

The Nassau Town Board held a Regular Meeting on Thursday, December 11, 2003 at the Nassau Town Hall with the following Members present: Supervisor Carol Sanford, Council Members Ian Hart, Donald Carpentier, William Lobdell and Barbara Fausner.

Mrs. Sanford called the Meeting to order at 7:34 P.M. with the salute to the flag.

No 248 Motion made by Mrs. Sanford; seconded by Mr. Lobdell to approve the November Supervisors Report as read. All in favor.

No 249 Motion made by Mrs. Sanford, seconded by Mr. Carpentier to approve the December Supervisors Report as read. All in favor.

No 250 Motion made by Mrs. Sanford; seconded by Mr. Carpentier to approve the Minutes of the 11/13/2003 Board Meeting. All in favor.

Mrs. Sanford had not had a chance to read the December 4 2003 Emergency Meeting so they will be taken up at the Year-End Meeting.

#### Announcements

Mrs. Sanford addressed the large crowd gathered for this Meeting. Yes, we did receive a mining application from Troy Sand and Gravel for a gray wacky mine, to be located 1 1/2 mile from North of Hoags Corners. The total land mass involved is over 200 acres, and of that the initial permit that has been submitted is to mine 5 acres, and according to the mining plan that 5 acres will be coming out of the center of 214 acre parcel. The Town must abide by State and Town Law. The request will be submitted to the Planning Board for review, which will begin a long process. This will not happen overnight. It will be a very slow, methodical process. There will be public input during that process and many of the issues that are raised by residents will be addressed. The request goes to the Planning Board for sight plan approval, then to the Town Board for a special use permit and at the same time it is reviewed by DEC. She asked the large crowd in attendance at this meeting to keep their comments brief and to the point so everyone can be heard. The public will be kept informed about the process and there will be many, many meetings during the process

#### Public Comment

Gary Pilling from Dunham Hollow Road asked how the mine would financially benefit the Town, if it were to be approved?

Mrs. Sanford said the Assessors can assess that property for what the property is worth in sale value. They could present a proposal to the Town, whereby we might get road aggregate in exchange for some concessions on our part. Mrs. Sanford stressed the fact that Troy Sand and Gravel that would benefit the Town at this point have proposed nothing. We are only in the preliminary stage at this point. They have just submitted a mining request only.

Aaron Silver from Greenman Hill asked where the traffic will be going and what impact it will have on the roads? Mrs. Sanford said that at an Emergency Meeting held at the site, they were told that there will be 2 trucks, 20 trips per day initially, and they will be hauling larger pieces of rock to the West Sand Lake plant to be crushed. The trucks will be using Route 66 to travel.

Joe Swenson from Dunham Hollow Road is concerned about the noise from the blasting and the additional traffic.

Peter DeBello from Route 43 is concerned about run-off from the mine that could effect the trout stream and he asked if any environmental study has been done before any thing at all should be considered.

Mrs. Sanford assured him that any project will be studied carefully as to impact on the environment.

Zachary Brock has seen a map of the area and says that it is not five acres but eighty acres, he lives across the road and is concerned about the noise from the blasts and the dust, every single day. Is the Town going to hold them to five acres or let them spread out to eighty acres?

Mrs. Sanford said that the initial application is for five years for five acres. He is correct that the overall mining plan is for 88 acres to be mined in the area. She asked that he not prejudge. Their permit request is for five acres.

Donald Page from Gardner Hill Road, asked if there will be monitoring of damage to surrounding houses, wells and septic systems? Mrs. Sanford said that is a very good point and will be addressed.

Joe Swenson is concerned about the area being expanded without control.

Austin Emery said he has the credentials that will be helpful to this study and he offered to work in any capacity that he might be able to assist. He has a degree from R.P.I. and a Masters Degree from Harvard in geotechnical engineering and with about 40 years experience all over the world and he feels that he has a fairly good handle on the economic impact of good rock in this area. He will submit a resume.

