

A Public Hearing was held Tuesday, June 19, 2012, at 6:00pm at Town Hall, 18 Russell Avenue, Ravena, New York

PRESENT: Stephen D. Flach, Supervisor
Dawn L. Rogers, Councilwoman (Arrived Late)
Thomas A. Boehm, Councilman
Thomas E. Dolan, Councilman
Peter E. Masti, Councilman

ALSO PRESENT: Diane L. Millious, Town Clerk
Greg Darlington, Chief of Police

Supervisor Flach opened the Public Hearing and led the Pledge of Allegiance.

OPENING COMMENT

Supervisor Flach stated that the record should reflect that four members of the Board were present with Councilwoman Rogers being delayed. He continued by saying that the purpose of the Public Hearing was to receive comments from the public on Revised Proposed Local Law #1-12, relating to land filling operations and/or landfills located in the Town of Coeymans. He went on by reading the following:

“In order for every one to be heard on the subject the Board will conduct the meeting as follows: if you wish to speak please be sure you have signed the sheet for that purpose, three minutes will be allowed per person to present their comments, each person must come to the microphone, and no comments from the floor.”

Supervisor Flach continued by asking that Town Clerk Millious read the Notice of Public Hearing into the record.

Town Clerk Millious continued by reading the following:

**NOTICE
TOWN OF COEYMANS
TOWN BOARD
PUBLIC HEARING**

PLEASE TAKE NOTICE, that a Public Hearing will be held by the Town Board of the Town of Coeymans on Tuesday, June 19, 2012 at 6:00pm at Town Hall 18 Russell Avenue, on proposed Local Law #1-2012 as follows:

Town of Coeymans Revised Proposed Local Law #1-2012

**A LOCAL LAW WHICH DEALS WITH LAND FILLING OPERATIONS
AND/OR LANDFILLS LOCATED WITHIN THE TOWN OF COEYMANS**

A copy of the Proposed Law may be obtained at the Town Clerk’s Office during regular business hours.

**By Order of the Town Board
of the Town of Coeymans
Diane L. Millious
Town Clerk**

Town Clerk Millious continued by reading the Proposed Law as follows:

REVISED PROPOSED LOCAL LAW #1-2012

**A LOCAL LAW WHICH DEALS WITH LAND FILLING OPERATIONS
AND/OR LANDFILLS LOCATED WITHIN THE TOWN OF COEYMANS**

**BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF COEYMANS AS
FOLLOWS:**

Section 1. Title

This law shall be known as the “Landfill Law.”

Section 2. Statutory Authorization

This Local Law is hereby adopted pursuant to the provisions of the New York State Municipal Home Rule.

Section 3. Intent

It is the intent of this law to promote and protect the public health and welfare of the residents of the Town of Coeymans by regulating solid wastes to be buried within the Town of Coeymans outside the Village of Ravena.

Section 4. Definitions

As used in the law, the following term(s) shall have the meaning(s) indicated:

SOLID WASTE – All putrescible and nonputrescible materials or substances discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludge from air or water control facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris, discarded automobiles and offal.

CLEAN FILL – Uncontaminated soils, concrete blocks, bricks and concrete with small amounts of wire mesh or rebar.

Section 5. Prohibition

The placement of solid waste within the Town of Coeymans for disposal in a land filling operation and/or landfill is hereby prohibited.

Exceptions:

- A. Land applications of fertilizer for growing of crops and similar products associated with farming.
- B. Recycling activities as required or allowed by New York State other than solid waste facilities, which allow anything to be buried.
- C. Recycling activities as required or allowed by the Town of Coeymans.
- D. Excavations as permitted or allowed by the Town of Coeymans, which include “clean Fill”.
- E. Burial of farm animals and/or domestic pets.
- F. Stumps, brush and misc. vegetation generated on an individual property.

Section 6. Penalties for Offenses

- A. Any person, firm or corporation committing an offense of this article shall be guilty of a violation and shall be subject to a mandatory minimum fine not to exceed \$1,000.00.
- B. In the event of a continuing offense of this article, each day such offense shall continue shall be a separate violation and subject to a separate penalty.

C. The Town Attorney may also maintain an action or proceeding in a court of competent jurisdiction to restrain any violations of this article.

Section 7. Enforcement

The Code Enforcement Official shall enforce this law and/or assistants duly authorized by the Town of Coeymans.

Section 8. Repealer

This law repeals Local Law #1-1995, also known as Article II of Chapter 138, Solid Waste. This law shall replace Local Law #1-1992, also known as Chapter 109, Landfills, of the Code of the Town of Coeymans.

