

STATE OF NEW YORK COUNTY OF ALBANY

TOWN OF COLONIE

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AGENDA SESSION

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THE STENOGRAPHIC MINUTES of the above  
entitled matter by NANCY L. STRANG, a  
Shorthand Reporter commencing at 6:10 PM on  
August 13, 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
- RICHARD FIELD
- JILL PENN

ALSO PRESENT:

- MICHAEL C. MAGGUILLI, ESQ., TOWN ATTORNEY
- JULIE GANSLE, TOWN CLERK
- JOHN CUNNINGHAM, COMMISSIONER, DPW
- P. CHRISTOPHER KELSEY, COMPTROLLER

(cont.)

ROSEMARY NEWTON, DIRECTOR, HUMAN RESOURCES

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1 MR. MAGGUILLI: All right, we have one  
2 personnel matter on today. That is  
3 provisionally appointing Wayne Paradowski to  
4 Automotive Electrical Technician. He is  
5 replacing Peter Hahn. There is no change in  
6 the salary; \$61,550.

7 MR. CUNNINGHAM: Excuse me, Mike, we  
8 have a \$2,000 increase in salary.

9 MR. MAGGUILLI: I have that this is just  
10 a Civil Service. Oh, it's a provisional  
11 promotion; sorry.

12 MR. KELSEY: Right, it's a settlement of  
13 the union agreement.

14 MR. MAGGUILLI: I stand corrected.

15 MS. NEWTON: He has been working out of  
16 title.

17 MR. MAGGUILLI: Resolution 305 is a  
18 public hearing. John Bailey's office will be  
19 conducting the public hearing. This is for  
20 installation of an 8-inch in diameter service  
21 line on Lincoln Avenue. The cost is \$163,387  
22 paid for entirely by the developer.

23 Resolution 306 is the public hearing on  
24 the aggressive and unsafe panhandling statute.  
25 As you may recall from an earlier email, I had

1 suggested that we not vote tonight and conduct  
2 the public hearing and close it if everyone  
3 had an opportunity to speak to give the Board  
4 time to consider the comments. Whatever is  
5 presented tonight to the Town Board, you may  
6 or may not want to incorporate into any final  
7 version of the statute, if any.

8 MS. MURPHY: Mike, can I just ask a  
9 question? Have we had any input from the  
10 Police Department or any of the other courts?

11 MR. MAGGILLI: Yes, I talked to Chief  
12 Teale and Deputy Chief Woods. They have  
13 spoken to Pete Crummev. I have not talked to  
14 Peter directly, but what the Chief relayed to  
15 me is that the court is on board and that the  
16 Police Department is on board with this. I  
17 had intended to contact the PBA President and  
18 with everything going on, I didn't have the  
19 time. It is my understanding that they are  
20 supportive.

21 MS. MURPHY: We had a small fire in our  
22 neighborhood last night. I was talking with  
23 someone who said that they were not in favor  
24 of this. But to hear from so many different  
25 things from everyone -

1 SUPERVISOR MAHAN: Yes, it is mixed. A  
2 lot are and some are not.

3 MS. MURPHY: The only reason I ask you  
4 that question - if you actually had a  
5 discussion with them.

6 MR. MAGGUILLI: Not with the individual  
7 officers, but the Chief and Deputy Chief.  
8 Naturally, I know that no one wants to do  
9 anything that the Police would feel  
10 uncomfortable doing.

11 MS. MURPHY: I know that David was  
12 concerned about it and the court is pretty  
13 much backed up frequently, anyway.

14 MR. MAGGUILLI: The Police are rightly  
15 concerned about anything these days. They are  
16 under attack.

17 MS. MURPHY: Absolutely.

18 SUPERVISOR MAHAN: There's a couple of  
19 things laying out there, too. They're still  
20 gathering more and more information and  
21 trying to compare and Mike has done a lot of  
22 that.

23 MS. MURPHY: It's probably better that  
24 we put it on hold after we hear what  
25 everybody has to say.

1           SUPERVISOR MAHAN: The intent is to take  
2 in as much input from the public as we can,  
3 but also to gather as much information that  
4 we can. There are always several options and  
5 that's why we don't want to  
6 discount anything.

