms or private council. I know that the attorneys are appointed and employed by the town and there are appointed methods. It might be prudent to consider at this point, and maybe consider finding other alternatives to what amounts to \$140,000 in salary to the two attorneys who serve the board. Thank you.

**Supervisor Tollisen:** Thank you Mr. Goglia for your comments.

**Brenda LaMere, 124 Dunsback Road:** I too am a longtime resident, as many of you know. I am a republican. I am one that supports Deanna Stephenson. I have a country, hometown kind of values that I grew up with. I am about as down home town country girl that you are going to meet. When it comes to thinking about voting for a democrat, something that at one time never thought I would never do. Is it because I am getting older and becoming less naive? But when I see a person whether it be republican or democrat trying to maintain Halfmoon as a full community, that person is getting my vote. I hope that you consider Deanna Stephenson for the town board position.

**Supervisor Tollisen:** Thank you.

**Steven DeVoe, 1492 Crescent Road:** Registered republican and I just wanted to say that I completely support Deanna Stephenson for the board. I think that she will be great for this town and she will help bring this town back in the right direction. I just wanted to say that. Thank you very much.

**Supervisor Tollisen:** Thank you very much.

**Ken DeCerce, 3 Oakleaf in Halfmoon:** I am confused with one of your agenda items, Number 7, from the Town of Schaghticoke, a Notice of Public Hearing, amending a Local Law in the Town of Schaghticake. Help me to understand why it is on here.

**Supervisor Tollisen:** First of all, it is a change to the Local Law of the Town of Schaghticoke, so my understanding of it is; I was confused at first too like would Schaghticoke be notifying us of anything. But apparently because of the boundary, somehow, somewhere, maybe through the river, we border Schaghticoke. They have to provide notification to all adjoining landowners in townships and if you want to review this notice it is up here and it has a list and we are not the only town. They have notified Brunswick, Town of Easton, Town of Cambridge, Town of Pittstown, Village of Valley Falls, Town of Waterford, City of Mechanicville, Village and Town of Stillwater, and City of Troy. If you want to review this, you certainly can.

RECEIVED

DEC - 2 2013

TOWN OF SCHAGHTICOKE  
LYNDA A. BRYAN, TOWN CLERK

Notice of Public Hearing  
Town of Schaghticoke  
Schaghticoke Town Hall  
290 Northline Drive  
Melrose, New York 12121-9707

Notice is hereby given that a Public Hearing will be held by the Town of Schaghticoke Town Board on December 11, 2013 at 7:40 p.m. at the Town Hall, 290 Northline Drive, Melrose, New York to hear all persons interested regarding a proposed Local Law entitled "A Law Amending the Zoning Law of the Town of Schaghticoke" under consideration by the Town Board. The proposed local law is available for inspection at the Office of the Town Clerk and on the Town's website. In summary, the proposed Local Law: clarifies the streams from which a 100 foot development setback applies; requires a Special Use Permit for more than one residence or dwelling on a lot; updates, clarifies or amends certain administrative matters such as the filing of decisions, expiration of approvals, referral of variances to the Planning Board, providing notice of public hearing to nearby property owners; conforms the variance standards to state law; adds the Hamlet Districts to the list of districts for which no more than one commercial vehicle may be parked; permits the use of storage containers on residential lots; and corrects certain minor typographical errors.

Dated November 27, 2013.

Janet Salisbury  
Town Clerk

**Dan Hoyt, 201 Farm to Market Road:** My family grew up here in Halfmoon. I am third generation. I live next to a development. It is Prospect Meadows. The water, gas and sewer line, I understand that gas and sewer is not the town, but the water line is. It ends in my grandmother's property. She lives on 199 Farm to Market Road, which is right next door to my house. I am assuming that seeing how the water line is on her property, I keep being told that we are out of district, but it is on her property. I do not understand how we are out of district.

The second thing that I have is I support Deanna Stephenson. We need balance on the Town Board and you know it is also a good checks and balance, it all keeps everybody in line and it's a good thing. I agree with it.

**Supervisor Tollisen:** So are you saying, just so that I am clear, and thank you for your comments first of all, but just so I am clear, you are considered out of district. Your Grandmother is considered out of district?

**Dan Hoyt:** Yes, where it is, we are considered out of district. I am not getting a clear answer on it you know. I have called the water department; I have talked with Mr.

Tironi. I have asked several times at a board or two meetings, I just can't get a straight; I want to know why we are out of district when the waterline is on the property. Her property, I would imagine is considered 199 Farm to Market Road, even though it is a cornfield, it's still pretty much her yard.

