

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

TOWN OF EAST GREENBUSH

TOWN BOARD

In the Matter

of

Town Board of the Town of East
Greenbush hereby schedules a Public Hearing to
be held at the Town Hall, 225 Columbia
Turnpike, Rensselaer, NY 12144 on **June 12,**
2024, at 6:00 PM to receive comments from the
public about a proposed local law as follows:

A Local Law regulating the towing of
vehicles from private property in the Town of
East Greenbush.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

P R E S I D I N G :

Supervisor J. Conway

P R E S E N T :

- Councilor J. McHugh
- Councilor R. Matters
- Councilor H. Kennedy
- Councilor E. Nestler

Also present: Clerk Ellen Pangburn

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

(P R O C E E D I N G)

THE COURT: Councilor Kennedy is not with us tonight. It's four of us now.

THE CLERK: Please take notice that the East Greenbush Town Board shall hold a public hearing on June 12th, 2024 at 6 p.m. at the East Greenbush Town Hall, located at 225 Columbia Turnpike, in the town of East Greenbush to receive comments from the public about a proposed local law as follows: A local law regulating the towing of vehicles from private property in the Town of East Greenbush.

The proposed local law would impose certain restrictions upon the operator owners of parking facilities within the Town of East Greenbush relating to their ability to direct the towing of vehicles from their facilities without the prior consent of the owner of the vehicle.

Specifically, the parking facility owner would be required to install signage at the entrance of a parking facility and throughout

1
2 the parking facility, stating the hours during
3 which parked vehicles might be towed, the cost
4 of the tow to be paid by the vehicle owner, the
5 name, address, and phone number of the
6 commercial tow towing vehicles, the location
7 where the vehicle is to be towed, and the
8 parking facility owner's name, address, and
9 phone number.

10 The parking facility owner would be
11 required to have a written agreement with any
12 commercial tower authorized to take vehicles
13 off the parking facility. The proposed local
14 law sets forth the requirements for that
15 agreement and a requirement that a copy of that
16 agreement must be filed with the Town of East
17 Greenbush Police Department. The local law
18 further provides that commercial towers must
19 enter into that written agreement with the
20 facility owner and that the owner of a facility
21 or a representative must be present when the
22 vehicle is towed and must request that a
23 particular vehicle be seized or towed.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

The tower must notify -- must then notify the Town of East Greenbush Police Department by telephone of the tow and provide a copy of a written tow authorization. The proposed local law provides for a cap on storage fees of \$20 per day, which fee cannot be collected on days -- excuse me, and which the vehicle is not available for pickup from the commercial tower.

The local law further provides for fines for violating this local law and authorizes the town board to seek injunctive relief against parties violating this law. A copy of the proposed local law may be inspected at the office of the town clerk during regular business hours. In addition, a copy of the proposed local law is also available on the town's website.

SUPERVISOR CONWAY: Thank you, Ellen. We also have a couple of written comments that were submitted that the town clerk will read after people in the room have a chance to get up their say.

1
2 Okay. This is what we're doing. We have
3 circulated and posted a draft of a new local
4 board. This is designed to be generic, but I'm
5 not going to play games with anything. This
6 derives from a specific set of circumstances
7 and what I would like to do before we hear from
8 the general public is I would like to hear from
9 somebody representing the Nigros.

10 MR. MORGEN: Hi, good evening
11 Supervisor Conway and other councilors. My
12 name is David Morgen, I'm an attorney at Hinman
13 Straub. I'm here for Rensselaer County Plaza
14 Associates, LP., and Nigro Retail Properties,
15 which is the property manager for that
16 property. So I have some stuff I can discuss
17 with the local law, some comments that we have.
18 If you guys have questions first, I'm happy to
19 address those first before we --

20 SUPERVISOR CONWAY: No. This is what
21 we want to do, David. Is -- this was drafted,
22 you know, as a starting point. This is a very
23 serious public hearing. We're going to listen

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

really carefully to everyone. We will then promulgate another draft of the local law. So in a public hearing, you should just be addressing the Board.

MR. MORGEN: Sure. So we appreciate the opportunity to discuss this with the town board and provide our comments on the proposed local law. I think, as everyone is probably aware, parking at commercial properties and shopping centers, and apartment complexes is regulated by section 399B of the general business law. So there's a New York State law that regulates it. It does things like require signage. It does not allow property owners to receive money from tows that are done from their property.

We follow that law, okay? And so we're not paid for tows that are done from Rensselaer County Plaza or any other property that's managed by Nigro Retail Properties. We're concerned that this proposed local law goes beyond the requirements of state law in ways

1
2 that are going to be very burdensome and
3 potentially harmful to the public and to
4 property owners in the Town of East Greenbush.
5 And I want to be clear that there are aspects
6 of this local law that the general business law
7 says could be enacted.

8 Just because they can be enacted doesn't
9 mean that they should be enacted. There's
10 things in here that could be a bad idea and
11 potentially very burdensome for municipalities.
12 In particular, our concern has to do with
13 Sections 3E, 2, and 4. And those specific
14 sections say that "Commercial tows shall comply
15 with the following regulations when seizing or
16 towing vehicles for privately owned parking
17 facilities without the written consent of the
18 owner of the vehicle."

19 And B is -- B2, "The towing of a vehicle
20 is only authorized when the owner of the
21 facility or his or her representative is
22 actually present and request that a particular
23 vehicle be ceased or towed. The owner's

1
2 representative cannot be the tow company or the
3 tow truck operator unless the tow company or
4 operator is the actual owner of the parking
5 facility." And then 4, "The commercial tow
6 shall have a specific written tow
7 authorization, his or her possession to tow a
8 specific vehicle, which shall be signed by the
9 facility or his representative prior to the
10 tow." And then it lists some specific
11 information that should be in the office. Our
12 concern with that is that in a lot of
13 commercial properties in East Greenbush -- and
14 this is not limited to ours and it's not
15 limited to properties managed by Nigro Retail
16 Properties.

