

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

A Town Board Meeting was held Thursday, November 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
Zachary S. Collins, Councilman

ALSO PRESENT: Cindy L. Rowzee, Town Clerk
James Peluso, Attorney to the Town

PRESENT BY CONFERENCE CALL:
Brandon L. LeFevre, Councilman
Daniel Contento, Chief of Police
John Cashin, Code Enforcement Officer

Supervisor McHugh opened the meeting and led the Pledge of Allegiance. He stated that all Town Board members were present.

Public Announcements

COVID-19 Update – Supervisor McHugh gave an update on the COVID-19 numbers in the area. He urged everyone to follow safety protocols.

Postponement of WinterFest and Village Holiday Parade – Supervisor McHugh announced they have had to cancel both events due to the number of COVID cases in the County and Town.

Town Hall Closed November 26th-27th – Supervisor McHugh stated that Town Hall would be closed on November 26th and 27th for the Thanksgiving Holiday.

Thanksgiving Dinner – Supervisor McHugh stated that he and a few others would be handing out Thanksgiving Dinners to residents who had signed up for them at the Albany County Sheriff Substation the next day. He stated that the Town Board has partnered with the Albany County Sheriff to facilitate this. The meals would be available for pickup and delivery.

December 10th Town Board Meeting Cancelled – The next Town Board meeting that was to be held on December 10th is going to be cancelled.

Santa Visits – Supervisor McHugh announced that the Ravena Fire Department will be escorting Santa around the Village on Friday, Dec. 11th and Saturday, Dec. 12th. On December 19th Santa will be visiting Coeymans Hollow, riding on their fire truck. Coeymans Fire Department is still working on dates for a visit from Santa.

Approval of Minutes

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Motion to Approve Minutes

Supervisor McHugh made a motion to accept the minutes as presented from the October 22, 2020 Town Board Meeting, November 5, 2020 Public Hearing and the November 12, 2020 Town Board Meeting, seconded by Councilman Collins.

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

Supervisor Report

Supervisor McHugh read the October 2020 Supervisor’s Report.

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

Department Reports

Town Clerk Report –

October 2020 Report read by Town Clerk Rowzee

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

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

Motion to Accept Report

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

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

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

Sewer Department Report – The October 2020 Sewer Department Report was tabled as Mr. Geraldson was not available.

Old Business

RK Property – Supervisor McHugh read the Request for Proposals (RFP) regarding the sale of the RK Property. He stated that the RFP would be put on the website. He stated that it would also be condensed and put into the paper for at least one time, not as a legal notice but more of a public notice.

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New Business

CHVFD Hold Harmless Agreement – Supervisor McHugh stated that this agreement would allow the Coeymans Hollow Fire Department to conduct training on Town property. This current agreement would be through the end of this year and then it would be renewed each year.

Town Hall Feasibility Study – Supervisor McHugh stated that this is step one into finding out what our needs are and to see how feasible it would be to use this property to either build a new Town Hall or renovate this one. If passed they are planning on coming next week to begin the study.

SEQR Review of Proposed Amendments to Chapter 80 – Supervisor McHugh stated that people are confused as to what the Town Board is doing. He then read a statement regarding DEC and EPA being the ones who should track air quality. He then spoke of the Clean Air Law and gave a timeline about a very similar law that had been struck down in Baltimore, Maryland and how the Town Board has approached this issue. He stated that hundreds, if not thousands of people are represented in the letters in favor of the amendments and that there were less than 10 Town residents against the amendments. He stated that paid environmental advocates had used the former Town Board to advance their paid political agendas. He stated that the current Clean Air Law is unenforceable and that regulating Clean Air is best left to DEC and EPA. Supervisor McHugh stated that with the changes, the maximum of 25 tons of waste is changed to no waste, unless the DEC and/or EPA permits it through a public and comprehensive process. He reiterated that the residents who spoke for the amendment far outweigh those who spoke against it. He stated that the Albany County Clean Air Law will be receiving a legal challenge soon and that these proposed amendments will insulate the Town against a costly lawsuit. He stated that the Town had an offer of a free attorney but there would be considerable other legal fees. Supervisor McHugh recommended that a lawsuit this size would require a full-time environmental litigation law firm with environmental litigation experience, anything less than that would fail. He stated that he sees both sides of the story but the reality of the situation is, DEC can take large industries to task if they violate environmental laws. He stated that the Town Board is not rescinding the law but they are making it better, stronger and more enforceable and this saves the current law and keeps it from being discarded. He stated that he hopes this sinks in.