Carly Dwyer from Route 43 and she has concerns about Troy Sand and Gravel and the code violations that they have in their history. Can we expect better?

Mrs. Sanford said that we will look into what she just pointed out.

Dean Collamer of Gardner Hill Road asked if the Town plans to have Lead Agency Status on this project? Mrs. Sanford said that this will need to be discussed. She is not certain that the Board is equipped to do it. There are about 100 houses surrounding the area proposed. He feels that placing an industrial operation in the middle of a residential area is crazy. Dunham Hollow, Gardner Hill and Pikes Pond are not as rural as they used to be there are at least 100 homes there and a substantial tax base. The valuation of those homes will go down if the mine is located there. He asked that the Board discuss the plan with the Assessors. He wants the Board to take Lead Agency and he wants the Board to ask about the 100-year plan for Troy Sand and Gravel.

Mr. Carpentier said that he believes that Mr. Collamer was once an Assessor for the Town so he does understand what he is saying.

Kate Bader said that she received one of the maps that were handed out the other day and a lot of the current homes were not on the map. It appears to be a really ancient map. The names are wrong on it and it is not a fair depiction of it. The top point of the map is 1265 feet and they plan on blasting down to 980 feet and that is a hole 285 feet deep by her interpretation. At the rim on the West side the map had it at 1220 feet and that means cutting off 45 feet from what can be seen from Dunham Hollow Road. She asked how people will know when meetings will take place and Mrs. Sanford said that meetings are published in the Advertiser and the Independent.

Edith Bradway from Gardner Hill Road is concerned about the well. It is solid stone, it has no casing and it goes down 200 feet. What if she loses her water? Mrs. Sanford said that is an issue that must be looked at as part of the process. She said that she went through hell when the mining was being done at Hankle's. She has a 1500 gallon fuel oil tank underground and she does not know what to expect. She felt that her house was going to shake down to the ground when the blasting was being done at Hankle's and this sounds like this could be worse.

Bob Henrickson feels that it is sad that the Town has no Comprehensive Plan 3 years after the Lane Construction application for a mine was turned down by the Court of Appeals. In spite of the lessons learned from Lane, the Town is dealing with another hard rock mine. He says that it is not gravel, it is stripping of the land, blasting, drilling and crushing. It is an industrial operation. He urged the Town to pass a moratorium for 6 months and extend it if necessary to get a Comprehensive Plan in place. It is 2003 folks and it is time for the Town to wake up and realize about the activity around the tech valley in Albany and the development is coming this way. Drive the roads, it is a beautiful area, do some planning before it gets completely out of our hands.

Ray Seney of Gardner Hill Road is concerned about the character of the Company that is coming in. They came in with a company named Hankle LLC. The neighbors were glad to see Hankle's getting their logs out, but nobody liked the blasting they did, but they are neighbors. However, he has learned that Hankle, LLC is a subsidiary of Clemente to get into this property, and purchase it to turn it into a mine. These are the people who are going to ask us to trust them? Then we see the history that they have in West Sand Lake. The people over there have had to deal with the same issues. He wants people to understand that this is going to be our new neighbor. This is a company. He does not trust them, just because of the way they are trying to come in. What is the reason they are using someone else's name to come into Town?

Joe Enunciator asked if the approval for the project will be given by the Town Board or by a vote of the residents. Mrs. Sanford said that the Board must vote on the Special Use Permit. She said that she wished the Town Attorney was here to answer the question. She is not sure how the State process plays into this. We have never reached that point before. She suggested that he contact Town Attorney Danaher for an answer to his question.

Brenda Miller of Greenman Hill moved here 12 years ago because they loved the beautiful location. Her daughter and friends ride their bikes on the little windy roads. The citizens in this room drove here on a really lousy night because they care about this and it is going to be a long hard battle if our Town Representatives don't listen to the citizens in this room. We have our rights and we want you to respect those rights and to represent us.

