

MINUTES BOOKTOWN OF COEYMANS**
March 28, 2019 – Town Board Meeting – 7:00pm

A Town Board Meeting was held Thursday, March 28th, 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
Daniel Contento, Officer in Charge
Audience (100+)
Media (2)

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

Presentations

County Legislator Touchette stood and announced the Albany County Water & Soil Conservation deadline for their annual tree & shrub sale on April 5, 2019. He also mentioned the April 12th deadline for the Albany County Legislature Grant Applications.

Mr. Touchette mentioned an April 9th meeting for restaurant owners and managers to discuss the new elder's dining in restaurants program that Albany County received a grant for.

Public Comment

Mr. Carver Laraway, Coeymans business owner, stood and thanked the Town for the last eight years of bringing businesses back to the Community. He stated that we were all about clean air. He also thanked Lafarge for spending money to keep their business in this community. He urged the Board to be considerate and to think about this going in.

Ms. Barbara Tanner, of Coeymans, stood and stated how she felt that only people who lived here should be able to speak on this issue.

Mr. Matt Miller, of Selkirk, who is an RCS high school science teacher, stood and spoke about working across from the Lafarge plant. He stated that Lafarge makes an important product but that the process to make it is dirty. He asked Lafarge to consider that cost of the profit of burning things like tires and waste and that he feels the cost is too great, especially for our youngest residents. Mr. Miller said he feels like this law strikes a good balance, that it allows them to burn some tires and to see how this process is going so they could add more down the road.

MINUTES BOOKTOWN OF COEYMANS**
March 28, 2019 – Town Board Meeting – 7:00pm

Mr. Jay Goodman, Coeymans property owner, said that he supports the law and supports businesses. He said he feels that this law sets reasonable limits. He feels that the decision on this law is not a decision on Lafarge or Lafarge staying in Town. He also felt that Lafarge's staying would not be tied to this law. He stated that corporate decisions are complicated. He stated that the Boards decision on this law should be based on the merits of the law and not on re-election prospects. He asked them to do what is best for the Town and to consider the opinions from the neighboring Towns, as these people would also be affected.

Mr. Ray Kottke, of Coeymans, stood and spoke in support of the law. He mentioned tire pile fires that had happened at dedicated tire incinerators. He voiced his concern about the staging area of the tire derived fuel and the potential for fires to happen with the piles of TDF. He mentioned a tire fire near where he had lived previously that had gone on for several months.

Mr. Tom Ellis, of Albany, stood and spoke in support of the law. He spoke of his past involvement when Albany was looking to put a landfill in Coeymans and how his group helped to block that. He stated his concern for the children and staff at the Middle School and High School directly across from Lafarge. He voiced his support of the right of governments at all levels to set limits.

Mr. Keith Mahler, of Ravena, stood and spoke against the law. He spoke of open and honest communication. He spoke of his concern for the piles of tires that are just sitting around our country. He asked if they had met with the businesses. He also stated how challenging it has been bringing the Town and Village together. He asked if other municipalities had responded to the law and encouraged them to take the time to listen to the public and to gather the thoughts of surrounding communities.

Mr. Jeffrey LaQuire, of Coeymans, stood and spoke against the law and stated he had brought a petition that contained over 300 signatures from local people. He asked the Town Board to slow down and to do their due diligence. He stated that he felt that this law was based on fear and speculation and not science or facts. He stated that he was not a Republican or a Democrat but that he was a friend of Coeymans. He gave a copy of the petition to the Town Clerk.

Henry Downs, of New Baltimore, a local youth, stood and spoke in support of the law. He stated that he wanted the air to be healthy and clean so it will be safe to breathe.

