

**MINUTES BOOK\*\*TOWN OF COEYMANS**  
**March 14, 2019 – Town Board Meeting – 7:00pm**

**A Town Board Meeting was held Thursday, March 14<sup>th</sup>, 2019 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 Cashin, Code Enforcement Officer  
Audience (50+)  
Media (2)

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

**Presentations**

**County Legislator Touchette** stood and stated that County Executive Dan McCoy was not able to make it that evening. Legislator Touchette announced the Albany County Water & Soil Conservation was holding an annual tree & shrub sale on April 5, 2019. Mr. Touchette posted a flyer on the board about it.

Mr. Touchette also announced that the Albany County Legislature Grant Applications are now available, either from him or from the Supervisor’s Office. Several organizations in the Town have received these in past years.

**Public Comment**

**Ms. Judith Enck of Rensselaer County, former Regional Director for the EPA**, stood and strongly recommended that the Town Board pass this law. She spoke of the lack of honesty from Lafarge in the case of Mustang Energy looking to burn trash from Connecticut in the Lafarge Plant. She cited a letter that she had received from Connecticut through the Freedom of Information law from a company called Geocycle which confirmed interest in this trash proposal. She stated that according to the Lafarge-Holcim website, Geocycle is a part of their company. Ms. Enck also spoke of a proposal in Rensselaer from a company called BioHiTech to bring in waste, pull out the paper and plastic, drying and shredding it and send to a cement plant in Lehigh, PA for burning. She mentioned that Lafarge is much closer.

**Mr. Dave Fletcher, Plant Manager, Lafarge**, stood and spoke of the Albany County Planning Board Recommendations and they look forward to the notifications to the surrounding communities and government agencies that were recommended. Supervisor Crandall confirmed that they had sent the law to all of the organizations mentioned, and more. He mentioned the

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letter that Ms. Enck was referring to, that he had provided it to the Town Board prior to the FOIL and stated that there was a sentence in that letter that said that this was not to be construed as a commercial relationship. He stated that they had cut all ties with Mustang Energy. Mr. Fletcher stated that Lafarge had no connection with BioHiTech and planned to do nothing with them.

**Mr. Rick Lamperelli, spends summer at Ravena-Coeymans Yacht Club**, spoke in favor of the Clean Air Law, he stated that he is not a resident but spends summers here. Mr. Lamperelli is in charge of membership. He said that passing this law would make a statement. He said that most boaters are pro-environment and pro-clean air and water. He also stated that boaters have a positive impact on the community, they are at the hardware store every weekend and buy a lot of gas. He stated that a clean air stance by the community would help keep their membership in place.

**Mr. Christopher Hagen of Coeymans Hollow** stood and spoke against the proposed Clean Air Law. He gave more information from a 2013 study that he had mentioned in a previous meeting. This was a 2013-14 Public Health Study by the USDA that came to four conclusions: 1) There is minimal ground level/air contamination. 2) The ground level air is not expected to harm people's health. 3) Touching, breathing and eating dust from the cement plant is not expected to harm people's health. 4) The current health status of the communities near the cement plant is the same as similar regions in the state. This was when there was an application to rebuild the cement plant. He asked for a no vote for the clean air act.

**Mr. Louis Sebesta, of Rensselaer, NY**, stood and spoke in favor of the Clean Air Law. He asked the Board to consider the long term quality of life in this area and that the decision has the serious potential of affecting the whole region. There will be a great impact on people who want to invest in communities. He asked them to consider the big picture of short term profits or long term environmental impacts.

**Ms. Kristin Herrick, of Coeymans**, stood and spoke in support of the Clean Air Law. She spoke as a mother and homeowner and as someone who has a degree in environmental law. She mentioned that Lafarge has already failed emissions tests and urged the Board to vote yes on the law. She stated that we are already paying the price of one company dumping contaminants into the Hudson which has kept generations from being able to use the Hudson. She said that we are a "right to farm community." She mentioned that everyone except for Lafarge would lose money if this law failed, due to lower property values. She mentioned that Bethlehem was voted the best place to live in New York State and that she wanted something similar for here. She mentioned how Germany had recently closed 84 coal burning plants and that we can no longer turn a blind eye here. She urged the Town Board to not allow one company to change their minds and to vote yes for clean air and for Ravena's future.

**Mr. Nate Boomer, of Coeymans Hollow**, stood and spoke against the Clean Air Law. He stated that the scrubber systems are designed to deal with this. He asked the Board to vote no and said that if it was passed it would be the beginning of the end for this area. He mentioned that Bethlehem has lots of industry in their community and that you need to have jobs in a community.