Dennis Beardsley from Gardner Hill Road moved here from Westfield Mass. and every day about 6:00 A.M. they awoke to a shaking house from the Lane mine. They moved here and they don't want it to happen here.

Joe Lamica lived in West Sand Lake for 13 years and the drove him out and they will not drive him out of here.

Art Venn from Dunham Hollow Road most uses of land are temporary over two or three generations but mining is permanent. It never corrects itself.

A gentleman that had previously spoken commented that at 2 trucks making 20 trips per day for six days per week amounts to 4320 tons per week and roughly 103 thousand ton during a construction season, between May and October.

Ray Seney said that they may have to give the Town a break to take care of the roads that they use.

#### Committee Reports

Highway Superintendent Scott Gallerie said that we have had record setting snow and the equipment has been on a shakedown cruise over the weekend and out of 7 pieces of equipment, 3 were operational on Sunday evening. The sander will be operational by Monday and they are working to get the rest of the equipment up and going. The salt shed is full and he reminded anyone that is interested that they can pick up a limit of 2 5 gallon buckets of salt and sand mix at the Highway Garage. Because of the amount of snow, he has asked that people do not park on or very near the road as it makes it impossible to plow snow

back off the road to make roads wide enough to travel. There were two instances where a road could not be plowed over the weekend because of cars being in the way. He does not want to have vehicles towed but it may be necessary if they are blocking the plows.

Mailboxes are a constant problem. If they are installed according to postal regulations at a height of 43 inches, the blade will slip underneath without causing any damage, however the snow coming off the wing is heavy and can easily take out a mailbox. If there is a mailbox problem, contact Mr. Gallerie and he will try to settle it.

He said that the wing of the plow must be off the edge of the road in order to push the snow back far enough to accommodate to repeated plowings as we get more storms.

Highway Committee will be meeting on January 21, 2004 at the Highway Garage at 7:00 P.M.

Town Clerk Rita Labrum said that she would appreciate having the new outside door for her office. Mr. Gallerie has promised to put it on but he has been just a little bit busy.

Planning Board Member Ron Gallentier said there was nothing to report.

Toxic Waste Coalition is back on schedule with meetings. She told that Mickey Mahar, the head of the Rensselaer County Environmental Management Council died very suddenly and that left the Coalition without a leader for a while but Jason Kippen has been appointed. They are going to re-group and start pounding away on GE until they finally listen to them. DEC promised that there would be drawings available in December for a pump and treat station to take care of the leaking problem at the Loeffel site. It is leaking into the bedrock. To date they have not heard anything.

Because of the efforts of the coalition, the Valatiekill has been treated for PCBs that have been deposited along the bank. They have agreed to rebuild Nassau Lake Dam. Progress is being made even though it is slow.

Mr. Gallerie reported that GE is providing a \$10,000 contract for replenishing gravel over Mead Road.

Mrs. Sanford said that the Mead Road was remedied last year.

Mrs. Labrum asked if there is a target date for the dam replacement and Mrs. Sanford said there is not date but it will be soon. It is in the planning stages.

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#### Town Board

Mr. Hart asked about the status of the Transfer Station. Mrs. Sanford said that it is about breaking even.

Mr. Carpentier wants to make sure that we have all learned something from the Lane Mine issue and that we are paying attention to the needs of the people. We can in fact still put the moratorium in effect. We may need a legal consultant who can answer the questions of the Board members and the residents.

No 251 Motion made by Mrs. Sanford seconded by Mrs. Fausner to set the date for the Organizational Meeting for January 8, 2004 at 7:00 P.M.

Poll vote:	Mr. Hart	Yes
	Mr. Carpentier	Yes
	Mr. Lobdell	Yes

Mrs. Fausner	Yes
Mrs. Sanford	Yes.

