

MINUTES BOOKTOWN OF COEYMANS
July 23, 2020 –Town Board Meeting – 7:00pm**

A Town Board Meeting was held Thursday, July 23rd, 2020 at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York.

PRESENT: George D. McHugh, Supervisor
Daniel D. Baker, Councilman
Kenneth C. Burns, Councilman
Brandon L. LeFevre, Councilman

PRESENT BY CONFERENCE CALL:
Zachary S. Collins, Councilman

ALSO PRESENT: Cindy L. Rowzee, Town Clerk
James Peluso, Attorney to the Town
Susan Rizzo, Albany County Comptroller
Daniel P. McCoy, Albany County Executive
Mary Ellen Rosato, Village Trustee
Linda Muller, Village Trustee

PRESENT BY CONFERENCE CALL:
Daniel Contento, Chief of Police
John Cashin, Code Enforcement Officer
Keith Geraldson, Chief WWTP Operator

Supervisor McHugh continued the meeting from the Public Hearing.

Guest Speakers

Honorable Susan A. Rizzo – Albany County Comptroller – Ms. Rizzo stood and spoke about her transition and the things that she had accomplished since taking office in January. She spoke of creating a succession plan for personnel, reducing staff, maximizing investments and closing Capital Projects and their bank accounts. She stated that the County had added \$250,000 to their fund balance in 2019 and maintains a AA credit rating. They have refinanced bonds to save over \$1 million in interest. Ms. Rizzo addressed the sales tax revenue shortfall and stated that there was an 11% decrease from the first 6 months of 2020 when compared to last year. The County has found ways to save money and control resources during these uncertain times. She stated that the County does remain in a strong financial position despite COVID-19.

Honorable Daniel P. McCoy – Albany County Executive – County Executive McCoy spoke about COVID-19 and stated that our rate had stayed steady but that our hospitalizations were back up a little. He stated that 124 residents of Albany County have passed away from COVID-19. He spoke about the loss in sales tax revenue and how this affects the County and Town. He spoke about the challenges that the health and economic crises are creating. He stated that since he has taken over in 2012 they have had to be smart about making financial decisions. The County now has money in their reserve and doesn't have to borrow to make payroll. He spoke

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about how challenging it can be to stay in the Property Tax Cap. He stated that 2021 is going to be challenging since this year we have the money set aside to make it through. He also stated that 2022 was going to be even harder. He encouraged people to wear masks and that we are all in this together.

County Executive McCoy spoke about Lawson's Lake and the improvements that have been made. He stated that they are hoping to open it up in August for limited day camps. He encouraged people to go there and hike and use the trails. He is hoping to make the lake swimmable. He mentioned a fire pit and pavilion that are available for use.

County Executive McCoy spoke about the State budget deficit and what would need to be cut. He stated that he has been working with SUNY Albany President and the local school superintendents to see how to make it safe for kids to come back to school. He stated that information from the state will not be out until after the County and Town budgets have already been created. He stated that it will likely take 5 years for us to get back to where we were and so we have to think long-term strategy.

Supervisor McHugh thanked Ms. Rizzo and County Executive McCoy for coming down and for the help the County has given us. He spoke of the Albany County mobile testing site that had been here at Town. He thanked them for being a great partner to the Town.

Councilman Baker thanked County Executive McCoy for working with the Town on the RK Property in Coeymans Hollow. He also asked about the fish in Lawson Lake. County Executive McCoy stated that he would look into when the lake would be stocked.

There was discussion about a potential summer program at Lawson's Lake in August. County Executive McCoy stated that he was looking into ways to make that work.

Public Announcements

Evening on the Green/Farmer's Market – Supervisor McHugh stated that this is every Wednesday. The Evening on the Green performance from the day before was postponed to tonight due to the rain. He also stated that the Farmer's Market is up to about 14 or 15 vendors. The Farmer's Market is 4:30-7:30 and Evening on the Green is 6-8. He asked that people wear a mask while shopping and to try and maintain a safe social distance.

River Fest 2020 – Supervisor McHugh stated that this is planned for September 11th and 12th, a Friday night and Saturday. On Friday evening, DJ Billy Hardy and Frese will be selling chicken dinners. On Saturday, the day will kick-off with a parade through the Town that will start at Mosher Park in the Village and we will walk down to Coeymans Landing. There will be vendors, Feliciano's Car Show, hot air balloon rides and the firework show over the river.

Census Update – Town Clerk Rowzee stated that you could still respond on-line to the census. Coeymans is at 57.6% of households responding, so there is still a ways to go. Christine Primomo from the League of Women Voters sent some statistics - for every resident not counted

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in the census it could cost the community \$2,000 per year per resident in lost revenue from all levels of government. If you don't still have the code that was sent you can go on-line and just put in your address. They will be going door to door and so if you do it on-line they will not have to come to your door and with COVID-19 it is a good idea to reduce that exposure.

2020 Sales Tax Revenue – Supervisor McHugh spoke about the anticipated revenue from sales tax. He stated that the first quarter amount received was about \$8,000 less than what was anticipated for the quarter. The second quarter was \$101,000 less than what was anticipated. He stated that there were some other inflated anticipated revenues in the budget that would not be realized and with added expenses he is anticipating a \$300,000 deficit in the 2020 budget. He stated that Town has maintained a spending freeze all year, reorganized the Community Beautification Department, and signed an agreement with Albany County Sheriff for a substation in order to save some money in the A Fund. All of this will help to counteract the deficit. He stated that we are stable and should not need to make any cuts in services or employment.

