

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 6:00PM on
August 27, 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
- DAVID GREEN

ALSO PRESENT:

- MICHAEL C. MAGGUILLI, ESQ., TOWN ATTORNEY
- JULIE GANSLE, TOWN CLERK
- ROSEMARY NEWTON, DIRECTOR, HUMAN RESOURCES
- SEAN MAGUIRE, AICP, CEcD, DIRECTOR,

1 DEPARTMENT OF PLANNING AND ECONOMIC
2 DEVELOPMENT
3 P. CHRISTOPHER KELSEY, COMPTROLLER
4 JOHN CUNNINGHAM, COMISSIONER, DPW
5 RICHARD COMEY

1 MR. MAGGUILLI: We have two personnel
2 matters today. The first is 332. This is a
3 Resolution that is required pursuant to the
4 terms of our union contract. Any leave
5 without pay for more than five days requires
6 Town Board approval.

7 Kevin Page would like to take a leave
8 without pay from August 29, 2020 to September
9 11, 2020.

10 SUPERVISOR MAHAN: Is that for child
11 care?

12 MS. NEWTON: No, that was quarantine. He
13 went on vacation and they need to quarantine.

14 MR. MAGGUILLI: Then we have a sad case.
15 Daniel Marinucci works at Latham Water and he
16 would like to take 10 days from August 20th
17 to August 30th. His stepdaughter died
18 expectedly.

19 Resolution 333 is the continuation of our
20 public hearing of our aggressive and unsafe
21 panhandling proposal.

22 What I would request we do on this is
23 adjourn it again with date and possibly close
24 the public hearing if there is not one
25 comment. In the two weeks since we last

1 addressed this issue, we have got number of
2 responses both favorable and unfavorable - on
3 both sides. I haven't really had an
4 opportunity to go through them. If I could, I
5 would like some time to take a look at these
6 and if we can just adjourn this tonight again
7 without date, it would be the best way to do
8 it, in my opinion. That way, I can take a look
9 at this plus maybe some other ways to address
10 the issue.

11 SUPERVISOR MAHAN: Some of you guys have
12 made some good contacts with people to
13 explore some options as well, which is good.
14 That's going to take some time.

15 Also, as you know, we are working on
16 policies and practices for the police proposal
17 that we have to put together by April. There
18 may be some valuable information -- maybe some
19 information could actually help us in one way
20 or another. There are so many different things
21 to look at. I'm not intending on voting
22 tonight and I don't think anyone else is. We
23 are nowhere near ready for that. By adjourning
24 it to a date to be determined, we can have as
25 much time as we need. If we have people

1 tonight for public comment, we welcome their
2 comments because we did not close it for
3 public comment. Beyond tonight, I don't think
4 we need to keep it open. Certainly people are
5 welcome to - they've been mailing in, or
6 emailing or calling with their comments, which
7 is perfectly fine as long as they want to.
8 This is quite a process. I think everybody's
9 on the same page with that, unless anybody has
10 any other comments.

11 MS. PENN: Liz asked in her letter --
12 asked for a window.

13 SUPERVISOR MAHAN: Yes, you said that
14 last week.

15 MS. MURPHY: And you made it clear that
16 we were not in a rush to do this and that we
17 could listen and have other comments made.

18 MR. MAGGUILLI: That's right. If you
19 recall, it took Rochester 10 years to finally
20 adopt theirs.

21 MS. JEFFERS VONDOLLEN: I think in the
22 latest email that we have with Liz, Jill and
23 I have been reaching out to her - she said
24 that she had a family emergency recently. So,
25 I think she is not available to do much until

1 things settle down.

2 SUPERVISOR MAHAN: You were saying that.

3 MS. JEFFERS VONDOLLEN: So, she had
4 asked if maybe Jill and I could meet with her
5 at the beginning of October. Obviously, that
6 will take some time.

7 SUPERVISOR MAHAN: In the meantime,
8 obviously our police will continue to do what
9 they do and try to minimize the impact.

10 MS. MURPHY: Mike Woods said that they
11 handled it reasonably well.

12 SUPERVISOR MAHAN: One of the biggest
13 concerns that people have is when they step
14 into the street they are afraid of hitting
15 them. That's one of the concerns.

16 MR. GREEN: If this law were to pass,
17 how do you see this changing what we already
18 have now? What is the impact of this going to
19 be?

20 MR. MAGGUILLI: First of all, there are
21 no other laws that we can use to enforce
22 this. The loitering statute has been held to
23 be unconstitutional. That had a specific
24 provision of loitering with the purpose of
25 begging which was a violation. The court

1 struck that down as unconstitutional because
2 it prohibited panhandling at all times in all
3 places.

4 The same was held to be true on the dis
5 con and the harassment. There are certain
6 elements of both of those crimes that you need
7 to have present in order to convict. The
8 intent of disorderly conduct has a public
9 component that this law doesn't have. Both
10 those laws focus on the intent of the
11 panhandler, rather than the reaction of the
12 resident. These laws deal with the resident -
13 that they feel uncomfortable, regardless of
14 the intent of the panhandlers. So, our
15 officers would not have to prove that this
16 person intended to harass or intended to
17 annoy. The person would have to say yes, this
18 person's conduct scared the heck out of me.

19 MR. GREEN: So, I hear what you're
20 saying. Now play this out. A panhandler acts
21 in an aggressive manner. They are scared.
22 What do they do? Are they calling the cops at
23 that point time? The cops are not witnessing
24 that.

25 MR. MAGGUILLI: That's the problem.

1 That's one of the things that this tries to
2 alleviate. With this, we can go by the
3 complaint provided by the resident. The
4 resident calls the police and says I've just
5 been accosted by a panhandler who is very
6 aggressive, ecterera. With the other statute,
7 that can be done but the police have to
8 witness it. That's one of the major
9 differences.

10 MR. GREEN: Let's say the police
11 actually have the time to go out and follow
12 up on this complaint, which I highly doubt
13 they will. I have talked to Woods and
14 everyone and I think they're kind of thinking
15 this is a joke. They go out and they're going
16 to ticket a homeless person -

17 MR. MAGGUILLI: Well, they are not
18 telling me they saw it as a joke, Dave. Maybe
19 they are telling you something else that they
20 are not telling me.

21 MR. GREEN: Perhaps. Maybe we'll get
22 them in the same room and have a
23 conversation.

24 Then, they're going to go out and issue a
25 ticket to someone that's either a homeless

1 person, a drug addict and they don't have an
2 address and that person is not going to come
3 to court. So, play this out. What's going
4 happen?

