

STATE OF NEW YORK COUNTY OF ALBANY

TOWN OF COLONIE

AGENDA SESSION

THE STENOGRAPHIC MINUTES of the above
entitled matter by NANCY L. STRANG, a
Shorthand Reporter commencing at 6:10 PM on
July 23, 2020 at Memorial Town Hall, 534 New
Loudon Road, Latham, New York

BOARD MEMBERS:

- PAULA A. MAHAN, SUPERVISOR
- LINDA MURPHY, DEPUTY SUPERVISOR
- MELISSA JEFFERS VONDOLLEN
- DANIELLE FUTIA
- DAVID GREEN
- RICHARD FIELD
- JILL PENN

ALSO PRESENT:

- MICHAEL C. MAGGUILLI, ESQ., TOWN ATTORNEY
- JULIE GANSLE, TOWN CLERK
- JOHN FRAZER; SUPERINTENDENT, LATHAM WATER
- P. CHRISTOPHER KELSEY, COMPTROLLER

1 ROSEMARY NEWTON, DIRECTOR, HUMAN RESOURCES

2 CHRISTOPHER KOSTYUN, CHIEF, EMS

3 JOHN CUNNINGHAM, COMMISSIONER, DPW

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1 MR. MAGGILLI: Okay, why don't you get
2 started. Resolution 277 is the first of three
3 personnel. This is appointing Helen Walsh. It
4 is a Civil Service Resolution. She is
5 eligible for permanent appointment. It's
6 going to be her current Public Safety
7 Dispatch position with the same salary of
8 \$43,729. Her permanent status becomes
9 effective July 27th.

10 Gregory Holt -- another Civil Service. He
11 is eligible for appointment as a Public Safety
12 Dispatcher; \$43,729 starting July 27, 2020.

13 Resolution 277C is appointing Matt
14 Merolle to replace Rob Taylor as our Building
15 Maintenance Tech; \$55,320 starting the 27th.

16 Then we have Resolution 278 which
17 Bailey's office will be speaking to
18 downstairs. This is extending municipal sewer
19 service to 21 Green Mountain Drive; 435
20 million feet of 3-inch pipe and manhole;
21 \$17,872 paid entirely by the developer.

22 Resolution 279 is adopting or not
23 adopting the 606 - 608 Hoffman Playland
24 project PDD.

25 As you may recall at the last Town Board

1 meeting we approved the ODA for this. This is
2 up for a public hearing on the planned
3 development district itself. I am sure Donald
4 Zee and representatives of the Hoffman's will
5 be here tonight. You would also be making a
6 finding that this is an unlisted SEQRA action.

7 Resolution 280 is adopting or not
8 adopting Local Law amending Chapter 181 of our
9 Town Code. This is just changing the weight
10 limit and creating a 4-ton weight limit as set
11 forth in the Local Law on Arrowhead Lane --

12 MR. CUNNINGHAM: This is the opening of
13 the new entrance to the landfill and it is to
14 stop truck traffic from coming out of the
15 entrance and taking a right-hand turn and
16 going out to Route 9. They are supposed to go
17 back down and around. It's a residential
18 area.

19 MR. MAGGUILLI: Resolution 281 is with
20 respect to Veronica, who is the new attorney
21 in my office. Your changing her start date of
22 July 27th to August 3rd. That is so we can
23 comply with the quarantine requirements. She
24 just came back from Florida.

25 Resolution 282 is rescinding all prior

1 Resolutions with respect to the Land Use
2 Review fees and adding a fee. This was Sean's
3 idea and a real good one.

4 As you know, we are trying to treat all
5 properties and homeowners equally. Just
6 because you happen to have a house that's in a
7 planned development district, if they wanted
8 to add a pool or a deck, they had to go
9 through the whole public hearing procedure to
10 amend the Local Law. We changed that, but when
11 we changed that we didn't add a fee to that
12 schedule. So, this adds a \$50 fee which is
13 similar to the fee that a homeowner in a
14 regular subdivision would pay if they wanted
15 to add a swimming pool, or a deck or in
16 addition to their property.

17 Resolution 283 is one of those
18 Resolutions. The homeowner at 28 Buckingham
19 Lanne would like to add a 16 x 32 pool and an
20 8 x 12 shed to his property. So, we are
21 referring this to Sean for him to look at.
22 Sean will decide whether it is acceptable or
23 not and so advise the Building Department. You
24 do have the option to say no, we think this is
25 affecting enough people that they should go

1 the whole PDD route and be referred to the
2 Planning Board for a public hearing and then
3 back to us for another public hearing.
4 Typically, for any pool stuff, it doesn't
5 affect anybody.