17 Overnight, parking is predicted and
18 there's a lot of good reasons for that. In the
19 winter, it's important for plowing. During any
20 time of year, it's important for sweeping and
21 other cleaning that has to be done in the
22 parking lot. It's also important because these
23 parking lots often are not monitored by

1
2 security. So these are places where it's not
3 really a good idea to park your vehicle
4 overnight anyway. And requiring someone, an
5 individual to be present, to tell a tow company
6 to do something that's already prohibited and
7 that someone who parked their car knows it's
8 prohibited because it's on a sign that says,
9 "No overnight parking."

10 They have to have somebody there to call
11 the towing company on the phone and say, "Hey,
12 there's a car here it's overnight, they're not
13 supposed to be here," is very burdensome on our
14 property managers and people who normally work
15 during the day. Can it be done? Possibly. Is
16 it really fair to them to require that sort of
17 a thing when this is, again, a situation where
18 there's signage that tells the person who
19 parked the car, the consequences of parking
20 overnight? They're already aware of it when
21 they left their vehicle there, that we then
22 have to have somebody there in addition to the
23 towing of vehicle operator who's going to call

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

the town police already under state law and report that the tow has happened and signage that already tells the vehicle owner where the car is going.

We think that's overly burdensome. And it's not just for us, you know, we're talking about apartments, other shopping centers in the town, all of them would have to comply with this. And for a specific issue that may have happened to some individuals, according to our records, the number of vehicles that have been towed from the particular restaurant that's probably the source of a lot of comments that you've received is approximately one a month.

It's not that many vehicles and it's going to make a big change in the town that we think is very disproportionate to what may actually be going on. We're always willing to work with our tenants. We try to do that. Sometimes we can't always agree, but we don't think that this local law has written as the solution.

SUPERVISOR CONWAY: Okay.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

MR. MORGEN: And we appreciate your time and are happy to answer any questions that you have.

SUPERVISOR CONWAY: Thank you. Yeah. And let me be clear as we go through it and we deal with this specific case, the Nigro companies do great work in East Greenbush, so does BBL. What we're talking about here are people who are essential in our community and we want to -- we want everybody to have a fair hearing. We want to sort it out fairly. But as far as the overnight parking, we'll get to that.

MR. MORGEN: Okay. Thank you. We appreciate you.

SUPERVISOR CONWAY: Thank you. Somebody from BBL, Steve, come on.

MR. OBERMEYER: My name's Steve Obermeyer. I grew up on Bloomingdale Avenue, graduated Columbia High School, 1979. Went to first grade right here in this building Clinton Heights. And I would like to thank the town

1
2 board for addressing, you know, this very
3 important public safety issue. I went to work
4 for BBL 31 years ago, and by far the best part
5 of my job is doing projects in my hometown.

6 And we're very proud of our investments,
7 the jobs that we've created, and the friends
8 that we've made. And it's been a pleasure
9 developing the two hotels and the restaurant,
10 you know, that we've had. It's also been very
11 enjoyable working with great customers such as
12 the Harts and Culverson and building the town
13 center and revitalizing the dilapidated old
14 Kmart and ShopRite plazas. We've worked with
15 the Hoffmans and Dumbrowskis in creating
16 Greenbush Technology Park and then the primary
17 builder of the Regeneron campus.

18 And we feel that the town is right in
19 considering a policy for towing and parking as
20 many other municipalities across New York State
21 have done. Albany and Rensselaer are two
22 immediate communities that have such policies.

23 The reasons for these laws are to defend

1
2 against predatory practices that property
3 owners and tow companies may engage in in the
4 absence of such regulations. These are very
5 harmful, so much so that the New York State
6 Attorney General's office has a special unit
7 dedicated to processing such actions.

8 BBL is a construction, real estate
9 management, and hospitality company. Several
10 years ago, our past chairman thought that
11 having restaurants would be a good idea to
12 complement our restaurants and our real estate
13 investments. And they are a part of community
14 benefit because I think most people recognize
15 that these are very marginal investments. We
16 thought it would be fun to have a Recovery
17 Sports Grill in East Greenbush. It would
18 complement our two hotels and give us a chance
19 to work with our longtime friend John Nigro and
20 -- at the Rensselaer Plaza.

21 And also, we had many friends, business
22 associates, and followers that wanted us here.
23 BBL spent \$4 million to build the Recovery

1
2 Sports Grill and we have over 100 great
3 community team members working for us at the
4 hotel and the restaurant. It's -- by way of
5 background, our investment sits on land owned
6 by Rensselaer Plaza Associates. The retail
7 center is managed by Nigro Companies. Nigro
8 Companies has the right to have reasonable
9 rules and regulations. The ground lease that
10 we sign gives us the right of quiet enjoyment.

11 Quiet enjoyment, we presume, meant
12 allowing our customers and our associates to
13 park in our parking lot without disturbance.
14 As most people know, Nigro companies, for
15 whatever reason, post-pandemic started to have
16 cars, you know, left in the parking lot towed.
17 This is anything but reasonable and has caused
18 great hardship to businesses and patrons in the
19 town. It's also been carried out in a very
20 discriminatory manner where only certain cars
21 are targeted.

22 The Recovery Sports Grill has lost dozens
23 of customers, and now some of our best refuse

1
2 ever to come again after being towed to a dingy
3 section of Rensselaer and forced to pay \$360 in
4 cash. In order to demonstrate the brazen
5 unfairness, some of the victims include the
6 director of BOCES who went home with her
7 daughter after dinner and the show while
8 celebrating a birthday. The vice president of
9 Hayes(ph), which is a very prominent company in
10 East Greenbush. A project manager for a
11 Regeneron, the varsity soccer coach who met his
12 family there, they went home together. They
13 came back the next day to pick up the car, to
14 take their kids to soccer practice -- to hockey
15 practice, and the car was gone.