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**Ms. Tina Lieberman, of Albany, Education Chair of local Sierra Club – Hudson-Mohawk Group**, stood and spoke in support of the Clean Air Law. She stated that there is a lot of contradicting information out there. She mentioned that after the 2013 report from the Department of Health there are reports from the DEC of Lafarge not meeting minimum emission standards. She stated that they are now meeting minimum standards but that we need to further reduce four major toxins coming out of the smoke stacks, Nitrogen Oxides, Sulfur Dioxide, Mercury and Dioxins, by passing this clean air bill. She stated that this law does not ban the burning of waste, it just limits it and that Lafarge would still be able to burn some garbage or tires. She mentioned the similar bill that the city of Baltimore recently passed and that they are putting people over moneyed interests. She stated that Henry Ford said that businesses are there to help make residents lives better.

**Mr. Keith Mahler, of Ravena**, stood and spoke against the Clean Air Law. He mentioned that we are all healthy and have lived here for many years. He feels that if the Town passes this Clean Air Law there will be no more cement plant and businesses will domino out of here. He mentioned that Ravena used to be thriving during the Frangella Mushroom Plant days and that there were businesses. It closed after people complained about the manure smell and then P & M Brick closed as well. Then Main St. dried up. He asked why they did not enact a local law before this point if they were worried about what was coming out of the stack.

**Mr. Jeffrey LaQuire of Coeymans Hollow**, stood and spoke against the Clean Air Law. He stated his intention to vote against anyone who votes for the law.

**Mr. Michael Harrington, of Coeymans**, stood and spoke. He stated that he was not for or against the Clean Air Law. He mentioned his intention to sell and move if he ever sees dump trucks starting to go into Lafarge. He asked what happens if the scrubbers go down for an hour or a day. He works closely with the Yacht Club and they have met and worked with Carver Laraway on issues, they sit down at the table, talk and work it out. He stated that he didn't feel we should be burning tires or garbage and that there are other resources such as coal or fuel.

**Ms. Christine Hughes, of Ravena**, stood and spoke in support of the Clean Air Law. She stated that she did not want Lafarge to leave but that there are other options than burning garbage. Ms. Hughes stated that big businesses are running rough shod over communities. She mentioned that we have a chance to be at the cutting edge environmentally.

**Ms. Shelby Huntley of Lafarge**, stood to clear up some misconceptions. She reiterated that Lafarge had no intention of burning garbage. They are for clean air that takes in to account science that is commercially available. Lafarge submitted minor modifications to this law that stated that medical and hazardous waste are never allowed to be burned. They are talking about burning Tire Derived Fuel (TDF), not garbage.

**Ms. Grace Nichols, of Albany**, stood and read a letter in support of the Clean Air Law and the names of the local residents who had signed it. She gave a copy of the letter to the Town Clerk for the Town Board members.

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**Ms. Mary Driscoll, of Coeymans,** stood and spoke against the Clean Air Law. She stated she has lived here for 53 years. She mentioned that she is for clean air and that Lafarge is not trying to poison anyone. She said that someone had taken samples and had been proved wrong that Lafarge was harming people.

**Ms. Wendy Dwyer, of Canaan, NY,** stood and spoke in support of the Clean Air Law. She stated that she is a former firefighter who is concerned about the planet. She mentioned the IPPC report that was released that day that gave the world 12 years to get our act together. She stated that each year we learn more and we are all in this together.

**Ms. Sylvia Lawler, of Coeymans,** stood and spoke in support of the Clean Air Law. She stated that she did not want Lafarge to leave and that she appreciated all of their improvements. She mentioned Judith Enck's qualifications as the former Regional Director of the EPA. She mentioned that DEC had suggested we apply for a grant to do a community air screen and that suggests to her they have some concerns about the air. She mentioned that Coeymans is downwind of a lot of industries in Bethlehem as well as Lafarge and spoke of their cumulative effect on our air. She read some statistics from the Capital District Regional Planning Committee based on per capita gas emissions. She is just asking that we strike a balance, that Lafarge be held to a standard and sacrifice just a bit of their bottom line.

### **Approval of Minutes**

#### **Motion to Approve Minutes**

Councilman Youmans made a motion to accept the minutes as presented from the February 28<sup>th</sup>, 2019 Town Board Meeting, seconded by Councilman Dolan.

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

### **New Business**

**Crystal Image Concert** – Supervisor Crandall stated that Crystal Image hoped to hold their annual reunion concert on July 26<sup>th</sup> from 6-9pm. He asked for a motion to waive the fee.

#### **Motion to Waive Park Fee**

Councilman Dolan made a motion to waive the park fee and other requirements for Crystal Image as they provide free entertainment, seconded by Councilman Youmans.