6 Then we have Resolutions 284 through 290
7 which are all the same. The only difference is
8 they are different bargaining units. What this
9 does is it tends to even the playing field a
10 little bit. As you know, when everyone was out
11 and working from home because of the Corona
12 Virus, some of our employees had to stay at
13 work and work full-time.

14 MR. GREEN: God that's horrible. they
15 had to work?

16 MR. MAGGUILLI: What this does is it
17 gives them a credit of 80 hours of personal
18 service time if they're full-time, 40 hours
19 of personal service time if they were
20 part-timers as a recognition of doing
21 essentially more than the rest of the Town
22 employees were required to do.

23 Rosemary, anything you want to add to
24 that?

25 MS. NEWTON: We certainly had a lot of

1 requests from certain members of the PDA -
2 not so much in-house as they felt they had
3 gone above and beyond putting themselves in a
4 situation where they were in contact with
5 people who were potentially infected and they
6 had an extra risk factor. They pointed out
7 that the PBA does not have hazard pay and
8 that's something they would potentially
9 negotiate for at some point. So, this perhaps
10 forestalls having to deal with that.

11 MR. GREEN: So, how did it go from the
12 PBA and EMS to all these other units?

13 MS. NEWTON: They are related. The PBA
14 and then it goes up to the lieutenants. In
15 the command structure, there are couple of
16 EMS titles that are covered by the
17 administration. EMS Captains and Assistant
18 chiefs and the dispatcher.

19 MR. GREEN: So, these six Resolutions
20 don't cover any employee other than the
21 Police and EMS Department.

22 MS. NEWTON: Dispatch.

23 MR. GREEN: Why is dispatch in there?

24 MS. NEWTON: They were in the same boat
25 and that they were in the same locality where

1 people were coming in and also they had to
2 continue on their regular schedule where
3 other people have flexibility -- people with
4 kids at home, or working with schools at
5 home. Some folks are working from home and
6 you can kind of make your schedule around
7 that, whereas our folks had to come in as
8 scheduled.

9 SUPERVISOR MAHAN: We do have some other
10 requests, too, for some people who had to
11 come in and had no choice.

12 The whole thing is just a difficult
13 situation. Everything is shut down. People
14 can't take their vacations. There's just a lot
15 going on. So, we're trying to look at it
16 step-by-step. The main thing is this doesn't
17 involve any money and can't involve any
18 overtime or payment. That was critical to even
19 look at it. There had to be no money involved.

20 MS. NEWTON: And they can use it toward
21 their benefits or anything else.

22 SUPERVISOR MAHAN: The department heads
23 and managers and supervisors will have to
24 make sure that everything is monitored and
25 recorded so that doesn't happen. I was one of

1 the reasons for spreading it out beyond this
2 year because we don't want everybody out at
3 the same time and everybody is crawling up
4 the walls at this point. We are trying to be
5 able to keep it balanced so everybody's not
6 out at the same time. That's one of the
7 things we are trying to avoid.

8 MS. MURPHY: So, what happens if
9 everybody gets their time and wants to use it
10 between Christmas and New Year's and there's
11 too many people out?

12 SUPERVISOR MAHAN: The person that runs
13 the department has to be able to manage that.
14 For example, the agreement is that it's got
15 to fit in some way. How they do that -
16 whether they do it by seniority or whatever,
17 they have a lot of different things in the
18 Police Department and the PBA agreement and
19 all of that. It has to be managed and managed
20 properly. That's part of it.

21 MS. MURPHY: How do we manage to do
22 that?

23 SUPERVISOR MAHAN: It's their job to do
24 that and there is a recording mechanism as
25 far as when people are out.

1 MS. MURPHY: I think Dave and I both
2 thought that was involving people who were
3 actually out with the public perhaps like the
4 EMS who may have been dealing with people
5 with Covid by risk or dealing with them and
6 not people who were going to the Water
7 Department and during their regular job -

8 MR. FRAZER: The Water Department is not
9 included.

10 MS. MURPHY: But any department.

11 SUPERVISOR MAHAN: You have people that
12 are coming back into these buildings using
13 anything that was there, copiers and things
14 like that for a while and we had no idea what
15 we were supposed to do - what was supposed to
16 be cleaned and all of that kind of stuff. At
17 that point the fear was to try to stop the
18 spread because if it spread - if everybody
19 was here and everything spread throughout the
20 department, we're up the creek without a
21 paddle because of the nature of the way it
22 spreads.