Prayer Walk – Supervisor McHugh stated that this would be Sunday, July 26th at 11am. Participants would be praying and singing hymns as they walk from St. Patrick's Church up to the Village Offices where they would have a short worship service focused on unity and understanding. All are welcome.

Albany Adult & Teen Challenge Golf Tournament – Supervisor McHugh announced that this would be held August 10th, 2020 at the Thunderheart Golf Course and Sunny Hill Resort at 11am. For more information call Albany Adult & Teen Challenge.

Valley Paper Mill Chimney – Supervisor McHugh stated that the Town and the Alcove Preservation Association would like to thank Mike O'Brien and his son from Natural Stone Supplies for donating time and expertise to fix the recently damaged chimney at Valley Paper Mill Pocket Park. He then stated that one of the stone piers had been hit and damaged and the O'Brien's had repaired it at no charge to the Town.

Supervisor McHugh asked the Village Trustees who were present if they had any questions. Trustee Muller asked about the camp at Lawson Lake Park that was mentioned by County Executive Dan McCoy. Supervisor McHugh stated that more information would be forthcoming but they would like to try and have a day camp up at the park. He stated that he should have more details the following week. He then stated that he had invited the Village Trustees to hear County Executive McCoy and they were welcome to stay for the whole meeting but did not need to feel obligated. The Village Trustees left at this point in the meeting.

Approval of Minutes

Motion to Approve Minutes

Councilman Burns made a motion to accept the minutes as presented from the May 28, 2020 Town Board Meeting, seconded by Councilman Collins.

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

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Motion to Approve Minutes

Councilman Baker made a motion to accept the minutes as presented from the June 4, 2020 Special Town Board Meeting, seconded by Councilman LeFevre.

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

Motion to Approve Minutes

Councilman LeFevre made a motion to accept the minutes as presented from the June 11, 2020 Town Board Workshop, seconded by Councilman Baker.

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

Supervisor Report

Supervisor McHugh read the June 2020 Supervisor’s Report.

Motion to Accept Report

Councilman Burns made a motion to accept the report, seconded by Councilman Baker.

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

Department Reports

Town Clerk Report – June 2020 Report read by Town Clerk Rowzee

Motion to Accept Report

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

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

Police Department Report – June 2020 Report read by Chief Contento by conference call.

Supervisor McHugh stated that as of July 17th the Village Court is no longer in existence and checked with Chief Contento that his patrolmen had been instructed to only write tickets for Coeymans. Chief Contento stated that all tickets and arrests are going through Coeymans as of the 17th.

Motion to Accept Report

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

Building Department Report – June 2020 Report read by John Cashin by conference call.

Supervisor McHugh verified that the Building Department had sent out 9 notices for abandoned vehicles in the hamlet. Mr. Cashin stated that he has. One of them is now gone. Supervisor McHugh asked about a pool and a permit and asked if that had been remedied. Mr. Cashin stated that it had as the owner applied for a permit.

Motion to Accept Report

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Supervisor McHugh made a motion to accept the report as presented, seconded by Councilman Burns. APPROVED – VOTE – AYES 5 – NAYS 0 – ABSENT – SO MOVED

Sewer Department Report – June 2020 Report written report presented and information given by Keith Geraldson.

Mr. Geraldson stated that everything is going well. He spoke about some of the projects that they have been working on at the Sewer Plant and at the Leachate Facility. He stated that they were still trying to get the roof fixed at the Leachate Building. Supervisor McHugh asked about the schooling in November. Mr. Geraldson stated that they still did not know what was happening with that and they are still hoping that the college is going to open up. Mr. Geraldson stated that the electric would be run out to the gate hopefully the next day.

Motion to Accept Report

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

Old Business

RK Property Cleanup – Supervisor McHugh stated that we were a month into the cleanup. It will be done within 90 days. They were working on it the day of the meeting and they will have an excavator going over the next day. They are also going to be staging the trailers the next day for removal.

Comprehensive Plan Update – Supervisor McHugh stated that most of the stakeholders have been identified and contacted. MJ Design is setting up appointments to meet with them to talk about the priorities. This will allow for MJ Designs to start putting together a roadmap for the update. He stated that August 5th would be the first stakeholder meetings at Town Hall. The survey would be up and running the next week.

Town/Village Justice Court Consolidation – Supervisor McHugh stated that they had been working with Office of Court Administration (OCA) and they have transferred all of the active files over from the Village Court to the Town Court. Our Court Clerks went over and boxed up 11 boxes of active files to bring over here. There are about 700 cases pending, most are suspensions that our court is not going to have to handle. Monday, OCA will finalize the transfer of all the electronic files leaving only the old files at the Village. The official day the Village Court closed is July 17th.

New Business

Board of Assessment Review – Proposal to decrease number of members – Supervisor McHugh is putting forth a proposal to decrease the number of members on the BAR from 5 to 3. This was done on recommendation from our Assessor. He named several Towns that have 3 members. He stated that it had cost the Town about \$8,500 for the Board of Assessment Review to take care of grievance for the reval this year. He stated that in the future we will be

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maintaining the Assessment Roll and so there should not be a large reval like this again. We will be doing systematic updates instead. He stated that there is an Alternate listed in the proposed local law in case they are needed. He explained that there is no benefit in numbers as they cannot split up the cases between the 5 people. They all have to look at each case.

