

**Town of Knox
Regular Meeting
August 8, 2017**

- PRESENT:** Supervisor Lefkaditis
Councilwoman Pokorny
Councilman Barber
Councilman Hanley
- ALSO:** Town Attorney Dorfman
Town Clerk Murphy
Highway Superintendent Salisbury
- ABSENT:** Councilman Barcomb

The meeting was called to order at 7:04 p.m. with the Pledge of Allegiance to the Flag.

3. PRESENTATIONS:

- a. Ed Fox from Catholic Charities Project Safe Point along with Amy Kowalski from the Albany County Sheriff's Department spoke to the board about bringing awareness to the heroin epidemic around the county and its presence in the hilltowns. The Albany County Sheriff's Department has partnered with Catholic Charities to provide training and awareness to communities affected by this. They will be hosting a public event on September 13th from 6-8pm at the Voorheesville High School. More information will be sent to town hall once it has been finalized. Resident Denise Cyr asked if a presentation could be done at BKW, a more convenient location for residents of the hilltowns. Kowalski will connect with BKW superintendent to develop a presentation there.
- b. Councilwoman Pokorny prepared a Certificate of Appreciation for veterinarian Theresa Tommell for her generous donation of her time and services to provide rabies vaccinations for the Knox Dog Day event. 50 doses of vaccine were purchased and only 20 were used so a second event in the spring 2018 could be organized to provide rabies vaccinations again for residents.
- c. Liaison's Report:
 1. PB – no meeting was held because they did not have a quorum.
 2. ZBA – no meeting was held because they did not have a quorum.

4. MINUTES APPROVAL:

Supervisor Lefkaditis stated that it is uncharacteristic to have quotes as part of the minutes and that the minutes from the 6.1.17 Special Meeting have extensive quotes from Lefkaditis. Councilman Hanley stated that the board must remain consistent; civility has to increase in the meetings but quotes in the minutes can be taken out of context. Supervisor Lefkaditis agreed stating that quotes should not be included unless requested as part of the record. Councilwoman Pokorny stated the 6/1 meeting was contentious and unprofessional and she thought it was appropriate to capture that by quoting. She added that the meetings held on 5/1, 5/17, 6/16, and 6/30 were managed well by Lefkaditis and nothing extraordinary occurred. Councilman Hanley stated that he is not in favor of adding quotes to minutes.

RESOLUTION # 115-2017 – MOTION TO APPROVE MINUTES AS PRESENTED FROM 6.1.17 SPECIAL MEETING.

On motion of Councilwoman Pokorny, seconded by Councilman Hanley, the following resolution FAILED by 2 Nay (Lefkaditis, Hanley) to Ayes (Pokorny) and 1 Abstention (Barber).

Supervisor Lefkaditis made a motion to approve the 6.1.17 with proposed revisions to remove the quotes. With no second the motion failed. He then requested to table the minutes for 6.1.17, 5.9.17 and 7.11.17 because if quotes are allowed in the 6.1.17 minutes he would like to see quotes added to all of them. Councilman Hanley stated that he wants to see open discussion and doesn't want to see comments to be taken out of context or misconstrued. Supervisor Lefkaditis stated that he does not want to see minutes become political.

RESOLUTION # 116-2017 – MOTION TO TABLE MINUTES FROM 6.1.17 SPECIAL MEETING.

On motion of Supervisor Lefkaditis, seconded by, Councilman Hanley, the following resolution was carried by 3 Ayes (Pokorny, Lefkaditis, Hanley) and 1 Abstention (Barber)

RESOLVED to table minutes from 6.1.17 special meeting.

Councilwoman Pokorny made a motion to approve the 5.9.17 minutes. Supervisor Lefkaditis presented proposed changes to amend the 5.9.17 minutes.

RESOLUTION # 117-2017 – MOTION TO APPROVE MINUTES FROM 5.9.17 MEETING WITH PROPOSED CHANGES.

On motion of Supervisor Lefkaditis, seconded by, Councilwoman Pokorny, the following resolution FAILED by 2 Ayes (Lefkaditis, Barber) and 2 Nays (Pokorny, Hanley)

Supervisor Lefkaditis stated that these are material changes.

RESOLUTION # 118-2017 – MOTION TO TABLE MINUTES FROM 5.9.17 MEETING.