5 MR. MAGGUILLI: They're probably not
6 going to come to court.

7 MR. GREEN: Then what's going to happen?

8 MR. MAGGUILLI: They will probably have
9 a warrant issued for their arrest.

10 MR. GREEN: With the bail reform that
11 came into place this year -- you can't hold
12 anyone.

13 MR. MAGGUILLI: That's just what I said.
14 There's going to be a warrant issued for his
15 arrest. Then, someday when he's picked up for
16 something else, that warrant is going to come
17 up and he's going to answer it just like
18 every other crime, Dave.

19 MR. GREEN: And then they're going to
20 get released again.

21 MR. MAGGUILLI: We had our first court
22 appearance the other night that had 48 cases
23 set up that night. Out of that 48, I think
24 five or 10 people actually showed.

25 MR. GREEN: Then the court has to issue

1 notices at least three times before they can
2 issue that warrant.

3 MR. MAGGUILLI: What are we supposed to
4 do? Are we supposed to take all the laws off
5 the books, Dave?

6 MR. GREEN: This one, yes. You are
7 asking a driver -- people are crazy now. They
8 are so sensitive to everything.

9 MR. MAGGUILLI: My main concern is this:
10 This is a quality of life issue. In my
11 opinion, if the Town doesn't deal with
12 quality of life matters immediately, it's
13 going to get out of control.

14 Look what is going on in San Francisco
15 and Los Angeles and Portland. That all started
16 with one guy on the street corner. That all
17 started with one guy pitching a tent on the
18 sidewalk. Now, it's uncontrollable. They're
19 spending \$400 million a year in Los Angeles
20 just to pick up human feces and needles.
21 That's the kind of thing that you've got to
22 address.

23 MR. GREEN: It hasn't really gotten any
24 worse here over the years. They're in the
25 same locations.

1 MR. MAGGUILLI: We have to nip it in the
2 bud. That's my opinion.

3 SUPERVISOR MAHAN: David, I think when
4 we get to the point where we have formulated
5 the proposal to certify that we've done our
6 job going over police policies and
7 strategies. Those are one of the thoughts
8 that is out there and every community is
9 different. We don't face the same
10 circumstances as Albany, or Troy or
11 Schenectady. We are similar to Clifton Park
12 or Bethlehem or Guilderland. There are areas
13 where they have some serious things going on.

14 One thing we do have to keep in mind is
15 that we are in the middle of four major
16 cities, which puts us in a very vulnerable
17 position. So far, we have been able to use all
18 the training and skills that the officers have
19 to reasonably de-escalate or mediate
20 situations, or reach out to the proper
21 agencies and try to get some help or whatever
22 it may be. We are not seasoned or experts in
23 homelessness. We know that there are probably
24 different categories of people who are doing
25 the panhandling. Many of them struggle with

1 mental illness or addiction. We also know that
2 there are scammers out there. That's probably
3 one of the most offensive out of all of them
4 because people can see and understand what
5 mental illness is. They can see it and
6 understand what the consequences of addiction
7 are. They don't appreciate scammers. You can
8 see these people being dropped off in vans and
9 picked up and everything else. They come to
10 collect the money and it's a real scam. There
11 are legitimate people out there that are
12 struggling and homeless or whatever it may be.

13 One of the things statewide - countrywide
14 that they are looking at - what is the proper
15 way to address all these situations? You talk
16 about the role of social services, mental
17 health specialists and drug addiction
18 specialists. Are those things that we can put
19 all that burden on the community and the
20 Police Department, or are there other measures
21 that we can take? We don't know what resources
22 are out there and that's the purpose of people
23 reaching out to these agencies to see what do
24 you have? Are these people aware of these
25 services that are there? If they're mentally

1 ill, they may not respond to the Police
2 Officers. Maybe there are specialists out
3 there that they will respond to that maybe
4 they can help. There are other programs out
5 there.

6 There is the Soldier-On program. It
7 didn't come to fruition over at the Ann Lee
8 Home, but it's once again being introduced for
9 possibility in the area. If that happens,
10 that's a great program for homeless veterans.
11 We all know that a lot of the panhandlers are
12 homeless veterans.

13 As Mike is saying, there are places
14 definitely where it is out of control.

15 I was in Saratoga a couple of weeks ago
16 in the back of Broadway, one of the parking
17 lots - there are homeless people that
18 literally pitch their tents on the street.
19 They had their sleeping bag and they hang
20 their clothes over the railings of the parking
21 lot. There was a police car sitting completely
22 across from them just watching them. I don't
23 know if that is a solution. I don't know why
24 they were watching them. I have seen it
25 different times and that is their normal

1 procedure. That's what they do.

2 If we can find other methods --
3 definitely our Police Officers do a good job
4 because they don't go out there and they are
5 not demeaning in any way or anything like
6 that. They are more or less trying to keep
7 them safe. Hey, you're in the middle of the
8 road here. You've got to get on the sidewalk,
9 or you get hit by a car. In a lot of cases,
10 that does work.

11 MR. GREEN: Logistically, this fails
12 every test. Someone is going to call and
13 complain. How are they going to identify
14 them? Yes, it was a dirty looking person with
15 holes in their sneaker. How do you identify?
16 Then, the issue with the ticket. They are
17 going to plead not guilty.

18 MR. MAGGUILLI: The same way you
19 identify somebody who has assaulted somebody.
20 He was a big burly guy with black curly hair
21 and he was wearing a gray hoodie and he had
22 jeans on. It's no different.

23 They've got a Peddler's Law on the books.
24 According to your logic, we should rescind the
25 Peddler's Law. Right now, in order to go

1 door-to-door and scam people, you've got to at
2 least get a license for it. You have to at
3 least have a clerk have an opportunity to see
4 if this is legit or not. According to your
5 logic, we should get rid of that because it's
6 hard to enforce, or it is something that the
7 Police think is a joke.

8 MR. GREEN: But they don't move forward
9 on it.

10 MR. MAGGUILLI: We enforce that all the
11 time.

12 MR. GREEN: The Peddler Law.

13 MR. MAGGUILLI: Yes. How many times did
14 we have where we called upstairs - Mike,
15 should we give this guy his license? This is
16 what we've got. We do not license right then
17 and there. That nips it in the bud. I was
18 supposed to get rid of that Law because it's
19 hard to enforce?