16 They spent three hours on a Sunday morning
17 trying to retrieve the car. Members of the
18 Columbia class of 2013, who were there
19 celebrating their 10th reunion and also the
20 anniversary of their Section 2 baseball
21 championship. Folks who went to the NCAA
22 tournament at the MVP Arena, the game went past
23 midnight when they returned to the restaurant

1
2 to get their car, it was gone. Now, we have
3 fundraising events at the restaurant, one of
4 which was for the Leukemia Society. A person
5 came to the restaurant for the first time as a
6 leukemia volunteer, she went home with other
7 volunteers.

8 When she came back, her car was gone. She
9 went to Rensselaer to retrieve it and was told
10 it was \$360. She said, "I don't have \$360 in
11 my savings account." They said, "How much do
12 you have in your savings account?" "250."
13 "We'll take that." Our restaurant general
14 manager, who was in the building doing sales
15 reports and inventory walked -- working late,
16 had her car towed. The tow caused severe
17 damage to her brakes. The BBL catering truck,
18 which is larger than a FedEx truck with BBL
19 written all over was loaded with product to go
20 to a catering event, it was towed.

21 And most recently, an unmarked public
22 safety vehicle. This practice has created
23 chaos and the town can no longer ignore it. It

1
2 needs to do something. As an aside, BBL is
3 blamed for all these tows. We get all the
4 phone calls. The Plaza manager refuses to
5 accept any phone calls whatsoever related to
6 this. BBL has 10 Recovery Sports Grills, East
7 Greenbush is the only site where cars are
8 towed.

9 We recognize that towing is very useful.
10 We don't want any unauthorized vehicles in our
11 parking lot. We've told management they would
12 be promptly towed the next day if they're not
13 quickly retrieved. Leaving cars in our parking
14 lot is not a regular occurrence. People leave
15 their cars there for good reasons. We are a
16 family-friendly sports-themed gathering place
17 for celebrations. And on occasion, there may
18 be a weather emergency or maintenance. We
19 recognize that towing on certain occasions is
20 proper. However, this is nothing short of a
21 money grab and harassment, which is what the
22 state and these other municipalities are
23 fighting against. BBL owns its own retail

1
2 centers. We always contact public safety prior
3 to towing a car. This is good public policy.
4 In one instance, it ended up being a car of a
5 missing person and we were commended by the
6 Colony of police. We have reviewed our
7 procedures with our insurance carrier relative
8 to towing and security and they say that those
9 are the best in practice.

10 The purpose of this law presented tonight
11 was very thoughtful and will benefit the
12 residents. It would provide a much higher
13 level of public safety and communication, at
14 the same time, discourage aggressive, harmful
15 schemes that cause good people miseries. When
16 I think of towing companies, I think of being
17 stranded on the Northway in a snowstorm and
18 having some good samaritan show up to help.
19 This is the absolute opposite. Thank you very
20 much.

21 SUPERVISOR CONWAY: Thank you, Steve.

22 MR. OBERMEYER: Thank you.

23 SUPERVISOR CONWAY: Okay. Normally,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

what we do with public hearings is we first listen to the people who are in favor of this local law, and then we hear from people who are opposed to this. So who would like to speak in favor? Come on.

MR. TUFFY: Good evening, Town Board. Thank you very much for the opportunity. I do some work for the LeDuke family, my name is Jim Tuffy. I have 30-some years of experience in law enforcement. And this is a small problem compared to what I faced in Albany when I was there, where we actually -- we, the City, put up signs on every public -- private property so that people wouldn't tow there at the Palace. And we had problems with the tow company, but we brought them all in and worked with them. I will say to you that I spent nights over there.

Now, I was told that they wouldn't tow -- they wouldn't tow after two o'clock in the morning. I have documentation at 1:10 in the morning when I was sitting there. Nobody's saying this, Walmart has 40 cars in the parking

1
2 lot. So how are they plowing there and maybe
3 two or three cars by the recovery room is
4 affecting it. And I'll tell you about the
5 sweepers. I have pictures from Sunday morning
6 when the cups from the theater are there.
7 Never touched the theater car, there's a
8 gentleman who works in the theater, and they're
9 there late. And I don't see anywhere where you
10 can't park while people are still in the
11 business, including our employee of BBL
12 Hospitality, which the LaDuke family values
13 very much.

14 So they asked me to come over and speak.
15 I did attempt to call Nigro and it says, "If
16 it's a towing issue, call the towing company."
17 Well, to me, when I was the chief of police, I
18 would've went over and knocked on the door. I
19 don't have that authority -- and we've talked
20 about it and we're willing to talk about it.
21 And the LaDuke family wants to make it right
22 for everybody.

23 SUPERVISOR CONWAY: Yeah.

1
2 MR. TUFFY: But you know something, if
3 somebody has three when they should have had
4 two what's -- is it okay to park for a couple
5 extra hours and let the people come back in the
6 morning? I think that's the real question.
7 I'm not knocking -- sir, I'm not knocking your
8 company, it's just a business. The law firm --
9 I know your law firm well, I know everybody;
10 lawyer, partner, they know me. I'm the type of
11 guy.

12 So the LaDuke family asked me to come here
13 and speak. Don LaDuke made a lot of things
14 happen in this area that normally wouldn't.
15 And let me say one other thing, I have more
16 respect for Mr. Nigro, who I've known for at
17 least 45 years, and I know him very well. And
18 we are always willing to sit down and, I think,
19 it's unfortunate that has to come to this, but
20 if it means a local law to make it go away,
21 then let's do it.