On motion of Supervisor Lefkaditis, seconded by, Councilman Barber, the following resolution was carried unanimously.

RESOLVED to table minutes from 5.9.17 meeting.

Councilwoman Pokorny made a motion to approve the minutes from the 7.11.17 meeting. Supervisor Lefkaditis presented proposed changes to amend the minutes with the following quoted exchange:

Laura Martin expressed concern about the Octagon Barn's classification and asked, "Is it a business?"

Councilwoman Pokorny responded, "I do have a business it's a d/b/a, yes"

Mrs. Martin asked, "Do you charge people to rent it?"

Councilwoman Pokorny responded, "sometimes yes, yup".

RESOLUTION # 119-2017 – MOTION TO APPROVE MINUTES FROM 7.11.17 MEETING WITH AMENDMENT OF THE PROPOSED CHANGES.

On motion of Councilwoman Pokorny, seconded by, Councilman Hanley, the following resolution was carried unanimously.

RESOLVED to approve minutes from 7.11.17 meeting with amendment of the proposed changes.

5. HIGHWAY/ TRANSFER STATION:

- a. Highway Superintendent Salisbury reported that the guardrail on Old Stage Road has been fixed. More signs will be put up because there were already 2 more accidents there after it was fixed.

The garbage truck was also fixed and another container for the transfer station has been ordered. Container is on back order with no delivery date yet.

The highway department is looking to chip sealed Whipple Road and Helderberg Road (and small ones off of it). No dates have been set so there are no numbers yet for the cost.

Councilwoman Pokorny asked if a water treatment system has been looked at for the Highway Garage yet. Councilman Hanley responded that they need to be able to wash their hands. Councilwoman Pokorny will look into estimates for water treatment systems for the highway garage as well as a water softener for the town hall.

- b. Transfer Station Hand Washing Station – Councilman Hanley found a used one for \$100.00 and has delivered it to the Transfer Station. Water refills will need to be worked out.

SOP- Standard Operating Procedures for the Transfer Station have been drafted and need to be reviewed with the transfer station employees. Councilman Hanley and Councilwoman Pokorny volunteered to sit down with the employees to review the SOP.

6. OLD BUSINESS:

Supervisor Lefkaditis stated that the vote for the proposed business district 2 was postponed to the August meeting when Councilman Hanley had returned.

RESOLUTION # 120-2017 – MOTION TO RECONSIDER THE VOTE ON BUSINESS DISTRICT 2.

On motion of Supervisor Lefkaditis, seconded by, Councilman Barber, the following resolution was carried unanimously.

RESOLVED to reconsider the vote on Business District 2.

Councilman Hanley stated that he reviewed the recording of the public hearing on the proposed Business District 2 and thought that there were excellent points made on both sides. After consideration of comments and letters on both sides Councilman Hanley stated that it was difficult to go against the suggestions from the Planning Board and CAC and would rather see a centralized location for businesses with sidewalks and restaurants.

Resident Denise Cyr addressed the board stating that he was in favor of the proposed business district to provide something more convenient for residents, like a gas station and or convenient store, asking that the board give businesses an opportunity.

Councilman Hanley responded that there already is an approved business district for this.

Mr. Cyr added that the proposed area of Rt. 156/157 is an appropriate place for this with the traffic to the lakes and parks; don't promote other towns with stores in Berne and gas in Altamont.

Councilman Barber stated that Stewarts did a survey and chose not to come up here; Supervisor

Lefkaditis also tried to get a gas station up here. Mr. Cyr asked that they don't take it off the table.

Councilman Hanley stated that the current rules for home business are restricting growth and should that the board should be addressing that.

PB member Tom Wolfe added that there will never be a gas station up here but the business district shows the town's commitment to business; the town's growth is in entrepreneurs and it's hard to grow business if you can't hire people.

Resident Laura Martin asked the board how a Special Use Permit is given and asked Councilwoman Pokorny if she has a SUP for the octagon barn.

Supervisor Lefkaditis stated SUP are given by the ZBA.

Councilwoman Pokorny responded that she originally went to the ZBA with an application for a SUP but they determined that the classification of her businesses did not require it based on the Zoning Ordinance.

PB member Travis O'Donnell suggested that there were a number of areas that could be easily updated and addressed in the zoning ordinance to help promote businesses.

