

MINUTES BOOKTOWN OF COEYMANS
February 10, 2014 — Public Hearing — 6:20PM**

A Public Hearing was held Monday, February 10, 2014, 6:20pm at Town Hall, 18 Russell Avenue, Ravena, New York

PRESENT: Stephen D. Flach, Supervisor
Peter E. Masti, Councilman
Thomas E. Dolan, Councilman
George E. Langdon, IV, Councilman
Kenneth A. Burns, Councilman

ALSO PRESENT: Diane L. Millious, Town Clerk
Larry Conrad, Building Inspector/Code Enforcement Officer
David Wukitsch, Attorney for the Town

Supervisor Flach opened the Public Hearing and led the Pledge of Allegiance.

NOTICE OF PUBLIC HEARING

Supervisor Flach asked that Town Clerk Millious read the Notice of Public Hearing that was published in the Ravena News Herald and posted in Town Hall.

Town Clerk Millious read the following:

**NOTICE
TOWN OF COEYMANS
TOWN BOARD
PUBLIC HEARING**

PLEASE TAKE NOTICE, that a Public Hearing will be held by the Town Board of Town of Coeymans, on Monday, February 10, 2014 at 6:20PM at Town Hall, 18 Russell Avenue on Proposed Local Law #2 of 2014 as follows:

PROPOSED LOCAL LAW #2 OF 2014

**A LOCAL LAW, WHICH DEALS WITH THE REPEAL OF CHAPTER 14
ENVIRONMENTAL CONSERVATION BOARD, OF THE CODES OF THE TOWN OF
COEYMANS**

**BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF COEYMANS AS
FOLLOWS:**

§ 1 TITLE

This Local Law shall be known as the “Repeal of the Environmental Conservation Board”.

§ 2 AUTHORIZATION

This Local Law is adopted pursuant to the provisions of New York State Municipal Home Rule Law.

§ 3 INTENT

It is the intent of this Local Law (Chapter) to repeal Chapter 14 of the Codes of the Town of Coeymans as unnecessary.

§ 4 REPEALER

This Local Law (Chapter) repeals Local Law #1 of 1973, also known as the Environmental Conservation Board as adopted on April 8, 1975, now Chapter 14 of the Codes of the Town of Coeymans.

§ 5 EFFECTIVE DATE

This Local Law (Chapter) shall take effect upon the proper filing with the office of the Secretary of State.

**By Order of the Town Board
of the Town of Coeymans
Diane L. Millious
Town Clerk**

SUPERVISOR'S OPENING COMMENT

Supervisor Flach stated that there were comments were made at the previous Public Hearing pertaining to this and the previous Public Hearing dealt with the Environmental Quality Review and this deals with the Environmental Conservation Board. He continued by asking if anyone wished to comment.

PUBLIC COMMENT

Ms. Sylvia Lawler stated that the description of the Environmental Conservation Board is a very interesting one because there are so many ways that a group of citizen volunteers and people from the business community and industry could work together and do a lot of important leg work for the Planning, Zoning and Town Boards, which would be serving in an advisory capacity. She continued by saying that she has been in contact with Lafarge and they would be willing to have someone on such a Board as well as speaking to Mr. Laraway, whom she gave information because they thought while most Environmental Conservation Boards in other towns comprise of citizenry, they thought, especially given the fact that they are trying to attract small businesses to the area and with the Port of Coeymans, which is a major industry in our town, that it would be novel to have a Board of citizens, industry and business. She added that maybe it would give them the opportunity for the type of dialog that would solve some of the problems that they have had because they seem to be butting heads sometimes and sitting down at a table together has worked beautifully with the Watershed Council where they have had CSX, SABIC and Lafarge participating in conversation and it has been great being on the same side of the aisle. She concluded by reading the following:

Dear Members of the Board,

During the summer of 2012 the Coeymans Town Board considered the repeal of the Town's provision for an Environmental Conservation Board. In response, a group of Coeymans' citizens requested that before eliminating this provision of Town Code, the Board should consider establishing an Environmental Conservation Board. At the request of the Town Board, we contacted a number of individuals and businesses that were willing to serve on an Environmental Conservation Board. However, nothing further was done.

In light of this recent history, and given that people were willing to serve, would it be reasonable to appoint an Environmental Conservation Board to serve for a limited period of twelve months? At the end of that time, the Planning, Zoning and Town Boards could meet jointly to assess the merits of the Environmental Conservation Board. They could also determine whether or not such a Board should be permanently appointed or eliminated.