7           The other part about it, too, is that  
8 when you talk about the Police, the laws are  
9 changing so much for them that we don't even  
10 know where that's going to end up.

11           As far as the committee that we are  
12 working on -- that we are putting together a  
13 proposal for the Governor and the state budget  
14 committee or whatever it is there - we have to  
15 have those in by April. We don't even know  
16 when we're going to get a response from that.  
17 Whatever the response is, in the different  
18 categories, that could negate what we are  
19 doing or trying to do in that respect. We're  
20 trying to get more guidance on that or some  
21 guidance on that. We don't know when the  
22 guidance is going to come. That's another  
23 factor that kind of changes.

24           MR. MAGGUILLI: And the guidance was  
25 built right into the Executive Order. The

1 Executive Order states that the Department of  
2 Health and the Justice Department and will  
3 provide all the municipalities with guidance  
4 in conducting these reviews -

5 SUPERVISOR MAHAN: Not health -- budget.

6 MS. MURPHY: I think it's good to hear  
7 what the public has to say and we can discuss  
8 it amongst ourselves. I think that way we  
9 will be covering all of our options.

10 SUPERVISOR MAHAN: Yes and there is  
11 obviously no need to rush anything. It's not  
12 that type of situation. The reality is, with  
13 all the research that Mike has done and some  
14 other people have done, it could give us  
15 guidance in any direction. But the reality is  
16 until we know how things are going to change  
17 for Police Officers, it kind of puts us in a  
18 tough position because we don't want to do  
19 something have to back-track. So, there are  
20 lots of different things that we still have  
21 to look at.

22 MS. MURPHY: Well, I think it's been  
23 terrific - all the work that has been done.

24 MR. MAGGUILLI: One of the primary  
25 things that is being considered by the State

1           Legislature, is doing away with qualified  
2           immunity for Police Officers. That would be  
3           disastrous for the Town. Not just the  
4           Officers but all the municipalities.  
5           Qualified immunity does -- I don't know if  
6           you know -- if an Officer is sued in federal  
7           court, a 1983 action, civil rights violation  
8           or any other court, he has a defense of  
9           qualified immunity. What that says is that  
10          there was probable cause to support arresting  
11          the defendant for any crime, not necessarily  
12          the crime he was arrested for but for any  
13          crime, then he could make a motion to dismiss  
14          the case against him. Most municipalities  
15          have indemnification clauses with their  
16          Officers as long as they're acting in the  
17          line of duty, etcetera, during the course of  
18          their employment. Ultimately the bill would  
19          come to us.

20                 With the other new statute in place that  
21                 they are now personally liable for - I think  
22                 it's like up to \$25,000.

23                 SUPERVISOR MAHAN: It's \$25,000 for one  
24                 type of situation, but the other part of this  
25                 whole thing is that - say there are two or



1 three Officers or four Officers or whatever,  
2 if an Officer - if any of them feel that they  
3 shouldn't be using whatever defense or  
4 whatever they're doing to subdue the alleged  
5 criminal or whatever it might be, if there is  
6 an Officer or Officers that feel that is not  
7 being done correctly, they have to report it.  
8 It goes to the State Attorney General and  
9 they can be terminated for that.

10 MR. MAGGUILLI: If they don't report it,  
11 I think the provision is they can be charged  
12 with a crime for not reporting it.

13 SUPERVISOR MAHAN: The \$25,000 is out of  
14 their pocket. That's what really makes it  
15 difficult - all the different directions that  
16 things could go. We just don't know how  
17 that's all going to end up.

18 MR. MAGGUILLI: I pattern this after the  
19 city of Rochester's aggressive panhandling  
20 and the reason why I've done that is because  
21 Rochester has done the heavy lifting for us.  
22 It took them 10 years to come up with this  
23 final version of the statute. It went up to  
24 the New York State Court of Appeals, our  
25 highest court, and it was found

1           unconstitutional. So, the only difference or  
2           changes I really made to their statute was  
3           adding the Covid provision. That was  
4           basically it. I change the word urban to  
5           suburban when they talked about quality of  
6           life.