20 MR. GREEN: I'm not well educated on
21 that Law. This one that I have read over
22 three times, logistically, it's not going to
23 work. It's going to bog down the court that's
24 already behind.

25 MR. MAGGUILLI: I disagree. We can agree

1 to disagree.

2 MR. GREEN: That's fine. Those are my
3 objections. I probably will never vote yes to
4 it.

5 SUPERVISOR MAHAN: We are definitely not
6 ready to do any voting or anything like that.

7 MR. MAGGUILLI: It needs work. There is
8 no question.

9 MR. GREEN: Let's talk to the Police and
10 see what they would actually do with it. I
11 will get a conference room and see what they
12 actually say.

13 MR. MAGGUILLI: I copied it from
14 Rochester and Buffalo copied Rochester. Look
15 and see what they have done. It just so
16 happens that I've got a cousin-in-law who is
17 a detective on the City of Rochester Police
18 Force. Terry Coleman is his name. I talked to
19 him about this. He said Mike, what this does
20 is it gives us the ability to approach them
21 and tell them to move along. They know that
22 we can do something about it if they don't.

23 SUPERVISOR MAHAN: They are moving along
24 now, but you don't know if they will in the
25 future.

1 MR. MAGGUILLI: I think it's gone down
2 already because some of them think that we
3 have passed it.

4 MR. FIELD: I think that's correct.
5 there's so many fears out there and what
6 might happen to them.

7 SUPERVISOR MAHAN: People have been
8 saying that they think it has slowed down and
9 diminished a little bit because we are aware
10 of what's going on here.

11 MS. JEFFERS VONDOLLEN: I know David you
12 were not at the last meeting, but when Jill
13 and I were talking with Liz Hitt at the
14 Homeless and Travelers Aid Society the
15 purpose of that was because she offered to -
16 if we provided her with some of those
17 interceptions where locations where and
18 people are, she expressed to us her personal
19 experience dealing with them and that she
20 would be willing to go out and try to say to
21 them look, this is what the Town is proposing
22 to do. These are your options. Maybe if we
23 can get an idea of where people are
24 constitutionally protected to panhandle in a
25 passive way, it's an educational opportunity.

1 We are not saying that you can't Panhandle.
2 To use it like an educational opportunity
3 like they do -- we were talking about this at
4 our Police strategy meeting -- traffic stops
5 - if the people are not issued the actual
6 ticket at the spot, sometimes when the Police
7 Officer stopped them they say hey, this is
8 what you did wrong and I'm not going to issue
9 the ticket this time but just FYI for the
10 future. We're trying to do that in reaching
11 out to other agencies to help with that
12 initiative. Obviously, if it's a law
13 enforcement official, it may escalate the
14 situation like the first time. If we have
15 that opportunity to intervene with an outside
16 resource and then that fails, I think we have
17 a better position to say okay, now what can
18 we do? We did give people an opportunity to
19 learn about it before we involve Police
20 action.

21 MR. GREEN: I think the biggest thing
22 that rubs me the wrong way is I can imagine
23 giving someone the power to just make this
24 phone call. I will never feel comfortable
25 with that.

1 MS. MURPHY: Who is going to determine
2 if it is an aggressive move?

3 MR. GREEN: It's too subjective.

4 MS. MURPHY: When I talked to Melissa
5 yesterday, I was at the Northway Mall and I
6 was the only car waiting to leave the
7 Northway Mall in this fellow was standing
8 there - he was a homeless veteran that needs
9 help you would appreciate anything you could
10 donate. He was standing in the grass. I was
11 in my car, obviously on the road. He was
12 going - waving to me and specifically looking
13 at me and waving to me and I just ignored
14 him. So, he stepped three or four more steps
15 closer to my car, but he was still on the
16 grass and I was still in my car and he was
17 looking and waving and I'm thinking he's
18 really - it was intimidating to me, but he
19 wasn't touching me and he wasn't stepping off
20 the grass.

21 MR. MAGGUILLI: Were you driving, Linda?

22 MS. MURPHY: I was driving. Some people
23 might call up and say that was really
24 aggressive. He didn't talk to me. He didn't
25 touch me and he didn't come near me. Then, a

1 car pulled up behind me and he went to that
2 car.

3 MR. MAGGUILLI: You know what? Didn't he
4 still distract your attention?

5 MS. MURPHY: I was paying attention to
6 what he was doing -

7 MR. MAGGUILLI: No, didn't it distract
8 your attention from the other traffic?

9 MS. MURPHY: There was no other traffic.
10 I was the only car in the lane. All the lanes
11 there were coming out.

12 MR. MAGGUILLI: Because that's what it's
13 supposed to address; trying to keep you safe
14 in your vehicle, the panhandlers safe from
15 not getting hit. It's time to prevent that
16 kind of conduct that is disturbing and
17 distracting. You're thinking about getting
18 away from this guy as soon as you can and you
19 not necessarily thinking about the car that's
20 coming up on the right, or from behind.

21 Anyway, we will just adjourn it and we
22 can continue to talk about it.

23 MS. GANSLE: Mike, just to clarify, I
24 have the public hearing open, but adjourned
25 without date. I want to make sure that I

1 wasn't missing any publication because I
2 didn't have anything. Jan usually sends them
3 directly to Holly.

4 MR. MAGGUILLI: Do any thing about what?

5 MS. GANSLE: We didn't do any
6 publication for tonight, right?

7 MR. MAGGUILLI: I don't think we did. We
8 just adjourned it and we announce the
9 adjournment and kept it open, so I don't
10 think we needed to do that.

11 MS. GANSLE: I just wanted to make sure
12 that I wasn't missing anything for the
13 folder.

14 MR. MAGGUILLI: No, Jan had asked me
15 about that.

16 MS. MURPHY: So, Mike, let me just tell
17 you this. So, he's now at the car behind me.
18 It was just my car in the person behind me.
19 from Central Avenue, this person walks in who
20 didn't look particularly mean or anything. He
21 walked up to the guy who was panhandling, and
22 they're giving one another the elbow and the
23 fist pump and stuff. The fellow who was
24 waving to me passed his sign to this new
25 fellow. Okay, you're off duty now. It was

1 probably more upsetting than - they're
2 obviously working together.