Ms. Lawler stated that she understands based on Attorney for the Town Wukitsch's comments that the other Board is redundant but she thinks that there is some real opportunity there. She added that she will read the other part of the letter when they get to the next Public Hearing and that she respectfully asks that they reconsider and try it out because they have people that are willing to serve, which they want to be industry, business and citizens and not just a group of citizens. She concluded by saying that there would be no harm done.

Supervisor Flach thanked Ms. Lawler and then asked if anyone else wished to comment.

MINUTES BOOKTOWN OF COEYMANS**
February 10, 2014 — Public Hearing — 6:20PM

Mr. Larry Conrad stated that he previously stated for the record his area of expertise and why he feels comfortable with speaking. He added that Supervisor John T. Biscone put this law into effect and he also appointed him to the Planning Board originally and since that time he was superseded by Supervisors Irwin, Chmielewski, Whalen, Powell, Caark, Fisk, McHugh, Scalzo, Hotaling, Traver, and Youmans and not one of them saw the need to reconvene that Board. He continued by saying that it was a wide variety of personalities and Boards, Democratic and Republican over the years and Councilmen Boehm and Dolan also asked that it be looked at and neither one of them brought it to the Board or to the public to suggest an appointment to those positions. He concluded by saying that he once again would respectfully ask that the Board do away with the Environmental Conservation Board, which is basically another way to thwart any kind of business from coming to our town in his opinion.

Councilman Dolan stated that since he mentioned his name he will correct him and continued by saying that it is not true that he and Councilman Boehm did not bring it to the Board.

Attorney for the Town Wukitsch stated that he agrees with Mr. Conrad to the extent of saying a Board, which could be a Town, Planning or Zoning Board, implies that it has decision making authority to approve various actions. He continued by saying that many towns have Advisory Committees that are set up so if there is a need for advice and counsel to different Boards on environmental issues, they would not need a Local Law to do something like that and it could be done by resolution. He added that they could establish a Committee to advise any Board and provide public input and it would not have the connotation of having a Board with the authority of making decisions, yes or no for different types of actions.

Ms. Lawler interjected that in the Environmental Conservation Board description, it is referred to as Committee and it says a number of times that it would be to act in an advisory capacity and reiterated that it would be an incredible amount of leg work and maybe it would behoove them to read through it again and maybe amend it.

Councilman Dolan stated that it is somewhat contradictory because it mentions areas where it says it is advisory but it does vest it as being the body that makes the SEQR decisions and that might be the problem with the law. He added that he thinks the more input from people, the better and if people are willing to do the research or offer their opinion in a structured manner, he thinks it would be useful and reiterated that the only part of the law that seems contradictory is the part where it says they are responsible for the SEQR Review.

Ms. Lawler asked if this is something that Attorney for the Town Wukitsch could look at and maybe rewrite so it is acceptable to the Town Board and could be in some way useful and possibly they could wait until he looks at it.

Attorney for the Town Wukitsch stated that he does not see the need for a separate Board and if the Town, Planning or Zoning Boards feel the need for advice, it can always be solicited and if they want to formalize it they can set up some sort of Citizen's Committee. He added that the problem that he has with the law is exactly what Councilman Dolan said in that it is basically inconsistent with State Law because it authorize the Board to act as a Lead Agency in instances where it would not be the Lead Agency, so it is basically illegal the way that it is set up now. He continued by saying that Lead Agencies are the various Town Boards and they don't need a separate Board and if he is a business person looking to come into the Town of Coeymans and is reviewing the Codes and sees an Environmental Board, he would think that this is another Board that he has to go through to get his project approved because he would think there was only a Planning Board, Zoning Board and Town Board.

Ms. Lawler interjected that in talking to other towns, they find exactly that reaction and yet because a Committee has done research and taken inventory, it actually reduces the time that it takes and reiterated that she thinks that it is worth taking a look at and in talking to some other towns that have it and possibly taking the SEQR away and instead of a Board make it a Committee. She concluded by saying that there should be some kind of Environmental Committee.

Councilman Langdon stated that Councilman Dolan had said that he brought it before the Board previously and then asked what nothing was done.

MINUTES BOOKTOWN OF COEYMANS
February 10, 2014 — Public Hearing — 6:20PM**

Councilman Dolan stated that there were only two people on the Board that were in favor of it.