Ms. Sylvia Lawler, of Coeymans, stood and spoke about letting people outside of the Town of Coeymans speak. She feels that Carver Laraway, who doesn't live here but who has businesses here, has a right to speak. She felt that people like Tom Ellis who spent years fighting the landfill has every right to speak. She feels that those from New Baltimore who pay taxes, shop and use businesses here have every right to speak. She stated that everything moves, air, water, dirt, except for bedrock, and it doesn't stop at the Town line. She briefly addressed Mr. McHugh's opinion piece in the paper about people coming from out of Town who did not have the right to be here. She spoke about working and meeting with Lafarge several times to solve the problem of discharge into the creek. She concluded with a statement that this was an open meeting that

MINUTES BOOKTOWN OF COEYMANS**
March 28, 2019 – Town Board Meeting – 7:00pm

was bound by open meeting laws, anyone is allowed to come to an open meeting and anyone is allowed to use the public comment period to offer an opinion.

Mr. Nate Boomer, of Coeymans, stood and spoke against the clean air law. He stated that he feels that the people want more information, they don't know what the science is behind this and they don't know what Lafarge is planning to do. There is a lot of misinformation out there. He asked that the Board take a step back. He asked why there was no scientific study about the thresholds and about what was coming out of the stack. He asked the Board to wait for more replies from the notifications recommended by the Albany County Planning Board rather than just the one from Bethlehem. He also asked why the Village Board was not included in the notifications and asked the Board to coordinate with the Village and to get feedback. He asked that they have something, maybe at the High School in order to get people informed about this issue. He said he supports clean air but he wants to see a study that says what would be put in the air if they were allowed to burn TDF. He asked the Board to step back and slow down.

Mr. Roger Downs, of New Baltimore, the Conservation Director for the Sierra Club, Atlantic Chapter, stated that it is dedicated to protecting New York's air, water and remaining wild places. He stated that the Sierra Club has been involved with Lafarge for 10 years with litigation and partnerships in modernizing the plant. He stated that he wholly supports the law and that he knows this is a local issue but that it impacts a regional area. Mr. Downs stated that it is not prohibiting TDF and that requiring sophisticated monitoring makes a lot of sense. He stated that he looks out and sees the plume from Lafarge every morning and that he worries about the air quality for his children and animals. They also spend a lot of time in Ravena with shopping and sports.

Ms. Tina Lieberman, who is a Volunteer Education Chair for the Sierra Club, Hudson Mohawk Group, presented a letter to the Town Board which she gave to the Town Clerk. She spoke in support of the law and stated that Lafarge would still be able to burn tires, they would just need to install a continuous emissions monitoring system that would cost \$1-2 million dollars. She stated that they would be able to pay for this with their savings. She said bravo to the Town Board for creating this law.

Ms. Mary Driscoll, of Coeymans, stood and spoke against the law. She also brought up the Supervisor's salary and the salary for the Deputy Supervisor position. She also brought up the salary of his Clerk, the number of secretaries he has had work for him, the accountant position and payroll. She again mentioned the bump in the handicap parking lot.

Mr. Sam Purcell, of Ravena, stood and spoke against the law. He stated that he had not heard about the local law until two weeks ago and it is the same for many others. He asked the Board to slow down and do their due diligence.

Mr. Gary Bogardus, of Coeymans, stood and spoke against the law. He stated that 25 tons won't run the kiln for an hour and that it would require a lot more than the law would allow. He said it would not be economical for Lafarge to do what they needed to for just 25 tons a day.

MINUTES BOOKTOWN OF COEYMANS**
March 28, 2019 – Town Board Meeting – 7:00pm

Mr. Bill Tryon, of Coeymans, stood and spoke against the law. He asked the Board to slow down and wait for the reports from DEC and other agencies. He asked why the Town was anti-industry. He mentioned an article from an old News Herald and how the whole Town celebrated when Blue Circle Cement moved here. He also asked if the cost of putting these limits or forcing cleanup was worth it. He mentioned the slightly better PCB rate that would occur in the Hudson from the cleanup that GE was forced to do and how it almost put the company into bankruptcy. He stated that laws are power and control and that if we drive out industry our taxes will rise. He asked the Board to let DEC and EPA put their input in.