Laura Martin asked that she wouldn't need a SUP if she wanted to open a community building. Travis O'Donnell responded that she would not be right in the zoning ordinance.

Councilwoman Pokorny stated that there is a designated business district in the hamlet. Concerns over the Rt. 156/157 area are the geology and the location of the reservoir below and we may need to rely on that in the future and should protect that area.

Supervisor Lefkaditis read the following letter submitted by resident Ray Hand:

Dear Vas:

Here, for the Town Board's consideration, are some thoughts re the establishment of a Business District in the area of the intersection of State routes 156 and 157, and the establishment of business districts generally.

Re the "if you build it they will come 'myth'," the establishment of a business district in a particular area is a prerequisite for but not an inducement to the establishment of businesses in said area. Most people who are agreeable to the idea of business districts in Knox understand this. Even if the Town Board were to vote the entire Town of Knox—except for Agricultural and Conservation zones—as a mixed-use or business district, the result would be very little business development. The Town's location, its topography, geology, soils, population, and other factors are natural brakes on business development here.

That said, it is reasonable to assume that any entrepreneur looking to find a good place to relocate and grow his or her business would be immediately discouraged by the lack of business districting in the Town.

It is not reasonable to assume that a single business district can provide all the features sought by different businesses, so logic dictates that the chances of establishing businesses in the Town are improved when the Town can provide more than one possible site.

The proposed Business District 2 is centered at the junction of two State roads. Not far from this intersection, one of these State roads connects with a County road, which connects with yet another State road. Perhaps this linkage of main thoroughfares has something to do with the fact that the proposed area already has businesses in it. Does it not make sense for businesses to locate around the junction of two State highways, where businesses already exist?

The former Highlands Restaurant will never be available for use as a restaurant again unless its property is included in a business district. Please refer to the Zoning Ordinance, Article IV, Section 44 (page 34). Restaurant use in a Residential Area is not permitted.

Opponents of Business District 2 will cite the Planning Board recommendation against its establishment. Please present that document before the public so that the reasons for said recommendation can be considered and discussed. Most if not all of the arguments set forth by the Planning Board are in my opinion unsupportable.

Finally, I believe that in 1974 a grave injustice was done by the Town of Knox to its citizens via the passage of the Town Zoning Ordinance, which can only be described as a prohibitive and restrictive document. It codifies the Town's deprivation of its citizens' rights to make use of their property in the manner they see fit, provided such use does not interfere with the equal rights of their fellow citizens.

The right of property is firmly established in Western law and practice. Even though the Declaration of Independence—the foundation document for all government in this nation—does not include it among the expressed “unalienable rights” of life, liberty, and the pursuit of happiness, it may be so considered because its restriction necessarily restricts the exercise of the others.

What can be the defense of government in denying its citizens their property rights? The sole defense must be to secure equal rights for all citizens and to protect their health, safety, and wellbeing. Outside of these considerations, government has no legitimate authority in this regard.

In order for the Town of Knox to “grant” such property rights in establishing a business district, it must first have taken those rights from its citizens. Absent from the Zoning Ordinance is any supporting evidence that such an arrogation did or does protect the health, safety, and wellbeing of its citizens. Therefore, establishment of Business District 2 can only be considered an important step in the Town's restoration of citizen rights.

Sincerely,
Ray Hand

Mr. Cyr stated that there has been a business at the corner of 156/157 for 50 years and was reopened in 2006; there were no concerns in 2006.

Ms. Martin stated that the board is trying to scare people up here with talk about karst geology and pollution; agriculture is the biggest pollution in septic systems.

Resident Bill Bellerjeau stated that there are the same environmental concerns anywhere in Knox; have to drive down the hill to get gas for mowing; could have opportunity for business and gas station up here.

Tom Wolfe stated that concerns over karst geology and road cuts will be addressed with a multiple layer review of any business proposal; DOH and DOT won't let this slip through the cracks.

Ms. Martin stated that previous board minutes have Supervisor Hammond stating that the intersection at the 4 corners (Knox Cave Road & Rt. 156) is more dangerous.

Supervisor Lefkaditis added that the report from the DOT stated that this intersection was more dangerous and asked if this was considered in the business district in the hamlet. He added that the PB opposed the Verizon cell tower for the same reasons; thankfully the town board overturned it and approved the tower or no one would have cell service.