Section 9. Effective Date

This law shall take effect upon its proper filing with the Office of Secretary of State.

Supervisor Flach stated that the record should reflect that there were four correspondences from people that could not be present and were received from Elyse Kunz, Toni & Malcolm McNaughton, Karen Toscano and Daniel Lomoriello. (Letters in meeting folder.)

Councilman Dolan interjected that they also received an e-mail from Barbara Heinzen. (In meeting folder)

PUBLIC COMMENT

Supervisor Flach stated that he would be calling names from the sign-in sheet to make public comment and that any questions should be held and will be addressed at a later date.

Mr. Tom Ellis stated that he lives in Albany and he is in opposition to a proposal to amend Chapter 138 of the Town Code, a law that prohibits the importation of solid waste into the Town of Coeymans. He continued by reading the following:

“As I recall this law was enacted in 1995, after it became clear that the City of Albany seriously intended to site a large regional landfill on a 363 acre parcel the City now owns in the Town. I spoke at several meetings and hearings in opposition to the Landfill Proposal in 1995 and was an active member of S.C.R.A.P. (Selkirk, Coeymans, Ravena Against Pollution) from 2005-2008. Through our efforts, S.C.R.A.P. was successful in reminding and activating residents of this town of how serious the landfill threat was. Almost 1,000 signatures were collected on a petition opposing the landfill. Residents of the town spoke at a meeting of the Albany City Council, at the same meeting the Mayor delivered his State of the City speech, expressing strong opposition to the city’s Landfill Plan. Town residents reminded Albany City lawmakers that they were way out of line thinking they could dump trash from a dozen or more municipalities in the same town that the City gets its water from. Albany City politicians finally acknowledged the 363 acre site is unsuitable for a landfill, in part because the site contains more than 100 acres of wetlands. Blocking the landfill was a great victory for the Town, something you can all be proud of achieving. However, the City still owns the 363 acre parcel, despite facing large projected budget deficits each year in recent years, the City has not put the parcel up for sale. A few years ago I urged the City Council to at least get it appraised, as far as I know this has not been done, why is the City keeping the property? I cannot say for sure but it may be because the City hopes to use the 363 acres to site a giant sized trash incinerator or some variation of an incinerator. In late 2008 Albany Mayor Jennings appointed a committee, supposedly to develop a long range Solid Waste Plan for the City and the other municipalities who dump trash at the City’s Rapp Road Landfill. During the next one and a half years this committee met 14 times, I attended all but one of these meetings. The first draft of the committee’s report in December 2009 called for a disposal

facility with 1,500 tons per day capacity, large enough to meet the disposal needs of 700,000 people. The language was removed from the final report after considerable objections when the final report was issued a few months later but Mayor Jennings had spoken several times in recent years of his desire to see a large disposal facility site. Amending the law to allow importation of solid waste into the Town would be a colossal error, it would likely be interpreted by Mayor Jennings as a welcome gesture for the City to propose a large or giant sized disposal facility. Maintaining the Town's importation ban helps assure the Town will not become the trash disposal capital of the Capital Region and beyond."

Mr. Marty Hudecek stated that he lives in Colonie and the reason he is commenting is that he is a member of the Ravena Coeymans Yacht Club and has been for more than 40 years and before that he had worked for Honeywell and they did work at the Powell & Minnock Brickyard. He continued by saying that he is familiar with the area and familiar with the river, industry and lack of in this community and since Carver Laraway came in with the Port of Albany, which is right next door and closest neighbor, he did take time to read the notes of the previous Public Hearing and he read the objections, which were noise and garbage. He went on by saying that as far as he can say, they are right next door and the noise is not a factor and if there were noises or any problem at all, they go right to Carver and it is taken care of. He continued by saying that he is in support of the operation and he thinks that the area needs industry and he thinks they are going too much into government support and they need people to come in and actually develop property. He added that one objection that he read, and he's not sure and up to date on this, was about garbage and the previous speaker spoke about landfills, the first couple days that Carver was on site, he went to the Yacht Club and they asked about garbage and he said he does not deal in garbage. He concluded by saying that the man has been honest and forthcoming with everything and if they do anything they go to their next door neighbor and speaks to them and are open and honest and if there are any questions they go and talk to him and reiterated that the reason that he is present is to say that they are good neighbors, they support them and he thinks that they help pay taxes that the community needs to have.