22 If not, there's always a way to speak and
23 modify it down the road. But dammit, people

1
2 have to sit down and talk. Let's stop avoiding
3 it. We're here for a certain amount of time in
4 life, let's talk. There's too many people that
5 hate each other in this country now, BBL,
6 family, all the bars, all the restaurants, all
7 the hotels. I do work for the LaDuke family, I
8 work in some of the hotels when they have
9 issues. And I have no problem working with the
10 Albany Police, Troy Police, I've done that.
11 Sher- -- I apologize, the police department out
12 at Exit 33, I've worked with them all.

13 They sit down and they go to the owners
14 and they talk to them. Please, let's get this
15 done, but let's get it done in the right way.
16 How can you say there's 40 cars at Walmart?
17 Because I can tell you, and I have a picture
18 where they lifted the car up, and guess what?
19 Somebody ran out of Walmart and they stopped.
20 When Walmart was open 24 hours this wasn't a
21 problem, was it? So let's think about that.
22 COVID had an impact on a lot of things. Let me
23 thank you very much for the opportunity to

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

 speak to you, and I'll be glad on behalf of the LaDuke family to speak to you privately at any time or the tow company or Mr. Nigro's firm. Thank you very much for the opportunity.

 SUPERVISOR CONWAY: Thank you, chief. Okay. Who else would like to speak in favor? Come up.

 MS. LUCIER: Good evening. My name is Sarah Lucier, and I am here to share an experience that I have. I've replayed an experience I had in our local community over and over in my mind as a citizen who not only lives but also works and volunteers in East Greenbush and surrounding communities, I feel compelled to share my experience and voice my concern for an overtly careless and potentially dangerous policy in place by Nigro Company and their management of parking lot facilities in our community.

 In April of 2023, my husband and I joined friends for dinner and live music at Recovery Sports Grill in North Greenbush. Arriving at

1
2 the establishment around 7 p.m. we backed into
3 the far-most line of parking spots parallel to
4 Route 4 in one of the few remaining spots due
5 to the large crowd of guests, we spent several
6 hours visiting with our close friends and
7 enjoying the company of acquaintances who
8 assembled to enjoy a rare night of music and
9 friendship in our local restaurant.

10 Unexpectedly, we stayed longer than
11 planned and both having consumed alcoholic
12 beverages, my husband and I made the decision
13 to leave our car in the parking lot and called
14 a ride-share service to get us home safely.
15 The next morning we arrived to pick up our
16 vehicle prior to 9 a.m. only to find that the
17 car was missing. Fearing the worst, we drove
18 around the lot and noticed a small sign posted
19 on a white post in the far corner of the
20 parking lot, indicating that no overnight
21 parking was allowed.

22 Along the lane where we had backed in the
23 night before, there were waist-high signs

1
2 posted indicating that camper and RV parking
3 was prohibited; however, making no mention of
4 regulated passenger parking. We called the
5 number listed and made contact with the towing
6 company that was in possession of our car and
7 made arrangements to acquire our vehicle.
8 Several hours and \$297 later, we were in
9 receipt of our vehicle and completely
10 dumbfounded by the situation. After much
11 discussion with friends and colleagues, I
12 decided to place a call to Nigro companies
13 regarding their overnight parking restrictions
14 and lack of adequate signage. My call was not
15 returned.

16 I called again and spoke with a
17 representative regarding our experience. Prior
18 to making my call to Nigro, I contacted other
19 restaurants to inquire about their policies
20 pertaining to overnight parking. Upon learning
21 that we were one of four cars towed that
22 evening, I was shocked to think of the impact
23 this was having on our community as a whole. I

1
2 spoke to a representative from the Topsy Moose
3 and Juniors, both of whom have similar shared
4 parking facilities and serve alcohol to
5 patrons. Both representatives assured me that
6 overnight towing is not enforced and they would
7 rather guests make the safe and responsible
8 decision when unforeseen circumstances arise
9 and their driving is impaired.

10 Upon receiving a call from Nigro, I shared
11 this information and my concern for the message
12 that their current policy sends to patrons who
13 elect to legally and rightfully consume alcohol
14 in an establish -- in an establishment, and
15 procure a ride home. I was told that while
16 they appreciate my calling concern they would
17 not consider changing their policies. I asked
18 that at the very least, they consider creating
19 better signage for the restaurant portion of
20 the parking lot because at the time we
21 experienced this embarrassing and uncomfortable
22 situation as a result of our decision to uphold
23 the law, the signage was virtually nonexistent.

1
2 We live in a community full of potential.
3 Our local school district has recently been
4 named the best school district in the Capital
5 Region for consecutive years. Our athletic
6 teams are thriving with sectional state
7 championships under their belts. We have the
8 capacity to drop favorable businesses, and
9 inhabitants to our community because quite
10 frankly, this is a great community in which to
11 live, work, and educate children. Our
12 community leadership is second to none, and the
13 families who call this area home are the
14 finest. I'm grateful for our community leaders
15 who are looking carefully at the message Nigro
16 is sending to community members, young and old
17 by working against the good judgment of patrons
18 of Recovery Sports Grill to gather alongside
19 them.

20 While I fully recognize that as a private
21 corporation, they exercise rights to policies
22 and procedures that are befitting to their
23 bottom line, I would hope that in the name of

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

safety and the high social standards of our community, encouragement to review and revise their policies would be required or at least strongly suggested. I appreciate the opportunity to share an uncomfortable and rather embarrassing circumstance in an effort to prevent such occurrences from happening to another person.

Moreover, I hope that by sharing my concern, this issue can be discussed in a productive and professional manner to prevent someone from making a potentially fatal decision to drive impaired for fear of a costly and inconvenient towing up their car. Thank you for allowing me to express my concerns.

SUPERVISOR CONWAY: Thank you, Sarah. Who else would like to speak in favor? Chief, for instance?

MS. RUDZINSKI: May I just stand here since you already all know me.

MR. MCHUGH: Sure.