RESOLUTION # 121-2017 – MOTION TO APPROVE PROPOSED BUSINESS DISTRICT 2 AS PRESENTED.

On motion of Supervisor Lefkaditis, seconded by, Councilman Barber, the following resolution FAILED by 2 Nay (Pokorny, Hanley) to 2 Ayes (Barber, Lefkaditis).

- b. Comp Plan Update: Councilwoman Pokorny stated that a meeting should be set to work through the updated draft, review and make comments. She would like to schedule one meeting to look at 50-60 pages and get a better idea of what is needed. The board decided to have a public workshop on September 7th at 6pm for the board to begin reviewing the draft.
- c. Capital Projects: Councilwoman Pokorny met with the highway department and have been drafting ideas for updated facilities; the same will be done for the transfer station so that we have a foundation of what improvements are needed for these locations.
- d. Dog Day/Dog Control: Very successful event with 19 new licenses purchased the day of the event; another clinic could be held in the spring or fall of 2018 to use remaining vaccines; have received free pet waste receptacles for the town park that will be installed soon.

Councilwoman Pokorny gave a voucher to the vet to cover the cost of the vaccines and asked that money received from the event be re-appropriated to the dog day program to cover expenses. Keeping track of income for the dog program would help determine fee schedules which the committee is developing now along with a new manual and revised leash law.

Dog Control Officer Lou Saddlemire is required to have the rabies vaccination which could cost up to \$1,000 and is not covered by insurance. Councilwoman Pokorny will look into cheaper options through the Association of Towns, Albany County Health Department, etc.

RESOLUTION # 122-2017 – MOTION TO AUTHORIZE DCO LOU SADDLEMIRE TO RECEIVE RABIES VACCINATIONS UP TO \$300 PER SHOT.

On motion of Supervisor Lefkaditis, seconded by, Councilman Barber, the following resolution was carried unanimously.

RESOLVED to authorize DCO Lou Saddlemire to receive rabies vaccinations up to \$300 per shot.

- e. LED Street Lighting: Supervisor Lefkaditis stated that the bill has not yet reflected a savings so he has contacted National Grid to have that adjusted and to make sure future bills shows the lights have been changed to LED.
- f. Grants Update: Town Clerk Murphy reported that she has a meeting set with the NYSED archive representative to begin the process of the archive grant. Half of the funds have been received and will be used for some document destruction, shelving and boxes and supplies for the archive room. A meeting will be set with the Fire Department as well to bring them in the loop.

Clean Energy: Councilwoman Pokorny announced that the town is eligible for an additional \$30K making the total grant \$130,000.00. The project proposal deadline is September 12. The following commitment letter was prepared and read by Councilwoman Pokorny; signed by Supervisor Lefkaditis and will be submitted.

To Whom It May Concern:

The Town of Knox is committed to planning for and implementing local climate protection and sustainability initiatives. Knox has signed the Climate Smart Community Pledge, and the Town is working on a variety of local efforts that will reduce municipal energy costs and greenhouse gas emissions, open opportunities for residents to save money on their energy costs, and increase their use of energy conservation measures and renewable energy sources.

We plan to continue our active engagement in the Clean Energy Communities grant program to accomplish more than the minimum of four high impact action items that demonstrate our commitment to conservation and renewable energy. We have instituted the Benchmarking and Unified Solar Permit action items, and we supported the 2015 and 2016 Solarize Albany County campaigns by hosting public informational meetings both years in our town hall. We have replaced our streetlights with LEDs, and we completed the Energy Code Enforcement Training program. All of these initiatives will result in clear and measurable environmental and financial benefits to the citizens of Knox. If the Town of Knox is awarded the Clean Energy Communities funding, we commit to using the monies to accomplish the goals of the project proposal.

On behalf of the Town of Knox, I am pleased to endorse this project to improve energy efficiency of our town buildings, which will have the added benefit of saving taxpayer money into the future. My support for this project will also extend to community outreach efforts to promote more widespread use of energy conservation measures and renewable energy opportunities that will benefit individual residents, farms and small businesses.