7           SUPERVISOR MAHAN: The work that you  
8           have done is very solid. You can get into a  
9           situation when you're talking about how an  
10          Officer's job could change - it may down the  
11          road - it could be things going a different  
12          direction, it may not be the person that  
13          panhandles that has a problem with it or  
14          whatever. There are advocacy groups and  
15          agencies that work with these people and if  
16          they choose to work - cooperate with the  
17          agencies, the agencies can act on their  
18          behalf in a sense. There's just so many  
19          different things to look at.

20          MS. MURPHY: It seems like such a simple  
21          thing when you see somebody out there, but  
22          it's a pretty complicated situation.

23          SUPERVISOR MAHAN: It's complicated, but  
24          you also have to look at it from the  
25          perspective of - there are people who have

1 had concerns and we do get the complaints and  
2 the calls and the emails or whatever. That  
3 puts us in a position that we need to look  
4 into it.

5 The other side of the coin is that for  
6 whatever reason that they are panhandling -  
7 there are number of reasons they are  
8 panhandling. They could be desperate. They  
9 could have some type of social or emotional  
10 issues that they're struggling with that they  
11 are not dealing with reality or whatever. It  
12 could be a scam. It can be just about  
13 anything, but they aren't all out there for  
14 the same reasons. That's the other side of the  
15 coin. To protect them as well or try to make  
16 them aware of what kind of help is out there  
17 or things like that that they may not be aware  
18 of - the other side of it is trying to make  
19 them aware of the fact that if you stand in  
20 the middle of the road, you could get hit by a  
21 car, or this, or that and that's one of the  
22 biggest fears that people have. They're very  
23 afraid they're going to hit them because they  
24 often come right out or at intersections where  
25 light turns and changes and people are moving.

1 It's all those different things that make it  
2 so difficult. It's not meant to be punitive.  
3 It's meant to try to resolve both sides.

4 MS. MURPHY: I think the ones that are  
5 most scary are when they're approaching  
6 people on foot in parking lots and walk with  
7 them.

8 SUPERVISOR MAHAN: That's a big fear for  
9 the elderly people.

10 MR. MAGGUILLI: I got a letter from a  
11 woman -- I'm not sure if it was a letter or  
12 email. She was in the Hannaford up here at  
13 Latham Farms and she had just gotten out of  
14 her car and a guy approached her and asked  
15 her specifically for two dollars -

16 MS. MURPHY: Did you send that to the  
17 Town? I think I saw that.

18 MR. MAGGUILLI: Yes, and she was afraid  
19 he was going to damage her car and she took  
20 off.

21 MS. MURPHY: I think that's much worse  
22 than if they're standing outside your car.  
23 The car can protect you. Generally speaking,  
24 they don't even speak to you. They just hold  
25 of the sign. If you are intimidated, you are

1 kind of intimidated by what you think that  
2 they may do and not really what they are  
3 doing.

4 When they're walking in a parking lot, I  
5 think that's very scary.

6 MR. MAGGILLI: You have to understand  
7 that this law does not prohibit  
8 panhandling. It doesn't criminalize poverty.  
9 What this law does is focus on the unwanted  
10 conduct. Somebody can go up and ask someone  
11 for money and do it in a neutral way and it  
12 would not be in violation of the statute. If  
13 that same person comes up and he's told no  
14 and he continues - come on, you got the money  
15 and you can give me a couple of bucks, that's  
16 aggressive panhandling and that's what we're  
17 trying to address.

18 MS. JEFFERS VONDOLLEN: I think another  
19 distinction too, Mike, you pointed out really  
20 well was that it's not so much the conduct  
21 because there are so many arguments out there  
22 about - well there is harassment and  
23 disorderly conduct and traffic violations -  
24 does that apply? It's also about where the  
25 conduct took place. There is a spatial

1 element to it that's a little bit different  
2 than some of those other laws, which I think  
3 is important to recognize.

4 MR. MAGGUILLI: Melissa, the Rochester  
5 case and the court in People versus Barton  
6 specifically addressed that. The Rochester  
7 law and ours would prohibit exactly that. The  
8 court found it constitutional. They address  
9 that even standing passively on the shoulder  
10 of the road can be distractible and therefore  
11 - the government has a substantial interest  
12 in regulating that kind of conduct in keeping  
13 the streets safe and the court specifically  
14 ruled that it was proper.

