

The Nassau Town Board held an Emergency Meeting at the request of Councilman Carpentier to discuss the possibility of another application for a hard rock mine, on Thursday, December 4, 2003 with the following members present Supervisor Carol Sanford and Council Members Ian Hart, Donald Carpentier, William Lobdell and Barbara Fausner. Mrs. Sanford called the meeting to order at 7:42 P.M. She immediately turned the meeting over to Mr. Carpentier

Mr. Carpentier stated that Jude Clemente might want to obtain a permit for a mine, which could or could not be good for the Town. He suggested that a 6 month moratorium be instituted to give the Board time to look into the situation, before we get trapped with an application on the table, before we know what is happening.

Mr. Hart said that 6 months seems like a long time, why don't we call him up and ask him. Mr. Carpentier said that a moratorium could be stopped any time if the information obtained is satisfactory to the Board.

Mr. Danaher said that a moratorium can be of any length but 6 months is the usual length. They are usually involved with comprehensive plan issues but he warned that they should not pinpoint a single issue but make a moratorium for a general subject. A moratorium requires the passage of a Local Law and must also be repealed by a Local Law.

Mr. Danaher said to pass a moratorium the Board must first pass a motion to draft a Local Law; schedule a Public Hearing which requires a 10 day period of public comments then there must be a public meeting to hear the comments of the public, then the Board can vote on the moratorium. If a few months into the moratorium, the Board decides to adopt the legislation involved in the moratorium, they may do so and they must repeal the moratorium at the same time.

Mr. Carpentier said that at this time the Board does not know if this will be a good or bad thing. Mr. Lobdell said that there are pluses and minuses in everything we do in life, but this may be good and bad.

Mr. Danaher said that the Board should not zero in on one project, but pass the moratorium for all possible projects. He asked the Board if they want to consider the moratorium for just mining or expand it to something more than just mining. If after the public hearing, the Board decides to amend the proposed legislation or not even pass it it may do so.

Mrs. Sanford asked if they go for a shorter term, say three months, will they need to pass new legislation to extend the time and Mr. Danaher said that it would be a repeat of the whole procedure again. with the Public Hearing etc.

Scott Gallerie suggested that the Board appoint a committee to review whatever draft proposal comes in, with the committee being made up of Mr. Lobdell and Mr. Carpentier, the Chairmen of the Planning and Zoning Boards and Mr. Gallerie and develop a recommendation for the Town Board. Mrs. Sanford asked how many months this procedure would be likely to take? Mr. Gallerie said that it would depend on the schedules of the members, 1-2 months. Mr. Hart feels that this would be zeroing in on one project.

Mr. Carpentier said that if precautionary steps are not taken, once a project is on the table, Town Laws couldn't be changed. The current law refers to special use permits.

Mr. Danaher said that if the Board does nothing and an application is received for mining, there is a procedure that must be followed: Site Plan Approval and a Special Use permit and they must also meet the State permits, depending up on the size of the proposed mine and they must meet SEQR. If the moratorium is passed, and at a later date further restrictions are put in place, to restrict to certain areas of the Town; then they must request a use variance.

Mrs. Labrum asked where this mine is planned for? Mrs. Sanford said that she wants to make it clear that no application has been filed with the Town It is only a rumor, and that it is planned for route 66 near the area of Pikes Pond. Mrs. Labrum asked if that involved the Village of East Nassau and the reply was no. Mr. Carpentier wants to re-examine the Comprehensive Plan as it involves mining.

Mrs. Sanford said that she does not object to the committee as suggested by Mr. Gallerie but she does not want it to take six months to get an answer. Mr. Gallerie said that the Supervisor would set the time limit for the Committee. Mr. Carpentier feels that the Board may need to discuss the options with a Consultant.

Mrs. Fausner said that no matter what is done, it should be done right. Mr. Carpentier agrees with Mrs. Fausner and said that he wants whatever will benefit the people of the Town.

Jude Clemente of Troy Sand and Gravel came from the back of the room and addressed the Board at this time. He said that he had heard through the grapevine that there was a meeting tonight and he said that he had not intended to speak but decided to as the meeting progressed. He said that his company is much more approachable than Lane that the Board dealt with before. He said that his company would be against the moratorium, as it would make it hard for them. They feel they would be targeted by such a moratorium. He has already visited some of the neighbors of the mine area and wants to visit with more of them; he wants to work with the Board. He sees his part of the operation as taking at least two more years before any mining is begun. He has studies to do of impact on wells, traffic, sight distance. He says that he is accessible to the Board. He said that the company used to just sell gravel or concrete but now half of the business is community relations. They replace wells, pave roads, and do beautifications all the time. He will hold their reputation up against anybody in the capital district when it comes to reclamations and working with the community. He thinks that DEC would say that also. There will be no concrete plant or blacktop plant at the proposed location. This will be a small processing operation only. This area will be for a more quality state approved rock. This is a localized mining operation for Southern Rensselaer, Northern Columbia Counties and western Massachusetts. All of the mining will be done between 7 A.M. and 5 P.M. DEC will not give permits for any other hours. The location of the proposed site is off the State Road, across from Audrey's fabric place and a half to three-quarters of a mile off the road. There has to be up to 600 acres of vacant land in that area and they own 214 acres and this 80-acre area in the middle of their land is where the operation will take place. There will be blasting done. but they are well buffered. They object to the moratorium.