*Sincerely,
Vasilios Lefkaditis
Supervisor*

Councilwoman Pokorny asked about the status of the generator for the highway garage and the town hall generator. Supervisor Lefkaditis mentioned that Councilman Barcomb suggested waiting to purchase a generator until the size of a new building was determined. Councilwoman Pokorny and Supervisor Lefkaditis agreed that it would be good to move ahead with purchase because the Knox Fire Department gets their fuel from the highway garage and in emergency situations they will need those pumps to work.

RESOLUTION # 123-2017 – MOTION TO AUTHORIZE PURCHASE OF GENERATOR NOT TO EXCEED \$3,000.00 FOR HIGHWAY DEPARTMENT FROM NEGOTIATED SAVINGS FROM PURCHASE OF SKID STEER.

On motion of Councilman Barber, seconded by, Supervisor Lefkaditis, the following resolution was carried unanimously.

RESOLVED to authorize purchase of generator not to exceed \$3,000.00 for highway department, from negotiated savings from the purchase of the skid steer.

The Town Hall generator is still in need of work; not working properly; last power outage it started and overheated and shut down. Service call was made and it is being looked at, the board asked for an update on this.

Town Park Grant – final application review being completed and moving quickly.

- g. Building Use Policy: Councilman Hanley stated that the issue has been keeping the building secure. Discuss further at the next meeting.

7. NEW BUSINESS:

- a. Supervisor Lefkaditis stated that the town hall had flooding downstairs again and believes this is because there are no gutters on the building. A proposal from Rich Loucks for \$500.00 to add gutters to 3 roof lines and direct water to the drainage grate already located in the back. Proposed having this work done and see if it helps the flooding problem.

RESOLUTION # 124-2017 – MOTION TO APPROVE INSTALL OF GUTTERS ON TOWN HALL, NOT TO EXCEED \$500.00.

On motion of Supervisor Lefkaditis, seconded by, Councilman Barber, the following resolution was carried unanimously.

RESOLVED to approve install of gutters on town hall, not to exceed \$500.00.

Knox Solid Waste Management Law: Minimal changes were made but they are meaningful ones. Public Hearing needs to be scheduled for Local Law #1-2017

PUBLIC NOTICE is hereby given that on August 8, 2017, Local Law No. 1 of 2017, entitled "Local Law No. 1 to amend Local Law No. 3 of the year 1992, section 01-21 third separate paragraph, as amended by Local Law No. 1 of the year 2009 to read as follows: All commercial, industrial and institutional establishments within any area of the source separate and arrange for the collection and recycling of newspapers and other designated recyclables was presented to the Town Board of the Town of Knox, New York. The proposed Local Law No. 1 of 2017 corrects two words as hereinafter set forth. Where the 2009 law had "within an area of the Town" the proposed revision has "within any area of the Town", and where the 2009 law had "collection of recycling of" the proposed revision has "collection and recycling of". Enactment of the proposed amendment will facilitate republishing the Solid Waste Management Code in its amended form. Town shall

THEREFORE, pursuant to statute. The Town Board of the Town of Knox, will hold a public hearing on Local Law No. 1 of 2017 in the Town Hall, Knox, New York, on September 12, 2017, at 7:00 p.m. at which time all persons interested will be heard.

RESOLUTION # 125-2017 – MOTION TO SCHEDULE PUBLIC HEARING FOR SEPTEMBER 12, 2017 AT 7PM FOR LOCAL LAW NO. 1 OF 2017.

On motion of Supervisor Lefkaditis, seconded by, Councilman Hanley, the following resolution was carried unanimously.

RESOLVED to schedule public hearing for September 12, 2017 at 7pm for Local Law No. 1 of 2017.

- c. County Wide Shared Services Report – Supervisor Lefkaditis stated that Knox was absent from the county report due to a reporting and paperwork issue that has been caught, so it will be added to the final report. Lefkaditis added that the Town of Knox is only interested in shared facilities, not shared services, and only if funding is available.

Supervisor Lefkaditis stated that the town will need to buckle down and figure out determine whether to work on transfer station or highway garage. Councilwoman Pokorny added that that is what they are working on now – figuring out what is needed in both and then weigh options, put together a plan and determine next steps.

Supervisor Lefkaditis suggested possibly putting the highway department and transfer

station together like in Berne. Randy Bashwinger, highway superintendent of Berne, stated that this makes it a clustered mess and would not suggest it.