Lafarge/Holcim Communications/Appoint Exploratory Committee – Supervisor McHugh stated that he had received a letter from Lafarge recently regarding the Clean Air Law that was similar to the law that was overturned in Baltimore, Maryland by the District Court. Based on the letter he would like to appoint an exploratory committee of residents, one from each section of our Town to explore the issue a little bit and come back with some advice and guidance at an independent level.

Motion to Appoint Members to Exploratory Committee

Supervisor McHugh made a motion to appoint David Kunz from the hamlet, Stephen Coye from the Village, and Marissa Tutay from the Hollow to sit on an exploratory committee to advise the Town Board on any matters relating to the Lafarge communications, seconded by Councilman LeFevre. APPROVED – VOTE – AYES 5 – NAYS 0 – ABSENT – SO MOVED

Councilman Burns asked if this was just a temporary committee. Supervisor McHugh stated that it was strictly an ad hoc committee strictly for this one issue.

SEQRA Review of Proposed Local Laws – Amend “Zoning Definitions” and Amend “Solid Waste” – Supervisor McHugh stated that they were going to do a SEQRA review on the two proposed amendments to definitions, one was to define what a transfer station is and the other is to add transfer station to the definition of terminals. The other SEQRA will be for the amendment to the Solid Waste law. Supervisor McHugh proposed that they go over the two SEQRAs together. The Town Board then went through the SEQRA Review for the two proposed local laws. He stated that this was a SEQRA for passing a local law and had nothing to do with the SEQRA that would be done by the Planning Board/Zoning Board of Appeals for an actual transfer station. At the end of the review Supervisor McHugh proposed a motion of negative declaration.

Motion of Negative Declarations regarding Proposed Amendments to “Zoning Definitions” and “Solid Waste” Laws

Supervisor McHugh made a motion to declare a negative declaration for both the proposed amendments to Chapter 138 – Solid Waste and Chapter 165 - Zoning, seconded by Councilman Burns. APPROVED – VOTE – AYES 5 – NAYS 0 – ABSENT – SO MOVED

Resolutions

Supervisor McHugh stated that the Local Laws, Peace and Good Order and Garbage and Garbage Receptacles had undergone three separate public hearings. He then stated that the Zoning definitions was a simple amendment to two definitions and amending Solid Waste was to allow the same recycle center that you are already allowed to have in Town, run by the Town, to

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be run by a private entity. These laws already exist in our code, they are amendments to existing laws.

Resolution #136-20 – Adopt Local Law 7 of 2020 – Peace and Good Order

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

WHEREAS the Town Board of the Town of Coeymans has introduced a proposed Local Law #5 of 2020, entitled “Peace and Good Order”, which is to insure Peace and Good Order throughout the Town of Coeymans, to foster a healthy environment for its residents and property owners, and support economic development, social order and stability; and

WHEREAS a public hearing upon proper notice was held on June 25, 2020, at 6:30pm at Coeymans Town Hall, 18 Russell Ave., Ravena, NY 12143, and said public hearing was continued to July 9, 2020 at 6:30p.m., and July 23, 2020 at 6:30p.m.;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby enact the proposed Local Law attached hereto and made a part hereof, which shall be numbered Local Law #7 of the year 2020, entitled “Peace and Good Order”.

**LOCAL LAW 7 OF 2020
CHAPTER 122 - PEACE AND GOOD ORDER**

Article I General Provisions

Purpose

The purpose and subject of this chapter is to insure Peace and Good Order throughout the Town of Coeymans, to foster a healthy environment for its residents and property owners, and support economic development, social order and stability.

Authority

The Town Board of the Town of Coeymans as Legislative Body for the Town of Coeymans hereby enacts this Local Law pursuant to authority conferred by New York State Town Law Article 16, New York State Municipal Home Rule Law, and the New York State Constitution.

Legislative Intent

The intent of this article is to establish a standard set of rules, which will foster Peace and Good Order within the Town of Coeymans, and protect and enhance the Town of Coeymans, its citizens, its environment, and its economy.

Outdoor fires.

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A. No person shall build, make, light or cause to burn any fire within the limits of the Town unless such fire is:

- (1) Confined to an adequate fire pit, outdoor fireplace, grill or barbecue pit; or
- (2) Burning brush with limbs less than 6 inches in diameter and 8 feet in length and generated from the property; and
- (3) Constantly monitored and in control; and
- (4) Not of a dangerous, unsafe or unreasonable size or condition; and
- (5) Not used to burn garbage, trash or rubbish

B. All fire pits, which are defined as any dug pit, hole, or structure in or on the ground designed to contain fire and prevent fire from spreading, must be no larger than four (4) feet in diameter, and are prohibited within 10 feet of any structure and must be enclosed if within 20 feet of any structure. This prohibition does not include grills, barbeque pits, or cooking devices.

C. For any other fire, the person shall obtain any permit required by any governmental agency, including but not limited to the Albany County Health Department and New York State Department of Environmental Conservation.

D. Such person shall notify the local fire department and police department through the Albany County 911 Dispatch Center of his intention to have any fire other than that described in Subsections **A(1) and A(2)**, hereinabove set forth.

E. This section shall not apply to fire training or other fires authorized by the New York State Office of Fire Prevention and Control, New York State Department of Environmental Conservation or other federal or state regulatory authority.

Placing garbage or waste in drains or culverts.

No person shall throw, place or deposit any garbage, offensive material or waste material in any drain, sewer, gutter, culvert, watercourse or any other place within said Town, or cause any obstruction or injury to the same or any nuisance, except at such dumping place or grounds as shall be located or designated by the Town Board and under the direction of the Town Highway Superintendent and Town Supervisor.