23 We have a lot of things in place now
24 between all of the sanitary measures, the
25 Plexiglas and everything that Mike Franze has

1 put into place. We had a couple of occasions
2 that for everybody's safety we had to bring in
3 a company that disinfects everything. They do
4 the whole thing. We had to make that decision
5 because you can't afford - - if somebody gets
6 infected, you have to stop that chain going.
7 It's a very difficult situation. Nobody really
8 has any direction.

9 MS. MURPHY: It's never really happened
10 in our country before and nobody really knows
11 how to deal with it. There will always be
12 people that say well, she can stay home and
13 get her paycheck and work from home but I
14 have to go to work every day. There is
15 probably a certain amount of - I'm uneasy
16 that I have to go to work every day and other
17 people get to stay home. So, they don't feel
18 like they're getting treated equally.

19 SUPERVISOR MAHAN: That was the nature
20 of jobs that dictate that. That was part of
21 trying to be sensitive to everybody and be as
22 fair as you can possibly be under certain
23 circumstances. Some people were needed to
24 come in for half a day and do something
25 because it had to be done and nobody else

1 could do it. What we went through was to try
2 to reduce the density of people in the
3 building - in any of the buildings so that we
4 could try to stay away from each other and
5 contact and spreading and all of that. In
6 some places like the whole Public Safety
7 Building - certain places in Town where
8 people had to be there. We don't have the
9 technology to say - well, Chris's department
10 was in consistently because who's going to
11 pay the bills? Who was going to pay - who's
12 going to do the checks? Who was going to take
13 care of that?

14 MS. MURPHY: So, who's being
15 compensated?

16 SUPERVISOR MAHAN: At this point, anyone
17 who may have fallen into a category to look
18 at, we will look at. It's just very
19 difficult. The unions have come to us. It's
20 all union-driven.

21 MR. GREEN: So, 284 is self-explanatory
22 because it's all EMS and 285 is
23 self-explanatory - it is the Chief - Deputy
24 Chiefs. Then, 286 is all Police, again; 287
25 is again Police.

1 When we get to 288 - who is included in
2 CSEA Unit d?

3 MR. KELSEY: That's the dispatcher.

4 MR. GREEN: So, how many Town employees
5 would be covered under Unit D?

6 MS. NEWTON: There are some that would
7 not qualify right now so we've got about 23
8 or so.

9 MR. GREEN: We have 23 dispatchers.

10 MS. NEWTON: We have a couple more. One
11 was out and we were down a couple.

12 MR. GREEN: So, unit D is only
13 dispatchers, or are there other people?

14 MS. NEWTON: No, they are just
15 dispatchers.

16 SUPERVISOR MAHAN: You have to figure 24
17 hours a day and seven days a week.

18 MR. GREEN: Okay. So, 289 - who is
19 actually the administrative unit?

20 MS. NEWTON: There is a large variety
21 type in there. It only applies to three
22 titles; the EMS Assistant Chiefs, the EMS
23 Captains and the Public Safety Communications
24 Supervisor who is the head of the
25 dispatchers.

1 MR. GREEN: All of these memorandums
2 were written for the same allotment of time
3 awarded to everybody?

4 MS. NEWTON: The only exception was the
5 EMS -

6 MR. KOSTYUN: We had several part-timers
7 that worked full-time hour shifts and
8 basically we divided the number of hours by
9 the number of FTD's and anybody who worked -
10 whatever the full-time employment was who
11 worked 80 and anybody who worked contract
12 works 40.

13 MS. NEWTON: It's approximately 10
14 people.

15 MR. GREEN: I thought this is a lot more
16 encompassing. Without the memorandum in here,
17 I would not have known that. My reaction was
18 one of - really? Now, I understand. This is
19 discussed during other meetings that we
20 needed to recognize the inherent risks that
21 our first responders took. I think this gets
22 it done and I'm okay.

23 MR. MAGGUILLI: Next is awarding a
24 contract under the Robert P Stafford Disaster
25 Relief and Emergency assistance Act - a

1 federal program. Through this program the
2 Town conducted a GSA E-quote. 10 vendors were
3 eligible. Under this, we are purchasing 16
4 Zoll X-Series manual monitor defibrillators
5 and trading in 15 life pack monitors and the
6 like.