**Supervisor Tollisen:** We will get you that answer, Dan.

**Dan Hoyt:** OK, thanks.

**Stephanie Nolet, 3 Cambridge Ave.:** I started coming to these meetings and different Planning Board meetings about a year ago. I think that before that time, I always naively thought that the people we elected to run our towns would truly work to do what's in the best interest of all of the people who live in their towns and not just those who voted for them. Unfortunately, I have learned all too well during the last year that that does not always happen. Even in a small town or maybe especially in a small town, I am not sure, lines can get blurred. People are human and they make mistakes, poor judgment is not only possible but is probable in certain situations where everybody knows each other and have for decades and even generations. I am also neither republican nor a democrat. I vote for the people who I feel best represent me and honestly, before coming to these meetings, I never really thought much about political affiliation at all. Now I find myself thinking about it all too frequently and questioning how so many highly intelligent people can see only political affiliation.

Mr. Tollisen, when you stood before the people of this room and gave a speech when you were sworn in as Town Supervisor, you asked us to look forward and not back to understand that there is a lot of work here to do. You said that you were looking forward to turning a page and writing the next chapter of Halfmoon. You asked us, your constituents not to be critical but to be understanding, and I heard you. What I am asking you today to do, when looking to fill this vacancy, and I understand from what you said tonight, it's not just you, it's the whole board, so I am asking the whole board is to think of all of us. To see beyond party lines and look for a candidate who has proven their dedication to the betterment of this town time and again over the past 2 1/2 years by being active at meetings. We don't need additional political ties in Halfmoon. We need a balanced board where we the residents can be certain that you are all watching out for each other, and can work together to maintain the lifestyle that the residents of Halfmoon are clearly and loudly are asking for. I am asking you to make this your first major act as Supervisor to be in the best interest of all of the residents of the town, not just the republicans. It is time to break down the party lines and open up communication lines and because of that as you have heard many people say tonight, I also ask for you to seriously consider appointing Deanna Stephenson for the Town Council seat. Thanks.

**Supervisor Tollisen:** Thank you very much.

**Nicki DeVoe, Crescent Road:** My entire life I have always grown up republican and Deanna Stephenson has made me change my mind and I highly recommend you appoint her to the vacancy.

**Supervisor Tollisen:** Thank you for comments.

**Andrea Killian, 52 Outlook Drive South, Mechanicville:** I have been here for 7 years now as a resident and I have a couple of questions. One, I live next to a walking trail, and it is my understanding now that these trails originally were supposed to all be connected. I guess that plan has been abandoned now. That is my understanding. We have kept the property very well up to the trail, my husband is really particular about his property and so he makes it look really good. Other people let the weeds grow. Is there going to be an opportunity where the property

owners are going to have a chance to absorb that section up to the walking trail if this plan has been abandoned? I do not know if that is something that has been discussed.

**Councilman Polak:** What development are you in?

**Andrea Killian:** It is called Summit Hills

**Councilman Hayner:** Summit Hills goes back before my time. It is my understanding that some of the protocols that were put in at that time for trails, the standards were not quite set. It was kind of a new idea I guess with the town at the time. There has been a lot of debate that has been going back and forth about what to do with that. As far as your recommendation goes, I mean it is something and it definitely should be considered, but we haven't gotten that far in the conversation.

**Supervisor Tollisen:** If you would just like to after the meeting, give me your phone number. I will actually come out to your house and look at it, so I know exactly what you are talking about. I will refer it to the proper department to look at, OK?

**Andrea Killian:** OK, thank you. Also, in 2007, I had an adorable first grader over at Arongen Elementary School. He had 19 kids in his class. This year in 2013, I have another adorable first grader; he has 27 kids in his class, so same teacher and same classroom. I went to the Superintendent at one of the meetings. I also volunteer in the classrooms, so trying to tie 27 pairs of shoes is a lot more difficult than 19. I asked Dr. Robinson specifically about these class sizes because I think that 27 is just an absurd number in any classroom, but especially for 6 year olds. Basically I was told that is was just the climate that we are in now. It is the growth, the development; this is what he has to put up with. Then I had noticed in the Albany Business Review, they listed the elementary schools, the top performing elementary schools in Albany area, about 140. Tesago, which is in the Shenendehowa School District, they had included all 8, was ranked number 3. Shenendehowa was boasting about it as they should. So I went and looked to see where Arongen was ranked and Arongen was ranked 78. Shatakon was ranked 100. Those are the two schools that are primarily servicing Halfmoon. Tesago primarily services the Rexford area. All of the other schools were in the 20's and 30's; Orenda, Chango, etc.

