

MINUTES BOOKTOWN OF COEYMANS
December 27, 2018 – Town Board Meeting – 7:00pm**

A Town Board Meeting was held Thursday, December 27th, 2018 at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York

PRESENT: Philip Crandall, Supervisor
Daniel D. Baker, Councilman
Kenneth C. Burns, Councilman
Thomas E. Dolan, Councilman
James C. Youmans, Councilman

ALSO PRESENT: Cindy L. Rowzee, Town Clerk
Paul Pastore, Attorney to the Town
John Kerr, Chief Waste Water Treatment Plant Operator
John Cashin, Code Enforcement Officer
Daniel Contento, Officer in Charge

Audience (50+)

Supervisor Crandall opened the meeting and led the Pledge of Allegiance. He stated that a full Board was present.

Public Announcements

Town Hall Closed – Councilman Youmans stated that the Business Office, Town Clerk and Town Court will be closed on Tuesday, January 1st in observance of the New Year’s Holiday. Supervisor Crandall stated that all Town Offices would be closed that day but the building would be open for the Organizational Meeting.

Presentation

Dave Fletcher, Plant Manager, Lafarge-Holcim – Mr. Fletcher stood and thanked the Town Board for being willing to postpone the vote to consider what Lafarge has to say. They have appreciated the opportunity to have dialogue with members of the Town Board and have submitted some constructive edits.

Lafarge feels it has the responsibility to correct misconceptions in regards to what they are trying to do at the local plant. Mr. Fletcher mentioned that Lafarge has a permit to process tire derived fuel (TDF). He said there have been questions and concerns about what else may come from all of this and he wanted to put those questions and concerns behind us. He mentioned that there have been a number of environmental improvements at the plant and that he wanted to discuss the technology and science that has gone into the new facility. He stated that it meets all of the maximum available technologies that are available today. He also stated the experts that the Federal EPA and the State DEC have gone through extensive analysis of the design and construction and have quite a bit of analysis and testing and information from them in support of the improvements.

Mr. Fletcher wanted to clear up a few of the misconceptions. In 2017 they completed a hundreds of millions of dollars modernization of the Ravena Cement Plant. This makes it one of the cleanest and most environmentally friendly cement plants in the world. The new dry kiln technology allows it to improve operational performance. It uses 40% less fuel than the old plant while eliminating routine process waste and process water discharge.

He stated that they want to work closely with the Town so that they understand what they are doing at Ravena and understand the benefits it brings and to be transparent going forward. The facility creates jobs and revenue in the community as well as supporting community organizations and paying taxes. They feel that there is a good balance between technology and community impact.

Mr. Fletcher stated the fact that they no longer have any ties to Mustang Energy. There is no partnership, nor will there be in the future. There are no partnerships with any similar entities. They have no plans to burn anything besides tire derived waste. There is no intent to consume medical or hazardous waste. He stated that it would never happen at this facility.

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In 2006 and going forward they have had a permit to burn tire derived fuel. This was taken into consideration with the approval for the upgrades to the plant. They have had discussions with those that can supply TDF to see what was available and to see if it was viable for them in the future. They do not currently have the equipment to consume TDF.

Tire derived fuel is processed used tires that would be fully consumed in the process and there are no residues created from those tires. The components are broken down through the kiln treatment to become part of the product, there is no discharge of any residue. Mr. Fletcher referenced the permit going back to 2006 which stated that their proposal “meets all applicable regulation standards which are protective of human health and the environment.” The permit was approved after a lengthy, vigorous evaluation process by the DEC. It was supported by local officials at the time who were familiar with tire derived fuel. They could use millions of tires within a year and keep these out of the landfills. Based on 15 years of experience the Federal EPA recognizes that this is a viable alternative to fossil fuels. Tire derived fuels produce the same energy as oil and 25% more than coal. The use of TDF has been shown to reduce the emissions of NOX and SOX in cement plants. State and Federal studies have shown that using TDF is environmentally sound in certain applications and when there are controls and it meets regulatory requirements, which the Ravena facility currently has the best available technology for this. A 2013 study stated that the use of TDFs in the Ravena facility were not likely to cause harm to health. More studies have been done that are available since that time. The use of TDF is a common practice throughout the world; they have 11 other cement plants in North America that safely utilize it. They estimate that over 100 million tires have been taken out of landfills.

