

STATE OF NEW YORK COUNTY OF ALBANY

TOWN OF COLONIE

A CONTINUATION OF A PUBLIC HEARING
IN CONNECTION WITH THE PROPOSED LOCAL
LAW CREATING A NEW CHAPTER 47 OF
THE TOWN CODE OF THE TOWN OF COLONIE

ENTITLED AGGRESSIVE AND UNSAFE PANHANDLING

THE STENOGRAPHIC MINUTES of the above
entitled matter by NANCY L. STRANG, a
Shorthand Reporter commencing at 7:10 PM 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:

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MICHAEL C. MAGGUILLI, ESQ., TOWN ATTORNEY
JULIE GANSLE, TOWN CLERK
BARBARA RIO-GLICK
SONYA GIO GLICK

1 SUPERVISOR MAHAN: We still have a
2 public hearing that is open.

3 Mike, did you want to comment on that?

4 MR. MAGGUILLI: Madam Supervisor, since
5 the last time we address this issue at the
6 last Town Board meeting, the Town has
7 received a number of responses from both in
8 favor and against the proposal. From what I
9 can see, the responses in favor and opposed
10 are running fairly even. Some of them - a lot
11 of them actually are quite good and make good
12 points on both sides.

13 What I would request the Board to do, if
14 we could, is to continue the public hearing
15 this evening, possibly close it if everyone
16 has had an opportunity to speak and then
17 adjourn this without dates to give me more
18 time to look at this proposal and incorporate
19 the things of value that we received from the
20 public. Also, pursuant to your direction look
21 into alternate means of possibly addressing
22 the same issue. Therefore, I would request
23 that we conduct the public hearing and not
24 take about this evening and adjourn it without
25 date.

1 SUPERVISOR MAHAN: So, we still have the
2 public comment portion of this evening for
3 anyone who didn't get to speak at the last
4 meeting. If you have something you would like
5 to comment on, this is a public hearing and
6 you can come up to the mic. Does anyone have
7 anything?

8 FROM THE FLOOR: Is this just for the
9 panhandling?

10 SUPERVISOR MAHAN: Yes, but we will have
11 general public comment in a moment.

12 MS. BARBARA RIO-GLICK: My name is
13 Barbara Rio-Glick. I'm a resident of the Town
14 of Colonie. I know I spoke a long time last
15 time, so I don't want to reiterate anything.
16 I just have a few more things to say.

17 I was looking at the Facebook page for
18 Save Colonie I saw a number of comments from
19 people who were upset about the panhandling.
20 So, I can understand why the town feels like
21 it is necessary to do something about this.
22 However, my question is: Why does that
23 something have to be a law that makes a
24 panhandler a criminal? The main concern that I
25 have seen is people are concerned about their

1 own safety - that either the panhandlers are
2 coming to close or into the road and are
3 hazardous to the flow of traffic. So far, the
4 police have responded to those kinds of calls
5 and have successfully dealt with the situation
6 by treating the panhandlers as human beings
7 and fellow citizens. Once a law is in place,
8 they will be expected to treat them as
9 criminals who are breaking the law, I believe
10 that's not only inhumane, but as I repeated at
11 the last meeting but I think it's going to be
12 costly to the Town.

13 The law suggest the punishment for this
14 offense of a fine of up to \$250 or up to 15
15 days in jail. I would imagine those for
16 panhandling are not going to have the money to
17 pay the fines. So, we would bear the cost of
18 jail. One person in jail up to 15 days costs
19 approximately \$2,000. Since the panhandler
20 would likely go back to panhandling after
21 release, we have done nothing to solve the
22 problem and only created a revolving door that
23 will continually cost the county money.

24 Also as I mentioned at the last meeting,
25 this law is likely to be challenged. The Town

1 Attorney defended against this by saying that
2 it is similar to a law on the books in
3 Rochester that successfully defeated a
4 challenge.

5 So, I was curious about this and did a
6 little bit of research and I discovered why
7 that happened. The Rochester Law which ours is
8 basically a copy of it with a few additions
9 for the pandemic, is from 2006 and was
10 challenged prior to a Supreme Court ruling in
11 2015. The Supreme Court ruling in the case of
12 Reed v. Gilbert is why panhandling laws are
13 getting overturned all over the country. The
14 ruling was about free speech specifically
15 having to do with signs and medians and
16 alongside roads.

17 So, as Mr. Magguilli stated, the Supreme
18 Court has not ruled panhandling specifically,
19 it doesn't have to. Other courts have
20 recognized that. The ACLU has successfully
21 used the Supreme Court ruling numerous times
22 over the last five years to argue against
23 panhandling laws. The ruling states that you
24 cannot have content-based restrictions on
25 speech. Even though you have stated over and

1 over again here that this proposal is merely
2 about aggressive panhandling, in reality only
3 one of the towns restrictions relates to
4 aggressive panhandling. The others all
5 discriminate against speech based on this
6 content. Therefore the law is obsolete, having
7 been overruled by the Supreme Court in 2015.

8 The Rochester Law is only still on the
9 books because it has not been challenged since
10 2015. So, in the end do we really want to
11 enact a law that will lose to a challenge that
12 is certainly going to happen in use our Town
13 Attorney's time in taxpayer money to defend a
14 law that is not only inhumane but also
15 obsolete? Thank you.