Encroachments upon streets or public grounds.

No person, persons or corporation shall erect or cause to be erected any fence, building or other structure or thing which shall in any manner encroach upon the boundaries of any street, highway or public place or grounds in said Town.

Interference with hydrants.

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No person shall interfere with any hydrant in said Town nor place any obstruction near the same so that it will impede or hinder the free access to said hydrant at any time, nor shall any person place any snow, ashes or other substance on or against any such hydrants.

Nails, glass or other injurious substances in streets.

No person shall throw, place or deposit any glass, nails, tacks or other articles injurious to horses, automobiles or other vehicles in any of the streets, alleys, roads or driveways in said Town.

Article II Rules of Conduct

Riotous assembly.

No person shall take part in or join or aid, assist or abet any riotous or tumultuous assemblage or unnecessary crowds upon the streets or in doorways or stairways adjacent thereto or loiter about such places.

Article III Noise

Legislative intent.

The making and creating of disturbing, offensive or excessive noise within the jurisdictional limits of the Town of Coeymans is a condition that is a detriment to the public health, comfort, convenience, safety and welfare of the citizens. This article is to be construed liberally but is not intended to discourage the enjoyment by resident and visitors of normal, reasonable and usual activities.

Prohibited acts.

No person shall make or create or allow any unreasonable noise that causes public inconvenience, annoyance or alarm, or recklessly creates a risk thereof. 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, between the hours of 11:00p.m. and 7:00a.m.

The provisions of this section shall not apply to the following acts:

A. The emission of sound for the purpose of alerting persons to the existence of an emergency or noise generated as a result of the emergency operations of a municipality, the Police Department, Fire Department or rescue squad.

B. Noise from municipally sponsored celebrations or events.

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C. Noise generated by the installation and maintenance of utilities.

D. The operation or use of any organ, radio, bell, chime or other instrument, apparatus or device by any church, synagogue or school licensed or chartered by the State of New York, provided such operation or use does not occur between the hours of 11:00 p.m. and 7:00 a.m.

E. Noise from domestic power tools, lawn mowers, snowblowers and other agricultural equipment, when such is equipped, when applicable, with properly functioning mufflers.

F. Noise from a gas-powered portable electric generator providing emergency power to a home or business, and only during the duration of the power outage or emergency.

G. Continuous noise generated from industrial operations within an industrially zoned area, which does not exceed 72 Decibels.

Article IV Enforcement

Administration and Enforcement.

The requirements established by this chapter shall be administered and enforced by any law enforcement agency that has jurisdiction in the Town of Coeymans and any other employee as authorized by the Town of Coeymans Town Board.

Penalties for offenses.

Any person committing an offense against any of the provisions of this chapter shall be guilty of a violation and, upon conviction thereof, shall be punishable for each offense by a fine of not more than \$200 or by imprisonment for not more than 15 days, or both.

Effective Date.

This chapter shall take effect immediately.

Resolution #137-20 – Adopt Local Law 8 of 2020 – Amend “Garbage and Garbage Receptacles”

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

WHEREAS the Town Board of the Town of Coeymans has introduced a proposed Local Law #8 of 2020, entitled “Amendments to Chapter 102 – Garbage and Garbage Receptacles”, which is to amend §102-5 “Definitions”, §102-7 “Dumpsters and Roll-offs”, and §102-8 “Penalties for Offenses; and

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WHEREAS a public hearing upon proper notice was held on June 25, 2020, at 6:30pm at Coeymans Town Hall, 18 Russell Ave., Ravena, NY 12143, and said public hearing was continued to July 9, 2020 at 6:30p.m., and July 23, 2020 at 6:30p.m.;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby enact the proposed Local Law attached hereto and made a part hereof, which shall be numbered Local Law #8 of the year 2020, entitled “Amendments to Chapter 102 – Garbage and Garbage Receptacles”.

**LOCAL LAW 8 OF 2020
AMEND CHAPTER 102 – GARBAGE AND GARBAGE RECEPTACLES**

Chapter 102, “Garbage and Garbage Receptacles,” section 102-3, “Definitions,” of the Code of the Town of Coeymans is hereby amended as follow:

§ 102-3 **Definitions.**

As used this chapter, the following terms shall have the meanings indicated:

GARBAGE

Offal, waste food, dead animals, or fowl or part thereof, vegetable matter of any kind and any other waste or discarded matter, which shall be either flammable or capable of fermentation or decay; waste material, including papers, cartons, tin cans, scrap metal, bottles, plastic and cardboard containers, discarded appliances, abandoned refrigerators, boilers, hot-water heaters, television sets and other similar appliances, waste or discarded wood and lumber and any and all similar substances and articles.

Chapter 102, “Garbage and Garbage Receptacles,” section 102-7, “Dumpsters and roll-offs,” of the Code of the Town of Coeymans is hereby amended as follows:

§ 102-7 **Dumpsters and roll-offs.**

A. Dumpsters or roll-offs are not allowed in the following zones beyond thirty (30) days, unless a temporary permit is obtained from the Building Department: R-1, R-2, R-3, R-4 and B-1. Annual permits may be obtained by owners of properties within the R-2, R-3, R-4 and B-1 zones upon application to the Building Department and approval by the Town Board.

B. Dumpsters are allowed in C-1P, CF-1 and CF-2 Zones so long as they remain outside of public view. Roll-offs for said zones requires a temporary permit if remaining on the property beyond thirty (30) days, to be obtained from the Building Department.