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

**Memo from Assessor regarding TelAscent** – The Assessor sent a memo to the Town Board stating that she had difficulty with TelAscent running the Assessment Rolls the year before and she would like to look into doing this in house. It would be at a much reduced cost to the Town.

#### **Motion to Accept Assessor's Recommendation to Run Roll**

Councilman Youmans made a motion to accept Assessor's proposal to run the roll, seconded by Councilman Dolan.

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

**Solar Project PILOT** – Supervisor Crandall asked Code Enforcement Officer Cashin to speak about this. Mr. Cashin stated that they had a couple of site plans available. This is a 2 megawatt solar farm that will occupy about 9 acres of a 20 acre parcel behind the Coeymans Hollow Fire Dept. It has been approved by the Planning Board and they are looking to put this project into a PILOT for their assessment.

**Motion to Hire Larry Farbstein for PILOT**

Supervisor Crandall made a motion to hire Larry Farbstein to begin work on a PILOT and to make a final agreement with the company for the Solar Farm, seconded by Councilman Dolan.

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

**Resolutions**

**Resolution #062-19 – Remove Merged Vacant Parcel from Sewer Billing**

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

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

**WHEREAS**, Mary Pape is the owner of parcels 168.12-1-48 and 168.12-1-47 located on 55 Main Street in the Town of Coeymans, State of New York; and

**WHEREAS**, Mrs. Pape has merged both parcels to eliminate parcel 168.12-1-48 as a vacant lot; and

**WHEREAS**, Parcel 168.12-1-48 shall be removed from the Sewer Billing as this is now one parcel known as 168.12-1-47;

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board of the Town of Coeymans does hereby acknowledge that parcel 168.12-1-48 will be removed as a vacant parcel in the future Sewer Billings.

**Resolution #063-19 – Amend Resolution # 060-19**

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

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

**WHEREAS**, the Town Board of the Town of Coeymans has passed resolution #060-19 at the February 28, 2019 Organizational Meeting; and

**WHEREAS**, the resolution appointed Joseph A. Proper to the Highway Department to fill the position of Equipment Operator 1 with an effective date of March 18, 2019; and

**WHEREAS**, a new effective date of March 11, 2019 will be reflected;

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**BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby amend resolution #060-19 to read as follows: appoint Joseph A. Proper as a full time Equipment Operator 1 consistent with the CSEA contract effective March 11, 2019.

**Resolution #064-19 – Bond Resolution for Backhoe**

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

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

**BOND RESOLUTION DATED MARCH 14, 2019**

A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE TOWN OF COEYMANS, ALBANY COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$81,487 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE ACQUISITION OF A BACKHOE LOADER, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE TOWN SUPERVISOR

**BE IT RESOLVED**, by the Town Board of the Town of Coeymans, Albany County, New York (the "Town") (by the favorable vote of not less than two-thirds of all of the members of the Board) as follows:

SECTION 1. The acquisition of a John Deere 310L backhoe loader with flip forks, is hereby authorized at an aggregate estimated maximum cost of \$87,987.15, and said amount is hereby appropriated therefor. It is hereby determined that said purpose is an object or purpose described in subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is fifteen years.

SECTION 2. It is hereby determined that the above purpose described above constitutes a Type II action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which has been determined under SEQR not to have a significant impact on the environment.

SECTION 3. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will not be in excess of five years from the original date of issuance of such obligation.

SECTION 4. The Town Board plans to finance a portion of the cost of said purpose by the issuance of serial bonds of the Town in an amount not to exceed \$81,487.00, hereby authorized to be issued therefor pursuant to the Local Finance Law. A portion of the cost of said purpose will be paid in the form of a trade-in allowance in the amount of \$6,500.00 for the 1997 Ford backhoe.

SECTION 5. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of said bonds.

SECTION 6. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made

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after the effective date of this resolution for the purpose for which said bonds are authorized. This resolution shall constitute a statement of official intent for purposes of Section 1.150-2 of the Treasury Regulations.

SECTION 7. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on said bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on said bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on said bonds as the same become due and payable.

SECTION 8. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 63.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes and the power to prescribe the terms, form and contents of said serial bonds and said bond anticipation notes (including without limitation the date, denominations, maturities, interest payment dates, consolidation with other issues, and redemption rights), the power to determine to issue said bonds providing for substantially level or declining debt service, the power to determine to issue said bonds in the form of a statutory installment bond, and the power to sell and deliver said serial bonds and any bond anticipation notes issued in anticipation of the issuance of such bonds, is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any serial bonds issued pursuant to this resolution and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Town Clerk is hereby authorized to affix the corporate seal of the Town to any of said serial bonds or any bond anticipation notes and to attest such seal.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof as "qualified tax-exempt bonds" for purposes of Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or
- (2) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with;

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and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(3) Such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 11. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in The News Herald, being a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication.