Mr. Dave Fletcher, Lafarge Plant Manager, stood and spoke about an e-mail he had sent about the current emissions of the plant. He stated that they have one set of emissions limits, it doesn't matter what they burn. He stated that cement is the building block of the future, that things like phones will only last a few years but cement will always be around. He stated that Lafarge is using the best available technology in the business and that the Ravenna Plant is the most state of the art cement plant in the nation. He spoke about the laws lengthy definition of waste and that incinerators do not make a product. He stated that a cement kiln uses what it burns to make their product. He said that it is the best process to consume TDF and that there is no solid waste. Mr. Fletcher said that it was not fair to compare a cement kiln to an incinerator as an incinerator does not have a product. He stated that their emissions were regulated as so much per ton of product made. He stated that certain emissions were well below what was required in the law: Mercury was at 4.2 where the law allowed 15, Dioxins and Furans were at .4 where this law allowed 2.6, Heavy metals and particulates were low and there were no limits in the law.

Before moving on with the meeting Councilman Youmans stated that this is something that the Town Board has been working on for over 14 months and that they had done their due diligence. He stated that this was not a political issue until this election cycle started and it was unfortunate that it had come to that.

Local Law 1 of 2019 – Clean Air Law

SEAF Assessment Form – Supervisor Crandall read and answered the questions from the Short Environmental Assessment Form regarding the Clean Air Law.

Motion to Approve SEAF Form and Authorize Supervisor to Sign

Councilman Dolan made a motion to pass the SEAF form and to authorize Supervisor Crandall to sign the form, seconded by Councilman Youmans.

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

Negative Declaration – Supervisor Crandall read the Negative Declaration statement regarding the Clean Air Law. He then asked for a motion to accept the declaration.

Motion to Accept Negative Declaration

Councilman Youmans made a motion to accept the Negative Declaration, seconded by Councilman Dolan.

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

MINUTES BOOKTOWN OF COEYMANS**
March 28, 2019 – Town Board Meeting – 7:00pm

Resolution #067-19 – Negative Declaration – Clean Air Law

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

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

WHEREAS, proposed Local Law 1 of 2019 known as the Clean Air Law has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law and Town Law; and

WHEREAS, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law, requires that as early as possible an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of Coeymans; and

WHEREAS, there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQRA) with respect to the proposed enactment of said Local Law, with the result that the Town Board shall act as lead agency in this matter; and

WHEREAS, the adoption of said Local Law is an unlisted action for purposes of environmental review under SEQRA; and

WHEREAS, the Town Board has determined that a short environmental assessment form (EAF) shall be required in connection with this matter; and

WHEREAS, the said (EAF) has been prepared and has been reviewed by the Town Board; and

WHEREAS, the Town Board has considered the adoption of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby determine that this action shall have no significant adverse impact on the environment as further detailed in the attached negative declaration; and be it further

RESOLVED, that the Town Board of the Town of Coeymans adopts the attached Negative Declaration.

Supervisor Crandall asked Councilman Burns if he would rather have him read the next resolution. Councilman Burns said it was up to him. Councilman Burns continued with reading the next resolution.

Resolution #068-19 – Local Law 1 of 2019 – Clean Air Law

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

MINUTES BOOKTOWN OF COEYMANS
March 28, 2019 – Town Board Meeting – 7:00pm**

APPROVED – VOTE – AYES 3 – NAYS 2 – ABSENT – SO MOVED

WHEREAS, Pursuant to a motion made by the Town Board on July 26, 2018, the Town Clerk was authorized to publish a Notice of a Public Hearing that was held on August 23, 2018 at 6pm for the consideration of a proposed Local Law 1 of 2019 known as the Clean Air Law; and

WHEREAS, the Town Board of the Town of Coeymans after due deliberation, finds it in the best interest of said Town to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans hereby adopts Local Law No. 1 of 2019 known as the Clean Air Law in the form attached hereto.

BE IT FURTHER RESOLVED, that the Town Clerk is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Coeymans, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

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>No</u>
Kenneth A. Burns	VOTING <u>No</u>
Thomas E. Dolan	VOTING <u>Yes</u>
James C. Youmans	VOTING <u>Yes</u>

The foregoing resolution was thereupon declared duly adopted.