Councilman Baker stated he is in agreement with Supervisor McHugh and reiterated that the air quality samples that had been taken previously were well below where they needed to be. He also stated that these had not been sent to him and Councilman Burns but were made public a month after the law was passed. He stated that he had been on the board that put the law in place and he voted against it because it was not enforceable. He stated that the Albany County Sheriff will be tasked with enforcing the Albany County Clean Air Law and suggested people talk to their Albany County Legislators about this. He also stated that if our current Clean Air law ever did go through litigation and was tossed out, it would open us up for everything to be burned.

Councilman Collins stated that he wants everyone to know how much work they have put into this. He stated that it irks him when people say they have profit to gain from this and when

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people say that they don't care about the children or their families. He stated that he is thinking about everyone the same way that he thinks about his family that lives here and works in and attends school here. He stated that DEC is tasked with hunting, fishing, boating, and to protect and enhance the environment and that we should be aligning ourselves with them. He stated that they have taken their time and let the people speak whereas the last Town Board passed the law the same evening they received a petition from over 300 hundred people asking them to take more time with it.

Councilman Burns stated that EPA and DEC are qualified to do what they do. He said that he has been called a liar and a so-called Christian, but he believes, before God, that they are doing what is right. They cannot make everyone happy. He stated that everyone is worried about how the Town of Coeymans will be labeled. In the first administration they served in, they brought in a lot of business and this administration has gotten more done this year. He stated that they have done their homework and he believes people would come up with the same conclusion if they did their homework.

Councilman Collins asked Supervisor McHugh if Lafarge had a permit to burn tires. Supervisor McHugh stated that they were currently in the process of renewing it and that there would be public comment periods. He stated that Lafarge would have to do several stack test to go through a pilot process to be able to use the TDF to make sure that they stay within emissions. It would likely be about a \$7 million investment on the part of Lafarge to be able to do this. Supervisor McHugh stated that DEC also does a lot that we don't realize and mentioned that they are acting as lead agency on the off-shore wind project. He stated that the DEC has to give a permit for the transfer station that will be in our town as well.

Councilman LeFevre stated that he wants to echo everyone's comments and stated that they have discussed this at length. He stated that they have not decided this overnight and have done their research and he is confident that they are making the right decision for the community. He stated that this will not allow burning of garbage. He stated that they are protecting the community from undertaking a huge amount of taxpayer dollars for something that could be avoided. They are doing what they feel is best.

The Town Board went through the SEQRA and answered low or no impact to each of the questions on Part 2. Comments were made on the following items:

Question 3. Will the proposed action impair the character or quality of the community? Supervisor McHugh stated that if anything it will be improved from making an unenforceable law enforceable.

Question 9. Will the proposed action result in an adverse change to natural resources? Supervisor McHugh stated that he feels that it will improve air quality as it allows no burning of waste absent a permit.

Question 11. Will the proposed action create a hazard to environmental resources or human health? Supervisor McHugh stated that every one of the permits goes through an extensive

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process with DEC that includes lots of public involvement. The Town Board will be lead agency on any permits that are applied for in our Town and would have the DEC or EPA’s ear in any permitting process.

Motion to Accept SEQRA and Declare a Negative Declaration

Councilman Collins made a motion to accept the SEQRA and to declare a negative declaration, seconded by Councilman LeFevre.

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

Resolutions

Resolution #177-20 – Authorize Supervisor to Execute Agreement- Feasibility Study

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 is desirous of entering into an agreement with MJ Engineering to conduct a Feasibility Study for Town Hall; and

WHEREAS, MJ Engineering has presented a proposal for the architectural and engineering services related to the Town Hall Feasibility Study; and

WHEREAS, MJ Engineering has proposed to complete said study according to the scope of services listed for an hourly not-to-exceed fee of \$15,200.00;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby authorize Supervisor George D. McHugh to sign the proposal for Architectural and Engineering Services with MJ Engineering and Land Surveying, P.C.

During discussion it was stated that this just comes up with a plan and includes meeting with department heads. This does not include construction blueprints.