MS. RUDZINSKI: For those of you who

1
2 don't me, I'm Elaine Rudzinski(ph), the Chief
3 of Police here in the Town of East Greenbush.
4 I do know the Obermeyer family for many years,
5 but I also -- know Mr. Nigro from my years when
6 I worked at Wolferts Roost, and I know him to
7 be such a kind gentleman. So I think us
8 getting in a room together is very important.

9 My biggest concern from our perspective is
10 obviously safety and people driving home, to
11 your point, Mrs. Lucier, that I feel like maybe
12 a designated area at the Sports Grill that is
13 off to the side, maybe on the berm facing FedEx
14 would be a good place to have overnight parking
15 available.

16 Our snowstorms have decreased immensely
17 since I was a child, so we do not have a lot of
18 situations where there's a huge need for
19 extensive plowing. Yes, it does happen, and it
20 could happen. I could jinx myself and we could
21 have a terrible winter, but it generally
22 doesn't. In addition, the street sweepers are
23 actually not supposed to be out after 10 p.m.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

at night because of our noise ordinance. And we have a continual issue with that, which I've been in contact with the property manager about that. So that is not always such the issue, I think.

I've been a police officer since 1995 and we never did have issues with vehicles being towed out of the parking lots and any of our classes throughout our community, up until recently. I don't also believe we always receive a phone call that we -- where these cars have gone. So we've had people calling, thinking their cars were stolen. So I think a lot of these things can be tweaked that we can work together and find a happy medium that I -- and to your point, I do understand that people own their property and they should have the right to have some rules regulating that, their property.

But I also think because of the safety issue, which is my biggest concern, that yes, people go there with all good intent, but

1
2 people are human. People make choices, people
3 decide that a good choice is to leave the car
4 behind and not anticipate it's going to be
5 towed. So I think that we really truly need to
6 find a -- that have medium, whether it's a
7 designated area where these vehicles can be
8 left clearly stating overnight parking
9 available. To your point, it's not a lot of
10 cars that get towed, but if we had a few spots
11 designated, then that would encourage less
12 drinking and driving and eliminate this issue.
13 That's all I think. So that's all.

14 SUPERVISOR CONWAY: Thank you. Who
15 else would like to speak in favor, ma'am?
16 Right, I point at you. I wish I knew your
17 name, I wouldn't be so rude.

18 MS. FOLOSI: I'll tell you right now.

19 SUPERVISOR CONWAY: Okay.

20 MS. FOLOSI: Good evening. My name is
21 Denise Fernandez Folosi(ph). I am a resident
22 of Schodack. My children went to Green Meadow
23 Elementary, so I'm a long-standing citizen of

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

this region.

I'm sharing an accounting with you of an experience that brought me here tonight. I'm basically, against the towing practices of Rivers Recovery. My accounting is also reinforced by the data that I've collected to substantiate my concerns. On Friday, April 1st, 2022, I joined a friend to celebrate our birthdays at the recovery room, which we're all referencing located in Rensselaer County Plaza.

Knowing in advance that I would be having drinks, I had alerted my husband and I told him to come pick us up at a specific time. When I arrived at the bar, I read a sign that was on the bar that alerted patrons against leaving their vehicles in the parking lot because they would be towed. The sign indicated that if a patron planned on leaving their vehicle in the lot, they should call River's Recovery to avoid being towed. I did exactly this at 6 p.m. and was assured by the person that I spoke with that I would not be towed. That is exactly

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

what happened.

When I went to the recovery room parking lot the following day to retrieve my vehicle around 12 noon, my vehicle was not there. At first, I felt violated and of course, naturally, I was angry. I had done exactly as I had been instructed to do, and still my vehicle was towed. I couldn't help but wonder how many other people have had to experience what I was experiencing. But being violated was only half the issue. Having to retrieve my vehicle the following day was even more difficult. When I arrived at the tow yard, I found my vehicle amongst a dozen other vehicles that had been towed and my vehicle had a boot on the wheel.

I was greeted by two imposing men who told me that I would have to pay \$300 in cash if I wanted my car. I explained the phone call the night before and they knew nothing of it. I was riled and felt intimidated and threatened. I got my husband and after he spoke with the

1
2 owner -- well, let's just say I got my car
3 back. What if this had happened to my children
4 or someone else's child? I couldn't help but
5 bring that to mind immediately. I raised my
6 children to do the right things. I know a lot
7 of parents do, and I explained to them to never
8 drink and drive.

9 So what if my kids had elected to leave
10 their vehicle behind and not get in their
11 vehicle after they had been drinking that
12 evening only to find out the next day that
13 their vehicle had been towed. My sense of
14 violation now turned to feelings of outrage. I
15 would not want them to ever have to deal with
16 this type of issue or these types of
17 underhanded practices. I have compiled data
18 from the Institute of Traffic Safety Management
19 and Research. And when this happened to me in
20 2022, drivers in Rensselaer County were issued
21 492 tickets for driving while being impaired by
22 alcohol.

23 In 2022, there were 289 drivers arrested

1
2 for driving while being impaired by alcohol,
3 and 113 crashes in Rensselaer County as a
4 result of drivers being impaired by alcohol.
5 Worst of all, in 2022, there were four
6 fatalities in Rensselaer County caused by
7 drivers that had been impaired by alcohol. I
8 was not one of those drivers because I made the
9 right choice despite the risk of being towed, I
10 had a moral obligation to do what was right and
11 not drink and drive. Were any of those drivers
12 in 2022, that I just referenced with all of
13 that data on the road because they feared being
14 towed that evening?

15 Had any of those drivers previously
16 experienced what I had experienced with River's
17 Recovery and made the decision to not leave
18 their vehicle and get behind the wheel anyway?
19 Were one of those drivers responsible from the
20 113 crashes in Rensselaer County, or worse yet,
21 one of the four fatalities that occurred due to
22 their impairment to alcohol? Because of these
23 unscrupulous practices of River's Recovery to

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

carry -- to continue to tow people, we will continue to see citations issued, car crashes on our roads, and fatalities until we stop this.