Mr. Bob Baldwin stated that he is also from the Ravena Coeymans Yacht Club and added that he wanted to add that no one likes a landfill and in his town, the Town of Bethlehem, they have the same issues in dealing with similar waste disposal and it seems like the solution should be recycling and more support into taking what they have already consumed and turn it around and use it. He continued by saying that in working with the Thruway Authority you can see all of the construction on 23 & 24 and most of the material is getting recycled and put back down. He added that it is where job creation is, it's where your income is going to come in by promoting the growth of industry in the town. He added that while he is personally against the landfill, recycling efforts should be supported to the fullest extent of the community and people should get behind them and reiterated that they have been good neighbors, they have no problems, and he is absolutely honest and above board with them and there is a very good relationship between the two organizations.

Mr. Jim Travers stated that they all know that he is tremendously opposed to it because what they are doing is opening the door for New York City's trash to come through our town, whether it is incinerated in our town or burned in Lafarge's kilns, allowing this to go through will be a travesty and will damage our town tremendously. He continued by saying that he wanted to reassure them that he is very much in favor of recycling and he advocates for it all the time but if a pile of garbage 200 feet high is sitting down at the Port for 72 hours or longer, or perpetually because as a pile moves out a new pile moves in, he does not think that the members of the Yacht Club would be pleased with the odor. He added that they need to stop the law from being passed and as he advised before, a solid waste facility, is a recycling facility so there is a contradiction in terms and allowing something that they are not allowing it is a very poorly written law. He went on by saying that this is not about Carver Laraway or his operation at the Port but rather what they are doing to the town in what they have fought for more than 20 years to stop from happening and every other township around here has its own recycling facility, which he has advised that they do the same. He continued by saying that if they want to look as to why it has not happened, they don't have to look further than this Board and past

administrations and ask them why the town has not had this within the past 20 years because this is what they need and they need to capture the wealth to offset the costs and the Town needs the money, not Carver Laraway, who is doing just fine with his Port business. He added that they can surely send their stuff baled up to Carver Laraway for export, but the money should be the Town's because it is their trash and not Carver's and there is money in it and he would not be doing it if there wasn't and they know it. He concluded by saying that it is extraordinary that a man who use to be in the garbage business, who is the Town's Building Inspector, brings this to the Town Board and pushes this legislation forward instead of finding and stopping an illegal operation from continuing and then asked again that they not pass the law because they will be litigating for years and no one wants that.

Mr. Laszlo Polyak stated that he lives in the Village of Ravena and added that he is for it because recycling is a positive thing and you need sites to do recycling. He continued by saying that you can play puns on words like solid waste and what have you, but it is not garbage, it is recyclable materials because no one makes money in garbage, they make money in recyclable materials when it becomes valuable. He went on by saying that 50 years ago recycling plastic bottles was not viable and now it is because there are a lot of secondary and tertiary reasons for it and now there is money to be made. He added that as far as coming up from New York City, which he is originally from, 20 years ago a gentleman named J.D. Basilico stood before the Board and his Attorney was John T. Biscone, and he wanted to bring sludge up, and luckily it was denied. He continued by saying that he later saw him and he said that the fruit does not fall far from the tree and his reply was that his pops would not allow him to bring sludge up here knowing his grandchildren live her and added with that being said there are not going to be any dumps, which is an archaic term because there is so much money in recycling as well as a federal judge saying that it is wetlands here, so it cannot be used as a dump and there is no way that there is going to be a dump. He went on by saying that we need this, we need to employ people and we need to revitalize our entire community, but he does have some concerns such as the trucks and roadways and if the roads can handle it because of the children and as they just heard out in Schoharie, two kids were on a four-wheeler and lost control and went on the highway and within a split second were in front of a dump truck and even an unloaded dump truck cannot stop and as he had mentioned before, if there were problems with it up on the north property, a bridge could be put up there so trucks would not have to make that hairpin turn and they need to look at solutions. He concluded by saying that his personal experiences, as rare as they have been with Mr. Laraway, is that he addresses issues quickly and finds solutions to them for the residents and his neighbors around him because most of the businesses want to be great neighbors.

Mr. Carver Laraway stated that he owns the Port of Coeymans and he supports recycling in every aspect because he thinks that it takes care of any issues with landfills and if we recycle and do a good job of it, like everyone present believes in recycling, it is a good business to be in and reiterated that he supports it and feels very strongly about it. He continued by saying that in correcting some of the people in this town, last year he paid \$56,000.00 in taxes and he wanted everyone to know that they pay their school and property taxes and he has approximately 170-180 people working for him and he believes in it 100% and he will do a good job of it, maintain it and work with the people in every aspect.