LOCAL LAW # 1 OF 2019

A LOCAL LAW OF THE TOWN OF COEYMANS, COUNTY OF ALBANY, NEW YORK,

Section 1: TITLE

This Local Law (Chapter) shall be known as the “Clean Air Law.”

Section 2: STATUTORY AUTHORIZATION

This Local Law (Chapter) is hereby adopted pursuant to the provisions of the New York State Municipal Home Rule Law, the Clean Air Act (42 U.S.C. § 7416), the Resource Conservation and Recovery Act (42 U.S.C. § 6929), New York State Air Pollution Control Act (Environmental Conservation Law §§ 19-0703 and 19-0709), and New York State Environmental Conservation Law § 27-0711.

Section 3: INTENT

MINUTES BOOKTOWN OF COEYMANS**
March 28, 2019 – Town Board Meeting – 7:00pm

It is the intent of this Local Law (Chapter) to promote and protect the public health and welfare of the residents of the Town of Coeymans by regulating burning or related processing of wastes, and prohibiting the same on a large scale.

Section 4: DEFINITIONS

As used in this Local Law (Chapter), the following terms shall have the meanings indicated:

COMMERCIALLY AVAILABLE

A system that is currently offered for purchase by equipment vendors for the proposed application, and for which service contracts can be obtained for a fee. The determination of commercial availability does not include an analysis of the costs of the system.

CONTINUOUS EMISSIONS MONITORING SYSTEM (OR “CEMS”)

A pollution monitoring system capable of sampling, conditioning, analyzing, and providing a record of emissions at frequent intervals and meets U.S. Environmental Protection Agency or Department data acquisition and availability requirements. The sampling frequency capability sufficient to qualify a system as a CEMS for the purposes of this law shall at a minimum deliver a monitoring sample (i) once per minute or (ii) any lesser frequency of interval that still provides sufficient data for a direct determination of compliance with all applicable emission limitations imposed by the Department for the Facility, but in no case may the frequency of interval for monitoring samples be less than once per hour. In the case of dioxins and furans, long-term sampling equipment may be used if real-time monitors are not Commercially Available, such that year-round monitoring is still achieved through back-to-back use of long-term monthly samples.

TEQ_{DF}-WHO₉₈

A unit of measurement for dioxins and furans, standardized to toxic equivalents, calculated in accordance with the World Health Organization’s 1998 method.

WASTE

Any of the following, or combination of the following: sewage (including, but not limited to, methane or other emissions from animal or human sewage, and including the water carrying human or animal wastes from residences, buildings, industrial establishments or other places, together with such ground water infiltration and surface water as may be present); solid or liquid waste, including but not limited to, all putrescible and non-putrescible materials or substances that are discarded, discharged, deposited, injected, dumped, burned, spilled, leaked, or placed into or on any land or water, or otherwise disposed of, or rejected as being spent, useless, worthless, or in excess to the owners at the time of such discard or rejection; garbage; trash; rubbish; refuse; industrial, commercial and household waste; plastics; any material that has been source separated for recycling or composting purposes; ash (including, but not limited