C. Dumpsters are defined as a type of movable waste container designed to be brought and taken away by a special collection vehicle, or to a bin that a specially designed garbage truck lifts, empties into its hopper, and lowers it on the spot. Dumpsters do not include any container of 95 gallon capacity or less.

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D. Roll Off Dumpsters are defined as an open top dumpster characterized by a rectangular footprint, utilizing wheels to facilitate rolling the dumpster in place. Roll Off Dumpsters come in various sizes, but typically range between 10 yards and 30 yards in size.

Chapter 102, “Garbage and Garbage Receptacles,” section 102-8 “Penalties for offenses” of the Code of Town of Coeymans is hereby amended as follows:

§ 102-8 Penalties for offenses.

Any person committing an offense against any of the provisions of this chapter shall be guilty of a violation and upon conviction thereof shall be punishable by a fine not less than \$50 nor more than \$250 or by imprisonment for a term not exceeding 15 days, or both. Each day’s continued violation shall constitute a separate additional violation. In addition to police enforcement, this chapter may be enforced by the Code Enforcement Officer of the Town of Coeymans by initiating an action in a civil court of competent jurisdiction. Any person found in violation of this chapter by a civil court shall be subject to a civil penalty, payable to the town, of an amount not less than \$50 nor more than \$250 for each violation.

Resolution #138-20 – Adopt Local Law 9 of 2020 – Amend “Zoning Definitions”

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

WHEREAS the Town Board of the Town of Coeymans has introduced a proposed Local Law #9 of 2020, to amend Town Code Chapter 165, Section 165-3 entitled “Definitions”, by adding the following definitions:

- 1) TRANSFER STATION – A site where recyclables, solid waste, and refuse are collected and sorted in preparation for processing, transfer or landfill.
- 2) TRANSPORTATION TERMINAL – A railway terminal, freight station, container terminal or yard, multipurpose cargo terminal, port, transfer station, or any similar receiving point; and

WHEREAS a public hearing upon proper notice was held on July 23, 2020, at 6:30pm at Coeymans Town Hall, 18 Russell Ave., Ravena, NY 12143; and

WHEREAS The Town Board acting as Lead Agency pursuant to the NYS Environmental Quality Review ACT (SEQRA) has determined that enactment of the proposed Local Law #9 of 2020, will not create the potential for any adverse environmental impacts and has adopted a Negative Declaration pursuant to SEQRA and its accompanying regulations;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby enact the proposed Local Law attached hereto and made a part hereof which shall be numbered Local Law #9 of the year 2020.

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Supervisor McHugh stated that Albany County Planning Board had recommended that we notify all adjacent municipalities which John Cashin did.

Resolution #139-20 – Adopt Local Law 10 of 2020 – Amend “Solid Waste”

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

WHEREAS the Town Board of the Town of Coeymans has introduced a proposed Local Law #10 of 2020, to amend and replace Town Code Chapter 138 – Solid Waste to allow the provision for privately owned and operated Transfer Stations to be permitted within the Town of Coeymans; and

WHEREAS a public hearing upon proper notice was held on July 23, 2020, at 6:30pm at Coeymans Town Hall, 18 Russell Ave., Ravena, NY 12143; and

WHEREAS The Town Board acting as Lead Agency pursuant to the NYS Environmental Quality Review ACT (SEQRA) has determined that enactment of the proposed Local Law #10 of 2020, will not create the potential for any adverse environmental impacts and has adopted a Negative Declaration pursuant to SEQRA and its accompanying regulations;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby enact the proposed Local Law attached hereto and made a part hereof which shall be numbered Local Law #10 of the year 2020.

**Local Law 10 of 2020
Amend Section 138 – Solid Waste**

Chapter 138 Solid Waste

Article I Removal; Recycling

§ 138-1 Legislative intent.

The purpose of this article is to promote and protect the public health and welfare of the citizens of the Town of Coeymans by regulating the collection and disposal of solid waste; to reduce the amount of solid waste which the town must dispose of; to eliminate disposal of solid waste at sites which are not authorized by the town; to recover recyclable materials and deliver them to markets; to offer alternative refuse disposal and recycling options; to reduce littering; and to encourage participation by the whole community in addressing the solid waste problem through a simple, equitable fee system based on actual solid waste quantities generated.

§ 138-2 Legislative authority.

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This article is enacted under the authority granted the Town of Coeymans in § 120-aa of the General Municipal Law, § 136 of the Town Law, § 10 of Municipal Home Rule Law and through the requirements of the New York State Solid Waste Management Act of 1988.

§ 138-3 Definitions.

As used in this article, unless otherwise expressly stated, the following terms shall have the meanings indicated:

COLLECTOR

Any sole proprietorship, firm, partnership, corporation or other entity registered and permitted by the Town of Coeymans to carry on the business of collecting, transporting, disposing of solid waste, and marketing of recyclables, both residential and nonresidential, generated within the Town of Coeymans according to the provisions listed herein.

COMPOSTING

Refers to the microbial degradation or decomposition of organic matter into a useful product.

CONSTRUCTION DEBRIS

Discarded general building materials and refuse matter resulting from the erection, repair or demolition of buildings, structures or other improvements of property excluding materials defined as hazardous waste.

ENVIRONMENTAL ENFORCEMENT OFFICER

That person appointed by the Town Board to enforce this article and other laws related to solid waste issues.

GARBAGE

Any nonrecyclable kitchen and household waste and table cleanings.

GROUP RESIDENCE

Any residential structure where more than four unrelated residents reside which includes shared kitchens and bathrooms.

