

MINUTES BOOKTOWN OF COEYMANS
December 21, 2017 – Town Board Workshop – 6:00pm**

**A Town Board Workshop was held Thursday, December 21, 2017 at 6:00pm at Town Hall,
18 Russell Avenue, Ravena, New York**

PRESENT: Philip Crandall, Supervisor
James C. Youmans, Councilman
Thomas E. Dolan, Councilman
George E. Langdon, Councilman
Kenneth C. Burns, Councilman

ALSO PRESENT: Diane L. Millious, Town Clerk

Supervisor Crandall opened the meeting and led the Pledge of Allegiance. Councilman Burns offered a prayer.

OPENING COMMENT

Supervisor Crandall reviewed the agenda.

AGENDA

- LaFarge – Possible Trash Burning
- Town Insurance Options
- Town Energy Supplier
- Culvert Grant

Supervisor Crandall stated they were changing the order of the agenda and would be discussing Town insurance first. Supervisor Crandall invited Mr. Rick Rieth from the Stolz Insurance Agency to speak.

Councilman Youmans stated he would like to recuse himself from any and all matters regarding Town Insurance before the discussions begin.

Mr. Rick Rieth, Stolz Agency; thanked the Town Board for giving him a few minutes. Mr. Rieth stated that the Town Insurance is currently through NYMIR, New York Municipal, and the Town has been with NYMIR since 2004. Back in August Clerk to the Supervisor Chmielewski contacted Mr. Rieth and asked for insurance amounts for budget preparation purposes. Mr. Rieth tries to err on the higher as opposed to the lower side, so the budget numbers he gave were approximately \$120,000. The quote the Town received from the other agency was around \$86,227.00, which left a pretty glaring gap. Mr. Rieth contacted NYMIR and asked what could they do, the Town of Coeymans has been a long time client. NYMIR talked to the reinsurers and received a reduced rate of \$89,110.00, which is still higher than the other quote, Supervisor Crandall allowed Mr. Rieth to see if he could compare apples to apples in comparing the two quotes. There are a couple of differences that he feels are substantial. The first one is that NYMIR will give the Town replacement coverage on the large trucks that are less than ten years old. The other company will treat them as used vehicles with actual cash value. If a truck that the Town paid \$150,000.00 for rolls over, NYMIR will give the Town the replacement cost.

Councilman Dolan asked so NYMIR would send a check for \$150,000.00.

Mr. Rieth responded yes, unless that truck would now cost \$160,000.00; then they would send the replacement cost of \$160,000.00.

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Councilman Dolan confirmed as long as the truck is less than ten years old and destroyed.

Mr. Rieth responded yes, the vehicle would need to be totaled.

The other difference is earthquake and flood deductibles, granted we are not subject to earthquakes per say. NYMIR has a \$25,000.00 earthquake deductible, COOL has a \$50,000.00 earthquake deductible. NYMIR has a \$25,000.00 flood deductible, COOL has a \$50,000.00 flood deductible. The Sewer Plant could possibly fall under this category if something catastrophic happened.

Councilman Dolan and Supervisor Crandall both stated that there have been events at the Sewer Plant that insurance has never covered. Supervisor Crandall said he checked back through the last ten years.

Mr. Rieth responded that before Supervisor Crandall took office there was a power surge at the Sewer Plant that destroyed computer equipment and the insurance did cover that.

Supervisor Crandall responded they paid on the electronic equipment, but they have never covered anything major.

Mr. Rieth stated the last potential issue is the miscellaneous contractor's equipment which would be the mowers and things like that. NYMIR has a \$250.00 deductible; COOL has a \$500.00 deductible. The things he wants to stress the most, is the difference on the replacement value costs for the large trucks and police vehicles versus the cash value. Mr. Rieth feels that this difference is worth the extra \$3,500.00, if someone rolls over one of the large trucks the Town will be happy they have that coverage.

Councilman Langdon asked what the end results were of the rollover last year.

Supervisor Crandall stated the truck was repaired.

Mr. Rieth stated there was \$900.00 worth of towing to get it winched out and another \$500-\$600 to repair.

Councilman Dolan asked Mr. Rieth to explain the relationship between his agency and NYMIR.

Mr. Rieth responded that his agency is an independent agency, they contract with various companies and get appointed, and they do not have a specific relationship with NYMIR.

Councilman Dolan stated so you just service the agent.

Supervisor Crandall stated you are a broker.

Mr. Rieth responded yes, they do not have any contractual obligations to NYMIR.