MINUTES BOOKTOWN OF COEYMANS**
March 28, 2019 – Town Board Meeting – 7:00pm

to, bottom ash, boiler ash, fly ash, incinerator ash); ash and sludge from air or water treatment facilities; sewage sludges; biosolids; “biomass” as defined in Appendix B of New York State Public Service Commission's 9/24/2004 Order Approving Retail Renewable Portfolio Standard (Case 03-E-0188); coal refuse; waste coal; contained gaseous material; incinerator residue; offal; construction and demolition debris; disaster debris; industrial waste, hazardous waste as defined by N.Y. Environmental Conservation Law § 27-0901(3); “Waste” as defined by N.Y. Environmental Conservation Law § 27-0901(11); low-level radioactive waste as defined by N.Y. Environmental Conservation Law § 29-1010(1); source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923); high-level radioactive waste; transuranic waste; regulated medical waste as defined by N.Y. Environmental Conservation Law § 27-1501(1); “Solid Waste” as defined in the Resource Conservation and Recovery Act of 1976 (“RCRA”) §1004(27), 42 U.S.C. §6904(27); “solid waste” as defined in 6 NYCRR Part 360.2; “solid waste” as defined in NY ECL §27-0701(1); automobile shredder residue; discarded automobiles; waste tires as defined by N.Y. Environmental Conservation Law § 27-1901(13); pharmaceutical wastes or expired pharmaceuticals; contaminated soil; electronic wastes; processed engineered fuel, refuse-derived fuel, any material determined by the U.S. Environmental Protection Agency or state agency to be a non-hazardous secondary material; the solid residue of any air or water pollution control device; and liquid or solid waste generated by stores, offices, warehouses, institutions, and restaurants. Any material that falls under this definition shall not be considered fuel.

WASTE DISPOSAL FACILITY

Any facility which disposes of Waste or uses Waste to produce energy (heat, electricity, or a burnable fuel) by combusting Waste (or gases produced on-site from the burning, gasification or pyrolysis of such Waste), or which produces a solid, liquid and/or gaseous fuel product through conversion of Waste, and is capable of processing at least five tons of Waste per day. A Waste Disposal Facility does not include systems used exclusively for on-site space heating purposes at a residential home.

Section 5: PROHIBITION

It is hereby prohibited for a Waste Disposal Facility to process more than 25 tons of Waste in any 24 hour period.

Section 6: MONITORING AND DISCLOSURE

- A. A Waste Disposal Facility with any air emissions point source shall not process more than one ton of Waste in any 24 hour period without complying with the monitoring requirements in this section.
- B. Continuous Emissions Monitoring Systems (“CEMS”) equipment shall be used to monitor, measure and disclose the smokestack emission of the following pollutants:
 - a. Dioxins / Furans

MINUTES BOOKTOWN OF COEYMANS**
March 28, 2019 – Town Board Meeting – 7:00pm

- b. Carbon Dioxide (CO₂)
- c. Carbon Monoxide (CO)
- d. Hydrochloric Acid (HCl)
- e. Hydrofluoric Acid (HF)
- f. Nitrogen Oxides (NO_x)
- g. Sulfur Oxides (SO_x)
- h. Particulate Matter (PM)
- i. Volatile Organic Compounds (VOCs)
- j. Polycyclic Aromatic Hydrocarbons (PAHs)
- k. Arsenic
- l. Cadmium
- m. Chromium (VI)
- n. Lead
- o. Manganese
- p. Mercury
- q. Nickel
- r. Selenium
- s. Zinc

- C. A Waste Disposal Facility shall disclose all data provided by CEMS required under this section in real-time on a public website. Data shall also be provided in summary form, including total amounts of releases of each chemical in pounds per day and per year. All displays of data shall be accompanied by any local, state, and federal emissions limits that apply. Data shall be archived and maintained such that the history of data is available for download in a commonly available spreadsheet format. Data shall be maintained until six months after the Waste Disposal Facility closes or changes their activities such that they no longer qualify as a Waste Disposal Facility.

Section 7: CLEAN AIR STANDARDS

- A. A Waste Disposal Facility with any air emissions point source shall not process more than one ton of Waste in any 24 hour period without complying with the clean air standards in this section.
- B. Waste Disposal Facilities must meet the following pollution limits where they are more stringent than corresponding limits in an air permit issued by a state or federal environmental agency:

Mercury: 15 micrograms per dry standard cubic meter (µg/dscm) corrected at 7% O₂

Sulfur Dioxide (SO₂): 18 parts per million dry volume (ppmvd) corrected at 7% O₂
(24 hour geometric mean)