7 Chris, did you want to add to that?

8 MR. KOSTYUN: If you have any questions,
9 I would be happy to address them. Other than
10 the people on the ambulances, this is pretty
11 much the most significant piece of lifesaving
12 equipment that we have. They are a year past
13 their projected lifespan, but we have been
14 working with capital projects and the Budget
15 Committee to get this pulled off between this
16 year and next year. It's overdue. It actually
17 takes the medicine significantly forward and
18 makes sure that we are good to provide great
19 medicine for the next 10 years.

20 MR. MAGGUILLI: Resolution 291 is
21 amending Resolution 187. There has been a
22 couple of changes with respect to the two
23 ambulances that were authorized to be
24 purchased. We are adding option one and
25 removing option three. The total cost of the

1 ambulances will now be \$347,753. This has to
2 do with the cots and the like.

3 Chris, anything you want to add to that?

4 MR. KOSTYUN: So, we have our oldest
5 ambulance which is a 2011 that does bariatric
6 transports. It's for people that weigh more
7 than 450 pounds. They are kind of high risk
8 transports and that has a known engine
9 problem. We are kind of living on borrowed
10 time. So, what this Resolution does is avoids
11 trading in one of our ambulances that was in
12 the rotation - turning that into a bariatric
13 unit to eliminate the potential engine
14 catastrophe.

15 We are also in the running for a federal
16 grant for about \$400,000 to add a patient
17 lifting system. Right now, our current system
18 hooks the stretcher to the ambulance, hooks
19 into the ambulance and then two crew members
20 stand in the back and share the load.

21 If we are successful in this grant, all
22 of those will be replaced by - you reel it up,
23 push a button and the mount actually lifts the
24 patient into the ambulance.

25 MS. MURPHY: That must be pretty trying

1 to lift some of those people.

2 SUPERVISOR MAHAN: It could lead to a
3 lot of injuries, too.

4 MR. KOSTYUN: I can tell you the call
5 that I ruined my back on.

6 MR. MAGGUILLI: Resolution 292 - the
7 Assessor's office uses Image Mate software.
8 This is a support agreement with Systems
9 Development Group Inc. for July 1, 2020 to
10 June 30, 2021 to assist us in the use of that
11 software. The cost is not to exceed \$3,000.

12 Resolution 293 is reimbursing \$10,613.94
13 to Jimmy Lyman for water usage.

14 Resolution 294 is authorizing Doug to
15 advertise for bids for a 20-inch butterfly
16 valve, two 14-inch butterfly valves and
17 actuators for the Mohawk View Water Treatment
18 Plant.

19 Resolution 295 is additional curb
20 replacement work on British American
21 Boulevard. This is a change order. We have the
22 documentation to prove it is a change order.
23 Originally, we didn't believe this was needed.
24 It is an additional cost of \$37,200.

25 Jack, anything you want to add to that?

1 MR. CUNNINGHAM: No.

2 MR. MAGGUILLI: Resolution 296 is
3 awarding the sole bid to federal Resources
4 Supply Company. This is for the doorframe and
5 breaching door at the Police Department. The
6 amount is \$5,935.

7 Resolution 297 is rejecting the bid that
8 we received from Premium Production Inc. and
9 rebidding the contract to try to get a better
10 price.

11 Resolution 298 is renewing the contract
12 for a certified playground mulch at the same
13 pricing with the contract that expires March
14 31, 2021. This is with the Gallivan people.

15 Resolution 299 is awarding the bid to S
16 and L Roofing and Sheet Metal and this is for
17 - they were the low bidder - \$379,000 This is
18 for the roof replacement at the library.

19 Resolution 300 is an amendment to the
20 service award program for our volunteer
21 firemen. If the Town Board buys into this, it
22 warrants an additional five points per month
23 to active volunteer fireman during the Covid
24 pandemic.

25 Resolution 301- we have been receiving a

1 great number of calls on this panhandling from
2 residents in the Town who were quite
3 concerned. On the scale of public complaints I
4 would say this is about an eight.

5 What I am trying to do is write a law
6 that meets constitutional muster. I have
7 gotten the language from this from looking at
8 various other statutes throughout the State of
9 New York, primarily in some of the other
10 states as well. I've done some research and
11 oddly enough, it kind of surprised me. It's
12 not determined yet in New York State whether
13 panhandling is protected speech. There was a
14 1990 decision - Second Circuit decision that
15 left that question open - whether panhandling
16 was, in fact, protected speech under the
17 Federal Constitution. It probably is the New
18 York State Constitution.

19 There are a couple of other statutes like
20 this that were shot down. I think one was in
21 Rochester. They didn't shoot down the whole
22 statute. They shot down the part that said it
23 was illegal to just stand there on the
24 sidewalk with the sign and not do anything
25 aggressive.

