

**MINUTES BOOK\*\*TOWN OF COEYMANS  
August 27, 2020 –Town Board Meeting – 7:00pm**

**A Town Board Meeting was held Thursday, August 27<sup>th</sup>, 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  
Zachary S. Collins, Councilman  
Brandon L. LeFevre, Councilman

**ALSO PRESENT:** Cindy L. Rowzee, Town Clerk  
James Peluso, Attorney to the Town  
Craig Apple, Albany County Sheriff  
David Kunz, Clean Air Committee  
Marissa Tutay, Clean Air Committee  
Stephen Coye, Clean Air Committee

**PRESENT BY CONFERENCE CALL:**  
Daniel Contento, Chief of Police  
John Cashin, Code Enforcement Officer

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Supervisor McHugh continued the meeting from the Public Hearing.

**Guest Speakers**

**Honorable Craig Apple – Albany County Sheriff** – Supervisor McHugh stated that the Parks Department has been consolidated out with the Highway Department, which allows for the Sheriff to take over the whole building in the hamlet. He stated that there is some great signage and that everyone he speaks with is happy with the Sheriff presence down there.

Sheriff Apple then stood and spoke about the Sheriff substation in the hamlet of Coeymans. He stated that they are going to be adding more cars to the substation once the violence dies down in Albany. He stated that the Sheriffs have participated in 15,000 calls in Coeymans in the first 8 months of this year. Sheriff Apple stated that arrests and traffic incidents were going down. He stated extra Coeymans Police Officers were brought in when they needed to pull the Sheriffs out to help with the unrest in Albany. The SROs will be back in the schools this fall. He spoke of rotating staff at the substation here but said they have tried to keep the same ones for extended periods. He also stated that he has not received any complaints from Coeymans. He stated that the building is perfect that they can now process arrests right there and that they have also added a sergeant. He stated that there was a greater need rather than just arresting people and ticketing them and the Sheriff Department has been able to bring a lot of that by helping with mental health and alcohol or drugs. When asked if there were any issues with the budget for 2021 he stated that there was not. Sheriff Apple said that they are in the process of building a new 911 Center and that things are expensive but that we want to make sure we provide for the safety of the people. He stated that there are a lot of vacancies at the correctional facility and so the vacant

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corrections officer positions will help to provide money. He also mentioned that he has saved money from leasing cars vs. buying.

Councilman Baker stated that this is exactly how they had talked about things going and asked Sheriff Apple to address increasing EMS services.

Sheriff Apple stated that this had been in place a few years. They have been there to pick up EMS services that have gone under and augment staff, not replace anyone. He stated that there are very few fully volunteer services anymore but they do still need volunteers. Some of his Deputies are interested in becoming certified and they are looking to expand the program. They are trying to keep people from having to work 36 hours straight and have someone who is fresh out there trying to save lives.

**Public Announcements**

**RiverFest 2020 Sponsorship Recognition** – Supervisor McHugh asked representatives from the following businesses to come forward – Dorsey Sign Company, Callanan Industries, Carver Companies & Port of Coeymans, Lafarge-Holcim, and WM Biers, Inc. He thanked them for their support for RiverFest and presented them with a sponsorship gift that was purchased by his law firm and by his brother Albert’s landscaping company, the McHugh Group.

**Evening on the Green/Farmer’s Market** – Supervisor McHugh stated that through the generosity of Lafarge-Holcim the Farmer’s Market and Evenings on the Green had been extended through September 16<sup>th</sup>. He stated that they have had good turnouts and that people had even come from other areas. He stated that everyone is wearing their masks and social distancing.

**Coeymans Town Hall Closed** – Supervisor McHugh stated that Coeymans Town Hall will be closed on Monday, September 7<sup>th</sup> in honor of Labor Day.

**Assessment Information** – Supervisor McHugh went over some of the numbers regarding school taxes, the STAR program and the assessment roll. There had been 127 Board of Assessment Review hearings from which we received 19 small claims actions and 14 Article 7 actions. He stated that 8 of the 19 small claims and 8 of the 14 Article 7’s had been settled. He stated that based on the new valuation, school taxes should be going down to 18.88 per thousand.

**Parade for Jim Bruno** – Supervisor McHugh announced that the parade being planned to celebrate Jim Bruno’s birthday was being moved to August 30<sup>th</sup>. Those who are interested in participating should plan to meet at the High School at 10:30am and should e-mail Officer Case if you plan on attending.