I spoke with Nigro representatives, but to no avail. As residents of East Greenbush, we cannot allow these practices to continue. We are all complicit if we do. The practice of River's Recovery towing vehicles out of parking lots needs to be ended immediately. Thank you.

SUPERVISOR CONWAY: Thank you. Who else would like to speak in favor? Come.

MR. LEONARD: My name is Matt Leonard, and to piggyback off you, ma'am, my daughter was towed. I have raised her like a lot of us to do the right thing and to -- "If you get a drink, leave your car, we'll come get you." She was at the recovery room during the Christmas season and she was towed. She was out at a company dinner, she was towed the next -- or that night. The next morning we're driving all over trying to find it and finally find it at

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

River's where you can only pay cash, they won't take a card, they won't take a check.

And this comes down to what kind of community do we want to be in? Do we want to be responsible or do we want to line pockets? And it comes down to that in my opinion. So I hope that there is a change and we should all be embarrassed that we're here to even discuss this because anyone who I explain this story to, can't believe it. So thank you.

SUPERVISOR CONWAY: Thank you. Who else would like to speak? You want to both come up? Three, two -- you're no part of this?

MS. REAGAN: Good evening, Town Board, and thank you for giving us the opportunity to speak tonight. We're both seniors at Columbia High School. My name's Kelsey Reagan.

MS. CLEMY: My name's Mallory Clemy. As president of the CHS SADD club, Students Against Destructive Decisions, for two years now one of our main focuses and concerns has been the issue of drunk driving and the impact

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

on our community and youth.

MS. REAGAN: We do understand that people should plan things if they're drinking; however, sometimes these plans change and unexpected things happen. This local law will allow for those whose plans change to leave their cars at the recovery room for just one night. This will eliminate feelings towards the push to drive impaired, not wanting to be towed, and finally, nobody will putting -- will be putting their lives or others' lives in our community at risk.

MS. CLEMY: As we both know and I'm sure everyone on this room knows at least one person that has been impacted by drunk driving, which is a preventable accident.

MS. REAGAN: So overall, we think that this bill will have a very positive effect on our town and create a safer environment for everybody that lives here. And we are in full support of it and we hope for change. Thank you.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

SUPERVISOR CONWAY: Thank you.

Anybody who doubts our school district?

MR. GABRIEL: Thank you for having me on board. And I just want to say that what I'm, kind of, going to go over seems very just minuscule in comparison to some of the stories that were just shared. So I'm going to tie a little bit back to the business, kind of, aspect of this. My name is Tom Gabriel, I'm director of Business Development for BBL Hospitality. My -- essentially, my point, what I want to make is just some of the tieback and the greater impact that this has amongst the company and the folks that work within it.

I oversee a lot of our Google reviews, social media, things of that sort. I'll read it just a couple that I pulled off Google. "At this location, you have no choice but to drink and drive as cars left overnight will be towed. Weird that recovery room doesn't warn their patrons. It would only cost you \$293 to drink and not drive from this establishment. Double

1
2 the cost for having your car down -- broke down
3 in that towed garage. The owner of the parking
4 lot is a total a-hole, but I still think that
5 recovery room should have a sign that, you
6 can't leave your car."

7 "I came here before the NCAA games and had
8 dinner when I got back, my truck was on a
9 flatbread getting towed. I couldn't catch them
10 on the way out of the parking lot and had to
11 search around a snowbank for a sign with tow
12 info, which is black and hard to see. The tow
13 company wanted to charge \$325 before they would
14 take it off the bed. I'll never come here
15 again. Bad practice of tow cars from a bar
16 away." More of a review of the property
17 owner and not the restaurant. "Whatever you
18 do, do not leave your car in this parking lot
19 overnight. If you've had too much to drink,
20 have someone get your vehicle or you'll have an
21 additional \$300 spent for the night out. Be
22 sure to look out for the sign in the corner of
23 the parking lot behind the snow pallet to tell

1
2 you where your car is towed. What an excellent
3 way to say thanks for your business and reward
4 your good decision-making.”.

5 You know, this stretches just beyond the
6 12 cars a year, whatever the claim is that are
7 towed. When people read these reviews, it's
8 keeping people away from the business. It's
9 also going to be keeping businesses away from
10 establishing in the Town of East Greenbush
11 because if they know that there's practices
12 such as this, why would you ever want to open a
13 bar or restaurant in the town? So I would just
14 encourage you to think about more so than just
15 the immediate impact of the individual and more
16 so the greater cause that could be the future,
17 you know, implications from this. So that's
18 all. Thank you.

19 SUPERVISOR CONWAY: Thank you. Who
20 else would like to speak in favor?

21 MR. SPEAKER: Good evening, my name is
22 Jamie [inaudible 40:13] I'd like to speak in
23 favor this. Actually, speak in favor of this,

1
2 and I only wish that it was a little more stern
3 to be honest. You know, I -- I've managed
4 properties for over 20 years, managed retail
5 shopping centers such as a couple of these, you
6 know, with office buildings, medical, you know,
7 all kinds of different properties, right?

8 And so there's a -- there's right
9 circumstances and there's not, you know, what I
10 mean? There's definitely time to tow vehicles
11 and time -- and it's very apparent when that
12 time is. I mean, people leave their cars and
13 they're filled with junk, or they're
14 unregistered or they're living in their
15 vehicles, or they're there for an absorbed
16 amount of time. This is not the case. And the
17 practice that's being exhibited here is really
18 -- it's really over the top. And it's just,
19 you know, this shopping center is owned by a
20 family company who is -- who's well respected
21 in the area and who I respect equally.