3 MS. JEFFERS VONDOLLEN: That sign said
4 homeless veteran.

5 MS. MURPHY: Exactly. He had the exact
6 same sign that he had been holding.

7 MR. MAGGUILLI: If you ever watch
8 YouTube, go on YouTube and search for
9 panhandling, aggressive panhandling. They've
10 got a couple things that that guide Ted
11 Stossel did that were amazing where he
12 followed people home. They live in these big
13 beautiful houses.

14 Resolution 334 is adopting or not
15 adopting a Local Law. Martin Harding and
16 Mazotti want to change the zoning on the
17 property adjacent to the office. It is
18 currently zoned single-family residential.
19 They wanted zoned commercial office
20 residential. The problem is that they failed
21 to give the requisite notice to their
22 neighbors. So, we have to adjourn this. The
23 Town published. We did what we were supposed
24 to do. The Law requires that the applicant is
25 also required to post and publish and they

1 failed to do this. So, we would like to
2 adjourn this to September 24, 2020 and that
3 will give them plenty of time.

4 MR. GREEN: Do we have to republish on
5 our end?

6 MR. MAGGUILLI: No, I don't think we do.

7 MR. GREEN: What do they propose to put
8 there? This became a hot topic, late today.
9 The neighbors called me and they are really
10 irate because they're afraid it's going to
11 ruin their buffer, which I drove by it late
12 in the day and I said, I can kind of see
13 where they are concerned. Do they have a
14 proposal of what they want to replace the
15 building that is existing there?

16 SUPERVISOR MAHAN: I think they want to
17 add on, right?

18 MR. MAGGUILLI: This is not in front of
19 the Planning Board. The Planning Board did
20 recommend a zone change. They have any
21 concrete proposal? I thought it was office
22 expansion, but I'm not 100% sure.

23 MR. MAGUIRE: When this first came in,
24 there were actually two proposals that they
25 were trying to do at the same time. We

1 separated them. Stewart's is also trying to
2 push their zone back and Martin Harding and
3 Mazotti. We separated the two because prior
4 to, 2007 this was zoned consistently with - I
5 think it was B-2 at the time which is really
6 what this zone is now - the COR zone has
7 become. So, we took a look at that and there
8 is a road there that separates it. It does
9 make sense that it is contiguous in terms of
10 that use there. So, from looking at it from
11 that perspective and we don't have a specific
12 proposal, but knowing that they come in to
13 make any change better than 10,000 square
14 feet, they have to come back to the Planning
15 Board anyway. Anything smaller than that has
16 to be looked at from our end. Because of the
17 sensitivity, if it does come in at a smaller
18 end, we can kick it to the Planning Board for
19 them to review.

20 SUPERVISOR MAHAN: Does it say why they
21 went from the commercial to single-family?

22 MR. MAGUIRE: We couldn't find that. I
23 looked back to 2007. We didn't see why they
24 made that change.

25 MR. GREEN: So, the subject parcel used

1 to be B2.

2 MR. MAGUIRE: Yes.

3 MR. GREEN: That is good to know because
4 some people say well, it's residential and
5 that's why I bought it.

6 SUPERVISOR MAHAN: It makes more sense
7 that it is commercial because you've got the
8 four commercial buildings right there.

9 MR. GREEN: If it's a single story
10 structure, I don't think anybody's going to
11 care. If we start going up -

12 SUPERVISOR MAHAN: I think it's weird to
13 put a single-family house right there in back
14 of them.

15 MR. MAGUIRE: The zoning there allows 75
16 feet, but what you will see the Planning
17 Board has been doing a lot of recently - they
18 are pushing back against the proposals that
19 are encroaching on the neighborhoods. I think
20 they're trying to keep that under control.
21 Again, I think what Stewart's is going to ask
22 for is probably inconsistent with what we
23 want to do because it crosses that road.
24 That's a different story. This is more
25 consistent with the surrounding area.

1 MR. GREEN: So, in 2007 when they
2 changed from B2 to residential, is that just
3 something that the administration at that
4 point in time just did?

5 MR. MAGGUILLI: Here's what Martin
6 Harding and Mazotti say and they're zoning
7 verification: They are looking to rezone the
8 3 acres. The goal is to merge the three lots
9 into one and build an additional office
10 building on the merged parcel. Two of the
11 parcels extend over the Town line into
12 Niskayuna. According to this, they want to
13 put some more office space on there.

14 MR. MAGUIRE: Yes, but we don't have a
15 specific size or mass. It could be in
16 addition or could be a separate building.

17 SUPERVISOR MAHAN: And who knows? There
18 were some things that were changed. They were
19 in the middle of all commercial places and in
20 the middle of it was single-family. It was an
21 oversight or something. Who knows what
22 happened?

23 MR. MAGUIRE: There are other areas in
24 Town where you sometimes scratch your head as
25 to why the zoning map is what it is. We have

1 a new Comprehensive Plan and we will start
2 looking at all of those.

3 MR. GREEN: Did that particular parcel
4 get identified in the Comprehensive Plan as
5 anything, per se?

6 SUPERVISOR MAHAN: No, I don't think so.

7 MR. GREEN: It would not be that
8 specific.

9 SUPERVISOR MAHAN: No.

10 MR. MAGUIRE: The Comprehensive Plan
11 addresses the encroachment of intense
12 development with single-family residential
13 areas. But again, because that road separates
14 the single-family on the other side down Vly
15 Road, we didn't see anything inconsistent --
16 I should say that the Board did not see
17 anything inconsistent.

18 MR. GREEN: That makes sense. It's
19 really interesting to know because anyone who
20 comes in and wants to argue this, a lot of
21 those homeowners have been there pre-2007.
22 So, when they bought those homes, it was B2
23 at the time. So, you can't tell me that you
24 brought that home thinking it was going to be
25 anything but commercial in the future. I

1 think the wind comes right out of their
2 sails.

3 SUPERVISOR MAHAN: Or they don't bother
4 to pay attention to what is there. Most of
5 the people -- I remember when they did the
6 rezoning and I was at the meetings. Unless
7 somebody really, really has an interest, they
8 don't come to them. Plus, you're looking at a
9 big map - basically a whole map of the Town
10 in any areas that they were considered back
11 then as undeveloped or there was nothing on
12 them or whatever, what they did was just
13 rezoned where they wanted to rezone. That's
14 how they did it. You headed up by the
15 Northway, up by the Delphus Kill there - that
16 was changed to commercial. That's where we
17 have our biggest water main right there. That
18 they will support all kinds of commercial all
19 the way up to and through the Boght. That was
20 supposed to be like another downtown area. It
21 encroached on the residences and that's what
22 caused the lot of the problems because back
23 in the 1988 LUMAC study, those areas
24 especially like the Delphus Kill area, were
25 recommended to remain residential. So, that

1 kind of stuff happened and that's what that
2 was all about.