1 I tried to address that because we don't
2 have that many sidewalks in Colonie. from what
3 we see on Everett Road, they are standing in
4 the median and it is inherently unsafe, I
5 think. We try to address the constitutional
6 issue and we may tweak it a little more
7 between now and then as we continue to work on
8 it.

9 MR. GREEN: Michael, when are exactly
10 the complaints that we're getting that this
11 is intending to address? That's part of my
12 question.

13 Part B is going to be: Don't we already
14 have laws on the books they can address it
15 sufficiently without amending it?

16 MR. MAGGUILLI: No. We didn't have
17 anything on panhandling. Most of the other
18 municipalities have these panhandling
19 statutes. The Town of Colonie does not.

20 What some people are saying is that you
21 can address this kind of thing with disorderly
22 conduct statutes and the like. That may be
23 true, but I think this lets us address the
24 problem better.

25 With disorderly conduct, there is a

1 certain set of facts and circumstances that
2 have to be found before they can be charged
3 with disorderly conduct. What they are doing
4 may not rise to that level. Some of these
5 people are actually approaching cars and when
6 people refuse to give them the money, demand
7 and they change their mind cough up some
8 bucks. Some of these guys parked in the front
9 of ATM machines.

10 I don't know about you, but that would
11 bother me. I wouldn't want to use an ATM
12 machine when I saw some guy 4 feet away
13 standing there with a sign saying help me, I'm
14 homeless. Who knows if you've got your back
15 turned to him, what is going to do. So,
16 hopefully - I thought this would help send a
17 message.

18 SUPERVISOR MAHAN: We've had several
19 elderly women call the Police Department and
20 say they bang on their windows. They come to
21 a stop light and they're afraid they're going
22 to hit them with the car.

23 We have had them where people have tried
24 to give them food and they just throw it down.
25 They just want money. Little kids are scared.

1 Some of the people in the Town through the
2 years - and you kind of get the ones who are
3 truly homeless and are truly in need. They
4 don't necessarily stand on the corner, but our
5 people tried to help them and try to get them
6 help through certain services that are out
7 there. A lot of times they are repeat
8 individuals and it gets very difficult, but
9 they have a good handle on who they are.

10 Also, Craig Apple has a program which is
11 to give them a place to stay, but also to try
12 to work with them to get them back on their
13 feet.

14 As you guys know, for a while we
15 supported the Soldier On Program which is
16 homeless veterans and tried really hard with
17 that group that runs that. They couldn't raise
18 enough money to do that. Maybe they will
19 sometime in the future.

20 We visited the home in Pittsfield which
21 was going very well and it was actually a
22 transitional program that gets them to the
23 point where they're back on their feet and
24 when they get jobs in any of the homes that
25 are on the complex, they can only be sold to

1 another veteran. They work their way into it.

2 MR. MAGGUILLI: Dave, they're popping
3 up all over. They're at the Walmart now.

4 MR. GREEN: The issue with this is a lot
5 of this sounds like the statute of harassment
6 could be incorporated, which is a violation.
7 This is a violation. I don't know what more
8 we are accomplishing by doing it.

9 Furthermore, the proof aspect of this is
10 going to be very difficult because unless some
11 Officers are there witnessing it, how are we
12 going to police this? I would like to see what
13 Chief Teale and Apple have to say.

14 MS. MURPHY: More recently, people
15 coming off of the Northway onto Wolf Road -
16 if the light is green when they come off the
17 Northway, they are flying through there.
18 There are people standing there looking for
19 donation sand someone is going to get hurt.

20 MR. MAGGUILLI: In talking with the
21 cops, they do witness it. When they get
22 complaints, they ask the person that calls in
23 whether they are willing to sign a complaint.
24 Sometimes the person is willing to do it and
25 sometimes they're not.

1 Again, as far as the police are
2 concerned, this gives them another tool in the
3 toolbox. They think - and I believe they are
4 absolutely correct - that we've got to nip
5 this in the bud now before it spreads all over
6 the Town. People in Colonie are generous. The
7 more they give, the more likely they are going
8 to have people in other places.

9 MR. FIELD: The Chief said that one
10 woman was picked up three times in one day
11 and told the Officer there's nothing you can
12 do to me.

13 SUPERVISOR MAHAN: I've seen one that
14 was on crutches over by the traffic circle -
15 by the mall. I can see from my car the cop
16 car was coming and the crutches just went out
17 and he ran right across the street. He took
18 off like lightning.