Mr. Fletcher reiterated the fact that they have no intention of burning garbage and that they are only permitted for tires. They do not anticipate using any other alternative fuels than tires at Ravena. They do not think the law would apply to their operations but they do believe that there are some substantive and procedural legal problems with the proposed law that they have tried to make the Board aware of. This includes the need to review an environmental impact of the proposed law and the state environmental review act. Such a review should account for the discouragement of beneficial reuse of tires and the ambiguity around some of the definitions. They would be happy to discuss that further.

There are some questions and concerns they would like to address about the law going into effect immediately if passed on Jan. 10th. Mr. Fletcher mentioned the need to have an approved scientific expert. He also mentioned the need to know how it will be enforced, emissions monitoring and what resources would be available for that. Would there be a regulatory body involved? Would there be the proper monitoring technologies available to accurately monitor compliance? Would there be an effect on local businesses?

Lafarge feels like the Federal EPA and State DEC are the appropriate authorities to regulate something like this as they have experts and resources. This Local Law conflicts with existing DEC regulations making the Town of Coeymans responsible for regulating a highly technical industry. New York State has heavily researched the process of burning alternative fuels and their regulations have evolved over decades and resulted in strong pollution abatement strategies. Mr. Fletcher went on to mention other Federal and State standards in existence. He then thanked the Board for their time.

First Lego League Team, RCS Community Library – Jason Mantor introduced the RCS Community Library’s First Lego League team. He stated that they would be competing in Dutchess County in a couple of weeks. He mentioned that they have been working on team building and presentation. They had hoped to demonstrate a robot they had built but there was not space. They would be competing in challenges at the competition as well as giving a presentation. They were there that night to practice their presentation. The children proceeded to give their presentation on their team and what they have learned.

Public Comment Period

Supervisor Crandall opened the floor for Public Comment.

Ms. Barbara Tanner stood and asked about the rumors that they Town Board wanted to change the rescue squad to Albany County. Supervisor Crandall stated that they were in negotiations

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with Albany County so he would not comment. Ms. Tanner asked why it had not been publicized or a public hearing held. She stated that she wanted to have something local. Supervisor Crandall assured her it would be based in Town. Ms. Tanner then went on to ask about the increase in Albany County Sheriff's recently. Supervisor Crandall stated that he had asked the Sheriff for extra coverage and it had been well taken up in the hill town and he had nothing but positive comments about it. Ms. Tanner mentioned that she had heard a lot of negative comments such as them stopping people for no reason. She stated that she felt that it was a slap in the face to the Police Department.

Mr. Mike Ewall of Energy Justice Network stood and spoke in response to Lafarge. He stated that he didn't feel that Lafarge needed to mention that they just spent money in modernizing the plant and that they provide jobs unless there was a veiled threat that after a \$300 million investment they are saying they are going to shut down if they can't burn tires. He doesn't think that this law would seriously put them out of business. Mr. Ewall previously read a seven page letter that Lafarge had submitted the day before and found some things interesting that he would put in the red herring category. Mr. Ewall stated that in the letter they made it seem as if this law would apply to various facilities in the Town, however, he is not aware that this would apply to any facilities, even Lafarge as they are not burning tires yet. It would only apply if they were to try and burn waste. He stated that in the letter they tried to make it sound that anyone who tried to burn natural gas in their home would be covered because of the words "contained gaseous material." Mr. Ewall mentioned that the State definition of gaseous waste contains the words "contained gaseous material" which is where the ordinance got that language from. Gas in a pipeline is being conveyed but it is not a "contained gaseous material." For them to lead with something that is so easily disproved shows how they are stretching things. Mr. Ewall looked up emissions data on a Lafarge cement kiln in Pennsylvania that is burning tires, in Lehigh County that kiln is the number one polluter in the entire county and out of 63 facilities they are 48% of the total. He stated they were number one in benzene (causes cancer), carbon monoxide, chromium 6 (causes cancer), hydrogen chloride or hydrochloric acid, mercury, nickel, nitrogen oxide (triggers asthma attacks), and for sulfur dioxide (harms your ability to breathe) they are 93% of the total of the 63 facilities in that county. Mr. Ewall has looked at studies in cement kilns that have gone from burning just coal to a combination of tires and coal. The amount of toxic pollution in most of the studies goes up, particularly dioxins which are the most toxic chemicals known to science that are manmade. Part of the reason is that tires are not an alternative to fossil fuels, they are largely fossil fuels because they are oil but they contain other chemicals and zinc as well which is a catalyst for dioxins. Cement is not forever, all the toxins that are in cement are released when it is broken up and the dust goes everywhere. In the process of making cement there are air emissions. The Ravena plant used to be the 5th largest polluter in the state of New York. We would hope they are a lot less than that now with the modernization but they are still a significant air polluter in the Town and the County. Burning tires would only increase that air pollution. Mr. Ewall stated that the numbers in the law for what emissions limits should be came from the most modern waste burning trash incinerators in North America, there are only two that meet these modern standards. These limits have been vetted by State and Federal agencies as well as the monitoring equipment. The EPA tested and verified the equipment necessary in 2006. This would put the Town of Coeymans at the cutting edge. There is no need from anything he saw in the seven page letter to delay passing this law. He stated that there were some things that had legitimate concerns that could be revisited after passing the law. The enforcement is a valid concern, some towns have put a fee on the facilities so that they can pay for hiring the necessary staff or have the company pay to hire outside consultants. Mr. Ewall stated that they stressed how clean it is and how their emissions will come down. He believes that their emissions will come down from the modernization of the plant. He does wonder why they are so concerned with this. If they are so clean now, why is a clean air law such a threat to them? He stated that the company was fined \$5 million because of violations and forced to make the improvements, it is not up to the latest science or up to where it should be if you are going to be burning waste.