3 These little things that pop up like
4 that, in the big picture if you're looking at
5 this big map, it's hard to know what they're
6 talking about.

7 MR. MAGGUILLI: Resolution 335 deals
8 with our excess automobile coverage for the
9 period of August 15, 2020 to August 15, 2021
10 - this policy provides \$11 million worth of
11 coverage to the Town. It is excess liability
12 coverage on our autos. There is a \$1,000
13 deductible. Last year's premium was \$82,302
14 for the \$11 million in coverage. This year
15 it's gone up to \$105,872. The primary reason
16 for the increase was that last year we
17 underreported the number of vehicles that we
18 had. We had reported 93 and there was really
19 141. It was determined that in an audit.

20 Resolution 336 is the primary auto
21 coverage. This primary coverage also carries a
22 \$1,000 deductible and it has \$5 million in
23 first party benefit coverage. Last year we
24 paid \$263,700. This year the premium is
25 \$375,168. In terms of both policies, the

1 primary and the excess are all the same. This
2 is a policy renewal and not a renegotiation.
3 We've got pretty good coverage. Gallagher did
4 a pretty good job for us on this.

5 MR. GREEN: And they continued to shop
6 at two different insurers, because they're
7 the broker, right?

8 MR. MAGGUILLI: They are the broker.

9 MR. GREEN: How often do they get better
10 quotes?

11 MR. MAGGUILLI: Every year.

12 MR. GREEN: That's what I figured.

13 MR. MAGGUILLI: For a time we had an
14 agent working for us that I wasn't very happy
15 with. I went to Dave Bauer I said look, this
16 guy is not doing his job for us.

17 They have reassigned our file to a woman
18 named Amy who has been absolutely fantastic.
19 She is aggressive. She comes in and explains
20 everything. She gets is the absolute best
21 coverage that we could possibly get.

22 A lot of municipalities, she tells me,
23 are having trouble getting coverage at all.
24 The insurance companies don't want to write
25 the policies for them. Gallagher has been

1 doing an excellent job for us ever since this
2 new girl got involved.

3 Resolution 337 is in agreement with South
4 Colonie Central Schools. They have a 2010
5 two-passenger bus that they no longer need. We
6 have an old 2008 Chevy Impala four door sedan.
7 We want to do a straight swap. So, there would
8 be no cost to the Town, or to the school
9 district. Somehow I guess Doug figured out
10 that the values were equivalent on the two
11 vehicles. We would use the bus to transport
12 our officers -- the Chief told us that they
13 have a need for that for special training.

14 Resolutions 338 is calling a public
15 hearing on September 10, 2020 proposed
16 rezoning of 44 Waterford Avenue. Again, they
17 want to go from single-family residential to
18 multi-family residential. This is 2.35 acres
19 of land owned by Rich Rossetti.

20 MR. GREEN: What do we know about that,
21 Sean?

22 MR. MAGUIRE: This is right against the
23 Woodlands Apartments right off of the exit.
24 In that area there is a mix of single-family
25 and three families. There are some tri-plexes

1 back there. So, we looked at this and
2 presented our findings to the Planning Board
3 including with the Comprehensive Plan said
4 and what I said before about encroaching of
5 the more intense use. The Planning Board took
6 a look at it and considered the prior
7 existing uses in that area and felt that this
8 is an appropriate use. they could put four
9 houses there, but in this case they will do
10 four duplexes.

11 MR. MAGGUILLI: Resolution 339 is
12 referring an open development District
13 request at 560 Boght Road to Planning for
14 their recommendation back to the Town Board.

15 Resolution 340 is over estimated payment
16 refund; \$8,521.21 to Gregory Hinman.

17 Resolution 341 is awarding the bid to the
18 low bidder for butterfly valves, actuators and
19 couplings; \$38,884.

20 Resolution 342 is authorizing Paula
21 signed change order number 2 to Newcastle
22 Paving at New Karner Road. That's for pipes
23 and the like. This is a substantial change
24 order; \$266,378.

25 Resolution 343 is authorizing Paula to

1 sign an application with OGS with respect to
2 participation in the federal surplus property
3 program. Our certification is up for renewal.

4 Resolution 344 his legal fees and one
5 settlement to Diane Anchor for repairing or
6 retaining wall at \$150.

7 We have a trial date certain - I don't
8 know if I told you that - October 19 on the
9 Fusco case. That's the big one.

10 Resolution 345 is authorizing \$3,500,000
11 in revenue anticipation notes.

12 SUPERVISOR MAHAN: Chris, do you want to
13 just explain that's typical?

14 MR. KELSEY: Sure. This is something
15 that has been done since the early 2000's
16 when the Town first started experiencing cash
17 flow shortages. We have been able to reduce
18 them prior to this year from a \$6 million
19 level back then down to \$2.5 million, as fund
20 balances have been increasing.

21 Unfortunately due to Covid revenue losses
22 this year, we have to increase it to \$3.5
23 million, which is still below the fourth
24 quarter sales tax estimation back in January,
25 which is when we typically pay this off.

1 MR. GREEN: Did bond counsel get back to
2 you on the capital excess -

3 MR. KELSEY: No, we're going to talk to
4 him tomorrow. The Comptroller's office has
5 got some rules passed allowing transfers and
6 things like that. I'm just concerned with the
7 language where they write about Covid related
8 operating costs - whether revenue loss is
9 considered and operating costs because of
10 Covid. I'm going to push that with bond
11 counsel and we will see what they say.

12 MS. JEFFERS VONDOLLEN: I just had a
13 quick question about Resolution 339 - for
14 560 Boght Road. I just wanted to ask what the
15 plan was there? I don't remember hearing
16 about this one.

17 SUPERVISOR MAHAN: It's owned by SEFCU.
18 I guess there's like a thin strip there.

19 MR. MAGGUILLI: They have access by an
20 easement, which is insufficient to develop.
21 They require an open development area. They
22 claim they have no plans at present for
23 developments it's a very odd shaped lot. It's
24 very long and very narrow. I'm not sure just
25 what they can do with it.