22 SUPERVISOR CONWAY: Same here.

23 MR. SPEAKER: And these businesses are

1
2 owned by local people for the most part, we
3 have Walmart but, you know, but the people who
4 shop at these -- at these businesses and eat at
5 these restaurants are paying the rent bills for
6 these owners and they're, ultimately,
7 benefiting. I mean, you're -- the practices
8 that are in place are hurting the people who
9 are able to pay the bills. I mean, the effects
10 that are felt with this, you know, towing out
11 of a -- out of a restaurant like this, you
12 know, people don't know Nigro companies.

13 They're getting towed out of -- out of the
14 Recovery Sports Grill, and they go back and
15 they talk to their friends and maybe they share
16 their experiences, but you just -- you take
17 away all that. There -- it comes down to just
18 simply being reasonable. I mean, I think that
19 there is a time and place to tow, and I -- and
20 I support that a hundred percent. But it
21 shouldn't just be, if you leave your car there
22 at two o'clock in the morning. There's people
23 at Home Depot and just last week, a gentleman

1

2

had a -- had a medical condition and he had to get an ambulance and brought to the -- to the hospital.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

And as his coworkers were worried about their, you know, the gentleman got took way. They're worried about calling the tow company so they don't get towed. I mean, it's the, you know, and sometimes that's not forefront of people's minds. I mean, there's -- I mean, a lot of the emphasis has been on drinking, which I support a hundred percent. But there's so much more than that. I mean, there's medical conditions, there's other conditions where you're meeting people. I mean, if somebody leaves their car there for X over amount of time, then tow it -- it's -- nobody's going to disagree with that.

But just the practice that's put in place is just unfair, not unreasonable. And from a family company who's built a reputation as they have, which is a great reputation it's -- I'm just very surprised that this is the practice

1
2 that's put in place. And knowing the effects
3 of what this does -- I mean, it's -- everybody
4 has been very vocal with this. You know,
5 they're well aware of these issues and there's
6 no bend. I mean, it's -- there's got to be a
7 heavy meeting ground. So I stand here with
8 full support of this legislation and wish it
9 was more stern and more protection, in all
10 honesty.

11 SUPERVISOR CONWAY: Thank you.

12 MR. SPEAKER: Thank you.

13 SUPERVISOR CONWAY: And if you ever
14 need a reference for a plaza -- for a skill at
15 Plaza maintenance, call me as good as we ever
16 -- we've ever seen. Thank you. Who else would
17 like to speak in favor of the law?

18 MR. COBBLESTONE: Tyler
19 Cobblestone(ph) here. I wanted to stand up in
20 favor of this, and as most of you know me,
21 right? You've seen me in a -- in the context of
22 a -- of a supporter of private property owner's
23 rights. And this is a proposal for this

1
2 legislation to restrict the parking. I think
3 it is -- it is going to make a big difference
4 in the community in terms of safety and
5 restricting, you know, how this predatory
6 towing has occurred is going to make a big
7 difference.

8 And I think it's really in the name of
9 public safety. I've multiple buildings on
10 Columbia Turnpike and throughout the community.
11 And if there's an extreme example, you know,
12 it's very infrequent where someone leaves a car
13 for an extended period of time or, you know, as
14 Jamie described other examples where a tow
15 certainly makes sense. But, you know, reaching
16 out to public safety and the police department
17 would be the right protocol in that context.
18 But to be towing people in the middle of the
19 night, the same night the -- of leaving the
20 vehicle there, you know, is just unreasonable.

21 I think there's no harm in leaving the
22 vehicle overnight and, you know, it's really in
23 the best interest of the community. And I

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

think, you know, if somebody thinks about the public safety component of this, it's really just the name of public safety that should be completed. So, anyways, again, I just wanted to voice my support.

SUPERVISOR CONWAY: Thanks. Anyone else want to speak in favor?

MS. CHAPPLE: I'm Brittany Chapple. I'm the general manager of Recovery Sports Grill. A lot of the comments and stories that we've received due to towing and such have been based in -- based on the staff that I have and their responsible serving. So I take that a little bit personally, as long as well as my staff. All of my front-of-the-house staff, except for three, that are new hires are certified in TIPS training. So they are certified to serve alcohol safely. They have taken a course for that. And I take pride in that as well, that a majority of my staff has that training and certification and we care about the people that come into our restaurant.

1
2 I've worked for Recovery Sports Grill for
3 a little over 11 years. I've worked at
4 multiple locations, Troy, Albany, East
5 Greenbush. East Greenbush is my favorite. I'm
6 from the area and I live in Schodack currently,
7 so I know a lot of the people that come in. I
8 grew up in Averill Park, so I'm Averill Park
9 alumni. My parents grew up in Averill Park, so
10 I get a lot of my parent's friends and I've
11 become close with a lot of the Columbia staff.
12 So really I just wanted to say that we support
13 our community.

14 We love having all of the sports teams
15 come in, all the coaches come in all together
16 when we have band nights. We love people that
17 come in for band nights. We love for everyone
18 to get together. It's great as a community
19 just to see everyone come in, have fun
20 together, but for the backlash to come back on
21 my staff that is serving responsibly. But like
22 a few of the stories said, a lot of people just
23 decide that they want to leave their car there

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

or they think that it's better for someone to pick them up, which I completely support.

So I just -- I want to say thank you for having us. It is -- I do agree with everyone else that I feel that it's a little bit silly that we do have to come to this. But thank you for hearing us out.

SUPERVISOR CONWAY: Thank you. Anyone else want to speak in favor of the law? Okay. Hearing no one there. Who would like to speak in opposition to the local law? I'm supposed to ask three times. Who would like to speak in opposition to the local law? One more time, who would like to speak in opposition? Okay. We're going to -- we're going to close the public hearing for now.

We've heard a lot of interesting things. First, we -- I think Chief Rudzinski said it's important that we got to talk to each other. I can't envision East Greenbush that doesn't have the Nigro companies or doesn't have BBL. These companies are the essence of who we are. And

1
2 any kind of successful future in this town
3 depends on the reputation of people like Nigro
4 companies and people like BBL. It's really
5 important and I have to admit from my
6 perspective that I am not neutral on this. I
7 agree with our Chief of police.