16 SUPERVISOR MAHAN: Thank you. We
17 appreciate your feedback. Mike just stated as
18 well, all of these things - we will be taking
19 into consideration. Some of the context that
20 we have made to learn more about this - it's
21 going to take quite a while to have them do
22 their work. There are number of things that
23 are going on. We certainly are looking at
24 alternatives and it's meant to keep everyone
25 safe. That's the purpose of it. That's where

1 we are at. We just want you to know this is
2 going to take time because we want to take a
3 look at everything we possibly can and we are
4 working also with our Police Department and
5 their input. They pretty much have a baseline
6 to go from so we know where we are at in that
7 respect but we appreciate your feedback.
8 Thank you.

9 MS. PENN: Actually, we had inquired to
10 Chief Teale about the location where the
11 panhandling was most common in Colonie. As
12 requested by Liz Hitt and her organization
13 had it so they can make sure to target those
14 areas and try to look for a way to support
15 and/or provide an alternate solution. We had
16 heard back from Chief Teale and were going to
17 turn that information over to Liz Hitt and we
18 are going to continue our work with our
19 Police Department and certainly with outside
20 organizations to find a solution to support
21 all of our residents.

22 MR. MAGGUILLI: Again, this law, the
23 proposal does not criminalize poverty as some
24 people are trying to presented. What this
25 does is - it tries to address the issue of

1 unsafe and aggressive panhandling. We have no
2 interest whatsoever in interfering with
3 anyone's right to seek assistance or to
4 exercise the right of free speech.

5 This was written initially in response to
6 the legitimate concerns of a great number of
7 citizens that were contacting the Town and
8 complaining because they were truly frightened
9 by some of the aggressive acts of some of the
10 panhandlers - not all. Again, we have no
11 interest in criminalizing poverty as people
12 are saying. We are trying to do is criminalize
13 the illegal behavior. That was all this law
14 intended to do. We do have to work on it.
15 There's absolutely no question about that.

16 Again, I would ask for additional time to
17 be allowed to do that so we can address your
18 concerns which are legitimate as well.

19 SUPERVISOR MAHAN: Anyone else?

20 MS. SONYA RIO-GLICK: Hello, again. My
21 name is Sonya Rio-Glick.

22 I'm here to voice my continued opposition
23 to the proposed chapter aggressive and unsafe
24 panhandling and to reinforce the truth and
25 importance of the points that others in

1 opposition have made. In previous discussions
2 of this legislation, the intent was defended
3 in length with little regard for the ensuing
4 impact of what impoverished members of our
5 community our faced with arrests and fines the
6 intent previously addressed regarding illegal
7 behavior will be irrelevant as the barriers
8 imposed on those already vulnerable will have
9 an impact on the individuals' life that we
10 could not possibly predict or understand at
11 this juncture today. In the summary of last
12 week's comments it was stated that quote we
13 are an inclusive community, endquote.

14 Inclusivity is not simply a way to be employed
15 by a group of people. It is a set of active
16 practices informed by the belief that every
17 individual regardless of walker life has a
18 right to be present and a part of a community.
19 With aggressive and unsafe panhandling
20 specifically policing who has a right to be a
21 part of our community we cannot in good faith
22 call colony inclusive.

23 Just in response to the fear of
24 panhandling - I have lived in three major
25 cities for at least a year each. I have lived

1 in Denver Colorado, Boston Massachusetts in
2 New York City. As someone who does not have
3 the ability to physically defend themselves, I
4 have been solicited by numerous panhandlers
5 more times than I can recall and working as an
6 intensive case manager, have been working in
7 tandem with those that would be targeted by a
8 bill like this and never have I feared for my
9 personal safety. never have I been inclined to
10 physically react to a person. Never have I had
11 to call police in a client or a panhandler. I
12 am safe and well to speak with you tonight.
13 Thank you.

14 SUPERVISOR MAHAN: Thank you, Sonya.

15 MR. MAGGUILLI: I would just like to say
16 this: Of all the letters that we have
17 received either for or against this proposal,
18 years was one of the most helpful. It was
19 very well written and I've used it and refer
20 to it quite often as I'm going through this
21 law. I wanted to thank you for that.

22 MS. SONYA RIO-GLICK: Thank you for
23 taking my thoughts seriously.

24 SUPERVISOR MAHAN: Thank you.

25 Anyone else?

1 (There was no response.)

2 Okay, we have had a couple of nights with
3 comments and at this point, we will close the
4 public hearing for comments. Certainly,
5 people, if there are additional comments they
6 can email them to us or write us a letter or
7 whatever they prefer.

8 As far as the public hearing goes, we
9 have had a good amount of time. So, we will
10 adjourn it to a date to be determined - quite
11 a ways into the future because we were quite a
12 bit of work to do but we will close the public
13 comment portion.

14 MS. GANSLE: Do we have a motion to
15 adjourn Resolution 333 for 2020 regarding the
16 law enacting a Code to the Town of Colonie
17 thereby entitled aggressive and unsafe
18 panhandling without date?

19 MR. GREEN: So moved.

20 MS. PENN: Second.

21 SUPERVISOR MAHAN: Supervisor votes aye.
22 Clerk, call the roll.

23 (The roll was called.)

24 SUPERVISOR MAHAN: The Resolution is
25 adopted.

1 (Whereas the above entitled proceeding
2 was adjourned at 7:16 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: _____

 Nancy L. Strang
 Legal Transcription
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 Niskayuna, NY 12309