SECTION 12. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Philip A. Crandall	VOTING <u>Yes</u>
Daniel D. Baker	VOTING <u>Yes</u>
Kenneth A. Burns	VOTING <u>Yes</u>
Thomas E. Dolan	VOTING <u>Yes</u>
James C. Youmans	VOTING <u>Yes</u>

The foregoing resolution was thereupon declared duly adopted.

**Resolution #065-19 – 2018 Budget Transfers**

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

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

**WHEREAS**, the following accounts have been depleted due to unforeseen expenditures; and

**WHEREAS**, the Chief Fiscal Officer is desirous of transferring funds to these accounts for Budget year 2018 as follows:

**General Fund (A)**

<u>Amount</u>	<u>From Account</u>	<u>To Account</u>
\$ 18.41	(A) 1110.4 Justice Contractual	(A) 1110.1 Justice Personal Services
\$ 200.00	(A) 1220.4 Supervisor Contractual	(A) 1220.1 Supervisor Personal Services
\$ 606.40	(A) 1990.4 Contingency	(A) 1220.1 Supervisor Personal Services
\$ 167.62	(A) 1990.4 Contingency	(A) 1355.1 Assessor Personal Services
\$ 153.91	(A) 1410.4 Town Clerk Contractual	(A) 1410.1 Town Clerk Personal Services
\$ 400.93	(A) 1990.4 Contingency	(A) 1410.1 Town Clerk Personal Services
\$ 127.50	(A) 1990.4 Contingency	(A) 1430.1 Human Resources Personal Services
\$ 1,836.54	(A) 1990.4 Contingency	(A) 5010.1 Highway Superintendent



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\$ 125.00	(A) 5010.4 Highway Superintendent Contractual	(A) 5010.1 Highway Superintendent Personal Services
\$14,516.29	(A) 3120.2 Law Enfor. Equipment	(A) 3120.10 Law Enfor. Personal Services
\$ 483.71	(A) 3120.2 Law Enfor. Equipment	(A) 3120.4 Law Enfor. Contractual
\$ 2,049.36	(A) 1990.4 Contingency	(A) 3120.4 Law Enfor. Contractual
\$ 300.00	(A) 1355.2 Assessor Equipment	(A) 1355.4 Assessor Contractual
\$ 650.00	(A) 1990.4 Contingency	(A) 1355.4 Assessor Contractual Services
\$ 4,555.96	(A) 1990.4 Contingency	(A) 4589.4 Other Health Paramedics Contractual
\$ 167.50	(A) 8510.2 Community Beautification Equipment	(A) 8510.4 Community Beautification Contractual

**Highway Fund (DB)**

\$ 4,319.22	(DB) 5110.4 General Repair Contractual	(DB) 5110.1 General Repair Personal Services
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**Sewer Fund (SS)**

\$ 551.61	(SS) 8130.4 Sewage Treatment Contractual	(SS) 8130.1 Sewage Treatment Personal Services
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**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby authorize Philip A. Crandall to transfer the following funds for Budget year 2018.

**Resolution #066-19 – Capital Project Interfund Loan**

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

**WHEREAS**, the Capital Projects Fund (H)-41 has outstanding expenditures; and

**WHEREAS**, the outstanding expenditures are not eligible for payment from the Environmental Facilities Corporation (EFC); and

**WHEREAS**, the Capital Project Fund (H)-41 does not have sufficient funds to pay for these expenditures;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby authorize Philip A. Crandall to loan the Capital Projects Fund (H)-41, \$75,000.00 from the Part Town (B) Fund. These funds will be repaid to the Part Town (B) Fund as soon as the funds become available.

**Upcoming Meetings**

Zoning Board of Appeals Meeting – March 27<sup>th</sup> at 7pm  
Town Board Meeting – March 28<sup>th</sup> at 7pm

**Additional Comments**

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Councilman Youmans answered a question that had been asked during Public Comment about why they had waited until now to do this, why hadn't they done it four years ago. He stated that because until about a year ago when they heard about the Mustang Renewable Energy proposal to burn trash in the cement kiln they had no reason to do this. If not for that plan the Town would not be having this conversation. There is no law being proposed that says they cannot burn tires or garbage, it says that if they are, what comes out of the stack has to be clean. He has spoken to people who are offended at the threats, that if the Town does not let them burn tires and garbage they are going to ruin the town. Councilman Youmans also pointed out that the New Baltimore residents are part of this community too; that they do not pay Town taxes but that they pay a bigger percentage of school taxes that would be affected by the cement plant.

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**Motion to Adjourn**

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

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

Time – 8:20pm

*Respectfully Submitted,*



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*Cindy L. Rowzee, Town Clerk*