Supervisor Crandall stated his agency is the same as COOL.

Councilman Dolan stated he was not trying to suggest anything, he just wanted to show that NYMIR is a separate thing. He asked Mr. Rieth to explain what NYMIR is as opposed to a regular insurance company.

Mr. Rieth responded that NYMIR is a municipal company that carries municipal insurances. When you sign up with NYMIR you pay a subscription fee, you join their group. They charge a certain percentage above your premiums for the first five years. If you are still in the program after five years they refund your subscription fee, and you are now a part of the large group of NYMIR customers.

Supervisor Crandall asked if he could stop Mr. Rieth there so he could back up and explain why this is all happening. He was going through the insurance policies and he felt they were too high. Supervisor Crandall asked his staff to start shopping around for other prices. When they received the new prices, they were \$75,000.00 less than the amount the Town paid last year. That is why

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Mr. Rieth is here today and why he contacted NYMIR. NYMIR lowered their rates approximately \$30,000.00, which is quite a drop. NYMIR is supposed to be looking out for municipalities, they are municipal owned. Supervisor Crandall looked at the amount of money the Town could have saved over the last five to ten years. Over the last ten years it could have been over a million dollars.

Mr. Rieth stated he could address that.

Supervisor Crandall responded he just wants to get his point across, that NYMIR should have been looking out for the Town and that is the only reason we are here today. NYMIR was put on notice. Supervisor Crandall wants to know why NYMIR was not looking out for our Town before.

Mr. Rieth responded that there are a variety of circumstances, they had this conversation briefly earlier today and it is a valid question. Mr. Rieth does not go into pricing. The Town might not have been eligible for certain types of credits or reduced premiums based on prior losses or claims. These types of things age out over a period of years, and you would get reduced rates. Mr. Rieth agrees that NYMIR should have been a little sharper on the situation.

Supervisor Crandall stated that NYMIR was overly complacent. He does not blame Mr. Rieth, he is upset with NYMIR. Insurance companies gouge the public and NYMIR has been gouging our Town.

Mr. Rieth repeated again there are various circumstances that go into this and two years ago, or even eighteen months ago, these credits they came up with would probably not have been available to the Town. Instead of \$30,000.00 it might have only been \$12,000.00. Premiums now are determined by how things age out and how reinsurers offer credits.

Supervisor Crandall asked Mr. Rieth to correct him if he is wrong, but the Town has never had any totaled dump trucks at the Highway Department.

Mr. Rieth responded that is correct.

Supervisor Crandall stated the dump truck is the big ticket item at over \$200,000.00.

Councilman Dolan asked Councilman Langdon what other vehicles are out at the Highway Department that are less than ten years old.

Councilman Langdon responded there are three or four.

Supervisor Crandall stated there is a list there with all of them.

Mr. Rieth stated that last week the Town of Berkshire lost their entire Highway Department, so stuff does happen.

Councilman Elect Baker asked if the replacement cost coverage was for any vehicle under ten years old or just the big trucks.

Mr. Rieth responded it is for the big trucks and the police vehicles.

Councilman Dolan asked if there is any additional value to the Town through the municipal insurance group.

Mr. Rieth responded that as a member of NYMIR, the Town of Coeymans had a replacement valuations done last year on all of the Town buildings. NYMIR provided a book with how they calculated the values of the buildings including the contents. NYMIR has loss control seminars. These are done free of charge, so in addition to the insurance coverage they do provide some additional value through appraisals, seminars and booklets they send out.

Supervisor Crandall stated that the loss sustained by the Town of Berkshire probably had some type of insurance that would extend to this situation.

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Mr. Rieth responded that he couldn't speak to that.

Councilman Dolan asked about the differences in the deductibles that were mentioned. NYMIR gave the best price they could, if they were to match the other proposed coverage would that bring the price down.

Mr. Rieth responded yes it would but he cannot say exactly how. He can find out.

Councilman Dolan asked if there is a theory behind providing the replacement quote, is it a NYMIR philosophy to cover those big ticket items.

Mr. Rieth responded yes, for exactly that reason. That is one benefit to belonging to the NYMIR group; with the heavy newer equipment you do not want to take a chance with depreciation should the equipment be damaged or totaled.

Councilman Langdon asked if the vehicle with the 350 engine is considered commercial or heavy equipment, as it is one of the newer vehicles. Would it be covered?

Councilman Elect Baker said it is only the dump trucks and police vehicles right.