HAZARDOUS WASTE

A waste defined in § 27-0901 of the Environmental Conservation Law of the State of New York as the same may be amended from time to time.

LARGE HOUSEHOLD FURNISHINGS

Any other large, bulky article actually used in the home and which equip it for living, including but not limited to chairs, sofas, tables, beds and carpets.

MULTIPLE-FAMILY RESIDENCE

Any residential structure with four or more units with individual kitchens and bathrooms.

NONRECYCLABLE WASTE

Items not listed as collectible by the Recycling Coordinator, including but not limited to rags, sweepings, rubber, leather, crockery, electrical wiring, shells, dirt, filth, ashes and similar waste materials.

NONRESIDENCE

Any building not used as a residence or multiple-family residence and includes commercial establishments, social organizations, churches and schools.

RECYCLABLES

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Those waste items designated by the Recycling Coordinator as being marketable, and currently including but not limited to clean plastic and glass food containers, metal food cans, dry discarded newspapers, magazines, cardboard and flat paper.

RECYCLING/TRANSFER CENTER

A site or sites designated and permitted by the Town Board and operated by the Town of Coeymans or designated permittee for the purposes of collecting recyclables, nonrecyclable waste, construction debris, scrap iron, tires, white goods, yard waste and other permitted waste so that they can be shipped to various recycling markets, processing centers, and waste disposal sites. Hazardous wastes are not permitted.

RECYCLING/TRANSFER CENTER COORDINATOR

That person appointed by the Town Board to administer a town operated Recycling/Transfer Center and to enforce the provisions of this Chapter.

RESIDENCE

Any residential structure with fewer than three units which have separate kitchens and baths.

SCRAP IRON

Not limited to car parts, cast iron and heavy metals. It shall not include car bodies.

SOLID WASTE

A waste defined by § 27-0701 of the Environmental Conservation Law of the State of New York as the same may be amended from time to time. Hereinafter, referred to as "waste."

TIRES

Discarded vehicular tires and tire casings separated from the rim.

TOWN

The Town of Coeymans, its Town Board and its agents and representatives.

WHITE GOODS

Any large, bulky household mechanism, including but not limited to tin, refrigerators, washers, dryers, stoves and water heaters.

YARD WASTE

Leaves, grass clippings, twigs and branches, hedge trimmings, and tree limbs under four inches in diameter.

§ 138-4 Preparation of waste; general procedures.

A. All residential, nonresidential and commercial waste generators in the Town of Coeymans shall contract for waste removal services with a private waste collector registered and permitted by the town or shall demonstrate to the Recycling/Transfer Center Coordinator an appropriate, legal, alternative method of disposal. These waste removal services shall include the separation of recyclables according to instructions issued by the Town Recycling/Transfer Center Coordinator. This list of instructions will be approved by the Town Board by resolution and will take effect 30 days after the approval of the resolution unless otherwise specified in the resolution.

B. Collectors shall supply town-approved recycling bins to their residential customers.

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C. Containers for nonrecyclable materials or garbage are not required to be clear or allow unobstructed view of contents. Those which do not offer unobstructed view are, however, subject to random content testing. .

§ 138-5 Permit and reporting requirements for collectors.

A. No person shall engage, on a regular basis, in the business of collecting, transporting or disposing of solid waste and/or the marketing of recyclables generated within the Town of Coeymans, without a permit as required in this article.

B. The following procedures shall be followed to obtain a solid waste collection permit:

(1) A permit application shall be made, in writing, on a form prescribed by the Town Clerk accompanied by a fee. The Town Board will set the permitting fee for solid waste collection by resolution. Changes in the permitting fee shall take effect on the date that each permit is due for filing or renewal.

(2) The application shall contain the name of the applicant or, if a partnership or corporation, the names of the partners, officers, directors and all persons holding 25% or more of the outstanding shares of said corporation, the address of the place of business and the regular and emergency telephone numbers.

(3) The application shall list the days of collection, the number of collections and the areas served.

(4) The Town Clerk shall review the application for completeness and shall submit it to the Recycling Coordinator who will review it and establish any terms and conditions required. Following the Recycling/Transfer Center Coordinator's review and approval of the application, the Town Clerk shall issue a permit to the collector.

C. Upon violation of the collection conditions prescribed by this article, the Recycling/Transfer Center Coordinator can recommend revocation of the permit which requires the approval of the Town Board prior to revocation.

D. The effective term of the permit shall be determined by the Town Board.

E. Acceptance of the solid waste permit constitutes an agreement to perform under the following conditions, where applicable to the service provided by the permitted collector:

(1) For all permitted collectors:

(a) To provide regular scheduled collection service to its contracted customers for refuse and/or recyclables.

(b) To keep recyclables segregated for delivery to a suitable, State Department of Environmental Conservation-recognized materials recovery facility, or to markets approved by the Recycling /Transfer Station Coordinator.

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(c) That the collector be obligated to pick up regularly only those recyclable items prescribed by the town and described in § 138-3, definition of "recyclables."

(2) For nonresidential and commercial collectors:

(a) That collection of recyclables from nonresidential and commercial waste generators shall be compatible with the residential standards designated by the Recycling/Transfer Center Coordinator.

§ 138-6 Town Recycling/Transfer Center.

A. The town or permittee may operate and maintain a "Recycling/Transfer Center" pursuant to a duly authorized permit issued by the Town Board. Additional drop-off points for permitted recyclables and other waste items may be designated by resolution of the Town Board. ...