19 MR. MAGGUILLI: There was a family doing
20 it the other day in front of Walmart. A guy -
21 I assume it was a family. A guy, a woman and
22 three little kids. They had them all out
23 there with signs.

24 SUPERVISOR MAHAN: Somebody's going to
25 get hit by a car.

1 MS. MURPHY: It would be easier to get a
2 job.

3 MR. MAGGUILLI: Have you watched John
4 Stossel- the guy that did the videos on 2020?
5 He did one about panhandling and they
6 followed this woman who looked like she was
7 down and out and on her last leg. After she
8 was done panhandling, they followed her. She
9 gets into a late model car and they followed
10 her to this nice suburban house. She goes in
11 and then comes out like 15 minutes later. She
12 was a soccer mom, essentially. They
13 approached her and she said hey look, I make
14 400 or \$500 a day tax-free. Where else am I
15 going to do that? My kids are in school and I
16 went out panhandling.

17 SUPERVISOR MAHAN: Unfortunately, they
18 don't want services. They just want money.

19 MS. JEFFERS VONDOLLEN: I just have two
20 quick points on this. One was that I have
21 been researching this nonstop for the last 48
22 hours just because I've been getting so many
23 messages about it. I did find out - I'm sure
24 Mike is aware - that it is also an ordinance
25 or Local Law in other places in New York

1 State. I think off the top of my head the
2 Town of Grand Islands, City of Buffalo, two
3 villages in Long Island, the City of
4 Rochester - there are other places and this
5 is not like this is a novel idea. Something
6 that I wanted to make sure everyone knew.

7 The other thing was, Mike, I don't know
8 if you got my email today.

9 MR. MAGGUILLI: We've been going crazy
10 today with Executive Orders.

11 MS. JEFFERS VONDOLLEN: I just wanted to
12 ask whether or not - because I think it's
13 really well drafted and I think the
14 aggressive behavior definition is very clear.
15 In the section for the conduct where we list
16 the different things that are prohibited, F
17 where it says no person on the sidewalk or
18 alongside a roadway shall solicit from any
19 occupant of a motor vehicle that is on a
20 street or other public place or parking
21 area -

22 MR. MAGGUILLI: That under G?

23 MS. JEFFERS VONDOLLEN: It's on sections
24 - - I have it on F here. Should we have the
25 language saying aggressively solicit because

1 I'm just concerned that someone would
2 construe that as being - we define solicit as
3 spoken, written or printed word. I'm afraid
4 if someone is passively panhandling that
5 could be looked at as prohibiting free speech
6 in that sense.

7 MR. MAGGUILLI: You mean it may be
8 looked at as protected speech.

9 MS. JEFFERS VONDOLLEN: Yes.

10 MR. MAGGUILLI: Okay. I think one thing
11 I'm going to have to change is on the
12 sidewalk. I think that might run afoul of the
13 First Amendment. A sidewalk is typically a
14 place that is considered a public forum
15 etcetera. What I intended to do was - not on
16 the sidewalk, but next to the sidewalk.

17 Standing on the roadside - - one thing
18 that Colonie has very few of is sidewalks. I
19 think that we can support - - like someone on
20 Everett Road standing in the median by the
21 guard rail where the road is very uneven - -
22 that's why I changed from just aggressive
23 panhandling to aggressive and unsafe
24 panhandling.

25 MS. JEFFERS VONDOLLEN: Right, and I

1 just wanted to see if you thought it would be
2 a good idea to keep the language like Paula
3 said, consistent and that prohibited conduct
4 section. That way it doesn't look like we are
5 going from - here is what we define as
6 aggressive, but then if someone reads that -

7 MR. MAGGUILLI: That's a real good idea.

8 MS. JEFFERS VONDOLLEN: I'm afraid
9 somebody might sue over - well, that just
10 reads like you're standing there and that's
11 passive panhandling and that supposed to be
12 permitted.

13 MR. MAGGUILLI: This is still a work in
14 progress. All we are doing tonight is calling
15 a public hearing. I do realize that I'm going
16 to have to tweak some more.

17 MR. GREEN: You should announce that all
18 this for public hearing - - you should make
19 that announcement, so that it might safeguard
20 some onerous public comment.

21 MS. JEFFERS VONDOLLEN: That is some of
22 the feedback I have received personally so
23 far. While I am obviously very much in favor
24 of this and I think it needs to be done, I
25 just wanted to make sure the language was

1 safe.