Ms. Manna Jo Greene of Cottekill, Environmental Director for Hudson River Sloop Clearwater, stood and said she feels like we have been here before about burning trash and burning tires and gone over some of what was just presented. She stated that they will send in formal comments in support of the law. She stressed that we have to look at the real numbers and the potential impact on the communities. She asked that we ask anyone who is proposing to burn to present a greenhouse gas analysis. Will this worsen greenhouse gas emissions or improve

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them? She would also advise an independent assessment of that information as it is presented. She stated that we are in a global climate crisis and we have to prevent greenhouse gas emissions and utilize natural ecosystems to draw down and sequester carbon so we can get the earth back in balance.

Richard Touchette, Albany County Legislator, stood and applauded the Town for taking on this concern. He asked that they keep in mind the future of our community and take all of the information into account. He appreciates them taking on this visionary look into our future. He also thanked his colleague Doug Bullock for coming down.

Sylvia Lawler of Coeymans, stood and asked to speak in a broader context. She stated that she didn't want to beat up on Lafarge and mentioned how well they had worked together on the Onesquetaw Coeymans Watershed Council to solve some important water problems. She mentioned that the Historic Coeymans Landing Neighborhood Association had applied for grant in 2017 through DEC and the community air screen program. Through her research she said that it is clear that the air quality is significantly degraded in our Town. She said that we have 4 of the 5 states worst polluters in our County. We are saturated. The air screen program is screening for the 33 most toxic and/or prevalent pollutants as defined in the Clean Air Act. They chose sites at public parks and schools and industry. The report is out for review. She mentioned that we can drink bottled water but we can't breathe bottled air. She also spoke in defense of the Ravena Rescue Squad and the job they do in our community.

Doug Bullock, Albany County Legislator, stood and stated his opposition to trash burning when it was proposed in 2017. He and a majority of the Albany County Legislators had signed a proclamation opposing it. He stated that we would have had no idea what toxic substances were coming out of those landfills. He stated that Lafarge is looking at burning industrial waste, burning tires and he urged everyone to listen to what Mike Ewall had said about the ingredients in tires that are toxic. He stated that this is not for the workers at Lafarge, this is for more profits. He mentioned that the Lehigh Cement Plant in Hudson Falls was also planning on burning industrial waste.

Jim Travers of Ravena, stood and asked the Board to support this legislation. He said that he is a community liaison member with Lafarge but he hadn't heard a word from them since before the groundbreaking. He stated that this was for the benefit of our residents, our elderly, our young children and those who would come after us. He stated that this might be the most important legislation that they would pass and he hoped they would. He asked that they recycle the tires rather than burning them and that we need to be smarter with how we waste our materials.

Aimee Allaud of Albany, stood and read a letter from former resident, Tom Ellis, regarding his support of the local law. He helped to block Albany City from locating their dump in Coeymans and from Lafarge burning whole tires in the past. He had been an occasional substitute teacher at RCS schools and he supports keeping our air clean, especially for the children. Thousands of children have attended these schools across from Lafarge, it is vital we keep the air in these neighborhoods clean as much as possible. It is unfortunate that we live in an era that we cannot trust the federal or state governments or Lafarge to fully protect the public health.