8 It's a public safety issue. If you are --
9 if you are limit's two drinks and you know
10 you're going to pay \$300, well, you'll have --
11 you have a third drink, you're going to have to
12 pay 300 bucks. You get in the car and you
13 drive. And I'll warn anybody who does it. We
14 have the best DWI patrols in the capital
15 region. You drive out of here, we really hope
16 to catch you before you can do any damage. But
17 the fact that damage is possible, is really a
18 problem. So the town clerk is now going to
19 read the written comments that we got on this
20 and then we'll close the public hearing.

21 THE CLERK: I have received a letter
22 recently from Michael Harken, who is the
23 principal at Columbia High School. "Dear East

1
2 Greenbush Town Board, I'm writing to express my
3 whole wholehearted support to the proposed
4 amendment for the towing law that would permit
5 cars to be left overnight in parking lots. As
6 the principal of Columbia, I believe this
7 adjustment would not only benefit our
8 community, but also promote responsible
9 decision-making. In recent times, our faculty
10 and staff have faced challenges with regard to
11 social gatherings and events. Traditionally,
12 we utilize the facilities at the recovery room
13 for such occasion. However, the stringent
14 towing regulations have significantly impacted
15 our ability to gather there. The fear of
16 having our vehicles towed has forced us to seek
17 alternative venues disrupting the cohesion and
18 convenience of our gatherings. Allowing cars
19 to remain parked overnight in the designated
20 lots would alleviate this issue and reinstate
21 the recovery room as a viable option for our
22 events.

23 Moreover, it would foster a sense of

1
2 security and inclusivity within our community,
3 encouraging more frequent and enjoyable
4 gatherings among faculty and staff.

5 Furthermore, as educators, it is our
6 responsibility to lead by example and instill
7 values of responsibility and accountability in
8 our students. Allowing individuals the
9 flexibility to leave their cars overnight
10 promotes responsible decision-making and
11 overscores the importance of planning ahead.

12 It sends a powerful message to our
13 students about the importance of considering
14 the consequences of their actions and making
15 choices that prioritize safety and well-being.
16 In conclusion, I urge the East Greenbush Town
17 Board to consider the positive impact that this
18 amendment would have on our community. By
19 supporting this change, you will not only
20 facilitate the smooth operation of our school
21 events, but also contribute to the development
22 of responsible citizens within our student
23 body. Thank you for your attention to this

1
2 matter. Sincerely, Michael Hartman.”

3 “To all the Town of East Greenbush town
4 supervisor and board members, I would like to
5 make a public comment regarding the public
6 hearing on June 12th, 2024, for the local law
7 regulating the towing of vehicles from private
8 property in the Town of East Greenbush. It is
9 my understanding that part of the rationale
10 behind creating and passing this new local law
11 was to deal with the issue with people leaving
12 their vehicles parked at the recovery bar next
13 to Regal Cinemas in the Town of East Greenbush.
14 After reading the text of the proposal of the
15 law, I tend to agree with the spirit and intent
16 of the law that it will provide a framework for
17 protection of both the owners and of vehicles
18 parking on private property, as well as to
19 satisfy concerns of retail establishment
20 owners.

21 However, if my understanding is correct,
22 the issue is with patrons of the recovery bar,
23 choosing to leave their vehicles at that

1
2 location because they would fall within the
3 limits of intoxication as per the New York
4 State Motor Vehicle laws if they chose to drive
5 elsewhere. This law may have several positive
6 effects. The costs and inconvenience of
7 violating this legislation might result in a
8 possible reduction of DUI or DWAI drivers by
9 choosing to call Uber on their way home, not
10 operating a motor vehicle in the Town of East
11 Greenbush or elsewhere intoxicated or impaired.

12 Number 2, this law would discourage people
13 from using private parking areas for transient
14 parking. On the flip side, there may be an
15 unintended effect where those patrons who want
16 to avoid the monetary charges as listed in the
17 proposed would choose to drive while
18 intoxicated or impaired. That is a whole other
19 issue. There is an old saying, 'You can't fix
20 stupid.' This law won't fix that. As a whole,
21 I do support the passing of this law, mostly
22 because it contains language that provides
23 guardrails for both owners of these private

1
2 parking lots and to vehicle owners. Those
3 guardrails provide stipulations and
4 notifications when and where their vehicles
5 will be towed, and the costs involved for
6 violating the law as well as how and when local
7 law enforcement will be notified and involved.
8 Best regards, David Turling.”.

9 “Dear Town Board Members Town of
10 Greenbush, please let it be noted on the record
11 that we as both residents of the town and as
12 local business located in the city of Troy, are
13 in full support of the proposed local law
14 presented this evening, regulating the towing
15 of vehicles from private property in the Town
16 of East Greenbush. The current towing
17 practices are negligent and impose a serious
18 safety concern, not to mention undue
19 aggravation and expenses to patrons that think
20 they have made a safe choice to leave the
21 vehicle for whatever reason was necessary at
22 the time.

23 We hope that this matter is amicably

1
2 resolved in favor of the proposed common sense
3 practices to be enacted, utilizing fair
4 processes for all parties involved. Thank you
5 for your consideration to this important
6 matter. Megan Greco Baron, Chief Operating
7 Officer.".

8 SUPERVISOR CONWAY: Thanks. So the
9 two gentlemen who just came in, did you come
10 for this public hearing? No. Okay. So I was
11 going to offer you a chance to say something.
12 Okay. With that, I make a motion to close the
13 public hearing and do I have a second.

14 MR. NESTLER: I'll second that.

15 (All in favor)

16 SUPERVISOR CONWAY: Well, thank you all
17 for coming. We're going to go over next week's
18 business agenda.

19 (Hearing concluded)
20
21
22
23