15 MS. JEFFERS VONDOLLEN: Also, what you  
16 said about medians - the intention of medians  
17 in roads is not for you to stand on them and  
18 do whatever. It's a flow of traffic.

19 MR. MAGGUILLI: I've been called pretty  
20 much everything under the sun because I  
21 drafted this; I'm a racist, I'm a Nazi.

22 SUPERVISOR MAHAN: It affects everybody  
23 differently. Somebody read me something that  
24 was on one of the websites and an autistic  
25 child was with a mother or something and the

1 person just made light of it. Give them a  
2 buck and turn them the other way or  
3 something. Just not even being able to  
4 comprehend statements like that - that child  
5 could go completely - escalate to a point  
6 where somebody can be driving and get in an  
7 accident. It's not meant for any of that  
8 nonsense.

9 MR. MAGGUILLI: I am happy to report  
10 that overwhelmingly I have received emails,  
11 letters and phone calls in support of it,  
12 thanking the Town addressing this issue.

13 MS. MURPHY: I think we had people have  
14 that comment. I have had a number of people  
15 say that. This one man that came into our  
16 shop said I don't know how you feel about it,  
17 but I think that's a wonderful thing that  
18 you're doing that. I said we are trying to  
19 make it better and safer.

20 SUPERVISOR MAHAN: We just need to take  
21 our time because there may be other options  
22 that can solve the problem, as well. Like  
23 Mike said, there's absolutely no intention on  
24 voting tonight.

25 MR. MAGGUILLI: The argument is also -

1 well, that there are other laws that cover  
2 this and that's just not true. There's  
3 nothing that covers any of the issues about  
4 the street and disorderly conduct doesn't  
5 mention that. It does have the provision  
6 about blocking traffic, but all of these  
7 things depends on the intent of the  
8 panhandler. It also depends on public  
9 component - that it has to have an effect not  
10 just between the two people in dispute, but  
11 the public at large.

12 Under the disorderly conduct penal law  
13 statute there were 418 case notes. Those are  
14 cases that dealt with that statute. Not one of  
15 them was with panhandlers. If these other laws  
16 did in fact cover it, why would all these  
17 other municipalities across the state of New  
18 York adopt this law?

19 MS. JEFFERS VONDOLLEN: Not to mention  
20 if it covered it, why is it still going on?  
21 It has not been effective.

22 SUPERVISOR MAHAN: We will just keep  
23 gathering information.

24 MR. MAGGUILLI: Again, this was in  
25 response to a huge number of complaints.



1 Paula asked me to look into it and this is  
2 what I came up with. I worked on it with Tim  
3 McPherson and this is how all the other  
4 municipalities addressed it. I didn't find  
5 anything else.

6 MS. MURPHY: They are places that they  
7 do it that's very blatant where they are  
8 really stepping into the roadway. It's really  
9 dangerous.

10 MR. MAGGUILLI: Melissa, have you ever  
11 heard of the organization called LEADS,  
12 L-E-A-D-S?

13 MS. JEFFERS VONDOLLEN: I think so.

14 MR. MAGGUILLI: Law Enforcement Assisted  
15 Diversion. It's being run right now by Brian  
16 Cox, the former Police Chief of the City of  
17 Albany Police Department. What it does -- I  
18 talked to him about possibly using their  
19 services. The Public Defender's office uses  
20 it quite successfully.

21 The Officer approaches the panhandler and  
22 gives them the option. You want to try the  
23 LEADS program where you can get assistance, or  
24 if not I can write you a citation; you pick.  
25 That is something that I think we could

1 consider as well.

2 SUPERVISOR MAHAN: It is an intervention  
3 that may work just as well and easier than a  
4 law. We actually learned about LEADS and  
5 everything they do at the Police committee  
6 meeting.

7 MR. MAGGUILLI: We would need the law to  
8 be able to approach them in the first place.

9 Okay, Resolution 307 is for in-line  
10 marine coverage. This is a big policy for us.  
11 This covers a ton of equipment both old and  
12 leased equipment. It covers flood and earth  
13 movement. The earth movement unfortunately is  
14 only up to \$250,000.