2 MR. MAGGUILLI: The guy from the social
3 justice center - he tried to make it sound
4 like these laws are knocked out in their
5 entirety and they are not. The only parts
6 that have been held unconstitutional is when
7 the person is just standing there
8 unobtrusively and quietly holding up a sign
9 in a safe place and on the sidewalk. That, we
10 can't mess with. However, it's unclear
11 whether he takes two steps off the sidewalk
12 and he's in the road, does he lose the
13 protected speech? Under the Federal Law,
14 we're not even sure panhandling is protected
15 speech. So, don't let somebody come up and
16 tell you this is the first amendment
17 violations, because it's not.

18 MS. JEFFERS VONDOLLEN: No, especially
19 when you have the aggressive language in
20 there - -the ACLU lawsuits that have been out
21 there are against the passive panhandling.
22 It's very clear. This is very different and I
23 just want to make sure our language is
24 consistent.

25 MR. MAGGUILLI: If you look at the

1 Rochester case, Michael Green was the DA in
2 Rochester. He is the District Attorney like
3 our David Soares. I helped Mike get into
4 Albany Law School.

5 He had called me back when their cases
6 were being litigated and wanted to see if I
7 wanted to be hired and represent him. I
8 wouldn't do it. I didn't want to do it. It's
9 not because I thought he had a lousy case, but
10 I didn't want to go to Rochester.

11 SUPERVISOR MAHAN: The other side of
12 this, too, is that to keep them off the
13 streets and the dangerous locations - it
14 helps to keep them safe.

15 MS. JEFFERS VONDOLLEN: Absolutely.

16 MS. MURPHY: It depends on who is doing
17 it. Sometimes at the Northway Mall they just
18 stand and have their sign and hope someone
19 will stop and roll the window down and give
20 them some money. Sometimes there are people
21 that when the light is red, move from car to
22 car to car down the road and there standing
23 right next to your car.

24 MR. MAGGUILLI: I'm already getting
25 called a bigot for this.

1 MS. JEFFERS VONDOLLEN: So am I.

2 SUPERVISOR MAHAN: Even Sheriff Apple is
3 giving advice publicly - don't give them
4 money.

5 MS. MURPHY: You feel bad for them.

6 SUPERVISOR MAHAN: You don't know who
7 these people are. The thing is that you don't
8 want them to get hurt, but by the same token
9 it's not fair and it's not right to
10 intimidate people who are nervous to go
11 places because they're afraid they're going
12 to get into their car or do something to
13 them.

14 MS. FUTIA: So, for example, when she
15 said they go from car to car - are they
16 protected, or that would be considered -

17 MR. MAGGUILLI: That would be considered
18 aggressive and illegal.

19 The other thing that I added that no
20 other law had was I added the Covid 19 because
21 the Covid 19 throws something into the mix, as
22 well. This is the only panhandling law that
23 has something like that because you've got an
24 Executive Order that says you have to stay
25 five feet away from people. Just because your

1 panhandling, doesn't exempt you from that five
2 or six-foot requirement.

3 MS. JEFFERS VONDOLLEN: I feel like the
4 part that you were just talking about is
5 probably covered under G and aggressive
6 behavior.

7 MR. MAGGUILLI: I wrote G a little bit
8 differently. It's not your typical standing
9 on the sidewalk statute. I don't know if it
10 will pass muster or not.

11 MR. FIELD: Maybe we should charge a
12 permit fee.

13 MR. MAGGUILLI: I will tell you with our
14 Hotel/Motel Local Law - they told me that law
15 would never stand scrutiny and that it would
16 be overturned in court. That never got
17 overturned. It's still a good law today.

18 MR. GREEN: It probably would be
19 difficult to do, but have you ever thought
20 about identifying where you can peacefully
21 manhandle versus taking the time to say where
22 you can't panhandle? Have you ever looked at
23 it from that angle?

24 MR. MAGGUILLI: Yes.

25 MR. GREEN: So, you could peacefully

1 panhandle on any sidewalk. Anything other
2 than that -

3 MR. MAGGUILLI: I would think that it
4 would be on the sidewalk - any public place
5 that is open to the public. If you're
6 standing in the middle of the park with a
7 sign and you're not going after people but
8 you're just standing there saying please
9 help, that could probably be done. What we
10 are looking to stop are these people that are
11 in the middle-of-the-road going from car to
12 car and parking garages at night where they
13 will approach somebody and still give you
14 money just hoping that leave them alone and
15 go away. That's the theme that runs through
16 this, if you look at it. In situations where
17 people are alone or separated -

18 MS. MURPHY: It's is also senior
19 citizens driving in their car by themselves-
20 that's a little scary.

21 MS. JEFFERS VONDOLLEN: It happened to
22 me - not in Colonie, but I was walking to my
23 car, it was dark and I was followed and I was
24 called a very not nice word because I was
25 told I drive a nice car and I can't spare a

1 dollar for someone else. So, it was very
2 uncomfortable at that point because I was
3 followed three blocks to my car in the dark.
4 I called someone, obviously, because I was
5 scared. I can imagine being someone that's
6 elderly or female - - there are a lot of
7 different types of people who are
8 uncomfortable with this.