So, I wanted to try and figure out why they are ranked 3 and Arongen was ranked 78 and Shatakon 100 out of about 140. I asked the school district and they said and I thought maybe it was the class sizes; maybe Arongen has way too many kids. They said No, Tesago has just as many kids because of the climate of the growth and development. But, the one thing that I did notice that Tesago did not have one apartment complex in their area, whereas, Shatakon and Arongen do. I just thought that that was very interesting that they are ranked number 3 and one ranked 78 in the same exact school district, same amount of kids in the class. So, I just thought that was interesting for people to know that. We are the two lower performing schools out of the eight in the area. We are also titled one, when I was doing my research, which I found out that that means lower income and so they are eligible for a lot more aid, but that is about it. I just wanted to bring that to your attention.

I also live at 52 Outlook Drive South and I support Deanna Stephenson for the Town Board. Thank you.

**Supervisor Tollisen:** Thank you very much. Thank you for your comments. Again, after the meeting if you don't mind giving me your phone number, I will come and see you, set up a time, OK?

**Chris Patenaude, 46 Upper Newtown Road:** I want to thank the Town Board for rapidly fixing the mistake that was made with the canal and putting the stones back in place. I do appreciate that and appreciate you guys listening. My second

point is that I am also speaking for my Mother back there because she does not feel like walking all the way up here with her cane. We both support the appointment for Deanna Stephenson and some balance on this board. Thank you.

**Supervisor Tollisen:** Thank you.

**Bob Radliff, 110 Werner Road:** Good evening. I think that we all agree that the Town Board should represent all of the residents of Halfmoon. I think that there is a third seat available and in the last election, Deanna Stephenson got over 2,200 votes and I think that has to count for something. If everyone has their voice to be heard, I would urge the board to appoint that seat to Deanna Stephenson. I think the best ideas don't come when everybody's thinking the same way. I think that we need some balance and we need new opinions and I think it will be good for you guys. I think it would spur some discussions, some healthy discussions that I think we all need and I support Deanna. Thank you.

**George Bailey, 109 Sheldon Drive:** Good evening. I support a balance on the Town Board and urge you to support Deanna Stephenson. Thank you very much.

**Supervisor Tollisen:** Thank you, Mr. Bailey.

**Christina Barber, 28 Moreland Drive:** I support balance on the Town Board and I urge you to support Deanna Stephenson, thank you.

**Supervisor Tollisen:** Thank you.

**Jan Bailey, Sheldon Drive:** I think Deanna has done a lot of work in the past year in genuine concern for the town and I urge you to fill the board position with her.

**Supervisor Tollisen:** Thank you very much.

**Pamela Cohen, 10 Cindy Lane:** Deanna has worked very hard to let eth people of Halfmoon know exactly where she stands. I support balance on the Town Board and urge you to appoint Deanna Stephenson, thank you.

**Bruce Rischert, 18 Willowbrook:** There will be a vacancy on the Town Board that will be filled by appointment. I believe the appointment should be given to Deanna Stephenson. I have known Deanna for a few years now and I can tell you this, she leads by example. When my family needed help, she dropped everything and was the first one there. She has boundless energy, positive energy that helps motivate and inspire people. She is bright, caring and reasonable. Her leadership skills may only be eclipsed by her wonderful, compassionate personality that allows her to listen and work with people to seek common ground for a solution. She is a tenacious worker who will not give up until she is satisfied with the answer to a problem. To disqualify her based on her political affiliation is to be short sighted. The choice should be based on a person's ability and attributes. I say, give her a chance, she deserves it. She almost won a council seat this past election. So, in my opinion, the people in the town already approve of her. Now it will be up to you to allow it to happen, thank you.

**Supervisor Tollisen:** Thank you sir.

**Ian Murkey, 3 Cold Springs Drive:** I believe that Deanna Stephenson should be appointed to the soon vacant position. She recently lost the public election by 193 votes. That to me demonstrates the level of support of the residents and the residents in this room currently. I think that it's time for change in Halfmoon. Please consider appointing her to the vacant position, thank you.

**Supervisor Tollisen:** Thank you, sir.



**Daphne Jordan, 15 Nadeau Road:** I do not have prepared remarks, but I am sitting here listening and there are two important things that you have to do whether it is a town decision or a decision within your family or a decision within a committee or a state. The two things that you need to do are to listen and listen to the people. The second thing that you have to do is to evaluate all of the information. In this case a lot of you here haven't evaluated all of the information that there is. There are other people that are qualified candidates for the position that you are all saying that you like Deanna Stephenson to have. I may be one of those people. There are other people as well. There may be people that have worked for the town more than 29 months, maybe as much as 16 years that have quietly worked in many capacities for the town and the community at large. So, if you want a fair and open and transparent government, you have to have the process open and you have to count on the fact that we have a new Supervisor that will lead the process in a fair way. I urge you not to be closed minded but to open your minds up to other people as well. Thank you.