15 We have the Fusco case that he's looking  
16 for \$2 million as a settlement. It covers our  
17 golf carts, our portable radios at the Police  
18 Department, TV towers, radio towers, etcetera.  
19 This policy premium is \$47,415. Last year we  
20 paid \$45,420 for the exact same coverage. It's  
21 getting harder and harder to find coverage. A  
22 lot of the insurance companies are becoming  
23 increasingly hesitant to ensure  
24 municipalities.

25 Speaking of the Fusco case, this is an

1 expenditure solution - Cooper Erving and  
2 Savage, \$10,048.72. That's for Fusco and the  
3 landslide case; Needelbaum, McMillian - that's  
4 the girl claiming a wrongful arrest - the one  
5 that her relatives called and wanted us to do  
6 a wellness check. They thought she was  
7 suicidal. They found her at the cemetery at  
8 her parents grave, we believe. Our Officers  
9 went there and sure enough there she was  
10 sitting in a car. They observed her for couple  
11 of minutes and approached her and then  
12 following Town procedure, they brought her to  
13 CDPC because when you have notice that someone  
14 is possibly suicidal, they must do this  
15 whether the person agrees to it or not. That's  
16 all they did. They followed procedure.

17 Ms. McMillan sued the Town. She has since  
18 been arrested about four months later. She is  
19 allegedly the driver in a drive-by shooting at  
20 119 Old Loudon Road and she is also implicated  
21 in another shooting. So, we will see how that  
22 goes.

23 Resolution 309 is calling for public  
24 hearing on the 27th; Martin Harding and  
25 Mazzotti, a law firm on Troy Schenectady Road,

1 has approached the Town. There is an adjacent  
2 property that is zoned single-family  
3 residential. They tried to convince us that  
4 was done in error in 2007 and wanted us to  
5 just correct it. We will never do that again.  
6 We advise them that they had to apply to the  
7 Planning Board for a change in zone.

8 The Planning Board reviewed this in sent  
9 a favorable recommendation of the zone change.  
10 Now we have to conduct our own public hearing  
11 and it's the Town Board that finally decides  
12 whether it wants to change the zoning for  
13 Martin Harding to expand.

14 Resolution 310 through 317 are all the  
15 same. The base salary may be different -  
16 \$48,520 and the like. It does not allow the  
17 Officers to cash out the separation. They are  
18 still limited on cash out to the agreed to  
19 maximum. These agreements all expire December  
20 31, 2021.

21 Rosemary, is there anything you would  
22 like to add to that?

23 MS. NEWTON: Basically there is a  
24 potential limit on someone's personal service  
25 for vacation time that employees can carry

1 over into the next year. This particular  
2 year, the employees do not have a lot of  
3 opportunity to use that time and so we just  
4 want to extend the cap to this year. In a way  
5 it's helpful to us because people should  
6 decide by the end of the year that they would  
7 like to use this time and not lose it and we  
8 could be faced with a lot of people out and  
9 it would be problematic especially in DPW if  
10 there was a snowstorm or water breaker things  
11 like that. So, it's beneficial to both sides  
12 and cost control.

13 MS. JEFFERS VONDOLLEN: It also covers  
14 the non-bargaining unit. So, it's not  
15 preferential.

16 SUPERVISOR MAHAN: Like Rosemary said,  
17 it will help to hopefully spread it out so  
18 everybody is not all out at the same time. I  
19 don't know if people will ever really be able  
20 to go away again.

21 MR. MAGGUILLI: Resolution 318 - the  
22 homeowners at 31 Buckingham Lane, which is in  
23 the Canterbury Crossings Planned Development  
24 District would like to install an in-ground  
25 pool and a black aluminum fence with a

1 concrete surround at their property and this  
2 is referring it to Planning to see if we will  
3 amend the planned development district to  
4 allow for the pool.

5 Resolution 319 is authorizing Paula to  
6 execute change order number four with Gallo  
7 Construction. There was a damaged water line  
8 that is not shown on the existing plans. They  
9 had to do additional work in the amount of  
10 \$505.30.