Jim Travers again stood and mentioned that a number of years ago when it was found that Lafarge had emitted mercury into our community that with the Department of Health they had created a Community Health Survey but the study was aborted. Holcim is the world's largest cement company, he said there are stories about how they have treated their workers in Iraq. He is only looking to protect the health of the people there. They wanted to find out the levels of toxins, to see if they were safe.

Tina Lieberman of Albany, spoke to voice her support of the Local Law to protect the air quality of Coeymans and its neighbors. She stated that we cannot trust the EPA at this time to be regulating the air here in Coeymans as they are looking to roll back the clean air regulations. There is a trend for cement plants across the country to burn solid waste of all kinds. Glens Falls and Rensselaer have both moved forward with this. She stated that she was glad that they were stepping up and for seeing the future and for protecting our citizens.

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Christine Primomo of Coeymans, stated that she had a friend, Ginny O'Brien of Troy, who sent an e-mail to the Town. The e-mail stated that the effects of burning solid waste would spread beyond the Town of Coeymans. She said that Town would make history as we pass the law prohibiting the burning of solid waste and that she was gratified that the Town Board was thinking regionally and not just about our Town. She asked that we please honor the opinions from the Public Hearing and this meeting.

Jody Lisa stood and spoke in support of Lafarge Holcim and their process. He stated that we have a big problem with tires in this country and the world. He stated that rather than burying them in a landfill, burning them in a plant that has the ability to scrub the emissions is a better way to go. He stated that we can be a part of the problem or a part of the solution. He doesn't feel that we should hastily pass a law that could add to that problem. Other countries don't have environmental protections like we do and they don't implement this best technology that we have. Lafarge has spent millions of dollars on the technology to scrub the exhaust emissions. He doesn't feel that we should pass a law that could block what could potentially be a good solution to a very big problem. As far as burning whole tires vs. partialized tires, he is not sure of the process but it is an approved, lawful process in this country and is a viable disposal method for tires. He stated that he thinks it makes sense as it lessens our dependence on fossil fuels and takes care of a waste product that needs to be dealt with. He asked the Board to not hastily pass a law that is aimed at Lafarge and to please have an open dialogue with them.

Grace Nichols of Albany County, lives in the Hudson Valley Watershed, stood and added that this is a regional issue. Everything that goes up in the air comes down in the water. It is unfair to Coeymans because garbage is a policy issue. She mentioned that recycling rates in Europe are over 90% but that here in the US we lag behind. She mentioned a few areas that do well but in New York we have very low recycling rates. We should reduce, reuse and recover and not stick generations with high levels of toxicity. We do not have to burn tires but they are bringing it to us and it shouldn't be done. A national panel on climate change says that reuse and recycling are better ways of dealing with all waste materials. It has been shown that it can and is done in industrialized nations and we have a responsibility to do it that way. She said thank you very much for supporting this law and that we need to step up our game.

Approval of Minutes

Motion to Approve Minutes

Councilman Youmans made a motion to accept the minutes as presented from the December 13, 2018 Public Hearing and the December 13, 2019 Town Board Meeting, seconded by Councilman Dolan.

APPROVED – VOTE – AYES 5 – NAYS 0 – ABSENT – SO MOVED

Supervisor Report

November 2018 Supervisor's Report read by Supervisor Crandall

Motion to Accept Report

Councilman Dolan made a motion to accept the report as read, seconded by Councilman Youmans.

APPROVED – VOTE – AYES 5 – NAYS 0 – ABSENT – SO MOVED

Department Reports

Town Clerk Report – November 2018 Report read by Town Clerk Rowzee

Motion to Accept Report

Councilman Dolan made a motion to accept the report as read, seconded by Councilman Baker.

APPROVED – VOTE – AYES 5 – NAYS 0 – ABSENT – SO MOVED

Police Department Report – November 2018 Report read by Officer in Charge Contento

Motion to Accept Report

Councilman Dolan made a motion to accept the report as read, seconded by Councilman Baker.

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APPROVED – VOTE – AYES 5 – NAYS 0 – ABSENT – SO MOVED

Building Department Report – November 2018 Report read by Code Enforcement Officer Cashin

Motion to Accept Reports

Councilman Dolan made a motion to accept the reports as read, seconded by Councilman Baker for discussion.