MINUTES BOOKTOWN OF COEYMANS**
March 28, 2019 – Town Board Meeting – 7:00pm

Dioxins/Furans (PCDD/F): 2.6 nanograms TEQ_{DF}-WHO₉₈ per dry standard cubic meter
(ng/dscm) corrected at 7% O₂

Nitrogen Oxides (NO_x): 45 parts per million dry volume (ppmvd) corrected at 7% O₂
(24 hour block arithmetic mean)

40 parts per million dry volume (ppmvd) corrected at 7% O₂
(12 month rolling average)

Section 8: LOCAL ENFORCEMENT OF STATE / FEDERAL AIR PERMITS

For any Waste Disposal Facility regulated by this law, the Town hereby adopts and incorporates by reference herein the standards, limits, and requirements for the emission of air contaminants for such facilities, and standards of performance for stationary sources that would apply to such facilities, as promulgated by the U.S. Environmental Protection Agency pursuant to the Clean Air Act, the State of New York pursuant to New York's air pollution laws, or any other relevant statutes or consent orders. It is expressly the intent of the Town in adopting these standards, limits, requirements, and standards of performance, to make them independently enforceable by the Town of Coeymans, using any data made available from any Continuous Emissions Monitoring Systems required under Section 6.

Section 9: RESIDUE MANAGEMENT

A Waste Disposal Facility with any air emissions point source shall not process more than one ton of Waste in any 24 hour period without complying with the residue management requirements in this section.

Solid waste residue resulting from a combustion or gasification process at a Waste Disposal Facility, such as fly ash, bottom ash, combined ash, cement kiln dust, and gasification slag, shall be disposed of as hazardous waste in a licensed hazardous waste landfill.

Section 10: PENALTIES FOR OFFENSES

- A. Failure to comply with any of the provisions of this Local Law shall be a violation as contemplated by Article 10 of the New York State Penal Law, and, upon conviction thereof, shall be punishable by a fine of up to \$2,000 or imprisonment for not more than 10 days, or both, for the first offense. A second offense shall be punishable by a fine up to \$5,000 or imprisonment for a period of not more than 30 days, or both. All subsequent offenses shall be punishable of a fine up to \$10,000 or imprisonment for a period of not

MINUTES BOOKTOWN OF COEYMANS**
March 28, 2019 – Town Board Meeting – 7:00pm

more than 50 days, or both. For purposes of this subsection, failure to monitor, disclose, or meet an emissions limit are all separate and distinct offenses, per pollutant, and for each day that noncompliance with this Local Law exists.

- B. The Attorney for the Town may also maintain an action or proceeding in a court of competent jurisdiction to prevent, restrain, enjoin, correct, enforce, and/or abate any violations of, or non-conformance with, any provision or requirement of this Local Law (Chapter). If equitable relief is requested in the form of a temporary restraining order, a temporary injunction, or an injunction, or by any other form of prohibition or similar relief, the Town shall not be required to post any bond or undertaking as a condition or requirement for or of such relief, and the Town shall not be required to prove or show a lack of an adequate remedy at law. No right, remedy, or penalty specified in this Section 10 shall be the exclusive remedy of the Town, and each remedy or penalty specified in this Section 10 shall be in addition to, and not in substitution for or in limitation of, any other remedies or penalties specified in this Local Law or permitted by any applicable law, rule, order, or regulation. Any remedy or penalty specified in this Local Law may be pursued by the Town at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this Section 10.
- C. In addition, any enforcement officer may issue stop work orders or compliance notices relative to any violation of this Local Law. The failure of any person to comply with any such notice or order shall be and be deemed a violation of any other applicable law or ordinance, including, without limitation, the New York Executive Law, § 382, and, in each case, such non-compliance or violation may also be enforced as such.
- D. In the event the Town desires or is required to take legal action to enforce this Local Law the violator will be responsible for any and all necessary costs and expenses incurred by the Town relative thereto, including attorneys', engineering, consulting, and experts' fees; provided, however, any responsibility or liability therefor, and the amount thereof, shall be determined by a court or other tribunal of competent jurisdiction, and this clause shall be interpreted, construed, and applied only to the maximum extent permitted by applicable law.