**Approval of Minutes**

**Motion to Approve Minutes**

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Supervisor McHugh made a motion to accept the minutes as presented from the June 25, 2020 Public Hearing, June 25, 2020 Town Board Meeting, July 9, 2020 Public Hearing, July 9, 2020 Town Board Workshop, July 23, 2020 Public Hearing, July 23, 2020 Town Board Meeting and August 13, 2020 Public Hearing, seconded by Councilman LeFevre.

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

**Supervisor Report**

Supervisor McHugh read the July 2020 Supervisor’s Report.

**Motion to Accept Report**

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

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

**Department Reports**

**Town Clerk Report –**

Town Clerk Rowzee reported that her office had worked with the State Archives to destroy 84 cubic feet of obsolete records that they had gone through during the pandemic. She thanked the Highway Department for their help in moving the boxes to the State Archive van. The records included some financial and payroll records over 6 years old as well as general correspondence from the Supervisor’s Office dating back to the 1950s.

July 2020 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 –** July 2020 Report read by Chief Contento by conference call.

**Motion to Accept Report**

Councilman Baker 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 –** July 2020 Report read by John Cashin by conference call.

**Motion to Accept Report**

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

**Sewer Department Report –** As Mr. Geraldson was on vacation there was no report for the Sewer Department.

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**Old Business**

**Coeymans Clean Air Law Advisory Committee Report** – Supervisor McHugh asked the Coeymans Clean Air Law Advisory Committee to give their report that was created in response to a letter from Lafarge regarding a case decided in Maryland that overturned a Clean Air Law that was similar to the Coeymans one. The decision stated that localities are not to pass laws on issues such as air. That is left to the states and the feds.

Mr. Kunz, Ms. Tutay and Mr. Coye took turns speaking about the process they went through to research this matter and their findings and recommendations. They concluded that they felt that Lafarge would be successful if they brought a lawsuit against the Town regarding the Clean Air Law. They stated that litigation can be expensive. They also stated that if Lafarge cannot burn Tire Derived Fuel (TDF) they will continue to burn coal and that is not as clean as TDF. They stated that with the law as it is written the Town of Coeymans is obligated to monitor and enforce but it does not have the staff or the technical ability to do so.

The Town Board and Attorney to the Town Peluso stated that they will look over the 71 page report that was prepared by the committee before making any decisions.

**New Business**

**Mechanical Bull Contract** – Supervisor McHugh stated that the committee for RiverFest has procured a mechanical bull. It meets the COVID protocols and will be disinfected after every ride.

**Motion to Sign Contract**

Supervisor McHugh made a motion to authorize the Town to sign the contract for a mechanical bull to be at RiverFest, seconded by Councilman LeFevre.

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

**Coeymans Hamlet Livestock/Chicken Issue** – Supervisor McHugh stated that he had prepared a proposed law for Livestock/Chickens in the Hamlet. He stated that he had a call complaining that someone was butchering a goat on their property in the hamlet. Supervisor McHugh said that for now this law will be limited to the hamlet and after the Comprehensive Plan is complete and the zoning is looked into they will consider expanding it to all R-1/R-2 districts.

There was discussion about those who already own 30 chickens. It was stated that they would be given 30 days to get rid of them, then given another couple of weeks and then after that would be given a Notice of Violation.

**Resolutions**

**Resolution #149-20 – Adopt Local Law 11 of 2020 – 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

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**WHEREAS**, the Town Board of the Town of Coeymans has introduced a proposed Local Law #11 of 2020, with the purpose of this Local Law being to decrease the membership of the Board of Assessment Review from five (5) members to three (3) members. It is adopted pursuant to the authority granted under the Real Property Tax Law § 523 and Sections 10 and 20 of the Municipal Home Rule Law; and

**WHEREAS**, a public hearing upon proper notice was held on August 13, 2020, at 6:30pm at Coeymans Town Hall, 18 Russell Ave., Ravena, NY 12143 and extended through August 27, 2020;

**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 #11 of the year 2020.

**LOCAL LAW 11 OF 2020  
CHAPTER 69 – BOARD OF ASSESSMENT REVIEW**

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**Section 1. Purpose and Authority.**

The purpose of this Local Law is to decrease the membership of the Board of Assessment Review from five (5) members to three (3) members. It is adopted pursuant to the authority granted under the Real Property Tax Law § 523 and Sections 10 and 20 of the Municipal Home Rule Law.