APPROVED – VOTE – AYES 5 – NAYS 0 – ABSENT – SO MOVED

Councilman Baker asked for an update on the Kryzkowski property. Mr. Cashin stated that the tires had been shredded and removed. The contents of the 55-60 55 gallon drums were being tested but they are believed to hold waste oil. There were between 6,000-13,000 tires and there are 19 trailers and vehicles on the property.

Sewer Department Report – November 2018 Report read by John Kerr, Chief WWTP Operator

Motion to Accept Report

Councilman Dolan made a motion to accept the report as read, seconded by Councilman Youmans.

APPROVED – VOTE – AYES 5 – NAYS 0 – ABSENT – SO MOVED

Old Business

Noise Ordinance – Supervisor Crandall asked Mr. Cashin to speak on this item. Mr. Cashin stated he had given them a sample noise and nuisance ordinance. The intent is that: “Unreasonable noise is any disturbing, excessive or offensive sound of such level and duration as to be or tend to be injurious to the health or welfare of individuals or which would unreasonably interfere with the enjoyment of life or property or that disturbs a reasonable person of normal sensitivities.” This is not a very harsh law, it does not say you cannot operate a business 24 hours a day, it just curfews sound and noises from 10 at night to 7 in the morning. Supervisor Crandall asked if other communities have this. Mr. Cashin stated that it was not uncommon. Councilman Dolan stated that they would work on this more.

Resolutions

Resolution #141-18 – Accept Resignation of Angelo Rosato

On motion of Councilman Dolan, seconded by Councilman Youmans for discussion, the following resolution was:

APPROVED – VOTE – AYES 5 – NAYS 0 – ABSENT – SO MOVED

WHEREAS, Angelo Rosato has submitted his letter of resignation as Board Member for the Board of Assessment Review, effective December 31, 2018;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby accept the resignation of Angelo Rosato, effective December 31, 2018.

Councilman Youmans thanked Mr. Rosato for this one capacity in which he has served the community over the years. His steady hand was always appreciated and we thank him for his service. Mr. Crandall thanked Mr. Rosato as well.

Resolution #142-18 – Authorize ZBA and Planning Board to Attend Training

On motion of Councilman Burns, seconded by Councilman Dolan, the following resolution was:

APPROVED – VOTE – AYES 5 – NAYS 0 – ABSENT – SO MOVED

WHEREAS, the Zoning Board of Appeals and the Planning Board is requesting to attend the Local Government Planning & Zoning Workshop; and

WHEREAS, the workshop shall take place at the Hudson Valley Community College in the Bulmer Telecommunications Center on January 9, 2019, with an estimated cost of \$40; and

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NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby authorize the Planning Board and the Zoning Board of Appeals to attend a group workshop for Local Government Planning & Zoning on January 9, 2019 at the Hudson Valley Community College at a cost of \$40.

Resolution #143-18 – Accept Resignation of Police Officer Bressette

On motion of Councilman Baker, seconded by Councilman Youmans, the following resolution was:

APPROVED – VOTE – AYES 5 – NAYS 0 – ABSENT – SO MOVED

WHEREAS, Jeff Bressette has submitted his letter of resignation as Part Time Police Officer to the Supervisor, effective January 4, 2019;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby accept the resignation of Jeff Bressette, effective January 4, 2019.

Resolution #144-18 – Audit of Claims – December 2018

On motion of Councilman Youmans, seconded by Councilman Dolan, the following resolution was:

APPROVED – VOTE – AYES 5 – NAYS 0 – ABSENT – SO MOVED

BE IT RESOLVED, that the Town Board has approved the payment of bills as presented in the Abstract for December 2018, as follows:

PRE-PAID VOUCHERS –177600 – 177699, for a total of \$ **1,145,291.56**

VOUCHER NUMBERS –177700 – 177793 for a total of \$ **303,430.30**

TOTAL FOR ALL FUNDS – \$ 1,448,721.86

Upcoming Meetings

Organizational Meeting – January 1st at 9am

Planning Board – January 7th at 7pm

Conservation Advisory Council – January 9th at 6pm

Town Board Meeting – January 10th at 7pm

Motion to Adjourn

On motion of Councilman Youmans, seconded by Councilman Baker, the Town Board Meeting was adjourned.

APPROVED – VOTE – AYES 5 – NAYS 0 – ABSENT – SO MOVED

Time – 8:28pm

Respectfully Submitted,

APPROVED – AS PRESENTED ON

Cindy L. Rowzee, Town Clerk