Resolution #178-20 – Abstract of Claims - November

On motion of Councilman LeFevre, seconded by Supervisor McHugh, 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 November 2020, as follows:

PRE-PAID VOUCHERS –181710 - 181806, & 2020-076- 2020-080 from the following funds:

| | |
|----------------------------|---------------------|
| General | \$135,277.15 |
| Part Town | \$413,206.34 |
| Highway - Part Town | \$45,862.77 |
| Sewer | \$52,277.88 |
| Trust & Agency | \$41,824.75 |

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| | |
|---------------------------|-------------------|
| Payroll Deductions | \$3,926.99 |
|---------------------------|-------------------|

VOUCHER NUMBERS –181807 - 181911 from the following funds:

| | |
|----------------------------|---------------------|
| General | \$48,921.78 |
| Part Town | \$5,671.66 |
| Highway -Town Wide | \$321.23 |
| Highway – Part Town | \$6,464.28 |
| Sewer | \$55,071.60 |
| Capital Projects | \$187,584.00 |

TOTAL FOR ALL FUNDS – \$996,410.43

Resolution #179-20 – Adopt Local Law 13 of 2020 – Amend Chapter 80

On motion of Supervisor McHugh, seconded by Councilman Collins, a roll call vote was held and 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 entitled “Amendments to Chapter 80 of the Coeymans Town Code”, which is to provide that no amount of hazardous or medical waste shall be processed within the Town of Coeymans, and that no amount of waste shall be considered a fuel source unless approved and permitted by the New York State Department of Environmental Conservation (NYS DEC) and/or the US Environmental Protection Agency (EPA), so as to protect the residents of the Town of Coeymans; and

WHEREAS, a public hearing upon proper notice was held on November 19, 2020, at 6:00pm at Coeymans Town Hall, 18 Russell Ave., Ravena, NY 12143, and the Town Board has carefully considered and weighed the input by the public; and

WHEREAS, the Town Board, as lead agency, has reviewed and fully considered the environmental impacts, together with all written and oral comments thereon, concerning the proposed action in accordance with Article 8 of the Environmental Conservation Law and the State Environmental Review Act (SEQRA), 6 NYCRR Part 617; and

WHEREAS, the Town Board, as lead agency, has reviewed the environmental assessment form (EAF) and considered the criteria contained in 6 NYCRR §617.7(c) to determine whether the proposed action will have a significant impact on the environment; has considered the criteria set forth in 6 NYCRR 617.7(c); has reviewed each of the eleven (11) factors contained in Part 2 of the EAF; has determined that enactment of the proposed Local Law entitled “Amendments to Chapter 80 of the Coeymans Town Code” will have not have a significant adverse impact on the environmental; and has adopted a Negative Declaration pursuant to SEQRA and its accompanying regulations; and

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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 #13 of the year 2020, entitled “Amendments to Chapter 80 of the Coeymans Town Code”; and that the Town Clerk is authorized to sign all documents and perform such actions necessary to effectuate the filing of the new local law with the New York State Office of the Secretary of State.

**LOCAL LAW 13 OF 2020
AMENDED TO REPLACE CHAPTER 80 - “CLEAN AIR”**

§ 80-1 Title.

This chapter shall be known as the "Clean Air Law."

§ 80-2 Statutory authorization.

This 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.

§ 80-3 Intent.

It is the intent of this 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.

§ 80-4 Definitions.

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

COMMERCIALLY AVAILABLE

A system that is currently offered for purchase by equipment vendors and is technology deemed proven and accepted by the United States Environmental Protection Agency for the proposed application through the promulgation of a Performance Specification, and for which service contracts can be obtained for a fee.

TEQ

International method of expressing toxicity equivalents for dioxins and furans as defined in U.S. Environmental Protection Agency, Interim Procedures for Estimating Risks Associated with Exposure to Mixtures of Chlorinated Dibenzodioxins and Dibenzofurans (CDDs and CDFs) and a989 Update, March 1989.

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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 groundwater infiltration and surface water as may be present); solid or liquid waste, including but not limited to all putrescible and nonputrescible 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 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 New York Environmental Conservation Law § 27-0901(3); "waste" as defined by New York Environmental Conservation Law § 27-0901(11); low-level radioactive waste as defined by New York Environmental Conservation Law § 29-0101(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 New York 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 New York 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 United States Environmental Protection Agency or state agency to be a nonhazardous 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, unless approved and permitted by New York State Department of Environmental Conservation and/or the US Environmental Protection Agency as a fuel, at which time it shall no longer be treated as a waste for purposes of this Chapter.