1 MS. JEFFERS VONDOLLEN: Thank you.

2 SUPERVISOR MAHAN: I just want you guys
3 to understand that for 342 - that is a good
4 change order number.

5 What happened there was VFW Drive was
6 over there and there was a pipe confliction
7 there. This goes back to the delay when the
8 Karner Blue butterfly investigation -- the
9 agencies had to do that because way back then
10 one of the engineers -

11 MR. CUNNINGHAM: The engineers failed to
12 notify DEC where they would be working. They
13 didn't delineate where the Blue Karner
14 butterfly is. The contractor disturbed that
15 area and he had to restore it. We got fined.
16 the engineering permit was picked up with all
17 of those costs - the additional delays and
18 all the costs that were associated with this.
19 The contractor in Albany said this is the
20 entire change order request. We pay up front
21 and the city will reimburse us. The Town is
22 only responsible for half that amount. It's a
23 60/40 split with the grant. Our portion was
24 only 20%.

25 SUPERVISOR MAHAN: So, we are not paying

1 that whole thing.

2 MR. CUNNINGHAM: Our amount is about
3 \$25,000 or \$50,000.

4 MR. MAGGUILLI: This is a net change
5 order figure - the 266. It includes \$163,000
6 credit. It is a valid change order. Doug
7 looked at it, you looked at it, I looked at
8 it.

9 MR. CUNNINGHAM: With respect to all
10 these delays, they are entitled to the money.
11 it was the engineer's fault and they have
12 paid up their portion.

13 SUPERVISOR MAHAN: This is over by the
14 new Karner Road portion. Because of the grant
15 and because of the split, we are not paying
16 that 266 ourselves. Just to be clear, because
17 some people don't understand. There are lots
18 of rumors going around out there. We don't
19 use the Stony Creek. There are rumors about
20 the water - that we use it all the time.
21 That's not true. The fact is the money that
22 we pay to Clifton Park - we would be paying
23 money for nothing because those dollars we
24 put into the infrastructure for the water
25 Department for the Town of Colonie. So, there

1 have been rumors regarding the proposal to
2 sell the Stony Creek.

3 If you have questions, ask questions
4 because frankly they're just rumors that
5 people are throwing it out there. They are
6 really putting out a lot of misinformation.

7 MR. MAGGUILLI: We have Dick Comey here.
8 Dick has been our consultant on the wireless
9 matters for 10 years?

10 MR. COMEY: Yes, at least.

11 MR. MAGGUILLI: I asked him to come
12 tonight to discuss the proposal that Verizon
13 had come in on about the easement agreement
14 and the like.

15 Dick, what you take it from there?

16 MR. COMEY: Thank you.

17 Basically, here in the Town recently
18 there have been two proposals by Verizon to
19 put small cells in the right-of-way. By the
20 way, I was called today by the Building
21 Department. They also got a request today from
22 AT&T to do the same thing at another location.

23 As far as the use of the right-of-way,
24 from what I understand and I am not an
25 attorney, but from what I understand, a

1 municipality in New York State cannot give
2 away their assets. The right-of-way is an
3 asset. So, you should be charging for the use
4 of the right-of-way - relevant to just the
5 small cells, the federal government came out
6 with legislation and it said \$270 a year per
7 node. Here's a number that the industry won't
8 challenge. If you want to go higher than that,
9 you have to prove the cost, but it said it was
10 for the DAS Node. The legislation is
11 completely silent on the fiber that connects
12 the nodes in the right-of-way. Now, that's
13 just the situation for the small cells. I'm
14 absolutely 100% assured that in the Town's
15 roads you have a lot of other fiber that is
16 there. Businesses that are sending information
17 out to a national headquarters.

18 One of the ones I just had a discussion
19 on with the community down in New Jersey is
20 banks. if you've got a number of branch banks,
21 they want to have information available at the
22 headquarters so the branches are tying
23 themselves together with fiber. Again, that's
24 fiber in the right-of-way. There is and I have
25 talked with the state relative what they call

1 the valuation services bureau in communities
2 and I believe this includes Colonie - the
3 industry reports of the equipment that they
4 have in the right-of-way and they are taxed on
5 it. It is a self reporting issue - how much
6 equipment it is. It is a tax. It is not the
7 paying for the use of the right-of-way. The
8 difference between the companies I'm talking
9 about - fiber companies and let's say the
10 landline phone or the utility - electric
11 utility - those are both public utilities in
12 New York State that are regulated. Their
13 prices are regulated. Yes, they are taxed for
14 their equipment, but they don't have the
15 opportunity to go out and make whatever rate
16 of return the economy will let them make. So,
17 there is an opportunity and this is occurring
18 in the last several months throughout New York
19 State.

20 The City of Rochester has a right-of-way
21 agreement, I've been told. I have had some
22 discussions with them. I have been told that
23 the City of Ithaca has an agreement. I have
24 not had discussions with them. I am just
25 trying to garner as much information as I can,

1 but it has been determined that this is a
2 potential revenue opportunity.

3 That came up because of the small cells.
4 When I was talking to Jack, we got into one
5 other item that has been -- it has finally
6 flowed to the top of the Appeals Court and
7 that is assessment of wireless equipment.

8 Let's take the Marriott over on Wolf
9 Road. One carrier on the Marriott has an
10 assessed value of a minimum of \$600,000.
11 You've got somewhere between 25 and 30 sites
12 in Colonie. Many of them are multiple
13 carriers. From an assessment value, you're
14 probably in the range of \$40 million or so. I
15 had some discussion the other day with Chris
16 because this is assessed value and you can to
17 raise revenue that way. It just kind of
18 displaces other revenue and takes it off the
19 backs of your residents. It does help the
20 growth rate which also allows the issue of
21 impacting the 2% growth yearly. That's
22 assessment. The fiber in the right-of-way is
23 not assessment. That has nothing to do with
24 the 2%. I have seen legislation in other
25 places - not in New York State yet, but it is

1 starting to happen - where they are charging
2 as much as two dollars per linear foot per
3 year for fiber in the right-of-way.

4 MR. GREEN: How many right of ways do we
5 have that this is going to impact? This is
6 going to be significant. There is a ton of
7 them, aren't there?

8 MR. CUNNINGHAM: It would be over 600
9 miles because it would be the right-of-way on
10 either side of any road and we've got over
11 300 miles of road.