Councilman Burns asked what the actual purpose of it is and what would be an example of how it would benefit the Town.

Councilman Dolan asked if he was talking about a Committee or a Board as it stands.

Councilman Burns stated that it would be the Board as it stands.

Councilman Dolan stated that he is not sure that a Board as it stands is workable based on what the Attorney for the Town said but he thinks a place where it would be useful would be if the Town wanted to apply for a grant, rather than scrambling and trying to get data to figure out how to apply, with many grants there is a section for the environmental assets of the Town, which could be copied and pasted out of the Comprehensive Plan but it is better if they have an active, vibrant document that you can plug into, which may or not be active after 20 years.

Councilman Burns asked whether they have something like that in place and continued by saying that if there was a business that wanted to come in and go in a certain area, EnCon, as the Regulatory Agency would have to approve it no matter what they wanted to do.

Councilman Langdon stated that they have taken the bridge project out of the Town's hands and EnCon is controlling it and he thinks that it would be the scenario in any case like this.

Councilman Dolan stated that he does not see what the harm is if people are willing to do some leg work and bundling information for them, which would be advisory and then asked why they would not be willing to accept that.

Councilman Langdon stated that he thinks that part of the harm can be, like Mr. Conrad explained, is where they have already seen that there have been conflicts with the Zoning Board and County where minor scheduling issues were throwing some of the projects 6-8 weeks where they have been in limbo because of conflicts in scheduling. He added that if you are trying to attract business and as a business owner, if you tell him that he has to wait two months until the Boards can come to a consensus, there are too many minds involved in the process and he thinks it muddies it up.

Ms. Lawler interjected that if he checks with the Towns of Bethlehem, New Scotland and Guilderland to find out how much grant money they have received for all sorts of town activities, he would find that most of those grants were written by people on their Environmental Conservation Committee and she is talking tens and hundreds of thousands of dollars a year. She continued by saying that the Town, Planning and Zoning Boards are so busy with the business of running the Town that they don't have the time to write a Small Cities Grant and they have citizens such as Barbara Heinzen, John Bonafide and herself who have some experience in grant writing and would love to do it for the Town and they are not asking to interfere in the business of the Planning and Zoning Boards.

Councilman Langdon stated that she has the freedom he believes to write a grant for the Town and she does not need a Board to do it from his understanding.

Ms. Lawler interjected that they would need a group that is willing to do it.

Councilman Dolan stated that if it is only available to municipalities and you can't just ad hoc and write a grant.

Ms. Lawler stated that it would not be a paid Board and it would be purely volunteers and they would call it a Committee.

Councilman Dolan stated that he also thinks that a value of it would that they can have citizens that are willing to write grants and with people doing things at the Port of Coeymans and Trickey property, if they can do some environmental things in other parts of town, it can help take some of the pressure off what is going on there and it does not have to and should not be adversarial but rather something where they complement each other.

MINUTES BOOKTOWN OF COEYMANS
February 10, 2014 — Public Hearing — 6:20PM**

Supervisor Flach stated that Lafarge has a Citizens Liaison's Panel and they invite him, Council Members and other people in the community to come and discuss things and if there are citizens that want to do that, he thinks it is fine but as far as having a Board, he agrees with repealing the Conservation Board because it is different from a Citizen Liaison Panel. He reiterated that if there are citizens that want to have their own panel and bring things before the Boards, he thinks it is great and reiterated that for the purpose here, there is a difference.

Councilman Dolan stated that he acknowledges that but they are talking about something totally different.

Supervisor Flach interjected that he was making a statement and not talking back to him.

Councilman Dolan stated that Lafarge is a great example because they conduct their business but set aside a certain amount of land and have a very nice nature trail and these things can co-exist with some planning, work and effort.

Ms. Lawler stated that Lafarge would be the first to tell them that they would love to participate in an Environmental Conservation Board in this town.

Supervisor asked if there were any other comments, hearing none he asked for a motion to adjourn.

ADJOURNMENT

MOTION

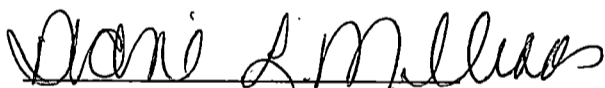
On motion of Councilman Langdon, seconded by Councilman Burns, the Public Hearing was adjourned.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time – 6:42pm

Respectfully Submitted,

APPROVED – As Read March 11, 2014


Diane L. Millious, Town Clerk