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.

§ 80-5 Prohibition.

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Processing of any amount of hazardous waste as defined by USEPA Resource and Conservation Recovery Act (RCRA) or medical waste as defined by New York State Department of Health and Department of Environmental Conservation is strictly forbidden.

§ 80-6 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 twenty-four-hour period without complying with the monitoring requirements in this section.
- B.** Continuous emissions monitoring systems ("CEMS") equipment, when commercially available, shall be used to monitor, measure and disclose the smokestack emission of the following pollutants:
- (1) Dioxins/furans.
 - (2) Carbon dioxide (CO₂).
 - (3) Carbon monoxide (CO).
 - (4) Hydrochloric acid (HCl).
 - (5) Hydrofluoric acid (HF).
 - (6) Nitrogen oxides (NO_x).
 - (7) Sulfur oxides (SO_x).
 - (8) Particulate matter (PM).
 - (9) Volatile organic compounds (VOCs).
 - (10) Polycyclic aromatic hydrocarbons (PAHs).
 - (11) Arsenic.
 - (12) Cadmium.
 - (13) Chromium (VI).
 - (14) Lead.
 - (15) Manganese.
 - (16) Mercury.
 - (17) Nickel.
 - (18) Selenium.
 - (19) 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 its activities such that it no longer qualifies as a waste disposal facility.

§ 80-7 Clean air standards.

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- A. A waste disposal facility with any air emissions point source shall not process more than one ton of waste in any twenty-four-hour period without complying with the clean air standards in this section.
- B. Waste disposal facilities must meet the pollution limits found in any air permit issued by a state or federal environmental agency.

§ 80-8 Local enforcement of state/federal air permits.

For any waste disposal facility regulated by this chapter, 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 United States 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 § 80-6.

§ 80-9 Residue management.

- A. A waste disposal facility with any air emissions point source shall not process more than one ton of waste in any twenty-four-hour period without complying with the residue management requirements in this section.
- B. Solid waste residue resulting from a combustion or gasification process at a waste disposal facility, such as fly ash, bottom ash, combined ash and gasification slag, shall be disposed of as hazardous waste in a licensed hazardous waste landfill.

§ 80-10 Penalties for offenses.

- A. Failure to comply with any of the provisions of this chapter 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 by a fine up to \$10,000 or imprisonment for a period of not 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 chapter 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 of, or nonconformance with, any provision or requirement of this chapter. If equitable relief is requested in the form of a temporary restraining order, a temporary injunction, or

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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 § 80-10 shall be the exclusive remedy of the Town, and each remedy or penalty specified in this § 80-10 shall be in addition to, and not in substitution for or in limitation of, any other remedies or penalties specified in this chapter or permitted by any applicable law, rule, order, or regulation. Any remedy or penalty specified in this chapter 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 § 80-10.

- C. In addition, any enforcement officer may issue stop-work orders or compliance notices relative to any violation of this chapter. 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 noncompliance 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 chapter 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.

§ 80-11 Enforcement and administration.

Enforcement of this chapter shall be the responsibility of Code Enforcement Official and/or assistants duly authorized by the Town of Coeymans.

§ 80-12 Severability.

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

§ 80-13 When effective.

This chapter shall take effect immediately.

Public Comments

Supervisor McHugh opened the meeting for public comment and stated that people could call in. There were no calls.

Upcoming Meetings

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Planning Board/Zoning Board of Appeals Meeting – November 24, 2020 at 7pm Town Board Meeting – December 10, 2020 - CANCELLED

Planning Board/Zoning Board of Appeals Meeting – December 14, 2020 at 7pm

Town Board Workshop – December 17, 2020 at 7pm

Additional Comments

Councilman Burns thanked all of the Town departments for doing a good job.

Supervisor McHugh thanked the Highway Department, Candace and his brother Albert for the work out front of Town Hall.

Motion to Adjourn

On motion of Supervisor McHugh, seconded by Councilman Collins, the Town Board meeting was adjourned.

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

Time – 8:19pm

Respectfully Submitted,



Cindy L. Rowzee, Town Clerk