Mr. Rieth responded yes, just the dump trucks and police vehicles.

Councilman Dolan stated it is due to Supervisor Crandall's persistence that we are looking at the cheaper insurance costs. It is due to this determination to receive lower costs in other areas like health insurance and cost of labor that made it possible to keep the tax increase to 1.5%.

Supervisor Crandall asked if there were any other questions.

Councilman Burns asked if there are any hidden costs that they are not foreseeing if the Town decides to go with the COOL agency.

Supervisor Crandall responded not that he could see. He sees the cost savings as the overriding factor. The coverage is basically the same with the exception of the replacement clause, which is for the two dump trucks at the Highway Department. Supervisor Crandall went back over the last ten years and the Town has not had a totaled vehicle in that time period. The dump truck would have to be totaled for the replacement clause to be in effect under NYMIR. If the vehicle is damaged COOL would pay a certain percentage the same as NYMIR.

Councilman Burns asked for the deductible for the dump truck again.

Supervisor Crandall responded \$500.00, but even if it were \$1000.00 to \$2000.00 the savings are still tremendous.

Councilman Langdon stated he would like to thank Supervisor Crandall for finding this. He thought the same thing as Supervisor Crandall that he was agitated the Town had to push for a reduction. He has always been a big believer in higher deductibles.

Mr. Rieth stated that years ago there were substantial savings in higher deductibles, but now you sometimes need to go years without a claim to make the savings worthwhile.

Supervisor Crandall stated if there are no other questions he would like propose that the Town go with Cool as their broker, Trident for the savings there and Perma for workers compensation. The savings will still be \$45,000 to \$50,000. The initial savings was \$75,000.00. Supervisor Crandall would like a resolution authorizing him to sign contracts with both companies through the Cool Agency.

Councilman Langdon has no disagreement with anything but he wants to disclose that he met Cool through the Town and his office currently does business with Cool so maybe he should abstain from the vote.

Supervisor Crandall asked if anyone had any objections to Councilman Langdon voting on this matter. The Town Board collectively did not have any objections.

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MOTION

On motion of Councilman Dolan, seconded by Councilman Burns authorizing the Supervisor to sign contracts with COOL as the Broker for the Town, Trident Insurance Company and Perma Insurance Company for the Town and Workers Compensation policies respectively.

VOTE – AYES 4 – NAYS 0 – ABSTAIN 1 (Youmans) – SO MOVED

Supervisor Crandall stated that they would talk about the Town Energy Supplier next and then discuss LaFarge.

Supervisor Crandall stated that our contract with Viridian is up. He has all the bills if anyone wants to look at them. They were charging 0.983 cents a kilowatt hour and Central Hudson was charging just under .06 cents a kilowatt hour.

Councilman Youmans asked why we are doing that.

Councilman Dolan responded that we had a contract. At one point other companies could bill not just electricity, but energy and sell it and this would freeze our rates. The market was very volatile when the Town did this and the contract would ensure a fixed rate, it turned out to be a wrong choice. The Town Board tried to get out of the contract last year but could not as there were penalties involved.

Supervisor Crandall wants to bring it up now as a large part of the contract with Viridian is up January 31, 2018 The current rate is the same as what we were paying, which is higher than any single month since three months after we signed up. The Town lost on this, but it is something we can correct now. Viridian cannot give us a lower rate at this point and we probably should not sign with them again. We should always look into lower rates in the spring with other suppliers. Meanwhile we can go with the rate that Central Hudson is giving us, which is 5.9 cents a kilowatt hour.

Councilman Youmans stated that is a 40% savings.

Supervisor Crandall asked for a motion authorizing him to terminate the contract with Viridian.

MOTION

On motion of Councilman Dolan, seconded by Councilman Youmans authorizing the Supervisor to terminate the contact with Viridian.

VOTE – AYES 5 – NAYS 0 – SO MOVED

RESOLUTIONS

**RES. #133-17 AUTHORIZE SUPERVISOR TO SEND CORRESPONDENCE
REGARDING LAFARGE TRASH BURNING**

On motion Councilman Youmans, seconded by Councilman Dolan, the following resolution was APPROVED – VOTE – AYES 5 – NAYS 0 – SO MOVED

WHEREAS, the Town was informed of the Mustang Renewable Power Ventures plan regarding the possibility of LaFarge burning trash from Connecticut in their kiln; and

WHEREAS, the Town Board is opposed to said burning of trash in our community;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby authorize Supervisor Philip A. Crandall to send a letter to the Governor of the State of Connecticut and the DEEP Commissioner and to otherwise correspond with any other parties

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or entities deemed appropriate in order to communicate the Town of Coeymans' opposition to the burning of trash in our community.