11 I have never in all my years seen so many  
12 change orders on one project, as the library.

13 Resolution 320 is another change order  
14 for the library for Gallo. They state that  
15 there is a hidden defect andy they needed  
16 \$1,688.20 to resolve the hidden defect. I  
17 didn't write down what it was.

18 MS. MURPHY: Is it due to the  
19 construction company, Mike?

20 MR. MAGGUILLI: This is for Gallo  
21 Construction.

22 This had to do with the doorway at the  
23 Steadman room. Something about when they took  
24 the doors down they were initially intended to  
25 use the original frame. Once they were able to

1 examine it more closely, allegedly they  
2 decided they couldn't use those frames and  
3 they needed to reinforced and so they're  
4 asking for this change.

5 Resolution 321 is change order number  
6 seven with Gallo. Again, this was a masonry  
7 wall stabilization for the new exterior to the  
8 children's room door; \$3,084.32.

9 MS. PENN: Was it stabilization to the  
10 wall?

11 MR. MAGGUILLI: That's it.

12 Resolution 322 is declaring an emergency.  
13 There was a sewage backup at the library and  
14 part of it apparently wasn't cleaned. It was  
15 getting worse by the day and they felt it  
16 necessary to bring in professional fire  
17 restoration people to do the clean-up work  
18 before it became worse so, now they are  
19 looking for an emergency expenditure  
20 authorization of \$2,674.22.

21 Resolution 323 is overestimated water  
22 usage. I think this is the all time winner;  
23 \$12,848.40. Thank you for that interest-free  
24 loan.

25 Resolution 324 is authorizing Doug to

1 declare the property in Exhibit A as surplus  
2 and then to conduct an option to sell the  
3 property. This is something we do every year.

4 Resolution 325 is declaring an emergency.  
5 There was a fiber sewer pipe that was  
6 completely collapsed at 16 Iris Lane. We had  
7 to get Anjo in there to restore service;  
8 \$5,531.60.

9 Resolution 326 - we had a water main  
10 break on June 22nd of this year that actually  
11 was powerful enough to damage the sewer line  
12 at 29 Schuyler Avenue. So, again to restore  
13 service, Pure Waters contacted Anjo and they  
14 came in at \$4,129.40.

15 Resolution 327 is an emergency at 57  
16 Karner Road. I have absolutely no backup in  
17 the file on this one. This is for 57 Karner;  
18 \$19,151.50.

19 Jack, do you recall with this one was  
20 about? I have 57 Karner Road and that's all I  
21 have. There was no supporting memorandum.

22 MR. CUNNINGHAM: It's one of those  
23 emergency repairs. It's a residence.

24 MR. MAGGUILLI: The work has been done.  
25 If you like - I just didn't ask for it. so,



1 we can go ahead on that, or we can adjourn  
2 this until I get the information we can put  
3 it on for the next meeting. The work has been  
4 done. The sanitary sewer has been repaired. I  
5 don't know the nature of the damage. I don't  
6 know what we are paying \$19,151 for. I had  
7 meant to call Pure Waters to find out, but  
8 with everything going on and spending all my  
9 time on the panhandling -

10 SUPERVISOR MAHAN: Does anybody need  
11 more information on that?

12 (There was no response.)

13 MR. CUNNINGHAM: That's for sure, Chret.

14 MR. MAGGUILLI: Is Chret here?

15 MR. CUNNINGHAM: No, he's going to be  
16 watching.

17 MR. MAGGUILLI: Work has been done.

18 SUPERVISOR MAHAN: You will know what it  
19 is.

20 MR. MAGGUILLI: It's probably fine.  
21 Whatever you want to do with that -

22 MS. MURPHY: I don't think we can stop  
23 it. It has already been done.

24 MR. MAGGUILLI: Chret is always so good  
25 with this stuff.

1           So, go ahead with it?

2           MS. MURPHY: Yes.

3           MR. MAGGILLI: Resolution 328 is  
4           amendment number one which is really change  
5           order number one for the engineering  
6           agreement with GHD Consulting Services. Pure  
7           Waters had requested three alternative bids  
8           and this had to do with engineering  
9           agreements with GHD for the Water Pollution  
10          control Plant. It was designed in bid work  
11          that they were required to do, due to some  
12          unforeseen circumstances with respect to the  
13          shear gates that needed replacing on the  
14          existing clarifiers. The amount is \$8,915.