Mr. Gary Bowitch stated that he is an Environmental Attorney and he is representing the Historic Coeymans Landing Neighborhood Association and they asked that he speak on their behalf on the proposed law. He continued by saying that he would keep his thoughts brief and that there has been a lot of talk about where the law came from and whether it is being pushed on behalf of one or more people in the community and his attitude is whether or not that is true does not matter. He added that the main thing the Town Board needs to consider when evaluating the law is how it will impact and affect all of the residents of this town all 7,000, so whether or not it's for one or more people he does not care because it will impact the whole town. He went on by saying that he thinks that it is fair to say that the law does two major things and it says that it will prohibit landfilling but actually guts its own prohibition by allowing the exemptions, which there is a list of, as well as the law being very poorly crafted in the sense that it is very vague and as they probably know as a Town, legislative body statutes are thrown out all the time when they

are void for vagueness and this law does not tell the citizens of the town what actions are prohibited and which ones are allowed and the list of exemptions is vague and unclear. He continued by saying that it says “recycling activities as required or allowed by New York State other than solid waste facilities, which allow anything to be buried” and then asked if they mean the recycling activities that are to be buried or the waste facility and reiterated that it is entirely unclear and he thinks that in and of itself the law would be kicked out on legal challenge. He added that more importantly what the law does is it repeals Article 2 of Chapter 138, which others have spoken to, and this is the importation ban and what is going to happen is that once this protection is gone, solid waste, whether recycled or landfilled or whatever is going to happen to it, is going to come into this town and this town as others have said is proud to have prevented that since 1995 and this law guts that and it is totally repealed. He went on by saying that one other thing is that he does not know how much of the procedure has been done because with every town law that gets enacted, you have to do a SEQRA analysis, which is a evaluation of the potential adverse environmental impacts of this law. He continued by saying that the Town must take a hard look to see what the impacts are of taking away the prohibition of any kind of waste that comes from outside the border of the town and SEQRA looks at traffic, noise, odors and substantial change in use or intensity of use of the land, which will happen when you bring in garbage from anywhere outside the town as well as SEQRA saying that you have to look at whether or not the law will conflict with the Town’s adopted Comprehensive Plan and in looking at it, it is very clear. He added that many laws get legally challenged and thrown out and reiterated that a hard look has to happen and he does not believe that the Town has gotten that far and done it yet and if you compare this law, the potential impacts/actions conflict with the Comprehensive Plan and the Comprehensive Plan talks about minimizing negative impacts of natural resources and allowing the importation of out of town waste will work just the opposite of that. He continued by saying that in prohibiting nuisance uses, whether it is recycling or a transfer station, a garbage transfer station as someone had said, in 72 hours it will increase the nuisance impact as well as reducing junk, which he thinks this law has the potential to do the opposite as well as preventing the development of a landfill, which is in the Comprehensive Plan and this law and the Comprehensive Plan are in stark contract. He concluded by saying that he thinks it is important to know and his group wants to emphasize that there is no rush and they need to look at the environmental impacts and look at whether it is one person benefiting or 500, it impacts all 7,000 people and his suggestion is that if they want to change things, they need to start over, get rid of the proposal and take into account all the public input and if they don’t decide to do that he would respectfully request that they extend the public comment period beyond the close of the day.

Mr. Keith Crossley stated that he lives in the Hamlet of Coeymans and had come with some notes but tore them up because they seemed to be lecturing and no one needs to be lectured. He continued by saying that he thinks very seriously that the old law text is better than the new law and he believed that they fought against the landfill and won temporarily so no one is worried right now about a landfill. He added that the new law seems to address a landfill but it doesn’t seem to address what happens if the garbage comes up anyway as solid waste and the definition has a certain amount of things in there that they definitely don’t want such as sludge and chemicals. He went on by saying that there will be garbage and when demolition people tear things down, everything goes in and they throw the garbage in as well and then what will happen when a lot of garbage comes up and they have this new law that prohibits landfills, and then asked what they are going to do with it. He continued by saying that one comment was that no one makes money with garbage but teamsters make millions of dollars hauling garbage, which brings in trucks and then there is a safety issue and he believes that the accidents are going to be spectacular and possibly may run through a house with his house being 20-30 feet below Route 144 and if a truck goes off the road it will come through his ceiling. He added that he has had a few personal experiences with the trucks and while driving north on Route 144 right before the bridge a truck swerved into his oncoming lane and the driver was on his cell phone and thankfully they didn’t have an accident but it was not that far from being one with another incident on Main Street in Ravena, a truck hit a bump or curve or something and a lot of debris fell out such as bricks and concrete and the truck kept going with another incident when he was going north on Rte. 144 and where Rte. 143 and 144 meet, a truck had a stop sign but was going way to fast to make