**Section 2. Board Membership.**

The membership of the Board of Assessment Review of the Town of Coeymans shall be decreased from five (5) members to three (3) members. Those members whose terms expire on September 30, 2020 and September 30, 2021 shall continue to serve as members of the Board of Assessment Review until the expiration of their terms, after which their position on the board shall no longer exist and cannot be filled. Thereafter, the Board of Assessment Review shall consist of three (3) members. One (1) Alternate member may be appointed to the Board of Assessment at the discretion of the Town Board for a term not to exceed one (1) year. An alternate board member shall only participate and vote in the absence of a regular member. The Town Board shall have the sole authority to annually appoint one member of the Board of Assessment Review to act as the Chairperson of the Board of Assessment Review.

**Section 4. Repealer.**

All local laws, ordinances or parts thereof in conflict with any part of this chapter are hereby repealed.

**Section 5. Supercession**

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The Town of Coeymans hereby exercises its authority pursuant to New York State Municipal Home Rule Law to supersede any conflicting state or local laws contrary to this Local Law.

**Section 6. Effective Date.**

This chapter shall take effect immediately.

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**Resolution #150-20 – Propose Local Law – Livestock/Chickens in the Hamlet**

On motion of Councilman LeFevre, seconded by Supervisor McHugh for discussion, 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 “Livestock/Chickens in the Hamlet” for the Year 2020 to regulate the conditions for the keeping of farm animals or fowl so as to protect the residents of the Town of Coeymans from nuisance and to maintain compatibility with suburban life; and

A public hearing upon such proposed Local Laws shall be held on September 10th, 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: August 27, 2020

Supervisor McHugh stated that this pertains to the hamlet only. The law allows for a maximum of 4 hens and no roosters or other farm animals. He stated that there is a coop permit requirement but there will be no fee but that the owners must meet certain criteria for the coop including setbacks from property lines. He stated that there were criteria and penalties for unsanitary facilities and lack of maintenance.

Attorney to the Town Peluso asked that the Town Board make a motion to appoint the Town Board as Lead Agency for SEQR purposes.

**Motion to Declare Lead Agency & Prepare and send SEQRA**

Supervisor McHugh made a motion to declare the Town Board as Lead Agency, to declare this a Type 1 action and to authorize the Supervisor and Attorney to the Town to prepare the SEQR and refer it to the Albany County Planning Board, seconded by Councilman Collins.

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

**Resolution #151-20 – Waive Sewer Penalties**

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

**WHEREAS**, Due to a clerical error in the Town Clerk’s Office, sewer account 252 and 016 did not receive their January and/or July 2020 Sewer bills; and

**WHEREAS**, the owners are new to the area and unaware of the billing cycles; and

**WHEREAS**, the affected property owners are requesting that the penalties be waived for the following amounts:

<u>Account</u>	<u>Penalty</u>
252	\$49.02
016	\$24.51

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby authorize the penalties listed above on sewer accounts 252 and 016 be waived this one time only.

**Resolution #152-20 – Authorize Supervisor to Execute Article 7 Settlements**

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

**WHEREAS**, several Article 7 lawsuits were filed and served upon the Town of Coeymans concerning certain properties and their assessed values; and

**WHEREAS**, the settlement discussions were conducted between the Town Attorney and the subject property owners legal representatives;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby authorize the Town Supervisor George D. McHugh and/or the Town Attorney to execute on behalf of the Town of Coeymans all documents necessary to effectuate the settlement, judgment and discontinuance of the court actions on behalf of the Town of Coeymans for the following properties and revised assessment values:

<u>TAX MAP PARCEL NO.</u>		
168.14-1-53 - \$3,600,000	168.39-2-39 - \$133,500	168.6-3-11.1 - \$550,000
168.13-2-43.2 - \$330,500	168.13-2-40.1 - \$255,000	167.-1-27.2 - \$245,000
168.9-2-3 - \$1,050,000		

**BE IT FURTHER RESOLVED**, that the Town Board of the Town of Coeymans does hereby authorize the Town Supervisor George D. McHugh and/or the Town Attorney to execute on behalf of the Town of Coeymans the Host Community Benefit Agreement and all documents necessary to effectuate the settlement, judgment and discontinuance of the court action initiated

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by Civil Housing Development Fund, Co. for the property identified as Tax Map Parcel No. 168-11-6.2 with a revised assessment value of \$100,000 for the tax years 2018, 2019 and 2020 plus the annual payments of \$2,000 for twenty (20) years as set forth in the Host Community Benefit Agreement.