Mr. Carpentier explained that the moratorium is not against just Mr. Clemente's project. It is to protect the Town from other possible mining operations that would not be as well run as Mr. Clemente's. Mr. Carpentier said that we need to look at the overall possibilities for the Master Plan.

Mr. Hart asked Mr. Clemente why he is against the moratorium? How would that effect his company? Mr. Carpentier said that Mr. Clemente could get his permit anytime.

Mr. Clemente said that he is not a lawyer and he preferred not to bring a lawyer with him tonight.

Mr. Danaher said that the moratorium is not what worries him but if the Board does all the things the right way, and then decide that the property is not suitable for mining then Clemente cannot get their mine.

Mr. Carpentier said that if it doesn't fit the Town for some reason then that's the way it goes.

Mr. Danaher said that if the Board authorizes the moratorium, the chances are good that Mr. Clemente will get an application before the Town, before the Law becomes effective. It might not be a complete application but he will guarantee that this particular project can go forward.

Mr. Clemente said that they have a substantial investment in the area already. They have owned the property for a long time. He said that his application is already started but not complete. He feels that the Board will find him and his company to be reasonable and willing to work with the Town. He invited the

Board Members to come and see the site. He feels that it is not suitable for residential building because of the rocky conditions. The Town should explore what they can get out of having the mine located within the Town.

Mr. Hart asked why it is not suitable for building and Mr. Clemente replied that it is too rocky for residential construction. They have owned the property for 5-6 years. They will only be working 80 acres of the entire area. The mine will not be visible except by helicopter.

Mr. Danaher said that at the time of the Snake Mountain situation, DEC became involved partly because of the visibility of the project. He suggested that the Board meet with Mr. Clemente to go to the site and see first hand the area of the proposed operation.

Mr. Danaher asked if the Board wanted him to draft a possible resolution?

Mr. Clemente said that in West Sand Lake they only blast 10 times per year and that is a much larger operation than will be done in this mine. This is a special rock call high friction rock, for which the demand is low but it is needed.

Mr. Hart said that he feels that Mr. Clemente can feel the concern of the Board after the situation the Town experienced over the East Nassau proposed mine. He feels that doing it right will protect Mr. Clemente. The goal of the Board is not to put people out of business; it is to put together a proper scenario that will work for years to come.

Mr. Carpentier said that this is not about stopping anything but making sure that we have time to look at this in a reasonable manor and make sure that we are all happy with what is happening.

Mr. Clemente said that his preparations would take a considerable amount of time to allow the Town to comment to DEC.

Mr. Hart said that he appreciates Mr. Clemente coming tonight to talk with the Board.

Mr. Carpentier asked how close the actual mine will be to the road and Mr. Clemente replied that it is probably a mile.

Mr. Lobdell said that he doesn't want someone to come and tell him what he can build on his land and he doesn't want to do it to anyone else. He has visited the site and he feels that this is a perfect place for a mine.

Dan Smith commented that there are lots of reasons not to have mines in much of the Town.

Phil urged the Board to go visit the site.

Mrs. Sanford said there is no application yet. We do have control over the special use permits that may be applied for in the Town.

Mr. Danaher suggested that the Board move the Comprehensive Plan ahead. It has been pending for to long. He feels that it should be completed within six months.

Mrs. Sanford called an Emergency Meeting for Wednesday, December 10, 2003 at 9:00 A.M. at the Highway Garage to go as a group to visit the proposed site. She invited any interested residents to go with them.

No 245 Motion made by Mrs. Sanford; seconded by Mr. Carpentier to enter an Executive Session to discuss pending litigation at 8:40 P.M. All in favor.

No 246 Motion made by Mrs. Sanford; seconded by Mr. Carpentier at 9:25 P.M. to reconvene. All in favor.

No 247 Motion made by Mrs. Sanford; seconded by Mr. Lobdell approve the recommendation of the Highway Superintendent to respectfully decline Mr. Kwalak's Attorneys offer and let the proceedings continue and that the settlement be that the work be done, and they pay full court costs plus the damages sought. All in favor.

Motion made by Mrs. Sanford; seconded by Mr. Carpentier to adjourn this meeting at 9:26 P.M. All in favor.

Respectfully submitted,

Rita M. Labrum
Nassau Town Clerk