the stop and when the driver saw that he had slowed down he stepped on the gas and went through the stop sign at least 50 miles an hour. He reiterated that he thinks that the old law protects better than the new one to ban landfills and he thought that they were not going to have one anyway and continued by saying that no one in the room wants an adversary relationship and he thinks that Mr. Laraway is an honorable man, has a clean record and does not like to break the law and if he ever goes out of regulation he pays the fine super promptly and he wants it to be said that they are not seeking a confrontational relationship. He concluded by saying that the duty falls on the Town Board to pass what's best for the people and what is best for business, which is the American way, and it is not always what is best for the people.

Ms. Sylvia Lawler stated that she is a resident of the Town of Coeymans and also is a neighbor of Mr. Laraway's and just one up from the boat club. She continued by saying that she wanted to address the necessity of taking time with the law and she too would like some kind of commitment on the part of the Town that the Public Hearing continues beyond the Public Hearing because she did a F.O.I.L. for some material from DEC, Army Corps. Of Engineers and the Department of State and she has not received her answers yet and would like to do more research. She added that her volunteer work in the Town is with the homebound population and she would very much like to see the next Public Hearing televised because she knows how disappointed they are when they go to one meeting a month for the summer and she knows that they would like to participate and occasionally past Supervisor Hotaling would have a phone-in opportunity for them. She continued by saying that they are homebound and unable to participate in the process and they physically cannot get to the meeting as well as their caregivers being homebound in that they must be home with them. She went on by saying that it would be a great opportunity to let a part of the population, who she knows they have not meant to overlook, has been overlooked by having a non-broadcast meeting such as this. She continued by saying that she has heard very good things about her neighbor Mr. Laraway, from regulatory at DEC and from people that have had business dealings with him and she would very much like to form an alliance with the Port and be on the same side of the aisle as she was with the Watershed Council when they meet with Lafarge, SABIC & CSX and it was not adversarial and they worked together to solve problems. She added that she does have issue with the noise and she is not sure if she is just enough further than the boat club and the way that it comes across the water but she would like to see it addressed. She concluded by saying that she wanted to urge the Board because as Mr. Bowitch had said, she does not believe that there is a rush and they want to do their due diligence and want to be able to hear from a lot of members of the public and they could not have chosen a more inopportune time for a Public Hearing because it is the last week of school and there is Moving Up Day, Graduation coming up, concerts and a number of other things that have kept people who would have liked to have attended the Public Hearing to make comment.

Ms. Mary Pape stated that her comments were put in a letter to the Board and proceeded to hand it to each member and continued by saying that there is one thing not in the letter that she wanted to say, She added that she lives on Rte. 144 heading toward New Baltimore and when she was pulling out of her driveway she saw a truck with junk vehicles on it and one of the doors was wide open and she does not know how it missed hitting a school bus when they passed because the door was right out in the south lane even though it was going north. She continued by saying that she does not know who they report those things to as well as thinking that it was against the law for junk cars to be coming into the Town of Coeymans and if they loosen the law they will probably get more junk cars in addition to who knows what else. She concluded by saying that she is against relaxing the law and a lot of consideration was put into the existing laws as they are and she has respect for the consideration that went into the laws.

Ms. JoAnn Segal stated that she has a home in the Hamlet of Coeymans and may repeat what others have said but it is easier for her to read and read as follows:

“I am here to request that the Town Board put aside the repeal of Local Law 138 and 109 until they have determined why it is that they are repealing these laws in the first place and weakening them in the second place. As of yet, I have heard nothing from the Board or from Mr. Laraway, who requested this law be changed as to what his proposals and