9 SUPERVISOR MAHAN: It's a situation that
10 could go bad really fast.

11 MS. JEFFERS VONDOLLEN: Absolutely.

12 MS. MURPHY: We just need to make sure
13 that we cover all the bases.

14 MS. JEFFERS VONDOLLEN: There are tons
15 of services available. It's not to say that
16 the Town doesn't care about homeless people.
17 It's just a faceted approach.

18 MR. MAGGUILLI: In this day and age
19 there's no reason for anybody to be standing
20 on a street corner asking for money. This
21 seems to be more and more people and more and
22 more locations.

23 MR. GREEN: Do you really think that
24 it's can have any impact?

25 MR. MAGGUILLI: I think that it will.

1 MR. GREEN: Get an appearance ticket and
2 they won't go to court and you can bring them
3 in.

4 MR. MAGGUILLI: If the Police and the
5 courts go along with this, the Police are
6 behind it 100%. I think it can have an
7 effect. Nobody wants to have to go to court.
8 Eventually this stuff is going to catch up
9 with them.

10 MR. GREEN: If there truly homeless - -
11 I watched 20/20 years ago and some of these
12 people make more money then a lot of people
13 on this earth.

14 MR. MAGGUILLI: Dave, if we do nothing,
15 then we conceded the issue to them already.

16 MS. JEFFERS VONDOLLEN: My fear is that
17 if you do nothing and you're giving people
18 money, you don't know where that money is
19 going - what are you contributing to?

20 We have a very, very serious heroin
21 epidemic on the streets as well. You don't
22 know where that money is going.

23 MR. MAGGUILLI: If we do nothing, it's
24 just like opening up our streets -

25 MR. GREEN: Can't we try to prosecute

1 these cases under the harassment law? Every
2 one of these situations - it's the true
3 definition of harassment.

4 MR. MAGGUILLI: I disagree. I think
5 there are some similarities to the harassment
6 law, but there are some things that are
7 unique to this.

8 MR. GREEN: Stepping off the curb side,
9 for example. You don't want to put a driver
10 in a situation where they have that reaction.
11 It may or may not come, but by why chance it?

12 MR. MAGGUILLI: Okay. Moving on -
13 Resolution 302 is extending the furloughs to
14 certain Town job titles and returning some
15 people to work. It's all set forth in Exhibit
16 A.

17 MS. FUTIA: Are the department heads the
18 ones who came up with - that furlough being
19 extended?

20 MR. KELSEY: We spoke with every
21 department head as to what position is
22 furloughed and what staffing could be
23 extended without detriment to the department.

24 MS. FUTIA: So, the department heads are
25 basically the ones who decided that.

1 MR. KELSEY: Yes.

2 MR. MAGGUILLI: Resolution 303 is
3 authorizing Paula to enter into an agreement
4 with Fifth Avenue Forensics.

5 We should probably go into Executive
6 Session to discuss this. I will just say that
7 at this time this has to do with a Police
8 Department personnel matter and they would
9 like to do an examination and the cost of the
10 examination as part of the litigation is
11 pending of \$3,500. If you would like more
12 information, I think we really should go into
13 Executive Session.

14 MR. GREEN: I will make a motion to go
15 into Executive Session to discuss the two
16 reasons that Michael said potential
17 litigation, if not already pending litigation
18 as well as personnel.

19 MS. JEFFERS VONDOLLEN: I will second.

20 MR. MAGGUILLI: In Executive Session I
21 would ask that Rosemary stay, that I stay,
22 Julie and the stenographer.

23 MS. GANSLE: All in favor?

24 (Ayes were recited.)

25 Any opposed?

1 (There were none opposed.)

2 (Whereas the above entitled proceeding
3 was concluded at 6:45 PM)

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CERTIFICATION

I, NANCY L. STRANG, Shorthand Reporter and Notary Public in and for the State of New York, hereby CERTIFIES that the record taken by me at the time and place noted in the heading hereof is a true and accurate transcript of same, to the best of my ability and belief.

Date: _____

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