Supervisor Crandall stated that LaFarge contacted his office asking to meet the next day once word was out regarding this issue. Supervisor Crandall told them no, he was not going to meet with them on their terms, he would meet with them on his terms. He invited them to come to his office on Wednesday, and he invited Councilman Dolan to attend. LaFarge guaranteed them they were not looking to burn trash, this was all false.

Councilman Dolan asked them what their definition of trash was.

Supervisor Crandall stated the Town wants it in writing that they are not going to burn trash and they need to get it to the papers; as the Town will be holding a press conference next week regarding this with Albany County Executive Dan McCoy. The Town of Coeymans does not need any pollution going on in our community. Clean fuel would be no problem, but there are a lot of questions about this. Supervisor Crandall asked if part of their business was set up to burn trash. LaFarge responded they were set up to burn tires but not necessarily recycle trash.

Councilman Dolan stated that Lafarge denied on two occasions knowing anything about this plan and denied being mentioned. You can see from the e-mail the Town Board all received that Ravena and LaFarge are mentioned on the website. The Plant Manager for LaFarge stated, in Councilman Dolan's term, a "rogue" part of the company, looking for possible things to burn and/or add other value to their cement mixture, had done this. LaFarge said they had a non-disclosure agreement with Mustang Renewable, which Mustang Renewable violated. Councilman Dolan stated that the Town knows about it because it is on Connecticut's governmental website. The State of Connecticut is looking at three plans right now to replace an incineration plant in Connecticut. This plan would be different, it is not incineration of garbage, as incineration of garbage is when you burn it to get rid of it. This would be using it as a fuel to displace whatever they are currently using as fuel; coal, petroleum, and occasionally tires.

Councilman Langdon asked if they were burning tires over there now.

Supervisor Crandall responded yes they are permitted to. If he understands the PILOT agreement correctly they can only burn a certain amount.

Councilman Dolan stated LaFarge assured them that they did not have any plans to burn trash and they did not know of this until the Town of Coeymans alerted them. The plant manager stated they did not have plans to do this.

Councilman Youmans stated in all fairness he doesn't think it is up to the plant manager to decide what fuel they burn.

Supervisor Crandall stated that LafargeHolcum is the largest, or one of the largest corporations in the world.

Councilman Dolan stated on a local level he feels we should make our feelings known. LaFarge has promised if they hear anything about this they will come to the Town directly.

Supervisor Crandall stated he has contacted Attorney for the Town Pastore and requested that he contact the EPA and DEC to find out any further information regarding this and also find out if/can LaFarge do this. Albany County Executive Dan McCoy is interested in this and he wants to hold a press conference here next Wednesday regarding this. Supervisor Crandall invited anyone who would like to come, to please do so.

Councilman Youmans stated that Mike Ewall, the attorney who e-mailed the Town about this, believes that the Mustang Plan will not ultimately be selected. Councilman Youmans said he would like to think that means our problem would go away and we never have to worry about it

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again; but he doesn't think that will be true because there is that "rogue" branch of LaFarge out there shopping this type of project without anyone here knowing anything about it.

Supervisor Crandall responded they said that they do not know what one end of the company is doing.

Councilman Youmans stated not only do they not know, but they aren't decision makers in the process anyway. We are one of three States in the country that will allow municipalities to pass more stringent environmental rules than State guidelines. He recommends that the Town works with Albany County to pass legislation that would prohibit the burning of waste derived fuel. The wording would need to be exactly right so someone cannot say this is not waste, it has been processed and is now fuel; now it is a commodity. Councilman Youmans said he has not spoken to anyone who feels it would be a good idea for LaFarge to burn garbage. Mike Ewall has offered to work with the Town, for a fee, to draft effective legislation for this. Maybe there is someone at McNamee, Lochner, Titus & Williams who has an environmental background who can work on this.

Supervisor Crandall stated the Town would have to look into this later as he is not willing to spend any money on this right now. Supervisor Crandall would like to send them a letter, with the Town Board's approval, voicing the Town of Coeymans' opposition to this.