intentions are with the Board of Coeymans and the Trickey property. What does having his business move forward actually mean? I've heard him speak and he wants to recycle and that we will be able to take our recyclables to his facility. I believe that all of us here have carting companies who collect our recyclables along with our trash. We also have other businesses nearby that will accept things like empty propane tanks, light bulbs, plastic bottle, car batteries, tires and so forth. There are many options to have large objects carted away so most of us will not be renting and loading a truck and driving to the port with our old refrigerators and automobiles. But if this law is repealed then there will be no stopping the importation of waste including household garbage from all over the state, not to mention barges from New York City with their municipal waste and it won't be only the port that can import waste, it will apply to every junk yard and recycler throughout the town. I have heard from Mr. Laraway's lawyer, employees, business partners and political allies attesting to his character, his character has never been in question. It's his business that needs to be clarified to the Town's residents, especially those in close proximity to the port, a small but significant group that is feeling the brunt of this business. The constant noise, dirt, dump trucks speeding on Main Street and Rte. 144, concrete and metal strewn on the road, trucks driving in the oncoming lane to make a right turn into Trickey's is disturbing. Then there are the health issues that come from having an active port such as an influx of rats into the neighborhood, what methods and rodenticide does this port and the town propose to use to control the rat population, which may explode when the barging of waste to the port begins. How many new employees will the Town need to hire in order to oversee the safety of residents when the port grows even bigger? How many trucks will be going in and out of the port and Trickey's property on a daily and hourly basis? Who will be responsible for the upkeep of the roads, who will police the traffic on Main Street and Rte. 144? Where will the waste that is not recyclable be stored and for how long? Will the Board be asked at some point to then repeal their new land fill law? As of now I don't see much enforcement of existing laws, which leads me to Local Law 138 part 2, there are a number of interpretations, one is that the Town allows importation of solid waste if it is a recyclable, as recyclables are not considered waste by the New York State DEC. If that is a correct legal interpretation then the port is allowed under law to do what it is already doing without the need to repeal this law. Another interpretation is that Local Law 138 makes it illegal for the port to be recycling what it has been recycling and therefore breaking the town law, if that's so then why hasn't the town law ever been enforced? If the law can be broken or appealed because one business doesn't like it, then shouldn't we all have the power to petition the Board to repeal laws or not enforce some laws that we as residents don't care for? I don't see that as being a wonderful way to bring more residents and citizens into this town. Again, I request that the Board have more public comment and inform its constituency, what exactly are the future plans of the Port of Coeymans. If Mr. Laraway has not yet articulated these plans and the Board is unaware of what they are, then there is no reason to move forward with a repeal, there could be no intelligent decision made in the absence of facts. We need to be safe rather than sorry."

Ms. Mary Driscoll read the following:

"My name is Mary Driscoll and I live in Ravena and in listening to some of these people I would be scared stiff to get out of bed in the morning. In the first place, previous to this Board, because there are a couple of new members, the Town Board has been very anti-business, they do nothing to encourage new business. It was suggested that we have our own Recycle Center with our money. Mr. Laraway pays taxes, by the way I never knew Mr. Laraway before this stuff started, and as far as I am concerned a Recycling Center would probably end up just like the water treatment center where everything was ignored. Albany has done nothing for us and never will. This association, the Historic Coeymans Neighborhood Association, is not governed by any laws, is not registered as a historical association that she knows of and it is a group of people who try to push their rules or their wants onto the rest of the town. They talk about traffic, I don't know where they've been but I can remember when we only had one car in the family, and one day I looked out in the yard and we had five cars. Progress, if you want to call it that, has happened times have changed. Yes, Rte. 144 is a busy road, it has been and it will be. Rte. 9W is a busy road, Main Street in Ravena is a busy road, it is not like before. The Association evidently has some money because they bring in these experts, they have done this before

to tell us what to do and as far as I am concerned, Tom Dolan should not be a member of this because he is on the Town Board, I think it is a big conflict of interest.”

She continued by saying that she was not really prepared and was not going to get up and talk and added that if you are going to have business, there is nothing else that they can do and this town is struggling because it needs business.

Tape change – some dialect lost,

Ms. Michele Hueth stated that she is speaking in behalf of the Port and Carver Laraway and his businesses and she is an employee at the Port of Coeymans and since she has been employed there she has moved herself, her boyfriend and her daughter here and they are enjoying the Town of Coeymans and they want to see it flourish and through the support of local business, they can do that.

Ms. Donna Pasquini stated that they indicate that it is Local Law of 1992 & 1995 and then asked if she misunderstood at a meeting when she heard it said that the Town did not have any Local Laws on the books that were legal at the time because they had not been filed the way that they should have been.

Councilman Dolan stated that she did not hear that.

Ms. Pasquini stated that she heard Larry Conrad say it at a Town Board Meeting.

Councilman Dolan stated that he was referring to a specific kind of law and not all Town Law.

Ms. Pasquini stated that he said that he didn't have any laws that he could enforce and continued by saying that either way her point is that before Carver Laraway took over the business you had the brickyard, with major trucks loaded with bricks causing problems with traffic and they were a good neighbor and they weren't bad. She continued by saying that the local garbage businesses scatter garbage all over the roads off their trucks and they are not complaining about them. She went on by saying her concern is that they don't run business out of town but rather bring them into the town because we need tax money and she does not understand why if the State allows it, they even needs a law because he can do it with or without the Town and they can't stop him because they can't go above the State Law, which is the way that she understands it. She concluded by saying that she is going to say that if the City of Albany wants to come in with the land fill, they would not be able to stop them and they could use eminent domain and do whatever they want on their property and reiterated that if they want to they will come in and she does not care who you are because you are not going to stop them.