Mrs. Sanford spoke with the Representative from Benetech today. We won't save a whole lot of money because most of the Insurance plans are the same. He did suggest some routes that we could take for better care for a little less money. He suggested taking a look at the dental plan. He has one with better coverage for a little less money. She asked the Town Board for authority to approach the Town employees to see if they would be interested in changing the dental plan. There is a new prescription option that is broader and the gentlemen suggested that we change to that. He also suggested a less expensive plan with a higher deductible.

No 252 Motion made by Mrs. Sanford; seconded by Mrs. Fausner to authorize the Supervisor to approach the employees about the changes in Health Insurance.

Poll vote:	Mr. Hart	Yes
	Mr. Carpentier	Yes
	Mr. Lobdell	Yes
	Mrs. Fausner	Yes
	Mrs. Sanford	Yes

No 254 Motion made by Mrs. Sanford; seconded by Mr. Carpentier to purchase some lightweight plastic tables for Town Hall at a cost not to exceed \$200.00

Poll vote:	Mr. Hart	Yes
	Mr. Carpentier	Yes
	Mr. Lobdell	Yes
	Mrs. Fausner	Yes
	Mrs. Sanford	Yes.

No 255 Motion made by Mrs. Sanford, seconded by Mr. Hart to increase the appropriation in the DA Fund by \$20,175 from unexpended balance which has been produced from Federal Emergency Disaster Funds

Poll vote:	Mr. Hart	Yes
	Mr. Carpenter	Yes
	Mr. Lobdell	Yes
	Mrs. Fausner	Yes
	Mrs. Sanford	Yes.

No 256 Motion made by Mrs. Sanford; seconded by Mr. Carpentier to make the following Budget Transfers

Amount	From	To
\$5000.00	A 1990	A 1420.4
700.00	A 1990	A 5010.1.1
800.00	A 1990	A 5132.4
400.00	A 1990	A 5182.4
1500.00	A 8160.2	A 8160.4
1500.00	DB 5112.1	DB 5110.1

1500.00	DB 5112.4	DB 5110.4
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Reallocate the following funds to the appropriate DA accounts as follows:

\$ 475.00	DA 5140.1
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5000.00	DA 5130.4
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2000.00	DA 5130.1
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5700.00	DA 5142.4
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7000.00	DA 5142.1
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Poll vote:	Mr. Hart	Yes
	Mr. Carpentier	Yes
	Mr. Lobdell	Yes
	Mrs. Fausner	Yes
	Mrs. Sanford	Yes.

No 256 Motion made by Mrs. Sanford; seconded by Mr. Hart to approve the General/Highway Abstract in the amount of \$ 26,307.97.

Poll vote:	Mr. Hart	Yes
	Mr. Carpentier	Yes
	Mr. Lobdell	Yes
	Mrs. Fausner	Yes
	Mrs. Sanford	Yes.

No 257 Motion made by Mrs. Sanford; seconded by Mr. Hart to approve the All Funds abstract in the amount of \$ 9480.70.

Poll vote:	Mr. Hart	Yes
	Mr. Carpentier	Yes
	Mr. Lobdell	Yes
	Mrs. Fausner	Yes
	Mrs. Sanford	Yes.

No 258 Motion made by Mrs. Sanford; seconded by Mr. Hart to approve the Highway Road Improvement Abstract in the amount of \$4000.00.

Poll vote:	Mr. Hart	Yes
	Mr. Carpentier	Yes
	Mr. Lobdell	Yes
	Mrs. Fausner	Yes
	Mrs. Sanford	Yes.

No 259 Motion made by Mrs. Sanford; seconded by Mr. Carpentier to approve the Trust & Agency Abstract in the amount of \$ 26,485.00.

Poll vote:	Mr. Hart	Yes
	Mr. Carpentier	Yes
	Mr. Lobdell	Yes
	Mrs. Fausner	Yes

Mrs. Sanford Yes.