B. The initial hours of operation for a town operated Recycling/Transfer Center and a fee schedule for disposal of recyclables and other waster items shall be adopted by resolution of the Town Board. Oversight of a town operated Recycling/Transfer Center shall be the responsibility of the Recycling/Transfer Center Coordinator.

C. The Recycling/Transfer Center may only accept recyclables and other waste items pursuant to the terms of a permit issued. The Town Board shall have sole authority and discretion to determine the types of recyclables and other waste items that may be permitted.

D. The Recycling/Transfer Center Coordinator and/or designated inspectors will conduct random inspections of solid waste and recyclables left curbside. If these random inspections reveal recyclables mixed with solid waste, this will constitute a violation of this article and could result in penalties under the provisions of § 138-13 of this article.

§ 138-6.1 Permit and Reporting Requirements for Recycling/Transfer Center

A. The following procedures shall be followed to obtain a permit to operate a Recycling/Transfer Center:

(1) A permit application shall be made, in writing, on a form prescribed by the Town Board accompanied by a fee. A permit fee may be established or amended by resolution of the Town Board. Changes in the permitting fee shall take effect on the date that each permit is due for filing or renewal.

(2) The application shall contain such information as may be required by the Town Board, including but not limited to: the name of the applicant or, if a partnership or corporation, the names of the partners, officers, directors and all persons holding 25% or more of the outstanding shares of said corporation; the address of the place of business and the regular and emergency telephone numbers; proposed dates of operation; the type and volume of recyclables or other items sought to be permitted; site plan information; and any other pertinent information that may be required.

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(3) The application shall be referred to the Planning Board for site plan review pursuant to Chapter 136. Upon completion of its review and after conducting a public hearing, the Planning Board shall refer the application back to the Town Board for consideration, together with any comments of the Planning Board or public. The Town Board shall bear sole and final authority to approve or deny the application, which determination shall be in its sole discretion of the Town Board. The Town Board shall make its determination within 62 days of the referral from the Planning Board or extend such time frame by consent of the applicant. The decision of the Town Board shall be filed in the office of the Town Clerk within five business days of the date such decision is rendered and a copy thereof shall be mailed to the applicant.

- B.** No Recycling/Transfer Center shall be operated within ten (10) miles of another such facility.
- C.** The effective term of the permit shall be determined by the Town Board.

§ 138-7 Nonresidential and commercial properties.

A. The Recycling/Transfer Center Coordinator shall issue instructions on which materials are to be collected, the timetable and how they shall be prepared.

B. The Recycling/Transfer Center Coordinator shall work with the owners or operators of nonresidential and commercial properties to develop recycling plans which meet the community's goal of increasing recycling in a manner which is as efficient for the property as possible.

§ 138-8 Multiple-family and group residences.

A. The owner of every multifamily residential complex or group residence shall provide and maintain, in a neat and sanitary condition, recycling collection areas to receive the recyclables generated by the residents of the complex. This area will be approved by the Recycling Coordinator and, if construction is required, the area will conform to local codes.

B. In cases where a condominium, cooperative, homeowner or similar organization exists, the association shall be responsible for the provision and maintenance of the recycling collection areas.

C. All residents shall separate recyclables from the waste stream and place them in the appropriate containers within the collection areas, or curbside.

D. The Recycling/Transfer Center Coordinator shall work with the owners or operators of multiple-family and group residences to develop recycling plans which meet the community's goal of increasing recycling in a manner which is as efficient for the residence as possible.

§ 138-9 Recyclables to be clean and dry.

All recyclables offered for collection, either curbside or at the Recycling/Transfer Center, shall be clean and free of food particles and shall be kept dry.

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§ 138-10 Placement of hazardous substances unlawful.

It is unlawful to place a hazardous substance out for collection at curbside.

§ 138-11 Dumping prohibited.

It is unlawful to dispose of any material by dropping or willfully dumping such material in a manner inconsistent with the intent of this article and at a site not authorized by this article.

§ 138-12 Penalties for offenses.

It is the intent of this article to encourage recycling and safe disposal of solid waste in the Town of Coeymans. Unless otherwise stated, those who violate the provisions of this article will face these penalties:

A. Any person, individual, firm, corporation or partnership who fails to comply with the provisions of this article other than those provisions pertaining to the payment of charges for services established herein, shall be guilty of a violation and shall be notified of this violation by a written summons issued by the Recycling/Transfer Center Coordinator and/or designated inspector and delivered by certified mail. A first violation of this article shall be subject to a written warning. A second violation shall be subject to a written warning. Upon the third, the Recycling/Transfer Center Coordinator will refer the case to the Town Court. Anyone found guilty of such violations shall be fined \$50. Upon the fourth and subsequent violations, the Recycling/Transfer Station Coordinator will refer the case to the Town Court. Anyone found guilty of such violations will be fined up to \$250 and/or 30 days in jail. The violator will have one week to redress each violation. If, after that week, the Recycling/Transfer Center Coordinator discovers that a violation still exists, it shall be considered a separate offense. Additionally, persons found in violation of any section of this article shall be liable and responsible to the town for any and all damage caused by the violation and any expense to the town incurred to inspect and investigate any such violation.

B. Any person who knowingly makes any false statements, representation, record, report, plan or other documentation filed with the town or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this article shall be punished by \$250 and/or 90 days in jail.

§ 138-13 Repealer.

All provisions of any other local law or ordinance which are inconsistent with the provisions of this article are hereby repealed, except that part of Chapter **109**, Landfills, which prohibits the importation of solid waste into the Town of Coeymans.⁽¹⁾

Article II Prohibition Against Waste Generated Outside Town

§ 138-14 Legislative declaration.