**Beth Duggan, 106 Monmouth Way:** I am probably the only democrat in the room or the only person that will admit it. I have watched Deanna work with the Future Halfmoon group and she has helped give a voice to many people in the community who I think felt did not have a voice or any representation. In my dealings going out in the community and talking to people, there are thousands of people here that I don't think feel that they have a voice or care much about the town to give a voice. So, I think it would be a good idea to try and bring in different people than the few, the small group that has been running the town. Thank you.

**Supervisor Tollisen:** Thank you.

**JoAnn Koniowka, Dunsbach Road:** Life Long resident. I just want to say that my husband who is republican, Frank and could not be here tonight and myself, who I am an Independent, stand behind Deanna for the appointment. I think that if you appointed her, it could go a long way towards regaining some trust that has been lost in the board. Thank you.

**Supervisor Tollisen:** Thank you.

**Larry Koniowka, 15 New Castle Road:** A couple of quick things. The first, when I got home from work today, there was a water main break in front of my house. They were there to fix it so I can freshen up to come here tonight, so I want to thank the water company for fixing it quick enough. Secondly, I have up here a couple of times and I had requested that the public hearing be scheduled after the minutes are on the website so people could see what is going on. Many times the public hearing's happen when the minutes are approved that same day, and the public has not seen or heard what went on two weeks prior. So again, I urge the board and whoever the decision makers are to make that happen that they are scheduled at the next meeting, but maybe after they actually hit the website so people can review the minutes.

**Supervisor Tollisen:** Can I just ask you a quick question? Are you looking at all meetings or something special?

**Larry Koniowka:** mainly public hearings

**Supervisor Tollisen:** so if they are Town Board or Planning Board

**Larry Koniowka:** Planning Board, Town Board meetings. Mostly the Planning Board because, especially with the public hearings, normally they are given to the adjacent land owners except if it's granted to give it out to an extended area. Case in point with Princeton Heights, is it being expanded? Linden Village was being expanded and the same with Kensington being expanded. A lot of them are not and

only to the adjacent land owners. Some of these public hearings are happening really close to each other and a lot of people do not make it out here. We do not have a packed crowd like you do tonight. I just think that if more people can read what is going on, prepare their notes so if they do want to come up and respond to something. I had FOIL'd something and I can't get a copy of it because the builder wants to keep the maps to himself and I can't see what the new map is unless I go and sit there at eth board and compare it to what I had FOIL'd before and I got, but I can't get it now because it is a contractor's copy. I would like to compare the two maps together and see what the changes are which I already did and there are not many changes. It was just a fluff piece as far as I was concerned for their presentation.

Lastly, I did write a letter to the Editor and it made it to the Community News. I am not going to read it because it is quite lengthy, but if anybody did read it, it was in the last Community News. I was going to actually read it for the last town meeting, but it ended pretty quick, so I just figured out I would do a Letter to the Editor, made it in. Basically it was congratulating the winners and the challengers, they did a good job. Challenging and I vote for who I feel best for the job, there will be a process going through and the Board members are the ones who are going to be voting, not us. So at this point in time is when the people here are speaking up because we know some people on the board might not have an open mind. We want them to at least have an open mind. I too, support Deanna. Thank you.

**Supervisor Tollisen:** Thank you.

**Mike Nazarian, 94 Fellows Road:** In regards to filling the seat, I hope that you really do consider appointing Deanna Stephenson. That is all I got.

**Supervisor Tollisen:** Thank you.

**MaryAnn Geleta, 128 Dunsbach Road:** I wasn't going to say anything, but I hear the comment about don't be closed minded because of all of these people supporting Deanna. I am a lifelong resident, lifelong republican, and a lot of people are here to support her because they believe in her and all of the work that she has done. I am concerned about the traffic and the over building and this woman has done so much and has really caught my attention, and has caught a lot of other people's attention. She is a very hard worker and I support her also. People saying don't be closed minded and don't look at Deanna. I think that she has really proved herself and that just bothered me a little bit and I think that is the problem. I think that people shouldn't be closed minded. I think that we should all look at everything and look at other people. It doesn't matter what your political affiliation is. Now that I am getting a little older and I am paying attention to this a little closer, it really is starting to bother me, because like I said, I have lived here my whole life, I have been a republican my whole life, there are certain things that I believe in. But what Deanna comes out and does, I believe in that. I am very against the traffic and all of the overcrowding and I have lived here forever and I want to live here forever. I want my son to live here. I want my family to live here. It just isn't the same anymore. I understand that there is change and there is building, but you just need that little extra balance. You need that little bit extra and just the view of it and how our town has been looking lately. This woman works hard and is a great person, she really is and I support Deanna. Thank you.