**Resolution #153-20 – Award Contract to Clean Up RK Properties**

On motion of Councilman Burns, seconded by Councilman Baker, the following resolution was: APPROVED – VOTE – AYES 4 – NAYS 0 – ABSTAIN 1 (Collins) – ABSENT – SO MOVED

**WHEREAS**, proposals were received on Tuesday, August 18, 2020 for the demolition and removal of all structures from Town owned property located at 957 and 959 State Route 143, Coeymans, Albany County, New York, tax map parcels: 167.-3-12.1 and 167.-3-12.2, and proposals were submitted by the following vendors:

<u>Company</u>	<u>Proposal</u>
Carver Construction, Inc.	\$47,500.00
Wm. Biers, Inc.	\$46,450.00
Collins and Son, Inc.	\$34,850.00*

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby award the above work to the lowest proposal, submitted by Collins and Son, Inc.

**Resolution #154-20 – Abstract of Claims – August 2020**

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**, that the Town Board has approved the payment of bills as presented in the Abstract for August 2020, as follows:

**PRE-PAID VOUCHERS** –181134-181137, 181139-181246, & 2020-053 - 2020-059 from the following funds:

<b>General</b>	<b>\$182,978.59</b>
<b>Part Town</b>	<b>\$485,543.08</b>
<b>Highway- Town Wide</b>	<b>\$34,077.53</b>
<b>Highway - Part Town</b>	<b>\$61,589.54</b>
<b>Sewer</b>	<b>\$25,719.38</b>
<b>Trust &amp; Agency</b>	<b>\$45,715.98</b>
<b>Capital Projects</b>	<b>\$3,850.39</b>
<b>Payroll Deductions</b>	<b>\$4,998.24</b>

**VOUCHER NUMBERS** –181247–181336 from the following funds:

<b>General</b>	<b>\$177,858.21</b>
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<b>Part Town</b>	<b>\$77.50</b>
<b>Highway -Town Wide</b>	<b>\$1,800.00</b>
<b>Highway – Part Town</b>	<b>\$5,606.46</b>
<b>Sewer</b>	<b>\$26,257.86</b>
<b>Capital Projects</b>	<b>\$3,200.00</b>

**TOTAL FOR ALL FUNDS – \$1,059,272.76**

**Resolution #155-20 – Budget Amendment**

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

**WHEREAS**, the Capital Projects Fund H-41 does not have sufficient funds to pay unforeseen expenditures; and

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

**WHEREAS**, the Town and Village of Ravena’s contract includes cost sharing of these costs on a 45% Town / 55% Village split; and

**WHEREAS**, the loan was authorized by Resolution #066 at a regular Town Board Meeting held on March 14, 2019;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby authorize Supervisor George D. McHugh to transfer \$60,310.81 from the Sewer Fund to the Capital Projects Funds (H-41) and amend the Sewer Budget as follows:

**Increase**

(SS) 9901.9	Transfer to Capital Fund	\$60,310.81
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**Increase**

SS599	Appropriated Fund Balance	\$27,139.86
SS2374	Sewer Services- Other Government	\$33,170.95

Supervisor McHugh stated that this is the final balance that is owed for the capital project that was done a couple of years ago at the Sewer plant. The Town would pay 45% of the cost and the other 55% would be billed to the Village as their part of the total costs. This will close out that project.

**Upcoming Meetings**

Village Meeting, August 3<sup>rd</sup>, 2020 @ 6:00pm

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

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Coeymans Town Board Public Hearing – August 13<sup>th</sup>, 2020 at 6:30pm  
Coeymans Town Board Workshop Meeting, – August 13<sup>th</sup>, 2020 at 7:00pm

**Additional Comments**

Supervisor McHugh stated that two of the Village Board members were in attendance at a meeting at Lafarge and they have since sent a letter stating that they are in agreement with Lafarge burning TDF if they have a permit and DEC is regulating it.

Councilman Baker stated that there have been some concerns regarding the resolution giving the Supervisor power and that it only gives power for day to day administration. He then read the resolution 124-20 from the June 25<sup>th</sup> meeting. He wanted to make it clear that there is nothing going on behind closed doors and that the Town Board is in constant communication daily. Supervisor McHugh stated that this is for any day to day stuff. Anything dealing with spending is bound by the procurement policy and any decisions that need Board action, get Board action.

Councilman Collins stated that they are in constant contact with Supervisor McHugh and that this is not a one man show.

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**Motion to Adjourn to Executive Session**

On motion of Supervisor McHugh, seconded by Councilman Collins, the Town Board meeting was adjourned to Executive Session or for consultation with legal counsel.

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

Time – 8:45pm

**Motion to Adjourn**

On motion of Supervisor McHugh, seconded by Councilman Baker, the Town Board meeting was adjourned from Executive Session.

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

Time – 8:55pm

*Respectfully Submitted,*



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**Cindy L. Rowzee, Town Clerk**