A clean, wholesome, attractive environment is declared to be of importance to the health, safety and welfare of the residents of the Town of Coeymans ("town"). It is further declared that the importation of solid waste generated within the State of New York and outside the town to any

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site within the town that is not a permitted Recycling/Transfer Center is a hazard to such health, safety and welfare, necessitating the elimination thereof.

§ 138-15 Definitions.

As used in this article, the following terms shall have the meanings indicated:

SOLID WASTE

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

§ 138-16 Importation of waste prohibited.

The importation of solid waste generated outside the town to any site within the town that is not a permitted Recycling/Transfer Center is hereby prohibited. Said prohibition shall apply only to solid waste generated within the State of New York.



§ 138-17 Penalties for offenses.

A. Any person, firm or corporation committing an offense of this article shall be guilty of a violation and shall be subject to a mandatory minimum fine not to exceed \$1,000.

B. In the event of a continuing offense of this article, each day such offense shall continue shall be a separate violation and subject to a separate penalty.

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

§ 138-18 Repealer.

All provisions of any other local law and/or ordinance which are inconsistent with this article are hereby repealed; provided, however, that this article shall in no way repeal, modify or otherwise alter Local Law No. 1 of 1976 and Local Law 1 of 1982.

§ 138-19 Enforcement.

The enforcement of this article will be the responsibility of the Town Police Department and Building Department.

Resolution #140-20 – Amend Budget – Celebrations Contractual

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

WHEREAS, the Chief Fiscal Officer has determined that in order to maintain proper accounting of the 2020 Budget the following budget amendment is in order:

General Fund (A)

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Increase Appropriations

(A)7550.4 Celebrations Contractual \$16,000.00

Increase Revenue

(A)2705 Gifts and Donations \$16,000.00

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby authorize Supervisor George D. McHugh to amend the budget for the year 2020 as depicted above in this resolution.

Supervisor McHugh stated that the \$16,000 going into Celebrations Contractual is not taxpayer funds. These are gifts and donations from different commercial entities in our Town, Lafarge-Holcim, Port of Coeymans, Mr. Biers and some other smaller donations. These were given specifically for River Fest and Evenings on the Green.

Resolution #141-20 – Propose Local Law – Board of Assessment Review

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

The accompanying proposed Local Law entitled “Board of Assessment Review” for the Year 2020 to decrease the membership of the Board of Assessment Review from five (5) members to three (3) members within the Town of Coeymans; and

A public hearing upon such proposed Local Laws shall be held on August 13, 2020, at 6:30pm at Coeymans Town Hall, 18 Russell Ave., Ravena, NY 12143, and

The Town Clerk shall publish notice of the Public Hearing upon the proposed Local Laws with a summary thereof in the official newspaper at least five (5) days in advance of the Public Hearing.

BY ORDER OF THE COEYMANS TOWN BOARD

Dated: July 23, 2020

Supervisor McHugh stated that there are 5 members currently with one person’s term up in September. No one will be taken off the Board, the next two members whose terms come up will just not be replaced and an alternate will be appointed. No one is getting cut from the Board as a result of this, they will all finish their terms.

Resolution #142-20 – Abstract of Claims – July 2020

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

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BE IT RESOLVED, that the Town Board has approved the payment of bills as presented in the Abstract for July 2020, as follows:

PRE-PAID VOUCHERS –180973 – 181057, & 2020-043 - 2020-052 from the following funds:

General	\$164,138.19
Part Town	\$118,998.28
Highway - Part Town	\$57,847.85
Sewer	\$24,033.29
Trust & Agency	\$42,171.53
Payroll Deductions	\$7,234.30

VOUCHER NUMBERS –181058–181133, 181138 from the following funds:

General	\$22,029.17
Part Town	\$147.67
Highway -Town Wide	\$3,929.86
Highway – Part Town	\$189,820.12
Sewer	\$19,966.90

TOTAL FOR ALL FUNDS – \$650,317.16

Resolution #143-20 – Appoint As Needed PT Sewer Treatment Plant Operator

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

WHEREAS, The Sewer Department is in need of a Part time Sewer Treatment Operator on an as needed basis: and

NOW, THEREFORE, BE IT RESOLVED, the that Town Board of the Town of Coeymans does hereby appoint John Lennon to the Position of Part Time Sewer Treatment Operator effective immediately through December 31, 2020 at a rate of 24.54 per hour, and on an as needed basis.

Supervisor McHugh stated that we have one licensed operator at our Sewer Treatment Plant. There are three employees and the other two are scheduled to get licensed in November. Until then, when Mr. Geraldson is on vacation we need to make sure we have another licensed operator there. Mr. Lennon has agreed to work on an as needed basis. He stated that DEC is the only one that runs the school and they won't do it any other way than in person.

Councilman Burns stated that the Sewer Treatment Plant was not a bad place to work and recommended getting younger people to work there.

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Upcoming Meetings

Village Meeting, August 3rd, 2020 @ 6:00pm

Coeymans Planning Board/Zoning Board of Appeals Meeting – August 10th, 2020 at 7pm

Coeymans Town Board Public Hearing – August 13th, 2020 at 6:30pm

Coeymans Town Board Workshop Meeting, – August 13th, 2020 at 7:00pm

Motion to Adjourn

On motion of Councilman Baker, seconded by Councilman Burns, the Town Board meeting was adjourned.

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

Time – 8:38pm

Respectfully Submitted,



Cindy L. Rowzee, Town Clerk