Section 11: ENFORCEMENT AND ADMINISTRATION

Enforcement of this Local Law (Chapter) shall be the responsibility of Code Enforcement Official and/or Assistants duly authorized by the Town of Coeymans.

Section 12: COMMUNITY ENFORCEMENT

MINUTES BOOKTOWN OF COEYMANS**
March 28, 2019 – Town Board Meeting – 7:00pm

Any Town resident or taxpayer shall have the standing and authority to bring a civil action in state court to compel compliance with this law’s provisions and/or to seek civil penalties for a violation of a provision of this law or any order issued pursuant to this law. A civil action under this section may not be commenced prior to thirty (30) days after the plaintiff had given notice in writing of the noncompliance to the Town and to the owner or operator of the Waste Disposal Facility. The court, in issuing any final order in any action brought pursuant to this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate.

Section 13: SEVERABILITY

If any provisions of this Local Law (Chapter) are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this Local Law (Chapter) shall remain in effect.

Section 14: CONFLICTS OF LAW

Whenever any Local Law, Chapter, Ordinance or Regulation of the Town of Coeymans, County of Albany, State of New York, or United States of America is inconsistent with this Local Law (Chapter), whichever Local Law, Chapter, Ordinance or Regulation is more stringent shall supersede the less stringent Local Law, Chapter, Ordinance or Regulation.

Section 15: EFFECTIVE DATE

This Local Law shall take effect immediately.

Approval of Minutes

Motion to Approve Minutes

Councilman Dolan made a motion to accept the minutes as presented from the March 14th, 2019 Town Board Meeting, seconded by Councilman Youmans.

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

Supervisor Report

February 2019 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

MINUTES BOOKTOWN OF COEYMANS**
March 28, 2019 – Town Board Meeting – 7:00pm

Department Reports

Town Clerk Report – February 2019 Report read by Town Clerk Rowzee

Motion to Accept Report

Councilman Burns 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 – February 2019 Report read by Officer in Charge Contento

Motion to Accept Report

Councilman Youmans made a motion to accept the report as read, seconded by Councilman Baker.
APPROVED – VOTE – AYES 5 – NAYS 0 – ABSENT – SO MOVED

Building Department Report – February 2019 Report read by Code Enforcement Officer Cashin

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

Public Announcement

Councilman Dolan announced a concert on Sunday, April 7th will be the Clearwater's 50th and 100th Anniversary Concerts. He gave more information pertaining to this event.

New Business

2020 Census – Supervisor Crandall asked Town Clerk Rowzee to speak about the Census. Town Clerk Rowzee stated that for the first time residents would be able to submit their census information on-line. She mentioned a May 20th meeting for information about the census that will be held at the Albany Public Library and that she and local resident, Christine Primomo, were interested in having one here at the RCS Community Library. Town Clerk Rowzee has been in contact with Judith Wines at the RCS Community Library. Ms. Wines said that the Library is willing to provide space for a similar meeting which would involve community and religious leaders from the area. Town Clerk Rowzee then asked the Town Board members to look over the information she had given them in the folders and to consider whether the Town would be willing to use their website to promote the importance of the Census.

Councilman Youmans spoke about the importance of the census and how getting an accurate count could help our community. He stated that he was here for the 2010 count and that Coeymans lost population. He does not feel that we lost as much population as the census shows.

MINUTES BOOKTOWN OF COEYMANS**
March 28, 2019 – Town Board Meeting – 7:00pm

He feels that it is important that we start getting the word out there about it now. He stated that sales tax money that we receive is proportioned out according to population and that when the Town lost population it lost that money, in order to make up the difference the Town has to raise taxes.

New Comprehensive Plan – Councilman Dolan spoke about the opportunity he had to speak with Mike McGuire and the Capital District Regional Planning Commission (CDRPC). He stated that there was money available to help Towns and communities in the planning process. He stated the need for updating the Comprehensive Plan with emphasis on defining the business districts and updating things that did not exist when the plan was done, such as solar and broadband. Mr. McGuire has contacted Mayor Misuraca about this and Councilman Dolan has spoken with Aaron Flach from the Business Association Economic Development Committee.