Supervisor Lefkaditis stated that he is leaning towards the transfer station; highway employees are fine for now. Councilman Hanley responded that once the Albany landfill closes things will drastically change and will have to seriously look at transfer station changes.

Planning Board Chair Bob Price asked for approval to have copies of the Zoning Ordinance for all board members and town employees that need an updated copy.

RESOLUTION # 126-2017 – MOTION TO AUTHORIZE PURCHASE OF 30 BOUND COPIES OF ZONING ORDINANCE AT QUOTED PRICE OF \$178.20.

On motion of Supervisor Lefkaditis, seconded by, Councilman Barber, the following resolution was carried unanimously.

RESOLVED authorize purchase of 30 bound copies of zoning ordinance at quoted price of \$178.20.

- d. Blighted Properties: Councilman Barber asked if the Zoning Administrator is ticketing or receiving complaints on properties. Supervisor Lefkaditis stated that the process has been started and is being worked on.

Bob Price stated that the County needs to cut back the brush at the end of Street Rd and Knox-Gallupville Road before accidents happen there. Supervisor Lefkaditis will reach out to them about this.

- e. Building Inspector Record Keeping: Supervisor Lefkaditis stated that he would redirect attention to this after the Transfer Station SOP is finalized.

Councilwoman Pokorny mentioned that budget season was approaching and workshops should be scheduled. Supervisor Lefkaditis stated that is usually after the preliminary budget is set; he will look at the calendar and send out dates after he sits down with Gary to discuss the Highway budget.

- f. Take a Book/Leave a book library: Resident Ray Hand asked the board for permission to place a small lending library in the basement of the town hall to encourage residents to share books. Supervisor Lefkaditis suggested adding some computers down there as well. Councilwoman Pokorny stated that they had a lending library at the country store and it was a vibrant part of the store. Supervisor Lefkaditis stated that they would fix the flooding problem and then proceed. Town Clerk Murphy added that old shelving coming out of the archives room could be donated to the lending library. The board requested that a “coming soon” photo be added to the town website for the lending library.

8. PERSONNEL: Building Inspector Dan Sherman recommended that the board appoint Richard Loucks as permanent part-time Assistant Building Inspector.

RESOLUTION # 127-2017 – MOTION TO APPOINT RICHARD LOUCKS PERMANENT PART-TIME ASSISTANT BUILDING INSPECTOR

On motion of Supervisor Lefkaditis, seconded by, Councilman Barber, the following resolution was carried unanimously.

RESOLVED appoint Richard Loucks permanent part-time Assistant Building Inspector.

Town Attorney John Dorfman stated that he would look into sign off by civil service.

Bob Price requested that the hourly rate of the Planning Board Secretary be raised to \$15/hr. to find a person interested in the position. Currently the hourly rate is \$13.28/hr. supervisor Lefkaditis stated that he doesn't want to raise the rate yet and would ask if Mackenzie Hempstead is interested in the position.

9. FINANCE:

RESOLUTION # 128-2017 - APPROVAL OF MONTHLY REPORTS

On motion of Supervisor Lefkaditis, seconded by Councilman Hanley, the following resolution was ADOPTED unanimously.

RESOLVED that the Reports of the Town Clerk and Town Supervisor for the Month of July 2017 be approved.

RESOLUTION 129-2017 - PAYMENT OF BILLS

On motion of Councilman Barber, seconded by Councilman Hanley, the following resolution was ADOPTED unanimously.

RESOLVED that the Bills be paid on General Abstract #8-2017 of the General Fund, covering claims #198-220 in the amount of: \$16,602.87 and of the Highway Fund, covering claims #221-236 in the amount of: \$27,453.89 for the year 2017.

Resident Ed Nicholson stated that scammers are calling around with the "872" exchange so be careful.

County Legislator Travis Stevens mentioned that the Knox Fire Department will be hosting their annual September 11th memorial ceremony on September 11th at 7pm at the fire house.

With no further business, on a motion of Supervisor Lefkaditis, seconded by Councilman Hanley, the meeting was adjourned to executive session not to reconvene to discuss litigation at 9:53 p.m. Carried unanimously.

Respectfully Submitted,
August 29, 2017
Tara L. Murphy