Ms. Linda Marshall stated that she is a resident of the Town of Coeymans for many years and has done what she could to improve this town to make it a safe place to raise her children and for other people to raise their children, to provide the best quality education that could be provided and had served on the School Board and has worked hard for the town. She continued by saying that she also worked hard to prevent the town from becoming a dump for the City of Albany and she has worked hard to keep it clean and green and she participated in a program that happened in Town Hall four to five years ago when neighbors from all over the community met and they spent night after night during a lovely summer working as hard as they could to envision the kind of Town that they wanted here. She added that no one wanted the importation of waste here and they discussed their concern with what the P&M Brickyard might become and they discussed their vision for that site. She went on by saying that the envisioned high-end housing, something that might bring people from other places to live her and people do envision business in this town but what kind of business, the kind of business that's forward moving, not a backward moving business where we take other people's refuse. She continued by saying that they envisioned something like Malta has, where they are doing things to provide a high tech environment where we would like our children to work where they can earn a decent living and support their families with salaries that can send their children to college and they are looking for a good quality of life in town. She added that the issues of noise has come up and she has heard noise from the Port of

Coeymans and she lives about 2 ½ miles away and the issue of trucks and garbage has come up and in the past month her husband has gotten two flat tires and when they took the tire to a shop to be patched, they discovered a piece of shrapnel in the tire and it was about to blow and she has heard from other people that they have gotten flat tires on Rte. 144 with increasing regularity. She continued by saying that they talked about job creation and her wish for Coeymans is that they have a high tech facility with business friendly businesses and they do not want a porn shop or garbage but rather a decent place for our kids to live and she is voicing her strong opposition to any attempt to remove or modify Local Law #1, which was enacted to keep Coeymans clean. She went on by saying that the existing code should not be amended, importing or transferring solid waste or other back end-elements is not forward looking but backward looking, importing or transferring any used products will only impede the growth of Coeymans making it a less desirable place to live, although it may make money for some individuals and in making Coeymans a less desirable place to live will lower property values here and they will affect almost all and certainly affect the finances of most in the community. She concluded by saying that it is important for the fiscal health of Coeymans' residents that the Town of Coeymans be an attractive place for young families, a place where people would like to live, a place where developers would like to come and build houses and they look at things like the quality of life and school district and she thinks that it is clear that she does not think that it is a good idea.

Mr. Wayne Everingham stated that he has lived in the Town of Coeymans for over 46 years and lives on Rte. 144 near Fox Street and one of his concerns is traffic and where the trucks will be coming from as well as how many trucks a day and whether or not DOT has done a study of the traffic on Rte. 144. He continued by saying that he is a Coeymans Fire Police and just in the last two years there has been two big truck accidents and fortunately no one has been seriously injured but it is a matter of time and someone is going to get killed. He went on by saying that you don't argue with a 50,000 pound truck when you are running a 4,000 pound car, the car always loses and the passengers in the car are going to lose and right now there is in the neighborhood of 1 truck every 10-15 minutes going past his house and when he first moved here there were probably ten trucks for the whole day along with maybe 15 cars. He added that times have changed and that is progress and there is not much that you can do about it but if there is going to be a lot more truck traffic on the road, DOT might want to think about dropping the speed a little bit and where he is now, northbound he can see perfectly for ¼ mile but southbound he can see only 150 feet. He continued by saying that when he pulls out of his driveway with his motor home, he looks north, south, north, south and then south again and stomps on the gas because when trucks come around that corner, if he is in the road there is no way that they are going to stop because there is not enough sight distance. He added that DOT needs to do a study to find out what increased truck traffic will do and as a Fire Police Officer he can see that they are going to have more accidents and during one accident when he was directing traffic, they had Rte. 144 shut down for 9 hours when the truck hit the bridge and there was another one when a truck went off the road and blocked traffic for 8 hours and truck traffic will shut down that road at times. He went on by saying that he and the Police Chief have talked about traffic on that road many times and he told him that the officers can sit in his driveway anytime and he will provide the coffee for free because traffic goes by his place 60-65 miles an hour and no one pays attention to speed limits anymore and if they can get DOT to slow things down a bit, it might help and reiterated that that they should do a study on traffic because he has not seen a counter on the road for probably 20 years.