Motion to Authorize Supervisor to Send Letter of Interest

Councilman Dolan made a motion to authorize the Supervisor to send a letter of interest to the CDRPC, seconded by Councilman Youmans.

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

Motion to Authorize Councilman Dolan to Submit Grant

Councilman Youmans made a motion to authorize Councilman Dolan submit the grant application, seconded by Councilman Baker.

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

Braking Aids Ride

Supervisor Crandall asked Officer in Charge Contento to speak about the Braking Aids Ride. Officer Contento stated that they had been in contact with him and were not asking for police assistance. He stated that this is not a race but it is just a ride through the area.

Motion to Allow Braking AIDS Ride

Councilman Youmans made a motion to allow Braking AIDS Ride to go through Coeymans on Saturday, Sept. 14th and to authorize Officer in Charge Contento to take care of what is needed, seconded by Councilman Baker.

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

Resolutions

Resolution #069-19 – Authorize Kerr to Attend Training

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

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

WHEREAS, John Kerr, Sewer Treatment Plant Manager, has requested to attend the New York Rural Water Associations 40th Annual technical training workshop at the Turning Stone Resort from Monday May 20th- Wednesday May 22nd 2019; and

MINUTES BOOKTOWN OF COEYMANS
March 28, 2019 – Town Board Meeting – 7:00pm**

WHEREAS, the training session will give Mr. Kerr 12 credit hours towards their 40 hour requirement that is needed to renew his license in five (5) years;

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Coeymans does hereby authorize John Kerr to attend the New York Rural Water Associations workshop from May 20th-May 22nd 2019 as well as authorize payment in the amount of \$803.00 for the registration, lodging, meals and mileage expenses as submitted by voucher.

Resolution #070-19 – Authorize Interfund Loan

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

WHEREAS, the Capital Projects Fund (HJ)-45 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 (HJ)-45 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 (HJ)-45, \$34,178.00 from the Part Town (B) Fund. These funds will be repaid to the Part Town (B) Fund as soon as the funds become available.

Resolution #071-19 – Abstract of Claims – March 2019

On motion of Councilman Baker, seconded by Councilman Burns, 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 March 2019, as follows:

PRE-PAID VOUCHERS –178165 – 178270 & 2019-001 - 2019-028 for a total of \$ **921,176.31**

VOUCHER NUMBERS –178271– 178370 for a total of \$ **77,505.63**

TOTAL FOR ALL FUNDS – \$ 998,681.94

Upcoming Meetings

Planning Board Meeting – April 1st at 7pm
Conservation Advisory Council Meeting – April 9th at 6pm
Town Board Meeting – April 11th at 7pm

Additional Comments

MINUTES BOOKTOWN OF COEYMANS**
March 28, 2019 – Town Board Meeting – 7:00pm

Councilman Burns stated that this was a big night. He said he did not believe that anything was done to hurt anyone and that he didn't feel like this was like the landfill in Coeymans situation. He felt that both sides failed to present factual data and information on which way this should go. He mentioned how he had sat with Mr. Fletcher for a presentation and wished the whole community had been able to see it. He mentioned that the TDF would be brought in as needed and that it burns 30% hotter than coal. He said there were checks in place so that if they get so much material in, that so much comes out. Councilman Burns did mention that he has concerns and that you are never really sure who you can trust but maybe they are on to something. He stated that he does not care if he gets re-elected, he loves serving the Town of Coeymans, but he was not comfortable voting on the law yet.

Councilman Dolan thanked everyone for coming out and voicing their opinions. He stated that everyone on the Town Board had spent a lot of time looking into this and sometimes reasonable people disagree about things.

Motion to Adjourn

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

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

Time – 8:34pm

Respectfully Submitted,



Cindy L. Rowzee, Town Clerk