Councilman Langdon stated he is not opposed to sending a letter. He doesn't like how all of this seems to be going on behind closed doors, with no upfront acknowledgement. He has been concerned for a while with the landfills, and what is going into them. Other countries have developed ways to incinerate trash for fuel, and he would not be opposed to reviewing any plans for that. We could greatly limit what goes into the landfills if some of it could be incinerated for electricity, fuel or cement, but it needs to be done above board.

Supervisor Crandall agreed that everything is being done behind closed doors and the Town of Coeymans is not getting any information on this.

Councilman Dolan stated that the important thing is to legislate the end product. He does not care what they burn, he cares about what is coming out of the smoke stack.

Councilman Langdon responded he likes that philosophy. He does not want to draft legislation saying you can never incinerate in our Town. If someone developed a plan where the product from the smoke stack is going to be clean, it could be a great solution.

Supervisor Crandall agreed, stating, if they can take recycled plastic and turn it into solo cups and all types of furniture; they can come up with a way to do this,

Councilman Dolan responded in support of Councilman Langdon's point that, when the Town received the e-mail informing them of this plan they contacted LaFarge with a serious inquiry asking if the information was true.

Supervisor Crandall stated they sent all the information with the links that they received through the e-mail asking if the information was true.

Councilman Dolan stated, LaFarge responded by e-mail very quickly stating no it is not true, if you look at the first two links Ravena & LaFarge are not mentioned. LaFarge neglected to say if you click on the third link it does mention Ravena & LaFarge. We did not say respond within five minutes, it was a serious inquiry and they could have taken all the time needed to respond. Councilman Dolan did not appreciate the lack of consideration displayed by their response.

Supervisor Crandall stated LaFarge contacted the Town within ten minutes asking for a meeting.

Councilman Dolan responded only after he called them

Supervisor Crandall stated no responds that quickly unless something is going on.

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Councilman Dolan stated that the Albany County Executive has sent a letter voicing opposition to this plan. Both the Village of Ravena and the Albany County Legislature have voted to send correspondence against this as well.

Councilman Youmans responded that this will certainly bring everyone together, because he has not heard from anyone who thinks it is a good idea.

Supervisor Crandall reminded everyone that a few years ago LaFarge dumped acid in the Coeymans Creek because it would be cheaper to pay a fine then to haul it out and get rid of it. They paid a \$64,000.00 fine to DEC, so this is what we are dealing with. Supervisor Crandall stated he accepts that, but he wants to nip this in the bud. He wants to keep the air and soil in our Town clean.

Councilman Youmans stated if they start burning trash up there it will affect our property values and our children in the school right across the street.

Barbara Heinzen stated there are many residents in New Baltimore who are upset about this too. They will circulate any information they can regarding the press conference.

Councilman Dolan stated that Mustang Renewable probably was not aware of the history in our community for fighting against these types of situations.

Supervisor Crandall moved on to the Culvert Grant on the agenda. Supervisor Crandall read an e-mail from Ryan Morrison.

Supervisor Crandall,

I am emailing you in regards to a presentation for the Town of Coeymans Watershed Connectivity Assessment that Tighe & Bond completed over the summer. As part of the grant Tighe & Bond is presenting the findings for each community at a Town Board Meeting. This presentation is about 15- 20 min long and is accompanied with a power point. At the presentation Tighe & Bond will provide a hard copy of the report to the Town as well as the report and supporting data electronically on a flash drive. For your review I have attached an electronic copy of what will be provided in hard copy.

Per my conversation this morning with Cindy, we are going to be scheduled at the January 11th Town Board Meeting. It is my understanding we are to be there before 6:30 pm to set up our screen and projector and then will present after the public hearing which is scheduled at 6:30.

If you have any questions regarding the report or our presentation please do not hesitate to call to discuss. Thank you your time and we look forward to presenting our results.

Ryan Morrison | Staff Engineer

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Supervisor Crandall stated they will do a presentation at the January 11th meeting, which is necessary for the Town to apply for a grant for the second part of this grant. This grant would be for the possible replacement of certain culverts.

Councilman Dolan stated the first part of the grant was to do an inventory and assessment of all the Town owned culverts.

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Supervisor Crandall stated the Town Board has a map that displays all the culverts owned by the Town. The grant will make it possible to have new culverts at no cost to the Town.

Supervisor Crandall asked for a motion to adjourn.

ADJOURNMENT

MOTION

On motion of Councilman Dolan, seconded by Councilman Youmans, the Town Board Workshop was adjourned.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time – 6:50 pm

Respectfully Submitted -

APPROVED – As Read December 28, 2017

Diane L. Millious, Town Clerk