**Supervisor Tollisen:** Thank you.

**George LaMere, 124 Dunsbach Road:** I also am a democrat. I do support Deanna Stephenson. When this town, when we got a black eye, most of the people on this board were here. They should have been watching over us. So I do also think that we need balance, except you Kevin, you look like you are going to do a good job here. I appreciate that, but have an open mind.

**Stephanie Nolet, 3 Cambridge:** You know how much I hate coming up here and here is a question from me. Larry mentioned that he tried to FOIL information on the Princeton Heights Proposed Sub-division and couldn't get everything that he wanted. I was actually planning on FOILING the same information later this week or early next. I just want to know why we can't get the new map, because we typically post it at our neighborhood to make sure everyone knows what is going on.

**Supervisor Tollisen:** I am not sure, Mr. Chauvin, I will defer to you on Foil requests. Is there a map that has been filed that is different and if so why

**Deputy Attorney Chauvin:** I don't know if there is a new filed map, I would have to check to see what the most up to date one is but in the event it was not turned over subject to FOIL, the likelihood is that if you look at the maps, they are copyrighted. So we are not allowed by law to make a copy of it for you. You can come in and look at it certainly at the counter, but the town does not legally have the right to copy someone else's work, It would be breaking the law by making a copy of it.

**Stephanie Nolet:** So the other times when we can typically get them, are they allowing you to?

**Deputy Attorney Chauvin:** If they are not copyrighted. Not every engineer or surveyor or professional puts that copyright on their map. If it's copyrighted, it's the law that we can't make a copy of it. If they have not taken that next step and copyrighted their work, then yes, we can make a copy for anybody who wants one.

**Stephanie Nolet:** OK, thanks.

**Supervisor Tollisen:** Thank you.

**Chris Patenaude:** I have a question. Why are we accepting something that the people of the town can't see the plans, the plans are copyrighted? We can't make a copy of the map? That seems to me to be keeping people out, keeping people from voicing their opinion, or even being able to formulate an opinion.

**Deputy Attorney Chauvin:** Sir, I indicated that you can come in and look at it any time that you want, but we don't have the legal right to

**Chris Patenaude:** Tell them that if you are going to submit something to us, don't submit something that is copyrighted.

**Supervisor Tollisen:** We are going to look into this a little bit further

**Doug Goglia, 19 Stage Run:** A brief follow up to the last gentleman's comments, I would suggest as a copyright lawyer, that you might want to look into the doctrine of fair use because it would strike me that in this capacity there is a strong argument to be made. That there is a fair use to have a copyrighted materials, it's not being used for commercial purposes. You are using it to allow debate of a serious town matter.

The second thing that I wanted to respond to is Miss Jordan's comments. Miss Jordan, I agree with you whole heartedly that we should keep an open mind, but I would also underscore that these people hold elected town office, elected seats, and the functional word is elected. If you want to run for office, there is an election coming in November. This is a temporary seat and right now, half of the community has already voted for Deanna and indicated in an election that they would support her. I would urge you, if you want to sit on this board, you should in fact run in November for the next seat that becomes available.

**Supervisor Tollisen:** Just for purposes for this meeting, I would just prefer that all comments be made to the board and not to individual residents who make comments. In an effort of fairness and respect everyone, all comments should be directed to the board please. Alright?

**Deputy Attorney Chauvin:** Just to follow up on Mr. Goglia's point, while I do recognize, and have looked at a portion of the Fair Use Doctrine and its application to the copyrighted plans, the reason why those plans are copyrighted is because there is a commercial aspect to them. Yes they are filed with the town for purposes of an application for approval of whether it be a home or a sub-division, etc., but that is the work product. If you could just let me finish. That's the work product that these individuals make their money on and that is the other argument that we hear in that regard.

**Doug Goglia:** I would say, and I do not to belabor the point. Mr. Goglia spoke from the audience and could not be heard

**Supervisor Tollisen:** Thank you.

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

**Respectfully Submitted,**

**Lynda A. Bryan, Town Clerk**