Mr. Gary Bogardus stated that he is after Mr. Laraway's tax money because school taxes just went up 6.8%, they are tearing down buildings on Main Street that are off the tax rolls and they need to get some business back on the tax rolls because there no one will be able to afford to live here. He added that when the brickyard was in business there was truck traffic up and down Main Street constant with trucks running all day hauling bricks and no one complained because everyone was working and the mushroom plant was running at the same time hauling manure in and it didn't smell too good down there but everyone was working and no one complained. He continued by saying that he wants to do a nice business up in the back where no one can see it, and it probably won't smell and there won't be much more truck traffic than they use to have and the trucks pay taxes on the roads by paying tax on every mile that they drive. He went on by saying that you

don't pay tax for every mile your car drives but these trucks do and they are State highways and if they are not good enough, it is up to the State to fix them and not the Town, it will be no cost to the Town. He concluded by reiterating that this town needs business.

Supervisor Flach stated that Mr. Bogardus was the last person on the list.

Ms. Lawler asked if she could speak again.

Supervisor Flach stated that she could.

Ms. Sylvia Lawler stated that she wanted to clear up some things and continued by saying that they are not a Historical Society and they are just a Neighborhood Association with their name being Historic Coeymans Landing Neighborhood Association. She continued by saying that it listening to what everyone has said, and it seem abundantly clear to her that there are a lot of misconceptions that need to be cleared up and it could be done by sitting around a common table, which could include Mr. Laraway sitting down with the Neighborhood Association. She added that they are not against business but rather the nature of the business or the scale of the business and no one wants to be adversarial and when working to keep the landfill from the town she said that she would never put herself in an adversarial position again and she now works with Watersheds. She went on by saying that Mr. Laraway is their neighbor and she thinks that they need to be good neighbors and she has only heard good things about him but she does have a few problems with the noise and truck traffic. She continued by saying that she thinks that they need to come to the table and have dialog and what she heard earlier was Mary Driscoll talking at them but not to them and there was a lot of just short of name calling, which she does not like to see. She added that we are a community, Mr. Laraway is part of it as a businessman and it is okay for a Neighborhood Association to be concerned when it has seen that industry and business rather than being a part of the community is starting to define us and she reiterated that they need to come back around the table as they did with the Comprehensive Plan. She went on by reiterating that she has only heard very good things about her neighbor Mr. Laraway, both from DEC and people that have worked with him and he is her neighbor and she would like to know him better and she would like to talk about possibly a mixed use at the port, like they do in Europe where they have industry and people friendly business. She concluded by saying that she would like for them to keep the Public Hearing open and that they take a non-confrontational approach and come to the table together.

Mr. Carver Laraway stated that he thinks that they are all in agreement that the Town of Coeymans needs building and industry too and they realize what they have and as a visionary, because he sees things like this, they have a mile of thruway that he acquired from Mr. Trickey and the port and they are looking for good clean businesses that would face the thruway such as warehousing, storage, manufacturing, which would create jobs. He continued by saying that he is not trying to hurt anyone, he is not trying to do a landfill, they are trying to put people to work, a lot like it use to be when the Mushroom Farm was here, good, clean, blue collar jobs. He added that this is a community and the more that is happening, the more 9W corridor and everything else will grow and it is a vision that they all feel and they need to work together. He went by saying that he will sit down with them, he has no problem with that because they are all working together for the good and he thinks that they are taking a law and trying to put it into something that he is doing but it is not him doing it and the laws need to be corrected so CEO Larry Conrad and others can enforce the rules and regulations. He concluded by saying that he is trying to be a good neighbor, he tries to do his best and if there are problems with anything they should call his office.

Supervisor Flach offered a motion to close the Public Hearing.

Ms. Lawler asked if they are closing the Public Hearing or if there will be a continuance.

Supervisor Flach stated that they are closing the Public Hearing and added that anyone that wants to come in and talk, he would be more that happy to speak with Mr. Bowitch

and Attorney for the Town Wukitsch just to make sure that they have clarity and that they are going about things the right way.

Ms. Lawler asked if there would be an opportunity for further public comment.

Supervisor Flach stated that if it comes to a vote for a law, there will be opportunity that night as there always is because it will be during a regular Town Board Meeting.

Mr. Travers asked if there is a cut off date for written comments.

Supervisor Flach stated that there is not and he would encourage people to do so.

ADJOURNMENT

MOTION

On motion of Supervisor Flach, seconded by Councilman Masti, to close the Public Hearing.

VOTE – AYES 5 – NAYS

Time – 7:11pm

Respectfully Submitted,

APPROVED –

Diane L. Millious, Town Clerk