No 260 Motion made by Mrs. Sanford; seconded by Mr. Hart to refer the mining application from Troy Sand & Gravel Co. Inc. to the Planning Board for their review and to see if they want to take Lead Agency status. All in favor.

No 261 Motion made by Mrs. Sanford; seconded by Mr. Lobdell to establish an Advisory Committee to meet regularly to take into account all of the issues that might arise with the mining application and then act in an advisory capacity to the Town Board, Planning Board and Zoning Board. The Committee will be made up of the following people: Carol Quinn, Scott Gallerie, Ian Hart, a Representative from Troy Sand and Gravel, Ken Dufty, Head of the Rensselaer County Environmental Management Council on a Consultant basis, and a Program Facilitator - Robert Dominici. Both the Consultant and Facilitator will be paid by the hour. Troy Sand and Gravel per Phil Danaher should pay for both paid positions. The first meeting will be held on January 22, 2004 at 7:00P.M. at the Nassau Town Hall. The Committee will be known as the Troy Sand and Gravel Mine Committee.

Poll vote:	Mr. Hart	Yes
	Mr. Carpentier	Yes
	Mr. Lobdell	Yes
	Mrs. Fausner	Yes
	Mrs. Sanford	Yes.

Mrs. Sanford said that the public is welcome to attend these Committee Meetings but will not be allowed to comment. They may however, approach the Committee Members with suggestions in person or by letter.

No 262 Motion made by Mrs. Sanford; seconded by Mr. Hart to hire Bob Dominici and Ken Dufty as Consultants to the Committee at an hourly rate of \$75.00 not to exceed \$3000 each.

Poll vote:	Mr. Hart	Yes
	Mr. Carpentier	Yes
	Mr. Lobdell	Yes
	Mrs. Fausner	Yes
	Mrs. Sanford	Yes.

Mr. Hart feels that anyone who has comments should present them in writing and they may be sent to P.O. Box 587, Nassau, N. Y. 12123 in care of the Committee or via FAX at 766-4422.

Mr. Danaher arrived at 8:50 P.M.

No 263 Motion made by Mrs. Sanford; seconded by Mr. Carpentier to have the \$6000 in Consultant fees charged to Troy Sand and Gravel as part of the application process.

Poll vote:	Mr. Hart	Yes
	Mr. Carpentier	Yes
	Mr. Lobdell	Yes
	Mrs. Fausner	Yes
	Mrs. Sanford	Yes.

Mr. Gallerie announced that we have an E-Mail address at the Highway Garage  
---nassauhighway@taconic.net.

The public raised a question about comments and Mrs. Sanford said that there is a public comment period during every Town Board Meeting.

A gentleman asked where the final decision is made, is there a vote by the residents?

Mr. Danaher replied that it will be at least a three-part process: input from DEC, because without their approval nothing happens; recommendations from the Planning Board, who will complete the site plan portion and make recommendations, to the Town Board; and then the Town Board will act on the Special Use Permit. There will be no vote townwide on an individual project.

Mr. Carpentier has spoken an Attorney, who initially worked with DEC and is now is a consulting Attorney, and his comment was that Troy Sand & Gravel is not vested as for a moratoriums go, until they get their permit from DEC. Mr. Danaher would not offer an opinion on a topic that could ultimately become a litigation. He did say that the Town could still begin the moratorium process.

No 264 Motion made by Mr. Carpentier; seconded by Mrs. Sanford to authorize the Attorney for the Town to draft a moratorium on mining in the Town of Nassau for 6 months, to be presented to the Board at the Year-End Meeting on 12/29/2003 for review by the Board.

Poll vote:	Mr. Hart	Yes
	Mr. Carpentier	Yes
	Mr. Lobdell	Yes
	Mrs. Fausner	Yes
	Mrs. Sanford	Yes.

Motion made by Mrs. Sanford; seconded by Mr. Hart to adjourn the meeting at 9:05 P.M. All in favor.

Respectfully submitted,

Rita M. Labrum  
Nassau Town Clerk