15          Resolution 329 is authorizing a bid award  
16          to Anjio Construction in two CKM Electrical  
17          Services. Both were low bidders on the work at  
18          the Shaker Road pump station.

19          Resolution 330 is a memorandum of  
20          understanding with the Capital Region RSDP  
21          program. This is for our Senior Services  
22          Department. What they do for us is they  
23          recruit volunteers 55 years and older to  
24          assist the Senior services Department in  
25          various matters.

1           We have another agreement for Senior  
2 Services and this is the agreement with Life  
3 Path in connection with health insurance  
4 counseling for our seniors. It's a \$3,000  
5 contract paid monthly. The terms of this  
6 agreement as it goes back to April 1, 2020. It  
7 will expire on 3/31/21. I talked to Chris Cary  
8 about why we were doing this so far back to  
9 April and they have done the work and she  
10 assured me they have been on board since then.  
11 They had performed the services but through  
12 the various delays, we didn't get around to  
13 presenting the Resolution until now.

14           SUPERVISOR MAHAN: I don't think we pay  
15 that.

16           MR. KELSEY: No, it's money that we  
17 receive and they have been paying all along.

18           SUPERVISOR MAHAN: They have done this  
19 for a long time. Even though that gap was  
20 there because of Covid, they still paid us.

21           We have to call an Executive Session with  
22 Rosemary and Chris.

23           MR. MAGGUILLI: Rosemary has requested  
24 that we go into an Executive Session.

25           Rosemary, you can explain better if you

1 would like to?

2 MS. NEWTON: We were looking at the cost  
3 of health insurance for next year and there  
4 was estimates -

5 SUPERVISOR MAHAN: Right.

6 MS. JEFFERS VONDOLLEN: I will make the  
7 motion to go into Executive Session to  
8 discuss health insurance.

9 MS. MURPHY: Second.

10 MS. GANSLE: All in favor?

11 (Ayes were recited.)

12 Opposed?

13 (There were none opposed.)

14 SUPERVISOR MAHAN: We have Chris and  
15 Nancy and Rosemary and Jack stay.

16 (Whereas the above entitled proceeding  
17 was adjourned to address the Executive Session  
18 and recommenced immediately after)

19 MR. MAGGUILLI: I just have one thing.  
20 As you recall, at the last Board meeting I  
21 believe we adjourned the Resolution regarding  
22 the contract with Verizon Wireless about the  
23 lease of our right-of-ways for fiberoptics. I  
24 spoke with Dick Comey and with your  
25 permission I would like to bring him in at

1 the next Town Board meeting on the 27th at  
2 the agenda session so that he can give you  
3 his thoughts for what's best for the Town. He  
4 thinks we should charge. I tend to agree with  
5 him. Allegra was against it. If it's okay  
6 with you, I would like to have him come in  
7 and explain his reasoning.

8 SUPERVISOR MAHAN: Did Allegra say why -  
9 - it was a while ago and I can't remember  
10 why.

11 MR. MAGGUILLI: There's an old agreement  
12 signed well before we got here - it was a  
13 court case and we were sued and the court  
14 ruled that we could not charge for this type  
15 of access. I don't believe it's the same  
16 situation. Allegra tended to think that it  
17 was.

18 I don't trust the wireless companies. I  
19 just don't. I think they are business people  
20 and they are trying to get the best price that  
21 they can. I will be the first to admit that I  
22 don't have that much familiarity with wireless  
23 contracts and the like. That's why we've got  
24 Comey. The nice part about it is it doesn't  
25 cost the Town a dime. The wireless companies

1           have to pay for his services. They have to  
2           reimburse us for what we pay him. So, I will  
3           bring him in on the 27th, I guess it is.

4                   SUPERVISOR MAHAN:   It's a whole other  
5           language - that stuff. It's just very  
6           confusing.

7                   (Whereas the above entitled proceeding  
8           was concluded at 7:00 PM.)

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: \_\_\_\_\_

\_\_\_\_\_

Nancy L. Strang  
Legal Transcription  
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Niskayuna, NY 12309