12 MR. KELSEY: But all of them don't
13 necessarily have fiber in them.

14 MR. MAGGUILLI: Verizon essentially
15 wants us to give it to them for free.

16 SUPERVISOR MAHAN: What you are saying
17 about adding to the total assessed value --
18 what you're saying is when we do the
19 calculation for the 2% tax cap, that could
20 affect it so the value to us for what our
21 percentage comes out for the tax cap could be
22 higher to our advantage.

23 MR. COMEY: Yes.

24 SUPERVISOR MAHAN: And that would
25 reduced our costs to the residents.

1 MR. KELSEY: For those Board Members who
2 are new to the tax cap, there are two
3 components. There is the inflation factor in
4 the growth factor. The inflation factor is
5 set by the State Comptrollers office every
6 year. The growth factors set by the state tax
7 and finance and is based on the change in our
8 assessed value. Whatever their voodoo is -
9 they come up with a number. So, any growth in
10 the assessed value is good because it
11 increases that factor. Those two factors
12 together is what we are able to increase our
13 revenue by and not as a rate on an annual
14 basis. Basically, if our assessed value goes
15 up, what happens is our revenue caps out at
16 whatever level and then the rest of the
17 assessed value effectively reduces the tax
18 burden to the residents. So, by putting this
19 on the commercial carriers, you are spurring
20 more of their revenue to nonresidential
21 taxpayers which is obviously a good thing as
22 well as providing a one-year uptake in a
23 growth factor which gives us a pace to work
24 off of four-year period.

25 SUPERVISOR MAHAN: After we reach our

1 cap and we get the value of the percentage
2 they give us, then it flows over.

3 MR. KELSEY: It is twofold. We get
4 certain revenue and it spreads that revenue
5 to more taxpayers. So, we may go up 3% but
6 the impact to the ratepayer is only 2%
7 because of that.

8 MR. MAGGUILLI: Verizon has taken the
9 position that we are prohibited from charging
10 for use in the right-of-way somehow?

11 SUPERVISOR MAHAN: Or are they just not
12 mentioning it?

13 MR. COMEY: As I said, the latest
14 recorded order from the federal government
15 stated that the dollar amount for the node
16 itself - that's what they call it and that's
17 what they are calling it - is reasonably \$270
18 a year.

19 MR. GREEN: How many nodes do we have?

20 MR. COMEY: Right now you're talking
21 about the third one, but from what I
22 understand Verizon has agreed to not more
23 than 50 in the Town.

24 SUPERVISOR MAHAN: One of the things for
25 us is that we don't want things happening in

1 locations. We have to have a way of
2 controlling that. Somebody may not want that
3 right in front of their home so they have
4 other areas. So, if we keep it to 50, we
5 could manage it better.

6 MR. COMEY: Let me assure you that
7 everything will be done in the review process
8 to keep it away from in front of family
9 homes. Absolutely - and there are
10 opportunities to do that.

11 SUPERVISOR MAHAN: That's what they told
12 us.

13 MR. COMEY: And they know how aggressive
14 we are in doing that.

15 On the other hand, \$270 a year for the
16 nodes is not a big number at all. I've got to
17 go and put in or go from that pole to aisles
18 along your right-of-way. The question is: Do
19 you want in a right-of-way agreement? By the
20 way, as far as the application is concerned
21 and what they don't argue about is - they know
22 they need to have a right-of-way agreement
23 with the Town to operate these nodes. That,
24 they do now. This is your property unlike any
25 other property, they can put a facility on

1 private property or Town property without this
2 agreement. What they don't want to do is let
3 me do the fiber for no cost. Now, you could do
4 that relevant to the DAS node, where at the
5 same time - what if the fiber is not being
6 used for wireless which doesn't have any
7 regulation which I believe you probably have
8 quite a bit on some of your Town roads that
9 have businesses. They do - all of them -- I
10 won't say all of them, but a great deal of
11 them are using fiber to handle everything.
12 McDonald's, Burger King - all of the
13 transactions are done instantaneously whether
14 it's selling, buying, paying people or
15 whatever - sent back to corporate so they know
16 when the next truck shows up with the more
17 roles that they need them. It's all being done
18 by fiber. If that McDonald's isn't such a
19 place that the fiber to feed from their back
20 to eventually - it would go to the hub in
21 Albany which is where the regional phone
22 issues are and then it goes from there
23 nationwide. To get out of Colonie, if that
24 business is on a Town road, they've got to put
25 fiber in your right-of-way until they get off

1 of a Town road.

2 SUPERVISOR MAHAN: So, the businesses
3 are able to use that method to be more
4 cost-effective. They could cut their costs.
5 They could increase their profit. So, we have
6 an opportunity to be compensated because it's
7 our -

8 MR. COMEY: Your not being compensated
9 for use of one of your assets.

10 MR. MAGGUILLI: What's your
11 recommendation, Dick?

12 MR. COMEY: First, the DAS nodes - and I
13 have looked throughout the country and I have
14 found three or four communities and not in
15 New York State that are nice and plain and
16 they are charging about two dollars per
17 lineal foot. I have also been told and I
18 haven't seen it yet and have not been able to
19 get my way through to it yet, is that New
20 York State is considering putting this in on
21 every state road. Can you imagine the amount
22 of money that is sitting out there that New
23 York State could come up with for every fiber
24 company that has fiber in a state road? I
25 know right now they don't charge. How do I

1 know? We were in another community where the
2 fiber came down a state road. They went to
3 the state and they said oh, we let them do
4 that for no cost at all. It was my
5 understanding that budgetary-wise that is
6 under review.

7 I would say that relevant to the DAS
8 nodes, if you're going to limit them to 50, I
9 would be conservative, but I would come up
10 with a number in mind.

11 MR. GREEN: Whatever number we come up
12 with, we might be lucky because the state
13 might come in and do something that were just
14 going to adopt that. So, we should be
15 encouraging to get as much of this as we can
16 and then we can come back and whack them.

17 MR. COMEY: As far as private
18 businesses, they are using your right-of-way
19 for fiber. They are making big dollars off of
20 that, folks. To the best of my knowledge,
21 there is no limitation whatsoever in terms of
22 what you could charge for that.

23 MR. GREEN: How many businesses do we
24 have that are benefiting from this right now
25 in the Town?

1 MR. COMEY: I don't know.

2 MR. GREEN: It's gotta be hundreds to
3 thousands.

4 MR. MAGGUILLI: Eventually it's going to
5 be 100%.

6 MR. COMEY: No. Two days ago I would've
7 thought that. In the past two days, I ran
8 into a new application that came in. It was a
9 company called Sig Fox and this happened to
10 be down on Long Island. They wanted to put an
11 antenna on an existing tower because they
12 have contracts with these businesses to take
13 that information from the business wirelessly
14 over to the tower and then they put fiber
15 into the tower and send it out to all the
16 businesses - corporate that they have
17 contracts with.

18 First, do I even know they're up here?
19 No, because this is the first time I have even
20 heard of them. If they are up here, this is
21 part of what he's going on with antennas that
22 all of the sudden just show up on the tower
23 without a permit. Somebody puts them there.
24 Not only do you need the antenna on the tower,
25 if they've got contracts with 25 businesses,

1 all of those businesses have a commercial
2 antennas on the roof that you should get
3 application money for, should be permitted
4 etcetera, etcetera. So, Mike, it's not going
5 to be 100%, but it's going to be awfully darn
6 close to that because they are not going to
7 satellite. They're not going to use copper
8 because they can't handle enough for what they
9 need without going fiber. In fact, Verizon as
10 we all know, landline has fiber to the home. I
11 have it in my home. I am over in Delmar and I
12 have fiber to my home and a lot of places in
13 the capital District there is fiber in the
14 home. Because they are public utility, they
15 pay taxes on it being in the right-of-way, but
16 because they are public utility and their
17 profit is controlled by the Public Service
18 Commission, that's one thing. If that bundle
19 of 244 fibers going down a certain street - 10
20 of them go to residences and the other 230 go
21 to businesses where they're making money, the
22 ones that are going to the businesses don't
23 come under the Public Service Commission issue
24 of the phone company operating in the
25 right-of-way. I know it's a little bit

1 complex, but folks there is a lot of money out
2 there that is being, in my opinion, left on
3 the table that can be taken off the backs of
4 the residents.

5 MR. GREEN: You're getting like \$3,500
6 for some of those apps, remember?

7 MR. COMEY: Yes.

8 MR. GREEN: There is a thousand around
9 Town. That's \$3.5 million.

10 MR. MAGGUILLI: My main concern is that
11 because this is so technical, the companies
12 are taking advantage. They're not dishonest,
13 but neither do they disclose all that they
14 could.

15 MR. COMEY: No.

16 MR. MAGGUILLI: I don't want to see the
17 Town being taken advantage of by Verizon or
18 anybody else. That's why I'm hoping that Dick
19 could help us out to make sure that were not
20 leaving money on the table.

21 SUPERVISOR MAHAN: Wasn't there
22 something where Ron was involved regarding an
23 opinion on whether we assess these things are
24 not? There was a reason why he was not in
25 favor of that, but I think we have to revisit

1 that.

2 MR. MAGGUILLI: That was a little
3 different issue.

4 MR. COMEY: Four or five years ago --
5 and again, by asking questions I have learned
6 a lot of pieces and I have met with the state
7 and I realize that a good portion of
8 assessment revenue would go to the school
9 district. Once it's in the school district
10 budget, you can't set it aside and say we
11 will leave it there in case we get sued. If
12 we get sued, who's going to pay it back? This
13 issue that I am talking about has gone up
14 through the New York State Appellate Court
15 and determined that this is real property and
16 can be assessed. That occurred over the last
17 three or four years.

18 MR. MAGGUILLI: Do you know what
19 district that was?

20 MR. COMEY: It started out as a court
21 case in the City of Mount Vernon versus the
22 school district.

23 MR. MAGGUILLI: That is Second District.

24 MR. COMEY: It went to the Appellate
25 Division. I know this at both levels, both at

1 the lower-level and the appellate level, it
2 was ruled as real property. To the best of my
3 knowledge, but I may be wrong, that there is
4 no way now it could be appealed and have to
5 pay it back. I can also tell you because I
6 was involved about eight years ago with a
7 little small community and upstate New York
8 called Danube. They are out near the other
9 side of Herkimer. Just before you go up over
10 the rise in the Thruway. About 10 years ago
11 the Town of Danube had a tower that they
12 asked a question: Can't we assess this? They
13 had one carrier on it. They went out and
14 assessed it at around \$450,000. The industry
15 appealed the assessment and they came back to
16 me and said what do we do? I said well, tell
17 them that you want to see the invoices for
18 the equipment. It was Sprint and Sprint
19 refused to give it to them and they have paid
20 that assessment ever sinse.

21 They do not want - as Mike said - they do
22 not want you to know the whole truth about
23 what's going on. They don't lie to you, but
24 they certainly don't tell you the whole truth
25 all the time.

1 SUPERVISOR MAHAN: In some of these
2 court cases that have gone in favor of the
3 municipalities and we have more leverage than
4 obviously we should revisit it and see
5 exactly what we have and what direction we
6 going from here. It sounds like we could have
7 an opportunity now to get what we deserve. If
8 we want to work with you on this, what do you
9 want us to do for the next step?

10 MR. COMEY: I think the next step is
11 perhaps for me to talk with Jack or Mike or
12 whomever just on these particular topics and
13 see what we can do and how you would like to
14 approach and whatever.

15 By the way, I'm not here because I'm
16 looking for work. We are very busy right now.
17 We also have the ability to expand and to deal
18 with any of this, but were not looking for
19 because wireless seems to be the one business
20 that this pandemic has not slowed down. If
21 anything, it is increasing all over the place
22 because everybody is using the phone more and
23 more and more. I don't care how we do it but
24 some kind of a little small group to sit down
25 and talk about these two issues I would be

1 happy to do that. I'm 15 minutes away and it's
2 no big deal.

3 MR. MAGGUILLI: Like everything else,
4 the wireless companies are ultimately going
5 to be responsible to pay your fees. Dick
6 doesn't cost the Town anything. We have
7 negotiated and the wireless companies have to
8 pay all of Dick's fees.

9 MR. COMEY: Not only are the
10 applications for free, but they pay for them.
11 Over the years we have assisted in
12 negotiating rents on water tanks - the one
13 back here. I will assure you that the monthly
14 rents that you are getting are if not the
15 highest in upstate New York, they are pretty
16 darn close to it. They're not real happy with
17 me. I don't blame them. My work is for the
18 communities that I work for.

19 SUPERVISOR MAHAN: Dick, why don't you
20 communicate with Jack Spath? Set something up
21 and Jack will let Mike know.

22 MR. COMEY: And we will sit down and
23 have a brief discussion.

24 (Whereas the above entitled proceeding
25 was concluded at 7:05 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: _____

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